

AMERINDIAN LAND STATUS 2009

The Ministry of Amerindian Affairs was established with the responsibility of enhancing the quality of life of Amerindian people through the formulation of policies, and implementing programs that facilitate cultural, social and economic development, promote, good governance, equity and protect Amerindian rights.

The Ministry is pleased to be a member of the Multi - Stakeholder Steering Committee on the Low Carbon Development Strategy (LCDS) and has provided support to the sub-national consultations and awareness sessions to introduce the draft Low Carbon Development Strategy (LCDS) which commenced June 19th 2009.

The process of the consultation and the introduction of the draft LCDS lend itself to open discussions and opportunities for Amerindian villages and other hinterland communities to provide feedback on the draft strategy.

The Ministry wishes to note that the sub national consultations attracted a high level of attendance and participation in the open discussions. A common trend during the discussions was the expressed support for the Low Carbon Development Strategy in principle and in particular most Amerindian leaders committed to continue the dialogue with the members of their respective villages.

The Ministry's takes this opportunity to note the substantive contributions made by Toshaos, councillors and their village delegations during the open discussions on the draft LCDS. Interesting questions on the impacts of LCDS on Amerindian traditional activities, possible risks, benefit sharing mechanisms, including queries on mining; agriculture (including large scale agriculture in savannah lands), forestry and eco-tourism sectors, large scale agriculture investments, and the issue of demarcation of the titled lands and the titling of remaining untitled Amerindian communities.

It is important to note that in its currently draft form, the strategy commits only state forest and the consent for inclusion of Amerindian lands will have to be provided by the Amerindian people through their elected village council. And for the records the strategy presents an opportunity for Amerindians to choose to "opt in" or "not to opt in".

The process followed for the consultations, the option for the Amerindians to voluntary choose and the fact that there is no time limit for such decision this subscribes in actuality to the issue of free, prior and informed consent.

The Ministry noted the expressed desire of the Amerindian leaders and their delegations to advance the process for titling of communities without titles and demarcation of Amerindian lands. These issues are currently dealt with under the ongoing titling and demarcation programme executed by the Ministry of Amerindian Affairs and within the context of ongoing discussions on the draft LCDS document the Ministry is pleased to provide clarity and additional information on the current status of the programme.

A brief background on the status of Amerindian land ownership and PPP/Civic Government policy approach for titling and demarcation of Amerindian lands programme. These two programme have significantly guaranteed the right to communal ownership of land by Amerindians.

Background

Amerindians have long requested that their land right be recognized, and in fact, on the eve of Guyana's independence an Amerindian, Stephen Campbell, the first Amerindian Member of Parliament, travelled to London to ask Her Majesty for Amerindian lands to be secured. This resulted in the establishment of the Amerindian Lands Commission shortly after Guyana acquired Independence.

The Amerindian Lands Commission Report of 1969 offered a number of recommendations for granting land titles to identified communities that were existed prior to 1966. Similarly, initial legislative attempts to deal with the Amerindian land issue in the 1951 Amerindian Act which was later amended in 1976 and provided for the granting of lands to sixty-four (64) Amerindian communities.

In 1991 ten other villages were titled bringing the total of titled villages to seventy four (74) this amounted to approximately 6 % of Guyana land mass. All seventy (74) titled villages were described by natural boundaries and the outcome did not provide a closure to issues of Amerindian lands claims or problems. Further the Amerindian Act under which the lands were granted attracted serious criticism where by the legislation provided the Minister and

Chief Officer with extensive powers that allow them to reduce and confiscate lands granted and occupied by Amerindians.

In the 1992, the PPP/Civic Government committed to address Amerindian land ownership through greater constitutional and legislative process. Immediately a consultative process was developed to guide the land demarcation and the titling process for lands requested by untitled communities.

The ensuing actions by the Government of Guyana resulted in a consultative process in 1995 with the Amerindians Toshaos at Aishalton, Rupununi whereby a two - prong approach for addressing the land claims was formulated;

1. Demarcation of the existing seventy four(74) titled Amerindian villages
2. Addressing the request for titles by communities without titled lands and to examine approval of extensions requested by the title villages

The above approached laid the basis for the development of a land demarcation programme and to execute the titling and demarcation

programme the government allocated financial resources to ensure that the demarcation exercise was made affordable to Amerindian communities.

THE POLICY

The Government policy objectives ensured that the process of land titling, demarcation and extension of lands for Amerindians was provided for by law and the above approach informed the formulation of legislative provisions. And that priority is placed on implementing a land titling and demarcation programme of Amerindian lands, despite the precarious financial position inherited by the current government in 1992, The Government committed to allocate financial resources to ensure the implementation of the programme.

The new Amerindian Act # 6 of 2006 was formulated out of extensive community consultations with the Amerindian villages and this act made provision for matters of land management, allocation, leasing, titling, demarcation and extension.

The new Act provides the Village Council with functions to hold for the benefit and use of the village all rights, titles and interest in or over village lands and to manage and regulated the use of and occupation of village lands”. This therefore provides the necessary clarity on the authority of management and regulatory authority over Amerindian communally owned lands and such authority by extension is mandated by community members.

Further at Act at Part V1 – ***GRANT OF COMMUNAL LANDS TO AMERINDIAN VILLAGES AND AMERINDIAN COMMUNITIES***; the sections outlines the process for application for extension of village lands, grant of land to untitled Amerindian communities and by law the clause states “the state shall pay for the cost of the survey” Thereby, the current status of Amerindian land ownership is one which by law is binding on any government current and in the future. It is not so simple to change legislation and thereby adherence is guarantee for the demarcation and titling of the remaining eligible Amerindian communities as set out under the law.

The Government of Guyana established policy for addressing the land rights is simple for Amerindian communities and leaders to respond and followed quite comfortably and at the same time is affordable, no undue financial pressure is therefore placed on the Amerindians.

The policy outcomes records that the approach undertaken by the government of Guyana has seen an aggressive demarcation programme and an annual provision of a total sum of fifty million dollars (US\$50m) for the exercise. To date an estimated 60 Amerindian village receiving approval for demarcation of boundaries and the grant of title over the period of 15 years records twenty - two (22) additional Amerindian village received titles, taking the total villages titled to date to ninety – six (96).

Current Status

Amerindians lands titles are issued in different forms - Amerindian Villages, Amerindian Areas, and Amerindian Districts. The law also allows Amerindians Village Councils to lease community lands up to 10 percent of the titled Area owned.

The current data presents the position that Amerindian before 1991 formally held title over 6.5% of Guyana's land mass by absolute grant held by seventy four (74) Amerindian titled villages. And in just over 15 years the ownership of land by Amerindians has increased to date to 13.9 %.

1. Titled Amerindian Village

Legislatively the process of securing and titling lands by Amerindians has strengthened and Amerindian communities without pressure make their own decisions regarding application for title. Currently there are ninety six (96) Amerindian titled villages seventy 74 titled prior to 1992 and over this period twenty-two (22) villages have been titled and bringing to a total of ninety six (96) titled Amerindian villages. Titled villages comprise in some case satellite villages there are 40 satellite villages. *See Annex A* for details of titled villages and Annex A1 for Satellite villages. These villages are managed by an elected councilor and referred to as a senior councilor.

2. Land Demarcation

To date of ninety six titled villages, sixty – two (62) have been demarcated and six villages’ natural boundaries suffice, these villages are eligible for demarcation, and the same process for requesting demarcation applies.

The ongoing demarcation programme schedules the communities that have requested and agreed for demarcation on a first come first served basis. The Table at *Appendix A* provides information of villages that are demarcated and those that are yet to be demarcated and others that are in progress.

Seven (7) located in Region # 7 so far not agreed for the village lands to be demarcated and any request is constrained by a pending Court matter. Most recently a desire to move forward with demarcation was informally expressed since it is believe that they have been misled, however, no formal request was advanced.

Importantly, the cost of demarcation has increased over the years; a review of some of the cost revealed that it cost less than G\$10 million to demarcate the boundaries of an Amerindian village before 2005. The current costs are now estimated as high as G\$35m for demarcation of a single village in a few cases. The factors that influence the high cost is the size of the village, the extensiveness of the natural boundaries that do not meet, including the material and human resource that are necessary since the method of demarcation is done by cadastral surveys.

The programme for titling and demarcation is ongoing and the Government of Guyana is committed to complete the demarcation of titled Amerindian

lands both titled and untitled as they fall due. This exercise therefore requires huge financial resources and when completed can only mean that the current figure of 14.9% of land owned by Amerindians will be increased as the untitled communities requested areas are accounted for following demarcation.

To accelerated the pace and progress of the demarcation programme depends on the level of financial resources available. The expectation of the LCDS attracting financial resources will allow for an opportunity to complete the demarcation programme much faster and this can be further considered for inclusion in the draft LCDS document.

3. Untitled Amerindian Communities

There are eleven (11) Amerindian communities that are eligible under the current Amerindian Act # 06 of 2006 for titling and six have submitted application for grant of state land and these applications are under review and the consultation and negotiations are scheduled. This process can be either short or long depending on the complexities of the negotiation process with the community leaders and members to ensure that there is full agreement. See *Appendix B* for list of untitled Amerindian communities

4. Extension of Amerindian Lands

Of the ninety six (96) villages seventeen (17) villages have applied for extension, eight (8) have received approval and titles. Nine (9) extensions are yet to be addressed.

5. Amerindian Settlements

The Amerindian settlements that established before 2003 are recorded and these settlements consist of mainly Amerindian residents. They are not yet eligible under the new Amerindian Act 2006 to apply for community status and however at various times in the future these settlements will qualify for titling. *Appendix C* lists the communities that fall into this category.

Table: Summary of data on Amerindian titled, untitled and Settlements

SUMMARY						
		Demarcated			Extension	
	Totals	Demarcated	In progress	Awaiting Demarcation	Extended	Awaiting Approval
Titled Villages	96	62	9	25	8	9
Untitled Villages	11					
Settlement	21	Established before 2003 and will become eligible for title in the future at various times				
Mixed Communities	10	Communities with significant number of Amerindian population (not exhaustive)				

THE PROCESS

Emphasizing once more the new Amerindian Act 06, of 2006 now guarantee an enhance policy on the Amerindian Land rights and demarcation of Amerindians lands with the full participation of the community members and their leaders. Outlined below are the process and standard procedure;

The process is clear; the applications for extension and grant of title must be submitted in writing to the Minister with simple details and encourages full participation and engagement of Amerindians in the process. Amerindian groups can easily submit a request for communal land ownership based on certain simple set criteria; population size, length of occupation of the land.

This is detailed below: Amerindian Act 6 of 2006 pg. Part VI Clause 59(1)

1. Extension of Land

- a. The name of the village
- b. The number of persons in the village
- c. The area of land which the village already owns
- d. The reason for the application
- e. A description of the Area and
- f. A copy of a resolution passed by two-thirds of the village general meeting, which authorizes the Village Council to make the application.

2. Grant of Land

Amerindian Act 6 of 2006 Clause 60(1) to 64.

- a. It has been in existence for at least twenty-five years
- b. At the time of the application and from the immediate preceding five years, it comprise at least one hundred and fifty people

Standard Procedures for the Granting of Land Titles to an Amerindian Community

Land Grant

1. As per the Amerindian Act, the community writes to the Minister requesting title to the lands they use and occupy. Request must be accompanied by a sketch of the area being requests and /or a description of the area
2. Minister Checks the request is in keeping with the requirement of the Amerindian Act
3. Minister acknowledges request form the community
4. Minister writes to the GLSC requesting
 - a. A sketch /description be converted to scaled map
 - b. That the GLSC provides the Ministry with the names of lessee in the area requested if any

5. The Minister sends the map to the GFC and GGMC to indicate their comments / concerns
6. Upon the receipt of the notification from the GFC and the GGMC (whichever is applicable), the Ministry does one of the following;
 - a. If in the view of the minister, the area being requested is reasonable, the request is submitted to the Cabinet Subcommittee on Amerindian Affairs/Natural Resources for no-objection.
 - b. If the area requested is excessive, the minister commence negotiation with the community. Once negotiation is completed step (i) is followed
7. Request is submitted to Cabinet
8. Cabinet approves of the request
9. Cabinet decision is issued to GLSG and MOAA
10. Minister of Amerindian Affairs writes to GLSC requesting that the Grant be prepared
11. Plan and Grant are prepared and submitted to the Head of the Presidential Secretariat for signature
12. President issues the Grant.

The Ministry of Amerindian follows a set of Standard Procedures that supports the implementation of the demarcation programme, this is detailed below;

The Process of Demarcation

1. The Community writes the Minister of Amerindian Affairs requesting that their title lands be demarcated
2. MoAA indicates communities' agreement to the Guyana Lands & Surveys Commission and asks that the process for surveying commences
3. GLSC advertise for surveyors or utilize in-house surveyors
4. Contractor selected
5. GLSC advises Minister of the Contractor's readiness to commence survey
6. MOAA informs community of the contractor to conduct the survey and introduces surveyor to the community. (3 persons form the village Council must be on the survey team).
7. Survey completed and Plan Prepared
8. GLSC advises the MOAA of the completed survey
9. Minister of Amerindian Affairs submits Plan to the Registry and requests that title be prepared
10. Titles prepared and delivered to the MOAA
11. Titles issued to the Communities

Concluding the insight of the current status of government policy approach for addressing the of Amerindian land ownership. There is no need for any Amerindians communities to attach the issue of titling and demarcation as justification for participation in the LCDS. Further, the strategy is clear on national development; all the villages and communities are embraced in all of the government of Guyana sectoral development programme within the framework of the nations development plans.

APPENDIX A

LIST OF TITLED AMERINDIAN VILLAGES					
No.	Amerindian Village	Sub Region	Titled	Demarcated	Extension
Region # 1					
1	Santa Rosa	Moruca	yes	yes	
2	Waramuri	Moruca	yes	no	
3	Manawarin	Moruca	yes	yes	
4	Assakata	Moruca	yes	no	
5	Warapoka	Moruca	yes	yes	yes
6	Santa Cruz	Moruca	yes	yes	
7	Kwebanna	Moruca	yes	yes	
8	Chinese landing	Moruca	yes	yes	
9	Kokerite	Moruca	yes	yes	
10	Waikrebi	Moruca	yes	yes	
11	Bumbury Hill	Mabaruma	yes	yes	
12	Tobago/wauna	Mabaruma	yes	yes	
13	White water	Mabaruma	yes	yes	
14	Arukamai	Mabaruma	yes	In Progress	
15	Kamwatta	Mabaruma	yes	In Progress	
16	Barima/Koriabo	Mabaruma	yes	yes	
17	RedHill	Mabaruma	yes	yes	
18	Yarakita	Mabaruma	yes	yes	
19	Hobodia	Mabaruma	yes	yes	
20	Hotoquai	Mabaruma	yes	yes	
21	Three Brothers(Waini)	Mabaruma	yes	No (due in for demarcation in 2009)	
22	Baramita	Matarkai	yes	no	
23	Sebai	Matarkai	yes	yes	
Region # 2					
24	Wakapoa	Wakapoa	yes	yes	
25	Akawini	Akawini	yes	yes	
26	St. Monica	St. Monica	yes	yes	
27	Kabakaburi	Kabakaburi	yes	yes	yes
28	Tapakuma/St.Denny's	Tapakuma/St.Denny's	yes	yes	yes
29	MainStay/Whyaka	MainStay/Whyaka	yes	yes	
30	Capoey	Capoey	yes	yes	
31	Mashabo	Mashabo	yes	yes	
32	Bethany	Bethany	yes	yes	
Region # 3, #4, #5, #6,					
33	Santa /Aratack	Region #3	yes	yes	
34	St.Cuthbert's Mission	Region #4	yes	yes	
35	Moraikobai		yes	yes	
36	Orealla*		yes	yes	yes
Lower mazaruni		Region # 7			

37	Karrau		yes	yes	
	Middle mazaruni				
38	kaburi/72 mls Potaro		yes	no	
39	Isseneru		yes	no (due for demarcation in 2009)	
	Upper mazaruni				
40	Jawalla		yes	no	
41	Kurutuku		yes	no	
42	Arau*		yes	no	
43	kaikan*		yes	no	
44	Paruima		yes	no	
45	waramadong		yes	no	
46	kamarang		yes	no	
47	kako		yes	no	
48	Phillipai		yes	no	
49	Chinoweng		yes	no	
	Sub region 1	Region # 8			
50	Chenapou		yes	no	
51	Kopinang		yes	yes	
52	Waipa		yes	yes	
53	Kaibarupai		yes	yes	
54	Kamana		yes	In progress	
55	Kurukabaru		yes	In progress	
56	Itabac		yes	yes	
57	Kanapang		yes	In progress	
58	Kato		yes	yes	
59	Paramakatoi		yes	yes	
60	Monkey Mountain		yes	yes	
61	Taruka		yes	In progress	
62	Fair View		yes	no	
	Sub region 2				
63	Campbelltown		yes	yes	
64	Micobie		yes	yes	
	North Rupununi	Region # 9			
65	Annai		yes	yes	yes
66	Apoteri		yes	yes	
67	CrashWater		yes	In progress	
68	Toka		yes	No (due for 2010)	
69	Yakarinta		yes	yes	yes
70	Massara		yes	yes	yes
71	Rewa		yes	In progress	
72	Yupukari		yes	yes	
73	Katoka		yes	No (due for demarcation in 2009)	
74	Nappi		yes	yes	
75	St.Ignatius		yes	yes	
76	MocoMoco		yes	yes	
77	Parikwaranau		yes	No (due for demarcation in 2009)	
78	Potarinau		yes	yes	

79	Shulinab		yes	No (no due for 2010)	
80	sawariwau		yes	No (due for 2010)	
81	Rupanau		yes	no	
82	SandCreek		yes	yes	
83	Shea		yes	yes	
84	Awarewaunau		yes	In progress	
85	Maruranau		yes	yes	
86	Aishalton		yes	yes	
87	Karaudarnau		yes	yes	
88	Achawib		yes	yes	
89	Masakenyari		yes	nat. boundaries	
	South Pakarimas				
90	Karasabai		yes	yes	
	Berbce River	Region # 10			
91	Hururu		yes	yes	
92	Wikki/Calcuni		yes	yes	
93	Wiruni		yes	yes	
	Demerara River				
94	Great Falls		yes	yes	
95	Malali		yes	yes	
96	Muritaro		yes	yes	

Appendix A1

List of Titled Villages - Satellites		
	Village	Location
1	Kumaka/Rincon	Moruca Reg. 1
2	Koko	Moruca Reg. 1
3	Kamwatta	Moruca Reg. 1
4	Parakese	Moruca Reg. 1
5	Karaburi	Moruca Reg. 1
6	Santa Rosa/Islands	Moruca Reg. 1
7	Mora	Moruca Reg. 1
8	Huradiah	Moruca Reg. 1
9	Siparuta	Region #6
10	Quebenang	Reg # 7
11	Chiung Mouth	Reg # 8
12	Bamboo Creek	Reg # 8
13	Mountain Foot	Reg # 8
14	Annai central	
15	Surama	Reg # 9
16	Wowetta	Reg # 9
17	Rupertee	Reg # 9
18	Kwatamang	Reg # 9
19	Kwaimatta	Reg # 9
20	FlyHill	Reg # 9
21	Kaicumbay	Reg # 9
22	Quatata	Reg # 9
23	Semonie	Reg # 9
24	Kumu	Reg # 9
25	Quarrie	Reg # 9
26	Parishara	Reg # 9
27	Hiawa	Reg # 9
28	Katuur	Reg # 9
29	Baitoon	Reg # 9
30	Shiriri	Reg # 9
31	Quiko	Reg # 9
32	Meriwau	Reg # 9
33	Bashauzon	Reg # 9
34	Churikadnau	Reg # 9
35	Paipang	Reg # 9
36	Tiperu	Reg # 9
37	TigerPond	Reg # 9
38	Taushida	Reg # 9
39	Rukumuta	Reg # 9
40	Yurongparu	Reg # 9

Appendix B

List of Amerindian Untitled Communities			
	Village	Location	Untitled
1	Karaiko	Moruca Region # 1	
2	Batavia		
3	Tasserene		
4	Kambaru		
5	Tuseneng		
6	4 miles	Martakai Region # 1	
7	Eclipse Falls	Martakai	
8	Karisparu	Region # 7	
9	Erfoimo/Parabara	South Rupununi Region # 9	
10	Katoonarib	South Rupununi Region # 9	
11	Riversview	Region # 10	

APPENDIX C

List of Amerindian Settlements			
	Settlement	Location	
1	Tassawini	Moruca Sub Region Regon # 1	
2	Five Star	Moruca Sub Region , Reg. # 1	
3	Almond Beach	Moruca Sub Region, Reg #	
4	Barbena	Mabaruma Sub Region, Region # 1	
5	Almond Beach	Mabaruma	
6	Powaikuru	Mabaruma	
7	Black Water/lower Barima	Mabaruma	
8	Imboterio	Mabaruma	
9	Koberimo	Mabaruma	
10	Father Beach	Mabaruma	
11	Lower Koriabo	Mabaruma	
12	Aruau	Mabaruma	
13	Kamwatta (Eyelash)	Mabaruma	
14	Canal Bank	Martakai Sub Region, Region # 1	
15	Big Creek	Martakai	
16	White Creek	Martakai	
17	Dogg Point /Agatash	Middle Mazaruni Region # 7	
18	Kangaruma	Middle Mazaruni Region # 7	
19	Wax Creek	Region # 7	
20	Princeville	Region # 8	
21	El Passo / Tumatumari	Region # 8	