Amerindian lands and resources in the Upper Mazaruni under siege

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Key issues and concerns

— Akawaio and Arekuna communities of Paruima, Waramadong, Kamarang (Warawatta) Kako, Jawalla and Phillipai in the Upper Mazaruni have long sought legal title over the area defined by the 1959 Amerindian District, but existing land titles issued in 1991 without consultation cover only half this area

— Legal action by the communities to secure these untitled lands and obtain recognition of their territory have been stuck in the Guyana High Court since 1998, without resolution of the matter for over 15 years

— Many neighbouring communities likewise suffer insecure tenure rights over their lands, including the villages of Chinowieng, Omanaik, Kambaru and Imbaimadai

— The government continues to issue mining rights to outside miners over Akawaio and Arekuna untitled traditional lands subject to legal dispute without the free, prior and informed consent (FPIC) of affected communities

— Official government plans for a mega-dam in the Upper Mazaruni that were rejected by the Akawaio and Arekuna peoples in the 1970s have resurfaced in recent years (under different names)

— Robust and credible mechanisms for FPIC have not been established in relation to the government’s proposed massive hydroelectric scheme, while official information shared with communities is confusing and emphasises potential advantages without attention to risks and potential costs for communities

— There is a proliferation of roads and destructive mining across the region generating resource conflicts, water pollution, environmental damage, deforestation and social harm

— Government actions to address these problems are wholly inadequate or absent

— Legal rulings in national courts dealing with land conflicts in the Upper Mazaruni have unjustly sought to privilege the rights of miners over indigenous communities’ legitimate rights to their lands, territory and natural resources, in direct violation of Guyana’s obligation to uphold the right of indigenous peoples
Background and introduction

The Upper Mazaruni District is located in the west-central part of Guyana, bordering Venezuela and Brazil and is part of the Guiana Shield, recognized as one of the most ancient and vulnerable ecosystems on earth. It encompasses the upper part of the Mazaruni River basin where the Akawaio and Arekuna peoples have been living since ‘time immemorial’ and who maintain a strong collective attachment to their territory up until today.\(^1\)

Archaeological investigation indicates that human presence in the region dates back thousands of years, resulting in a culture that is deeply interconnected with the land: “The social structure, economy, conceptual system and the whole way of life of its present inhabitants are embedded in this landscape, its climate and its biodiversity, flora and fauna.”\(^2\)

In the face of increased external pressure, especially from mining and related infrastructure developments, the people of the Upper Mazaruni continue to struggle for legal recognition and security for their ancestral territory under Guyanese law.

Akawaio and Arekuna peoples depend on their forests, savannahs, mountains, rivers and wetlands for their sustenance and distinct way of life. They believe that the spirits of their ancestors populate the landscape and that any relocation from their traditional land will bring sickness and misfortune to their communities.

Photo: Audrey J. Butt Colson

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1 Butt Colson, A J (2009) Land: its occupation, management, use and conceptualization – the case of the Akawaio and Arekuna of the Upper Mazaruni District, Guyana. Last Refuge, Panborough
Long struggle for land rights recognition

The Akawaio and Arekuna peoples have been demanding legal protection for their lands for decades. Akawaio leaders made detailed requests to the Amerindian Lands Commission (ALC) in 1967 requesting title to the full extent of their Upper Mazaruni catchment territory. Akawaio Captains (community leaders) also made powerful demands for resolution of the land issue in the First Conference of Amerindian Leaders held in 1969. During the 1970s, they made effective public statements against hydropower development that would have forced them from their ancestral lands, and worked successfully with international organisations to get the project shelved (see below). Repeated calls for fair settlement of the land issue were also made throughout the 1980s, including at the 1988 Regional Captain’s Conference.

Several communities of the Upper Mazaruni were finally issued land titles by then President Hoyte in 1991. The titles covered a total of 1500 square miles, which is just one third of the areas requested in the 1960s and just a half of the 1959 Upper Mazaruni Amerindian District. These partial titles have left the communities’ land fragmented and broken up by so-called “state land”, thereby excluding a substantial part of the territory traditionally occupied and used for fishing, hunting and farming purposes. Akawaio and Arekuna leaders protested against the inadequacy of their land titles as soon as they received them in 1991 when they made a formal joint request for extension of title boundaries to cover their entire territory. Leaders also once again condemned government approval of mining operations on their lands. By the late 1990s, no action had been taken by the government to address the land issue further, and on these grounds, six communities filed a lawsuit against the state in 1998 with the aim of obtaining a legal title to encompass the entire 3000 square miles that were recognised by the British colonial administration in 1959 as the Upper Mazaruni Amerindian District.

More than fifteen years later the case of the Akawaio and Arekuna peoples is still in the High Court of Guyana with no resolution in sight. Meanwhile, the land in question is left without legal protection and is vulnerable to occupation by third parties, while socially and environmentally destructive activities which are causing serious resource conflicts and violation of indigenous peoples’ rights are being allowed and promoted by the state. An example is the Kako Village where most of their untitled customary lands were granted as concessions to miners by the Guyana Geology and Mines Commission (GGMC) during 2011-12. This was done without prior knowledge or agreement with the village whose rights have been ignored in recent controversial court rulings on the matter made in 2013 (see below).

Errors and omissions in government maps

A further major concern is that recent official government maps of Village land title boundaries in the Upper Mazaruni appear to differ substantially from boundary descriptions contained in title deed documents and mapped by the Upper Mazaruni Amerindian District Council in 1997 (see Map 1, Section 1). In short, official government maps show significantly reduced title areas
(e.g. Paruima and Jawalla), which have seemingly been covered with mining concessions and permits (see below), while Kako land title has been omitted altogether from maps contained in the 2013 National Land Use Plan (see, for example, Map 2, Section 1).

**Mining invasion**

During 2012-13, Villages complained that the proliferation of mining licences was negatively impacting on their traditional livelihoods and undermining their land security. They were dismayed to see that most of their remaining untitled lands, including in remote and fragile river headwater areas, were covered in mineral properties and/or exploratory mining permits that were authorised by GGMC in violation of community rights and in total disregard for the land rights case that is still being heard in the High Court of Guyana.

In addition to growing threats from mining on their lands, villages in the Upper Mazaruni are presently alarmed at the expansion of the road networks by mining interests. Additionally, controversial plans put forward by private companies and the governments of Brazil and Guyana to revive a proposal for an Upper Mazaruni mega-dam is another major concern of the communities (see below).

This article seeks to provide an update on the current situation in the Upper Mazaruni, including the problematic situations relating to road construction and plans for a hydropower facility. It also documents the impacts of mining concessions and related harmful activities on the indigenous people of the Mazaruni basin. The analysis concludes that taken together existing and planned extractive, infrastructure and energy developments seriously threaten the wellbeing, land security and survival of the Akawaio and Arekuna peoples.
Map 3: Much of the Upper Mazaruni territory of the Akawaio and Arekuna is affected by imposed mineral properties and concessions that have been issued to miners without the knowledge or consent of affected communities and without respect for ongoing litigation on the same lands in the High Court of Guyana.
Amerindian Villages in the Upper Mazaruni are most troubled over the increase in road construction that is proceeding on their lands without their prior knowledge or authorisation. Three different roads have caused concern in the past five years or so and continue to generate anxiety for the people. These include:

— A length of road cut through the forest adjacent to the Aruwai Falls - Sand Landing stretch of the Upper Mazaruni River below Kamarang Mouth opened during 2010-11 allegedly by Brazilian miners (the actual origins and purpose of this roadway remain to be verified).

— A road down the Pakaraima escarpment, linking the mining area of Imbaimadai with miners on the middle Mazaruni, started with government funding in 2011, but then stopped for a time. A recent report intimates that road construction may have begun again in the first quarter of 2014.

— A new stretch of road through old growth forest from the Aricheng junction to the Seroun River, (a branch of the Kurupung River) at the base of the Pakaraima escarpment, opened by the US-owned Dream Hole Mining Company Inc. in 2011-2012. Some reports suggest that this road has crossed the escarpment into the Upper Mazaruni Basin. An air photograph on the Dream Hole website (April 2013) shows that, the company has located the old track up the escarpment which was pioneered by the Swedish Company SWECO in the 1970s in an attempt to reach the Sand Landing hydro site, and that Dreamhole have re-opened this route. Now poised on the top of the escarpment there are (unconfirmed) indications that there may be plans to drive the road into the upper basin as far as Kamarang mouth.

In relation to the Aruwai-Sand Landing Road, residents of the Warawatta Amerindian Village became aware of the presence of this road on their ancestral land about three years ago when they went out to hunt and fish. The village had never been informed about the plan to build the road nor its purpose but it appears that it was built to avoid a dangerous section of the river in the vicinity of Sand Landing where the presence of powerful rapids impede navigation, making the transport of heavy machinery impossible. Described as a ‘two mile track made through the forest’, unofficial information received by APA indicates that the road extension was granted to a Brazilian miner in the region, and heavy machinery is already being transported along this road.

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9 Butt Colson, A J (2013) op cit at pages 44-45
10 http://www.dhmcinc.com/gallery/
No prior consultation with communities

The Sand Landing road is located approximately 12km down the river from the village of Warawatta/Kamarang. The village leader (or Toshao) of this village had raised the issue of this road with former President Jagdeo, Prime Minister Samuel Hinds and the Minister of Public Works and Communication at a National Toshaos Council (NTC) meeting held in Georgetown in July 2010. The government denied any knowledge of the road but promised to follow up on it, however no findings or any further information were reported. Noting that road building permits have to be granted by the Ministry of Public Works and Communications, the credibility of the government’s claimed ignorance is questionable considering that once notified, they should have moved to investigate. It is a case where either the government is concealing information from the communities or that the road is actually illegal and therefore subject to investigation. If the latter situation is correct, then the road was built without any environmental or social impact assessments, lacks any accountability and was done in violation of environmental regulations.

Lack of social and environmental impact assessment

According to information available to APA, no consultations with affected Amerindian Villages were ever carried out on the three existing road projects, nor did the Village Councils or any other members of the communities participate in any of the decision-making about any of these roads. Villagers therefore do not have any official information on the objective, benefits and impacts of these roads, and in the case of Waratta/Kamarang feel strongly that they should have been given the opportunity to participate in discussions and plans about road building affecting their lands and communities.
We’re not against development, but they [the State] should let us participate in decision-making. [Leader from the Akawaio people in Warawatta11]

Amerindian residents of the nearby villages are deeply concerned about the negative environmental and social impacts the roads could have on the entire Upper Mazaruni territory. The lack of impact assessments raises serious concerns about the potential negative impacts of these roads, as well as contravention of Guyana’s international obligations,12 specifically those under the Convention on Biological Diversity (CBD), to which Guyana is party. This convention includes “guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.”13

No free, prior and informed consent

The three roads also raise the question of how Guyana is respecting the rights of indigenous peoples to free, prior and informed consent (FPIC). International law and standards require that FPIC is sought for all proposed decisions and actions that may affect the lands, resources and territories occupied and used by indigenous peoples,14 which would mean both titled and untitled lands under traditional occupation and use. However, existing Guyanese legislation, specifically the Amerindian Act, restricts FPIC primarily to titled lands and even places various limits on the application of this standard within title areas. This serious shortcoming has been criticised by the UN Committee for the Elimination of Racial Discrimination (UNCERD) in its observations on Guyana on three separate occasions in 2006, 2007 and 2008.15

Security concerns

As far as the communities are aware, the Aruwai-Sand Landing Road is the first to directly penetrate the borders of the Upper Mazaruni and allows unprecedented easy entry to outsiders. This has already brought problems as several robberies have been reported, with bandits possibly using the road for easy access. The former Warawatta Toshao stated, “We are not safe any more because the road is there”. Another concern of the Akawaio is the possibility that the road will extend further up into their territory which could lead to further encroachment on their traditional lands and also resulting in more mining activities and security problems, the latter being of particular concern for those communities close to Warawatta/Kamarang.

Mining concessions

Increased mining activities are also severely threatening, or in some cases already causing actual destruction of ancestral land and therefore violation of the rights of the Upper Mazaruni indigenous peoples. Introduction of illegal drugs and cases of sexual abuse have long been reported as a consequence of the presence of outsiders and these incidences are increasing.

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15 FPP and APA (2013) op cit
In addition to these social problems, there are also environmental problems where, for example, the water of the Mazaruni River is no longer drinkable due to contamination by tailings, waste-oil from dredges or human excrement, among other things. Mercury used for gold extraction is also disposed of indiscriminately. Fish have died in huge numbers in some of the tributaries yet the government has not initiated any study to determine the cause of this problem. Judging from the pace at which the government has been granting mining permits, it seems that they are more concerned about revenue earning than the protection of the lives of the people whose rights are being violated by these very activities.

Severe mining pollution and heavy sediment loads have discoloured the black waters of the Mazaruni (left), while the cleaner waters of the Kamarang retain their natural dark colour (right).

Photo: Adrian Warren
Licenses granted without prior consultation nor FPIC

Villagers in Kako are growing increasingly concerned over mining claims in the head of the Kako River and its tributaries (See Map 3). The GGMC granted licenses to coastal miners with no consultation with the Village Council or the community16 and the people immediately reacted by objecting to the entry of claim owners in their area who were installing their dredges and beginning operations in the river.

Kako and the surrounding communities maintain special attachment to the entire Kako River Valley and adjacent lands and all are therefore concerned about maintaining the integrity of the area. The people have well founded fears that they may be denied access to the entire area as already a miner is seeking a court pronouncement in relation to trespassing by the Kako community on his concession in the area. This concession area forms part of their ancestral territory and is very important for their livelihood. They navigate up and down the river and its tributaries to fish, hunt, gather forest products and engage in other traditional practices.

In July 2012 the residents of Kako village were approached by a miner claiming to have a permit to carry out operations further up the Kako River. The villagers, never informed about any such permission and worried about the effects on the land on which they hunt, fish and have farms, objected. After this encounter it was revealed that the miner had in her possession letters from both the GGMC and the Ministry of Amerindian Affairs (MoAA), in the latter case confirming the Minister’s consent of the permit granted by the GGMC. The miner has since returned three times to the area attempting to pass through the village with equipment, but has been prevented by village residents through peaceful actions and protests. Consequently, the miner took the

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16 Ibid
village Toshao to court. The matter was thrown out, but only on a technicality within Guyanese law. The village remains steadfast that they hold legitimate land and territorial rights to the area, and that their property rights and the FPIC standard have been violated:

We’re getting no benefits from this and our river and way of life are under threat. They haven’t informed the communities. People are currently exploiting these resources without our permission. Outsiders come and do their own thing without letting us know about it. [Leader from Kako village]

**Violation of legal norms**

This Kako land and mining dispute could be the first of many for this village and the other villages in the Upper Mazaruni. Official mineral maps of Guyana show Kako as an extraction area for gold, diamonds and ferrite. The Amerindian Act (Article 53) contains provisions making it obligatory for the GGMC to notify a village about impending mining permits and ensure that any activity will not cause harm before such mining permissions are given out on village lands, on any land contiguous with it, or in any waterways which pass through village lands (Map 3). Reports indicate that the GGMC only informed the local mines ranger in the area about the concessions, but did not report to the Village Council.

Letters to miners by the MoAA in support of their activities raise questions about the government’s commitment to uphold indigenous peoples’ rights. Considering the failure by the GGMC to inform communities of mining concessions in their area, it is most worrying that the MoAA appears to be supporting the GGMC and the miners’ interests over and above the rights and interests of the inhabitants of the area which the Ministry and other government agencies have a duty to protect.

Similar questions arise in relation to delays and irregularities in the proper titling of Upper Mazaruni Amerindian communities. At a conference for the Amerindian leaders of Guyana in 2012, the community of Ominaik in the Upper Mazaruni was given a land title document only to have it taken back upon the conclusion of the conference without any reasonable explanation. The village Toshao later found out that the reason for withdrawal of the title document was apparently because the GGMC had objected to it claiming that the title overlapped with existing mining concessions. Ominaik villagers have expressed their discontent with mining activities on their ancestral lands and the fact that they lack security of tenure on not having a title to these lands. They strongly reject any notion that miners’ rights should trump their legitimate prior rights to their customary lands.

Genuine questions also remain over the willingness of the government of Guyana to enable communities to enjoy the right to sustainable development. For many communities in the Upper Mazaruni, mining is the only substantive cash generating activity they have at this time for fulfilling the basic needs of the communities, as there is a lack of support from the government for innovative community-driven activities or projects. For these communities, their priority is to secure their land for their sustainable use.

**Widespread damage to land and livelihood resources**

Mining has had a direct and intrusive impact on the villagers, with reports from village leaders about the destruction of farmlands and homesteads where the land is dug up and left as open pits. As already noted, the GGMC has obligations under the Article 53 of the Amerindian Act in relation to the issuance of permits, concessions, licenses or other permissions that may affect Amerindian lands. This provision states that if GGMC intends to issue a permit on village lands
or lands contiguous to village lands, or rivers, creeks or waterways which pass through village lands, the agency must first notify the village and satisfy itself that the impact of mining on the village will not be harmful. 17 Villages and the APA are not aware of any records or proof to show that this has ever been done by the GGMC in the Upper Mazaruni.

In addition to violations of provisions and procedures of the Amerindian Act in their issuance of mining permits, experience with top-down mining development in the Upper Mazaruni communities demonstrates that the government is not fulfilling its international obligations to protect indigenous peoples’ rights under the various international treaties ratified by Guyana.

The communities are deeply concerned that the GGMC is issuing exploratory and mining permits on their customary lands that are the subject of an unresolved court case brought by the Akawaio and Arekuna peoples against the Guyanese State. Letters to the GGMC on behalf of the Akawaio seeking a suspension of mining permits and activities on the lands citing this case have received no response from the GGMC to date.

Mining in the Upper Mazaruni is responsible for widespread deforestation and land degradation and damage to waters as shown in this 2013 picture of mining damage near the Amerindian Village of Omanaik. Amerindian Village residents and Akawaio and Arekuna leaders complain that uncontrolled mining harms water quality, farming grounds and valuable forest resources. They point out that supplying water wells is no replacement for clean rivers and streams that sustain fish populations and are used for fishing, bathing, swimming and other cultural activities.

Photo: Oda Almás

17 Amerindian Act of 2006, Article 53. Enacted by the Parliament of Guyana
Planned hydropower project in the Upper Mazaruni

In the last few years there has been news that the government plans to revive proposals to develop a gigantic hydroelectric plant in the Upper Mazaruni. The current plans appear to be a resurrection of a deeply controversial project dating back to the 1970s and 1980s – the Sand Landing dam, which has more recently been known as the ‘Kurupung Project’ under a revised proposal. If the new proposed dam were to be built along the lines of the 1970s design it could flood 1000 square miles (2500 km²) of forest, savannahs and wetlands. Although the government has recently claimed that impacts on communities will be minimal (see below), this massive 3000 MW hydropower project could potentially wipe out four communities and put large areas of three others under water at Stage 1 of the development, with the potential to displace thousands of people if the project were ever to be developed to its final stages as envisaged in the 1980s (Map 5).

Although national newspapers reported in 2010 that the Upper Mazaruni hydroelectric project is being revived for the provision of energy to an alumina refinery and smelting plant, the government at first consistently sought to deny that any plans for the dam had been approved, affirmations that later had to be withdrawn (see below). In 2012, the Prime Minister of Guyana confirmed that Brazil and Guyana have signed a MOU for the studying options for the development of potential hydropower sites within the Mazaruni and Potaro river basins.

Revival of earlier ‘Sand landing project’

Official governmental documents confirm that plans for an Upper Mazaruni hydro project were never discarded after the failure to obtain financial backing in the 1970s and 1980s. In February 2007, the Government granted RUSAL, a Russian mining company, exclusive rights to conduct a pre-feasibility study of this site for an initial period of three years. Potential linkages with bauxite mining and processing are confirmed in the 2011 ESIA for the Amaila Falls hydro project (Section 4).

The Amaila Falls ESIA comments on the size of the Upper Mazaruni hydropower project, with its significantly greater environmental and social impacts, noting this is “many times the total installed capacity of the country, and therefore requires either the development of large industry within Guyana or export of electricity from Guyana, neither of which is consistent with the Guyana National Development Strategy or Low Carbon Development Strategy”.

18 ‘RUSAL, Brazil company still talking about massive Kurupung hydro project’ Stabroek News, 20 May 2010
19 Kaieteur News, February 2012: Prime Minister Sam Hinds’ response to Carl Greenidge
21 Amaila Hydropower ESIA Update 2011, Executive Summary
Despite recent government indications that dam design has been modified to reduce the area of flooding by as much as 90%, there remains much confusion over the nature of the revised plans that have not been seen by the communities nor by any independent observers. Though no recent maps have been obtained of the dam flood area, differing villager reports stemming from government visits to villages in March 2014 suggest that the dam may still be built at Sand Landing, above the Pakaraima escarpment, and Kamarang may be “30 or 50 feet” under water. In this regard, it is not clear if the recent claims of the government on the 90% reduction in flooded area only refer to the initial stage of a much larger plan (as in the 1980s) or if such assurances refer to a final stage.

If the project option to build different stages is followed and if dam design is still to include the river basins of the Mazaruni and Kurupung, upstream of the River confluence, then it could still potentially flood an enormous area in the Upper Mazaruni within the traditional territory of the Akawaio and Arekuna peoples. By looking at the plans for the original Sand Landing dam in the 1980s, it appears that this project could still “entail the creation of a reservoir of vast dimensions which would flood the entire basin and cause the forced removal of thousands of indigenous inhabitants from their ancestral homeland (Map 5)”23.

In 2007 then President Bharrat Jagdeo signed a letter of intent (LOI) with Russian aluminium company RUSAL for pre-feasibility studies for a hydropower plant and an alumina refinery and smelter named the “Kurupung project”.24 In May 2010, three newspaper articles reported that the Upper Mazaruni hydroelectric project had been revived for the refinery and smelting plant.25

When one of the Akawaio Toshaos had questioned publicly about dam-building proposals for the Upper Mazaruni, the government had initially denied that it had approved any such plans but the Minister of Amerindian Affairs later admitted to a feasibility study after some information started becoming public.26 Press reports in 2010 confirmed that the government of Brazil and big Brazilian power companies were interested in building a dam “on the border of Guyana” to supply energy to Roraima State and the city of Boa Vista.27

Map 5 depicts the potential effects of inundation on the people living in the area to be flooded in phases 1 and 2, as determined by field investigations into resettlement of Amerindians in the Upper Mazaruni in 1983 as well as the extent of the final stage of the project if developed to full capacity.28 The resulting report notes that most of the main villages in the Upper Mazaruni Basin would have been flooded by the Stage 1 reservoir, and that Stage 2 would have caused all of the villages and most of their lands to be underwater or unsuitable for settlement.29 It is estimated that the population who would have been affected by the project has grown from approximately 4,000 Akawaio and Arekuna peoples in 1975, to as many as 10,000 people today who live in or regard the Upper Mazaruni area as ‘home’.30

The inundation of the Upper Mazaruni would mean the “destruction of a people through the obliteration of ancestral lands and of the complex relationships within a social structure which rests on a particular, unique topography and fluvial system.”31 The Upper Mazaruni people are united by the concept of being Amurugok, 'People of the Headwaters', a unique cultural entity (by language, custom and general way of life and thought), located at the sources of the Mazaruni River. Faced in the 1970s with the prospect of ejection they asserted:

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24 Guyana Chronicle Online, 8 February 2007: ‘RUSAL studies aluminium smelter for Guyana – hydro-power plant also likely.’ By Mark Ramotar. See also Stabroek News 24 March 2007: ‘Russian team here to do pre-feasibility study for hydropower plant’
26 (see, for example, Stabroek News, 21 May 2010).
28 In 1983 the company Swedish Engineering Consultants (SWEP) were engaged and presented an investigation on the effects of the people living in the area to be flooded. The results were presented in the following report: SWECO (1983) Upper Mazaruni Additional Field Investigations: Final Report. Resettlement of Amerindians in the Upper Mazaruni Basin. In: Butt Colson, A (2013) Dug out, dried out or flooded out? Hydro power and mining threats to the indigenous peoples of the Upper Mazaruni district, Guyana. FPIC: Free, Prior, Informed Consent?
30 Butt Colson, A (2013) Dug out, dried out or flooded out? Hydro power and mining threats to the indigenous peoples of the Upper Mazaruni district, Guyana. FPIC: Free, Prior, Informed Consent? at page 30
31 Ibid at page 31
Map 5: Potential Flooded Area associated with the 1980s design of the Upper Mazaruni dam*

[full map description and legend]

*This map does not purport to have georeferenced information of Amerindian title boundaries and information shown is for indicative purposes only.

Date: February 2014

Other sources: Government of Guyana National Land Use Plan 2013; Title areas adapted from 1998 Upper Mazaruni District Council Map of 1959 Amerindian District

*details of 2013-14 design of the Upper Mazaruni dam not available at time of publication
Many Akawaio and Arekuna families in the Upper Mazaruni still traverse the dense network of rivers and waterways in their territory by ‘woodskin’ and corial.

Photo: Audrey J. Butt Colson

This land keeps us together within its mountains — we come to understand that we are not just a few people or separate villages, but one people belonging to a homeland.32

Confused and one-sided official information

After a number of years of near silence on the Mazaruni hydropower development issue, the government finally announced publicly in early 2014 that it is to proceed with pre-feasibility and feasibility studies for the Upper Mazaruni dam development and a potential second site in the Middle Mazaruni.33 Plans for the feasibility studies have been put forward by a Joint Technical Guyana-Brazil Working Group on Infrastructure that met four times in 2013 to lay down a road map for the development of hydropower sites, transmission lines, roads and a deep sea port in Guyana.34

During visits to the Upper Mazaruni in March 2014, government Ministers and officials have sought to assure Akawaio and Arekuna Villages that there are “no plans to flood the Upper Mazaruni and make your lives miserable”, and that no decisions have yet been taken to go ahead with the dam development.35 These statements do not appear to square with recent information on government visits to Kamarang, Paruima, Jawalla and Kako in March 2014, where villagers reportedly learned that Kamarang would be “30 or even 50 feet” under water.

33 “Govt. announces feasibility studies for massive hydro in Mazaruni” Kaieteur News February 28, 2014
34 “Mazaruni to be surveyed for best hydro site under cooperation programme with Brazil” Stabroek News, 28 February, 2014
It is also highly disturbing that other recent official presentations by the Guyana Energy Agency (GEA) appear to suggest that feasibility studies will focus primarily on technical and economic aspects, without giving special attention to social issues and the potential costs, risks and impacts on Akawaio and Arekuna villages.\textsuperscript{16}

**Will core standards be respected and legal obligations met?**

Meanwhile, although the press has identified the prior consent of affected villages as core issue that will need to be addressed,\textsuperscript{35} government ministers have yet to pronounce on the vital matter of FPIC and how this will be applied at all stage of the planning process. Nor are there yet any commitments to adhere to accepted international standards for the development of large dams, like those applied by the World Commission on Dams (WCD) (see Box 11, Section 4).

In short, at the time of writing this article there are no indications that FPIC will be properly applied in line with Guyana’s international obligations and norms established in related human rights instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

**Reaction from Amerindian Communities**

Though the government kept quiet about its dam proposals for several years, the Upper Mazaruni communities were taken aback and angered when information was provided to them by the APA about this potential threat in 2011:

*Why doesn’t the government develop their own lands, instead of proposing projects that affect Amerindians? [Elder from Kako Village]*

*We don’t want to be wiped out just for the sake [benefit] of other people. [Leader from Kako Village]*

When the hydro-project was being developed in the 1970s heavy mobilisation by the communities contributed to the halting of the process. Forty years later there is still unanimous opposition to a dam in the region, as can be seen in an excerpt from the Kamarang Statement issued by Upper Mazaruni Amerindian Villages in 2011 (Annex 1):

*We are aware of its [the dam’s] possible effects and consequence and all our communities strongly oppose this project as our elders did in the 70s...Our grandparents didn’t accept the hydro-project in the past, the grandchildren including myself, share the position of our grandparents and say NO to the “Kurupung Project.”*

In March 2014, in a meeting of the Upper Mazaruni Amerindian District Council involving leaders and residents from the communities of Chinowieng, Omanaik, Jawalla, Quebanang, Kako, Warawatta, Waramadong, Paruima and Kako (host village), the Akawaio and Arekuna again reiterated their opposition to the dam. Villagers have once more called for prior resolution of the land and territorial rights before any formal consultations on the dam development move ahead.\textsuperscript{38}

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\textsuperscript{16} See, for example, Sharma, M (2014) *The Potential for Hydropower Development in Guyana* Public PowerPoint Presentation, Guyana Energy Agency (GEA), Georgetown.

\textsuperscript{35} Supra note 35.

\textsuperscript{38} Upper Mazaruni Amerindian District Council meeting, Kako Village, 13th March 2014.
In the meantime, Akawaio and Arekuna people in the Upper Mazaruni are left with three pressing questions:

1. How do plans for the dam and the process for its development meet international standards that uphold the rights of indigenous peoples?

2. If the project were to be imposed on the Villages, where would the people move? There are no suitable areas to establish new settlements and no other lands can replace or sustain the special spiritual, cultural and historical attachment of the Akawaio and Arekuna peoples to their Upper Mazaruni territory.

3. Why are communities told by the government to preserve their forests when the government itself wants to flood such a large forest area? There is general confusion among the communities as to how the dam fits into Guyana’s acclaimed commitment to protect tropical forests and fight climate change.

Residents of Kako Village (pictured) are deeply concerned that miners have been issued permission by the GGMC to extract minerals from the community’s traditional lands and waters, including in remote and fragile forest areas in the Kako River valley and headwaters.

Photo: Oda Almas
Conclusions

The Upper Mazaruni situation reveals profound structural problems in Guyana’s legal framework and national policies for hinterland development, grounded in the aggressive expansion of mineral extraction and the marginalisation of indigenous peoples. Social and environmental norms are being violated on a grand scale as mining development is imposed on fragile forest, mountain and aquatic ecosystems of deep cultural, economic and spiritual importance to the Akawaio and Arekuna peoples. Without major changes to current State land, mining and energy policies and without solid actions to secure and protect the land, territorial and resource rights of Amerindian communities, the very survival of the Akawaio and Arekuna in the Upper Mazaruni as distinct peoples is in peril.

Key actions required to address this grave situation include the need for:

- Full disclosure of all relevant information in an accessible form to Amerindian Villages and communities in the Upper Mazaruni in relation to proposed infrastructure developments, including hydro dams, roads and investments planned under the LCDS. Information Disclosure must include publication of the Terms of Reference (TOR) for the pre-feasibility and feasibility studies, including provision of all associated plans, maps and technical documents to Amerindian Villages in the Upper Mazaruni

- Establishment of robust and credible FPIC mechanisms and procedures to ensure full compliance with this core standard in all proposed, decisions, projects or policies that may affect Amerindian Villages and their traditional lands (titled and untitled)

- Suspension of all mining concessions affecting Amerindian land, territory and natural resources until there has been an effective opportunity for the indigenous peoples to give their consent based on the principles of FPIC

- Annulment of mineral rights issued to third parties on customary lands without community consent, and restitution of these lands back to the full control of the Akawaios and Arekunas

- Urgent reform of relevant policies and legislation to protect and promote the rights of indigenous peoples to their lands, territories and resources in the Upper Mazaruni and throughout Guyana