# *Mining and Amerindians in Guyana*

Final report of the APA/NSI project on

## 'Exploring Indigenous Perspective on Consultation and Engagement within the Mining Sector in Latin America and the Caribbean'

by Marcus Colchester, Jean La Rose and Kid James

> ***Why are strangers coming onto our lands from the USA, Sao Paulo or wherever? What do they see on our lands? Is it gold and diamonds? There is a growing conflict. Are we going back to the times of the Old Testament, to the time when Joshua was at war? Why do these people not stay on their own lands; we do not go on theirs? Why is the Government selling our lands in a hiding way? They are all big thieves... and we don't like it.***
>
> **(Councillor, Taruka)**

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## Requiem for Konawaruk

riva a-dry
fish a-die
nuff-nuff fly
seh dis no lie

riva run dry
gole is why
man aint kay
who goh pay

gole pone dem mine
aal de time
mine mine mine
no good incline

cyanide wata
native a-haala
no fish no food
no transport too

riva a-die
wilelife a-cry
no food no drink
bush pon extinction brink

Petamber Persaud
***Stabroek News***
1 December 2000

# Mining and Amerindians in Guyana

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## Acronyms Used in the Report

| | |
|---|---|
| AIDS | Acquired Immune Deficiency Syndrome |
| ALC | Amerindian Lands Commission |
| APA | Amerindian Peoples Association |
| CIDA | Canadian International Development Agency |
| FPP | Forest Peoples Programme |
| GDP | Gross Domestic Product |
| GENCAPD | Guyanese Environmental Capacity Development project |
| GGDMA | Guyanese Gold and Diamond Miners' Association |
| GGMC | Guyanese Geology and Mines Commission |
| GSRL | Golden Star Resources Limited |
| EIA | Environmental Impact Assessment |
| IDRC | International Development Research Centre |
| LDO | Local Democratic Organization |
| NGO | Non-Governmental Organization |
| NSI | North-South Institute |
| PPP | People's Progressive Party |
| REO | Regional Executive Officer |
| TB | Tuberculosis |
| UMADC | Upper Mazaruni Amerindian District Council |
| UNDP | United Nations Development Programme |
| WHO | World Health Organization |
| WRM | World Rainforest Movement |
| WWF | WorldWide Fund for Nature |

## Executive Summary

The rapid expansion of mining is a central element in the Government of Guyana's national development strategy, strongly encouraged by international development agencies such as IMF and World Bank. Plans include the privatization and expansion of bauxite mining and the development of small, medium and large-scale diamond and gold mines. Serious impacts are already being felt by the Amerindians as a consequence. This report results from a participatory study carried out to assess these impacts and develop proposals for more effective Amerindian engagement with the mining sector.

This study has been carried out by the Amerindian Peoples Association, with the assistance of the Forest Peoples Programme, as part of a project titled *'Exploring Indigenous Perspectives on Consultation and Engagement Within the Mining Sector in Latin America and the Caribbean'* being coordinated by The North-South Institute of Canada. The consultation process comprised two national workshops of a National Indigenous Advisory Committee, four regional consultations in Amerindian communities, a field visit to mine sites in the Matthew's Ridge region, interviews with key stakeholder groups and Government officials, and a literature review.

Amerindians in Guyana number around 60,000 and make up some 7 per cent of the population. However, because 90 per cent of Guyanese live along the narrow coastal strip, Amerindians make up the majority population in the interior. Only about half of these Amerindians live in communities that are officially recognized as Amerindian. As many as 12,000 persons, many of them Amerindians, are directly engaged in mining in the interior. Some 14,500 small-scale mining permits and 1,800 licences for dredges have been issued by the Guyana Geology and Mines Commission (GGMC). Exploration and prospecting permits for possible large-scale mines now cover as much as 25 per cent of the surface area of the country. . Brazilian miners and syndicates are now centrally involved in small, medium and large-scale mining ventures. There is much illegal traffic across the frontier

Institutional controls on mining are weak. The Minister of Mining, the Prime Minister, lacks any ministerial staff charged with policy development. The GGMC is also acknowledged as lacking adequate capacity to enforce regulations in the interior. Allegations of corruption in the GGMC are widespread. The new Environment Protection Agency has yet to enact regulations regarding mining and there is no Minister for the Environment to represent environmental issues effectively in the Cabinet. . The CIDA-funded GENCAPD project aims to develop the environmental capacity of the GGMC but is not directly addressing Amerindian concerns. Amerindian participation in the project is also deficient.

Amerindians have been demanding rights to their lands since before independence and their rights are guaranteed in the Independence Agreement. An Amerindian Lands Commission reported in 1969 that Amerindians laid claim to 43,000 square miles of land and recommended the titling of 24,000 square miles. To date Amerindians have only received titles to some 6,000 square miles and the titles themselves are deficient in a number of crucial respects. The Task Force on Amerindian Lands, set up by the government in the 1990s, has been repudiated by many Amerindians as not responding to their needs and demands. It is not participatory and has prioritized surveying the existing, limited titles instead of addressing outstanding claims. Amerindians are having great difficulty getting their complaints about land attended to in the courts.

Amerindians are offered some protection from mining in the law. Small-scale mining is prohibited in areas used by Amerindians but the GGMC interprets this provision in a very

limited way, as only applying to titled areas. Medium-scale mining is also not permitted in titled areas but titles under the Amerindian Act do not include rivers and river banks. After protests by Amerindians, the Government adopted a policy requiring large-scale companies to consult with Amerindians when prospecting on Amerindian titled lands. However the GGMC is not overseeing these negotiations, as required in the contracts. There is widespread opposition among Amerindians to large-scale mining.

Historically, Amerindians have had highly decentralized decision-making systems. The colonially imposed system of having village Captains, with the powers of a Rural Constable, and Village Councils has now been accepted by the Amerindians. Land titles are vested in the Councils. These institutions offer Amerindians an important degree of self-governance and regional associations of Captains and Councillors have emerged, linked to a strong national Amerindian movement. However, although legal checks and balances exist to limit the powers of Captains and make them accountable, these are not adequately observed and mining companies have been able to reach agreements with Captains without the involvement of community or Council. There is a widespread perception that the Government does not respect Captains and Councils and manipulates community decision-making to facilitate mining. .

The Government has done little to assess the impact of mining on Amerindians but many prior academic and NGO studies substantiate the main findings of this study. Amerindians indeed suffer severely from mining in terms of river- and drinking-water pollution, decline of fishing, and the destruction of game. Mercury contamination is a serious and widespread problem. There is a high incidence of STDs and malaria – a major cause of death among Amerindians - in mining areas. Mining is undermining Amerindian ways of life, interfering with their subsistence economies. Cash is being misspent on consumer goods and alcohol, while community members go needy.

There are especially severe impacts on Amerindian women. The prostitution of Amerindian women is rife in mining camps and nearby settlements and rapes are widely reported. The police are accused of negligence and accepting bribes in dealing with these abuses. Racist prejudices aggravate these problems. Disaffection among Amerindian youths results, leading to Amerindians depreciating and thus forfeiting their own cultural heritage. There is a pressing need for alternative income-generation opportunities.

A new policy is needed on Amerindians and mining which should be developed through a process of national dialogue. Amerindian rights should be respected in line with Guyana's obligations under international law. Land tenure must be regularized and land claims resolved. Mining should only go ahead in areas traditionally used or otherwise occupied by Amerindians subject to their free, prior and informed consent expressed through their own representative institutions. This will require strengthening Amerindian institutions and an overhaul of the relevant government institutions and laws, including retraining and strengthening the GGMC, Environment Protection Agency and Ministry of Amerindian Affairs. A protocol needs to be adopted by the private sector committing it to respect Amerindian rights. NGOs and development agencies should work with the Amerindians and the Government to bring about these reforms in a way acceptable to Amerindians.

# 1. Introduction

The increasing pace of development in the interior of Guyana poses new challenges to the region's Amerindian peoples, who make up the majority of the population in the interior of the country. Government-promoted schemes to exploit the timber and minerals of the hinterland, promote eco-tourism, build roads and intensify agricultural production are placing new pressures on Amerindian lands and livelihoods. At the same time these schemes are creating new opportunities for employment, education, the provision of services and commerce. How are Amerindians to defend themselves from the negative impacts of this development and make the most of the new possibilities?

In the past ten years, a vigorous Amerindian movement has emerged in Guyana pressing for recognition of the Amerindians' rights to their territories and natural resources. Echoing advances made in international law and a global consensus about the need for sustainable development, they are demanding the right to participate in decision-making and regain control of their destinies.

Mining represents one of the greatest threats to Amerindian welfare and survival. Besides the direct menaces posed to Amerindian communities by pollution, environmental damage, social disruption, disease transmission and land expropriation, the sheer power of the mining industry threatens to marginalia Amerindians from fair participation, both in decision-making and the sharing of benefits. Small- and medium-scale mining is already a major problem in many Amerindian communities and new technologies are intensifying the pressure on Amerindians lands, livelihoods and environments. Many Amerindians themselves are engaged in mining as it offers one of the few means of income generation in the interior. The impacts of mining on Amerindian women have been severe.

Unfortunately, while legal protections exist and despite government assurances to the contrary, permits for large-scale mining are being handed out to foreign companies without neighbouring Amerindian communities even being informed, let alone consulted, much less offered a genuine chance of participation.

- What should Amerindians be demanding in these circumstances ?
- If they demand the right to negotiate with incoming miners, what should their principal concerns be ?
- How should they represent themselves in such negotiations ?
- How can they ensure that all Amerindians are included, including the views of women, children and the elderly ?
- In what way should the government be involved in these negotiations ?
- If Amerindians are to enter into binding agreements with the government or private companies, who should be authorized to sign such contracts on behalf of the Amerindians and how shall such agreements be enforced ?
- What roles should be played by traditional knowledge and customary law in such negotiations ?

This report summarizes the results of a profound reflection on these issues carried out by the Amerindian Peoples Association, as part of a project being led by The North-South Institute of Canada with funds from IDRC, titled *'Exploring Indigenous Perspectives on Consultation and Engagement within the Mining Sector in Latin America and the Caribbean'*. The Guyana part of this project was carried out by the Amerindian Peoples Association, with support from the Forest Peoples Programme of the UK, and involved

promoting a national dialogue among Amerindians most affected by mining. The full project in Guyana included: the establishment of a National Indigenous Advisory Committee; holding a Guyanese Planning meeting; carrying out four community consultations in Amerindian areas particularly affected by mining: in Region VIII in the Patamona and Makushi (Potaro/Ireng) area; in Region IX in the Wapishana (Marudi Mountain) area; in Region VII in the Akawaio/Arekuna (Upper Mazaruni/Wenamu) area; and in Region I in the Carib area. A second meeting of the National Indigenous Advisory Committee was held towards the end of the project to review the findings from the consultations, discuss a draft of this report and give careful consideration to the conclusions and recommendations of the study (see also Annex 1 for a summary of the methodology used in this survey).

The overall aim of the project was to come out with clear and practical recommendations, firmly grounded in indigenous views and experiences and in line with international standards, on how indigenous peoples should relate to the mining sector both to ensure that they gain long-term benefits and so they can better deal with the social and environmental problems resulting from both small-scale and large-scale mining. This report is not seen as the last word on this complex issue but on the contrary as a contribution to an important reflection, that is needed nationally and internationally, on how the process of decision-making about mining and mining operations can be reformed to ensure that mining brings genuine benefits to indigenous peoples.

## Guyana: Some Basic Facts[1]

| | | |
|---|---|---|
| **Geography** | National Territory | 21.5 million hectares |
| | Forests | 16.1 million hectares |
| **Population** | Total number | 745,000 (1999) |
| | Growth rate | 0.7%per annum |
| | Population density overall | 4 persons/square kilometre |
| | Concentration | 90% of the population live along the coastal strip – 7.5% of territory |
| **Principal towns** | Georgetown | 170,000 |
| | Linden | 30,000 |
| | New Amsterdam | 20,000 |
| | Corriverton | 17,000 |
| | Rosehall | 8,000 |

*(continued on page 5)*

[1] Colchester 1997:ix.

*(continued from page 4)*

| | | |
|---|---|---|
| **People** | **East Indians** | **49%** |
| | Afro-Guyanese | 36% |
| | Mixed | 7% |
| | **Amerindians (9 peoples)** | **7%** |
| | Chinese and Portuguese | 1% |
| | **Other** | **1%** |
| **Religion** | Christian | 46% |
| | Hindu | 37% |
| | Muslim | 8% |
| | **Not stated** | **9%** |
| **Health** | Infant mortality | 47 per 1000 live births |
| | Life expectancy | 65.4 years |
| | Population per doctor | 6,809 |
| **Economy** | GDP (1996) | US$420 million |
| | GDP per capita (1999) | US$800 |
| | GDP growth | 7.9% (1996) |
| | Inflation | 4.5% (1996) |
| | Exports (1996) | US$565 million |
| | Imports (1996) | US$589 million |
| | Foreign Debt | US$1,500 million (1996) |
| **Mining** | Total contribution (1998) | 17% of GDP |
| | Gold exports | 400,000 troy ounces per year |
| | Diamonds | Annual Declaration 35,000 carats |
| **Government** | Elected President. Single-chamber National Assembly with 68 seats. 43 by proportional representation and 25 from regional and local administrative areas. Five year terms. | |

## 2. The Amerindians of Guyana

It is commonly stated that there are 'nine tribes' in Guyana – that is to say nine Amerindian peoples being the Warrau, Carib, Arawak, Akawaio, Patamona, Arekuna, Makushi, Wapishana and Wai Wai. Remnant elements of other peoples – such as Trio, Taruma and Atorad - whose numbers have been reduced by wars, epidemics and migrations, are also found in some settlements.

## Estimated Numbers of Amerindians in Guyana (1996)[2]

| *Peoples* | *Numbers* |
|---|---|
| **Arawak (Lokono)** | 15,500 |
| **Warrau** | 5,000 |
| **Carib (Karinya)** | 3,000 |
| **Akawaio (Kapon)** | 5,000 |
| **Patamona (Kapon)** | 5,000 |
| **Arekuna (Pemon)** | 500 |
| **Makushi (Pemon)** | 7,750 |
| **Wapishana** | 6,900 |
| **Wai Wai** | 200 |
| **Total** | **48,850**[3] |

Although they only make up some 7 per cent of the population of Guyana, the Amerindians nevertheless comprise the majority population in the forests and savannahs of the interior. This is because some 90 per cent of the population of Guyana lives along the densely settled coastal strip, where the plantation economy developed in the 18th and 19th centuries. In fact, the division between coastlanders and those who live in the hinterland is a sharp social and conceptual divide in Guyanese society.

The Amerindians are the descendants of the original inhabitants of the country and are recognised as the country's indigenous peoples. Although contact and 'modernisation' has brought great changes, the majority of Amerindian settlements remain dependent on their territories through farming, hunting, collecting and fishing for their subsistence and welfare. Many Amerindian communities remain proud of their distinctive identities and cultural heritage. They perceive themselves to be unconquered peoples entitled to own and control their lands according to their own priorities - a part of Guyana yet with the right to govern themselves, in their daily affairs, through their customs and preferences.

As defined in the outdated *Amerindian Act*, Amerindian communities are defined as those listed in the 1976 and 1991 schedules of the *Act*. Read literally, the Act thus excludes about half of the indigenous people of the country either because they live in communities which are not mentioned in these schedules or because they no longer live in their settlements of origin.

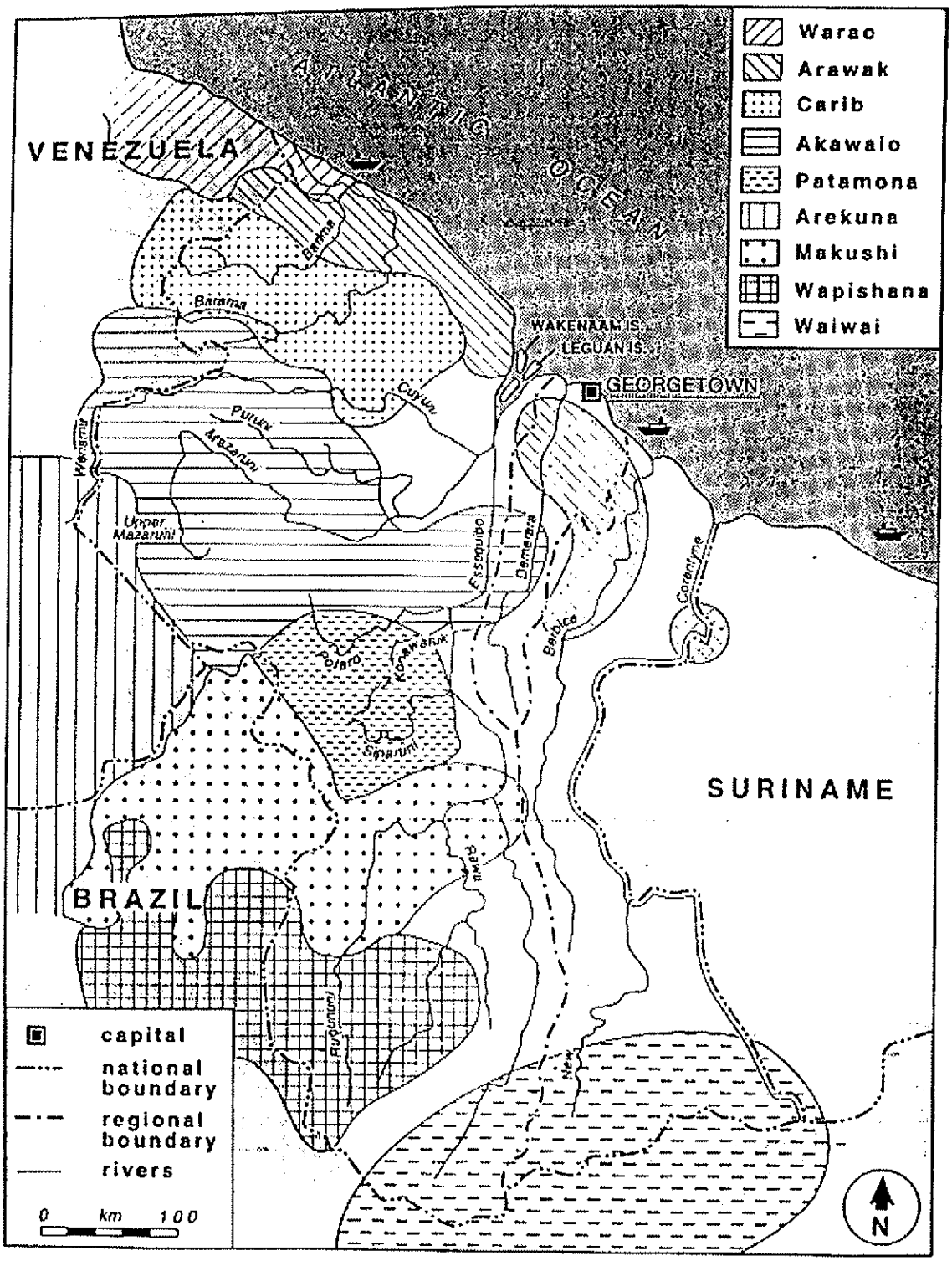
Mining has contributed directly to this denial of identity and rights. During the colonial and early independence eras, a number of Amerindian Reservations were 'de-gazetted' to allow the definition of these areas as Mining Districts, including the Lower and Middle Mazaruni in the 1930s,

[2] Forte 1996:15

[3] These estimates were made in 1995. Allowing for a natural increase at 2% (typical for indigenous peoples in Amazonia in recent years) the current (2001) population would now be 55,000. However, the experience with detailed censuses of indigenous peoples in other countries suggest that these figures are on the conservative side and a true figure might be as high as 60,000-80,000 (cf FPP, PIPlinks and WRM 2000:33).

the Imbaimadai area in the Upper Mazaruni in the 1950s and the rest of the Upper Mazaruni in the early 1970s. Conversely the great majority of Carib lands in the Imataca Mountains were never considered for titling exactly because mining was already so prevalent in the region. . Mining Districts have also been declared in the middle of Patamona lands in Monkey Mountain and have prevented the titling of Amerindian communities on the Mahdia and Konawaruk. .

**Map 1: Generalized Distribution of the Amerindian Peoples of Guyana**



## 3. The Mining Sector in Guyana

The European myth that in the interior of the Guianas there was a gold-paved city of Manoa on the shores of Lake Parime ruled by a gilded king – **El Dorado** – was a potent stimulus to the colonisation of the country in the C16th and C17th. However, it was not until the 1840s that gold was found in any quantities, when a major gold rush started to exploit the gold-bearing reefs and alluvial beds of the Imataca Mountains. Since then gold has been found in many of the western and southern parts of the country and gold exports have become important to the country's economy.

In the early years, nearly all gold was extracted with simple manual techniques adapted from the gold strikes in California and Alaska and small-scale mining remains an important feature of the industry. Indeed, the gold boom created a whole new social force in Guyanese society, so-called 'pork-knockers' – small-scale miners, who have been a constant phenomenon in the interior ever since. However, new technologies and, since the late 1980s, Guyana's new openness to foreign enterprises have led to the development of several large and medium-scale gold mines in the interior. Indeed the main development agencies, the World Bank and International Monetary Fund, have pinned much of their hopes for a revival of the country's economy on the expansion of large-scale gold-mining.[4] By the mid-1990s, largely as a result of the expansion of gold-mining, the mining sector was Guyana's second largest generator of foreign exchange after sugar,[5] but recently the fall in gold prices on world markets has taken some of the shine out of the industry. At the time this report was being finalised, the Guyanese press was reporting a stagnation in large-scale gold mining because of lack of investment and the low gold price. The government has responded by promoting auctions of prospecting licences for areas potentially rich in columbite tantanite deposits.[6]

The diamond-mining boom took off somewhat later than gold with the discovery of diamonds in the Puruni area in 1887.[7] In 2000, Guyana's declared exports of diamonds[8] netted a total of some US$1.5 million per year, making Guyana the 22nd greatest diamond producer in the world, though the majority of the diamonds are for industrial not gemstone use with a mean value of US$100/carat on world markets. In the early 1990s, hopes were high that large-scale diamond mining would play a major part in the country's economic revival but these hopes have since faded as extensive prospecting by foreign companies have so far failed to find large deposits of diamonds. Medium-scale mining, much of it of river alluvium using so-called missile dredges, accounts for the lion's share of present-day production but is also in decline as the main deposits become worked out. Production has shifted towards the exploitation of river-bank and flood-plain alluvium by 'land dredges'. Recent 'shouts' in Kurupung and at Chai Chai Foot on the Mazaruni have led to a spate of applications for medium-scale mining licences for 'land dredges' in these areas.[9]

Bauxite mining in the centre of the country became an important addition to Guyana's economy in the 1920s, based on large investments of foreign capital, imports of heavy machinery and large-scale transport systems. Two large foreign corporations, Alcan of

[4] Colchester 1997:61ff.
[5] Forte 1996:65.
[6] *Stabroek News* 21 July 2001.
[7] *Guyana Review* August 2000:20.
[8] Diamond miners are required by law to declare their finds and are taxed at the rate of 3 per cent of the average value of Guyana diamonds. There is considerable anecdotal evidence for under-declaration of finds: the Geology and Mines Commission only has 20 field officers to cover the entire country, making it very easy to hide finds and slip them out of the country without being noticed.
[9] *Stabroek News* 21 July 2001.

Canada and Reynolds of the USA, controlled Guyana's production, part of a global pattern in the industry, whereby access to world markets is controlled by half a dozen, huge corporations from North America and Europe. The majority of Guyana's bauxite deposits yield high-quality calcined, non-metallurgical bauxite used for refractory, abrasive and chemical markets. By the late 1960s, Guyana was supplying 75 per cent of these markets world-wide. However, since nationalization in the 1970s, the industry has been in decline due to government mismanagement, falling world prices and competition from the big producers.[10] Under the structural adjustment programs of the late 1980s, the Government has sought to privatize the bauxite mining industries. The more recent mine at Aroaima, producing metallurgical bauxite, beset by fewer problems, has been successfully sold off. However, Government efforts to re-privatize the non-metallurgical bauxite industry by selling it off to foreign companies have not yet been successful, with foreign investors unprepared to accept the government's prices and conditions regarding levels of investment, maintenance of production and employment.

The impact of the bauxite industries on the relatively few Amerindian communities in the centre of the country, from which most Amerindians retreated in the middle of the 19th century, remains unassessed. Communities on the Upper Demerara and Upper Berbice have been affected by environmental pollution in the form of dust, tailings dam spills and river contamination. Recently Alcoa has been in discussions with the Minister for Mines regarding proposals to prospect for new bauxite mines in the Pakaraima Mountains in areas such as Imbaimadai, Kamarang and Waramadong in the Region VII and Kopinang in Region VIII.[11] If such operations were to go ahead they would have major implications for the Akawaio and Patamona peoples as well as for some of Guyana's main waterways.

No significant finds of petroleum deposits have yet been located in Guyana, despite the country's relative proximity to Trinidad and the geological similarity to Suriname where offshore finds have been made. During the late 1980s and early 1990s, Hunt Oil carried out exploration in southern Guyana without marked success.[12] Recent years have seen a revival of interest in oil exploration in Guyana but no substantial strikes have yet been reported.

## Mining policy and regulation

Since the early 1980s, the government of Guyana has actively promoted mining in the interior through foreign investment. Under the structural adjustment reforms initiated in 1988, the red tape surrounding foreign investment was eased and large-scale investment in the mining sector began. It remains Government policy to expand small, medium and large-scale mining, especially though foreign investment.[13]

Under Guyanese law, according to Section 6 of the *1989 Mining Act*, the State is the owner of all mineral resources. It provides that, *"[s]ubject to the other provisions of this Part, all minerals within the lands of Guyana shall vest in the State."* Using Section 6, the government asserts the right to issue mining permits anywhere in Guyana, including on Amerindian titled lands, although current regulations limit small- and medium-scale mining on titled lands. The government estimates that minable minerals are found in some 5 to 10 per cent of the national territory, but exploration and prospection is encouraged over a much wider area in order to determine where these minerals are.

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[10] Colchester 1997: 75-76.
[11] *Stabroek News* 23 April 2001 'Bauxite privatisation: Alcoa submits figures on production costs'.
[12] A small find at Karanambo in the centre of the Makushi people's territory in the Northern Rupununi savannahs was found not to be financially viable and the well was shut down in the mid-1990s.
[13] Sucre and Persaud 1996; Colchester 1997: 36ff.

According to the 'National Development Strategy', which was endorsed by Parliamentary majority in 2000:

> There is currently no dedicated Minister of Mines. Although the Prime Minister holds the portfolio, he is not in possession of any ministerial staff in support of the conceptualization, formulation or implementation of policy. This is an almost untenable situation, which often appears to lead to neglect of the sector at every level.[14]

The Guyana Geology and Mines Commission (GGMC) is the body charged with the recognition of small mining claims and the hand-out of medium-scale permits. Large-scale exploration, prospecting and mining agreements are prepared by the GGMC but negotiated by the Minister of Mines.

There is no direct representation of Amerindian interests in the GGMC. Whereas the Guyana Gold and Diamond Miners Association is directly represented on the board of the Commission, Amerindian interests have only been represented on the Board, since 1999, through a nominee of the Ministry of Amerindian Affairs, George Spencer, who attends the Board meetings in an advisory capacity. According to the Ministry of Amerindian Affairs the advisor does not report back to the Ministry nor does he receive instructions from the Ministry. .

In the early 1990s, the very limited capacity of the GGMC to regulate mining was exposed by the World Bank and admitted by the Commissioner himself.[15] Since then an Environmental Division has been created within the GGMC, which has been supported through the CIDA-funded Guyanese Environmental Capacity Development project (GENCAPD). However, the more fundamental problems within GGMC have not been resolved. A 1999 assessment carried out as part of the GENCAPD project revealed that GGMC has:

> several weaknesses... GGMC apparently suffers from extensive corruption and the Prime Minister has considerations for its restructuring.[16]

The issue came to a head in November 2000, after a GGMC officer, a police officer and a non-commissioned officer of the Guyana Defense Force raided a mining camp on the Barima river, held up the miners at gunpoint and beat some of them up and stole their gold. The national newspaper, *Stabroek News* carried an article the following week noting that GGMC was beset by illicit practices and quoted an anonymous official attached to GGMC as saying that GGMC:

> ..has been beset by corrupt activities for years and has not changed much. Management has, in the past, seldom approved of officers going into the interior because of the suspicion of rampant corruption. The GGMC has lost the bush years ago. The situation has been terrible for years... [He noted that] it was a normal practice by mines officers to allow miners to operate in closed or disputed areas for a 10 per cent cut of the gold production... in the North West District around the Barama river area the operation of unlicenced dredges was also part of the racket, which used to fatten the pockets of some mines official.....[According to] Edward Shields, the

[14] GoG 2000:173.
[15] Colchester 1997:72.
[16] GENCAPD project brief, 4 May 2000.

> Executive Secretary of the Guyana Gold and Diamond Miners Association,.. over 90 per cent of the holders of medium-scale licences were not authorized to mine because they had prospecting licences..[but] many were operating as though they had mining licences.[17]

Despite the weak institutional capacity in Guyana, the tax burden on mining companies is greater than in many other countries. As a consequence of these factors – high taxes, weak regulatory capacity and endemic corruption - tax evasion and under-declaration are common.[18]

Mining permits are of a variety of kinds. Small-scale mining permits, which recognise small staked out areas up to 150 acres for mainly manual extraction or using small dredges, may be granted to individuals or companies. It is estimated that today there are about 14,500 small mining permits in Guyana. Medium Mining Licences, of areas between 150 and 2000 acres are issued to locally registered companies. Taken together small-scale permits and medium-scale licences cover approximately two million hectares of land in Guyana and allow extraction from 650 kilometres of rivers.[19] These mines give occupation to a large number of people. The GGMC calculates that some 9,000-12,000 people are directly engaged in small- and medium-scale mining, based on their figures that there are some 1,800 licenced dredges each of which is operated by between 5 to 7 persons.[20] An additional 2,000 persons are employed in large-scale mines. The UNDP has estimated that mining thereby provides the main source of income to some 40,000 to 60,000 Guyanese. Although small- and medium-scale mines are meant to be nationally owned, foreign investment in such mines and part ownership is now accepted and even encouraged. One recent survey went so far as to suggest that as much as 95 per cent of dredges operating in Guyana are wholly or partly owned by foreigners, notably Brazilians.[21] The Minister for Mines has stated that the Government policy is to welcome foreign investment in mining and in 2000 he recommended offering an amnesty to foreigners operating in the sector to allow them to declare their involvement without prejudicing their investments. The announcement sparked concern from Guyanese miners who fear being swamped by the Brazilian miners, who are alleged to be environmentally irresponsible and to be evading paying royalties.[22]

Large-scale mines, which occupy areas of over 2000 acres, are controlled through individually negotiated mining agreements signed between the government and foreign companies or consortia registered in Guyana. The agreements allow three stages in access to land: wide areas are offered for an initial period for geological *exploration* and surface sampling. From these wider areas, companies then have to select smaller areas for more intensive *prospection*. Prospectors are allowed to drill for cores, dig augur pits and carve sampling trenches. Finally, having located and assessed an area's potential, companies negotiate again for permits to open *actual mines*. Most agreements include terms which oblige companies to surrender to the government the data from exploration and prospection for the areas they choose to relinquish. Large-scale mining permits also set the terms for the royalties and taxes that the companies will pay. They are also supposed to ensure that companies have carried out environmental impact assessments to take account of, and make

[17] *Stabroek News* 27 November 2000.

[18] In 1993 the World Bank estimated that 75 per cent of gold was undeclared. The Government believes that under-declaration is now less of a problem now that gold no longer has to be sold directly to the Government but may be bought and sold by licenced gold dealers. Gold prices, previously set by the Government, now rise and fall on a daily basis in line with international markets.

[19] Colchester 1997:70, 86.

[20] Interviews with GGMC officials.

[21] *Stabroek News,* 1 August 2000.

[22] *Stabroek News,* 17 April 2001.

plans to mitigate, the environmental and social impacts of proposed mines. The closed nature of these negotiations has been criticised by the World Bank and has given rise to allegations of corruption and malpractice. Although maps of all the areas involved in these agreements are not made available, current evidence is that as much as one fifth of the territory of Guyana has been granted to foreign mining companies for exploration.

Technically, the GGMC is obliged to publish notice of permits, licences and agreements in the Official Gazette and in national newspapers. Members of the public are granted 21 days in which to register objections – a measure of little value to Amerindians many of whom live beyond the reach of such publications. Up until 1996, the GGMC used to distribute the Gazette with a list of mining permits to Regional Executive Officers (REOs), Deputy REOs, District Officers and to police stations. However, the practice was discontinued when it was found that Gazettes were not being read or made publicly available but just collected in dusty stacks in the corners of government offices. Today only the REOs receive Gazette's. The GGMC does not have plans to improve its mechanisms for informing local communities about prospective permits.

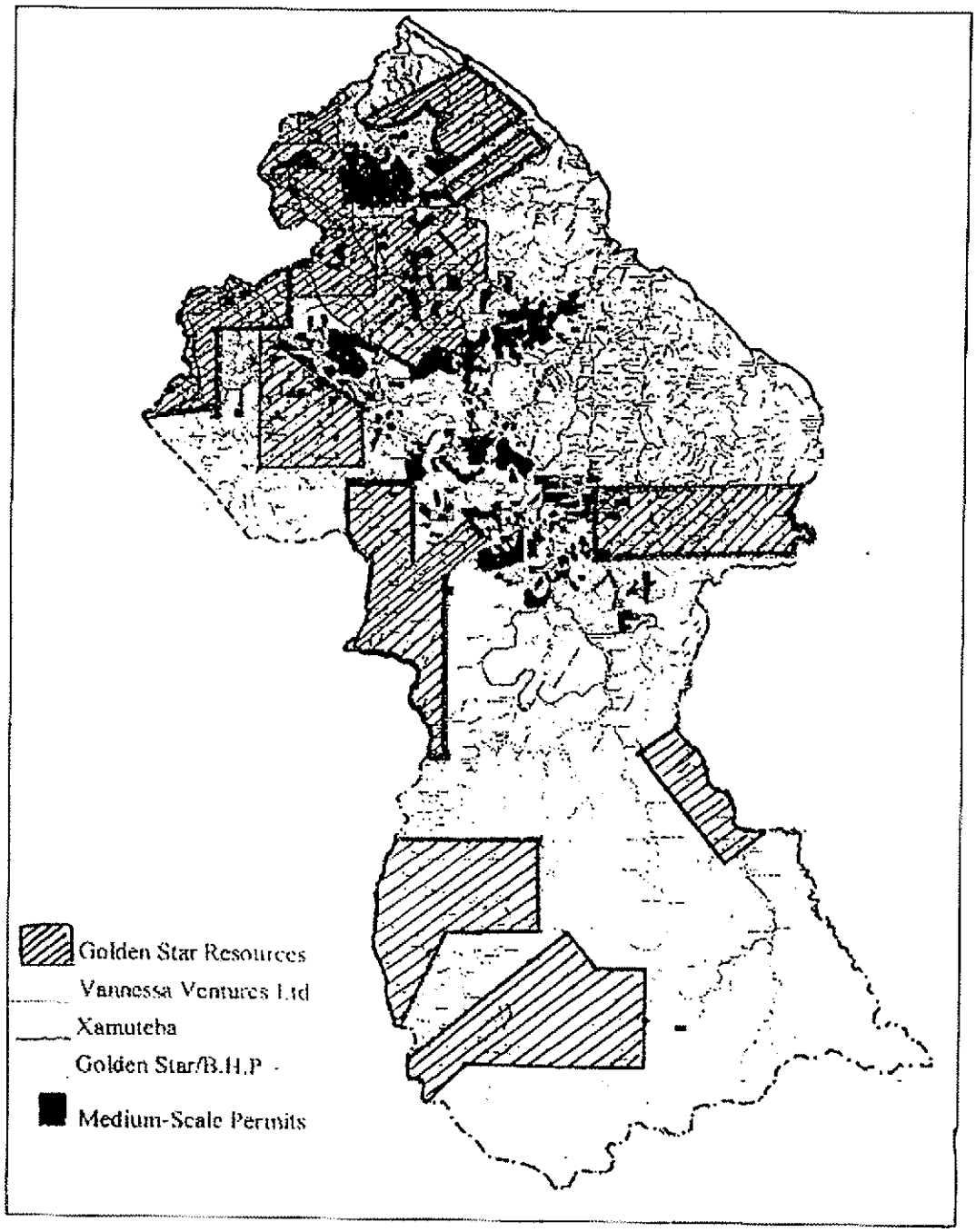
Guyana passed an Env*ironmental Protection Act* in 1996, which requires all mining operations to be subject to Environmental Impact Assessments (EIAs) including provisions for public participation. Additional regulations require holders of prospecting and mining permits to lodge 'environmental bonds' with Guyana Geology and Mines Commission to cover the costs of restoring the environment in case of malpractice. Such bonds are repayable to the miners if no damage is found. Social impact assessments are also required as part of these EIAs. The Act also requires the Environmental Protection Agency to investigate complaints of any violations of the Act and impose fines and penalties for malpractice. [23]

Monitoring of compliance with the mining and environmental regulations is the duty of the 20 field officers of the Guyana Geology and Mines Commission. But, as mining officials have noted, keeping tabs on the far flung mining communities 'is a costly and near impossible exercise'. The remoter sites in particular, typically those in Amerindian areas are very rarely visited by GGMC personnel.[24]

The National Development Strategy proposes that a half-percent royalty will be paid, for exploitation on Amerindian lands, into an Amerindian Development Fund, from the existing royalty stream.[25] This provision has yet to be put into practice.

[23] UMADC, APA, FPP 2000:53, 56
[24] *Stabroek News* 23 February 2000.
[25] GoG 2000:179.

**Map 2: Mining concessions and permits in Guyana**



**Amerindian Participation in the GENCAPD Project**

The CIDA-funded Guyana Environmental Capacity Development project was set up in early 1999 as a partnership between CIDA and the EPA, GGMC and the Guyana Gold and Diamond Miners' Association (GGDMA) with a primary focus on building up the capacity of the GGMC. During 1999, the GENCAPD project focused on an assessment of the institutional capacity of the GGMC. It found that the GGMC had *'several weaknesses... GGMC apparently suffers from extensive corruption and the Prime Minister has considerations for its restructuring.'* (GENCAPD project brief, 4 May 2000). The project is also working with the EPA to develop environmental regulations related to mining.

In public affairs, GENCAPD functions mainly as a training programme in Georgetown, giving workshops on mining issues but in its early phases it did nothing to involve Amerindians. The issue was raised by the APA with the Head of Aid at the Canadian High Commission in 1999. The APA was initially given assurances that there was Amerindian participation at the highest-levels of the GENCAPD project. However, after being asked to be more precise about this participation the Head of Aid, on checking his facts, discovered that there was no Amerindian participation whatsoever. He agreed to talk to the Prime Minister to resolve the matter. The APA also raised this issue directly with the Prime Minister and again received assurances that it was important that Amerindians participate in the project.

On 29th March 2000, the APA wrote to the Canadian High Commission enquiring about the possibilities of having formal Amerindian participation in the project and to request a meeting to discuss the matter. The APA noted that they wanted 'freely chosen' Amerindian representation on the project because:

'it is we, Amerindians, who must decide who represents us in matters affecting us and it appears to be routine that the Government appoints the Minister for Amerindian Affairs as an Amerindian representative. The Minister represents his political party not the Amerindian peoples of Guyana.'

The High Commission replied on 5 May 2000 noting that *'we have taken this important matter under review and are exploring avenues for Amerindian participation within the structure and activities of the GENCAPD project. Following this review and identification of options, we will contact you to discuss in more detail (sic.).'*

Since then the APA heard nothing about Amerindian participation in the project although the organization received invitations to attend several workshops on issues such as Biological Monitoring, Mercury Use, Tailings Impoundments, and Hydrogeology. A second meeting was therefore requested with CIDA in December 2000, at which it was admitted that although CIDA favours Amerindian participation in the project this has been resisted by the Government of Guyana. CIDA explained that it lacks a policy on indigenous peoples and does not favour conditioning its further support for the GENCAPD project on effective Amerindian participation.

## 4. Mining and Amerindians in Guyanese Law[26]

During the colonial era, Amerindians were not formally registered as *owners* of the lands that they used and occupied, even though their rights were recognised *in principle* by the Dutch, through the *Ordre van Regeringe* of 1629 and in the Charter of Dutch West Indies Company.[27] Instead of formally regularising Amerindian land rights, the colonial practise was to recognise in a very general way the Amerindians' rights and freedoms to use lands in traditional ways, subject to a gradually increasing number of prohibitions and limitations. Hunting, fishing, the gathering of forest products, navigation, travel and also small-scale mining by Amerindians were thus all explicitly permitted on Crown Lands. The 'privilege' of an Amerindian to continue small-scale mining is still recognised in the Mining Act (Section 111), unless he or she acquires a mining licence or permit in which case such privileges are suspended.

The main law which currently regulates the rights of Amerindians is the 1976 *Amerindian Act*. Although the Act was revised in 1976, it is mainly made up of essentially unrevised provisions from a series of previous laws dating back to 1902 and even earlier. The Act gives an undefined 'Minister' a great deal of power over Amerindians. Under the Act only those of Amerindian descent living in recognised Amerindian Areas, Districts or Villages have their rights well protected, a measure which currently excludes about half the country's Amerindians from effective protection under the Act. Many of the provisions are extremely paternalistic and it has been described by a World Bank consultant as *"an old style statute, setting out a colonial structure of indirect rule"* which is *"almost completely irrelevant to anything going on in Guyana on Amerindian questions"*.[28] The weakness of the Act was officially recognised in 1993 when a Parliamentary Select Committee was set up to revise it. However, the Committee was never provided any funding, met only a few times, made no records and is now effectively defunct.[29]

### Land rights

The idea that the Amerindians should actually be recognised as owners of their lands began to gain currency among colonial administrators in the last years of the colony, in line with advances in perceptions about indigenous peoples globally.[30] Similar awareness had grown among the Amerindians. In 1962, a petition signed by 26 Amerindian Chiefs was submitted to the Queen of the United Kingdom which read:

The humble petition of the chiefs of the Amerindian villages of British Guiana respectfully sheweth:

> Your petitioners are the Chiefs of the below mentioned villages and represent the Amerindians who are descendants of the original inhabitants of this country. Our peoples number 30,000 and live in villages scattered over approximately 68,000 square miles of British Guiana's total land area. Our people have lived peacefully in the forests and savannahs of British Guiana and have enjoyed protection of Your Majesty's Government for over 182 years. Your Petitioners have heard that there is a

[26] This section draws on FPP, PIPLinks, WRM 2000:34.
[27] Fergus MacKay pers.comm. 7 November 2000.
[28] Sanders 1995: 6, 20.
[29] APA nd.
[30] For example, in 1957, the International Labour Organization adopted Convention # 107 on Tribal and Inidgenous Populations, Article 11 of which explicitly recognizes their right to the ownership of the lands they customarily use or occupy.

possibility of Independence being granted soon and they are afraid of what will happen after Independence when Your Majesty's protection will be withdrawn. Your Petitioners especially fear that their rights will then be abrogated and ignored and the lands on which the Amerindians have lived for thousands of year will be expropriated.[31]

The Amerindian leader, Stephen Campbell, traveled to London to present this petition and lobbied the British government for recognition of Amerindian land rights. On his return, he set up the 'Amerindian Association' to mobilize Amerindian pressure on the Independence Commission to ensure that Amerindian interest were taken into account in the independence negotiations. .

Thus, when Guyana attained its independence from the United Kingdom in 1966, it was agreed that "the legal ownership of [indigenous peoples'] lands, rights of occupancy and other legal rights held by custom or tradition" be legally recognised without distinction or disability. To implement this, an Amerindian Lands Commission was established in 1966.

In 1969, this Commission issued its report. It noted that the indigenous peoples it had managed to talk to had made requests for recognition of their rights to 43,000 square miles, slightly more than 50 per cent of the country. However, the Commission recommended that 128 indigenous communities receive title to 24,000 square miles on the grounds that the areas requested by the Amerindians were "excessive and beyond the ability of the residents to develop and administer."[32] The Amerindian Lands Commission also recommended that mineral rights to a depth of 50 feet should be granted to Amerindians. This recommendation was subsequently ignored.[33]

The recommendations of the Amerindian Lands Commission were partially implemented in 1976 when the 1951 Amerindian Act was amended to vest title in some Amerindian communities. Under the Act (Article 20A(1)) title was transferred to the Amerindian villages and vested in the village councils, which hold the land in trust and for the benefit of the village. Further titles were granted in an additional schedule in 1991. To date, 74 communities have received title to about 6,000 square miles (4,500 square miles in 1976 and 1,500 square miles in 1991). Mineral rights are explicitly excluded from the titles. More than 50 communities remain without any legal guarantees for their lands. Furthermore, the titles issued are subject to substantial statutory limitations that permit expropriation of indigenous lands in six different ways, subjecting indigenous tenure to the whims of the government of the day.

It is widely assumed that the 1976 Amerindian Act granted Amerindians inalienable, freehold titles.[34] In reality, the Act placed so many conditions and limitations on Amerindian land titles that this assumption cannot be supported. On the other hand, the move to grant some Amerindians land titles did nothing to extinguish the general rights and freedoms enjoyed by Amerindians under previous laws.

As indicated by the numbers above, the extent of the titles granted bears little relationship to the lands recommended by the Amerindian Lands Commission (one-quarter) or those claimed by Amerindians (less than one-seventh). Furthermore, the titles bear little relationship to Amerindian subsistence practices and indigenous land rights as defined by

[31] Collins 1995:8.
[32] ALC 1969:77.
[33] ALC 1969:68
[34] Sanders 1995: 6, 20.

international human rights law. These titles also broke up once contiguous indigenous lands into islands intersected by areas of state lands, facilitating the entrance of environmentally-destructive and socially-disruptive mining and logging operations into the heart of traditional Amerindian lands, generating much conflict and resentment. Many of the communities without title are now located in concession areas. It should come as no surprise, then, that Amerindian communities throughout Guyana have expressed deep dissatisfaction about their lack of secure land tenure and are seeking either titles or 'extensions' of their existing titles.

**Current policies for regularising Amerindian land tenure**

The current government first came to power on a promise that it would sort out Amerindian grievances about mining on their lands. The PPP-Civic election manifesto of 1992 stated:

> *The PPP-Civic will ensure that titles are given to all Amerindian villages/settlements through their genuine elected councils. The boundaries of villages and settlements will be clearly defined and demarcated. Amerindians will be consulted on development projects which are likely to affect their rights and interests. The new government will work towards the allocation of part of the proceeds from the extraction of minerals and precious stones within the boundaries of any settlement, which is carried out with the consent of the Amerindian council, to be given to the settlement as development revenue.*[35]

Action to implement this commitment has been slow in coming, however. When Amerindians complained that their repeated demands to resolve the land issue were being ignored, in 1996 the then-President Cheddi Jagan repeated his commitment to secure Amerindian titles and to 'make additional land available for your use now and in future to accommodate the projected growth of your population'. At the same consultation with Amerindians, organised with the help of the World Bank, the Government also gave a clear undertaking to re-establish the Amerindian Lands Commission.[36] This was never established however.

Instead of reviving the Amerindian Lands Commission, in 1997 the Government announced the formation of a Task Force on Amerindian Lands, to be headed up by the Minister for Amerindian Affairs, which would survey and certify Amerindian land titles. The Minister announced that the Task Force's initial task was to regularise Amerindian rights to their existing titled areas. With minimal consultation and without the provision of any clear information about the procedures to be pursued, the Task Force started visiting Amerindian villages. Whereas some communities accepted the proposed surveying of their existing titles, others first sought assurances that by acceding to such surveys they were not prejudicing their claims to wider areas. Other Captains and Village Councils requested that the team survey the full areas claimed by the communities and also survey the land claims of those settlements still without any titles at all.

According to the testimony of a number of village Captains, the Minister gave very ambiguous responses to these concerns and requests. Whereas in some villages he is reported to have said that the government was prepared to consider 'extensions' at a later date, to other villages he told them that this was a 'once and for all' opportunity. The communities were also informed that their existing titles were not fully secure and needed to be surveyed and 'certified' by the Lands and Surveys Department in order to be definitive – a sudden turn of

[35] *Time for Change, Time to rebuild,* PPP/Civic Manifesto, 1992.
[36] GEF 1996:1, 11 and 76.

events that some Amerindians denounced as government 'magic'. In the event only a minority of Amerindian villages agreed to the surveys and a number of those which did initially agree changed their minds after consulting with other Amerindians. Survey teams visiting some communities were chased off village lands by irate Amerindians deeply suspicious of what they saw as the Ministry's refusal to deal effectively with their wider land claims.

The issue of land was the central theme of discussion at the National Toushaos' Conference held in Zeriwa (St. Ignatius) on 27-30 April 1999. The meeting rejected the Task Force process which was characterised as 'humiliating, insulting, discriminatory and a violation of our human rights.... We call on the government to desist from pressuring our communities into accepting demarcation and titles they are not satisfied with.'[37]

The Ministry of Amerindian Affairs official questioned about this issue as part of this investigation admit that the titles handed out to the Amerindians in 1976 and 1991 were 'political gimmicks' aimed to placate Amerindians in the run up to elections. Nonetheless, the present government had decided that it had to start with what has already been agreed by the Parliament. The plan remains therefore that the Task Force will address Amerindian land rights in three phases. In the first phase, which is underway, the task is to survey and certify existing titled areas. In the second phase, titles will be surveyed and granted to those settlements currently without titles. Then, finally, in the third phase, the government will consider requests for the 'extension' of titles.

Tony James, Chief of Chiefs in Region IX has expressed his frustration with government obfuscation:

> *Are you saying that our titles are not valid? We are not claiming an 'extension', we just want recognition of our lands, the same areas that we have always claimed. We feel that we are being made to jump through new hoops and meanwhile our areas are being handed out to other interests. Why not short-cut the process and deal with the claims directly?*

Asked what Amerindians should do *now* about mining, exploration and prospecting being carried out on areas used and claimed by Amerindians but to which they lack title, the Ministry official recommends that, as an interim measure, Amerindians should make their own maps and submit such claims to the Ministry, the President and Lands and Survey Department. The 'Minister can then support these interim measures'.

The suggestion is disingenuous. Just such a map was submitted to the Government in 1996 by the communities of the Upper Mazaruni but far from acting to secure Amerindian rights, mining continues to be permitted in the disputed areas. In 1998, the communities of the Upper Mazaruni entered a Statement of Claim to the High Court, suing the government for its failure to recognise their land rights. Three years later, the Court have yet to give the case a first hearing.[38]

The four regional consultations undertaken as part of this project and summarised in Annexes 3-6, have highlighted how disputes about land underlie many of the conflicts between miners and Amerindians. Not only do Amerindians lack rights to the lands that they

[37] *Report of the First National Toushaos Conference,* Zeriwa, 27-30 April 1999, Amerindian Peoples Association.
[38] UMADC, APA and FPP 2000:25-36.

customarily occupy and use, they are also denied access to a credible mechanism for resolving their concerns about lands.

It can be confidently predicted that conflicts between Amerindians and miners will only intensify as long as this climate of uncertainty is allowed to prevail. This situation is not only highly prejudicial to the welfare and futures of the Amerindians, but is also likely to discourage foreign investment in the mining sector.

## Mining, Amerindians and the Law

The 1989 Mining Act and the Mining Regulations contain both general and specific limitations on where mining permits may be issued and classify these limitations on the basis of the size of the mining operation - small-, medium- or large-scale.

### Small-scale mining

Small-scale mining is not permitted in areas lawfully occupied by Amerindians save with the express permission of the Village Council. Section 112 of the Mining Act states:

> *For the purposes of this Act, all land occupied or used by Amerindian communities and all land necessary for the quiet enjoyment by Amerindians of any Amerindian settlement, shall be deemed lawfully occupied by them.*

This investigation had revealed considerable ambiguity about the way this provision is interpreted by the Government. The GGMC claims that it establishes which such areas are from the Ministry of Amerindian Affairs and the Department for Lands and Surveys. The Ministry however explains that it does not have any such information and that the GGMC relies on the descriptions of the boundaries of Amerindian land titles set out in the 1976 and 1991 Schedules of the Amerindian Act and the sketch maps of Amerindian land titles held by the Department of Lands and Surveys.

From an Amerindian point of view, this process is doubly flawed. First, it ignores the fact that many of these maps are of extremely poor quality. Secondly, it ignores the fact that Amerindians use and occupy areas far greater than the limited areas to which they have so far secured title. The Minister of Mines is aware of these discrepancies but has expressed the view that while communities should be compensated for any damage to farms resulting from mining, mining should be permitted on Amerindian hunting grounds.

This investigation uncovered repeated instances where mining claims have been recognised in areas used and occupied by Amerindians. In the workshops and community consultations carried out during the project, Amerindians expressed a great deal of resentment about these impacts. .

In Region I, for example, the Caribs on the Barima, Barama, Baramita and tributary creeks in large part lack title to their lands. Mining has been permitted almost free-rein in the area since the 1840s and almost no effort has been made to determine which areas are necessary to their livelihoods for farming, hunting, fishing and gathering. . In Region VII, a similar situation prevails in the Middle Mazaruni. Likewise, communities living on the Wenamu in the Upper Mazaruni have been making complaints about this situation for years. Miners are exploiting the river banks just opposite the community of Kambaru, which lacks a land title. In Region VIII, similar problems have been experienced by the communities of Karisparu, Chenapau, Maikwak, Campbellville, Monkey Mountain and Tuseneng. . In

Region IX, mining in the Marudi mountains, a customary hunting zone, has resulted in 'slosh' entering the waters upstream of the communities (More details are found in Annexes 3, 4, 5 and 6).

To date, no legal case has been prosecuted in the Guyanese courts which could clarify how Section 112 should be interpreted. The issue remains a major source of contention.

**Medium-scale mining**

Form 5B of the Mining Regulations prohibits medium-scale permit holders from operating on lands (including rivers) "held under title," including titled Amerindian lands. However, titles issued under the *Amerindian Act* exclude rivers and river banks up to 66 feet inland from the mean low water mark (sec. 20A(2)), which has permitted GGMC to issue permits within titled areas, while claiming that the areas are not Amerindian lands.[39] The issue of titled lands is complicated further by the inaccurate maps of Amerindian lands used by the GGMC, when issuing permits to miners. In 1994, two Canadian researchers found that of the 52 maps of Amerindian lands available at the Department of Lands and Surveys, at least 25 had errors, of which 19 were substantial.[40]

**Large-scale mining**

There are no meaningful restrictions on large-scale mining. This is especially disturbing as over 35 multinationals, many of them holding large-scale permits, are presently operating in Guyana, often on titled and untitled Amerindian lands. In 1997, the GGMC predicted that large-scale permits would increase by 30 per cent by the year 2000. Some mining companies have even made deals with logging companies to conduct exploration activities in logging concession areas, some of which encompass titled and untitled Amerindian lands.

Under the *Environment Protection Act* (Section 68(1)(z)), the Minister for the Environment is authorised to make regulations defining *'principles to facilitate the participation of communities which are likely to be affected by the activities of a developer, taking account of the rights of indigenous communities'*. No such regulations have yet been passed and there is no Minster for the Environment.

In response to Amerindians expressions of concern about the uncontrolled impacts of mining on their lands and livelihoods, in 1997, the Government adopted an administrative policy on mining, which noted that:

> There have been criticisms of the Guyana Geology and Mines Commission (GGMC) entering into agreements for mineral prospecting and other developments over Amerindian lands without reference to the Amerindians living there. Government has decided that recognised Amerindian lands would stand exempted from any survey, prospecting or mineral agreements *unless the agreement of the Captain and Council for the proposal is obtained by the GGMC in writing.* While upholding the law that subsurface rights are vested in the State, government is of the view that the search for and

[39] Amerindian land titles issued in 1991 were made under the State Lands Act and thus include stronger provisions than the titles given under the Amerindian Act of 1976. Land titles under the State Lands Act are not subject to limitations and do not except lands near to rivers.
[40] Copeland and Forcese 1994:2.

development of mineral deposits on Amerindian lands is desirable since it can contribute to rapid growth and development of Amerindians and Amerindian communities. Government recognises too the many potential negative impacts and the need to arrange to minimize if not avoid them altogether.[41]

There are numerous examples of this commitment to consultation and Amerindian agreement having been ignored subsequently.[42] These issues are explored in more detail in Chapter 7.

**Access to justice**

Whether or not Amerindians can hope to find justice in the courts of Guyana is still a moot question. The first suit Amerindians have brought against the Government in order to secure rights to their ancestral lands was filed in the courts in October 1998. The courts then allowed the government defence lawyers to delay filing their counter-suit for 17 months and a date for the first hearing of the case has still to be given. At the Bar Association Conference in November 2000, the lack of an independent judiciary was a major theme of discussion. It was noted that the constitution does not assure an adequate separation of powers, and the systems for appointments and pay for judges allows the government undue influence over judges, thereby blurring the distinction between legislature and judiciary.[43]

## 5. Amerindian institutions and customary law

As in many forest-based societies, where villages are small and mobile and settlements tend to be widely dispersed, the Amerindian peoples of Guyana have strong egalitarian traditions.[44] Custom emphasises simultaneously the autonomy of the individual and the importance of sharing between all members of a village or cluster of villages. A fundamental organising principle is the concept of reciprocity and exchange: between individuals, between households, between villages, and between humans and what we call 'nature'. In these societies, the authority of a village headman or of village leaders is very limited. They lead, principally, by example, and their views are heeded because their wisdom and hard work is respected and not because their roles as headman or leaders imply inherent power to control others.

Relations between members of the communities are principally organised according to 'kinship systems' which, with the exception of the Warrau, are very similar among all the Amerindian peoples of Guyana. Anthropologists explain these kinship systems as adaptations to the very dispersed settlement pattern, common in the Guiana Highlands.[45] These kinship systems permit Amerindian societies to be ordered without the exercise of coercive power by native authorities or external powers.[46]

In large part because of the poor soils, dispersed game and relatively unplentiful fish stocks in the interior, traditionally Amerindian villages have always been relatively small,

[41] GoG 1997, *op. cit.*, p. 12

[42] Letters from the Amerindian Peoples Association to the Commissioner for Geology and Mines 18 August 1998 and 10 March 1999.

[43] *Stabroek News* 26 November 2000.

[44] Riviere 1984. A strong egalitarian emphasis is also prevalent in the tropical forests of Central Africa (Vansina 1990). Likewise, Grinker (1994:122-128) notes the absence of corporateness - that is shared and binding decision-making - among the Lese of the eastern Congo: 'the Lese have no indigenous authority position beyond ritual elder of the village.... and there is much evidence to suggest that a more central organizing model is the house' (op. cit. 127).

[45] Henley 1996:62.

[46] Thomas 1982.

widely spread out and mobile. The peoples have maintained close associations with their landscapes for millennia, but their actual village sites have changed frequently thus allowing the resources in one area to recuperate while they move to another area within their ancestral territories.

## The village as a socio-political unit

Anthropologists' observations of Amerindian social organization in the Guyanas have led them to identify the village, made up of a number of extended family households, as the main unit of decision-making. In areas where settlement patterns have not been radically changed by the interventions of administrators or missions, a common pattern is for villages to be built up around prominent men, sometimes supported by their immediate brothers, who encourage others to move into their villages by arranging marriages and acting as focal points in trading networks and ritual exchanges. For example, among the Ye'kwana of Venezuela, the ideal village is seen as an enduring, undivided, and unitary entity that is essentially not connected to other communities.[47]

The leader that emerges through these arrangements does not have coercive authority but promotes decisions by consensus through lengthy meetings of the family leaders, who are usually considered to be those old enough to have resident sons-in law living in the family household with these elders' daughters. In some villages the assembly of elders is considered to be a legitimate forum for decision-making and provides the basis on which contracts with outsiders can be made and adhered to, though the degree to which such contracts are considered binding is disputed.[48]

### Wider units of social organization

Less consensus has emerged about the extent to which larger social groupings were ever 'traditionally' units of decision-making. A widespread observation is that Amerindian peoples in the Guyanas tended to be settled in community clusters, whereby a number of closely related villages would settle near to each other, separated by quite large distances from other such clusters. However, whether in any sense such clusters ever made *joint* decisions about land, other property, marriage alliances or trading arrangements is less clear.

The older historical sources (written of course by Europeans with their own notions of how societies should be organised) suggest that in the past not only did these larger social groups act in concert but that they were led by powerful chiefs who commanded respect, if not full obedience, from the Amerindians in their areas.[49] It may well be that at a time when Amerindian societies had been less disrupted by contact, less decimated by disease and where warfare between communities was still common, strong leaders and broader social alliances were more prevalent.[50]

What is clearer is that broad networks of villages were woven together by constant interaction and exchange over a wide area. News, rumour, marriage alliances, ritual knowledge, trading arrangements, social visits, feasting and gift-giving sewed together the different communities so that they felt themselves to be culturally linked and to have a

[47] Arvelo-Jimenez 1971.
[48] Arvelo-Jimenez, 1971; Kaplan 1975; Dieter-Heinen 1979; Henley 1982; Thomas 1982; Riviere 1984.
[49] Whitehead 1988; Silva 2000.
[50] Kracke 1978; typically in American Indian societies war leaders were temporary chieftains whose authority was respected only for so long as a particular social conflict endured. Once peace was restored, they lost the power to command others.

common origin. Clusters of communities were referred to by regional names, identified as 'nations' or, later, 'tribes' by colonial visitors, which were often more localised than the broader ethnic groups or 'peoples' today identified on the basis of shared language.[51]

### Responding to change

Amerindians have responded in a great variety of ways to the impositions by non-indigenous outsiders, who had much more hierarchical and centralised systems of decision-making. Building on the broader social networks that had always linked together their villages, they have confronted the outside world by emphasising their own sense of identity and of belonging to particular territories. For example, faced with the threat of forced relocation from their lands due to plans to construct a major dam on the Mazaruni the Akawaio wrote in 1977:

> 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. If we had to move, we would be lost to those who remain in the other villages. This would be a sadness to us all, like the sadness of death. Those who moved would be strangers to the people, spirits and places where they are made to go.[52]

The emergence of a stronger sense of ethnic identity has been widely remarked on throughout the region. A sense of shared purpose has linked together groups that are dispersed across wide areas to make common demands of government. Common cause has been found both among members of the same linguistic groups and between language groups. Indeed, increasingly, there has been an emergence of a sense of shared struggle and identity as 'Amerindians' within Guyana.

## Community unity? Gender concerns

Promoters of participatory development and community-based natural resource management have often been accused of inventing a false, idealised world in which everyone in a community is equal, at peace with everyone else and has shared goals and ideas. Of course, things are never that simple.[53]

Tensions exist in all societies and Amerindians are no exceptions. Typically, young people feel excluded from power and struggle to assert their interests. When societies undergo rapid social change, the roles of younger generations may also change rapidly: they either respond to their felt exclusion by leaving their communities, or their quick learning of new skills and priorities may encourage them to supplant their elders. These kinds of tensions happen everywhere.

Women are also often excluded from power in many societies and this has also become an issue of dispute among Amerindians. Traditionally, Amerindian systems of decision-making do seem to be male-dominated and in some societies there is an explicit expectation that women's duties are confined to the household and to domestic affairs, while men are charged with political matters.[54] Many observers go on to assume that the lack of formal engagement of women in positions of authority necessarily implies their subordinate

[51] Butt Colson and Heinen 1983/4.
[52] Cited in Bennett, Butt Colson and Wavell 1978:9.
[53] Burkey 1993:40-41.
[54] Silva 2000.

status.[55] However, it is not so obvious as that. Many Amerindians note that, despite appearances women are very influential in decision-making but they exert their influence indirectly, through their male kin and their husbands and through their positions of authority and respect within their households. Given the generally slow pace of customary decision-making in Amerindian life – where binding decisions are rarely made at a single meeting – this indirect influence may mean that women's interests and opinions are taken into account.

However, as western institutions have been imposed on Amerindian communities and as the pressure from outside for rapid decision-making has intensified, the exclusion of women and younger people may be becoming a more acute problem, because traditional decision-making processes have not had time to run their proper course. On the other hand, as Janette Forte has noted, the excessive focus of NGOs in recent years on the empowerment of marginalized social sectors has meant that *'traditional leaders, who often have had little formal schooling, have felt displaced by their womenfolk or by younger community members more versed in dealing with majority society.'*[56]

## Amerindian institutions under colonialism

Permanent relations between the Amerindians and colonial trading settlements began in the early part of the C17th, when the Dutch began to establish small forts along the lower rivers, to trade in forest products with the Amerindians and gradually establish plantations. The Dutch were too remote from Europe and small in numbers to secure their control by outright conquest. Instead they were wholly reliant on alliances with the Amerindians to secure trade, assure themselves of supplies of food and labour and maintain the balance of power with the Spanish on the lower Orinoco. Early records show how the colonials recognised the leaders of the 'Indian' 'nations' as 'kings'. Formal treaties were signed to formalise these relations.[57]

As the trading system extended into the interior, and the coastal plantations relied increasingly on the Amerindians as a 'bush police' to capture 'red slaves' and recapture runaway black slaves, the need for formal points of contact between Dutch and Amerindian grew. In the early 18th century, the Dutch established trading posts far up river, manned by 'postholders' who liaised with local 'owls' (as the Amerindian 'chiefs' were known) to regulate affairs.[58] These relations were gradually formalised, and it became the practice for the Amerindians to select candidates to represent them, from amongst whom the Dutch then appointed the 'chiefs' as recognised tribal authorities. The colonials also retained the power to dismiss such 'chiefs' for misbehaviour, such as violence or drunkenness.

This formalising of Amerindian 'chiefs' was at once a recognition of the autonomy of Amerindian villages at the same time as a system for imposing Dutch control and for ordering relations between the communities and the Dutch traders. By the mid 18th century, these Amerindian chiefs were being formally vested with authority by the Dutch in village ceremonies. The chiefs ('owls') were given silver collars and later silver-knobbed canes and wide-brimmed hats, as symbols of their office.[59]

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[55] Guijt and Shah 1999.
[56] Forte 1996:14.
[57] Colchester 1997:5-15.
[58] Whitehead 1988.
[59] Menezes 1979. It perhaps needs emphasising that these 'Chiefs' differed substantially from many indigenous 'Chiefs' in Africa and the Pacific. They did not derive their authority principally from their customary powers, they did not have coercive power to extract tax, revenues in food or servile labour. The authority of Amerindian leaders derived in part from the autonomy of their communities; their duties focused on mediation between their peoples and colonial traders and authorities; but, ultimately, their power depended on a transfer of the authority

The transfer of control of the Guyana colonies to the British in the early 19th century did not change this system. Under the British, the 'owls' were renamed 'Captains' and 'Sub-Captains' were appointed to assist them in their duties. The Captains were appointed in public ceremonies at which they were given written and signed 'Commissions' charging them with promoting *'the welfare and well-being of the Indians thus placed under your protection'*. The British puzzled over which laws should obtain in the communities – customary law or British law – and, from 1834 onwards, resolved the ambiguity in a practical way by giving the Captains the powers of rural Constables.

The duties of the Captains/Constables were quite onerous. Their principal task was to act as a liaison officer between the British and their own people. They had to function as census-takers, act as minor justices of the peace to preserve law and order, control crime and feuds, organise the capture of runaway slaves, supply labour for visiting expeditions, negotiate wages, mediate trade arrangements, solicit medical assistance and encourage attendance at mission schools and churches. By the early C20th, the Captains were issued with uniforms to give them greater authority.[60]

However, the duties of the Captains were not given significant reward. In 1958, the only elected Amerindian member of the House of Assembly, Stephen Campbell, noted that the Captains were only paid G$10 per month for their services.

> They are responsible to Government for good order in the districts in which they live, and must give of their time in keeping good order. As chiefs they must not leave their districts or villages, not even to seek a job. Their complaint is that their remuneration is not sufficient pay today for anyone doing a fulltime job.[61]

In one respect the British system of recognised 'Captains' differed from the Dutch appointment of 'owls'. At least during the late 19th century, it became the norm for the colonial state to recognise the Amerindians' own choice of Captain and during the C20th, as democratic principals became generalised, the idea that Captains were the elected representatives of their communities became general. .

After World War II, the ideals of representative democracy became further established. Government surveys revealed the shocking state of morale and health, and administrative neglect, in the Amerindian communities and strongly recommended the setting up of Village Councils. By establishing these Village Councils, the government aimed to strengthen Amerindian participation in development, hasten Amerindian integration into the national mainstream and provide greater checks and balances on the powers of the Captains. The measure was introduced at the same time as the colonial government embarked on a conscious policy of interior development and the concentration of dispersed Amerindians into larger, centralised and colonially administered settlements under the direct supervision of British District Officers.

Village Councils provided a means by which the previous leaders of smaller settlements and dispersed households could be given a formalised role in decision-making. In 1951, Ordinance 22 was passed formally recognising the authority of Village, Area and

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of the colonial State, symbolised in the canes of office and later the paternalistic language of their 'Commissions' (contrast with Earle 1997; White and Lindstrom 1997).

[60] Menezes 1977.

[61] Collins 1995: 7. Today the remuneration is still minimal. Captains receive stipends around G$7,000 a month (slightly more in the larger communities) – about US$450/year at current exchange rates.

District Councils and by 1955 the first experiments in establishing these Councils, later to become general, were begun in the Upper Mazaruni.[62] The Councils were empowered to levy taxes, enact rules and regulations for a number of prescribed purposes and to hold hearings and levy fines for non-compliance with the rules and regulations.

## Administration in Amerindian areas since Independence

Government policy towards the Amerindians did not change substantially after independence and the emphasis remained – and has remained to this day – oriented towards exploiting the interior's natural resources while promoting Amerindian integration.

However, the paternalism of the colonial administration was replaced by a new, at first somewhat strident, nationalism, at time coloured by racial overtones. The racial politics on the coast, which had been stoked by colonial mismanagement and policies of divide and rule before independence, began to infect the interior also. A rebellion in the Rupununi in 1969, just at the time the Amerindian Lands Commission was due to report on the Amerindians' land claims, fueled suspicions that the Amerindians were not loyal Guyanese.

The goals of national development, national integration and national security left little room for a recognition of Amerindian land rights and autonomy. Moves to recognize Amerindian land rights were frozen for 7 years. At the same time the administrative system for the interior was overhauled. New boundaries were drawn on the maps, breaking the country up into regions, districts and sub-districts, with almost no reference to ethnic identities or traditional territories.

However, in 1976 the roles of the Amerindian Councils were reaffirmed with the revision of the *Amerindian Act 1951*. In addition to their former duties, Amerindian Councils became the owners of Amerindian titled lands. Lands were vested in the Councils to be held in trust for the benefit of their communities. In 1990, the authority of Amerindian Captains to act as justices of the peace was also reaffirmed under the *Miscellaneous Enactments (Amendment) Act*.[63] However, little effort is made to inform Amerindian Captains and Councillors of their powers and duties under the law and official acts swearing in Captains as rural constables and justices of the peace are rare.

In 1980, the government passed a *Local Democratic Organs Act*, which was designed to put into practice elements in the revised Constitution adopted that year. Guyana was, accordingly, divided into 10 administrative regions. A revised system of local government was set in place, which included Regional Democratic Councils, Community Development Councils and Neighbourhood Democratic Councils under the administration of the Minister of Local Government. Under the Act, the Minister has the authority to regulate the relationship between Amerindian Village Councils and other 'local democratic organizations' (LDOs). Whether this was ever done or not is unknown and there is much confusion in Amerindian communities about what is the exact relationship between their own Councils and these LDOs.

During the period of effective one-party rule between 1969 and 1988, representative democracy declined in the communities. Once again, Captains and Councillors were generally selected by the administration instead of being elected by the villages. Loyalty to the ruling party became the key criterion for such appointments. Today, the Captains and Councillors in the Amerindian villages and districts are once more elected to office, but the

[62] For a discussion and more detailed references see Colchester 1997:126-139.
[63] UMADC, APA and FPP 2000:14.

impositions and manipulations of the Burnham era have left behind a legacy of mistrust and a fear of speaking out, which remain real obstacles to active Amerindian participation to this day.

**Key 'Stakeholders'**

If in future decisions about mining in Amerindian areas are to take place subsequent to consultation and negotiations with Amerindians and other interested parties, there is a need to identify the key 'stakeholders'[64] which may have a legitimate interest in participating in such discussions and negotiations. This table sets out the main players:

**Amerindians:**

- Amerindian community members
- Amerindian Village and District Councils
- Amerindian Captains (known as 'Toushaos' in southern Guyana)
- Regional Amerindian Councils
- National Toushaos Council
- Amerindian Organizations: Amerindian Peoples Association
  Guyanese Organization of Indigenous Peoples

**Local Government:**

- Regional Democratic Councils,
- Community Development Councils
- Neighbourhood Democratic Councils
- Ministry of Local Government

**National Government:**

- Ministry of Amerindian Affairs
- Guyana Geology and Mines Commission
- Environmental Protection Agency

**Private Sector:**

- Whichever mining company is involved
- Guyana Gold and Diamond Miners Association

To improve coordination among the Captains and Village Councils, in a number of regions regional bodies have emerged with varying degrees of official approval and endorsement. In Region IX, a Region 9 Toushaos Council has emerged which includes the Captains and Village Councils of all the Amerindian villages of the region. The Council meets annually. In addition, stimulated by the proximity of the Iwokrama Rainforest Programme, some of the Makushi leaders around Annai have established the North Rupununi District Development Board, which is increasingly accepted as a genuine vehicle representing Amerindians in the region. In Region VIII, the Patamona and Makushi have organised themselves into a Region 8 Area Council, which meets quarterly and has long been used as a

[64] The term 'stakeholder' has been widely criticized by indigenous peoples as masking the conflicts of interest between the different players so decribed. The term is used to encourage dialogue and a sharing of views but at the same time obscures real differences in power and rights. 'We are 'rightsholders' not 'stakeholders'' is a common assertion by indigenous peoples.

mechanism for interaction between the regional administration and the dispersed communities in this mountainous region. Likewise, in Region VII, the Akawaio and Arekuna are coordinated through the Upper Mazaruni Amerindian District Council, which increasingly includes the communities of Arau and Kaikan on the Upper Wenamu. In Region I and the other regions of Guyana, the communities remain more fragmented. Recently, a Moruca Amerindian Land Council has emerged representing all eleven communities in the Moruca Sub-Region. There has also been one meeting of a National Toushaos' conference, which it is proposed, may become a National Toushaos' Council in the fullness of time.[65]

## Amerindian Institutions and the Regulation of Mining

The regional consultations and meetings of the national indigenous advisory committee held under this project have found that, in general, Amerindians accept the colonially-imposed institutions of Captains and Councils, although the quality of Amerindian leadership is sometimes questioned. The system of elected representatives provides an acceptable mechanism whereby leaders can be elected to represent community interests and by which they can be removed when they are found wanting. A number of allegations were made against Amerindians Captains who had negotiated agreements with miners granting them access to Amerindian lands without the consent of the community and without transparency about the financial arrangements entailed.

The research suggests that negotiations between miners and Amerindian Captains frequently fail to follow the law. Very often agreements or contracts are being signed between mining companies and village Captains without the consent or even knowledge of the Village Councils. This is contrary to Section 19(1)(a) of the Amerindian Act, which vests titles to Amerindian lands in the Village Council and not in the Captain. Section 19(1)(b) authorizes the Village Council, not the Captain alone, to make decisions about the use, management and regulation of titled lands. The Captain, as a only one member of the Village Council, cannot sign agreements on behalf of the village without the approval of the Village Council as a whole in accordance with the procedures set out in the Amerindian District, Area and Village Council (Conduct of Business) Rules, R. 3/1959. These rules, made under section 19(2) of the Amerindian Act require *inter alia* that:

- All decisions be made in public meetings of the Village Council.
- Notice of such meetings be sent to all Council members at least three days before the meeting takes place
- That there must be 51 per cent of the Council present for a quorum

In general, the consultations revealed that Amerindians lack awareness of these legal protections, which are designed to ensure that decisions about access to communal lands are made for the benefit of the community as a whole and not just the leaders.

On the other hand, many Amerindians complain of the lack of respect shown to Amerindian Captains and Councils by the mining companies and the government. Indeed, there seems to be a lack of clarity about who has authority in village affairs. Sectoral programmes – in health, education, transportation, forestry, conservation and mining – are all promoted in Amerindian communities by the regional administration with a minimum of reference to the Captains and Councils. Indeed in Maburuma sub-district in Region 1, the regional administration has gone so far as to introduce 'Community Police' who are directly

[65] APA 1999b.

answerable to the administration not the Captains, even though these are legally vested with the powers of a rural constable.

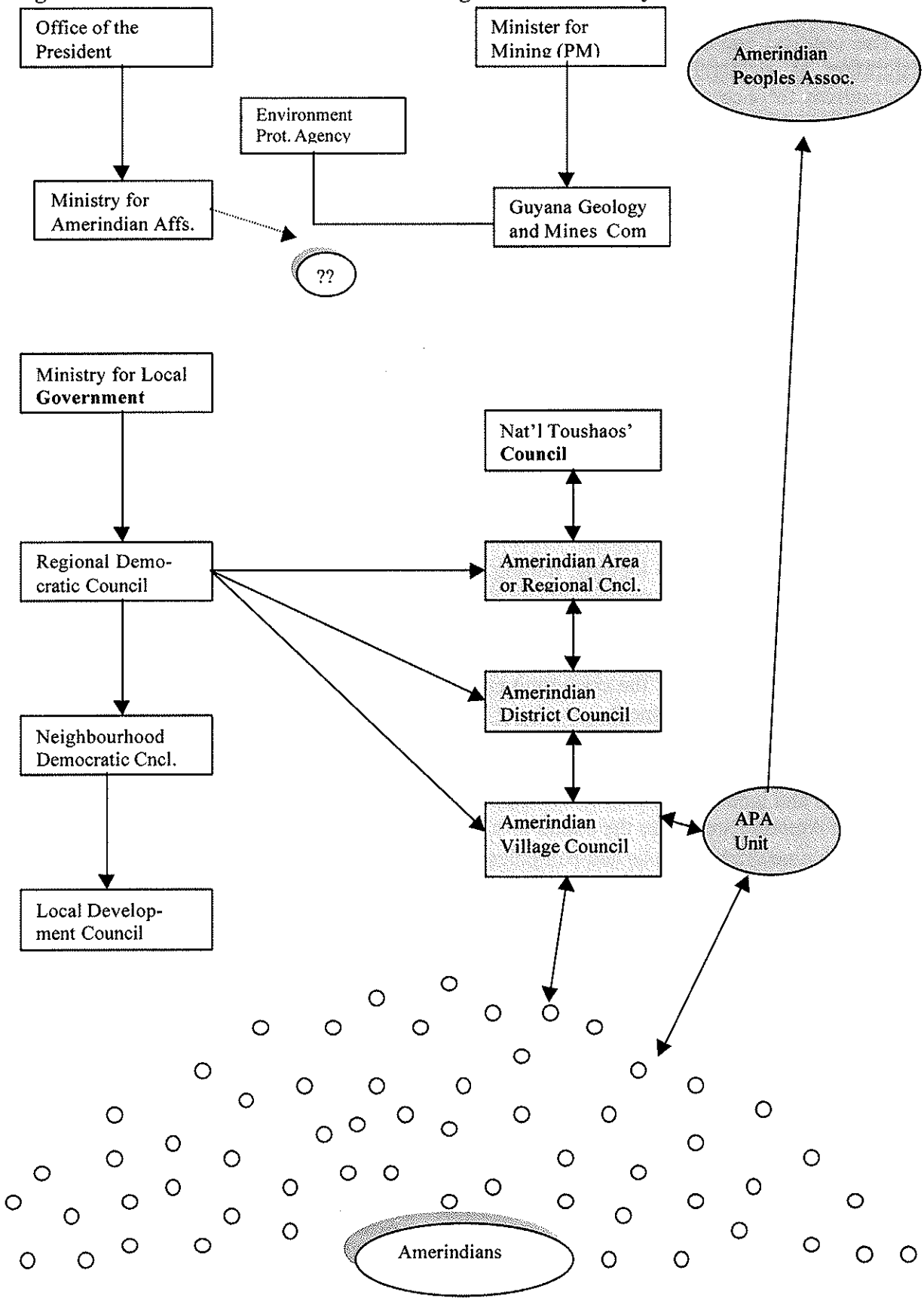
The following complaints were voiced in the consultations about the way the Government tends to deal with Amerindian authorities:

- Regional Development Officers tend to manipulate village elections to try to get in the people they want to deal with.
- The regional administrations are led by political appointees who manipulate regional development budgets to promote the interests of their clients and exclude those who oppose government policy.
- Contracts for village development projects tend to be made over the heads of the Captains without referring to them. Often outsiders are contracted, 'clients' of the administrative officer 'patrons', and they often carry out shoddy and inappropriate works.
- SIMAP[66] funds are typically manipulated in these ways.
- Centrally administered regional development funds have created dependency on the administration and a decline in traditions of self-help and self-sufficiency.
- Typically government officials are ignorant of Amerindian decision-making. They hold short meetings, make presentations, ask for comments and take silence as consent, when in fact people want to talk among themselves before making a statement or decision.

An example of the disadvantageous way that agreements between Amerindian communities and miners are negotiated is documented in detail in Annex 3. The case shows how a local miner, Wayne Vieira, attempted first to sign an agreement only with the Captain of the community while excluding other members of the Council or the community. When this was repudiated by the community and brought to the attention of the authorities, the Government moved only with great reluctance to get an agreement signed in accordance with the law. Even then heavy pressure was placed on the community by the GGMC and the Ministry of Amerindian Affairs to accede to a revised contract, with the Captain and Council being taken 50 miles away from their village, away from other community members and cajoled into signing the agreement. The community members complain that the miner has since failed to honour the agreement but the authorities who pressured the community to sign have done little to ensure compliance.

[66] SIMAP (Social Impact Mitigation Action Programme) is a 'safety-net' programme designed to cushion poorer sections of Guyanese society from the impact of Structural Adjustment.

**Figure 1: Institutions with arrows indicating lines of authority**



# 6. The Rise of the Amerindian Movement

The political and economic liberalization of Guyana at the end of the 1980s and the restoration of electoral democracy in the early 1990s, opened up political space for Amerindians to once again speak out without fear of repression. A number of indigenous organizations have emerged or revived as a result, by far the strongest of which is the Amerindian Peoples Association (APA). The APA was formed in 1991 and officially registered as an NGO in 1998 and is comprised of APA 'Units', each of not less than ten persons, in some 52 Amerindian communities. Each unit sends two voting members to a national conference every two years at which the APA's Executive Committee, made up of 17 members drawn from the Regions, is elected. This committee, assisted by a small dedicated secretariat of only five persons in Georgetown, runs the APA's affairs and decides on work priorities and activities between conferences.[67] The main focus of the Amerindian Peoples Association has been on securing recognition of Amerindians' rights to their lands and to represent themselves in all decisions that affect them. Key activities of the APA have been to:

- Raise awareness in Amerindian communities about their rights and means of redress for their grievances
- Raise the concerns of Amerindian communities with the government, international agencies and the media
- Call for a slow-down in logging, mining and road-building in the interior until the rights of Amerindians are first recognized and secured
- Press for changes in laws and policies affecting Amerindians, in line with international human rights laws and standards
- Carry out workshops in the communities in human rights, environmental education and natural resource management
- Advocate reforms of the constitution to secure Amerindian rights
- Carry out participatory mapping projects to help Amerindians clarify their land use systems and land claims
- Assist Amerindians to use the courts to sue for their rights
- Publish a newsletter, books and pamphlets clarifying the situation of Amerindians

The APA differs strategically from indigenous organization in many other parts of South America both in its emphasis on direct representation of Amerindians from rural communities in its main congress and in its inter-tribal structure. In other countries such as Peru and Ecuador, local level organizations have formed along ethnic lines and have then affiliated at regional and national levels as Federations and Confederations. In contrast, in part because the of the relatively small numbers of Amerindians in the country and the perceived need to combine numbers for unity at the national level, the APA has encouraged APA Units in Amerindian communities throughout the country and has promoted the formation of regional associations which cross-cut ethnic boundaries. The explicit aim of this approach has been to promote alliances between all Amerindians. This approach was also affirmed at the National Toushaos' Conference with the announcement of a Peace Treaty between all the tribes.

[67] There are those who criticise Amerindians for accepting funds and advice from overseas organizations and for not being represented by a single organization. These objections are hardly convincing as donor assistance and technical advice is enjoyed by every other sector or Guyanese society, despite the plethora of organizations by which they are represented. It is plain hypocrisy and discrimination to deny these benefits to Amerindians who need assistance to emerge from centuries of marginalisation more than most.

# 7. Mining and Amerindians

*'When it comes to despoiling the planet and polluting the environment, the mining industry is a world beater.'*
'The Economist'[68]

## Mining and its impacts on Amerindians: previous studies

In general there is an absence of government studies, looking specifically at the impacts of mining on Amerindians. The GGMC has an explicit policy of downplaying the ethnic dimensions of mining, preferring to deal with 'hinterland communities' as an undifferentiated whole. Interim results of studies currently underway in Aroaima, Kariako, Imbaimadai and Maikobi being led by consultants from Ontario, Canada, have documented how the absence of social and physical infrastructures in mining areas, mean that miners do place heavy pressure on local villages to supply their needs, in terms of transportation, communications, supplies and recreation.[69]

Despite the absence of government studies looking specifically at the impacts on Amerindians, there already exists an extensive literature on the impacts that mining has had on Amerindian communities from academic and NGO studies. Rather than restate all this information over again, this information is summarized below. Subsequent sections summarize the additional information gathered during this investigation.

Well documented impacts of mining on the Amerindians in Guyana include:

- The hand out of mining permits, licences and concessions near to Amerindian settlements without any prior consultation or provision of information to Amerindians
- Invasion of Amerindian customary lands, with consequent loss of access to lands, additional hunting and fishing pressures and impeded access to resources
- Destruction of crops and other natural resources important to peoples' livelihoods
- Desecration of sacred sites
- Despoliation and damage to cemeteries
- Undermining village landings (riverbank ports)
- Damage to fish traps and natural fisheries (lakes and ox-bows)
- Capsizing of Amerindian canoes in miners' speedboat wash
- Erosion of soil and clearance of farmlands and forest fallows
- Forest clearance and habitat damage
- Contamination of bathing and drinking water with chemicals, human waste and even corpses
- Pollution of waterways and damage to, or collapse of, fish-stocks
- Siltation of rivers impeding navigation
- Mercury pollution causing poisoning of miners, fish stocks and general population (and see box next page).

[68] *The Economist* 14 July 2001.
[69] Interviews with GGMC, 6 July 2001.

**Mercury In Guyana**

Mercury is a persistent toxin that is hard to eliminate from natural ecosystems. Once in the food chain it tends to concentrate in the tissues of animal predators such as large fish. It is an accumulative poison, which is to say that it tends to build up in body tissues and is not readily excreted. Mercury poisoning is a serious affliction which in chronic forms causes irreparable damage to the nervous system, resulting in uncontrollable shaking, wasting of muscles, partial blindness, mental disturbances and deformities in children. Mercury poisoning may also damage reproductive organs, cause miscarriages and suppress the immune system. Severe poisoning may cause death.

Concerns about mercury contamination and poisoning have long been voiced over many years in many parts of Amazonia.[70] It is estimated that, in Amazonia as a whole, some 250 tonnes of mercury are released into the environment each year by miners.[71] Under Brazilian law the maximum permitted level of mercury in the environment is 0.5 parts per million (ppm).[72] Bio-accumulation resulting in 5 ppm in slow growing tissues like hair is considered within the 'safe level' according to 1972 World Health Organization guidelines. More recent research suggests that even such 'low' levels can pose a risk to the health of young children and foetuses. Health Canada considers levels of 6 - 30 ppm to be in a range of 'increasing risk' while concentrations of over 30ppm put persons 'at risk'.[73]

The use of mercury is, theoretically, heavily regulated in Guyana. Mercury poisoning is a 'Notifiable Disease' under the *Factories Act 1948*. Compensation for poisoning is payable under the *Workmen's Compensation Act 1923*. Safety measures for handling mercury are also included under the *Pesticides and Toxic Chemicals Control Act* 1992. Under the *Mining Act 1989*, Regulation 134, stipulates that mercury must be stored in a specially set aside location. It may only be released from the store with the signed permission of the mine manager or a delegated authority. Documentary stock controls signed for by personnel drawing the mercury are obligatory. Under Regulation 137 and 138, miners are prohibited from handling mercury without wearing gloves. The use of mercury in sluice boxes is prohibited. In vaporising mercury due care must be taken to ensure no one is exposed to the fumes. Warnings must be given to all in the vicinity when vaporisation takes place. Regulation 128 provides for the fencing off of all water containing poisonous or chemical solutions used in the treatment of gold. Tailings containing mercury are to be stored in drums or special containers. .

Needless to say, these regulation are routinely violated by miners in Guyana. The use of mercury in sluice boxes is normal practice. Retort recovery of mercury when 'burning off' (vaporising) amalgam is very rarely practised. The regulations are also largely ignored by GGMC personnel, which has a minimal capacity to enforce them. .

*(continued on page 35)*

[70] Cleary 1990; MacMillan 1995; Colchester 1995; 1997; Sponsel 1996.
[71] *New Scientist* 6 February 1999.
[72] Chaterjee 1998.
[73] Barnes et al. 2000.

*(continued from page 34)*

A recent WWF study of mercury use and contamination along the Mazaruni river, the traditional territory of the Akawaio, shows that between 30 and 40 per cent of residents (Amerindians and coastlanders alike) have knowingly been exposed to mercury, of whom nearly 90 per cent admitted handling mercury with their bare hands. In the centre of the Middle Mazaruni, where mining is most intense and Amerindians make up about two thirds of the population, over 50 per cent of residents showed dangerous levels of mercury in their hair (14 ppm – nearly three times higher than the WHO's 'safe level'). In the mainly Amerindian community of Isseneru 96 per cent of the population had 'increasing risk' levels of mercury in their hair (10 ppm).[74] Recent research by the Dutch agency Tropenbos in Region I found mercury levels in hair samples ranging between 2 and 22 ppm in Carib communities along the Barama.[75]

Speaking on behalf of the Guyana Gold and Diamond Miners Association, the executive secretary Edward 'Tony' Shields has admitted that some miners engage in bad practices. 'Retorts should be made compulsory' he has been quoted as stating.[76]

- Acid mine drainage
- Heavy metal pollution (alleged but not proven)
- Tailings dams breaches and cyanide spills causing massive damage to riverine ecosystems
- Dust pollution causing breathing difficulties, notably from bauxite mines and works
- Loss of life and injury to mine workers including Amerindians
- Illness from polluted bathing and drinking waters including typhoid, skin rashes, vomiting and diarrhoea
- Increase in malaria, tuberculosis and other tropical diseases
- Rise in prostitution and incidence of sexually transmitted disease
- Prevalence of alcohol and drugs in the mining camps and nearby settlements
- Thefts and robberies from Amerindian settlements by miners
- Menaces, threats to life and violence by miners challenged by Amerindians for their illegal practices
- Sexual abuse and rape of Amerindian women by miners
- Special problems for women and children when male members of the community absent themselves to work in the mines
- Increase in number of one-parent households
- Breakdown of subsistence farming systems
- Police harassment and beatings by police of Amerindians who object to mining.
- Denial of the right for Amerindian leaders to be accompanied by members of the Amerindian organizations and by lawyers in their dealing with government. [77]

According to Denis Canterbury of the University of Guyana:

[74] Barnes et al 2000; GENCAPD 2000.
[75] Marileen Reinders pers. comm. 24 November 2000.
[76] Isseneru villagers face risk of mercury contamination – report finds *Stabroek News* 19 June 2001
[77] For further details see Forte 1996; 1998; Colchester 1997; Letters from the Amerindian Peoples Association to the Commissioner for Geology and Mines, 18 August 1998, 28 September 1998, 10 March 1999; James and Janki 1999; UMADC, APA and FPP 2000; FPP, PIPlinks and WRM 2000 and the sources cited therein. See also *Stabroek News* 17 April 2001.

> Despite their special treatment the indigenous peoples in Guyana are severely affected by mining in terms of linguistic, social and economic disruptions. These effects include a disruption and disappearance of their fishing and farming ground and languages, the prevalence of new diseases such as AIDS, flooding, pollution of rivers and creeks, depopulation and a degraded environment. In some cases indigenous peoples are considered squatters on their own land, experience poor education/school conditions, veiled racism, malaria, lack of piped water and electricity, and are paid poor salaries.[78]

More generally, Janette Forte of the Amerindian Research Unit of the University of Guyana adds that:

> The mining industry has had a profound effect on many Amerindian communities, both those close to mining sites as well as those far away. Yet there are no established mechanisms to allow Amerindian leaders to meet periodically with officials of the State and the mining industry to ventilate concerns or to receive information on local or national developments. This is perhaps inevitable in an industry that developed rapidly within an economy where infrastructure, human and material resources are all limited. From the indigenous point of view, nevertheless, the urgent need is for the settlement of outstanding land claims, a mechanism for consultation as well as more direct benefits from some of the royalties and other payments accruing to central Government from interior-based industries.[79]

These issues have been raised by many other commentators and are part of a larger body of literature detailing the serious problems caused by resource exploitation on or near Amerindian lands. This was noted by a World Bank consultant in 1995, who stated that:

> Every report which has come to this writer's attention has devoted space to the single largest economic, political, and psychological issue facing Amerindians today: the interplay of lack of statutory, titled land rights and the increasingly aggressive behaviour of national and international mining and logging corporations.[80]

The experience of Amerindians in Guyana is mirrored by that of indigenous peoples globally: Mining is one of the main threats to their lands, livelihoods and futures. [81]

## Amerindian engagement in mining

However, Amerindians are not only the victims of mining. Indeed Amerindians have engaged in small-scale mining in Guyana for a very long time, possibly ever since the pre-Colombian era. There are no reliable data on the numbers of Amerindians engaged in mining today, but the numbers are in the thousands or, if we include dependents, even tens of thousands. For the majority of these Amerindian miners, however, mining is not a full-time profession or way of life but rather a sometimes lucrative part-time addition to their traditionally mixed economies that today include farming, hunting, fishing, gathering,

[78] Canterbury 1997, *Consultative Processes in Guyana's Mineral Sector: Bauxite and Gold.* Paper presented at World Bank Conference on Mining and the Community, May 7-9, 1997.10-11.
[79] Forte 1996: 68-69.
[80] Brana-Shute 1995: 4.
[81] Young 1995: 155-188.

craftwork, trading and casual labour.[82] In many parts of Regions I, VII and VIII, part-time mining represents the main way that Amerindians have for earning cash.

Nevertheless quite a large number of Amerindians, both men and women, are also engaged in the mining economy on a near full-time basis. An unknown number of small-scale claims are held by Amerindians and more than this number own their own small pumps to operate the smaller kinds of 'land dredges'. Many other Amerindians work as casual or skilled labour in other people's mines and a small number Amerindians, notably in Region VII, have also emerged as medium-scale mine-owners with their own businesses and shops. Amerindian women also work in the mining camps and nearby settlements, helping their husbands as droghers, or acting on their own as cooks and prostitutes. The GGDMA stresses the involvement of Amerindians in mining: 'We all recognize that Amerindians play an important part as workers in the industry. We encourage that because they are a dependable workforce.'

Like other miners, Amerindian miners make their own contribution to river pollution and environmental damage. It was noted in the regional consultations held as part of this investigation that Amerindian miners are often ignorant of the environmental impacts of mining, especially of mercury use and contamination. It was also noted that there is a lack of sound data about how much cash income Amerindians actually gain from mining, though this information would be important if progress is to be made in mitigating mining impacts and in promoting alternative income-generation techniques.

## Environmental Impacts of Mining

The consultations carried out as part of this investigation demonstrate that there is widespread concern among Amerindians about the impact of mining on the environment. . By far the greatest concern focuses on the impact of mining on the water quality of rivers. Clean, clear fresh water is a fundamental need of Amerindians who make use of river and creek water for drinking, cooking, bathing, washing clothes and utensils, food preparation, fishing and for transport. Mining has had serious impacts on all these activities, posing a real threat to welfare and health. Alternative water supplies are rarely available and cannot substitute for all these uses.

Complaints were specific and numerous. For example, Amerindians in Aishalton noted that small-scale mines operating thirty miles south in the Marudi mountains directly affected the community:

> When land dredges were operating in Marudi muddy water came right down into our villages. This was very educational, people saw the impacts. Fishing was also affected. They found dying fish in Marudi Creek.[83]

The pervasive mining on the Baramita and Upper Barama has had a major impact on Caribs living downstream of the mines. As one woman reported to the consultation in Chinese Landing:

> Vieira has dug big holes into our land and is messing up the Barama River. He has promised us to dig a well half way between two settlements two miles apart and give us drums. Captain already has his drums but this cannot work. We will have to walk far to get clean water and meanwhile our *huri* (local fish) is disappearing. Soon we

[82] Roopnaraine 1996; Forte 1996.
[83] Region IX Consultation. See Annex 6.

will not have fish in the river. He has now given the children toys and soft drinks but this does not solve our problems.[84]

As noted, Amerindian participants at the consultations expressed widespread ignorance of the dangers of mercury. Amerindians who had been engaged in mining noted that handling mercury with bare hands was routine. Amerindian miners often use their mouths as temporary stores of mercury and use their bare hands and even mouths to squeeze excess mercury out of amalgams. One participant noted how as a child he had even swallowed mercury because he had heard that it would run right through you and he wanted to see if it was true. The use of retort recovery techniques is almost wholly unknown. Sometimes mercury is flamed off amalgam in old pots using the same kitchen fireplaces as are used for cooking. Lumps of mercury amalgam, escaped from previous mines, are not infrequently found in river alluvium, an indication of the prevalence of mercury and amalgam in rivers. .

The Wapishana, whose staple food is farine, which is prepared by first soaking cassava tubers in creek waters over several days, expressed specific concerns about the potential impact of mercury pollution on their health. The investigation also heard a number of complaints about other health impacts from mining. Residents complain of miners defecating directly into rivers and they report suffering skin rashes, vomiting and diarrhea from polluted waters. Higher than usual incidences of malaria among miners and in mining districts are also widely reported and is one of the most common causes of death in Amerindian settlements.[85]

[84] Region I Consultation. See Annex 3.

[85] The link between mining and malaria has been widely reported in other mining areas in the Amazon and is explained by disease ecologists in terms of the increase in breeding sites for *Anopheline* mosquitoes created by mines and increased disease transmission due more frequent human population movements and higher densities of human settlement around mines. Amerindians who go to work in the mines also bring malaria and other diseases like TB back to isolated areas and re-infect areas where mosquito and human population densities are too low to maintain the diseases permanently (for a discussion see Colchester 1985).

**The Brazilian connection**

The Brazilian mining industry has long played an influential role in mining in Guyana. Especially since the early 1970s, when Brazilian placer miners, known as *'garimpeiros'*, pioneered the use of new technologies in the Amazon basin, Brazilian mining techniques have been largely responsible for the revival of 'pork-knocking' in Guyana.[86]

In the northern Brazilian State of Roraima, politics is now intimately associated with the powerful mining syndicates, based in the State capital Boa Vista, which promote both the legal and illegal activities of small- and medium-scale miners.[87] Guyana, fearful of offending the sensibilities of its much more powerful neighbour to the south, has hesitated from criticising too overtly these activities even when they have direct impacts on Guyanese territory. .

Since the mid-1980s and 1990s, many of the mining areas in Guyana have experienced a major incursion of Brazilian *garimpeiros* many of whom were evicted from mines in the territory of the Yanomami Indians in the west of Roraima State as a result of international and Brazilian NGO campaigns to protect the Yanomami territory in the 1980s and 1990s.

These *garimpeiros* either operate illegally or through locally 'fronted' Guyanese companies, mostly registered by absentee Guyanese owners who live on the coast. Their mining operations in the centre and north of the country – in Mahdia and Konawaruk, on the Potaro, in the Middle Mazaruni, and those between Matthew's Ridge and Arakaka - are supplied by air, by boats and by rough roads and overland trails from Georgetown, Mabura Hill, Bartica and Port Kaituma. Brazilians travel down to the coast by bus from Boa Vista to Lethem and thence by air connections from Lethem to Ogle. However, those *garimpeiros* operating in the southwest of Guyana get to and supply their mines directly from Brazil. Essentially these mines operate as clandestine Brazilian enclaves in Guyanese territory.[88]

For example, the majority of the mines in the Ireng basin are for the greater part supplied overland from Brazil, by the Boa Vista mining syndicates, which manage the complex logistics of supplying the food and transport needs of the far-flung mining communities. Trucks and jeeps thus link Monkey Mountain via a rough trail and a pontoon bridge across the Ireng (known as the Mau by the Brazilians) to the community of Mutum in the north of the State of Roraima and so down to Boa Vista. Similar trails also go through from Brazil to the other mining camps on the Echilibar and Ireng and even run from Orinduik north to Maikwak.

*(continued on page 39)*

[86] Cleary 1990; MacMillan 1995; Colchester 1997.
[87] Rabben 1998; Rocha 1999.
[88] Monbiot 1991.

*(continued from page 38)*

During the mid-1990s, the Guyana Defence Force was active in expelling *garimpeiros* from the New River Triangle and other illegal strips in the Tucumucaque Mountains, but these expensive operations have apparently ceased. Amerindians from the Deep South hunting in the southern forests report hearing daily small airplanes flying into the headwaters of the Upper Essequibo from Brazil. They presume that illegal mining operations persist in the region. Amerindians also report that Brazilian miners have recently opened an illegal airstrip on the eastern side of Mount Ayangana, from where *garimpeiros* are trekking north and west to the latest mining 'shout' at Chai Chai foot on the Upper Mazaruni.

The GGMC and Ministry for Amerindian Affairs deny that they have responsibility to regulate these incursions, saying that it is a matter for the police and the Guyana Defence Force. Amerindians, meanwhile, are concerned that this *laissez faire* policy is encouraging criminal elements to enter their areas and link the upsurge in violence, rapes and drug-peddling prevalent in the mining areas to the reluctance of the authorities to enforce law and order.

Mining is also held responsible for the decline in fish stocks, which are of central importance in Amerindian diets. Likewise, Amerindians also state that mining diminishes hunting returns to Amerindian hunters, both because the presence of miners and mining machinery scares away game and because of over-hunting by miners. .

A widespread complaint is that these impacts go unmonitored and unaddressed by the GGMC, although just before the May 2000 elections the vociferous complaints of Akawaio in the Upper Mazaruni did lead the Prime Minister to order a temporary halt to mining there. The mines were allowed to re-open once the GGMC was satisfied that miners had taken measures to deflect polluted waters from land dredges into settling ponds before being allowed back into the river. However, Amerindians complain that these occasional clean up actions are only temporary. Since mines officials so rarely visit the mining districts, miners soon let their standards slip again with impunity. The Minister for Mines admits that the GGMC does have a weak monitoring capacity.

## Social Impacts of Mining

The social impacts of mining, reported by Amerindians through interviews and through the community consultations, are diverse and severe. Since many Amerindians lack legally secured rights to the ownership and control of their territories and the government interprets Section 112 in a very limited way (see above), Amerindians have little choice about whether or not to accept mining in their areas. Caribs in the Matthew's Ridge region report being forced to relocate to make way for mines that move into their areas and even take over their farmlands. In the Upper Mazaruni mines have worked over Amerindian graveyards and at Chinese Landing mines have even eroded the community playing field. In some cases, Amerindians opposed to mining have relocated their villages long distances to get away from the disruptions of mining and associated social diseases and epidemics such as malaria, and to find undisturbed forests where they can revive their traditional economies.

On the other hand, mines have also acted as magnets to other Amerindians who seek wealth and work in the mines, since there are few other opportunities for earning a cash

income in the interior. Indeed, Amerindians are frequently the first to locate fresh gold and diamond finds. However, they explain, relatively few Amerindians then go on to file claims to these areas because they lack access to capital to buy mines machinery, do not have the bureaucratic know-how, lack political connections and are discriminated against by mines officials. Instead they are obliged to seek casual employment in the mines as unskilled labour.

Complaints about discriminatory exploitation of Amerindian labour in the mines are commonplace. This investigation recorded many cases where Amerindians allege that mine-owners delay and withhold payment to Amerindian workers, who also say that they have found it fruitless complaining about these abuses to the local police or mines officials. As one Carib father told the investigation:

> Look at my two boys...Here's my son with a local man, and he's getting a hard time to get his money from the boss. . He [the boss] goes to town to get another cruiser and metal detectors. Yet he doesn't have a few thousand to pay my son. . This young man comes here sick. . It's disheartening. . When you work, you're not BEGGING! You should get PAID! It's the same thing again with my younger son. The time goes and he gets nothing. When you go to the police, they tell you that you have to go back and work for the same man. The police don't do anything because they're well paid. My son and another man went out and cut two claims for this man. Up until now, he hasn't got 20 cents for it. They're not paid.

Cash incomes are also less than they might be because local shops in the mining districts often charge extremely high prices, while the prices charged in exchange for gold dust and nuggets are even less fair.

Community and family dependency on mining is also reported to have a demoralizing impact on Amerindian livelihoods. Traditional activities like farming, fishing, hunting and gathering are neglected making Amerindians even more dependent on mining. Amerindians then find that they can no longer survive independently of the mines and have to move about to follow 'shouts'. Community and family life is inevitably badly disrupted by this 'extractive nomadism'. As one Carib noted:

> Mining on the whole makes the workers strangers to the family. Most pork-knockers I work with don't want to come home without money. Due to the few resources here, [mining] is the only job they have so it's hard on the family. In most cases, the guys open up an account with the shop [in Port Kaituma] but not all. Its really affected a lot of homes. Because the gold is getting scarce or under concession, most of the pork-knockers are running bush and the family really feels the strain...When you have a gold claim you have taken rations from the shop and then the gold pays the shop and your family's deep in debt and you start all over again unless you get a shout. Going after gold isn't easy, boy.

Wherever there are mines, the mining 'way of life' follows. As in other parts of the world, mines in Guyana are associated with loud and garish displays of wealth and lax morality. Bars, discos and rum shops have proliferated in all the mining towns and villages. Amerindians with cash or gold in their pockets are drawn into the same lifestyle. There are widespread reports of drunkenness, alcoholism and associated violence. Drugs such as marijuana and cocaine are also reported to be widely available in the mines. Occasional murders in mining areas are mentioned, though usually investigated by police, but the more frequent fights and accounts of people being cut up with cutlasses are said to be often ignored by the authorities.

## Mining and Amerindian Women and Youth

A disturbing finding of this survey is the extent to which Amerindian women and youth are suffering disproportionately from the negative impacts of mining. Indeed, it is more commonly Amerindian women who complain about the impacts of mining on the environment as it is they who traditionally have the roles of drawing water, preparing and cooking food, washing clothes, bathing their babies and who also fish. Soiled and polluted water supplies and depleted fish stocks affect them most directly.

Women are also indirectly affected by the absenteeism of Amerindian males when they go off to work in the mines. With their menfolk absent, the family economy is hard hit. Without men to cut new farms and go hunting, food supplies run short and women and children go hungry. This increases the Amerindians' dependency on store-bought foods and consequently cash incomes, thus further increasing the dependency on mining. Amerindian women also complain that husbands who have been in the mining camps and townships often return home drunk and abuse them. Marriages are also put under severe stress when women discover that their menfolk have been consorting with prostitutes in the mining camps. Some also contract sexually transmitted diseases that their husbands have picked up. The separations and divorces which sometimes result place further burdens on women and children. One-parent families are on the increase.

Many Amerindian women are themselves attracted to the bright lifestyles in the mining camps, which seem to them very exciting and offer them independence and personal income from working as cooks, in bars and as prostitutes. Like Amerindian men, women then find they are often exploited by coastlanders. Complaints about pay being delayed or withheld are commonplace. Even those working as prostitutes sometimes get paid less than coastlander prostitutes. Some young Amerindian prostitutes accept anything that is offered to them just so that they can get a daily meal. Indeed, in the Upper Mazaruni we were told:

> Miners take our girls and have sex with them without giving them anything. They are left hungry and with no money. Sometimes these Amerindian girls who prostitute themselves are given G$2,000 instead of the regular price of G$10,000 that is paid to other prostitutes.

In Kambaru, we learned that Amerindian girls of as young as 13 years old are selling themselves to the miners. The miners are able to fool them with promises of cars and televisions. Similar stories of the exploitation of Amerindian women were recounted in Region I:

> There are big problems for the Carib women. It makes me sorry to see how the women are behaving. Even small girls of 12-13 years old can be seen drinking and 'picking fare'. Some coastlander women contract Carib girls and then take them up to the mining camps in the bush and pimp them.
>
> The investigation heard numerous accounts of the rape of Amerindian women and girls and heard allegations that police have not followed up the complaints made to them. No prosecutions have resulted. In the Upper Mazaruni an instance was recounted:

In one case, a woman got a job on a dredge but she was offered alcohol so that she could get drunk and then the miners would have sex with her young daughter. This went on for some time before the mother found out what was happening.

Rapes were even more frequently reported in Region 1.

At 5-Star, an Amerindian woman reported that her daughter had been raped and nobody came out to help. She said she came to make a complaint to the police station but they didn't take any action. They had a case here about a month ago, the mini bus driver took an Amerindian girl about 15 years old out to a deserted place and raped her. The parents made a complaint to the police but nothing came out of it. If you pass a dollar to the police nothing comes out of it. We call it a cowboy town. This is a cowboy town. If you were on the right side, you would eventually be on the wrong...

Amerindian elders noted that the problem is that young Amerindians are attracted to the bars, discos and rum shops in the mining townships where they have easy access to alcohol and drugs. Many of the rapes occur in and around these places but while some cases are reported to the police, it is alleged that nothing much is ever done to charge the perpetrators.

Amerindians complain that the police are friends with the miners and when reports are made against them, they give the police gold as payment to keep the matter quiet. While some women are ashamed to speak about what has happened to them, others are threatened and do not speak out. There are also instances where some are given money or gold not to say anything. Sometimes parents are paid off so that they won't complain about what has happened to their daughters. Another Carib recounted:

I think one of the biggest problems is that these Coastlanders take advantage of Amerindian girls. They drunk them. That's one of the regular things...I remember one night they stripped a girl naked on the road there [at Big Creek] and it's a nice lady. And the men lined up. She was drunk. These girls are young girls, 13-14. Young girls. They should be in school. They drunk the parents first. And nobody really looks into the matter

Instances of parental indifference or worse to these all too prevalent abuses compound the problem. As another Amerindian told us:

One time I had to save a girl who was 16. The Coastlanders raped her. She's a Carib in 5-Star. When they were almost finished with she, a boy came to wake me up. They drunk her. They had her in one of those bush toilets, 16 or 17 men. She didn't complain to the police. Next day when I asked what happened to her, she said nothing. She didn't want to say. The father does it with her too. She doesn't have a mother. He does it with all of his daughters. There's nobody to investigate...

Apparently the miners have their own word for gang rape. "They 'bank' the girl or the woman – which means more than one."

These cases of sexual exploitation and rapes are compounded by racial prejudice. Many coastlanders speak pejoratively of Amerindians as 'bucks' and when back on the coast will boast of having 'full up them Amerindian girls'. In rural areas, 'buck nights' are still held, where Amerindian women and girls are brought down to parties for 'sport'.

The investigation also encountered widespread concern about the increase in sexually transmitted diseases that results from the casual sex, prostitution and rapes prevalent in the mining camps. Amerindians note that there is a lack of information about how to prevent and cure these diseases. Concern about AIDS is growing and several times it was noted that there have already been cases of Amerindian deaths from AIDS. As one concerned mother from Kako commented:

> We need to participate in more workshops that would educate us about our rights. We should not let such opportunities pass us by. All kinds of diseases are coming into our lands. AIDS is the deadliest and we need to know everything about it. It is sad when our young women are affected by some of these diseases.

Longer-term liaisons and marriages between Amerindians and coastlander miners are also commonplace. In some cases these are welcomed by the communities as miners bring cash into the villages. However, not all miners enter into these associations with due respect for their partners or Amerindian ways of life. A widely reported practice is for coastlander miners to marry 'bush wives' who are then abandoned once mine sites are worked out or the miners return to the coast. Many Amerindian girls enter into such relationships against the advice of their parents. Among the Patamona we were told that some people resent 'losing' their daughters to 'coastlanders' - a term that includes Arawaks as far as the Patamona are concerned. Reportedly, fights between Patamona and coastlanders often break out during drinking sessions as a result. The view was expressed that if coastlanders marry into Patamona villages they are 'welcomed so long as they agree to live by the community rules. If they don't, they may be expelled.'

**Mining and Amerindian Youth**

The social disruptions in Amerindian areas that have resulted from mining also pose particular problem to Amerindian youth. Most mining townships and camps, being temporary settlements that endure only so long as the mines produce, do not have schools. Formal education is thus very often interrupted.

Instead, Amerindian children are drawn early into the 'wild west' atmosphere prevalent in these places. In Mahdia it is reported that there is shooting at night between the Brazilian miners. Heavy drugs are on sale and the young people from the village are getting caught up in the drug culture. The bright lights of the mining camps have drawn youth away from traditional activities meaning they then fail to acquire the skills they need to farm, fish, hunt, know their forests and raise families in the interior. Amerindians note that traditional lore is disrespected by these young people and so is not being passed on from the old to new generations. Amerindians are thereby forfeiting their heritage.

## Large-scale Mining and Amerindians

With the exception of the bauxite mines mentioned in Chapter 3 and the one large gold mine run by Omai Gold Mines Limited there are no large-scale mines still operational in the hinterland of Guyana. To date, therefore, the Amerindians' main experience with these large trans-national mining companies has been limited to those in the exploration and prospecting phases of mines development. Permits to carry out such exploration and prospection cover a very large proportion of the country including the greater part of the main areas of Amerindian occupation in Regions I, II, VII, VIII, IX and X. More detail of Amerindians' experiences with these companies is given in annexes 3, 4, 5 and 6.

In summary it can be noted that there is a great deal of concern among Amerindian communities about these mining ventures and perhaps even a majority of Amerindians are presently opposed to large-scale mining in their ancestral territories.

There are two main sources for this deeply held suspicion of large-scale mining.The first stems from the Amerindians' prior and very bad experiences with small- and medium-scale mining, experiences which have been summarized in the preceding sections of this report. As Lawrence Anselmo, Captain General for the Upper Mazaruni, noted:

> We are not yet ready to start any discussion about large-scale mining. Until the mining impacts can be controlled and legislation is in place that protects our rights, we will not agree to mining and prospecting, because we feel we have no control. We are already having problems with the small miners, so how much greater will the problems be with the large-mines? But, if legislation guaranteed our rights, then we could think of sitting down with those people and negotiating something. So far we have not yet got the government to understand our concerns. We want them to respect us and to respect the law and to understand Amerindian rights – our rights to our lands. Until there is this understanding, we don't want mining.

The other major source of Amerindian anxiety about large-scale mining stems from lack of information about what the government and the companies plan to do. In not one single case where the government has negotiated mining exploration permits covering Amerindian areas has the government given information about its intentions prior to it signing agreements with the communities. This has only reinforced the sense of powerlessness in the communities and provoked strong reactions in terms of letters and petitions of protest, press releases and denunciations to the media. An adversarial relationship between the Amerindians and the mining companies has resulted, which does nothing to promote either the Amerindians' or the miners' long-term interests.

Lawrence Anselmo has noted this problem in the dealings between the Akawaio and Arekuna peoples with Golden Star Resources Limited in the Mazaruni basin.

> Lack of information is a major challenge to us. Until we feel secure we cannot contemplate going into agreement with these people. That is our bottom-line position. We did have one meeting with GSRL in Kamarang. We asked for a report setting out details of what they had found in our area. They refused to share the information with us. So we said, OK, forget it. If you won't share with us, then you can forget it. I am glad to say that it is the same with the community in Kaikan. So far they have held firm.

It appears that early exploration agreements signed between the government and Golden Star Resources Limited and Zamuteba of Brazil gave a blanket permission for exploration activities in the permit areas even including Amerindian titled lands. The result was a number of ugly but not violent encounters between Amerindians and mining engineers, when the Amerindians found them visiting Amerindian lands in helicopters and airplanes without any kind of prior consultation or attempt to get community consent. Strenuous complaints to the Government did lead to a change of policy. As noted on page 25, the Government announced that in future no mining activities would be permitted on Amerindian titled lands without the prior agreement of the Captain and Council.

As a consequence, the more recent, large exploration permits granted to Migrate of South Africa, Vanessa Ventures of Canada and Broken Hill Propietary of Australia, have all specified that Amerindian titled areas are excluded from future prospecting without the consent of the communities concerned. For example in the case of the permit signed with Vanessa Ventures the contract states:

> The permittee has agreed to excise Amerindian lands to the area conditional on the fact that the Permittee being desirous of having Amerindian lands included in the Area may approach the said communities for permission to explore.... The Commission (GGMC) shall be party to such negotiations. However, the GGMC at all times does reserve the right to recommend a refusal of the grant of Prospecting Licence over the said Amerindian areas.

The permit further noted that aerial surveys over Amerindian titled areas would however be permitted subject to GGMC informing the communities and the costs for such being paid by the company.

Notwithstanding these welcome protections, there have been real problems with the way these community agreements have subsequently been negotiated. In the first place, the GGMC has *not* supervised the negotiations to ensure that the agreements are beneficial to the communities. Second in a number of cases, and as in the case of small-scale mining, negotiations have often been carried out with the Captain on his own and outside the communities. This is contrary to the law (see p. 33 above). This has given rise to a number of cases where communities have subsequently repudiated the agreements, and has caused political turmoil in the villages. Allegations of bribery, the corruption of village Captains and that companies are making insulting payments of just a few footballs or cricket bats in exchange for being allowing access to Amerindian lands, have resulted from this lack of transparency.

In the case of the community of Aishalton, the failure of the Vanessa Ventures to respect the authority of the Council, when there was a dispute with a company employee operating in the village, has prompted the Council to decide to suspend communications with the company.

Such disrespect for Amerindian institutions and the authority of their elected representatives has only compounded concerns about the implications of large-scale mining. If the communities are already experiencing these kinds of problems in the exploration and prospecting phases, what hope is there of good treatment during mining itself?

# 7. Towards a new policy on mining in Amerindian areas

Guyana is signatory to a number of international human rights instruments that recognize the rights of indigenous peoples.[89] These include recognition of their rights to the lands traditionally used or otherwise occupied by them and the right of free, prior and informed consent with regard to proposed development of these areas. A number of international agencies affirm that indigenous peoples should have the right to veto developments on their lands.[90]

**Indigenous Peoples' demands and Indigenous Rights in International law**

The demands that indigenous peoples are making at a global level with respect to mining are clear. An overarching principle which emerged from a global consultation with forest dwelling peoples under the sponsorship of the United Nations' Intergovernmental Panel on Forests is that:
*No activities must take place on indigenous peoples' territories without their full and informed consent expressed through their own representative organizations, including the power of veto.*[91]

Indigenous Peoples have likewise called for the:
*The cancellation of all mining concessions in our territories imposed without the consent of our representative organizations. Mining policies must prioritize, and be carried out under, our control, to guarantee rational management and a balance with the environment.*[92]

International law and jurisprudence has gone a long way towards clarifying what the rights of indigenous peoples are in international law and a large number of studies have detailed these rights. In sum indigenous peoples have rights to:

- Self-determination
- Freely dispose of their natural wealth and resources
- In no case be deprived of their means of subsistence
- Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them
- The free enjoyment of their own culture and to maintain their traditional way of life
- Free and informed consent prior to state authorised mining
- Represent themselves through their own institutions
- Exercise their customary law
- Share in the benefits from mining activities on their lands
- Full participation in decision-making.[93]

The idea that indigenous peoples should first have to consent to proposed developments on their lands before such projects go ahead is rapidly gaining acceptance globally. For example the World Commission on Dams, set up by the World Bank and the World Conservation Union in 1997, has agreed with indigenous petitioners[94] that in future no dams should be built affecting indigenous peoples without their free and informed consent.[95]

As we have seen, Guyana has moved towards recognition of these principles but still falls substantially short of their effective implementation. The government does now recognize the principle of Amerindian consent for mining on their lands. Yet, large-scale exploration and

[89] UMADC, APA, FPP 2000.
[90] Brot fur die Welt 2000.
[91] Leticia Declaration, 1995.
[92] Charter of the Indigenous-Tribal Peoples of the Tropical Forest 1992.
[93] For a longer treatment see FPP, PIPlinks, WRM 2000:24-27.
[94] Colchester 2000.
[95] WCD 2000.

prospecting permits continue to be granted to foreign companies without Amerindians being consulted.[96] However, the latest agreements between the Government of Guyana and foreign mining companies do now oblige the mining companies to negotiate agreements with Amerindians for prospecting mining on Amerindian titled lands. Yet, many decisions are imposed without the provision of adequate information about proposed mines or exploration activities or the prior participation of Amerindians. The authority of Amerindian institutions, their Captains, Village Councils and Regional Councils are frequently disrespected and ignored. At the same time, the issue of land rights remains as contentious an issue today as at any time since the 1960s when the Amerindians first started to mobilize to get legal recognition of their customary rights. Only a small part of the lands claimed by the Amerindians have been recognized through the provision of legal title. Moreover, the Government has chosen to interpret existing legal protections of Amerindian land with respect to mining in as limited a way as possible in order to maximize access to minerals.

As a consequence of this lack of effective recognition of Amerindians rights to their lands and to self-governance, Amerindians are suffering severe impacts on their environments, economies, health, social organizations, lifeways and cultures. These problems are compounded by the weak institutional will and capacity of government to regulate affairs in the interior and pervasive and institutionalized racial discrimination against Amerindians. Consequently, Amerindians secure few of the benefits of mining but suffer disproportionately from the negative impacts. Amerindian women and children have, in particular, suffered these impacts. The widespread sexual abuse of Amerindian women in the interior, particularly in mines and mining settlements, is one of the most shocking findings of this investigation.

To date there has been no profound discussion between the Amerindians and the Government or foreign mining corporations about a revised policy on large-scale mining, even though Amerindian have been protesting against the issuance of mining concessions to transnational companies until their land rights are recognised since 1994.

[96] FPP, PIPlinks and WRM 2000:33-40.

## Mining and Indigenous Peoples: Emerging standards

International agencies such as the International Finance Corporation (the private sector arm of the World Bank), Bread for the World (Germany), the International Labour Organization and Conservation International, propose the following for improving the relations between indigenous peoples and the mining, oil and gas industries:

**Establish a Consultation Mechanism from the beginning**

- Clear process for information sharing in appropriate languages
- Early, open disclosure of information
- Effective public consultations and two-way communications
- Recognition of peoples' own representative institutions
- Demonstrable mechanisms which allow peoples views to influence decision-making

**Carry out a Detailed Environmental Impact Assessments**

- Establish sound baseline data making use of indigenous knowledge
- Identification of risks and elaboration of a mitigation plan
- Identification of remedial measures to restore degraded areas after mines closure

**Carry out a Detailed Social Impact Assessment**

- Scoping to assess parameters
- Involvement of local stakeholders
- Use of indigenous knowledge
- Pay special attention to livelihood, health and cultural issues

**Institute a Monitoring and Evaluation process**

- Involve local people in M&E
- Make use of local knowledge and Participatory Rapid Rural Appraisal methods

**Agree on a Community Development Plan**

- Benefit sharing plan
- Establishment of independently managed community trust funds
- Compensation plan
- Appoint Community Liaison Officer

**Recognise the rights of the Indigenous Peoples**

- Regularise tenure
- Recognise the rights of customary owners

**Establish Clear Regulatory Frameworks**

- Regularise land ownership and demarcate indigenous territories
- Revise laws and regulations through participatory processes
- Transform voluntary guidelines into required best practice
- Provide mechanisms by which citizens can gain redress through the courts
- Allow affected groups to sue foreign companies in the courts in their home countries
- Promote international regulatory bodies and international courts.[97]

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A change of direction in mining policy was signalled by the unanimous adoption by Parliament of the National Development Strategy in 2000. With respect to Amerindians and mining the Strategy noted:

> Amerindian communities will participate in all negotiations for mining concessions in areas contiguous to their lands, and in the formulation of any agreements arising from such negotiations. Amerindians will also assist in the monitoring of the implementation of these agreements. No mining concessions will be granted unless social and environmental impact studies are undertaken and steps agreed upon to minimise negative impacts.[97]

A discussion on how this new policy could be implemented in a way acceptable to Amerindians is now urgently needed.

The government has been a bit more responsive to Amerindian complaints about specific impacts of medium- and small-scale mining. For example, in 1999, after repeated Amerindian complaints about mining in the Upper Mazaruni, the Guyana Geology and Mines Commission and the Environment Protection Agency sent a special investigative mission to the area to assess the situation, in the company of members of the Amerindian Peoples Association and their lawyer.

Independent members of the mission and the impacted community of Kambaru made some strong recommendations to the Government on how to address Amerindian concerns about mining including the following:

- Institute a moratorium on the handout of mining agreements, concessions and permits pending: the settlement of Amerindian land claims; the effective recognition and physical demarcation of Amerindian lands; the enhancement of the capacity of the GGMC to monitor regularly and effectively the conduct of mining and prosecute breaches of the mining act.

- Copies of every existing mining permit or licence or mining agreement should be given to the Captain and Council of the nearest Amerindian village.

- The holder of a mining permit, or licence or mining agreement should be required to report to the Captain and Village Council giving the location of the claim or mine, detailing where he has a dredge, its location, and the names of all his employees.

- The holder of each permit, licence or other permission should give the Village an indemnity in respect of any loss or damage caused by his mining operations or his workers and any claim for compensation should be verified by the permit-holder and Village Council together, and settled immediately.

- The maps used by GGMC should immediately be replaced by maps which show accurately all Amerindian lands - i.e. those held by title and those under lawful occupation.

- The GGMC and miners should be given training in: the laws relating to Amerindian rights; dealing with Amerindian communities and the EPA should be trained to carry out investigations and take action to stop breaches of the Environmental Protection Act. There should be regular visits, regular sampling and regular monitoring and investigation

[97] GoG 2000:287.

of mining by both GGMC and the EPA. Reports of all investigations should be made available to the relevant miner and Amerindian Community.

- A code of conduct should be prepared for miners requiring them to respect the rights of Amerindians and to avoid damage to the environment. Failure to abide by the code should result in the suspension or cancellation of the permit and full compensation for damage caused.[98]

## International experiences for effective negotiated settlements

The experience of indigenous peoples in other parts of the world suggests that the following standards should be observed to ensure that they are not negatively affected by mining :

- Government policies and laws should be adopted and applied which recognize Indigenous Peoples' rights and promote cultural diversity, territorial management and self-governance, including recognition of the rights of indigenous women.
- Clear recognition of indigenous peoples' rights to their lands and territories and rights to the use and access of the natural resources that they depend on.
- Acceptance of the principle of free, prior and informed consent (including the right of veto).
- Recognition of the peoples' own representative institutions
- Clear and acceptable mechanisms for the participation of Indigenous Peoples in decision-making
- Timely provision of information in the right forms and the right languages
- Provisions for the costs of indigenous peoples obtaining independent legal counsel and technical advice on social and environmental issues related to proposed mining
- Detailed, open and participatory environmental and social impact assessments, which should include respect for and use of indigenous knowledge, establishment of sound and agreed base line data and open consultations with all affected groups
- Culturally appropriate mechanisms to ensure the participation of marginalized groups within indigenous societies such as women and children, the elderly and those who are illiterate
- Early negotiations between developers and affected peoples.
- Agreements which provide enforceable contracts, mechanisms for the arbitration of disputes, and joint implementation and remedial measures, without demanding the surrender of rights.
- Compensation with land for land
- Joint monitoring and evaluation make full use of indigenous knowledge
- Resettlement and impact mitigation plans, which ensure that those affected end up better off than before the project.

[98] James and Janki 1999.

- Benefit sharing options including revenue sharing or joint ownership schemes.
- Mechanisms to ensure the transparent and equitable administration of funds for community benefit
- Capacity building of indigenous peoples' institutions
- Agreed reclamation plans to restore lands and habitats after mine closure
- Establishment of independent regulatory oversight mechanisms to ensure compliance
- Mutually accepted arbitration processes for the resolution of ensuing disputes
- Mutually agreed, formal and legally enforceable contracts, binding on all parties and enforceable through the national courts

**Indigenous Experiences of Effective Negotiations**

North American Indigenous Peoples have established a long experience of formalised negotiations with non-indigenous agencies. Summarising the lessons from this experience Russell Barsh and Krisma Bastien note the following key pieces of advice:

- Mobilize your community's own technical capacity (for example traditional ecological knowledge) and ensure that indigenous 'experts' participate directly in planning and evaluating each step of the negotiations.
- Ascertain where you need outside technical expertise and secure it from individuals whose loyalty to the community and its goals is assured.
- Organize community meetings and build consensus around a negotiating plan, which includes clear and specific needs, goals, strategies and acceptable tactics.
- Identify all the relevant parties, the needs of their leaders and constituents and the strategies and tactics they have used in previous negotiations.
- Carefully identify the real decision-makers for every other party, and ensure that they will be involved in negotiations.
- Identify similar negotiations and agreements elsewhere that may be put forward as precedents.
- Select your own negotiators through a public process, designed to ensure the full participation and, as far as possible, consensus of all parts of the community.
- Try to build a team of negotiators which reflects the diversity of skills and viewpoints that exist within the community.[99]

[99] Barsh and Bastien 1997:40.

## Recommendations

This report represents a sincere effort by the Amerindian Peoples Association, with the help of The North-South Institute of Canada and the Forest Peoples Programme of the UK, to take stock of the situation that Amerindians in Guyana confront when dealing with mining. We do not claim that this report is either definitive or flawless. We do however believe that this report fairly summarizes the main concerns that Amerindians have about mining and that it forms a useful basis for more informed discussion about how to address these issues in the future. The final section of this report thus makes a number of recommendations, which have the aim of improving both Amerindian welfare and the interests of Guyana as a whole.

### A National Dialogue on Amerindians and Mining

- There is an urgent need for a national dialogue about the issues raised in this report. A first step should be to hold a national meeting among Amerindians to review their own priorities and options with respect to mining.
- Follow up meetings should then be held so Amerindians can discuss their concerns directly with government but also with the mining companies, NGOs and the donor agencies.
- The purpose of such a dialogue would be to re-examine the issues brought to light by this report and seek to build a national consensus about the best ways of addressing these problems.
- The recommendations which follow should also be discussed in such a dialogue.

### Reforming Government Policy and Institutions dealing with Amerindian Affairs

- The Government needs to move beyond the outdated integrationist approach to Amerindians that it inherited from the British at the time of Independence.
- Building on the advances incorporated into the new constitution, a new policy needs to be adopted based on respect for Amerindians rights to their lands, to maintain their own identity as both Amerindians and Guyanese and to a greater measure of self-governance through their own institutions.
- The government should ask Parliament to ratify the International Labour Organization's Convention # 169 on Tribal and Indigenous Peoples
- The Amerindian Act should be completely revised through a participatory process directly involving Amerindians
- Adequate funds should be sought from donor agencies to ensure the effective and independent functioning of the Indigenous Peoples Commission as established in the revised Constitution
- The Ministry of Amerindian Affairs should be strengthened and adequately resourced: it should be bolstered with credible mechanisms which provide for genuine Amerindian participation in decision-making.

### Addressing Amerindian Land Claims

- A credible and acceptable mechanism for speedily addressing Amerindian land claims should be established. This should take the form of a new and genuinely participatory Amerindian Lands Commission or an inclusive and open process of Negotiated Settlements.

**Strengthening Amerindian Institutions**

- The system of Captaincies and Village Councils, introduced in 1951, needs to be reinforced as these provide the main means of Amerindian self-government.
- The authority of Captains to be Rural Constables and Justices of the Peace should be strengthened.
- More authority should be given to the Amerindian Regional, District and Village Councils.
- The National Toushaos Council should be promoted and accepted as a genuine expression of Amerindian representation.
- These institutions, and not politically appointed Amerindians in Government employment, should be accepted as the legitimate representatives of Amerindians in discussions relating to mining on their lands.
- Clearer, more open and participatory mechanisms of contact should be developed between the Amerindian institutions and the national and regional administration.
- Amerindian Captains and Councillors need training in their roles and responsibilities.
- Additional mechanisms are needed to ensure that information about the decisions and activities of the Councils is shared within the communities.
- Councils should adopt procedures that encourage the participation of Amerindian women and youth in village meetings and decision-making.
- Specific training is needed in accountancy and in the management of community development funds.
- Workshops are needed to educate Amerindian women of their rights and to promote a greater sense of self-respect and responsibility among Amerindian youth.
- Greater provisions need to be made to provide secondary education to Amerindian youth.
- Captains and Councillors need training in the negotiation of agreements. They must insist on their rights to take time over their decisions, to consult with their communities and to have the benefit of specialist and legal advisers.

**Developing Alternative Livelihood Strategies**

Amerindian communities need to develop alternative sources of cash income so that Amerindian men and women are not forced into mining-related activities despite the social and environmental costs

- More basic information is required about the degree of Amerindian dependence on mining as a cash income
- Current pilot schemes in non-timber forest product development, community forestry, eco-tourism, craft, fishing etc. also require careful assessment through participatory study and discussion
- A programme of alternative community development should then be elaborated through detailed and inclusive community consultations ensuring the effective participation of Amerindian women and youth.

**Revised Legislation on Mining and Amerindians**

The *Mining Act* should be revised to:

- Give legal force to the principle that mining activities should only go ahead in areas traditionally used or otherwise occupied by Amerindians subject to their free, prior and informed consent expressed through their own representative institutions.
- Ensure effective mechanisms to provide timely information to the communities about mining activities proposed in their areas.
- Establish strong and inclusive mechanisms for the negotiation of legally binding and enforceable agreements between Amerindians and prospective miners.
- Provide acceptable mechanisms for benefit sharing to communities that have accepted mining in their localities.
- Require the pre-payment of performance bonds by miners as security for their compliance with their legal obligations including those agreed with Amerindian communities

**Institutional Reforms in the GGMC and EPA**

- Amerindians should be represented directly through their own freely chosen representatives on the Board of the GGMC.
- Pending a resolution of Amerindian land claims, the GGMC should develop new maps of the areas used and claimed by Amerindians, through consultation with Amerindian Captains and Councils.
- Staff of the GGMC need training to understand Amerindian rights and viewpoints.
- The capacity of the EPA should be built up to monitor environmental impacts and enforce regulations.
- Mechanisms should be agreed to involve Amerindians directly in environmental monitoring.
- Amerindian organizations should be directly involved in the GENCAPD project.

**Adopt a private sector protocol on mining in Amerindian areas**

Private sector mining companies operating in Guyana should be required to adopt a protocol setting out how they must deal with Amerindians. Such a protocol should be elaborated through detailed discussions with Amerindian organizations, based on the national dialogue outlined in the first recommendation. The protocol should include commitments to:

- Adhere strictly to the laws of Guyana
- Respect the authority of Amerindian institutions
- Repect the principle that Amerindians are the legitimate owners of the lands they traditional use or otherwise occupy.
- Accept the principle that all mining activities on Amerindian lands should only go ahead subject to their free, prior and informed consent expressed through their own representative institutions.
- The timely provision of full information on mining proposals to all potentially implicated groups.

**NGO and Aid Agency Support**

Given the current budgetary constraints in Guyana, realisation of these goals will require concerted and coordinated support from outside agencies:

- Aid agencies should consider providing well-targeted assistance to the mining sector to promote the reforms and changes outlined above.
- Financial assistance is required both by government agencies and by the Amerindians' own organizations to effect these reforms.
- Priority areas of support to Amerindian organizations includes the provision of funding and technical support for the following:
    - legal training, advice and assistance
    - training in institution building and awareness in rights and responsibilities of Amerindian institutions
    - Participatory mapping of the lands use and otherwise occupied by Amerindians
    - Strengthen the capacity of the APA, both the secretariat and the village-level Units, to document respond to specific abuses and community demands for support in dealings with mining companies
    - Community level environmental monitoring
    - The development of alternative livelihood strategies

# Annex 1

# Methodology

The research team carrying out this project consisted of Jean La Rose and Kid James of the Amerindian Peoples Association assisted by Marcus Colchester of the Forest Peoples Programme. The project was overseen by a National Indigenous Advisory Committee comprised of Edgar Antonio, APA Mabaruma Sub-Regional representative, Region 1, Czar Henry, Captain of Jawalla, Region 7, Tony Melville, Captain of Chenapou, Region 8, and Tony James, Captain of Aishalton, Chief of Chiefs of Region 9, and Vice-President of the Amerindian Peoples Association. Lawrence Anselmo, Captain of Paruima, Captain General of the Upper Mazaruni District, and President of the APA, and Anderson Hastings, Captain of Kako and APA regional representative, Region 7 also attended the first National Indigenous Advisory Committee meeting. The advisory team was selected by representatives from the different regions attending a workshop in Georgetown to ensure representation from all the main regions in Guyana most affected by mining. In the selection, consideration was given to how knowledgeable the persons were in relation to mining and how prepared they were to give time to the project. The field visits in Regions 1, 7 and 9 were assisted by Alvin Daniels, Nicholas Jones, Anderson Hastings and Amrita Thomas.

Once the research team had been identified and the contract signed between the APA and NSI, the project pursued the following sequence of activities (and see flow chart on the following page):

- Selection of National Indigenous Advisory Committee
- Preparation of National Background Paper
- First community consultation in Region 8
- First National Planning Meeting of the National Indigenous Advisory Committee
- Meeting with CIDA to discuss the GENCAPD project

- Field visit to Region 1
- Second community consultation in Region 1
- Third community consultation in Region 7
- Fourth Community consultation in Region 9
- Preparation of draft final report
- Second meeting of National Indigenous Advisory Committee
- Interviews with key 'stakeholders'
- Finalisation of report

## 1. National Literature Review

This began in August 2000 just after the contract between the APA and NSI was signed. Kid James carried out most of the work and visited various offices and research centres in Georgetown for this purpose. These included materials housed at the APA office, the University of Guyana library, the Amerindian Research Unit, the National library and library of the Guyana Geology and Mines Commission, among others.

## 2. Preparation of National Background Paper

The national background paper was prepared by Marcus Colchester and his materials were based on the extensive literature review and prior work in Guyana by himself, the Forest Peoples Programme and the Amerindian Peoples Association. The paper was written as a resource for the consultations with key issues, questions and dilemmas highlighted in boxes to provoke reflection and discussion.

## 3. First National Planning Meeting of the National Indigenous Advisory Committee

This meeting was held during November 26-30, 2000 in Georgetown and was attended by Jean La Rose, Kid James, Tony James, Tony Melville, Edgar Antonio, Marcus Colchester and Gail Whiteman. Lawrence Anselmo and Anderson Hastings of Region 7 were present for a few sessions as Czar Henry could not attend due to illness in his family. The meeting was held in the APA offices during the hours of 9.00 a.m. to 5 p.m. daily.

Prior to the start of the meeting, a draft agenda was developed by the APA team and Marcus Colchester and this was finalized at the start of the meeting. The meeting therefore proceeded along these lines and entailed:

- updates on the mining situation in the different regions in which the research was taking place;
- review of the first regional consultation that had already taken place in Region 8 with a view to incorporating lessons learned from that first consultation for the other consultations;
- review of the country background paper *re* international standards and indigenous experiences with negotiation;
- pooling of views and concerns of the advisory board members about mining in general and the project in particular;
- review of Guyanese legislation on mining and indigenous rights;
- review of indigenous institutions and customary mechanisms for negotiation and reaching agreements;
- review of relations between indigenous institutions and local government;

- review of government's proposals and plans on dealing with indigenous peoples and mining;
- review of donor initiatives and projects related to mining
- review of international initiatives on mining;
- meeting with CIDA on the GENCAPD project;
- discussions on the project focus and expected results;
- review of the project budget;
- developing a timetable for the project.

## 4. Meeting With CIDA to Discuss the GENCAPD Project

This meeting was held during the first national planning meeting in Georgetown in November and was held at the offices of the Canadian High Commission. Present were all members of the research team and advisory committee and two representatives of CIDA, Kamoji Waachira and Ana Iles.

The main purpose of this meeting was for the research and advisory team to get information *re* the GENCAPD project especially the non-involvement of Amerindians in the project and to find out about future initiatives by CIDA on mining.

An agenda was prepared for the meeting and the CIDA representatives therefore addressed the issues as identified.

## 5. Community Consultations

Community consultations were carried out in the four regions identified for consultations. These included Region 1- Barima/Waini, Region 7 - Upper Mazaruni, Region 8 - North Pakaraimas, and Region 9 - Rupununi. These regions were identified as they are mostly populated by Amerindians and are the main areas affected by mining.

### (a) First Community Consultation in Region 8

The first community consultation to take place occurred in Region 8 at Taruka at a meeting of the Region 8 Area Council where the captains or village leaders of the fifteen villages were present. Kid James and Marcus Colchester carried out this first consultation whereby they met with the leaders, explained about the study and discussed the various issues related to mining. This consultation took place over a two day period in November 2000 and was carried out in the form of a workshop which focused on an analysis of the regional experience with negotiations with large-scale mining companies and an evaluation in terms of 'best practices' in other areas. Owing to the unexpectedly long time it took to trek into and out of the locale there was little time for detailed discussion about small-scale mining.

### (b) Field visit to Region 1

This was the only field visit to take place during the research and was carried out in the Port Kaituma sub-region, Region 1. It was done by Edgar Antonio and Gail Whiteman immediately after the national planning meeting. The visit to the communities took the form of meetinsg and interviews with individuals and the visit to mining areas. Two members of the APA, Alvin Daniels and Nicholas Jones accompanied Edgar and Gail on their trips into various sites. The findings of this field visit is documented in Annex 3.

**(c) Second Community Consultation in Region 1**

The second of the community consultation took place in Region 1 in the village of Chinese Landing in December 2000. While there had been some discussions after the Region 8 consultation about holding breakout sessions in the workshops, this was not possible for the Chinese Landing consultation as the people were more inclined to giving individual or small group opinions and interviews. They were not as informed as the other communities nor were they organized enough to conduct independent breakout sessions. The Chinese Landing consultation therefore relied heavily on interviews and general discussions with the residents of the community. Kid James carried out these interviews and was accompanied by Mark and Sharon Atkinson, APA representatives in Region 1. These interview took place over a one and a half day period during December 2000.

**(d) Third Community Consultation in Region 7**

The third community consultation took place in the Upper Mazaruni during 9-15 March 2001 and was held for the villages of Chinoweing, Kambaru, Abau, Jawalla, Phillipai, Kako and Warawatta/Kamarang. Kid James carried out this consultation and was assisted by Anderson Hastings and Amrita Thomas, APA committee members from the area.

The Upper Mazaruni consultation took the form of a workshop whereby Kid first explained the purpose of the consultation to the community and then provided information on the various issues, legal and otherwise related to mining. Persons were then encouraged to form themselves into breakout groups to discuss these various issues, to come back in plenary to submit their findings and recommendations. In this way the consultation revealed the wide ranging issues the communities were concerned about and the number of problems they were encountering.

**(e) Fourth Community consultation in Region 9**

The fourth and final community consultation was conducted in the Wapishana village of Aishalton in the Deep South Rupununi, Region 9 in April 2001. Representatives of the six Wapishana villages of the Deep South attended this consultation workshop which was conducted by Kid James, Marcus Colchester and Jean La Rose. In addition, other APA personnel were present including APA staff lawyer, Joanna Simmons, APA executive committee members Tony James, Andersons Hastings and Amrita Thomas, and a representative of the US-based Amazon Alliance, Johnson Cerda.

This consultation took the form of a two days workshop during which the research team first explained to the participants the purpose of the consultation and study and what was expected out of the two days proceedings. An explanation was also given as to how the workshop would proceed and the roles the participants were expected to play. The research team therefore took the participants through national and international legislation governing Amerindian and indigenous peoples rights, the situation of mining in other parts of Guyana, and discussed ways and means of entering into mining agreements and the various issues that could be considered when doing so. Participants were encouraged to form themselves into breakout groups to discuss issues including large and small scale mining, land rights, governance, women's issues and legislative reform. After these group discussions, the groups met in plenary and reported their findings and recommendations. These were then taken on record by the research team as findings of the consultation.

In all of the community consultations, the persons carrying out the consultation first explained the purpose of the consultation and study and then identified general issues related to mining. In all cases except for Chinese Landing, the workshops were conducted in the

traditional language of the people of the area. In the case of Region 8 where the first consultation took place, it was found however that instead of Patamona which was presumed to be the main language, persons preferred to work using Portuguese as this was the language better understood by most as there were many Makushi speakers present. The team therefore made a note that not only should workshops be conducted in the traditional language of the area but that care should be taken as to what the predominant language was. A decision was also made after this workshop to work through breakout groups, which would encourage the participation of the elderly, women and youths.

## 6. Preparation of Draft Final Report

The draft final report was done by Marcus Colchester after all of the community consultations had been carried out and reports submitted, and prior to the second and final National Indigenous Advisory Committee meeting in July. Marcus used data from the consultations as well as the discussions held among the research team and other research materials to put together this draft report.

## 7. Second Meeting of National Indigenous Advisory Committee

The second National Indigenous Advisory Committee meeting was held in Georgetown over a period of four days in July. This meeting was attended by researchers Jean La Rose, Kid James and Marcus Colchester, and Advisory Committee members Tony James, Anthony Melville and Edgar Antonio. Czar Henry was again not present.

At this meeting, participants discussed ways of proceeding with the findings of the consultation and the format for the final report. The recommendations that would be put forward to the NSI were also discussed and agreed upon and tasks were identified to be carried out by various persons to ensure a timely final report. It was decided that the main report would take the form of a synthesis of the findings in the various regions with general recommendations and that the various regional and other reports would be included as annexes to the main document.

## 8. Interviews with Key 'Stakeholders'

At the final meeting of the Advisory Committee and Research team, participants also agreed to do a final set of meetings with "stakeholders" in Georgetown and to this end met with various offices such as the Guyana Geology and Mines Commission, the Prime Minister who is the Minister responsible for mining, the Guyana Gold and Diamond Miners Association, Vanessa Ventures, Wayne Vieira of the Tassawini Mines and the Ministry of Amerindian Affairs. The reports of these meetings are also included as annexes.

## 9. Finalisation of Reports

### (a) Narrative Report

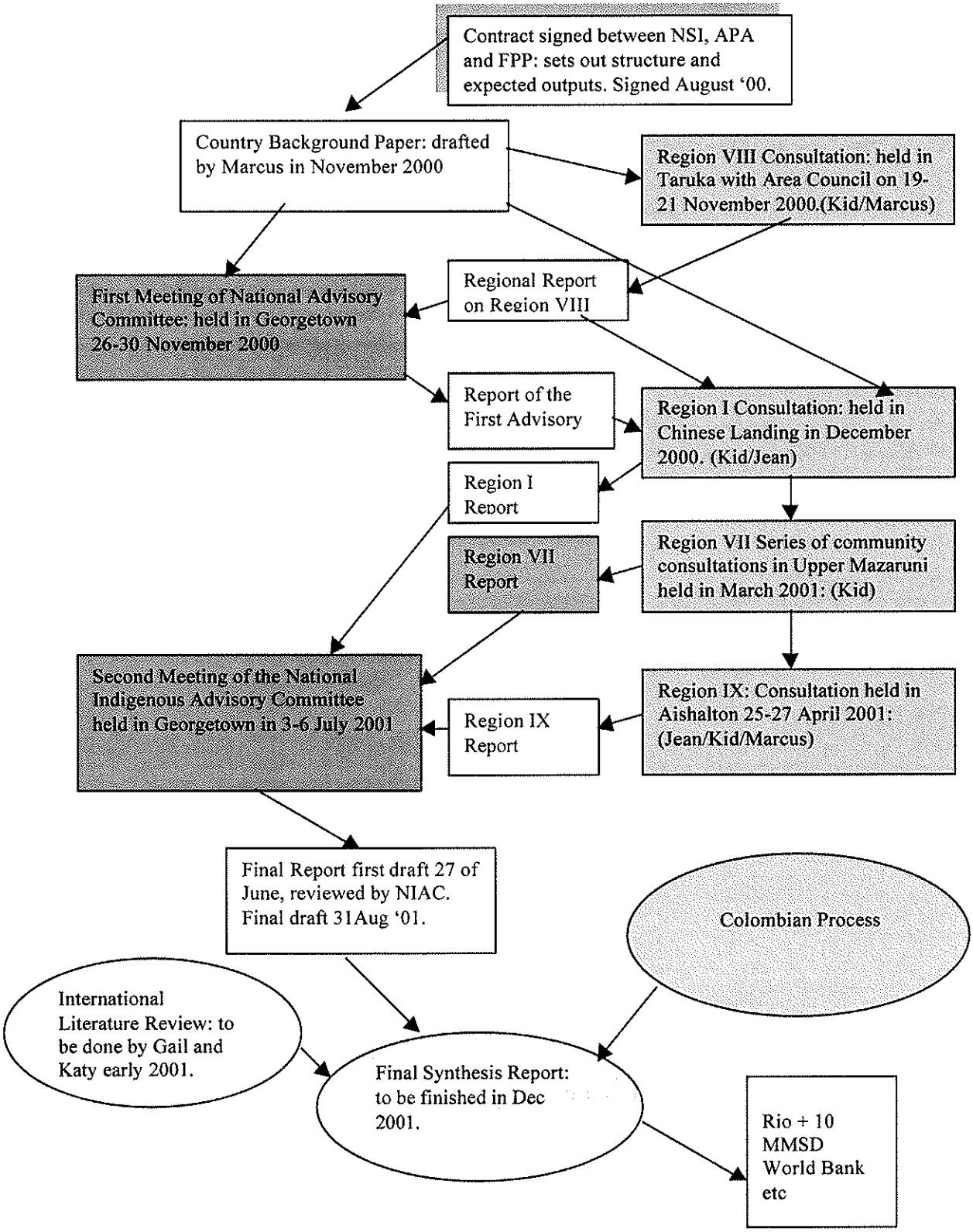
At the final Advisory Committee meeting, a timetable for the writing of the draft final report and finalizing this report was also done whereby it was decided that Marcus would submit a draft final report at the end of July, the APA team would return comments by mid-August and then the final report would be prepared by the end of August. Jean La Rose would prepare the methodology section of the report.

### (b) Financial Report

Since payments were made to the APA and Marcus Colchester, it was decided that each would present their own financial reports to the NSI. The APA made a request to submit

an audited report of the expenditures of the project instead of giving original receipts to NSI. This was in view of the fact that submitting original receipts would be cumbersome, time consuming and could result in the loss of receipts which would be detrimental to the yearly audits that the APA has to submit the state's Revenue authority. This was accepted and will be ready by the time the narrative report is finalized.

## Guyanese project process



# Annex 2

## THE CHINESE LANDING CONSULTATION

### Region 1

December 2000

**Kid James**

Amerindian Peoples Association
A90 Carmichael St.
South Cummingsburg
Georgetown

## Introduction

The second consultation workshop took place at Chinese Landing Village on the Barama River, Moruca Sub-Region, Region 1. Chinese Landing is found in the general area of the Carib ancestral lands. It is the only titled Carib village in the sub-region.

This community was chosen to conduct the study for various reasons: Chinese Landing has a long history of mining dating back to the early 20th century; the community is within the general area declared as a mining district; it is a remote community that does not receive much attention from the governing regional authorities; the community has also made several agreements with local miners in the past; the community has been complaining about pollution and the influx of 'pork-knockers'; and APA has not done extensive work in the area.

Chinese Landing Village has a long history of mining on its lands. One of the oldest mines in Guyana, the Tasiwinni Mine is found within titled land and was worked between 1900 and 1914[100]. The Tassawinni Mines has attracted 'Pork-knockers' or local itinerant miners over the years, some of whom decided to live and marry women of the village. Small-scale mining is taking place in and around the Tassawinni mines.

Over 150 Caribs occupy titled land, while few other families live along the river outside Chinese Landing Village boundaries. With mining activity being a part of their lives since the turn of the century, the majority of Caribs have gradually turned to mining to earn their living. They depend entirely on mining to upkeep their families.

The community however has had its share of problems with mining on titled land. Gold can only be found deep into the ground and can only be reached with the use of large mining equipment. Pressure from miners and the need for income, has forced the community into accepting small scale mining operations within the titled land. With the use of more advance technology in mining, especially with new machinery and extraction techniques, Amerindians have continuously found it difficult to hold any skilled positions on these operations run by coastal and other miners[101]. They are often relegated to the odd unskilled

[100] Report of the Amerindian Lands Commission 1969
[101] Coastal miners are miners who come from the Coastal region.

labour jobs at these mining sites. These operations do not require a large work force and only a few Amerindians are hired at a time. This has led most villagers to turn to a new form of mining called 'punting'. This operation involves the rewashing of tailings from dredges with the use of only a only a spade and batel. This technique is mostly used by the Amerindians.

Pork-knockers on the other hand have, over time, swarmed into the area and have managed to manoeuvre themselves into the leadership positions of the village. These outsiders have and continue to pose great problems for the community. Rape and murder go unreported, village rules are often ignored, and there is excessive consumption of alcohol that leads to inappropriate behaviour. These are some of the traits that are associated with the 'pork- knocking' which the community has to deal with.

A lot of agreements with small-scale miners have been signed by the Village Council and these have also led to some problems where different miners argue about who have arrangements for the same piece of land. Most of these agreements do not benefit the community and the village is often left with large open pits on their lands and polluted creeks. These pits serve as breeding nests for mosquitoes and vomiting, diarrhoea and malaria, are among common sicknesses and problems that the community have to face.

The government authorities continue to turn a blind eye to these problems. The village is seldom visited by the regional authorities and residents try in their own way to solve their own problems. However when a problem cannot be solved at the community level it is simply ignored.

There are a few persons from the village who are employed by the only mining company owned by Guyanese Wayne Vieira that operates in the Tassawinni mines. Most of the villagers punt at the Tassiwini mines since this is the only way for most of them to earn an income to feed their families. They have generally abandoned their farms in favour of mining. Others have moved out of the village in search of peace and better living conditions. They would occasionally return to the village to spend a few years and then move off again.

## Land tenure

Chinese landing has freehold title to their land. This was given under the Amerindian Act and goes according to the description that was recommended for the community by the Amerindian Lands Commission in its final report of 1969[102]. This titled area is situated on the left bank of the Barama River. As is the case for most other Amerindian village throughout Guyana, this description and that which the community considers their village boundaries differ vastly. The titled area is less than half of what the community says is their land. According to villagers, the original boundary starts from the mouth of the Anaturi, thence upstream along the Anaturi to its source, thence in a straight line across to the source of the Potaikushuru Creek (Huri Creek), thence downstream Potaikushuru to its mouth, thence down the Barama River to the point of commencement. In addition, those in the community who do not mine use the land on the opposite side of the river for hunting, fishing, and some farming. One woman stated strongly, "We need our land to be demarcated but it must include all our fishing and hunting lands. We were told that we have title to our land but when we saw the description, it did not include more than half of what is ours."

[102] The description of Chinese Landing titled land in the Schedule to the Amerindian Act is exactly the same as that which was recommended by the Amerindian Lands Commission.

At the time of the Amerindian Lands Commission visit, the village had a population of 74 persons. At the time of this consultation, villagers claimed that the population has doubled.

The village had initially accepted demarcation by the Government's Task Force but in May of 1999, the Village Council wrote to the Department of Lands and Surveys rejecting the demarcation, saying that the lands granted "are insufficient for our present needs and needs of future generations" and that the area is "inconsistent with our traditional rights". They stated that they are willing to participate in any discussions that would result in a resolution to their outstanding land issues.

## Leadership: The Village Council

Village affairs are managed by an elected council comprising a captain and three councillors, one of whom is a woman. The Village Council rarely meets to discuss village matters and decisions are often made by the Captain alone or with the input of a Councillor when available. The community still comes together occasionally for community work but the numbers doing this are slowly decreasing as people prefer to go into the mines to work.

Three persons have previously served as captain, one of whom was a miner from the coast. After the death of the third Captain, the Village Council system became dormant for several years. It is now five years since the system has been reintroduced. However, the same Chinese Landing Village Council has held office since the resuscitation of the council system in the community.[103]

All other communities in the sub-region have had elections conducted in their respective communities for 2000 except Chinese Landing. According to one villager, " the only time government officials would visit our community is when they need our votes at general elections of the country." The Village Council claims that the regional authorities had promised on three different occasions to come into the village to conduct village elections. At the time of the writing this report, the community was still awaiting their first village elections in five years.

The village council, despite holding office for over four years, lacks the experience in effective administration of village affairs. Villagers blame most of their problems on the lack of knowledge on the powers, duties and responsibilities of the village council. One villager noted, "we need some kind of workshop that would teach us about our rights so that we the villagers and the Council can be able to defend ourselves appropriately and make wise decisions in the best interest of our community."

The Council has made some questionable decisions, particularly in relation to agreements with miners mining on titled land. Some of these agreements are often of very little benefit to the community while other agreements provide no benefits at all. Most of these agreements do not take into account the damage and the environmental impact the operations will have on the area.

One member of the community charged that because the adviser to the Village Council was once a miner, anyone who wishes to mine on community lands would not find it difficult to obtain permission[104]. Advice would be given to the miner on how to go about

[103] Under Section 18 (3) of the Amerindian Act the Village Council will hold office for a period of 2 years.

[104] The adviser is a coastlander, who came into the area as a pork knocker but has been living in the village for over fifteen years.

applying to the Village Council for permission. The council would then be advised to grant permission to mine to those persons applying. Most applications to the Village Council requesting permission to mine have been approved. One villager said, "Once an application is made, permission is seldom denied but we do not see our lives improving."

Other agreements were entered into by the Captain alone without the knowledge of the Councillors or the community. Villagers are alleging that the Captain who handles all the funds of the village cannot account for large sums of money.

## Cultural Awareness

Like their neighbours, the Awaraks and the Warraus, the Caribs are losing their language. Most of the villagers speak some form of creole English. Only a few of the elders still speak Carib and they are often not understood by the younger generation. The traditional activities of fishing, hunting and farming are rapidly becoming an activity of the past and being replaced by mining. However, the use of the 'dug-out' or canoe remains an essential means of transportation for these Caribs. Most of the older folks have died with hardly any of their traditional knowledge passing on to the younger generation.

## Social events

Villagers occasionally come together for community work but the number of persons who participate is declining since priority is given to work at the mines whether it on a dredge or punting. This is the about the only occasion that the community comes together.

An Anglican Church was set up in 1947[105] but was eventually closed down though no one could say when or why this happened. The community was never again visited. The men live in common law relationships with the women. There are no records of births and deaths in the community. Wives often accompany their husbands to the mines while the children are left at home. Without parental supervision, children go to school when they feel like doing so.

When a quantity of gold is mined by the villagers, some is spent on alcohol since the medium of exchange for purchases is gold. During the evenings the forests noises would be disturbed by the loud booming of Caribbean reggae music or a video show.

## Caribs on the Move

Some of the villagers who try to resist the intrusion of miners into their traditional way of life move from the village lands to locations out of the village where they can be by themselves. These families move either up or down river where they can be far from the mining activities and its related problems. On one occasion, a huge section of the village moved away, up and down river because there was an outbreak of malaria. They occasionally return to the village for short visits.

Others move to be near dredge operations in the hope that they would be employed on these dredges.

## Education

The majority of the villagers can neither read nor write. A few is barely literate, including the Captain who can just read and write.

[105] Report by the Amerindian Lands Commission, 1969:132.

The school has one teacher and only provides basic primary education. It was reopened some 4 or 5 years ago when the government decided to put up a building to house the children. It was closed in 1989 after the teacher decided that mining was a better career option.

The teacher manages three classes, and these are only held when the teacher is in the village. He has to leave the village when his food supply is low since his salary is too small and does not allow him to purchase things at the high costs in Chinese Landing. On occasions, he would not be seen for weeks.

## Economic Activities

The daily activities of the community include fishing, hunting and 'punting'. Residents who do not partake in mining, engage in fishing and hunting and when they have enough for themselves, sell some to miners. A few residents have farms. Most of the community mine while a few others seek employment on dredges located in other parts of the region. Villagers have made mining a part of their lives to earn a living and many such persons do not have farms. Some women accompany their husbands to the mine to help bring in extra cash into the home. A few others mine when there is need for some thing to be bought for the home. These few have small farms to feed the family. It is common to exchange gold for what ever maybe needed from the shop.

Amerindians from neighbouring Baramani also mine in Chinese Landing titled lands. They are generally considered part of the community when punting together. The Minister of Amerindian Affairs, upon learning this, asserted at a meeting with the village leaders, that the community should not encourage other Amerindians to mine on their lands.

There are three shops in the area, one situated in the village and the two others opposite the village on the right bank of the Barama River. These shops are owned by dredge owners.[106] One of them is known to be a close friend of the adviser to the village council and he therefore did not have any difficulty in getting approval to set up his shop.

Today, everything is bought at shops that are set up mainly to supply miners with fuel and a wide range of groceries for their operations and other operations upriver.[107] In mining areas prices for groceries are inflated as costs of everything is measured against the price of gold. The shops at Chinese Landing are no exception and this is reflected in the high costs for goods that are sometimes doubled and tripled at these three shops where goods are exchanged for gold. Amerindians are not exempt from paying these high costs. This has led to most residents neglecting their farms and taking up mining as a daily activity. A few residents occasionally fish and hunt. Cassava bread, the main staple, is bought from outlying areas and resold sold at high prices at these shops.

## Medical Care

The community has a new medical building but that is as much as medical care go in Chinese Landing. According to one villager, "This building is a white elephant. It has absolutely nothing in it. There is no drugs or medical personnel in the community. In the case

[106] The shop in the village is owned by person who came into the area as a pork-knocker but is now a resident of the village.
[107] These shops supply fuel and goods to approximately 20 land dredges operating upriver from the community.

of an emergency we have to rely entirely on the goodwill of the miners for drugs or transportation to a medical health centre.[108]

Malaria is rampant in the area and parents complain that there is an increase in the cases of diarrhoea and vomiting. They are blaming the polluted river due to dredging for this. The community is highly dependent on the miners for drugs to treat their illnesses.

During the past year, a Medex and a malaria personnel visited the community twice.

## Contact With Outside

The village is almost totally isolated with little communication with neighbouring villages or the regional centre. The daily influx of pork-knockers is an exception. The only means of communication with other communities is by river using canoes to travel the distances to visit these other communities. According to some when asked about the regional authorities, their response was, "They all come to exploit us; they ask us to cut our forest for their use but never pay us. They are not interested in us, only themselves. When they do come, they talk non-sense. The only time we see the government is during elections."

Because of the difficulty of communication and transportation there is infrequent visits to the village by anyone. Information and news are a rarity in the community. Villagers most often rely on the miners for information.

One of the needs of the community is a radio set which will enable residents to summon help quickly when there is a problem or an emergency in the village. The village has a small rundown outboard engine that is in poor working condition.

## The Tassawinni Mines

The Tassawinni Old Gold Mine is one of the oldest gold mines in Guyana. It lies between the Anaturi and Huri creeks within Chinese Landing titled land. The mine is only an hour and a half from the village. Throughout the 20th century there have been mining interests in the Tassawinni area. There has always been a pork-knocker presence in the area.

Between 1907 and 1914, 11,244 ounces of gold were extracted from the mine (Bryn Davis, 1937-38). This mine was later closed in 1914 due to high cost of mining. There were attempts to reopen it right through to 1925 before it was abandoned.

Between 1937 and 1938 exploration was carried out by Bryn Davis. Several pits were re-sampled. Davis recommended that further tests be carried out by pitting, trenching and diamond drilling.

Geological and geophysical surveyed were conducted in1965 and subsequent. Detailed soil sampling, pitting trenching, geophysical mapping and diamond drilling were carried out in 1966-67 (J.D Punwasee and W.G. Muller)[109].

The Tassawinni Mines has been a part of the lives of the Chinese Landing Caribs for over a century and will continue to be so for some time to come. Its presence has been

[108] Miners usually have speed boats that are powered by large outboard engines.
[109] Report on Diamond Drilling Expedition in Tassawinni Old Gold Mine Area. A.K. Banerjee, UN Field Geologist, 1968.

destructive to the culture of the Caribs and will continue to contribute negatively in this regard until the community gains full control over the area and regulate mining activities. This, however, can only be achieved through adequate protection in the law and attention from regional and central authorities.

The community, because of the lack of communication with the outside world, has a high level of illiteracy. There is lack of unity in the village and residents have little knowledge of how to defend their rights, or in fact what rights they have at all. They need urgent attention from the regional authorities and other interest groups. According to a villager, "We need some kind of work shop to teach us about our rights and how we could defend ourselves from these miners."

### Miners in control

"Pork knockers", or local itinerant miners, have long been traversing up and down the Barama River. The Caribs, with weak leadership and very little assistance from the government cannot effectively protect themselves from these intruders. Miners have managed to gradually make their way into the leadership of the village almost unnoticed to the community. One of the past Captains was a miner from the Coastland. The present adviser to the Council was once miner who now lives in a common law relationship with a Carib woman from the village. A few other "pork knockers" are now living with Carib women and also have families with them. Some of these men are highly respected for the interest they show towards the welfare of the village. This interest is however not much and is most often beneficial to these individuals instead.

The Village Council signs agreements with dredge owners, partly so that members of the community can have a few of jobs but more so, that there is enough tailings to punt.

During this consultation visit to the area, most of the people were in the back dam at Tassawini Mine "punting". Only a few are employed by the mining company where punting takes place.

## Agreements and the Caribs of Chinese Landing

### Small scale mining agreements

In April 1999, the Village Council granted a miner, A. Bishop, permission to mine using a land dredge at the Tassawinni back dam or lands aback of the village. The agreement was valid for six months and one of the conditions was that Mr. Bishop hires his workforce from the village. The agreement further stated that all village rules must be followed. This was never enforced.

In May of 1999 the Village Council again granted two persons, W. Stoll and J. Daniels, permission to operate land dredges in the Tassawinni back dam. As with the previous agreement this one was valid for six months. Village rules applying to this agreement included no miner entering the village without the permission of the Captain and councillors and all the workers on the dredge must be employed from within the village.

In January 2000, a man known as Barama Jumbi was granted permission to work on village land for six months. However his time of stay in the villages has expired but he has refused to move. He is presently setting up a shop at the place where he is his staying. It was alleged that he verbally abused Village Councillors and physically threatened a villager. He

has encouraged more than 20 pork-knockers on village lands, all of whom are there without permission from the Village Council. Villagers complain that these men use drugs in public and move around the village with cutlasses in their hands. Amerindians living in this area fear for their lives as these men have no regard or respect for villagers. The village has written to the police stationed at a regional sub-centre for assistance in expelling these people off titled land.

**The Wayne Vieira Agreement**

The Tassawinni Mines are presently being worked by small-scale mining operations owned by Wayne Vieira. The GGMC had initially granted him permission to work on the Tassawinni Mines without the knowledge of the Chinese Landing people.[110] Vieira presented that permit to the Captain and later encouraged the captain and a Village Councillor to sign an agreement relating to his operations in Georgetown without the knowledge of the rest of the village. When the community learnt about this, the agreement was denounced and Mr Vieira was told that he could not mine as earlier agreed to by the Captain and Councillor. The community, with assistance from the APA, held a number of meetings with the relevant government officials and Mr Vieira in Georgetown. A new agreement was decided upon and was later signed.

The following is a chronological record of events relating to the agreement:

- 17th July 1998 – Upon reviewing a financial evaluation of the Mr Vieira's 'Tassawinni Gold Project' at the Tassawinni Mines, the Prime Minister, who is also the Minister of Mines, recommended and approved a one percent (1 per cent) payment as tribute from the investor to Captain and Council for compensation for intrusion.[111]

- 19th July 1998 – the Captain and one Councillor were flown out to Georgetown by Mr. Vieira to sign an agreement between himself and the village. An Agreement was subsequently signed but however, no copy was given to the community. The Captain stated that upon signing the agreement, Mr Vieira was issued with a mining licence to mine on Village lands.

- 25th September 1998 – Guyana Geology and Mines Commission officially signed mining and environmental management agreements with Mr Vieira giving him permission to mine at Tassawinni.

- 24th November 1998 – Upon learning about the agreement the community wrote to the APA requesting advice and legal assistance in the issue. In their letter they claimed that the agreement was made without the knowledge of the Councillors and the community; that Captain and councillor did not fully understand what was being read to them before signing the agreement; and that a copy of the agreement was never given to the community.[112]

- 4th December 1998 – the community wrote a petition to the Prime Minister informing him that the Captain and Councillor did not fully understand the agreement that was read to them at the time they affixed their signatures to it; that no official document was

[110] Under the Mining Regulations small scale and medium scale mining are prohibited an Amerindian Titled Lands.

[111] The Prime Minister, in a subsequent meeting denied ever approving payment of 1 per cent to the village.

[112] The community learnt about the agreement when Mr Vieira began transporting equipment to the village.

presented to the community; that the school's playfield was partially destroyed by Vieira's operation and; that the Prime Minister stop Vieira from bringing in equipment into titled village lands until the issue surrounding the agreement was resolved.

- 17th January 1999 – a regional representative of the APA made a visit to the community. He discovered that Mr. Vieira had continued to do preparatory work in setting up his operations even though the community asked him to stop.

- 16th March 1999 – the APA wrote to the Guyana Geology and Mines Commission claiming that the agreement was invalid because all decisions, including those surrounding the agreement, must be made by the village council as a corporate body at ordinary public meetings as set out in the Amerindian District, Area, and Village Council (Conduct of Business) Rules (R.3/1959, made under Section 19 of the Amerindian Act). This was not done. The letter continued that a fundamental principle of contractual law requires that both parties must consent before entering into a binding agreement and if one party do not understand the nature and terms of an agreement then consent cannot be established. The APA asked that all operations cease until an informed decision is made by the Village Council on the issue.

- 23rd April 1999 – The Village Council once again wrote to the APA asking for Chinese Landing assistance on the issue with the agreement.

- 5th May 1999 – with the assistance of the APA, a team comprising the Captain and Councillors and other representatives of Chinese Landing came to Georgetown. In a letter to Commissioner of the GGMC, the Captain officially stated that the Village Council has rejected the agreement with Mr. Vieira and that the agreement was no longer valid.

- 27th May 1999 – in a response from the Prime Minister, he advised that such an agreement should not be turned down because of economic returns to be gained by the community. He proposed that an arrangement be worked out since 'lots of investments have been made'. He concluded by stating that he understood that there was only one Councillor who was away at the time of the signing the contract.

- 1st June 1999- the Captain wrote to the Minister responsible for Amerindian Affairs asking him not to grant permission to Mr. Vieira or any of his workers to enter Chinese Landing until the issue of the Agreement has been resolved.

- 3rd June 1999 – A meeting was held between representatives from Chinese Landing, the APA, the Minister responsible for Amerindian Affairs, Wayne Vieira and GGMC. Decisions made at that meeting included:

  i) activities around setting up of the operations would continue
  ii) Chinese Landing would obtain the technical advice of a mining official;
  iii) the Captain will submit a list of names to be given to Vieira. (this did not specify who would
  comprise the list and for what purpose)
  iv) Vieira would maintain constant communication with residents;
  v) Vieira would demarcate boundary of mining area.

In August 1999 a visit was made by a team of government officials to Chinese Landing. This team pressured the community into accepting a new agreement which they said would be later signed at Kwebana, a village more than 50 kilometers away from Chinese Landing.

The Village Council with eight villagers were to travel to Kwebana. The Minister responsible for Amerindian Affairs, the APA, the Regional Chairman, the GGMC were all to be present to witness the signing of the agreement, according to the team.

The Agreement was subsequently signed at Kwebana. However, when the boat to transport people from Chinese Landing to Kwebanna arrived, it came with specific instructions to collect only the Village Council and one representative. The APA was absent since the organization was not notified of the signing. Upon learning this, the Chinese Landing delegation requested that they be given time to go over the agreement with the community and with their representatives, the APA. This was request was denied, the Regional Chairman, in response told the delegation that they should be contented with what was proposed. The Minister of Amerindian Affairs endorsed the agreement saying that it was a good agreement and he saw no reason why it should not be signed. Mr Vieira at the time claimed that he did not have time to waste and wanted the agreement signed. With all this, pressure the Captain and Councillor decided to sign.

With no communication links between the APA and Chinese Landing, APA was never informed and was therefore not present at the signing. The villagers have since condemned the manner in which this agreement was signed, and the Minister of Regional Development in a visit subsequent visit to the community, claimed that the agreement was indeed a bad one.

Today the company occasionally employs about 2 or 3 persons at any one time for periods of between 2 to 3 weeks. Those who have worked with Vieira claim that he does not pay them on time and only makes part payments. This is in contravention of the agreement signed between the company and the village where it is stipulated that Vieira should employ 20-50 per cent of the company's unskilled labour force from the village. He was allegedly heard saying that he did not hire Amerindians because they drink too much.

The village is claiming that the company is breaching the terms of the agreement. They wrote a letter of complaint to Vieira reminding him that he was failing to keep his side of the agreement which, among others, include once a week visitation by medical personnel (this was never done); that a representative of the Council be present to witness the processing of gold (the Council was never informed of such processing).

People say that they want to return to village lands but they are presently being told that nobody can set up house on the prospecting area.

**Pollution of the Barama River**

The Barama River is discoloured with silt from the tailing deposited into the river by the Tassawini Mine and from some twenty dredges that operate unmonitored up river in the Kariako area. There the Amerindians bear the brunt of the pollution from mining and invasion by miners. With the Barama River being the only source of water supply for the community, residents have no alternative but to use it in its polluted state for all purposes.

Some of the women complained bitterly about the polluted condition of the river. They were the ones who most often use it. When this complaint was brought to the attention of Mr. Vieira he promptly offered the Captain and the whole village 45 gallon-containers each.

The following complaint by a woman gives a graphic picture of the situation in relation to Vieira:

> Vieira has dug big holes into our land and is messing up the Barama River. He has promised us to dig a well half way between two settlements two miles apart and give us drums. Captain already has his drums but this cannot work. We will have to walk far to get clean water and meanwhile our huri (local fish) is disappearing. Soon we will not have fish in the river. He has now given the children toys and soft drinks but this does not solve our problems.

Mr Vieira has promised to dig a well half way between the main village and a satellite village two miles apart.

## Notes towards the Region I Community Consultation and Report

Source: Marileen Reinders, Tropenbos (pers. comm. 24 November 2000).

### The Barama River Caribs: an update

#### Numbers and land situation

The Middle Barama between Kokerite and Towakaima Falls is inhabited by some 500 Carib Amerindians, in a scatter of settlements on either side of the river. Notable settlements include: Kariako, Potashuro, Yakishuru, Sariara and Mazawini Landing, also known as White Creek. None of these communities has titles to its lands. The community of Kokerite has a land title but this mainly covers an area of swamp, near useless for farming, and most community subsistence activities take place outside the community's legal boundaries. Most Kokerite residents live on the other side of the river about 4 to 5 miles inland.

In 1996 (dated 27-1-1996) the community of Kariako filed a land claim to all the lands between the end of the Kokerite reserve at Parapimoi creek and Sariara creek with the government[113]. A copy was also lodged with the Barama Company Limited, whose logging concession – issued in 1991 - encompasses the whole area. The communities hunt and fish over a wide area on both sides of the river. Satellite villages lie as much as one and a half miles from the river and farmlands are located up to two miles inland. Hunting, fishing and gathering takes them further afield, including over into the right bank tributaries of the Barima.

#### History of the communities

The Caribs have a long history of association with the area. The community of Kariako was even mentioned by Schomburgk, who noted that it was a good area above the flooding of the lower Barama. Schomburgk also mentions that there were some Akawaio in the area. One or two descendants of these Akawaio still live in the area today. Baptismal records in Moruca show that people were coming in from Kariako to get their children registered as early as 1844.

[113] This letter was sent to the Minister of Amerindian Affairs while copies were sent to GOIP, APA, AREO Mary Williams, representative to the government at Moruca, BCL and Janette Forte. Attached to the letter was a list of signatures of 132 people. The letter was written in a direct reaction to a visit of Mitzy Campbell Bacchus on the 23rd of January 1996 at which she stated that Barama Company Ltd. would refrain from logging in the area between Paripimoi and Teki creek. This also disagrees with the request made by the chairman of Kariako, Lewis Samuels, at the Amirang conference at which he applied for land between Paripimoi and Sariyara creek.

Surprisingly the communities do not have strong links with the Carib communities of the Baramita above Towakaima falls although they do have connections with the people in Matthew's Ridge and even across to Venezuela (along the trail via Five Stars, I guess).

In 1953, a pork-knocker called Smith established himself at Yakishuru[114]. He married a local Carib woman, and fathered 13 children with her[115], thus creating a strong local family that is still very influential in the area to this day. Smith, however, is remembered fondly by all in the region and his relations to the Caribs do not seem to have had the exploitative character of the Baird dynasty in Baramita. The Smith family based its wealth on mining and some trade with the local Amerindians[116] and used a stamp mill (*denkie)* to crush rock before processing (see Colchester 1997 for a description of the technique).

During the 1930s-1950s, mining declined. The main source of income was logging which was carried out by hand in the forests all along the river from Towakaima Falls down to Waini where there was a big mill. When the mill moved to Kwebanna in the 1980s the logging stopped entirely. However, already in the early 70's most Caribs had stopped logging as the prices they received for the wood had declined to such an extend that it was no longer profitable.

In 1960s the establishment of the Anglican mission at Kokerite drew many of the Caribs down to the community there. Thus when the Amerindian Lands Commission came by they did not consider the scattered remnant settlements up the Barama sizeable or permanent enough to justify titles.

However, the mission at Kokerite closed in the early 1980s and Kariako was re-established soon after. The new settlement at Kariako has since drawn in a sizeable population from all around and now as many as 400 people live there. Carib people have been coming in to the settlement from Sariara and Potashuro and from as far afield as Matthew's Ridge, Arakaka and Venezuela.

The Carib language is still widely spoken. During the 1980s, mining using the new technologies – 'land dredges' - 'took off' again. The social effects were serious. There were lots of sprees and dancing, but, as the mining brought in cash, taped music began to replace traditional dances and much of the traditional ceremonial songs and dances have now been lost. Drinking intensified however.

During the 1990s, perhaps as a reaction to the dissolute era of drinking and mining in the 1980s, the community has been caught up in a religious revival movement called the 'Assemblies of God'. People have become strict church-goers and have reformed their lifestyles. They see themselves as doing away with their 'dark past' and are now very keen to live up to their new Christian image. The old clay goblets used for serving *cashiri* have all been smashed and drinking sprees have stopped. In addition the smoking of the locally grown tobacco by the men has also stopped. Sweet weak fermented drinks are still made served out of plastic vessels.

[114] Mr. Smith came to work in the Barama river area from the age of 17. However it was in 1953 that he located his own claims at Yakishuru. In that time he was the only miner active in the Barama river area.
[115] He also had another wife at Mabaruma with whom he had 14 children. Yvonne Hercules (former chairman of Region One) is also one of his children with this woman.
[116] By that time all shops has closed down in the Barama river as miners had left the area.

The granting of a logging concession to the Barama Company Limited overlapping their territory in the late 1980s had no impact on the communities. They weren't informed of this either. However, very recently BCL began to cut a road into the forests of the middle Barima towards Pipiani within 8 miles of the community of Kariako. This has facilitated penetration of the area by miners. The company has made no effort to inform or consult the community about these plans. Indeed, BCL's Amerindian Liaison Officer (Mitzi Campbell nee Bacchus) provided no useful information to the community and on her infrequent visits would stay with the shop-keeper and party. She showed no real commitment to the welfare of the people. Sometimes she would take along somebody from the Malaria eradication centre at Mabaruma. However, these visits were always short (2 to 3 hours) and the party would arrive days later than was announced. By that time villagers had given up waiting and thus a limited number of villagers were checked for malaria. On some occasions smears were taken to Mabaruma and results were never returned. All other promises (repairs to the school, supply of school benches etc.) made by Mitzy Campbell were never materialized.

As an untitled community, Kariako does not have a recognised Captain or Amerindian Council. Local government does however recognise, and oversee the elections of, the Community Development Council, which includes a Chairman and five Councillors. There have been four Chairmen over the past 15 years. The post was first held for 13 years by Lewis Samuels. He was replaced by Godfrey Cream, a miner from Kwebanna, who held the post for only a year, because people felt he was not 'for' the whole village and was considered an outsider. His place was then taken by Simeon George, an Arawak from Pomeroon who married a local Carib woman and has lived in the village for some 20 years, who only lasted six months. He was employed as a shop clerk at the time and it was felt that this employment could not be combined with the position as chairman. During a visit by the local Assistant Regional Administrative Officer, Mary Williams, elections were held and the current Chairman, Alexis Samuels took over as Chairman. Although he is the older brother of Lewis, he is not a very confident or powerful leader. In fact leadership in the community is disputed between the Church leaders, the head-teacher and the Chairman. The Church wields greater influence as it has funds while the Chairman has none.

## Mining

Small-scale mining is prevalent especially since 1980s with closure of Anglican Mission at Kokerite, when people began to move back into the area. However most of the mining is done by outside pork-knockers working small claims. Caribs will work in the mines as casual labour when they need cash. Only one villager actually has 10 mining claims of his own. He is also the only villager to own a boat and engine. Two or three other members of the community also have little pumps.

The community has never been officially informed that they have had concessions or exploration permits placed on their area. They are also never informed when actual mining claims are recognised in the area. Although the GGMC was informed of the presence of the community of Kariako by Janette Forte and Marileen Reinders in 1997, there has been no follow up with the community itself much less to address the communities' concerns. When Mines Officers come through, which is rare, they do not attend to the village

A number of larger companies have been active in the area in recent years. Roraima Goldfields has carried out explorations at Imotai between Kokerite and Waini, Yakishuru and Ianna. HGB (abbreviation of Hunt Grim and Bunker, the 3 original owners), owned or backed by a Texan oil tycoon from Spokane, was exploiting a 20 square miles concession which overlapped 5 existing claims in the Middle Barama. The claims owners entered into

profit-sharing arrangements with HGB to exploit their claims using capital-intensive technologies. However, the operation was not successful as everyone was ripping it off : inappropriate huge centrifugal machines were unable to cope with the coarse gravel in which the gold was found. The whole project lasted about five months. The tailings spilled into White Creek and the water was thick with mud making bathing and fishing impossible. This caused serious problems for the local Carib residents who live just across and down stream from the mouth of White Creek. HGB also went into a deal with the titled community of Waikarabi for mining and logging. Local government (Mary Williams) was involved in the deal but no central authorisation given. Only logging resulted. The agreement was aborted by HGB after one year. At Chinese Landing the village has a deal with local businessman Vieira, who allegedly plans a 'large-scale' operation but it is doubtful he has the commitment or capital for such a venture. There was also a 'shout' near Kokerite in the fall of 1999 which drew in many Brazilians expelled from illegal placers in Mahdia. This has now quieted down again.

Recently, September/October 2000, there was a big shout at Pipianni (across from Ianna) on the Middle Barama. Some 500 or 600 miners came into the region and rumour was that gold was being brought out 'in big buckets'. All gold was recovered with metal detectors. The scale of the operation has now diminished considerably and left with 40 to 50 miners. IT is believed that the recently constructed logging road by BCL has facilitated this shout. The sudden stop of the shout was caused by an unauthorized raiding party of mines officers, police and military who confiscated 9 pounds of gold and destroyed miners camps in the middle of the night. This incident was headline news in the Stabroek newspaper and was reported by the Commissioner to the Prime Minister which in itself is exceptional.

**Impacts of mining**

Mining has brought definite problems. There has been one rape but the miners do tend to leave the village itself pretty much alone and the women are able to keep to themselves. The villages do complain of soiled water supplies and that fish and game has decreased. The communities also say that they did not have malaria in the 1970s and that it only became a big problem in the 1980s when the mining started. It is now a serious problem and is present in both *falciparum* and *vivax* forms.

## Region 1 Report (March, 2001)

### Overview of Field Visit

As part of the larger research project undertaken by APA and NSI[117], a short field visit was arranged to Port Kaituma and Big Creek in Region 1. The field visit was undertaken by Edgar Antonio (member of APA Executive Committee for Region I and member of the project's National Advisory Group), and Dr. Gail Whiteman from The North-South Institute. The purpose of the field visit was to examine the impacts of mining on local Amerindians in the area and to provide Gail with first-hand exposure with the Guyanese experience. The field visit was supplementary to the community consultations planned for Region 1, 7, 8, and 9. Our field visit to Region 1 took place from December 1-4, 2000.

Port Kaituma was the base for our field visit, and Edgar Antonio (with help from a local Amerindian miner, Alvin Daniels) organized a trip to Big Creek which Nicholas Jones (of the local APA unit) also attended. Interviews were also conducted at Amerindian homes at 4-Mile, within the village of Port Kaituma, and also at the mining camp at Big Creek. Interviews were conducted by Gail and Edgar. Alvin and Nicholas also attended many of them. A community meeting could not be arranged due to the time constraints. Ten interviews in total were conducted. Interviews were conducted in English with the exception of two that were translated by Edgar Antonio.

Region 1: (Port Kaituma, 4-Miles & Big Creek)

There is a long history of gold mining in the area. Most of this is from small and medium –scale mining. There are some multinational companies involved in Region 1. Multinational mining concessions cover some areas in Region 1 -- e.g. Golden Star Resources has a concession to the south our study area (though it did not appear that they were currently active in exploration). There are no large mining companies directly working in the area of the field visit. However, large-scale forestry still exists. In 1991 the Barama Company was granted a large timber concession that continues to operate throughout the area. In addition to the direct impacts of forestry on the area (see the 1994 report by the APA and WRM), there have been significant indirect effects of the road infrastructure build by the Barama Co. The roads have provided easy and convenient access to the area and helped facilitate the large influx of small-scale mining. As one shopkeeper in Port Kaituma explained: "God bless the Barama Company for opening up the area to gold mining..."

Negative impacts on Caribs also have a long history: "The Peberdy survey of 1949 found the Caribs to be suffering severely from the intrusion of miners into their area and recommended that an Amerindian 'reservation' be established to protect them from further problems...The Amerindian Lands Commission, which reported in 1969, also noted the severe situation of the Caribs. The Commission likewise recommended that an area be set aside for them."[118] This has never happened. The Amerindian Lands Act in 1976 did not recognize these recommendations and the Amerindians in this area were not granted land rights.

Currently, there are lots of small-medium scale gold mining operations in the area and much of it is illegal. We were informed that the big gold mining areas were: 5-Star, Big

[117] Project Title: *Exploring Indigenous Perspectives On Consultation And Engagement Within The Mining Sector in Guyana.*

[118] Amerindian Peoples Association and the World Rainforest Movement. 1994. *Joint Survey of the Barama Company Limited Concession Area.* p. 4

Creek, Tassawini, Arakaka, 18 Miles, White Creek, Baramita, Whana, Pipiani, Eyelash* and the Upper Warapa. We also received reports that there were shouts at the [I believe this should be the Barima River but can you check with Edgar? It might also be the Barama R] River, at 4-Mile, and at Kariao. The majority of miners were Coastlanders though increased numbers of Brazilians were appearing. Also, we were told that a lot of Amerindians participate in small-scale mining, either as pork-knockers or as part of crews for land dredges owned by Coastlanders.

The Amerindians interviewed identified significant problems in Eyelash, Arakaka, Big Creek, and Port Kaituma, among others. This report provides a description of the situation at Big Creek and also provides a summary of the social and environmental impacts of local mining based on our interviews.

**Description of Big Creek**

There is a lot of gold mining in the [replace with] Barima River area including Big Creek which currently has about 25 land dredges. There are no large companies at Big Creek. Prior to the land dredging, the area had been traditionally occupied by Carib farmers though there were reports that Amerindians had also mined in this area in the 1920, using mercury which they had bought from a local shop.

According to one person that we interviewed: "There are about 5 Carib families living here, mostly on their own. They farm with manual labour using a spade and pick axe... The area is now owned by a millionaire and the pork-knockers can only work in the swamp not on the hill. He put the rest out. Big Creek has about 300 pork-knockers, but only 30 are Amerindian. The rest are Coastlanders. There are usually 7 people to one crew per land dredge." It is unclear how many Amerindians currently live in the camp but there are certainly some families living at the mining camp and in the surrounding area.

During our visit, Alvin Daniels introduced us to an Amerindian mining crew, operating a land dredge for an outside owner. This was the only dredge with an Amerindian crew at Big Creek (see photos). The head of the 5-man Amerindian crew explained that their dredge got approximately 5-10 ounces of gold per week. They used 1 ounce of mercury for every 5 ounces of gold. The leftover mercury was burned. Typically, in the Big Creek area, gold was worth 2000 G. dollars for a pennyweight, 20 pennyweights per ounce equals 40,000 G dollars/ounce. We were told that crew members get 15 per cent of the gold each[119], and the rest is owned by the boss, a non-Amerindian (in this case 25 per cent). If someone got injured, the boss will give him some money in compensation (amount unclear). The leader of the crew had been working on the dredge for two months (since October 7), every day 6am-6pm. "Being a family man, once every fortnight, I go to visit my family in Sebai." When the miners take a break, they have a guard to watch over the claim.

Alvin Daniels offered slightly different information from his experience working on land dredges in Big Creek: 1 ounce of mercury is usually used for every 3 ounces of gold. Every week, the lowest amount that one of these dredges gets is about 10 ounces of gold.

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[119] The actual standard percentage was confusing. My notes indicate that each member got 15 per cent of the value of the gold, which means that a 5-man crew received 75 per cent of the gold taken from the dredge with 25 per cent to the dredge owner. But I was also told that often there are 7 man crews but I am unclear about the percentage they would receive since local people said that 15 per cent was the standard regardless of size of crew.

Land dredges operated throughout the area and on many of tributaries leading into Big Creek. Drums with mercury were used to separate the gold through sluices, which discharged water directly into the water (see photos), with no clean-up or testing of water conditions. Left-over mercury was burned and there appeared to be little if any safety precautions on its disposal or handling. Throughout Big Creek there were pools of polluted water lying stagnant (see photos). The land dredge crews did not test the water to determine the safety of environmental conditions and mercury contamination. While we did not conduct water tests, it was clear from our observations that the area was contaminated with only dead trees and bushes lining the pools.

The social situation at Big Creek was also grim. We heard many reports of frequent fighting and drinking in the camp. Drugs were reported to be rampant and there are 9 or 10 local bars. According to an Amerindian woman who ran a small shop at Big Creek and had worked in other troubled areas such as 5-Star: "Big Creek is the worst area. There are plenty of [alcohol] shops in Big Creek." There were also reports of violence. We were told that a man had been shot at Big Creek in the past. More recently, "they had a problem in Big Creek. Two men chopped upon each other [with machetes], two Amerindian men. I even think it reached the police. Nobody was killed."

In addition, there were a number of stories of sexual abuse, prostitution, and violence against Amerindian women and girls at Big Creek. These gender impacts are discussed in more depth in a subsequent section.

Overall, the social problems and violence at Big Creek was generally agreed to be a real problem for local Amerindians.

## Environmental impacts

In addition to the mercury pollution at Big Creek and other sites, a number of the interview participants identified water pollution as problematic throughout the area, particularly Arakaka: "The biggest problem is the water problem in Arakaka. The dredges are messing up the water so you can't use it. You need to walk a very far distance to get the water [usually done by the women]. Sometimes you have to draw water over 2-3 miles. Everyday, they carry it back." While we heard that the captain in the Arakaka area made a report about the water, nothing appears to have been done and it seemed unlikely that the EPA was doing any monitoring of the water quality. According to an Amerindian man at 4-Miles: "At the time I left [Arakaka], the river was very dirty. And the people used to get water there...The water running into the [replace with Barima] River was always dirty. I used to get water from a little spring and they dug it up and made it into a reservoir."

While flying into Matthews Ridge en-route to Port Kaituma, we could clearly see silted tributaries and a muddy – [Barima] River (see photos). Our interviews indicated that local people believed that mining activity had a negative impact on fish, game, and water quality: "We can't get fish here right. You have to go far to get fish. Miles. You have to go miles. You used to walk through the forest and get fish and meat but not now." Similarly: "Yes the mining does affect the fish in the area. You've got to go far for the game because of the noise of the [land] dredges." "You used to get turtles, but not really now..."

## Health impacts

### Malaria

Since mining had intensified in the 1990s, people reported that there was a significant increase in malaria throughout the area since the stagnant pools of water (a common byproduct of dredging) were a perfect breeding ground for mosquitos: "There is a lot of malaria in the area. A few days ago, the malaria person at the clinic [in Port Kaituma] said that many cases came from the 4-Mile area, from Eyelash. Amerindians, mostly Caribs live there. Because of the pollution, malaria is worse in the mining areas." It also appeared that Big Creek was particularly bad for malaria.

### Health impacts from polluted drinking water

Poor water quality may be leading to negative health impacts. In one interview, we heard a report of increases in diarrhea, and 2-3 typhoid cases though nobody had died. However, we did not gather detailed data on this issue.

### Mercury contamination

While people were generally aware of the mercury problem, few identified known health impacts from mercury contamination. However, Amerindian and other miners appeared to be easily exposed to vaporized mercury when burning left-over quantities. In addition, health risks from increased mercury in the water system can also be expected.

## Abuse of human/indigenous rights

### Forced relocation

Since the area is untitled, the local Amerindians do not have any rights to their lands despite long-term inhabitation. Consequently, when gold is discovered, miners move in without any consultation with, or compensation for, local Amerindians, who are forced to relocate. For instance, one of the Amerindian families interviewed at 4-Mile had originally come from Arakaka but were forced to leave three years ago by small-scale miners: "When a dredge comes in they put you off the place...That is the reason I come here, that I moved and came this way. After they see there's gold, they take over the area as a concession [the Phillips brothers]. Here the same thing is happening. I can't live in peace." But despite this forced relocation, the family did not complain since they did not feel there was anyone to complain to.

### Unrecognized land rights & lack of consultation

Most of the Caribs living in Region 1 do not have any legal title to their lands. Consequently, there is no consultation on any mining or forestry activity in the area.

"I think mining not only in Region 1 but over the entire country has a heavy impact on Amerindian areas...It has robbed the Amerindians of their land....Let's say a multinational comes into the area and discovers gold and diamonds, the government will say, OK Mr de Souza, the Minister of Amerindian Affairs, get [the local people] to sign. Instead of having 10 square miles this certificate has only 6 because in that other area they've discovered gold or diamonds. That's the kind of experience the Amerindian is having in this

country. Another problem is forestry. Like the Barama Forestry Company came here. We have a species of wood that they want. Another 3 acres cut out of the area again. That's what the government is doing. That's the impact."

"I would say the government does this because the Constitution says in the Amerindian Act that the government can take away Amerindian land without any compensation...that is discrimination."

### Violence & abuse

Human rights abuses linked to mining projects and other natural resource development (e.g., forestry) were a key concern for local peoples. Violence and abuse of Amerindians by miners was discussed. Also, the police, GDF and mines officers were identified as other protagonists. The raid at Pipiana in the Barama [can you please check to see if Pipiani is in the Barama or Barima area?] river area was brought up in a number of interviews:

"[There has been] a lot of wrongdoings in mining. Recently, mines officers came down and raided the miners who had taken out a little bit of gold. You don't know how many months those Amerindian men and women struggled to get a little bit of gold. Police and GDF officers went in and took down the amounts stolen. It is very unfair when you find something...Just because we have nobody to represent us, to look after this. It's very hard."

"At Pipiani, they went by night and seized gold, the police, the mines officer, and the army. It was my understanding that these people went in with masks and took the gold away. The NDC chairman wrote letters to GGMC and that miner is in trouble. It is a big issue. The Chairman from GGMC went in and the mines officer is saying that the miners were hostile so he had to go in with force. But the Chairman said that should have been reported."

"There were 2 persons from the GDF, 1 police officer, and 1 mines officer that went into Pipiani. They asked the boys to get out of their hammocks and you had to throw your gold into their bags and then they went to the next camp. I think they beat some too."

"If the warden does come in, he should come in daylight."

We were told that the victims were a mix of Amerindians and Coastlanders. While Pipiani was the most recent example of violence and human rights abuse, we were told that many of the mining camps operate in an almost totally lawless manner: "I used to live in a place called 5-Star, selling chickens and greens. Some of the problems at 5-Star are the same [as at Big Creek]. That place really needs an outpost of police." Local people repeatedly referred to the area as "The Wild West..." or a cowboy town where complaints were met with further violence and abuse. In a nutshell, "Kaituma is a very difficult place..."

## Socio-cultural Impacts

### Loss of traditional lifestyles

Mining activity affected traditional lifestyles in a number of ways. Mining activity on traditional lands meant in some cases the forcible closure of existing farming. As one Amerindian man explained: "Now we can't even farm. Nobody really has land around here.

You can't do nothing." Mining also impacted hunting and fishing via impacts on game populations. However, a number of families still try to pursue a traditional lifestyle.

Nevertheless, working in mining camps or prospecting also represented an alternative to traditional forms of employment such as farming and hunting. This incentive built upon the earlier impacts from the Barama Co.: "Most of the people are depending upon mining because there's no other jobs for them to do. Very little farming here now. Before Barama Co. you used to find a lot of farming but when Barama came they lured a lot of Amerindians so the people stopped depending upon farming."

However, with the shift into mining as a means of employment, there are negative impacts on social structure and traditional family life: "Mining on the whole makes the workers strangers to the family. Most pork-knockers I work with don't want to come home without money. Due to the few resources here, [mining] is the only job they have so it's hard on the family. In most cases, the guys open up an account with the shop [in Port Kaituma] but not all. It really affected a lot of homes. Because the gold is getting scarce or under concession, most of the pork-knockers are running bush and the family really feels the strain...When you have a gold claim you have taken rations from the shop and then the gold pays the shop and your family's deep in debt and you start all over again unless you get a shout. Going after gold isn't easy boy."

**Perpetuating poverty & inequality**

While participation in small and medium scale mining has the potential to offer economic gains to Amerindians, the experience in this part of Region 1 is that it often perpetuates poverty and inequities. We heard stories of Amerindians who discovered gold but had their claims stolen, were tricked into divulging the location, or are bullied into giving up their claims by Coastlanders who have more experience with the administrative system of registering claims. Amerindian men who work as prospectors or as part of mining crews, often have trouble getting paid for their work. The local police appear to be complicit in such situations, or at minimum, are not helpful to the Amerindians affected. The Amerindian Minister had also not helped rectify the situation despite complaints.

*"You find that the Amerindian people can't work as they should. So they have to work for people and they have trouble getting the money that they should get from the dredge owners. The people don't complain [officially] though they might complain within themselves."*

*"If you go and prospect and if you find [gold] there, they'll [non-Amerindians] take the police in and put you out. They use that, bullying tactics. They dealt my son some blows but we won the case in court. My boy worked 8 years with that mine since he was 15 and he [the boss] never signed a mining privilege for my son."*

*"Anytime the Amerindians find a place [with gold], they [the Coastlanders] go and 'brand' the place. They go and send in the application for the place [to the mines ministry]. When the Amerindians start to drink, they tell them where they found it [the gold]."*

*"All the time, we [the Amerindians] have problems with money [from working in small and medium scale mining]. When you talk to them [the bosses, usually non-Amerindians], they try to put you in the lock. They just want to keep robbing you, bullying you. That's the reason why I don't work with anybody."*

*"Yes, it's true that the dredge owners, they won't pay the Amerindians. Some have waited 7 months for their money. I don't know if the Coastlanders have that problem." "Amerindians would just wait and wait but the Coastlanders would lash out."*

*"Look at my two boys...Here's my son with a local man, and he's getting a hard time to get his money from the boss. He [the boss] goes to town to get another cruiser and metal detectors. Yet he doesn't have a few thousand to pay my son. This young man comes here sick. It's disheartening. When you work, you're not BEGGING! You should get PAID! It's the same thing again with my younger son. The time goes and he gets nothing. When you go to the police, they tell you that you have to go back and work for the same man. The police don't do anything because they're well paid. My son and another man went out and cut two claims for this man. Up until now, he hasn't got 20 cents for it. They're not paid. You can cut one claim in one day, so two claims equals two days, by cutlass. One claim is 20,000 Guyanese dollars."*

There were also inequities in mine concession ownership. Rarely did Amerindians own mine concessions or operate land dredges. "The Amerindians don't have the type of equipment to work [a land dredge]. But the Coastlanders do." Typically, Amerindians end up working for Coastlanders or receiving little if anything from their claims. Most of the small-scale miners now use land dredges. The cost of a land dredge plus set up costs was reported to be approximately 2 million Guyanese dollars. Few Amerindians have the ability to pay such prices and thus tend to work for those owned by non-Amerindians.

The economic benefits from mining did not appear to be significant within the area. However, there is a lack of other employment options for many Amerindians in the area: "I think it is very hard for Amerindians. We don't have any jobs." While Barama Co. used to be a key employer in the Port Kaituma area, local employment has diminished significantly and we received reports that there were no Amerindians working for the company (we did not have time to confirm this directly). Interestingly, we heard reports that Barama Co. was moving out of the area in the next year or so. If this occurs, the region will likely suffer some negative economic impacts.

**Community in-fighting**

Lack of land title and lack of official leadership has compounded community in-fighting over many of the impacts of mining: "In this area, everybody is pulling and tugging each other. There's no council so there's no-one to go and talk it out with. There are about 100 or so Amerindians here [at 4-Mile] but nobody to talk to when something goes wrong. We're just trying to live...People are fighting about mining, farmland... sometimes they're quarreling over drinking water. I used to go over and get drinking water over there and this fellow stopped me and I had to go to the next farm."

**Alcohol and drug abuse**

Alcohol abuse and its impacts was perceived to be a serious side-effect of mining: "The biggest problem with mining is the liquor, the alcohol. Big Creek is the worst area. There are plenty of [alcohol] shops in Big Creek....Drugs are rampant. Big Creek is the worst. Cocaine and marijuana." Alcohol and drugs also have impacted Amerindian culture and family life in the area: "The Caribs still have their culture, they can speak their language, they still have their cassava bread, they still cut their farms. But they drink a lot of alcohol." The alcohol abuse affects family life and child welfare. While the Amerindians previously drank a home-made spirit called Piwani, the drinking has gotten significantly worse with

mining. "The Indians live down the river from 5-Star and when they come in, they carry the meat and the cassava bread for sale. When they drink [with the proceeds] they get taken advantage of."

### Impact on Amerindian children

Mining has also had specific impacts on Amerindian children. In some cases, children live at mining camps but receive no schooling. In other cases, Amerindian children actually work in mining.

"One thing I don't like is the miners encourage the young children to stay with their mother when they should be in school. It's really affecting this area and if you go in Arakaka it's the same thing too. Right now if you go to Eyelash, they're working their 8-10 year olds. We need someone to look into that. They [the children] get no kind of education."

"We don't have schools in the Barima area."

"To me the biggest problem is the children. I think that the children should come out of the mining area and go to school."

"There is no school in 5-Star. But there's a lot of children there. In some parts you find the children do work in mining."

"Teenagers from 15 and below have been affected. They're leaving school. From the age of 12, they go up to the mining camps."

In addition, the sexual abuse of children at mining camps was reported: "Some parents when they drink, they've got little girls... and one Coastlander man took the little girl about 9 years old away. Two of those pork-knockers carried her to rape her and a big man came over and saved her. When the Indians get drunk, they get taken advantage of." Such situations are discussed in more detail in the following section.

## Impacts on Amerindian Women & Girls

Resource development can create significant impacts on Indigenous women. Our interviews indicated that Amerindian women and girls in the area suffered a number of gender related impacts outlined below.

### Sexual abuse and exploitation of Amerindian women & girls

Sexual abuse and exploitation of Amerindian women and girls by the large numbers of transient male mine (and forestry) workers was discussed by many of the people we interviewed. Cases of sexual abuse of Indigenous women and girls were not uncommon at many different locations:

"At 5-Star, an Amerindian woman reported that her daughter had been raped and nobody came out to help. She said she came to make a complaint to the police station but they didn't take any action. They had a case here about a month ago, the mini bus driver took an Amerindian girl about 15 years old out to a deserted place and raped her. The parents made a complaint to the police but nothing came out of it. If you pass a dollar to the police

nothing comes out of it. We call it a cowboy town. This is a cowboy town. If you were on the right side, you would eventually be on the wrong..."

"The pork-knockers come in here and not only do they bully the Amerindians off their land but also interfere with the young girls. If you ever go to the police, nothing happens because the man will break off a chunk of gold and nothing happens but your girl is raped."

"It happened in this community, not with mining but with the Barama Company. They take the young girls and stay over night and bring them back to school."

"I heard that they take rude pictures..." "It's true. It's the Malaysians [from Barama Co.] that do these things... The young girls are kicked out of school.... This man came here and said is Cindy living here? It's my daughter. It was a Malaysian. I came in and I grabbed a cutlass and I broad-sided this man. These Malaysians take these young Amerindian girls and leave them pregnant. One day if it is the will of God, my daughter will find someone. She will not stay with me forever. But it has to be done in a certain way. My way. My girl-child is NOT a puppy to give away like that! It is not a question that I'm trying to be selfish. But she's my child and she's under my care and I will protect her. With others, they [non-Amerindians] will come in with a bottle of rum and two beers and want to hold the girl and bully the father. People complain to me about it. But NOT with me!"

"I think one of the biggest problems is that these Coastlanders take advantage of Amerindian girls. They drunk them. That's one of the regular things...I remember one night they stripped a girl naked on the road there [at Big Creek] and it's a nice lady. And the men lined up. She was drunk. These girls are young girls, 13-14. Young girls. They should be in school. They drunk the parents first. And nobody really looks into the matter."

"Most of these young girls are ashamed and they don't tell."

"Rarely do they [the pork-knockers at Big Creek] beat the girls up but sometimes."

"It is very dangerous for women in the mining areas. The women are there because the husband is, but when they start to drink, it's all of them [on her]. I think they should get rid of the women from the claims and only have men there."

"One time I had to save a girl who was 16. The Coastlanders raped her. She's a Carib in 5-Star. When they were almost finished with she, a boy came to wake me up. They drunk her. They had her in one of those bush toilets, 16 or 17 men. She didn't complain to the police. Next day when I asked what happened to her, she said nothing. She didn't want to say. The father does it with her too. She doesn't have a mother. He does it with all of his daughters. There's nobody to investigate...Since that happened, the year before the last, it hasn't happened again. Just the Coastlanders do it. Not the Carib men. The next morning, everything was all right with she."

"About 15-16 men go with her. They call it "they bank her" which means more than one..."

" The local word for that is 'they bank the girl or the woman...'"

"Buck night. They call these girls buck girls when they come out to party at these drinking places."

"They [the miners in Big Creek] had two little girls, 16 and 17. They had them naked, maybe they put something in their drink. Me, I'm Amerindian and I can't let this happen and I told the boys to stop..."

## Social and economic hardship

*Amerindian women also had a greater susceptibility to the dislocating and alienating aspects of small and medium mining. As increased numbers of Amerindian men participate in mining, women are left behind with the sole responsibility for the family and for maintaining farms. We received reports that Amerindian men were not always home on a regular basis and in some cases did not (or could not) send monies to support their families.*

For instance, at 4-Mile, we interviewed an Amerindian woman with four children who had originally come from Matthew's Ridge. Her husband worked as a pork-knocker. He hadn't been home for 5 months and only sent money for the first time the day before we interviewed her. Life without income has been very hard for her. She told us that she had no other income and no farm and depended solely on him. She couldn't afford to send her daughter to school. When he did not send money, she was dependent upon the rest of the community for help.

Environmental impacts on local water supplies also meant that increased work loads for Amerindian women who had to travel much farther to meet daily water needs: "The biggest problem is the water problem in Arakaka. The dredges are messing up the water so you can't use it. You need to walk a very far distance to get the water [usually done by the women]. Sometimes you have to draw water over 2-3 miles. Everyday, they carry it back." "[It is] very rough for drinking water. You don't find clean water to drink at all. It's rough in the mining areas. In Eyelash, you have to walk about a mile to get clean water [the women walk]. During the rainy season, you collect the water but when it's dry you have to go get it."

Amerindian women were involved to some degree in small-scale mining. However, we received only one report of an Amerindian woman who had a claim. Unfortunately, she was being ripped off my local male mine workers:

"Right now there is a Carib women that has a claim at Big Creek... She went into the Amerindian Minister [when her claim got stolen]. He told her that she had to put up another claim board. She had lived there for years and now they [the dredge owners on her concession] don't want to give her a percentage. She got left with nothing. The claim was handed down from her father. [He had previously put in the paperwork for the claim]. She gave her money to Mr. Gaskin to pay for the claim registration. [Gaskin is the RDC Councillor]. They're suppose to pay every year. All he brought for the girl was a prospecting licence. When she gave the dredge owners permission to work on her claim, they at first gave her a small percentage and now nothing at all. Four dredges are working on her claim and all are Coastlanders. Only two of them gave her a little something [Edgar said she is suppose to get 50 per cent of the proceeds].

The Amerindian Minister send her to the GGMC. The GGMC said the claim was invalid. She explained to them that she lived there for years, that they had a farm there. They still do. The man said all right but she must go and brand the claim again. She said that she had already branded the claim again....They've made a lot of gold. Sometimes when they wash down the gold every 4 or 5 days they get 16ounces. An ounce of gold is worth 40,000 G dollars in this area....

...The same lady, she had to fetch water from the next creek [because of the pollution]. She has two children, 10 and 8 years old. She's about 43 or 44. Only they alone live in the immediate area. Only this family, though there are other Caribs living in the Big Creek area. None of the other Caribs do the mining. They farm."

## CIDA's Presence (GENCAPD)

According to a mini bus owner in Port Kaituma (Mr. Bain), Randy Clarkson from Canada came down about a month before us for a seminar in Arakaka on mining technology. While people did not know the name of the training program, this must be part of the GENCAPD. We were told that Clarkson showed miners how to recover up to 90 per cent of the gold from a deposit. Normally people get only 70-75 per cent. People were now using Clarkson's process. But we did not receive any reports that Amerindians participated in the workshop. No Amerindians interviewed appeared to be aware of this training program, despite their participation in small-scale mining in the region.

## Summary of Findings

Our data suggest the following points: Mining has negative impacts on local Amerindians in terms of:

- Environmental Impacts: mercury contamination, water pollution, negative impact on fish and game populations.
- Health Impacts: malaria; health impacts from polluted drinking water; mercury contamination.
- Abuse of human/indigenous rights: Forced relocation; unrecognized land rights and lack of consultation; violence and abuse, including gender impacts.
- Socio-cultural Impacts: Loss of traditional lifestyles; perpetuating poverty and inequality; community in-fighting; alcohol and drug abuse; negative impacts on Amerindian children.
- Impacts on Amerindian Women and Girls: Sexual abuse and exploitation of Amerindian women and girls; social and economic hardship.
- CIDA's Presence (GENCAPD): While GENCAPD appears to be in the area, our data do not indicate any Amerindian participation within the training seminars.

Field interviews also strongly support Edgar Antonio's remarks in the Advisory Group Planning Meeting in December, 2000, in Georgetown. Also, from a methodological perspective, the use of local Amerindians in the organization and execution of the field trip was invaluable. We owe a great thanks to Nicholas Jones, Alvin Daniels and Emelda Jones.

## Annex 3

**Region VII report**

# THE UPPER MAZARUNI

Community Consultation
Chinowieng, Kambaru, Philipai, Jawalla, Kako, Kamarang/Warawatta

"Exploring Indigenous Perspectives on Consultation and Engagement Within the Mining Sector In Latin America and the Caribbean"

by

**Kid James, Anderson Hastings** and **Amrita Thomas**

9 -15 March 2001

*When I was young, I worked as a boat captain for a miner who was coming to work in the area. I assisted by showing him the way to the Upper Mazaruni but now I am regretting it, as the problems that came with it have only grown and is getting worse.*

## Introduction

The third in the series of consultations in Guyana in the study "Exploring Indigenous Perspectives on Consultation and Engagement Within the Mining Sector In Latin America and the Caribbean" was conducted in the Upper Mazaruni from March 9 – 15, 2001. Seven communities - Chinowieng, Kambaru, Abau, Jawalla, Philipai, Kako and Kamarang/Warawata - participated in this process.

The Upper Mazaruni is home to two Indigenous groups - the Akawaios and the Arecunas. These peoples live in eleven communities that are spread across an area of approximately 6000 square miles. The Akawaios are concentrated along the Mazaruni River while the one Arecuna and one Akawaio community are found on the Kamarang River. Two mix Akawaio / Arecuna communities, Kaikan and Arau are found on the Guyana/Venezuela border. Their histories paint a picture of occupation of the area for thousands of years.

In the past two decades these communities have seen a great increase in small and medium scale mining operations in and around their lands. They have been helpless onlookers as wide spread destruction of their lands and territories have taken and are still taking place.

Sporadic contact with outsiders date back to the 1920s - 30s but was not sustained until the 1950s when a diamond rush sparked the intrusion from outsiders into the lands and

lives of the Akawaio and Arecuna peoples. The diamond rush was the beginning of a period that would threaten the survival of these people. They would experience, among others, relocation, loss of lands, environmental degradation, and cultural disruption and human rights abuse.

The first district administrative centre with an airstrip was established by the government at Imbaimadai. The Amerindians were told that this centre would safeguard them from intrusion into their lands from which they would not be removed. At the same time however, small Amerindian settlements around the Imbaimadai area were encouraged to move to Jawalla to form a larger village.

The district administrative centre was later removed and relocated to the Kamarang River mouth against strong opposition from the communities. Foreseeing that such a move by the government would only open the way for further incursion into their lands by miners, the communities strongly stated that they did not wish for the centre to be relocated. Their concerns were never considered and the centre was removed to Kamarang where an airstrip and a government compound were built.

The Imbaimabai area was later declared vacant and opened to mining by the government, paving the way for a large influx of miners into the area. Imbaimadai is now occupied by a small settlement of miners and coastlanders with a number of rum shops and stores on the settlement. Kamarang houses the government compound along with a number of dry goods shops, discos and rum shops, which are set up along the airstrip. Village Captains have claimed that the use of narcotic drugs is widespread among the miners.

In 1972 the government announced that plans were in the making to construct a massive hydroelectric scheme in the Upper Mazaruni that would have flooded most of the villages. The Akawaio and Arecuna communities were informed that they would once again have to move. The Akawaio and Arecuna condemned the proposed project and repeatedly stated their opposition. The area was then declared a mining district so as to extract as much gold as possible before flooding the area. More miners entered the area with dredges. Jawalla, Kako and Warawatta-Kamarang were communities that were most affected with a heavy concentration of miners. Missile dredges were introduced adding to the destruction. The communities were even given dredges to operate. This initiative was not sustained as the village councils lacked the management skills to make it work and it soon failed.

The impact of mining on the communities began to take its toll. Captains reported illegal mining, pollution of rivers and a number of social problems but the government turned a deaf ear to these complaints. Mining activities were on the rise, increasing the negative impact on communities. Alcohol abuse, prostitution by Amerindian women and disruption of Amerindian families were among these social problems.

In an effort to curb these problems and address them in an organised manner, the captains established the Upper Mazaruni District Council in 1991. They began addressing the problem by first educating their communities on the issue of mining. They called for the government to fully recognise their right to the lands that their ancestors have occupied and used. They complained about the pollution of the rivers and other problems experienced by the communities and made a plea to Guyana Geology and Mines Commission (GGMC) to cease issuing mining permits to the area.

## Amerindian Land Tenure in the Upper Mazaruni

Over the past five centuries, the Akawio and Arecuna peoples have seen their vast territories diminish to small blocks of lands. These territories once stretched from east over the Essiquibo River, west to the Pakaraima Mountains and the Grand Sabanas in Venezuelan, and east to the Demerara.

The 1899 arbitration between Britain and Venezuela that set the border between then British Guiana and Venezuela did not take into account these territories and thus divided the ancestral lands of the Akawaio and Arecunas, and families found themselves on opposite sides of the border in different countries.

Under the 1902 Aboriginal Indians Protection Ordinance, the Mazaruni was declared a reservation in 1904. This reservation included most of the Akawio and Arecuna territory on the Guyana side. In 1911 the Mazaruni reservation was declared the Mazaruni Indian District under the 1910 Aboriginal Indians Ordinance.

After the incursion of pork knockers in to the area, the lower and middle Mazaruni areas were de-reserved in 1933 and opened for mining, forcing many of the Akawaios to take protective measures by moving to the Upper Mazaruni.

In 1945, the Mazaruni Indian Reservation was declared amounting to approximately 4,500 square miles and included lands from Paruima to Chinowieng, the Imbaimadai savannahs, Kambaru and the Ayanganna Mountain. The Akawaios were then encouraged to leave their settlements and concentrate in large villages. While many did leave, some families chose to remain where they were.

In 1959, a major diamond find brought thousands of miners into the reservation. Later that year 1,500 square miles of the Mazaruni Indian Reservation was further de-reserved by the government, including Chinowieng and the Imbaimadai savannahs. The area was officially opened for mining. The remaining reservation was renamed the Upper Mazaruni Amerindian District. This resulted in a heavy influx of miner to the area that started the massive disruption of the way of life of the peoples. This disruption continues unto today.

In the early 1970s when the government announced plans for the construction of a hydroelectric project costing some US$ 2.4 billion a few miles north of Kamarang, the Akawaio and Arecuna communities were informed that they would have to move. They were told that if they did not cooperate they would not receive any assistance for resettlement. The Burnham government then in power, stated on the question of Akawaio land right, that the Akawaio had no former land titles and hence had no legal right to remain in their ancestral territory and could be removed forthwith without compensation. Using stronger words, Burnham allegedly stated, "The Akawaios are mere squatters whose ancient occupation of the region counts for nothing in the eyes of the law." The communities repeated their opposition and in 1977 wrote to the government stating their reason for wanting to remain in the area.

Under the revised Amerindian Act of 1976, 62 Amerindian communities and 2 Amerindian districts received freehold land titles. None of the Upper Mazaruni communities were considered for title although the 1969 Amerindian Lands Commission Report had recommended that they receive title. The Guyana Government still had plans to build a dam

in the area. In 1977 the Upper Mazaruni River was opened up for mining by the government and declared a mining district in 1978.

In 1991 in the run up to national elections, ten Mazaruni communities were granted titles to approximately 1,500 square miles of land amounting to less than a third of the area claimed by the communities and less than half of the 1959 Upper Mazaruni Amerindian District. The titles were split in to blocks of village lands sandwiched by state lands.

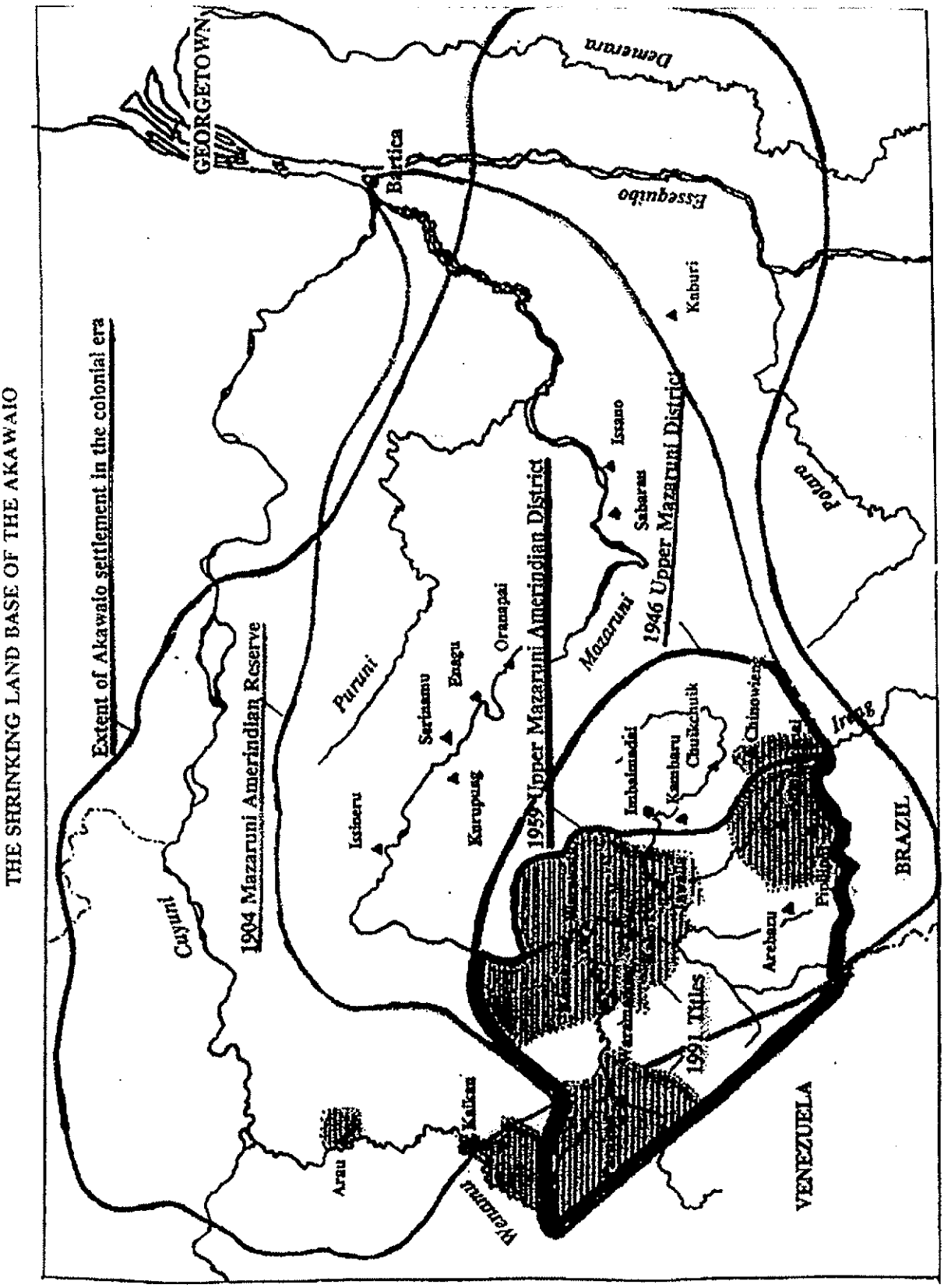
The Upper Mazaruni captains made several attempts to have these sandwiched lands as recognized by the 1959 Upper Mazaruni boundary included in their title. In a meeting with the President in 1992 the Captains were asked to show how they occupied and used the lands they were asking for. The communities, with support from the APA and FPP a UK-based NGO, were able to map their territories and produce maps of the area that showed how they have been occupying and using the area. Unfortunately, when the captains returned to Georgetown to show the government how they were using and occupying the lands for which they were seeking title, the government refused to look at the maps. International organizations have since recognised these maps as some of the most detailed and updated maps in Guyana.

A few years ago, the government announced a programme to demarcate Amerindian lands. This was explained to be a three-phased programme that encompasses a first phase of physically demarcating existing titles, a second phase of issuing titles to communities that do not have one and a third phase of looking into extension of titles for communities that already have titles. Amerindians throughout the country denounced the process claiming that they should be a part of constructing the process and pointed out that it is only a waste of money to demarcate an area twice. They also saw this move as a strategy to deny Amerindians extensions to their land, as the government may not want to complete the third phase. During the constitution reform process, Amerindians asked for a mechanism where communities can come to the table with the government and mutually agree to a settlement of their lands.

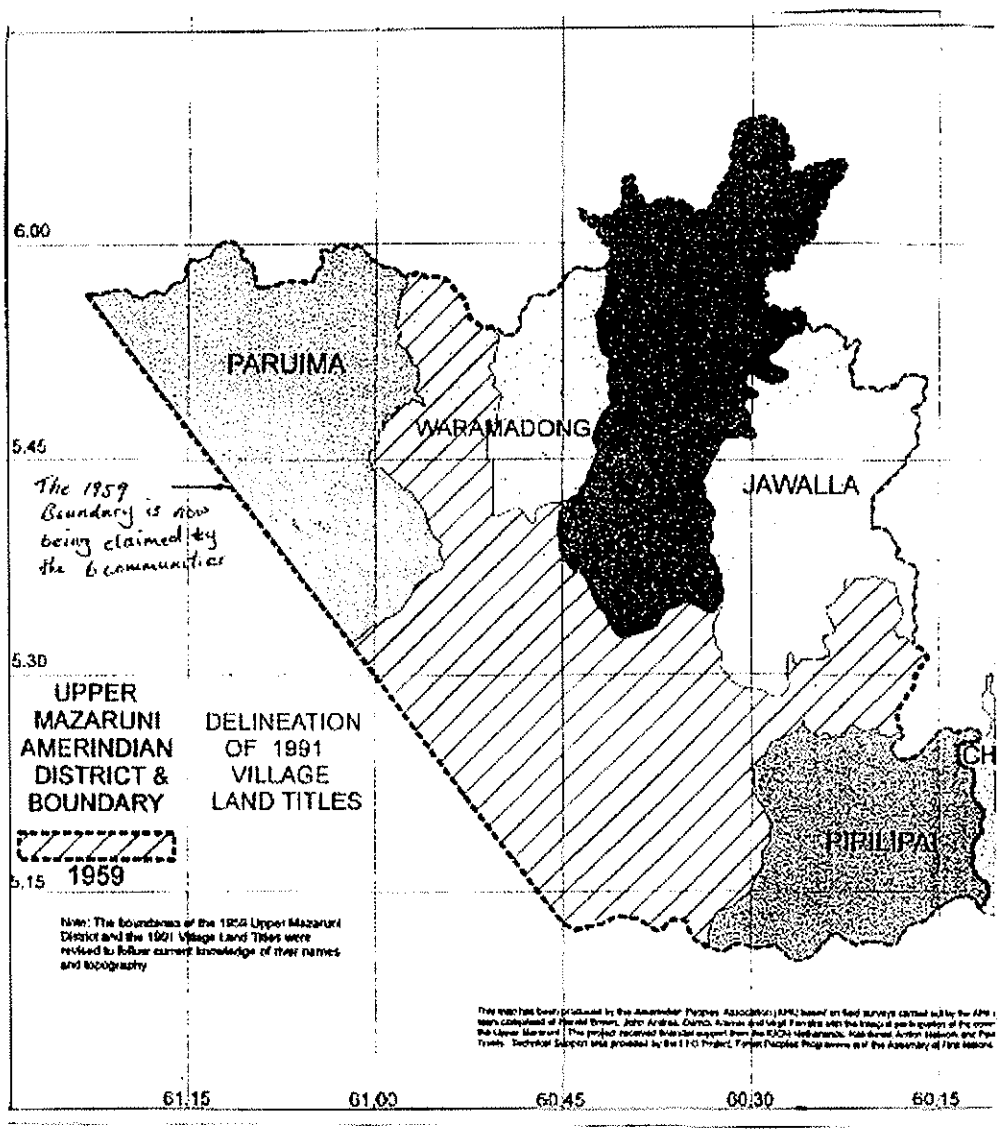
With the continuing of widespread destruction of their lands by mining activities and the lack of response from the government and relevant agencies to address this problem, the Upper Mazaruni captains once again sought the assistance of the APA to address their ongoing plight. After a series of community and captains meetings the captains decided to file a land claim in the courts seeking recognition of their ancestral land as contained in the 1959 description. A case was therefore filed against the government in November 1998 in the courts of Guyana.[120]

[120] The Upper Mazaruni Land claim is the first of its kind in Guyana and will set a precedent for other Amerindian land claims throughout Guyana if it is to be successful. The government took one year to file a defense and among others cited that the Arecuna only settled in Guyana at the turn of the last century and that Captains are not the truly elected representatives of the Akawaio and Arecuna. Since filing the case in November 1998, it is regrettably taking very long to secure a hearing date for the case. Two and a half years on the Akawaio and Arecuna of the Upper Mazaruni still await a hearing date for their case.

**Map: Akawaio Land**



**Map: Upper Mazaruni Land Claim**



## Mining in the Upper Mazaruni

The Akawaio and Arecuna communities have been in contact with miners dating back to the 1920s and 1930s. This contact has been sustained by the *ad hoc* find in gold and diamond by small-scale miners and pork-knockers. Mining interest by the government has also been sustained as evidenced by the de-reservation of the Akawaio and Arecuna reservations from time to time to facilitate mining activity.

During the earlier period the pork-knockers were the ones who ventured in these remote areas but with the setting up of the administrative centre at Imbaimadai and the building of the airstrip, access to the interior became easier. In the 1970s miners flooded the area with improved technology that greatly increased production in the extraction of gold and diamond. These mining activities took place in and around Akawaio and Arecuna territory on lands that were de-reserved by the government.

### Medium and Small-scale mining

Medium and small-scale mining form a major part of the mining activity in the Upper Mazaruni and thus, the main source of production from the area. These operations have more or less been under the control of local Guyanese miners and are the strength of the gold mining lobby. This lobby has not been happy with the growing number of explorations and mining agreements secured by foreign gold mining companies, nor with allegations by Amerindians and environmentalists that they have been responsible for widespread environmental damage to rivers and riverbanks. There was strong protest when GGMC suggested a compulsory environmental bond of $200,000. In contrast many Amerindian communities have not been able to have their concerns publicised or addressed adequately.

During the early gold rush, simple techniques were used to extract gold mainly from the banks of the river and streams. In the 1970s, new techniques were introduced with new technologies such as dredges with suction hoses and mechanised sluices that required divers to guide the nozzle under water. (Colchester 1997) This technique was further improved with the ability for the nozzles to be guided from the surface. These dredges, popularly known as 'missile-dredges', use hydraulic power to remove gold bearing or overburden material from the riverbed and banks. They eat into riverbanks, turning mud and gravel into slush for processing. This type of mining is very destructive and the Mazaruni River has suffered great environmental damage through use of missile dredges. In 1989 the government announced that it was going to ban the use of missile dredges but it did not live up to this declaration as within a few days of the announcement, the Miners' Association mustered enough pressure to reverse that decision. The idea of banning missile dredges has since been shelved.

Land dredging has also been introduced in the Upper Mazaruni where pumps supply the mining site with water from the river to flush out alluvial beds that that is then pumped to sluices. The processed slush is then guided to the river where it is deposited.

Small-scale mining is prohibited by law on lands lawfully occupied and used by Amerindians. This, however, is not the case in practice.[121] The agency responsible for mining, the GGMC, has repeatedly ignored this provision of the Mining Act and issued

[121] Section 112 of the Mining Act States: Under the Mining Act, all land that is occupied and used by Amerindian communities and all lands necessary for the quiet enjoyment by Amerindians of their villages and settlements, shall be considered to be lawfully occupied and used by them.

small-scale mining permits in areas occupied and used by Amerindians. The problems created by this are compounded by the fact that GGMC does not have the capacity to monitor all the mining activities in the area. Communities are also complaining that illegal mining is taking place on their traditional lands. This increase in mining has resulted in an increase in the pollution of rivers and destruction of the environment. There is an increase in the use of mercury by miners, most of who do not know the danger of the substance to their health.

Some village councils have collaborated with the miners to exploit rich mineral areas. However, most of these agreements have only benefited a few individuals or families, mainly those that were directly involved with the agreement.

Most of the Upper Mazaruni communities have experienced heavy mining on their lands and in recent times, Kambaru, a community without a land title or a captain, has faced the brunt of small-scale mining. In a report in 1999 made by the Captain General of the Upper Mazaruni, it was disclosed that there were dredges operating just opposite the village and these were destroying the riverbanks. This report led to an investigation by the GGMC and Environmental Protection Agency (EPA). The investigation team was asked by the villagers as to why small scale mining permits were being given out in areas that were lawfully occupied and used by them. The team failed to provide a reasonable answer and one member was not even aware that the Mining Act guaranteed Amerindian such rights.

Turbidity was discovered to be way over the safe limit and as a result of the visit, a dredge was closed down. The residents of Kambaru made a number of recommendations to the investigating team. These included that mining activities must stop immediately on lands lawfully occupied and used by Amerindians; miners must be aware of the way of life of Amerindians; and the GGMC must enforce the Mining Act, mining regulations and environmental management agreements.

## Large Scale mining

Golden Star, a Canadian company with headquarters in Denver, USA, was the first major large-scale mining company that showed interest in the Upper Mazaruni and in 1994 secured a reconnaissance survey in the area. The Upper Mazaruni communities were never notified. Communities claim that they did not know that their lands were granted to a mining company to conduct surveys until they saw planes flying over head. In one case, a community found out about the company only when lines were being cut through their farms.

When Captains queried the presence of Golden Star, they were instead encouraged to accept the company on their lands. They expressed surprise and anguish at the government granting a concession to a company without first consulting the communities. They stated their opposition to the granting of the concession but this was never considered by the government as the company carried on with its activities. Golden Star instead wrote a number of letters to the captains seeking cooperation to continue their activities on titled Amerindian lands. After continuous refusal by the communities, the company eventually pulled out of the area.

In 1997, through strong protest by Amerindians and pressure from international non-governmental organizations, the government made the following declaration:

> There have been criticisms of the GGMC entering into agreements for mineral prospecting and other development over Amerindian lands without reference to

Amerindians living there. Government has decided that recognised Amerindian lands would stand exempted
from any survey, prospecting or mineral agreements unless the agreement of the Captain and Council for the proposal is obtained by the GGMC in writing.
While upholding the law that subsurface rights are vested in the State, Government is of the view that the search for and development of mineral deposits on Amerindian lands is desirable since it can contribute to rapid growth and development of Amerindians and
Amerindian communities. Government recognises too the many potential negative impacts and the need to arrange to minimise if not avoid them altogether.

Later however, another company, Vanessa Ventures, acquired permission to carry out surveys over the hunting and farming grounds in and around titled lands of the villages of Paruima and Kaikan. The communities were never consulted before the granting of the concession. The company stated that they would respect the decision of the communities in relation to mining on titled lands but in a letter to the Kaikan captain, Vannessa offered the community mining equipment, school materials, and computer training, among other things, in exchange for the company operating on titled lands. The community refused the offer.

Another company, Tritech Industries of Minnesota, USA, also sought to work on Kaikan's titled land but the community also denied them access to titled land.

In 1998, another multinational company, Migrate Mining from South Africa, was granted permission to carry out reconnaissance surveys over an area stretching from the Upper Mazaruni in Region 7, across the North Pakaraimas in Region 8, down to the South Pakaraimas in Region 9. The Upper Mazaruni captains joined in with their counterparts from Regions 8 and 9 and strongly protested the granting of the permit without the consent of the communities. They met with the Prime Minister who is responsible for mining and he agreed that there should be a protocol on how Amerindians would be consulted. Nothing was never heard of the development of this protocol despite a draft being sent to GGMC by the communities.

At the time of this consultation, the residents of Kako were deeply concerned about the mysterious flights of a strange helicopter making regular flights in the area of the Kako Mountain. They pointed out that the mountain was part of their lands and any flight in the area the community should know about it. Some community members strongly believed that these flights were mining related since they could not think of an acceptable reason why there would be so much interest in the area.

## Impact of mining

The impact of mining on communities and the environment have been enormous. The communities located within the mining districts have suffered the most direct and worse impacts. Environmental degradation and social disruption are the major consequences. Some communities have been displaced or have opted to move away. The de-reservation of one-third of the Upper Mazaruni district in 1959 led to many Akawaios moving down river to escape the degrading behaviour of the miners. These people found themselves in the mining heartland with no where else to go.

The Amerindian Lands Commission Report of 1969 noted that following the 1959 de-reservation of the 1,500 square miles, this encouraged the influx of miners who disrupted the

way of life of the Akawaio. In 1989 the Upper Mazaruni Christian Council (UMCC) wrote to the Commissioner of GGMC about the impact mining was having on the local communities. The letter raised concerns about the increased turbidity in the river and the impact on hygiene and diet. It pointed out that the inhabitants rely on the river for fish and clean water, among other things, and that the damage to the riverbed and banks by missile dredges was disturbing the wildlife and creating serious navigational hazards on the Mazaruni and destroying the river and forest ecology. No action was ever taken on these concerns.

## Environmental degradation

As mining has increased throughout the country, it has become increasingly difficult for the GGMC to monitor mining activities. The increase in mining has led to an increase in the destruction of the environment, especially riverbeds and banks. Pollution of the rivers has become a major problem for communities. The fish population, the main source of protein for communities, has gone into decline; fish traps and spawning areas have been destroyed; clean water for drinking and for other domestic purposes is no longer available from the rivers and water has to be fetched from further away, some residents paddling for hours to find clean water. Long stretches of sandbanks have become a regular sight along the Mazaruni River. Turbidity has risen to such a high level that it is difficult to recognise anything that is below the surface of the reddish-brown milk-coloured water. At the time of the consultation a settlement a few miles below Imbaimadai complained that they had no alternative but to bathe in the brown-milky Mazaruni. They were concerned that with the long, dry weather conditions, creeks would soon dry up and there would be no access to clean water. Complaints from illnesses such as malaria, vomiting and diarrhoea have all became common sicknesses in communities. Navigation has become almost impossible. In some cases, the width of the river has narrowed to a few feet between the sandbanks and riverbanks. Wood-skin and dug-out canoes and outboard engines are constantly damaged because of the obstacles in the river.

## Social effects/disruption

The communities in the Upper Mazaruni have not escaped the social problems associated with mining. Though the Captains have made earnest attempts to address the problems, they cannot get very far without government intervention and with the little authority they have over mining activities. They feel that there is need for the miners to understand and respect the way of life of the Amerindians.

Imbaimadai, once occupied by the Akawaio, has now been taken over by a small mining community with a number of grocery shops and discos. Kamarang, the administrative centre of the district has an airstrip with a government's compound alongside. As in the case with Imbaimadai there is a number of rum shops and discos along the airstrip. These places are not regulated and business often go late into the night.

Young Amerindians are attracted to these places where they have easy access to alcohol and drugs. There have been numerous reports of rape in and around these places. Some of these were reported to the police but nothing much is ever done by them to capture the perpetrators. Amerindians complain that the police are friends with the miners and when reports are made against them, they give the police gold as payment keep the matter quiet. While some women are ashamed to speak about what has happened to them, others are threatened and do not speak out. There are also instances where some are given money or gold not to say anything. In a recent attempted rape incident, the perpetrator offered the victim money to keep quiet. This offer was refused but was later accepted by the parents.

Prostitution is commonplace at the discos, rum shops and at places where there is a concentration of miners. Young Amerindian women who come from various neighbouring communities, are also part of this activity. It was discovered that these Amerindian women are not paid the same price as non-Amerindian prostitutes. Some accept anything that is offered to them just so that they can get a daily meal. Communities fear the threat of STDs and AIDS. There is already an Amerindian woman who it is alleged died from AIDS. Women are afraid that their husbands who work with miners are at risk thus putting them also at risk of the deadly disease.

Some women from communities far away from mining areas go to dredges to seek employment as domestic servants for the miners. They sometimes carry their children with them and some have complained that the amount paid to them do not amount to the sum promised. Promises are made to pay the rest at a later date but this has never happened. In one case, a woman got a job on a dredge but she was offered alcohol so that she could get drunk and then the miners would have her young daughter. This went on for some time before the mother found out what was happening.

The sale of alcohol and its consumption by Amerindians has increased, especially where mining is close to a community. This is especially the case at Kamarang and Imbaimadai where Amerindians go to shop for household items. At Kambaru, the residents only have to paddle across the river to get alcohol. The women complain that most of the time their husbands who leave to buy items for the home return drunk and want to abuse their wives. One villager observed, " You can now see our young boys and girls dressing fancy going to parties and getting drunk. They leave their parents' home and have them worried about them."

Despite the problems suffered, some parents consider the lavish spending by miners as a life that would be suitable for their daughters as income would not be a problem. They consider farming to support the family as too difficult for their daughters. Most of the time, the daughters are left with children to bring up on their own. This causes added pressure on the mother and grandparents.

## Increase in Amerindians in Mining

There is an increase in the number of Amerindians engaged in mining in the Upper Mazaruni. The persons are not only from the upper Mazaruni but from other regions of the country, including coastal communities. Many of the women in the Upper Mazaruni complain that the Amerindian men who work on dredges adopt the attitudes of the coastal miners which they carry into the communities. They claim that this is not good for the communities. The women also complain that there is added pressure on them to maintain their children and to upkeep their farm with the men going into mining. Previously the work on the farms was shared between the men and the women but with the men being absent, the burden is left on the women alone to carry. It also means that when the family needs a new farm, the men will not be around to help cut and clear the land. "We find ourselves increasingly dependent on the shops but we do that have that kind of money to be spending every day, our husbands are not even here to go catch fish or hunt," a concerned woman said.

Young Amerindian males are now leaving school at an early age to work on dredges. They prefer earning money in this way than going to school. They are very inexperienced and are often taken advantage of and not paid their full wages.

The miners do not generally respect the Amerindian way of life and leadership and they constantly disregard concerns raised by Amerindians. They would go into villages without the permission of the village authority, sometimes in search of women who they befriend. They would take alcohol and marijuana with them and the young Amerindians readily accept these. Village leaders complain that the young women are partly to be blamed for the disregard of their authority as they encourage the miners to visit them in the village. They said that they are threatened when they confront the miners. Numerous letters have been written to the Ministry of Amerindian Affairs but nothing is ever done. The police at Imbaimadai and Kamarang rarely act when concerns and complaints are raised by the captains.

During mid-2000 after the APA made several trips into the Upper Mazaruni to investigate mining complaints, the miners became uncomfortable and the businessmen vindictive. The shops refused to sell anything to the Amerindians and in one case, a businessman did not allow an Amerindian to take up a seat on one of his flights out of the area. Amerindians had difficulty getting jobs on dredges and at one particular dredge on which Amerindians were working, five of them were accused of stealing some equipment and were severely beaten by miners and the police. One of them sustained a broken arm and all had to be flown to Georgetown to be treated at the hospital. Among those beaten was a woman. The captains strongly condemned this act of violence and asked for an immediate investigation into the incident.

This story came to the notice of the public at the launching of a book on Amerindian land rights and mining in the Upper Mazaruni in Georgetown. The Prime Minister was present at this launching and he pledged his commitment towards ensuring that there was an immediate investigation into the matter. After the investigation, the miners who were involved in the incident were charged with assault by the police.

## Local Institutions

The Upper Mazaruni District Council was formed specifically to address the mining situation in the Upper Mazaruni. The captains realised that individual communities dealing with their concerns was not bearing results and they felt that by coming together as a group and speaking with one voice that they could gain attention from the authorities. However the Council face some difficulties in that they can only afford to meet once a year because of financial constraints. The APA however has radio sets in some of the villages and this has played an important role in facilitating communication between the various villages. Some also have radios given by government.

The village captain council, a government imposed institution, has now been accepted as the local governing body of the village. Waramadong on the Mazaruni River was the first Amerindian community where the village council system was tested. Communities now rely heavily on the village councils to make decision on behalf of the community. However, due to the limited powers vested in the village council through the Amerindian Act, there is not much that the village council can do in relation to mining. In addition, many of the council members are inexperienced in the administration of village affairs. There is no system where new captains are oriented towards their responsibilities and they generally learn on the job as to how to function in their capacity as Captain.

The following points were made during the workshops:

- Amerindian concerns have not been seriously addressed at the government level despite there being a Minister of Amerindian Affairs to represent Amerindians. It is felt that because the Minister was appointed by the party in government, he does truly represent Amerindians; that for there to be proper representation, Amerindians must freely choose their own representatives at the highest level of decision making.

- The village councils must be empowered to deal with mining problems. The power vested in the captains and councils is minimal and inadequate and therefore the village authorities cannot deal with the growing problems caused by mining.

- Amerindians can be trained as mines officers, who can effectively monitor mining activities in the area on a daily basis. This would assist the GGMC who has complained of limited resources.

- Securing rights to traditional lands is important to the Upper Mazaruni communities. Having control over these lands will greatly assist in minimising the impact of mining on the communities.

- The miners need education and awareness programmes to teach them about the way of life of Amerindians, environmental issues and about their own health and safety.

- Personnel from the GGMC must have an understanding of the way of life of Amerindians so that informed decisions can be made by them and therefore reduce the imbalance in decisions being made in the interest of mining.

- Amerindian rights must be fully recognized in the laws of Guyana. The Amerindian Act specifically deals with Amerindians but it is outdated and this needs urgent revision.

- Miners must submit their names to village authorities when they are operating near a village.

- Amerindian women must have workshops on their rights.

- There is need for some attention to be paid to the youths as many of them are now involved in mining either directly or indirectly. This is because here is little for them to do in the community other than being a teacher or a health worker.

- The education system and infrastructure in communities needs to be improved. Most Amerindians have only received a primary education. There is need for higher education opportunities for the youth. Bi-lingual and bi-cultural education also must be introduced in schools.

- Communities need to look at alternative economic activities other than mining.

- Communities need to be educated on environmental issues so that they can make proper representation on their own behalf.

On the issue of making agreements with outsiders, the workshop brought out the general points:

- The village councils have no experience in agreements making. They need to be trained in this regard and entire communities need to be aware of the different strategies applied in making agreements.

- Village councils need to improve their financial administration systems.

- While village councils make decisions on behalf of the communities, there must be a system where these bodies feed back information to the communities, especially when agreements are being made with companies. Captains must also feed back information to the communities when he or she leaves the community for a workshop or meeting.

**Additional Comments made during the workshops**

- We are looking for solutions. We need fresh clean water. No one can drink the water from the Mazaruni River in its present condition. Even the authorities cannot drink this water. They would easily fall sick. We have to live with this. This problem has been brought to the attention of the authorities but they have not done any thing to help us. This is nothing but advantage being taken on Amerindians of the Upper Mazaruni. They are only thinking of their own selves. – Woman Councillor, Jawalla.

- We have reports from Amerindians who work on dredges that dredge owners often bribe mines wardens to continue operation if their actions are in violation of the Mining Act and regulations. We (Amerindians) must have our representatives present during these visits to dredges. – Councillor, Chinoweing

- Miners take our girls and have sex with them without giving them anything. They are then left hungry and with no money. Sometimes those Amerindian girls who prostitute themselves are given $ 2,000 dollars instead of the regular price of $ 10,000 that is paid to other prostitutes. – Amrita Thomas, APA Women's Representative

- We need to have our rights recognised in the laws of Guyana. – Sydney John, Kambaru

- We need to participate in more workshops that would educate us about our rights. We should not let such opportunities pass us by. All kinds of diseases are coming into our lands. AIDS is the deadliest and we need to know everything about it. It is sad when our young women are affected by some of these diseases. – Concerned mother, Kako

- The Amerindian Affairs Minister does not represent us. I once went into his office to seek assistance for my child who was having difficulty in finding accommodation in town where he was given a scholarship to study. The Minister referred me to another person who listened to what my problem was, and that was all the assistance I received. We need somebody who can truly represent us at the national level. We need to choose those who represent us. – Captain, Jawalla

- Our women hardly know about rights. Are there rights that can protect them from abuses? We have a high rate of rape cases. – Vice Captain, Kamarang/Warawatta

- We are hearing from miners around that one miner will soon operate at the source of the Mazaruni River. - Councillor, Chinoweing

- Our young men are friends with these pork-knockers and they tell them where the gold can be found. We Amerindians go into these place only when we need some money. Once this place is known, pork knockers would then go telling Amerindians that they do not have a right to mine and would chase away Amerindians. Some times we are given a pound of sugar or a pound of salt to tell pork-knockers where we know the gold is. _ Captain, Chinoweing

- Our young people do not attend public meetings. These are meetings that they should be attending. They are the ones to lead our community in the future. We sometimes talk to them but nothing is changing. It is getting worse and worse. – Captain General, Upper Mazaruni Amerindian District Council.

- Some of our people also invite miners into the village to drink kazak and cane juice, and they would come in the night. Some times the village council does not know what is going on. Until the next day the village council would learn about what took place over the night. – Councillor, Chinoweing.

- Some of our girls are friendly with these people (the miners). They sleep with them. They encourage them to come into the community. Once they were drunk and started misbehaving. As a councillor, I tried to talk to them but they did not listen to me. They threatened me instead saying if I only go to town they will kill me. – Councillor, Chinoweing

- Some of our young people said that they are getting tired of the behaviour of these people and will soon take law into their own hands. There was already an incident where Amerindians were beaten by miners and the police. – Amerindian miner, Kambaru

- Some of our young boys who work with miners are not being paid. They are often being owed their payments. – Captain, Kako

- Some of our women said that they are leaving because their parents are refusing our Amerindian brothers for them. These parents want them to be rich. According to them, Amerindian do not have anything but pork-knockers are working and have money. It was reported that an Amerindian boy was rejected by the parents of a girl who subsequently "picked up" with a pork knocker who beat her constantly. She complained to the Captain but there was nothing that could be done. The parents are now sorry for what has happened. Now we have children between us who are of mixed race. – Councillor, Chinoweing

- We can see our young women all over being taken advantage off. Some of us know the negative consequences that our women suffer when they mix with pork-knockers but we still continue to say nothing. – Woman, Kamarang/Warawatta

- We have been complaining to the government time and again but nothing is ever done. – Captain, Kako

- Pork-knockers are presently working on my farm. They cut my cane and use other provisions. They steal my canoe and I would have to walk far to get to my farm. – Councillor, Kambaru

- We helped build the airstrip at Imbaimadai with the promise from the government that no outsiders would come into our lands but if we look at Imbaimadai today, we see a lot of strangers living there. Just opposite Imbaimadai, a village was situated and if you look at where it is today, it is empty land that was worked out by miners. It is sad, our parents are buried right there. – Village Elder, Kambaru

- When I was young, I worked as a boat captain for a miner who was working in the area. I assisted by showing him the way to the Upper Mazaruni but now I am regretting it as the problems that came with it have only grown and are getting worse. – Village Elder, Kambaru

- In the nights our young females are seen across the river with the miners. Why are they going there? Are the miners enticing our females? It is worrying and it annoys me. –Woman, Kambaru

- We are not allowed to go into the area where mining is taking place. This should not be. This is bad. Miners on the other hand can come into our lands without our permission. – Councillor, Kako

# Annex 4

## Community Consultation Report

### Region VIII

Including discussions at the meeting of the Region VIII Area Council
19-21st November 2000, Taruka[122]

by

**Marcus Colchester** and **Kid James**

> *Why are strangers coming onto our lands from the USA, Sao Paulo or wherever? What do they see on our lands? Is it gold and diamonds? There is a growing conflict. Are we going back to the times of the Old Testament, to the time when Joshua was at war? Why do these people not stay on their own lands; we do not go on theirs? Why is the Government selling our lands in a hiding way? They are all big thieves... and we don't like it.*
>
> (Councillor, Taruka)

[122] This report includes information obtained during a discussion about Amerindian Engagement with the Mining Sector in Region VIII during the Region VIII Area Council meeting. It does not constitute the official record of the Area Council meeting.

## Introduction

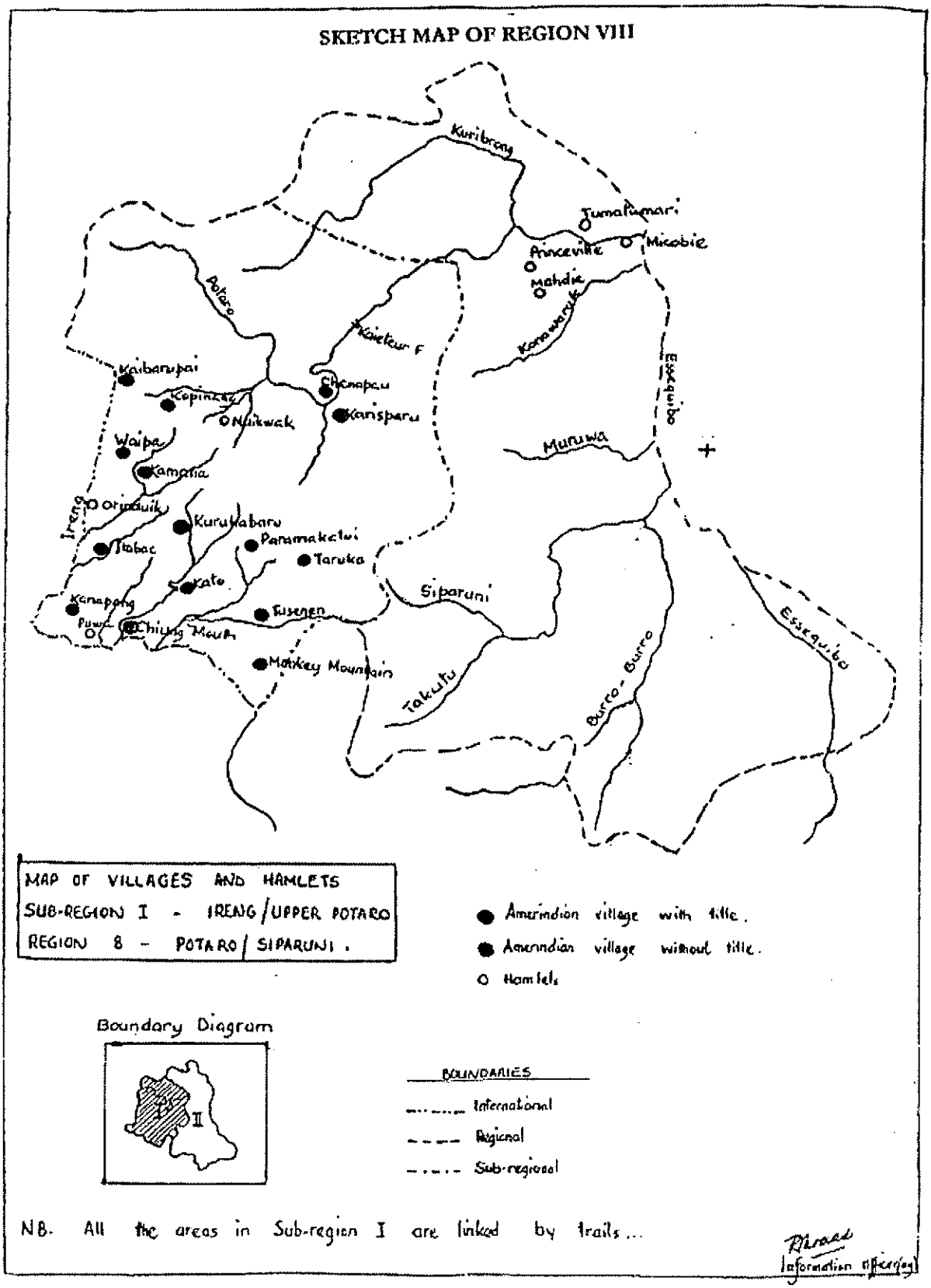
The first community consultation process under the project was carried out on 19-21st of November, 2000 at the community of Taruka in Region VIII. The consultation was designed to coincide with the meeting of the Region VIII Area Council and thus take advantage of the fact that the Captains and Councillors from a number of different villages in the region would be together and could share their views and perspectives.

Region VIII overlaps the ancestral areas of two Amerindian peoples: the Patamona, who are traditionally associated with the high forests of the Pakaraima Mountains (and who share a language with their western neighbours, the Akawaio) and the Makushi, most of whom live further south in the extensive savannahs of the Rupununi and neighbouring Brazil. These peoples live mainly from farming, fishing, hunting and gathering and small-scale mining. The area is characterised by steep hills and mountains, covered for the most part by upland forests and savannahs. The soils of these uplands are nutrient poor and the fast running streams and rivers are not rich in fish. Consequently, just as in the Upper Mazaruni, many of the communities have a long tradition of carrying out far-ranging subsistence expeditions down to the lowlands to hunt and fish. Smoked meat and fish from these expeditions is carried back to the highlands to supplement the meagre returns on hunting and fishing in the mountains, where the larger game birds, larger monkeys, wild pig and bush cow (tapir) are rare. The earliest historical sources are unambiguous in confirming the Amerindians' assertion that they are very long-term occupants of the area (Whitehead 1996). For example, the first non-Amerindian expeditions up the Potaro clearly note a Patamona presence both above and well below the Kaieteur Falls (Barrington-Brown 1882, Carey-Elwes 1904).

The region has experienced small-scale mining, mainly for gold, since the 1950s, focused in the south on Monkey Mountain and on the alluvial deposits and sub-surface reefs along the valleys of the Echilibar and Ireng rivers and their tributaries and on the Konawaruk, Mahdia and Potaro rivers in the north. The gold mining has attracted a large population of 'pork-knockers' into the region, including many Amerindians. As a result, in the areas of heaviest mining, mixed communities of Amerindians have grown up alongside the coastlander mining communities. To regulate the influx of miners, the areas around Monkey Mountain, Mahdia and Konawaruk have all been declared as 'mining districts'. Since the mid-1980s and 1990s, the whole area has experienced a major incursion of Brazilian *garimpeiros* many of whom were evicted from mines in the territory of the Yanomami Indians in the west of Roraima State as a result of international and Brazilian NGO campaigns to protect the Yanomami territory.

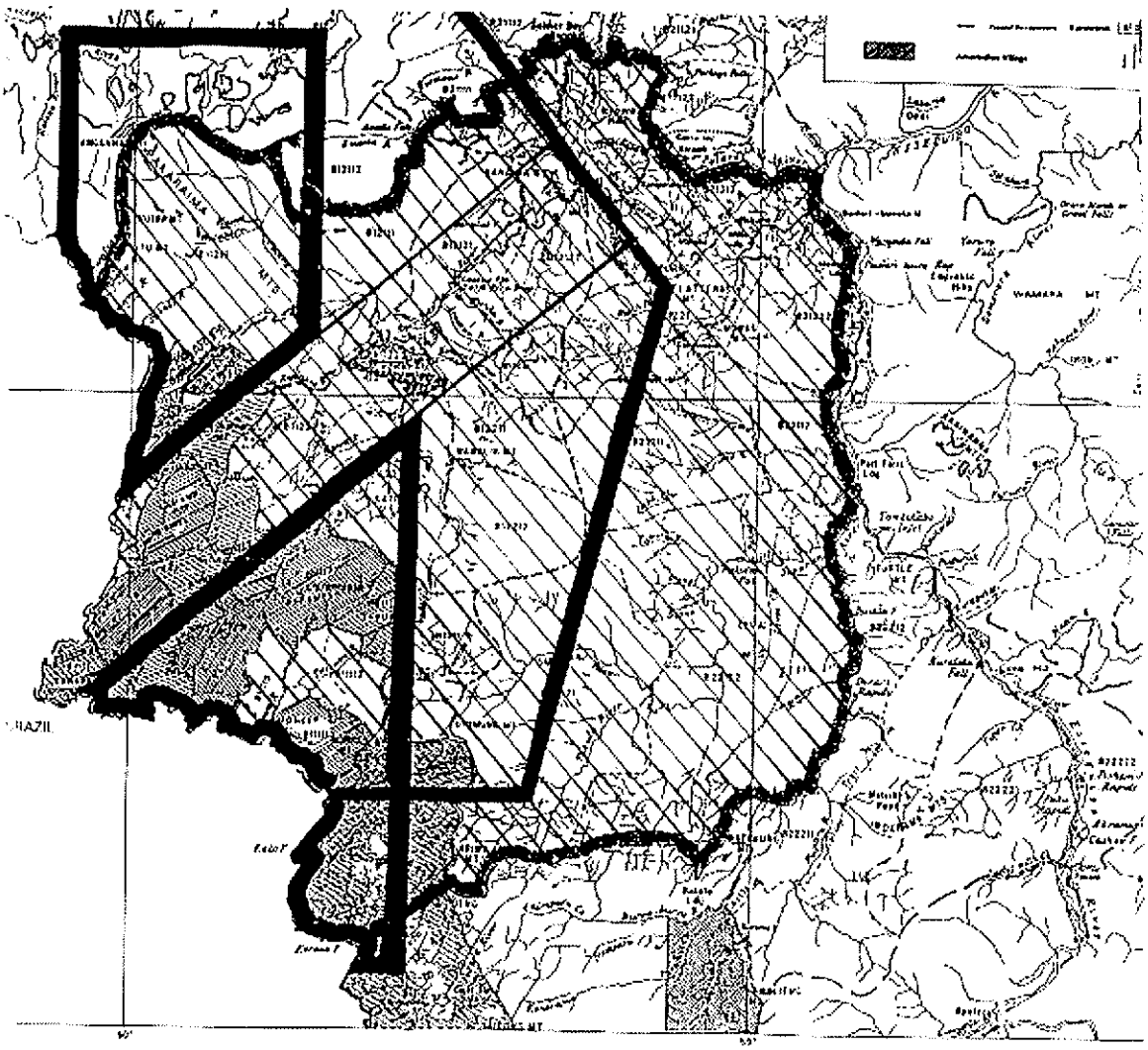
These *garimpeiros* either operate illegally or through locally 'fronted' Guyanese companies, mostly registered by absentee Guyanese owners who live on the coast. The mining operations in Mahdia and Konawaruk are supplied by air and by rough roads and overland trails from Georgetown and Mabura Hill. Those in the Ireng drainage on the other hand are supplied partly by air from Georgetown but mainly overland from Brazil, where well organised mining syndicates based in the Roraima State capital, Boa Vista, manage the complex logistics of supplying the food and transport needs of the far-flung mining communities. Trucks and jeeps thus link Monkey Mountain via a rough trail and a pontoon bridge across the Ireng (known as the Mau by the Brazilians) to the community of Mutum in the north of the State of Roraima. Similar trails also go through to the other mining camps on the Echilibar and Ireng and even run from Orinduik north to Maikwak. Brazilian and English are the two main

languages of the area, although Patamona and Makushi are still spoken within the Amerindian communities.



SKETCH MAP OF REGION VIII

SHOWING TITLED LANDS (close hatching), LAND CLAIMS MADE TO AMERINDIAN LANDS COMMISSION (wide hatching) AND APPROXIMATE BOUNDARIES OF MINING EXPLORATION PERMITS (heavy lines).



Lands claimed by Patamona and Makushi communities in Region VIII in submissions to the Amerindian Lands Commission

Golden Star Resources Limited

Zamuteba

Migrate Mining Limited

## Local Institutions: the Area Council

The Area Council was established in Region VIII at the initiative of one of the local Captains in the mid- to late 1970s. It is made up of the Captains and Councillors of all the villages of the region except those in the extreme south east (such as Fairview). It became accepted by the administration as a legitimate body representing the communities of the Pakaraimas. During the 1980s, the body grew very close to the Regional Democratic Council (RDC), which current members feel weakened its independence. The RDC was originally set up during the period of one-party rule with nominated appointees of those whose views accorded with those of the ruling party. It did not represent the communities but was a way for government to impose its ideas and plans. Only in the 1990s has the Area Council again grown more independent and more genuinely representative of the communities.

## Land Tenure situation

Most of the communities in Region VIII have received titles to their lands substantially in accordance with the recommendations of the 1969 Report of the Amerindian Lands Commission. In general, the communities are not satisfied with the titles that they were granted and many have demanded extensions.

The Commission received a number of land claims from the communities of the region for large areas including one request from a number of villages for the major part of Region VIII. Namely:

> for the area of land extending from the Ireng River to the Essequibo River and from Karasabai [in Region IX] and the Muruwa river (on the south) to Mount Ayangana and the Kuribrong river in the North (ALC 1969:81).

Another community claimed lands right down to the mouth of the Potaro (ALC 1969:87).

The Commissioners however rejected these demand, and other larger claims, as being *'excessive and beyond the ability of the residents to successfully administer or develop.'* Instead the Commission recommended that smaller titles be granted (subject to certain provisions in some cases) to the Makushi communities of Taruka, Kanapang and Itabac and the Patamona communities of Kato, Paramakatoi, Kurukabaru, Kopinang, Waipa and Sandhill, Kaibarupai, Kamana, Maikwak, and Chenapau, as well as the mixed Patamona, Makushi, Wapishana and Arawak communities of Monkey Mountain, Mahdia-Kangaruma and Tumatumari.

The eventual titling of Amerindian lands in 1976, broadly followed the recommendations of the Commission but excluded land titling to the communities where mining was especially active at the time namely Maikwak, Mahdia-Kangaruma and Tumatumari.

The decisions of the Amerindian Lands Commission and the subsequent further limitations made by the Government of Guyana mean that there are now glaring discrepancies between what the Amerindians actually use and occupy and consider to be their traditional territories and the areas which they own, according to the Government. The effectively excised zones are now considered to be unencumbered State lands or mining areas. Lands were not titled to Amerindians around Orinduik on the Ireng or west of the

Kowa creek between Monkey Mountain and Kato, nor between Monkey Mountain and Taruka around Tuseneng. Huge gaps between the titled lands also exist between Chenapau and the other Patamona villages (and see map). There are likewise huge gaps between the land titled to the communities of Kopinang and Kaibarupai and the territory claimed by the Akawaio in Region VII and between Taruka and Monkey Mountain and the Essequibo.

Concern about the lack of correspondence between the lands actually used and claimed by Amerindians and their titled areas was the single most contentious issue raised in the consultation. The issue has also been repeatedly raised with the Minister for Amerindian Affairs. For example, the community of Taruka reported that it has been trying to gain an extension to its titled area to encompass the area of State land between it and Monkey Mountain. However, when the village was visited by the Minister for Amerindian Affairs, he responded that they should apply for a lease to the land. The community was not satisfied by this suggestion, which, it is felt, does not recognize their legitimate claim to be owners of the area. However, the community is now considering applying for a lease to the area as an interim arrangement until an adequate extension to their title can be secured. The community of Taruka also notes that they still make regular expeditions east of their village into the basin of the Siparuni river. Some villagers even have gardens east of their titled lands, in the Upper Siparuni tributaries. Community members interviewed in the consultation note that they hunt and fish in the Siparuni all the way down to the mouth of the river. They strongly resent the erection of a signboard at the mouth of the Siparuni which announces that the area has been designated the Iwokrama Rainforest Reserve in which hunting, fishing and cutting of plants are all prohibited. They note that they were never consulted before this reserve was announced in 1989.

The area was among those targeted by the 'Task Force' on Amerindian lands led by the Minister for Amerindian Affairs, which visited the communities in 1997-1998 with the aim of demarcating titled lands. The Area Council and the majority of the communities rejected the 'Task Force' as the Minister refused to deal with claims for title from those untitled communities and the extension of titled in others. Dissatisfaction with the government's reluctance to deal with Amerindian land claims underlies the communities' opposition to large-scale mining in the region.

## Large-Scale Mining

Despite the prevalence of small- and medium-scale mining in Region VIII, those Amerindian residents represented in the Area Council meeting mainly expressed concerns about the activities and implications of large-scale mining in their areas. In the past five years three transnational corporations, Golden Star Resources of Canada (now located in Denver Colorado (USA)), Zamuteba of Brazil and Migrate Mining of South Africa have been granted large-scale mining permits in their area. These operations are currently only in the exploration and prospecting phases, although there is speculation that Migrate is now considering opening a gold-mining operation near Maikwak.

### Golden Star Resources

Golden Star Resources Limited (GSRL) was granted a mining permit for exploration and prospecting in 1995 without any consultation either by the Government or the company with the communities included in the area. The concession area included the middle Potaro river and parts or all of the titled lands of the communities of Chenapau, Kopinang, Kamana, Itabac, Kanapang and Kurukubaru. At the Area Council meeting we heard that no consultations have ever been done about the plans or intentions of the company.

Aerial reconnaissances were apparently carried out in 1996 and 1997, and were followed by prospecting in a number of areas. An exact map of the concession area is not available but has been glimpsed by Amerindians interacting with GSRL personnel. This shows that prospecting blocks 12, 13 and 14 directly cover or overlap the land title of the community of Chenapau. Community members interviewed in Monkey Mountain are not aware of the long term plans of GSRL, although it is thought that it has not yet relinquished its interests in the area.

The current status of GSRL's permit is not known. Small-scale miners in Monkey Mountain believe the company is still active in the region.

**Zamuteba**

The Brazilian Company, Zamuteba, was also granted an exploration and prospecting permit on 6th June 1996 for two areas north and south of the GSRL concession. The company is not previously known in Guyana and little is known of its antecedents or who owns the company. The permit areas apparently include all or part of the titled lands of the communities of Kopinang, Waipa and Kaibarupai in the north-west and Kurukubaru, Kato, Paramakatoi, Taruka and Monkey Mountain to the southeast. The concession also extends south into Region IX to include a large part of the titled lands in the Karasabai Amerindian district. According to those present at the meeting, there was no consultation whatsoever by the company or the government about the hand-out of this concession or subsequent operations.

In a letter to the Prime Minister and Minister for Mines, Sam Hinds, on 22 February 1997, the Area Council voiced concern about the agreement. The letter noted that the views of the communities had not been sought before the agreement was signed and that no impact assessments had been made. The Area Council noted that 'the question of land rights play integral parts in our lives, and that all outstanding land title applications, [and] extensions of land titles be considered urgently before further foreign investment is entertained.'

At the meeting in Taruka, the Captain of Kaiburapai recounted how the company arrived in his area about five years ago and set up camp in an area of State lands not far north of the main village where the community has farms and hunts and goes fishing. *'They say it is State lands, but we think of the area as our land. Although it is about half an hour from our village we have farmlands and settlements there'.* Camp personnel visited the community and asked for workers. The community made a request for assistance from the mining company for tools for the villagers to work with. This request was received with anger by the head of the Zamuteba camp, who scornfully asked how many files and cutlasses the community might need just so that they could come and kill the miners in the night! The man walked away angrily. After this threatening behaviour the community decided not to work with the company. According to the Captain, people are now saying they will not accept any company such as Migrate which wants to mine on their lands. They fear that they might get poisoned with cyanide.

**Migrate**

The lack of consultation and the bad experiences with GSRL and Zamuteba were denounced by the Amerindian Peoples Association at the time the permits were issued. Subsequently, as the companies began their activities, a number of communities voiced

complaints to the Minister of Amerindian Affairs and the Guyana Geology and Mines Commission about the way these permits were given out without the communities being involved, informed or consulted. Similar complaints were also voiced about other large mining permits granted around the same time in Regions I, VII and IX.

Possibly as a result of these representations, in 1997 the Commissioner for Geology and Mines, Brian Sucre announced a change of policy. In future, he noted *'Government has decided that recognised Amerindian lands would stand exempted from any survey, prospecting or mineral agreements unless the agreement of the Captain and Council for the proposal is obtained by the GGMC in writing.'* This welcome announcement of a policy change is, however, not legally binding. Much also hinges on just what Amerindian lands the Government does 'recognize'.

On 15 July 1999 Migrate signed a mining agreement with Minister for Mines, Prime Minister Sam Hinds. The permit grants Migrate permission to carry out exploration and then prospecting for three years over a large area covering 8 million acres, of which 50 per cent must be relinquished by July 2000 and a further 25 per cent relinquished by July 2001. The Agreement notes in Article 4 that the 'Permitee's rights under this permission shall exclude areas.... used by Amerindians in their sustenance activities including hunting and artisanal mining'. Article 11 notes that the company can only explore in 'Amerindian lands' if they get permission from the communities. Article 12 adds that: 'the Commission shall be involved in such negotiation.' Article 13 notes that aerial reconnaissance over Amerindian areas is, however, permitted, including the taking of stream, rock and soil samples, however 'all affected communities shall be advised by the Guyana Geology and Mines Commission.'

The mining permit was announced to the press the same day and on 16 July 1999 *Stabroek News* reported the granting of the permit. It noted that 22 Amerindian villages are located in the area. According to the news article, the Minister for Amerindian Affairs, Vibert de Souza,

> assured that those communities will be consulted to ensure that their views on the subject are heard... De Souza recalled that problems were encountered previously when reconnaissance permissions and leases were granted... where Amerindian communities were found. However, he asserted that a lesson had been learned from those experiences and he expressed a willingness to avoid any recurrence of problems of that nature. Professing it to be sensitive to the issue, De Souza said government was particularly concerned with the rights of the indigenous peoples and dialogue will be ongoing with the villages involved so that they can have a continuing assurance of non-exploitation

A similar report in the *Guyana Chonicle* the same day added that 'prospecting over Amerindian areas can only be done after consultation and signed agreement between Migrate Mining Limited and affected Amerindian villages.'

On 20 July 1999 *Stabroek News* carried a letter from Tony James, Deputy Chief of Chiefs of the Region IX Amerindian Council. The letter noted that contrary to the assurances of the Minister for Amerindian Affairs none of the 22 villages were consulted prior to the signing of the agreement.

> For years the Amerindians have been seeking to have their land issue resolved and no government appears willing to deal with this problem. Yet we learn that within five

weeks the government is willing to grant permission to a foreign company to explore over 8 million acres where we live.

On 21 July 1999, *Stabroek News* reported that The Working Peoples Alliance (WPA) supported the concerns voiced by Amerindians about the way the permission was granted saying that the process was 'an important piece of injustice' and part of a pattern of 'repeated insults' of the indigenous people. The same press release from the WPA was repeated in the *Guyana Chronicle* on 22 July 1999. On 26 July 1999, *Stabroek News* carried a letter by Matheson Williams, Captain of Paramakatoi also complaining about being ignored prior to the hand out of the concession.

On 30 July 1999, Matheson Williams sent a letter to Sam Hinds, on behalf of the communities of Chenapau, Parakamatoi, Monket Mountain, Tuseneng, Turuka, Kanapang, Kato, Kurukabaru, Kaibarupai, Karsiparu, Kpopinang, Kamana and Waipa, voicing objection to the permit granted to Migrate. The letter noted that in accordance with Section 112 of the Mining Act 'all land occupied or used by Amerindian communities and all land necessary for the quiet enjoyment of Amerindians of any Amerindian settlement shall be deemed lawfully occupied by them'. The letter also asserted their rights to their territories as holders of 'Aboriginal Title' as recognised under human rights treaties signed by Guyana, which also recognize their right to 'give or withhold consent to activities that may affect our rights'. He therefore demanded that the Amerindians be consulted as lawful owners of their lands. The letter noted that a court case examining the validity of Amerindian rights to hold land under aboriginal title was being considered by the courts of Guyana. The letter requested that the permit be suspended or revoked, that all lands lawfully occupied by Amerindians be exempted from the permit are and that the permit remain suspended until all Amerindian lands have been titled and demarcated. A similar letter was sent by Lawrence Anselmo Captain General of the Upper Mazaruni Amerindian District Council on behalf of the communities of Kambaru, Arau, Kamarang, Jawalla, Paruima, Kaikan, Chinowieng, Waramadong and Philippai.

On 5 August 1999, Sam Hinds replied to Captain Matheson Williams and Captain Lawrence Anselmo. The letter noted that the Minister 'took care to respect our administration's decision not to grant any mineral rights under Amerindian lands without the agreement of the Amerindian villages'. In this case, however, after being approached by Migrate 'in a very businesslike manner' he judged that 'we needed to act quickly, accepting their application and at the same time recognizing the need for consultations with Amerindian villages and winning approvals, which approvals it was hoped would be obtained later.' He attached a copy of the permit and invited them to a meeting to discuss the matter.

On 7 September 1999, after meeting with a lawyer acting for the Amerindians who pointed out deficiencies in the draft Agreement between Migrate and the Amerindians to secure their permissions for exploration, Migrate responded saying it would revise the agreements, bring the issue up with the Prime Minister and send copies to the Amerindian Peoples Association, to ensure that they are 'satisfactory to everyone's needs'.

On 6 October 1999, Lawrence Anselmo and Matheson Williams responded in a further letter to Sam Hinds. The letter pointed out that the government's administrative policy is only to consult Amerindians for rights over Amerindian *titled* lands, whereas they claim rights to much more extensive territories. They reiterated that it is inappropriate to issue permits over lands which are *sub judice* in the Upper Mazaruni. They asked for a meeting during 14-15 October and to be provided with information about who owns Migrate, a map of the concession, the name of Migrate's parent company and any proposed work plans.

On 13 October 1999, the Captains of Regions 7, 8 and 9 unanimously signed an agreement mandating the Amerindian Peoples Association to 'speak on our behalf on issues that are presently affecting our land rights and human rights,'.... such as the Vanessa and Migrate concessions. 'We feel totally that the granting of these concessions would bring great negative impact on our environment and survival.'

On 14 October 1999, the community representatives met with the Prime Minister and representatives of the GGMC and the EPA. During the meeting the Prime Minister professed his ignorance about who owns Migrate Mining and what its previous track record is as a mining company. Immediately after the meeting, the Amerindian leaders of Regions 7, 8 and 9 issued a public statement noting their objections to the way the government has handed out concessions to Migrate and Vanessa for 20,000 square miles including at least 46 Amerindian communities. The statement noted:

> We would like it to be known that we were not consulted about these mining concessions in any meaningful way... Migrate visited our communities and expected us to sign agreements with them after a one hour meeting. We know nothing about Migrate; we do not even know who owns Migrate, yet we are expected to sign away our land after one hour. This is not consultation.

The lengthy statement repeated the concerns that had been raised by the Amerindians earlier and noted that, while the communities were reassured on some points during the meeting, not all of their concerns were dealt with to their satisfaction. 'On the question of land rights, we received no assurances from the Prime Minister.' They repeated their demand for a suspension of the permit. The statement concluded:

> We are not opposed to development. However, we do not consider these activities to be development. We suffer all the negative effects and receive very few of the promised benefits. At most we are employed for a short while as labourers and are left with many problems when these companies leave. We have to think about our future generations and ensure that they can live and prosper on our lands in the future as our ancestors did since time immemorial. Once again, our land rights must be fully recognized and respected and included in the reformed Constitution.

On 15 October 1999, the Captains of Chenapau, Aishalton, Nappi, Sawariwau, Toka, Paramakatoi, Kopinang, Taruka, Tuseneng, Itabac, Chinowieng, Kato, Jawalla, Tiger Pond, Paruima, Kambaru, and Pipilipai and Warawatta sent a further letter to Sam Hinds expressing their appreciation for the 'constructive' meeting, even if it did not address all of their concerns. They noted that some important commitments were made by the government at the meeting including:

- GGMC will not issue permits on lands lawfully occupied by Amerindians
- A protocol will be developed that defines procedures by which Amerindians will be consulted in the future which would be set out in the laws of Guyana
- GGMC and EPA to investigate the situation at Kambaru
- The Maipuri Falls will not be dynamited
- Mining permits will not be issued in the vicinity of Amerindian rock paintings near Kambaru
- The EPA will meet with Amerindians to discuss their concerns and how best to address them.

On 20 March 2000, APA members from Tuseneng reported that Migrate had been noticed encamped near the community of Tuseneng, an area of State lands between the titled lands of Monkey Mountain and Taruka. According to the local APA member's report, Migrate personnel visited the community on 13 March and told the community that 'the APA is straying the Captains from development and improvement of the communities and offering no money and have none to offer for the benefit of the villages'. They showed the Captain an agreement signed by Chiung Mouth. However the Captain and Vice Captain of Tuseneng refused to sign one themselves. Operations continued to be carried out from the nearby camp notwithstanding.

On 31 March 2000, on behalf of the Community of Karisparu, one of the untitled communities in Region VIII, Captain Anthony Melville wrote to the GGMC complaining that Migrate was prospecting on the community's traditional lands in contravention of the Mining Agreement and Section 112 of the Mining Act. He noted that Migrate was operating without the required Ministerial approval or the agreement of the community as represented by him and the Councillors of Chenapau. The Captain asked that the GGMC to issue a stop work order and requested that a map be drawn up by the Region VIII Area Council showing areas lawfully occupied by Amerindians. On 23 April 2000, Captain Anthony Melville also wrote to Migrate requesting the company to cease operations in Karisparu and Velgraad.

Following up on this letter the Chairman of the Area Council, Anthony Melville, the Captain of Chenapau, held a meeting with Migrate in Georgetown. He explained that at present no negotiation with his community and the satellite village of Karisparu about mining was possible due to their outstanding dispute with the Government resulting from the unilateral extension of the Kaieteur National Park over their customary lands. The Chairman invited the company to attend the next meeting of the Area Council.

On 11 August 2000, Migrate sent a letter to the Captains and Councillors of Karasabai asking for permission to prospect within the titled lands of the Amerindian district of Karasabai in Region IX. The company noted that it is only seeking permission to prospect and that a separate tripartite agreement would be negotiated to elaborate what it calls 'a long-term development project within the Pakaraima Mountains' (i.e. a mine). The letter noted that none of this implied any surrender of rights by the communities.

On 13-14 August 2000, the Region VIII Area Council met again in Paramakatoi and passed a resolution respecting the will of each community to makes its own decisions about whether to allow Migrate onto its lands or not. However, the Area Council recommended that communities should not give Migrate Mining permission to prospect or mine and should only grant permission for surveys on condition of payment of a survey fee, a promise to furnish a copy of the survey results to the community, agreement to respect the authority of the Captains and Village Council, provision of full information on the company's ownership, financial status, work programme and track record. The Area Council also recommended that the communities takes advice from an Amerindian organization and lawyer of their choice.

During the Area Council meeting at Taruka, it was explained that Migrate personnel have visited a number of communities to request them to sign agreements. Some Captains, including the Captain of Monkey Mountain, have signed agreements with Migrate permitting the company to prospect on their lands in exchange for assistance to their schools and health centres. According to those present at the Area Council meeting, the agreement between Monkey Mountain and Migrate was signed by the Captain after a meeting of only two hours and the Captain then flew off to Georgetown with the company. Allegedly the agreement was signed without the knowledge of some of the Councillors or even the Captain's wife.

This Captain was not present at the Area Council meeting. Others present allege that the Captain has subsequently admitted that he lacked preparation and information before signing the agreement and that he would have been more cautious if he had known more. The Captain was not re-elected at the subsequent elections. The meeting heard that, following criticism of the terms of the agreement with Monkey Mountain, a new one has since been drafted and offered to the communities. Other communities are also said to have signed agreements with Migrate to allow prospecting activities on their lands in exchange for some benefits. It was alleged that the Captain of Karasabai (in Region IX) had now signed an agreement allowing 10 days prospecting in exchange for G$10,000 and some alcohol.

The matter is contentious and some members of the communities have been angered by the way these agreements were signed without adequate time for proper discussion within the communities. A number of those present at the Area Council meeting expressed the view that it is a mistake for Amerindians to sign agreements with mining companies until their land claims are first resolved. Members of the community of Taruka in particular, notably the women, spoke out strongly against signing any agreement, as they view mining as damaging to the welfare of the community and the environment. It was noted that no information was provided by the company about what minerals the company was expecting to mine, which technologies would be used to extract the minerals and what remedial measures might be used to clean up afterwards. The Captain of Kanamabaru noted that they were concerned that the machinery used in prospecting may damage or contaminate the community water supply. Scornful comments were also made about the token nature of the benefits offered to the community – offers of cricket bats, footballs and books were considered almost insulting. However, the new Captain of Monkey Mountain was more complimentary about the supply of notepads and school books now made available.

Migrate has contracted Amerindians to act as consultants and to liaise with the communities. There are divided opinions about whether this was a good or bad thing. Some of these consultants have been quite frank in voicing their own misgivings about the business they are engaged in and one has resigned after rethinking his role.

Migrate has been prospecting in a number of areas including even within the area of the Kaieteur National Park. The company's prospecting operations are currently continuing at an accelerated pace as the company is expected to have to relinquish half its concession in the near future under the terms of its permit. As part of this intensified activity, the company is currently carrying out drilling to a depth of 900 foot near Maikwak (the area recommended for title by the Amerindian Land Commission in 1969 but not granted in the titling of 1976). *'They say it is State land but it really belongs to Kopinang and Kurukabaru'.*

Migrate is also thought to be prospecting on the Brazilian side of the frontier and has thus charted the geology in a more comprehensive way than previous companies. It was noted that almost nothing is known of the previous track record of Migrate and that even the Minister for Mining, Prime Minister Sam Hinds, has admitted he does not know who owns the company or how it has operated in other countries.

## General Discussion and Conclusions

During the meeting discussions ranged widely but the following questions and suggestions were clearly made:

- We Amerindians are not against development.

- The land issue is a burning issue for us: it comes up in our meetings again and again
- A major issues is the distinction between what are our titled lands and what we consider to be our traditional (customary) lands

  We still demand rights to our traditional lands like we asked for in 1966. Even though we don't have full title and are only given rights to small parts of it [our territories], our demands remain. Land is not just for some of us or just for the Makushi, it is for us all, all Amerindians. Our land claims are communal claims. – Captain

- We need to secure lands as a priority before we make deals with mining companies.
- We must demand information about the companies before we agree to negotiate with them
- Companies should recognise our land rights even if the government does not
- Agreements should only be made after our lands have been titled
- Captains should not negotiate on their own but along with all their Council
- Much more time needs to be given for community consensus-building and feedback
- It must be realized that all communications depend on us walking on foot between the villages (the most distant participants had taken a full week of walking to attend the Area Council meeting and would take another full week to return home).
- Amerindian leaders also need to improve the feedback they give to community members: they should share the lessons they learn from meetings outside
- Stronger community control is needed over what the Captains and Councillors do
- Agreements should be negotiated in stages and not all at once
- We lack our own experts: how can we get outside help?
- Communities should avoid negotiating in isolation. They should involve the Area Council, lawyers and the APA
- The Government should be helping us to negotiate
- There is a need to first change Government policy: the obligation of companies to negotiate with us should be made binding and not left just as a policy.
- We need to address the problem that we have a Minister for Amerindian Affairs who does not represent the Amerindians.

  The Government says that we are represented by the Minister of Amerindian Affairs. He receives representations from us all the time demanding recognition of our rights. Why is he saying we don't have any rights? What kind of a representative is that? – Councillor

- If we are to negotiate, communities will need funds for travel and to get legal advice: how can we get such a fund?
- The Area Council is only as strong as the members are involved. We need to involve the new Captains. We need to have more workshops and provide more feedback from them to share the knowledge gained with the members of our communities.
- Fund management is one of our weak points. Companies know that the communities can be bought off and divided by money. We need training in managing community funds so we can share responsibility and do honest book-keeping

Some concluding comments:

'Why are strangers coming onto our lands from the USA, Sao Paulo or wherever? What do they see on our lands? Is it gold and diamonds? There is a growing conflict. Are we going back to the times of the Old Testament, to the time when Joshua was at

war? Why do these people not stay on their own lands; we do not go on theirs? Why is the Government selling our lands in a hiding way? They are all big thieves. Vibert de Souza [the Minister for Amerindian Affairs], is selling our lands without talking to us. They are all big thieves and we don't like it.' – Councillor

'Hearing about the experience of other indigenous people, we are sure that we don't want them [mining companies] on our lands. We are concerned that they might limit us and even point guns at us to enforce their rules. But we are not animals to have guns pointed at us.'
– Captain

'In Tusineng, the white people came in and despoiled the water and we got more malaria. We need to be careful what we decide. I am not thinking just for myself but for the sake of future generations.'– Captain

'We don't want foreign companies here. We are afraid of them.' – Woman of Taruka

'At the Paramakatoi meeting in August 2000, the Minister said that Amerindians don't have lands: they belong to the State. Now we learn that according to international law our rights are recognized. We need more education of our children so we can understand these things.'
– Councillor

'This meeting was historic. The first of its kind for us. It is hard for us to learn all these things in one day. We need to go over these things again and again'. – Anthony Melville

'The risk is that the companies will make payments just to fool us. And after three months or three years we have nothing to show for it'. – Councillor

'The miners can use their money to split the communities. For us anything is plenty. We must be careful that in place of our golden dreams we don't end up with poisonous streams.'
– Jimmy James

# Annex 5

## Community Consultation Report

### Region IX

Based on discussions at the meeting held at Aishalton in Region IX,
25th-27th April 2001

by

**Marcus Colchester**

> *'People who work in the mines will become a burden on the community. They will only get one week's leave every six weeks or so. That's not long enough to cut farms, plant and hunt. So you become dependent on the shop for everything. Then what happens? You are out of a job. You are deprived of a future. You have no farms. The same happened to the Caribs in Kwebanna - nobody farming, everybody depending on the shop. Already people are changing – even without mining, people are becoming dependent on stores. Things are changing. Mining will put our culture at risk. We will lose our language.'*
>
> (Toushao Tony James)

## 1. BACKGROUND

### Introduction

The fourth and final community consultation process under the project was carried out between 25-27th April 2001 at the community of Aishalton in Region IX. The consultation was designed to include representatives from as many communities as possible of the 'Deep South' of Guyana, being the six southern communities of the Wapishana people and the Wai Wai of Konashen. For logistical reasons, however, the Wai Wai were not represented in the meeting. This report thus focuses on the situation in the South Rupununi savannahs, with an emphasis on the 'Deep South' Amerindian villages.

Region IX itself is one of the largest regions in Guyana, extending from the South Pakaraima mountains, down across the North and South Rupununi savannahs and the Kanuku Mountains to the Marudi Mountains and the forested Tumucumaque Mountains which make up the southern boundary with Brazil. This area includes parts of the ancestral areas of three Amerindian peoples: the Makushi, a Carib-speaking people, most of whom live in the extensive savannahs of the Rupununi and in neighbouring Brazil; the Wapishana, an Arawak-speaking people of the South Rupununi and neighbouring Brazil; and the Wai Wai, a remote group of Carib-speaking Indians who live in the very south of the country and who range widely through the southern forests into Suriname to the east and Brazil to the south. These

peoples live mainly from farming, cattle-ranching, fishing, hunting and gathering. Small-scale mining and casual labour are also engaged in.

The area is characterised by flat, very extensive, open savannahs, criss-crossed by creeks and rivers, with gallery forests along their banks. Spectacular forested mountains, notably the Kanukus, that rise above the peneplain, have been proposed as protected areas by conservationists. The majority of the soils in these savannahs are extremely nutrient poor and the ranching that was introduced into the area by Brazilians and Europeans in the late 19th century thus produces cattle at the rate of about one and a half head of cattle per square mile per year. Because of the low productivity of the grasslands and because large areas of both the North and South Rupununi savannahs are classified as State lands and leased to non-Amerindian cattle ranchers, the indigenous economies are very extensive and rely on seasonal long-ranging hunting and fishing expeditions both into the uplands and into the forests to the east and south of the Rupununi.

The Makushi, Wapishana and Wai Wai peoples have inhabited the area for as long as historical records relate, although they used to share the area with other indigenous groups like the Atorai, Taruma and Maopityans who are now either extinct or largely absorbed into the other peoples. During the Dutch period, the Wapishana were caught up in the slave wars which raged through the region and groups like the Atorai and Taruma seem to have been dislocated during these times. However, with the waning demand for 'red slaves' in the plantations during the 18th century, the area's remoteness from the coast protected it from further intrusions from the north[123] until the mid-19th century when pioneering settlers and missionaries began to move into the region. However, an administrative presence of the British colonial state did not make itself felt until the early years of the 20th century (see Colchester 1997 for a summary). Between the 1920s and the 1960s, especially after the establishment of regular air transport connections with Timehri, the economy in the region flourished. Cattle ranching expanded to several thousand head and an abattoir and refrigeration plant set up in the administrative centre, Lethem, meant that the region became the main supplier of fresh beef to the coast. Seasonal balata gathering was also developed during this period and district administrative officers experimented with peanut farming on the pockets of more fertile soils in some areas of the South Rupununi. However Amerindian land rights were not secured and the exploitative labour relations in the balata camps and cattle ranches meant that Amerindians saw few of the benefits of development during this period. A permanent administrative presence, in the form of a District Field Officer, was only established in Aishalton in the early 1960s.

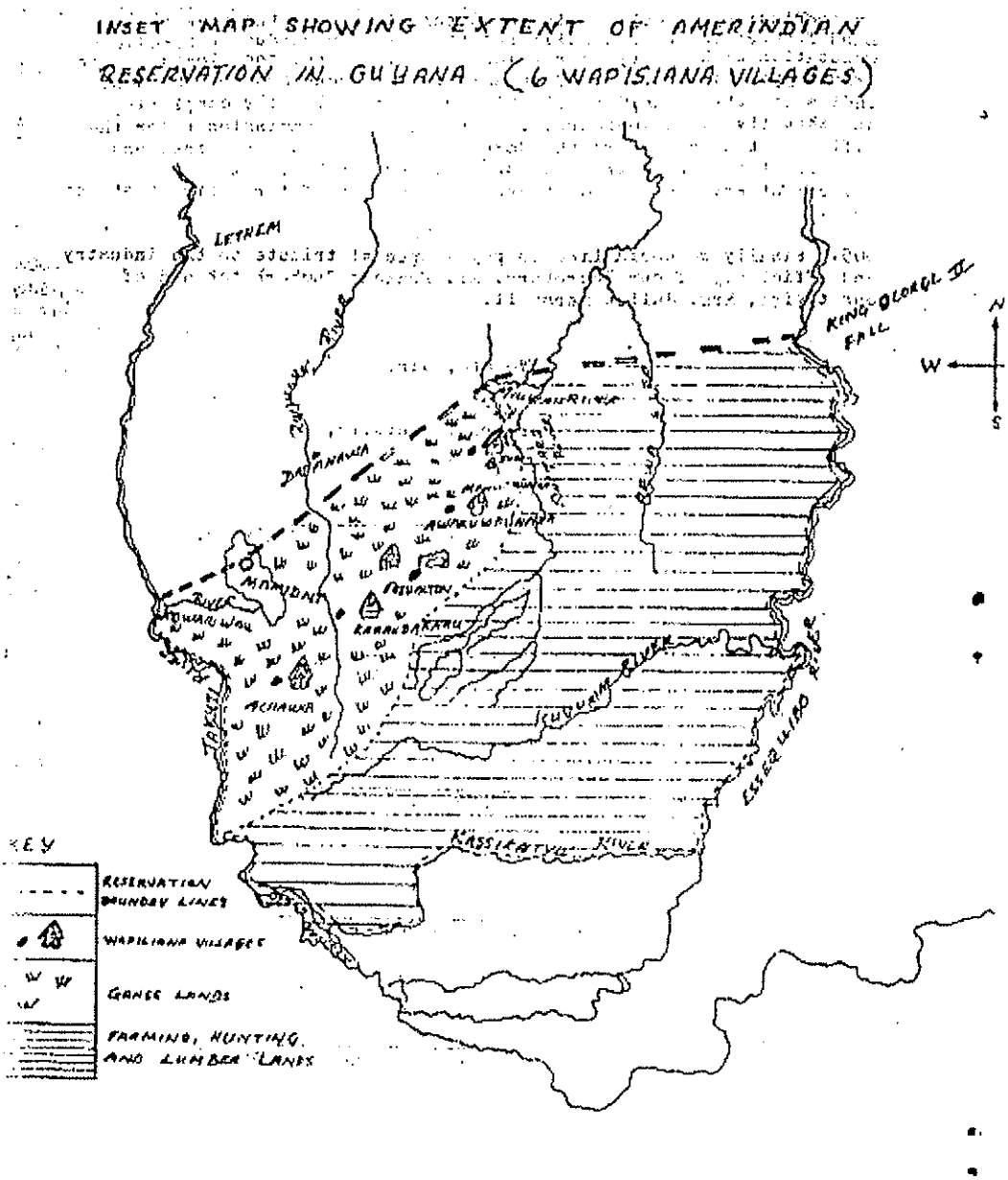
The region has experienced small-scale mining for a long time, focused since the 1950s on the Pakaraimas in the north. During the 1940s, a Canadian company also carried out prospecting in the Marudi mountains in the south but no serious mining resulted (ALC 1969). During the 1980s, Brazilian miners expelled from the Yanomami areas in the Roraima Territory of Brazil began to be observed in increasing numbers crossing the border into Guyana and searching for diamonds in the South Pakaraimas and for gold in the Marudi mountains (Colchester 1991). In the early 1990s, a number of medium scale mining permits were issued in the Marudi mountains. Since then small-scale mining in the Marudi mountains has continued at a low level, but exploration for a potential large-scale mine has intensified and has caused widespread concern among the Amerindians in of the Region (see below).

[123] African slaves largely replaced Amerindian slaves in the coastal plantations during the 17th century. However, Brazilian slave-raiding for Amerindians continued into the mid-19th century and affected groups in the 'Deep South' throughout this period. These incursions were used by the British as a pretext for extending their 'protection' over the Wapishana and Makushi of the Rupununi region in their boundary dispute with Brazil in the mid-19th century (Riviere 1995).

Following Guyana's independence in 1966, there was growing discontent with the ruling party among the rancher society of the savannahs. Insecure pastoral leases, ambitious government proposals for reallocating land in favour of settlers from the coast, racial suspicions, lack of control of cattle rusting from Brazil and ill-documented rumours of meddling from neighbouring countries provoked a regional 'rebellion' in 1969, which was harshly suppressed by the Guyana Defense Force. The rebellion poisoned relations with the coast and left a legacy of suspicion about the region's lack of loyalty to Guyana, which endures to this day. Veterinary services, plans to improve savannah grasslands, the abattoir and refrigeration service and the subsidized air transport connection with the coast were all allowed to run-down and the ranching economy went into decline. Ironically, the result has been that, increasingly, the economy of the region is oriented towards the bustling Brazilian state capital of Boa Vista and most shop-sold good in the region are of Brazilian manufacture, brought in through Bom Fin and across the Takutu.

The economic prospects of the region now focus on plans to develop ecotourism and related conservation schemes, the construction of an all-weather highway across the North Rupununi savannah between Brazil and the coast and large-scale mining. All three pose threats to unsecured Amerindian lands.

**Sketch Map of Southern Part of Region IX**



## Local Institutions

As in most other Amerindian areas in Guyana, most of the Amerindian villages in the region have their own recognized Captains (locally referred to by the *lingua geral* term *toushao*) and Village Councils. In accordance with Guyanese laws, these are elected to office every two years by ballot overseen by the local administration. However, not all Amerindian settlements in the region are so recognized and, since the formal recognition of some of these Amerindian communities in Schedules to the Amerindian Act in 1976 and 1977, a number of other Amerindian settlements have also established themselves which are demanding formal recognition by the government.

With help from the Amerindian Peoples Association and other funding, there have been almost annual meetings of a *Region IX Toushaos' Council,* which was established in 1996. It is recognized that for it to become an effective body that genuinely represents Amerindian interests in the Region there is a strong need for it to meet more frequently and be serviced by a secretary and treasurer.

In the North Rupununi, the Makushi have also created the North Rupununi District Development Board, primarily as a mechanism to interact with the Iwokrama International Centre for Rain Forest Conservation and Development, though the NRDDB is increasingly autonomous.

In addition to these organizations, a number of Amerindian NGOs have also emerged in the Region designed to capture development money and promote specific projects with Amerindians in the fields of health, education, community development and cultural revitalization.

## Land Tenure situation

Most of the communities in Region IX have received titles to parts of their lands partially in accordance with the recommendations of the 1969 Report of the Amerindian Lands Commission. In general, the communities are not satisfied with the titles that they have been granted and many have demanded recognition of the wider areas that they use and occupy. Most of the communities have decided not to collaborate with the Government's Task Force on Amerindian Land because it has refused to deal with Amerindian land claims to their wider territories.

Between 1966 and 1969, the Commission visited the majority – but not all – of the communities in the region and received a number of land claims to large areas, including one request from six villages for a large part of the 'Deep South' in Region IX. Namely, the communities of Achiwib, Aishalton, Awarewaunau, Karaudanawa, Maruranauwa and Shea made a joint claim to an area:

> From the junction of the Kawarwau and Takutu rivers in a straight line to Hamid (sic.) Mountain, from there in a straight line to the source of the Miliwan River (tributary of the Quitaro) then due east of northeast to King George's Falls on the Essequibo River to the junction of the Kassikaityu River to the Serra Uosary Mountain from there due north-west to the source of the Takutu river; thence due north along the course of the Takutu River to the junction of the Kawariwau and Takutu rivers (ALC 1969:48).

Other Wapishana communities in the South Rupununi, such as Sand Creek, Sawariwau, and Potarinau, also made claims for extensive tracts of land to the Commission. The Commissioners however rejected these demands, and other larger claims, as being *'excessive and beyond the ability of the residents to successfully administer or develop.'* Instead the Commission recommended that smaller titles be granted to each of the nine communities (Potarinau and Shulinab being treated as a single community for the purposes of land titling). The Commission, however, recognized that the traditional economies and weak soils of the area meant that the communities would have difficulties subsisting and developing on such limited lands. In addition, therefore, the Commission recommended that a very large area east of the Dadanawa ranch be allocated to the Wapishana for extensive cattle grazing and for agricultural purposes. The Commissioners also advised that some grazing land, then within the pastoral lease of the Rupununi Development Company, be reallocated to the Wapishana around Sand Creek (ALC 1969).

The eventual titling of Amerindian lands, in 1976, broadly followed the recommendations of the Commission for titles, but the additional areas for agricultural expansion and cattle grazing were not included.

The Commission did not make contact with the Wai Wai communities in the very south of the country. However, in 1977, a part of the Wai Wai's traditional territory was declared an Amerindian Reservation, but the provisions of the schedule explicitly excluded the recognition of Amerindian title to the area. The Wai Wai thus remain without land rights.

As in other parts of Guyana, the decisions of the Amerindian Lands Commission and the subsequent further limitations made by the Government of Guyana mean that there are now glaring discrepancies between what the Amerindians actually use and occupy and consider to be their traditional territories and the areas which they own, according to the Government. The six Wapishana and one Wai Wai communities of the 'Deep South' are currently mapping their land use systems to demonstrate these discrepancies. The maps can be used to substantiate land claims and plan natural resource management. The Wai Wai are considering getting their area recognized as an indigenous-owned and -managed protected area.

## Large-scale mining in Region IX

The gold-bearing reefs and alluvial gold deposits in the Marudi Mountains have been drawing miners into the region at least since the 1940s. As noted above, a Canadian company carried out some prospecting in the area in the 1940s and following independence the state-owned mining company Guymines also carried out exploration in the area during the 1970s and 1980s. In the 1990s, exploration and medium-scale mining operations were undertaken in the region by two related Canadian companies Sutton Resources and Romanex. In the mid-1990s, the Vancouver-based junior company Vanessa Ventures Inc. (VVV) began to acquire mining rights, prospecting licences and exploration permits in Venezuela, Guyana and Brazil. As well as assessing medium-scale operations in the Wenamu, on the Potaro and at Peter's Mine the company sought to consolidate the mining prospects being developed by Sutton/Romanex in the Marudi Mountains. The company also secured very large mining exploration permits for about 2.1 million hectares in southern Guyana. The fact that the company has a number of *different* ventures in *different phases* of exploration, prospection and active mining has added to the confusion generated by the lack of information and consultation with Amerindians. The following chronology of events summarizes what we know of Vanessa's mining plans in Guyana.

**Chronology of Vanessa story**

In Jul 1996, at the first meeting of the *Region IX Toushaos' Council*, held in St Ignatius, Tony James asked a visiting government team about Vanessa being granted a concession in the area. This was denied.

On the 8 November 1996, Vanessa announced a 'further round of acquisitions' in Guyana, including acquiring rights in Aremu near the Peter's Mine. (VVV Press Release).

On 12 November 1996 Vanessa announced its intention to acquire rights in existing medium-scale mining permits in the Marudi Mountains. (VVV Press Release).

In a glossy 'Corporate Profile' released to the press in 1997, Vanessa announces a programme of 'aggressive exploration' in the Guyanas, including its application for four large reconnaissance permits totaling approximately 4 million acres in Guyana and Venezuela (VVV 1997 Corporate Profile).

17 September 1997: The company wrote a letter to the Captain Peters of the Amerindian community of Kaikan (in Region VII) to inform him that the company had applied for 59,000 acres of prospecting licences in the Wenamu area. The company requested a meeting in October. The company stated that it was seeking to establish 'a model relationship' with Kaikan. The letter stated that the company will 'negotiate firm agreements during the feasibility stage if mines are to go ahead with full participation of the indigenous community of Kaikan and the surrounding area'. The company stated that it will agree to respect community wishes, carry out regular consultation, promised careful waste disposal and reclamation of any pitting and trenching. The benefits offered included:

- Prioritizing the hire of local labour
- Spending of G$5 m in local labour hire
- Education and training (not specified)
- Health care assistance to workers
- Sponsorship of local social activities
- Technical assistance to local small-scale miners
- Maintenance of the airstrip
- Medevac

The letter also noted that if mining was to go ahead, the company would offer:

- To carry out environmental and social impact assessments 'though open forum and discussion, with local residents having a powerful say'
- A Remedial plan
- Local hire agreements, training, infrastructure and compensation 'providing the disruptive activities are acceptable to the community.'

30 October – 1 November 1997: At the first National Toushaos conference held in St Ignatius near Lethem a resolution was passed repudiating the exploration licence being negotiated between the Government of Guyana and Vanessa ventures. The resolution announced the Toushaos' total disagreement with the proposal and demanded recognition of the right of prior and informed consent by indigenous peoples for any mining activities proposed in their territories.

12 November 1997: Having learned of Vanessa application for exploration licences in the south of Guyana, the Forest Peoples Programme issued an Urgent Action Bulletin in support of the Toushaos of Region IX. In view of the total lack of consultation with the Amerindians, the FPP called for faxes and protest letters to be sent to the Government of Guyana and Vanessa ventures.

27 November 1997: In response to these appeals the international human rights organization, Survival International, wrote to the Government of Guyana protesting the lack of information given to Amerindians about the proposed mining exploration.

17 February 1998: The Minister for Amerindian Affairs replied to Survival International stating that the concession area will not include Amerindian lands. The letter continued:

> This Government respect (sic.) the Rights of the Amerindians of this country which no other Government in this South American continent can ever claim to do. It is rather absurd for you to imply that this Government has in any way violated the fundamental rights of Amerindian People. The truth is, this Government is totally committed to provide accelerated development and to make equal rights for Amerindians a reality.'

30 October 1998: Vanessa was finally granted exploration rights to three large areas in Southern Guyana. However, the details of the contract were not made public until mid-1999 (see below). The licence gave the company 24 months for initial exploration during which period the government agreed to freeze the hand out of other mining permits in the area. After 12 months (ie in October 1999) the company would relinquish 60 per cent of the area and at the end of the two year period (ie in October 2000) it would then have the right to file for up to 20 prospecting licences to carry out the next phase of investigation into possible large-scale mines. The licence explicitly excluded the Kanuku mountains 'if they become a protected area'. As for Amerindians, the licence noted that:

> The permittee has agreed to excise Amerindian lands to the area conditional on the fact that the Permittee being desirous of having Amerindian lands included in the Area may approach the said communities for permission to explore.... The Commission (GGMC) shall be party to such negotiations. However, the GGMC at all times does reserve the right to recommend a refusal of the grant of Prospecting Licence over the said Amerindian areas'.

he permit further noted that aerial surveys over Amerindian titled areas would however be permitted subject to GGMC informing the communities and the costs for such being paid by the company. A map attached to the permit showed that by 'Amerindian areas' the permit meant Amerindian land titles. (Copy of the contract).

8 April 1999: Vanessa announced its intention to 'conduct a feasibility study to determine the profitability of a 1,500 ton+/day milling plant to produce gold from that portion of the Marudi Mountain deposit which is suitable for open pit/gravity recovery'. (VVV Press Release).

28 April 1999: Vanessa announces its takeover of the interests of Romanex/ Sutton Resources in Marudi under a profit sharing arrangement. (VVV Press Release).

30 April 1999: A resolution was passed by the National Toushaos' Conference, also held at St Ignatius, demanding the suspension of Vanessa's permits until the company met with and discussed its plans with them.

10 May 1999: The APA sent a letter to Vanessa informing the company of the National Toushaos' Conference resolution. The company responded to the APA the following day (11 May) and clarified that the company :

- Had been given an exploration licence and not a licence to mine.
- Has the *'intent to hold public consultations and work sessions with the interested inhabitants of the area.'*
- Is carrying out a feasibility study of placing the *'traditional mining area 'Marudi Mountain' in to some form of limited production... we will hold community meetings and dialog with the local residents in an effort to inform the local community of our plans'.*
- *'would be prepared to suspend our activities in the reconnaissance areas provided the Government will also suspend the terms of the agreement in which 'time is of (the) essence.'*

19 May 1999: The APA wrote again to Vanessa seeking clarification of whether the company planned to use cyanide heap leaching or any other process that uses dangerous chemicals in its proposed Marudi Mountain mine. The APA stressed the need for the company to respect the rights of the Amerindians to their wider territories – not just to the smaller areas to which they have gained titles. The APA asked the company to explore the possibility with the Government of Guyana of a suspension of the permits pending a resolution of Amerindian land claims.

18 June 1999: As a result of all this pressure, a one-day 'Consultation Conference' was held at the Amerindian Hostel in Lethem between the Amerindian Village Captains of Region IX and Vanessa (Guyana) Inc. The conference, paid for by the company, was attended by members of the local administration, the Minister for Amerindian Affairs and his assistants, a representative of the Environmental Protection Agency, three members of the company and a Major of the Guyana Defense Force. The meeting was also attended by a representative of one member of the indigenous peoples' organization GOIP and two Toushaos, as well as indigenous representatives from Brazil. A number of other Amerindian representatives also attended but were not listed in the minutes of the meeting. The following points were made:

- The Minister for Amerindian Affairs again stressed that the licence was for exploration only and that the Task Force on lands was limited in the first instance to clarifying the titled areas recommended by the Amerindian Lands Commission. He noted that 'the Government was not looking at the immediate solution for expansion'. Later in the meeting, however, he conceded that the issue of 'extensions' was a national issue that would be dealt with in due course.
- The Minister noted that 'perhaps there was need for more in depth consultation'.
- GOIP expressed the view that the Amerindian Act needed complete revision. He stated that until Amerindians were granted rights to the lands in accordance with international law they would not give the company the go ahead to work in Region 9.
- Deputy Chief of Chiefs, Tony James, explained that the communities lacked information about the company's plans and intentions and had not been consulted. The meeting then underway should really have been held five years ago, he noted. He asked for clarification on Vanessa's plans, the chemicals likely to be used in

processing, what negative impacts were foreseen and what benefits were likely for the communities.

- Chief of Chiefs Eugene Isaacs noted that any body acting as the negotiating team on behalf of the Amerindians should be recognized as legally binding, and not be subject to being overruled by the Minister of Local Government.
- Other Amerindian representatives noted that a Government commitment given to the conference held in Paramakatoi in 1996 to form a new Amerindian Lands Commission had not been honoured. Instead the Task Force of Amerindian Lands did not include Amerindians. 'The Conference felt that the task force was not all inclusive and that was unfortunate.'
- The company clarified the details contained in the exploration licence and agreed to furnish a copy to the Amerindians. The company explained that following exploration, it expected to file for 20 prospecting permits each for an area of a maximum of 50 square kilometers. It expected prospecting work to take a further five years (ie presumably 2000-2004). The company representative also noted that the company would be prepared to suspend their exploration until agreements with the Amerindians had been reached provided the Government of Guyana also suspended the time limits in the exploration licence for a similar period. It noted that 'Because of past occurrences of the spill of dangerous chemicals by Companies, Vanessa will be very careful not to use these dangerous chemicals in its operations.' Benefits will accrue to Guyana from the mining through royalties paid to the Government of Guyana and through training and employment of locals.
- Eugene Isaacs suggested that the exploration process be suspended while a negotiating committee was set up comprising representatives from the company, two from the Government and three from the Amerindian communities.
- The Minister for Amerindian Affairs said he was supportive of the formation of such a body with the inclusion of the Commission of Lands and Surveys, the GFC, GGMC the EPA, the Ministry of Amerindian Affairs, the RDC of Region 9, the Vanessa Mining Company and the 'Amerindian Association'. The body would be mandated to engage in 'consultation' (note: not negotiation) and to report back to the communities.
- The minutes record that *'The Conference agreed that for now Vanessa will continue its surveys while the body will be working along with them and if there is going to be a second phase, it must be done in the proper manner.'*

24 June 1999: The national press reported the formation of this committee stating that its mandate would also be to monitor logging and environment issues in Region IX as well as mining issues. The *Stabroek News* reported that

> *'the village leaders got the assurance from Vanessa top brass that, if deposits are discovered on properties belonging to Amerindians, they would benefit directly once it is their desire to develop those resources'.*

Sometime in 1999, the Captain of the Makushi community of Moco Moco signed an agreement with the Vanessa company – the contents of this agreement are not known. When members of the community learned that this agreement had been signed by the Captain without the involvement of the Village Council there was great consternation. It was noted that this was contrary to Section 19(1)(a) of the Amerindian Act which vests titles to Amerindian lands in the Village Council and not in the Captain. Section 19(1)(b) authorizes the Village Council to make decisions about the use, management and regulation of titled lands. The Captain, as a only one member of the Village Council cannot sign agreements on behalf of the village without the approval of the Village Council as a whole in accordance with the procedures set out in the Amerindian District, Area and Village Council (Conduct of

Business) Rules, R. 3/1959. These rules, made under section 19(2) of the Amerindian Act require *inter alia* that:

- All decisions be made in public meetings of the Village Council.
- Notice of such meetings be sent to all Council members at least three days before the meeting takes place
- That there must be 51 per cent of the Council present for a quorum

Following this dispute in Moco Moco there have been two changes to the Captaincy in the village. The current status of the agreement between Moco Moco and VVV is not known.

13 October 1999: The Toushaos of Regions 7, 8 and 9 signed a resolution mandating the APA to speak on their behalf on mining issues.

31 January 2000: The Regional Development Council in Lethem announced that it had, finally, set up the 'Committee to **Monitor** Mining, Forestry and Environment in Region IX' (emphasis added). The proposed mandate of the committee to **negotiate** on behalf of the communities with Vanessa appeared to have been lost sight of.

During the rest of 2000 and the first part of 2001, there has been little apparent action by the company to consult with the Amerindians about exploration or negotiate with the communities about the proposed mining operation

## 2. Consultation Report

As part of this project, a two-day consultative workshop was held in Aishalton on 25th and 26th of April, including members of the APA research team and representatives of the Wapishana communities of the Deep South. The workshop process included translation into Wapishana, plenary explorations of issues and more detailed examination of key subjects in break out groups. The first day was spent examining the experience of the communities with mining to date. The second day was focused on discussions of how the communities should respond to mining proposals in the future.

### Mining and Land Rights

Participants at the consultation stressed that land issues were one of their principle concerns. They made the following main points concerning land rights and mining:

- The communities are dissatisfied with the extent of their current land titles. These neither take account of the population growth since the 1960s nor encompass their customary hunting and fishing areas which extend far beyond the boundaries of their titled areas.
- The titles do not confer mineral rights.
- In general community members have little awareness of the extent of their titles or the details of their legal rights to their lands.

'We want the boundary of our territory recognized as described to the Amerindian Lands Commission.'

### Small-scale mining

'When land dredges were operating in Marudi muddy water came right down into our villages. This was very educational, people saw the impacts. Fishing was also affected. They found dying fish in Marudi Creek.'

The consultation noted that small-scale mining is current in the Marudi Mountains and within the titled areas of the communities of Shea, Maruranauwa, Achiwib and Awarewaunau. Although the mining is not so prevalent as in other Regions in Guyana, it is nevertheless already causing notable problems. Despite some mines being within titled areas, there are no proper agreements between the miners and the village authorities. Sometimes deals are cut with the Captains without the Village Councils being involved or informed. Many of the miners are Brazilians, who are presumed to be illegally in the country and lack formal mining claims, other miners do hold mining permit and have recognized claims.

- Vanessa has sought to exclude Amerindians from traversing the areas where it holds medium-scale mining permits, even though these are customary hunting zones.
- The Marudi Mountains are one of the main hunting areas for the southern communities. The communities also use the forests in the area for collecting wild fruits such as **turu** and the Brazil nut, palm leaves for thatching their houses, and other forest products essential in handicrafts and medicines, like *mukru* and *nibi.*
- Village Councils have taken on the task of monitoring the activities of miners and attempt to oversee and share out the employment opportunities offered by the mines.
- There are many cases where Amerindian workers in the mines are paid late or not at all.
- The Committee members themselves need education in environmental monitoring if they are to carry out their responsibilities effectively
- There is a general concern about the pollution caused by mining
- Although mercury is being widely used in Marudi the implications for fishing and health are unknown and unmonitored.
- In general Amerindians are unaware of the risks associated with mercury use. One participant noted that as a child he had swallowed mercury just to see if it was true that it went right through you!
- There is concern, however, that mercury may enter the food chain not just through eating fish but also through the practice of soaking cassava tubers in river waters as past of the process of making farine, the staple food.
- In Peace Creek, where small-scale mines are prevalent, mercury can be found in the river bed in amalgams with gold. These rivers flow into the Kwitaro and so to the Essequibo and are thus affecting the whole of Guyana.
- Six land dredges currently operating in Totwau creek are pumping mud straight into the river: the **haimara** fish is now not evident.
- Mining on the Marudi river which runs into the Kuyuwini river led to visible pollution of the waters some years ago.
- There is a need for testing of the water sources in Totwau Creek, and throughout the district, to assess levels of mercury pollution and other mining related contamination.
- Malaria has been introduced into the Marudi Mountains due to the presence of pork-knockers.
- Many of the *garimpeiros* live in common law unions with Amerindian women and there is concern that the status and reputation of these men is quite unknown. It is not even known if they are legally in the country. The children of these unions are considered to be at risk if the marriages prove unstable.

- Illegal drugs are widely available in the mining camps: these drugs also get into the communities on a smaller scale. *Marihuana* is being cultivated in the mining area in the Marudi mountains
- Some Amerindian women are working as prostitutes in the mining camps as a way of making money. Others women are being abused by the miners. The police rarely take action when there are complaints and the Village Councils also rarely act on such allegations of abuse.
- There is concern that STDs and AIDS, which are rampant in Brazil, are being brought into the region by the miners.
- The meeting noted that GGMC appeared to have recognized small-scale mining claims in the Marudi Mountains in contravention of Article 112 of the Mining Act. No effort had been made by the communities to take this matter up with the GGMC or other government agencies.

**Large-scale mining**

'The government don't tell the people and they bypass the Toushao...'

The workshop made the following observations about large-scale mining in the region:

- In general, people are unaware of plans and operations of Vanessa
- The government has provided a minimal amount of information about large-scale mining to the communities. There have been no processes of consultation with the communities prior to mining exploration rights been allocated.
- Neither the government nor the companies show much respect for the authority of village councils.
- In general the communities lack adequate information about the plans and intentions of the companies.
- Partly for lack of information about the mines, many of the Toushaos are 'sitting on the fence' and are not taking an active stand for or against the proposed developments.
- People are divided in their views about the proposed mines: the possibilities for employment in the mines and other economic benefits have to be weighed against the environmental and social risks and costs. The majority of people are undecided about the mines.
- Community members lack information about the law and need more training about their rights.
- Community members also need training and awareness-raising so they can better understand the likely implications of large-scale mining for their communities.
- Although Vanessa is seeking to consolidate mining rights in the Marudi Mountains, by buying out the owners of medium-scale mining permits, it appears that no EIA has been carried out although this appears to be a large-scale venture.
- There have already been problems with the behaviour of Vanessa employees and the Toushao of Aishalton has unsuccessfully appealed to Vanessa to have misbehaving personnel dismissed.
- Although, under the law, Amerindians do not have rights to sub-surface minerals, they should demand the right to give or withhold consent to proposed mines which are to be developed on their ancestral lands.
- The communities are particularly concerned that large-scale mining risks causing relocation, introduced diseases and spills of cyanide.

- There are also concerns that the mining will entail the establishment of mining townships, which will also bring in settlers into the region, leading to erosion of the local culture and mixed marriages. Workers on mines are often itinerant and may leave behind fatherless children who are then a burden on the community.
- Large-scale mining may also cause dependency on the mines and there is concern for what will happen to the communities after the mining ceases. 'Farming will be neglected. When the mine closes, what will people live on then?'

  'People who work in the mines will become a burden on the community. They will only get one week's leave every six weeks or so. That's not long enough to cut farms, plant and hunt. So you become dependent on the shop for everything. Then what happens? You are out of a job. You are deprived of a future. You have no farms. The same happened to the Caribs in Kwebanna, nobody farming, everybody dependent on the shops. Already people are changing – even without mining people are becoming dependent on stores. Things are changing. Mining will put our culture at risk. We will lose our language.'

- People should visit other areas where mining has already caused extensive damage, as at Omai, so they can see for themselves what large-scale mining can mean.

**Women and Youth**

'Men need to be better informed about the women's situation. Also, it is high time that we get behind our husbands. Let's work with the men to take these important issues – like our lands which are important for all of us. Women should participate in workshops – they need their eyes opened to learn about these things – like the Amerindian Act. Don't exclude men from women's meetings either. If you exclude men, they will get suspicious. Let us cooperate together to improve our ways of life.' – Amrita Thomas

Discussions about the impacts of mining on women and youth were a prominent part of the consultation. The break out group that examined these issues noted the following:

- Drugs and alcohol should not be sold in Amerindian communities
- Laws to protect Amerindian women should be reinforced
- Amerindian women should be educated in their rights
- Leaders do not enforce or act according to community regulations
- Improve upbringing of children
- There should be youth exchanges and an activity programme to promote a sense of social responsibility among young people
- Women need protection from abuse by miners

During plenary discussion doubts were expressed about the feasibility of prohibiting the sale of alcohol in Amerindian settlements. It was noted that the previous Toushaos and Villages Councils had tried to ban the sale of alcohol from village stores, but that this had only led to boot-legging.

**Revitalising Amerindian Institutions**

The workshop also discussed the ways that decisions are made within the communities. No one could really remember what system was used by the Wapishana before the colonial system of Captains and Village Councils was introduced. These are now

accepted as valid and indigenous systems of decision-making. The workshop made the following observations about decision-making processes in the community:

- The Village Council is the only legally recognized Amerindian institution. Legislation governing the councils needs to be strengthened and the process of election of Captains and Councillors should be more autonomous and less subject to government manipulation.

- Projects carried out in Amerindian villages by the government should be administered through the Village Councils.

- The Village Councils need to be linked to a Regional Toushaos Council and a National Toushaos Council.

- To be effective Village Councils need to be united and develop common goals and understandings.

- Some Village Councils, Captains and Councillors need to become more vibrant and participate in more activities. They need further awareness-raising in Amerindian rights.

**Participation of marginal sectors in decision-making**

The importance of involving youth and women in decision-making processes was brought out in the meeting. The following specific points emerged:

- Sectoral groups in the villages, like women's groups, youth groups and so on, which are meant to promote the involvement of marginal sectors in the villages are not really effective. *'People lack a long term vision and want quick results'.*

- Women do not freely express themselves in village meetings. The process of having break-out groups – employed in the workshop - should be used in village meetings too to encourage their involvement.

- It was noted that women often find it hard to participate in public meetings because they are looking after babies and young children and have other household responsibilities.

- Likewise youngsters are often at school while public meetings are being held. There should be dialogue with the school-teachers to encourage them to send pupils to workshops so that they can gain awareness about matters of concern to the community and about Amerindian rights.

- Notwithstanding, women should be encouraged to sit on village councils and they need training on their roles and responsibilities within the community.

**Negotiation with Mining Companies**

*'First the villages must come together and talk. Before we talk with the company, we must develop a consensus.'*

The workshop also examined what steps should be taken to develop a dialogue with the mining company, Vanessa. The following steps were recommended:

- The Village Councils should hold public meetings to assess public opinions on the proposed mining.
- The Toushaos and Village Councils should then hold a joint meeting to adopt a united approach.
- The Toushaos should respect the views of the communities: they must be honest and not manipulated by the political parties.
- Trained people should be identified to deal with technical issues.
- Negotiations with the company should be entrusted to a team of appointed persons answerable to the communities and not to individuals.
- These persons should be nominated to speak for the whole of the Deep South – with persons from all of the six Wapishana communities and the Wai Wai.
- The APA units in the villages should also come together to share their views and plan how to negotiate. 'The APA units are indeed the strong points in the community.'
- In the short term, legal and technical assistance will be required to help the negotiators deal with the company on issues like compensation, environmental standards and health and safety requirements.
- In the long term, Amerindians need to gain training in these matters themselves as geologists, biologists, lawyers etc.
- It is imperative that the land rights of the communities are clarified. If the government will not recognize Amerindian territories, the communities should nevertheless insist that the company treats the Amerindians as the land owners.
- It is important to recognize that the problems stem in large part from the government's laws and policies. There is thus a need to address the government too.
- Assistance with this process should also be sort from other solidary organizations including the Churches.
- The authority of the Village Councils must be asserted both to the company and the government and in relation to villagers: a system of fines, punishments and other sanctions is needed to discipline community members and enforce village regulations effectively.

## General Discussion and Conclusions

*We can't understand this (the full implications of the mines), but if we don't act now it will be too late. We may only open our eyes to the damage that mines cause after it*

*has happened. We need to take a stand now to stop the mining.* –Workshop participant.

One of the main conclusions of the workshop was that the communities need to elaborate alternative development plans so that people would not feel that they had to agree to mining as the only way of gaining a cash income. It was noted that the current land-use mapping project is designed to provide the basis for the development of just such an alternative natural resource management and community development plan.

The communities also need to re-establish a dialogue with Vanessa to clarify what are the company's intentions. *It will be important to distinguish between Vanessa's plan to consolidate the current mining operations in areas already granted medium-scale mining permits in the Marudi Mountains and its longer term plan to open up other large-scale open pit mines, which is still the exploratory phase.*

Information also needs to be sought from the GGMC on just which mines in the area do have permits and which do not. The GGMC should then be informed about mines which appear to be illegal. The GGMC should also be queried about the presence of recognized small-scale claims in Amerindian areas contrary to article 112 of the Mining Act.

The project should be followed up with a programme of community education and training in human rights, legal issues, women's concerns, environmental education and community environmental monitoring. There was a specific demand for additional community-level workshops in international human rights.

**Some closing remarks**

A little money can turn our eyes, like **that!**

We Amerindians don't have recognized rights. What can we do to change the law about our rights?

The present government is trying to get us fully integrated into Guyana society. They don't
want us to be Amerindians, they want us all to be Guyanese. We need to address this.

Let us be united for the benefit of our people. We have been divided for too long. We have all
been struggling for a long time. We want to be recognized as a people, we need to unite for this. Divided we are going to fall like a ripe paw paw. Nobody can unite us, nobody will do that, except we. Other people cannot do this for us. They have their own agendas. The most important thing is land. If you want to kill us, then take away our land.

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