

PRESS RELEASE

For immediate release – 28 January 2013

Guyana court ruling violates indigenous peoples' rights

Controversial Court decision favours miners over indigenous peoples as country sinks to new low on double standards on human rights and development

On 17 January 2013, the Guyanese High Court ruled in favour of a miner who has a mining concession on titled indigenous lands. The ruling states that miners who obtained mining permits prior to the Amerindian Act of 2006 are not bound by its provisions, and consequently do not have to obtain permission from indigenous villages before carrying out operations on village land.

This ruling sets a negative precedent for the indigenous peoples of Guyana, who have been seeking to have their lands recognised and respected for decades. It also exposes the lack of adequate protections for indigenous lands in Guyana, a situation which will only be exacerbated as pressures from mining, logging, and carbon projects grow.

Indigenous peoples inhabit most of Guyana's interior, and depend on forest resources for their livelihoods. Indeed, as has been shown elsewhere, indigenous peoples have been very effective in protecting forests on their traditional lands¹. Meanwhile, however, pressure from mining and logging concerns is mounting – in contradiction to growing interest from the international community in paying to keep Guyana's forests standing. Indigenous lands get stuck in the middle. The January 17 court decision illustrates this only too well.

The inhabitants of Isseneru village received title to their lands in 2007, and have sought to address the problems brought by miners invading these lands ever since. Eventually, one of the miners brought them to court – for seeking to protect their traditional lands – and with this decision, won. The highest court in Guyana has thus ruled that indigenous peoples have little to no say over the development of their own lands. As the village's [press release](#) states:

We are deeply disappointed and worried with this ruling and what it means to our village and to Amerindian communities in general. On the ground it has serious environmental and social impacts for us. The miners have, for example, brought with them problems related to drugs and prostitution. At the higher level, we feel that when the High Court tells us that we have no rights to decide and control what takes place on our land, then the land is not ours.... Just Friday, when inquiring at the office of the GGMC [Guyana Geology and Mines Commission], we learnt that our whole land is covered with mining concessions. Yet, the government has not informed us about this.

¹ See: <http://www.forestpeoples.org/topics/environmental-governance/news/2011/10/peer-reviewed-cifor-and-world-bank-studies-find-communi>

Indigenous peoples in Guyana are now demanding that the court ruling be overturned and are planning legal action to challenge the decision. Many also believe that the Amerindian Act needs to be further strengthened to give indigenous peoples a greater say and control over their titled lands.

Jean La Rose, Programme Administrator at the Amerindian Peoples Association (APA), says:

If this ruling goes forward then it will be a huge step backwards and will threaten indigenous peoples' rights to land and to self-determination throughout the country. The community will be appealing the decision in the high court in Guyana and will use the full force of international law to hold Guyana to its international obligations and duties under the Constitution to uphold indigenous peoples' rights and fundamental freedoms. Justice must be seen to be done for Isseneru and all indigenous peoples in Guyana.

The Guyana court ruling seems out of step with not only international law (i.e. recent decisions by the Inter-American Court on Human Rights), but also with decisions from other countries in the region. Courts in [Colombia](#)² and [Peru](#)³, for example, have recently upheld the right of indigenous peoples to determine what happens on their land.

With Guyana set to receive substantial funding through its Low Carbon Development Strategy – including for the titling of indigenous lands – it is imperative that the country revises its legislation to adequately address indigenous peoples' rights to their lands and to free, prior, and informed consent.

Ends.

For more information:

- APA Press Statement *Amerindian Peoples Association Disappointed With Court Ruling*, 22 January 2013: http://www.forestpeoples.org/sites/fpp/files/news/2013/01/APA_Pressstatement_Isseneru%20ruling_Jan%202013.pdf
- Isseneru Village Council Press Release *Isseneru Village calls for recognition of traditional land rights*, 22 January 2013: <http://tinyurl.com/a4r7cfx>
- <http://www.forestpeoples.org/region/south-central-america/guyana>
- <http://rainforestfoundation.org/guyana>

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² See: http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=15194:colombia-colombian-court-sides-with-local-communities-on-halting-a-mine-in-choco&catid=23&Itemid=56

³ See: <http://in.reuters.com/article/2012/09/26/peru-tribes-court-idINL1E8KQBJG20120926>