



AMERINDIAN PEOPLES ASSOCIATION

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Joint Indigenous Peoples NGOs Press Release

Amerindian Bill Promotes Racial Discrimination

The Amerindian Peoples Association of Guyana (APA), the Amerindian Action Movement of Guyana (TAAMOG) and the Guyanese Organisation of Indigenous Peoples (GOIP) are recommending to the National Assembly that the imminent passage of the Amerindian Bill 2005 (Bill No. 13 of 2005) in its present form will result in racially discriminatory legislation that violates the rights of the Indigenous Peoples of Guyana.

We are most disappointed to find that after reading the report of the Special Select Committee of the National Assembly that the Bill will be presented to the National Assembly in virtually the same form as when it was first tabled in August of 2005. We are as a consequence led to the grim conclusion that the Public Hearings of the Select Committee amounted to nothing more than a farce.

We have repeatedly stated that the Bill's treatment of lands, territories and resources contravenes international law and undermines Indigenous Peoples' integrity. This is evident from the fact that the Bill does not adequately clarify and guarantee indigenous peoples or their communities' rights to own and control their traditional lands, territories and resources and does little to alleviate the legal insecurity our peoples have experienced in this respect for generations. Moreover, the procedures in the Bill for resolving land issues are arbitrary and unfair. In this regard, the Bill fails to recognize and specify any rights that could form the basis for delimitation, demarcation and titling of indigenous peoples' lands, territories and resources. All that is provided for is a procedure for applying for title or extension of title that results in a decision determined solely and – in the absence of enumerated criteria in the form of rights – arbitrarily by the Minister of Amerindian Affairs (sections 59-64).

We strongly reject the provisions in the Bill that vests arbitrary and overly broad powers in the Minister and which permit substantial interference in the democratic functioning of indigenous governmental entities. Such conditions do not apply to non-indigenous local government bodies. In this respect, it should also be noted that the Bill imposes term limits (two terms) on elected indigenous leaders, where such limits do not apply to any other elected official in Guyana (sec. 71(2) (b)).

Discrimination against indigenous peoples even extends to the State's refusal to accede to indigenous peoples' desire to be referred to as such in the law – as they are in the Constitution – rather than as Amerindians, a term that we do not believe is appropriate.

We are unaware of any other racial or ethnic group in Guyana that is forced by the State to be called by a name that it has vociferously rejected.

We note with utmost concern that the Bill additionally discriminates against Indigenous peoples inter alia:

- Untitled Indigenous communities cannot hold and exercise rights.
- Rivers and other bodies of water are excluded from Indigenous title.
- Some Indigenous communities are ineligible to hold title.
- The Bill does not prohibit forcible relocation of Indigenous peoples or compulsory takings of their property.
- Rights to be consulted, participate and consent are not adequately recognized and guaranteed.

We strongly urge the members of the National Assembly to heed the call of the majority of the Indigenous peoples of Guyana and their organizations to amend the Bill to adequately protect the rights of the Indigenous Peoples before it is passed into law.

Signed:

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