

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2017) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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66<sup>TH</sup> Sitting

Friday, 16<sup>TH</sup> June, 2017

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*The Assembly convened at 2.05 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **PRESENTATION OF PAPERS AND REPORTS**

The following report was laid:

1. Financial Paper No. 1/2017 – Supplementary Estimates (Current and Capital) totalling \$6,395,918,860 for the period 2017-01-01 to 2017-12-31. *[Minister of Finance]*

*The Minister of Finance named 7<sup>th</sup> July as the date for consideration of the financial paper.*

## **PUBLIC BUSINESS**

## **PRIVATE MEMBERS' BUSINESS**

## **MOTION**

The Assembly resume the debate on the following motion:

**REVOCAION OF THE COMMISSION OF INQUIRY SURROUNDING THE CLAIMS OF AMERINDIAN LAND TITLING, THE INDIVIDUAL, JOINT OR COMMUNAL OWNERSHIP OF LANDS ACQUIRED BY FREED AFRICANS AND ANY OTHER LAND TITLING IN GUYANA**

WHEREAS on the 10<sup>th</sup> March, 2017, His Excellency, President David Granger, established a Commission of Inquiry under the Commissions of Inquiry Act, Chap. 19:03 of Laws of Guyana for the following purpose:

*“to examine and make recommendations to resolve all issues and uncertainties surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans and any matters relating to land titling in Guyana”;*

AND WHEREAS the Commissioners have already been appointed to this Commission and this Commission is mandated to render the final report, findings and recommendations to His Excellency, the President, on or before the 1<sup>st</sup> day of November, 2017, or any later date as may be determined by His Excellency;

AND WHEREAS the Terms of Reference of the Commission of Inquiry were published in the Official Gazette on March 11, 2017;

AND WHEREAS the mandate of the Commission could undermine the legitimacy of Amerindian land rights and lead to the dispossession of Amerindian land titles and future land titling;

AND WHEREAS Guyana has established under the Amerindian Act 2006, a legal framework which addresses Amerindian land rights and Amerindian communal land titling;

AND WHEREAS under the Amerindian Act of 2006, many Amerindian communities have been able to acquire communal titles;

AND WHEREAS the establishment of the aforementioned Commission appears to put Guyana on a collision course with its international rights and obligations;

BE IT RESOLVED:

That this National Assembly calls upon the Government to invite His Excellency the President to consider revoking the aforementioned Commission of Inquiry in the best interest of national unity and social cohesion. [Ms. Campbell-Sukhai]

**Mr. Speaker:** Hon. Members, we will now resume the debate, as agreed by this House, on the following motion entitled:

“Revocation of the Commission of Inquiry surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans and any other land titling in Guyana”.

The first speaker today is the Hon. Yvonne Pearson-Fredericks.

**Ms. Pearson-Fredericks:** I rise in support of the motion brought before this House by the Hon. Member Ms. Pauline Campbell –Sukhai, which calls for the,

“Revocation of the Commission of Inquiry surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans and any other land titling in Guyana”.

It must be noted that the Indigenous peoples of Guyana have no objection for the Government to address land issues relating to other ethnic groups, whether it is the Africans, Indians, Chinese or Europeans. All land matters are important and, therefore, need to be addressed. However, we condemn the approach that the A Partnership for National Unity and Alliance For Change (APNU/AFC) Coalition Government has taken. The establishment of the Commission of Inquiry (CoI) without the full and effective participation of the Indigenous peoples can only be considered as an insult to Guyana’s first peoples. What ever happened to free, prior and informed consent? What ever happened to consultation and full and effective participation of Guyana’s Indigenous peoples? It is our right to participate in any matter that will affect us. Of course, land matters will affect the livelihood and well-being of our Indigenous peoples.

I wish to make reference to the presentation which was done by the Hon. Minister of Indigenous Peoples’ Affairs on 9<sup>th</sup> May, 2017:

“Today, we are debating a motion which among other things seeks to discuss the non-existent and therefore in reality challenging nothing. It is passing strange therefore that four days ago, before this motion came for debate in this honourable House, two leading Members of the National Toshias Council, on a frolic of their own, sought to debate the

same non-existing situation while presenting the same untenable argument as the People's Progressive Party has presented here today.”

I think that there is need for clarification. The Hon. Minister of Indigenous Peoples' Affairs mentioned that we were challenging nothing, something that was non-existent. Is the Hon. Minister saying that the CoI does not exist? Is the Hon. Minister saying that there are no terms of reference to guide or to direct the CoI? Is the Hon. Minister saying to this House that Commissioners were not sworn in? What is he referring to as non-existing? Here the Hon. Minister is accusing the National Toshias Council (NTC) of discussing something that is non-existent. Mr. Speaker, there is need for clarification on that matter.

I wish to say that the National Toshias Council is the legally elected body to represent the Indigenous peoples of this country. The National Toshias Council is recognised by the Constitution of this country. There are provisions in the Amerindian Act with regards to the functions of the National Toshias Council. The National Toshias Council has a right to share information with its constituents. So, for the Hon. Minister to say that executive members of the National Toshias Council is on a phrenic of their own, I think that there is need for an apology to the National Toshias Council. Let it be known, and I wish to remind Members on the Government side of the House, that the National Toshias Council is made up of every Toshias throughout the length and breadth of Guyana. They are the legal representatives of our Indigenous peoples and they were elected and not appointed. I would, again, want to say that an apology is necessary for the National Toshias Council.

What is the National Toshias Council saying and what are we saying? We are saying, as I said before, that we have no objection in addressing other land matters. What we are saying is that Indigenous peoples' land rights, not land issues and land matters, were always addressed separately. That is what the National Toshias Council is calling for. Historically, our land rights have been dealt with separately and we are saying that the Indigenous peoples' land rights must be dealt with separately, seriously and urgently. As I said before, historical records of land occupation would prove that the Indigenous people were the first people to inhabit these shores. Let us refresh our memories.

In this very House, the late Stephen Campbell, who we are all proud of and which the 10<sup>th</sup> September is dedicated to his memory, was the champion who stood up for the rights of the Indigenous people with regard to ownership of our lands. In 1965, the *British Guiana Independence Report* also dealt with Indigenous peoples' lands separately. I wish to quote from page 8 of the *British Guiana Independence Report*:

“The interest of the Amerindians as the indigenous peoples' of Guiana were recognised by all parties of the Conference and special arrangements, including early legislation with regards to their property and other rights, were agreed upon by the Conference and are set out in detail in Annex C of the report.”

Mr. Speaker, I wish to say that it was agreed by all at the Conference. I wish to emphasise on the word “special” because not only in this document you would find the word “special” with regard to Indigenous peoples' land rights, therefore, when we as Indigenous people call on the Government to address our land issues, separately and specially, we are only saying so in keeping with historical documents.

We also acknowledge that efforts were made. I wish to say that indigenous land rights were the foundation of the 1966 Independence Agreement and also of the establishment of the Amerindian Lands Commission in 1967. All of this came out of history and the historical records are there to show. The Commission's report and the titling of lands.

2.20 p.m.

In the Amerindian Act Cap. 29:01, we can see all of the villages that were titled. We recognise and accept that and we are happy about that. All the records show that these land rights were dealt with separately and history cannot be erased.

We moved on and under the People's Progressive Party/Civic (PPP/C), some people do not like to hear this, but it is history also, in 2006, in this very House, the passage of the Amerindian Act. No. 6 of 2006. This Act was debated also and it went before a Parliamentary Special Select Committee and it was approved in this very House, a modern piece of legislation, way different for Cap. 29:01 No. 6 of 2006.

In part six of this legislation, sections 59, 60, 61, 62 and 63 make provision. It sets out the procedure for the granting of land title and the extension of Amerindian lands. There is a legislation that deals, specifically, with Amerindian land titling and the extension of lands. So why do we need a CoI that will deal with everyone under one umbrella or under the same blanket, when there is a legislation that deals with titling and the extension of Amerindian lands, as I referred to all these sections that deal with titling and extension of Amerindian lands and sets out the procedure?

The history shows, prior to 1991–92, that Indigenous peoples, Amerindian land titling or Amerindian land rights were always dealt with separately and that is the point. It might sound as though we need special attention. Let it be known that the *Constitution of the Cooperative Republic Guyana* states:

“We, the Guyanese value a special place in our nation of the Indigenous peoples and recognise their rights to land and security and to the promulgation of policies for their communities.”

Again, a special place in our nation - it is there. It is enshrined in our *Constitution* and in old records - a special place. Therefore, we are saying that our land rights must be dealt with according to the legislation that makes provision to address our land rights.

With regards, how can we feel secure according to the *Constitution*, which recognises our rights to land and security? How can we feel secure when our land rights are being jeopardised? When our land rights are being jeopardised we cannot feel secure because our future is at stake.

Under the PPP/C or the People’s Progressive Party/Civic... [Ms. Ally: Small ‘c’.]

Under the Administration, whether it is small ‘c’ or big ‘C’ it is the PPP/C, there was the Amerindian Land Titling Project which sought to address the titling and the extension of lands. Funds were allocated from the Kingdom of Norway and the Government of Guyana – the Memorandum of Understanding – the Agreement. Funds were set aside to address Indigenous peoples’ land rights. Again, I would want to use the words ‘special funds’ were set aside for this project. Today, we are not hearing anything about the project. In the presentation by the Hon. Minister of Indigenous Peoples’ Affairs, no mention was made about the project. It leaves me to wonder what happened to the project and where are the funds that were allocated for the

project? I am wondering whether the funds have been transferred to the CoI. I need clarification. We need to know because if we are not hearing anything about the project and funds were set aside specifically for that project and a lot of work was done in the fields and still we are not hearing anything about that project. We need clarification. Where are the funds? What happened to the project? Are the funds now being transferred to the COI? We need to know.

It was brought to my attention that a decision was made by His Excellency, President David Granger, after a meeting with the Amerindian Peoples' Association (APA), to put on hold the part that deals with Indigenous Peoples' land rights. I am a bit confused. I am wondering now, His Excellency met with one organisation, the Amerindian Peoples' Association. There are other Indigenous organisations and there is the legally elected body, the National Toshias Council. Why were they not part of the meeting? I am suspicious now. Is this another smoke screen? Is this damage control? *[Interruption]*

*Mr. Speaker hit the gavel.*

**Minister of Natural Resources [Mr. Trotman]:** Mr. Speaker, may I be heard on a Point of Order?

**Mr. Speaker:** Hon. Member, you stand on a Point of Order?

**Mr. Trotman:** Yes. The Point of Order being that the Hon. Member, has invoked the name of the President and has then gone on to say words like "is this a smoke screen", as if she is implying that the President is engaged in a smoke screen. I think that it is improper and should be withdrawn. Thank you.

**Mr. Speaker:** Hon. Member, the language and the association which you drew is not acceptable language. Hon. Member, you will withdraw that and then proceed thereafter.

**Ms. Pearson–Fredericks:** I wish to rephrase. I would want to say... *[Interruption]*

*Mr. Speaker hit the gavel.*

**Mr. Speaker:** Hon. Member, Ms. Teixeira, you rise on a Point of Order?

**Opposition Chief Whip [Ms. Teixeira]:** Yes, Sir.

**Mr. Speaker:** Well, then please tell us the Point of Order and then what you rise on.

**Ms. Teixeira:** Standing Order 40 (a). Mr. Speaker, I do not know that in this Parliament we have to now go into English lessons.

**Mr. Speaker:** Hon. Ms. Teixeira, the Point of Order...

**Ms. Teixeira:** Mine is a Point of Order, on the Point of Order by the Hon. Member. The Point of Order is the “it” that the Hon. Member, Ms. Pearson-Fredericks, referred to as the meeting, not the “it” being the President. I do not think that we would refer to the President as an “it”. We would refer to the President as a he or she.

**Mr. Speaker:** Hon. Member, Ms. Teixeira, I thank you for your intervention. Hon. Member, Ms. Pearson-Fredericks, you will rise and you would be guided by the directions that what you said was not acceptable and that you would rephrase what you said and proceed.

**Ms. Pearson– Fredericks:** Yes, Sir. I wish to rephrase and I would say: Is this an act of sympathising with the Indigenous peoples? As I said before, we are entitled to our lands rights and it is our inherent rights. Again, I will say that there are other Amerindian organisations. Why I am suspicious is because it is known that a high official in the APA was on the list of candidates and we have seen many sympathetic moves and many underhand moves. For example, the 20 or 21 persons that were held in the Kaieteur National Park or allegedly in the Kaieteur National Park, where the charges were dropped. That is why I am saying sympathetic.

I wish to remind the Coalition Government that in the 2015 Manifesto, there is a section that deals with Indigenous peoples. And in that section it states:

“The APNU/AFC Government will uphold all treaty obligations and will recognise Indigenous peoples’ rights according to international standards.”

Let me remind the Colleagues on the other side of the House or let me educate them. The United Nations (UN) Declaration on the Rights of Indigenous Peoples, and I wish to share Articles 18 and 19:

Article 18,



“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.”

Article 19 states:

“States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

These two articles talk about the right of Indigenous people and Article 19 speaks about the obligation of the State. Here we see that we were not given the right to participate in matters that would affect us. So what I would like to say is that the rights of the Amerindian people or the Indigenous people have been violated by those in authority. It is only right that we participate fully and effectively, if there are things that would affect our livelihood and our well-being.

2.35 p.m.

It is our right to participate. Whatever happened to free, prior and informed consent? We are a distinct people with a unique culture. *Our land, our life - our land, our culture* and it cannot be changed.

Sometimes we forget the road that we have travelled to arrive at our destination; sometimes we forget the bridges that we have crossed. In so doing, there is a time when we need to be reminded of some of the things that we participated in in the past. In so doing, I am very sorry, but I have noticed that the Hon. Member, the Minister of Indigenous Peoples' Affairs, who is tasked with a huge responsibility, is missing from this honourable House today. However, I would like it to be recorded and I wish to share and bring to the attention of this House that, on 29<sup>th</sup> April, 1999, when we were all making representation with regards to the rights of Indigenous people and land, and the discussion on land rights. This is a report from the first conference which was hosted by the Amerindian Peoples Association in Saint Ignatius, Region 9. The now Hon. Minister was a Toshao then and this is what said regarding the discussion on land rights. Mr.

Sydney Allicock, Region 9, spoke about the condition of Guyana's independence and that all Amerindian land issues of Guyana be addressed. He thought that this argument should be the basis of our claims. According to Mr. Allicock, it is not a case of wanting land, but a case of knowing what lands are ours. He stated:

“If the authorities had listened to us we would have properly demarcated our lands and this big problem would not have been affecting us anymore...”

He called for the need to be sensible enough, to be honest enough and look through our Amerindian eyes and see the true purpose of what we are working for.

His advice was:

“...not to look through the eyes of politics, but through our point of view...”

The ball is in our Hon. Minister's court, he has a responsibility. Yet, in his presentation, there is nothing about consultation and free, prior and informed consent with regards to our land rights. He stated:

“We know what lands are ours...”

It was stated, but it seems today that our Hon. Minister forgot what lands are ours.

**Mr. Speaker:** Hon. Member, you have five minutes remaining.

**Ms. Person-Fredericks:** Thank you Sir. It seems as though he is not honest enough now and we need to be reminded sometimes not to look through our political eyes, but to look through our Amerindian eyes. I wish to remind our Hon. Minister that he is tasked with the responsibility in addressing our land rights. It brings me back to the question: Two years have gone and we cannot hear anything about the Amerindian Land Titling Project which sought to address titling and the demarcation of our lands.

In closing, the message is clear, the Coalition Government do not have the political will to address Indigenous peoples' land rights in Guyana. They have failed; they back-pedalled from their promises. Live up, be honest enough and address Indigenous peoples' land rights in Guyana. We are the first people of this country and we would not backtrack and reverse. No!

Address our land rights, as was promised. Live up to respecting the Indigenous peoples' rights according to international laws and international obligations as was promised in your manifesto.

I thank you, Mr. Speaker. *[Applause]*

**Minister within the Ministry of Communities: [Ms. Hastings-Williams]:** Hon Members of this House, I stand to make my contribution on the motion that is being brought to this House by our Hon. Member, Ms. Pauline Campbell-Sukhai.

First, I would like to applaud His Excellency's gesture for finally bringing an end to one of the most critical issues that is currently plaguing our people and our nation in general. This is the first step in the right direction to do what is best for the people and for national development.

Land reform, which is the term I will be using to describe this undertaking, is the first brick in building a solid economic foundation. In countries such as China, Japan, South Korea and other Asian developed countries, they follow the same principle. Today, these very same countries are amongst the fastest growing economies in the world. I know that some of my Colleagues on the other side of the House might be thinking that natural resources, geographic layouts and even favourable climate are the leading causes for their unprecedented growth rate. However, it has been argued and shown in various literature and books, such as *Why Nations Fail: The Origins of Power, Prosperity and Poverty* and *How Asia Works: Success and failure in the World's Most Dynamic Region*, that these natural endowments do not necessarily determine the economic prosperity of a country. Just look at our neighbour Venezuela that has the world's largest oil reserve, yet, they are ensnared in an economic crisis. On the other hand, Singapore, that has very few natural resources, is one of the richest nations in world with a highly developed, trade oriented, political and market economy.

The fundamental pillar of national development is political and economic inclusivity, qualities that this Administration boldly and vividly exemplifies. Failure to address growing concerns surrounding land issues, an impediment that must be removed if we are to succeed in achieving our developmental objectives, I personally think that it is a political dereliction of duty on our part as a Government - the Amerindian land titling issue.

What is more insulting to our Indigenous peoples of this nation than to have an Amerindian Act which was passed in this House in 2006, which sometimes, I feel, did not have the free, prior and informed consent. Why I say that it is because the present National Toshias Council is asking this Government to revise the very Act which was passed in the House in 2006. What is more insulting to our Indigenous peoples was when lands were given by the former President Mr. Donald Ramotar, under the watch of the former Minister of Amerindian Peoples' Affairs, Ms. Pauline Campbell-Sukhai to some of our communities like Kambaru and Tasserine, which were, as I said, put on show where the President took pictures handing over of these land titles and then they were revoked within a few hours – taken back. What is more insulting to our Indigenous peoples? I do not want to use the words, but was that a 'smoke screen'? I do not want to use the words, but was that an act of sympathy?

This land titling issue has gone from the sublime and commendable to barefacedness and insanity. How is it possible that the PPP/C, the same party that was in power, as I said, when Amerindian land titling was granted and taken back from some of the communities. Why was it taken back? It was because there were some problems. They later realised that this same land that they were about to give to my Amerindian brothers and sisters were also granted to the miners. That is where the confusion came. The miners were Guyanese and the Amerindians were Guyanese too. That was so because I think, in his wisdom, the setting up of the CoI is not to take away Amerindian lands, but it is to resolve the same very problems that we found was happening under the past Administration. *[Interruption]*

I do not know why it is so difficult for the Members on the other side to see that we are about to fix it and that we are putting steps and systems in place that this will not occur again. The commission... *[Interruption]*

*Mr. Speaker hit the gavel.*

Thank you for your protection. If you are going to start comparing years, compare two years with 23 years and you will see a big difference. You had 23 years to correct this mistake. We are starting within two years. The Commission of Inquiry for land either for Amerindians or for other ethnicities is more than a necessity. It is a long awaited justice. The Guyanese population is eager to be settled once and for all.

2.50 p.m.

His Excellency the President, David Arthur Granger, has taken, very seriously, the commitment, when he assumed power in 2015, to provide assurance of the good life to every Guyanese; I say “every Guyanese”. Part of the “good life” concept is to ensure that all Guyanese through the length and breadth of Guyana be provided with affordable housing, if you call it that, individual or communal land titling. Once people have land titles, they would then be able to provide for their families. Once we give lands to our people without conflicts, then the Government could facilitate the tools to the citizenry to work on them either for agricultural or residential purposes.

The granting of land titles to communities and individuals is a form of empowerment. I totally agree with my Colleague, Ms. Pearson: “Land, to the Indigenous peoples, is our life; it is our culture and should not be taken away.” The Indigenous peoples would judge us. Was this done under the previous Administration?

I like history too. I could recall growing up and being a Teacher. One day, we were at a meeting in Jawalla when we heard that a huge mining dredge is going up the Kako River and that we need to go there now. Because we love our land, our rivers and waters and we do not want them to be polluted, we went, only to learn that the huge dredge was granted permission to pass the Kako River to do extensive mining or what we call mining on a medium or large scale, which, in turn, would have polluted the river. To my surprise, permission was granted by the then Minister of Amerindian Affairs. That is a history that we would never forget.

The Indigenous peoples are very strong-minded. When I say that I mean that they pull themselves together and they do not give up. Even though they are humble enough, they never gave up on their rights. Knowing their rights to their land and their culture, they stood up. From the smallest child in the village to the oldest person, they came out to stop that river dredge.

It is time that a body be set up to look into these matters that are affecting our Indigenous peoples. I think that the best way to do that was what the President did. In his wisdom, he has set up his Commission of Inquiry (CoI).

When we set up this Commission of Inquiry, it is not to drive fear in people. We have opportunities. When the Amerindian Act was passed, as I said, I often wondered where the Free,

Prior and Informed Consent (FPIC) was because many of the recommendations that we made - I was one of the Village Councillors then - were not taken into consideration to be placed under the Amerindian Act. To come to this House and to say that a CoI is not a good decision is not a good way and that it is ill will and does not make sense... I know that my Indigenous brothers and sisters and not only the National Toshias Council (NTC) which claims to be representing all the Toshias of this nation...

As a Minister, I have visited many of the Indigenous communities for the past months, starting this year. You would not feel happy to hear what these Toshias, as representatives, are doing to their communities. You would be surprised and would want to know if we are going in the right direction, if the Toshias are truly representing the people of their communities. I say no further.

Amerindian communities have suffered throughout history since the arrival of the Europeans to the Americas. Our women were beaten and raped. Our cultural treasures were disregarded and destroyed to the point where we do not have many antiques from the middle ages to this day in order to admire the work of our foreparents. Our peace ended. Our lands were vandalised and our civilisation battered.

Afro-Guyanese endured years of slavery, working on plantations day and night knowing that, due to the injustice system, that they would never be theirs. They were raised during the medieval period and were not considered citizens, but seen as less than humans.

Afro-Guyanese made communal purchases of land in order to establish communities of their own. It is noteworthy to mention that the land titling is important to everyone independently. If you are a European descendant, an African descendant, an Amerindian, East Indian or Asian...

[Ms. Selman: ...or Mixed] ...or Mixed descendant for which the Commission of Inquiry has been established to be fair and just with everyone...

The A Partnership for National Unity/Alliance For Change (APNU/AFC) Government, through the Commission of Inquiry, seeks to make justice - ancestral and present - to ensure equity and improved quality of life among Guyanese of all ethnicities.

If I recall and quote from a *Kaieteur News* article of 27<sup>th</sup> September, 2014 entitled, “Miners agitate over ‘unfair’ Amerindian land titling”, it may shed some light about why Amerindian titles were taken away within 24 hours, as I told you earlier.

The Commission of Inquiry is set up to investigate all of these allegations. A diverse Commission of Inquiry has been created to find solid evidence that would support the claims of individuals and organisations - free of bias. The seven Members of the CoI are confirmed from a diverse and knowledgeable group of individuals from which two are from Indigenous origins.

Where the lack of proper archiving of land titling, land demarcation, and where there are blurred guidelines of procedures and the absence of transparency are the norms, the absurd will reign and this is the reason the past Government granted Amerindian land titling which is absolute and for life to be revoked within 24 hours.

The APNU/AFC coalition Government recognises that the issue of lands is far from settled and that is why we decided to take a decision to ensure that our people can commute, freely, this beautiful land of many waters – Guyana - without worrying about the future.

There are enough lands to satisfy the needs of the Guyanese people and generations to come but, today, lands are still a source of pain and controversy which, if not settled, would divide us more, hindering our development and growth as a nation.

In accordance with Section 2, Chapter 19:03, the Commission of Inquiry Act within the Laws of Guyana, President Granger established the Lands Commission of Inquiry on 10<sup>th</sup> March, 2017, which was established to address issues of land allocation, land management and land titling. The tasks are to examine, simply stated, and to recommend to resolve all issues and uncertainties surrounding part or communal ownership of lands acquired by Freed Africans and claims of Amerindian land titling and other matters related to land titling.

The expectation is that all of these issues that have been unresolved for all these years may be able to bring closure to them once and for all.

I have been reading and I have been following letters and Press releases concerning the CoI from the National Toshias Council and from the Amerindian Peoples’ Association (APA). Sometimes I wonder if the APA is a very bad organisation. I remember Ms. Pearson was once a Chairperson

of the APA and now she is talking about the APA as if it is not a body that represents the Amerindian people. It causes me to wonder and to ponder...

**Mr. Speaker:** Hon. Member Ms. Pearson...

**Ms. Pearson-Fredericks:** Yes, Mr. Speaker.

**Mr. Speaker:** Did you rise on a Point of Order?

**Ms. Pearson-Fredericks:** Yes, Mr. Speaker. I rise on Standing Order 40 (a). I wish to say that I did not say that the APA... I said that the APA was the only organisation that engaged the President. I did not say that it is bad or good. I said that we also have other organisations. Thank you, Sir.

**Mr. Speaker:** Thank you. Hon. Minister, if you made a statement which suggests a difference, an inaccuracy or anything of that nature, you would withdraw it and then proceed with your speech.

**Ms. Hastings-Williams:** Mr. Speaker, I would proceed but I did not say that Ms. Pearson said that the APA was a bad organisation. I said I sometimes think and ponder if the Amerindian Peoples' Association is a bad organisation. I would continue.

**Mr. Speaker:** Please proceed.

**Ms. Hastings-Williams:** Mr. Speaker, to conclude my presentation, I am in full support of the establishment of the Commission of Inquiry that was established by His Excellency to look into the matters of our land titling. It is a fact that we have problems that need to be resolved, whether it is an individual land title or an Amerindian land title, because we recognise that the Amerindian Act of 2006 has deficiencies; it does not address the needs of the Amerindian peoples of land titling. You would have seen that they have been discussing and having meetings regularly as the Village Councils meeting themselves, as the District Toshias, because this is what the Amerindian people do.

*3.05 p.m.*



And being guided by any organisation, whether it is the United Nations Development Programme (UNDP), the World Bank or the Amerindian Peoples Association where they go to seek advice, they would meet together as bodies, and they have recognised that the Amerindian Act has deficiencies. And that is why I said that they are calling for a revision. This Government, the APNU/AFC Government is not going to *lend a deaf ear* to them.

It would have been seen in yesterday's newspapers that the meeting the President had with the Amerindian Peoples Association has put in place a five-point plan to address their issues. And so, we are going to bring on board the National Tosaos Council and other Indigenous organisations. We are going to meet with them to listen to their concerns. I therefore do not agree to nor support the motion that was brought to this House by the Hon. Member.

I thank you. [*Applause*]

**Mr. Charlie:** Hon. Members of this august House, a pleasant afternoon.

I have listened attentively to the Hon. Minister's presentation and it leaves me to wonder if the Coalition Government, at this time, feels very comfortable with the Amerindian people across this country, from Moruca to Masekenari, and if they know how the Amerindian people are feeling with regard to the Commission of Inquiry that was established. It is not a very good feeling for every individual Amerindian across this country.

The Hon. Member alluded to, with respect, the Commission of Inquiry as the first step in the right direction, the first step in the right direction and disregarding the Amerindian Act.

The Hon. Member alluded to the Government being in the process of fixing it. The buck stops at you; fix it right away and go according to the Constitution and Laws of Guyana; play the game correctly.

The "good life" for everyone": is this Government serious about the "good life" for everyone?

The WHEREAS clauses of this motion, hereunder, as set out and being debated are absolutely a definite matter of public importance. The motion is well defined, so I will not digress from the issue. I will be as brief and concise as possible to join my Colleagues, on this side of the House, in bringing clarity on the matter that is under consideration.

On this vexatious issue, I state, in no uncertain terms, as an Indigenous representative and citizen of this county, the first peoples of Guyana and all affiliate bodies absolutely condemn and object to the Commission of Inquiry that was established on 11<sup>th</sup> March, 2017, under the Commission of Inquiry Act, Chapter 19:03 of the Laws of Guyana, for the following purpose:

“To examine and make recommendations to resolve all issues and uncertainties surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans and on any matters relating to land titling in Guyana.”

The position of Guyana’s Indigenous communities is that, as set out in the motion, while His Excellency is free to establish commissions of inquiry to inquire into any matter of public concern, including issues relative to the ownership of lands acquired by Freed Africans and all matters in connection therewith, there is no historical, scientific, theoretical, legal or practical basis to comingle these issues with the Indigenous peoples’ entitlement to traditional lands in Guyana.

The Indigenous peoples land rights and the rights of Freed African slaves or their descendants are separate issues, and the Indigenous peoples are extremely fearful that our lands would be usurped through this mechanism.

The composition of the Commission of Inquiry is a grave concern to all the Indigenous peoples across this nation, given the fact that the Terms of Reference (ToR) of the Commission of Inquiry were only published on the 11<sup>th</sup> March, 2017, one day after six of the seven Commissioners were sworn in without prior consultation with the National Toshias Council or any other Indigenous peoples’ bodies; hence, the Indigenous peoples of this country have justifiable fears of ultimate outcomes. Importantly, the Indigenous peoples have a valid fear that our hard-won land and related rights would be nullified, although enshrined in law and international protocols.

The Indigenous peoples of Guyana as well as the NTC and any other Indigenous peoples’ bodies, have the right to prior and informed consent. In other words, nothing should happen or impact the Indigenous peoples’ land, territories and resources, unless the Indigenous peoples agree to it. In this regard, the right to prior and informed consent should always prevail, as enshrined in

Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples. Only then is it possible to guarantee peaceful cooperation between governing authorities and Indigenous peoples, whereby avoiding confrontational situations and enabling peaceful conflict resolutions.

The United Nations Declaration on the Rights of Indigenous Peoples was adopted 10 years ago. And as such, the United Nations Declaration was endorsed by the Cooperative Republic of Guyana. The UN declaration, Article 32, clearly states:

- (2) “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

It is pellucid that the Indigenous peoples are guaranteed universal protection. The Indigenous peoples in our country are no exception through the UN Declaration on the Rights of Indigenous Peoples. Most noteworthy to the Indigenous peoples of this country, in particular, and the nation as a whole, is the total disregard of the specific inclusion in the Constitution regarding Indigenous peoples land rights, as set out in the preamble and Article 142, which provides the state with the power to take away land, and provide it for the benefit of Amerindian communities, as well as Articles 149 and 212 (s) of the Constitution, respectively, and several international instruments as it pertains to the rights of the Indigenous peoples.

In Guyana, the NTC is the sole legitimate representative body of all the Indigenous peoples and communities as well as the recognised non-governmental organisations representing Indigenous peoples. But they have all been sidelined by His Excellency in the establishment of this Commission of Inquiry, a body which is neither representative of the Indigenous peoples nor comprises members sympathetic to our cause. How can any reasonable, rational person expect impartiality from its considerations and findings?

Furthermore, is this Government seeking to relegate to the contentious Commission of Inquiry, the roles and functions of the NTC? Never has the Indigenous peoples of this country attempted to trample on the legitimate rights of any citizen or community of this country which we all share, love, and call home – the development to which we have all contributed to in our

respective ways. The Indigenous peoples are peaceful peoples who have always tried to co-exist in harmony with other communities.

Adding to the well-founded fears of the Indigenous peoples is the eventual mistreatment of our first peoples and the recent development whereby simple Indigenous peoples, who were within their legal rights in pursuing their means or alternative means of livelihood, were arrested without charges and treated shabbily - held under inhumane conditions, especially the Indigenous women who were merely cooks. And one wonders of the bestial treatment. What would be our collective fate in the future in our own country? Instead of being afforded support and assistance, these simple Indigenous people were treated, under presidential orders, like the deadliest, most dangerous criminals.

If the Government could ignore the Protected Areas Act No.14 of 2011, Part VI, which confers on Amerindian peoples, the right to pursue the wherewithal for their survival needs specific to subsistence and livelihood, what justice could we expect from their Commission of Inquiry?

Part VI, Section 73:

“In order to protect traditional rights the management authority for a national protected area may enter into an agreement with each Amerindian community and Amerindian village which has traditional rights in the national protected area and the agreement may provide for —

(b) systems for monitoring and recording the exercise of traditional rights;”

In this and every instance, “traditional rights” legitimately incorporates all traditional expediencies of subsistence, including mining. Any President giving orders to circumvent these legitimately pursued traditional first peoples rights and the implementation of such spurious orders by his representative bodies, such as the arresting officers and the disputed Commission of Inquiry, is viewed by Amerindians as untrustworthy and to be impartial in any other consideration.

It must be noted that Amerindians have preserved our pristine rainforests for centuries. And it is under our watch which created the synergies to enable the Norway pact that earned for Guyana,

millions of United States (US) dollars. So, it is incomprehensible that our peoples are now being accused of threatening our eco-systems through pursuing their traditional modes of existence.

This present Government projects itself as honourable and as a Government which cares about promoting cohesion and equality in this country. However, it seems that some are more equal than others, as has been evident throughout the Coalition's patterns in office so far.

*3.20 p.m.*

However, with the establishment of this Commission of Inquiry, an ethnic cleavage would be, as a natural progression and consequence, a very real eventuality. The Coalition Government has been seen, in many instances, acting in contravention to the utterances of its leaders who preach cohesion, but are sowing division. All arguments regarding this subject are moot because the Commission of Inquiry is regarded by the Indigenous peoples as extraneous to their lives, livings, existence and any other dynamics pertaining to Guyana's authentic first peoples and we refuse to acknowledge, much less accept, such a body.

The brevity of my presentation, as an Indigenous representative and citizen of this country, in no way depreciates the strength of my contentions and that of the People's Progressive Party that the Government: revokes, in its entirety, this Commission of Inquiry; at no time, now or in the future, make an attempt to infuse land issues of other communities into the land rights of the Indigenous Peoples of Guyana; begins to respect the Indigenous peoples, their representatives and their rights to peaceful existence in their traditional habitat in their entitled lands; and guarantees that the rights established to protect Guyana's legitimate first peoples, through the Amerindian Act of 2006 and international Charters, be upheld and respected at all times.

Relative to the assurances of the Hon. Minister of State, Mr. Joseph Harmon, in a Government Information Agency (GINA) publication of 4<sup>th</sup> May, 2017, which was captioned, "Land COI will deal with Indigenous, ancestral lands separately", we, the Indigenous peoples of Guyana, reiterate our position, which reflects that of the National Toshaos Council and other Indigenous peoples' bodies, that the same concerns that we had previous to the Hon. Minister's assertions remain. We are adamant that we will not be railroaded into accepting any configurations, except that which obtains in the Amerindian Act of 2006 and international Charters that guarantee

Indigenous peoples' full rights to their traditional lands. For instance, the composition of the Commission of Inquiry is suspect, as is the manner in which it was formulated and established.

The contentions of a present Government functionary as to who were the first peoples in Guyana are yet an extant threat to the Indigenous peoples across this country. The Indigenous peoples have recognised that these claims were ostensibly made to deny us of our rights over lands we have occupied and preserved for centuries. Sadly, His Excellency and the Minister of Indigenous Peoples' Affairs, to date, have not dismissed or disassociated the Coalition Government from such a ludicrous claim.

In conclusion, the Indigenous peoples of this country are resolute in our stance not to renegotiate, not to be tricked or pressured under duress to compromise on our position regarding the matter of the establishment of any Commission of Inquiry that pertains to the Indigenous peoples' land rights of the Cooperative Republic of Guyana.

Mr. Speaker and Hon. Members in this august House, I rest my case and I thank you. *[Applause]*

**Minister within the Ministry of Social Protection [Mr. Scott]:** Mr. Speaker, Guyana is an indivisible country of 83,000 square miles or 214,969 square kilometres and, by reason of birth, naturalisation or adoption, each of us is obligated to defend every foot, thereof, vigorously and we have to fulfil that obligation even unto death. I am certain that all of us are quite familiar with the manner in which Mr. Dave Martins voiced our resolve in his popular patriotic song, "*Not a blade of grass*".

Three months ago, on 10<sup>th</sup> March, 2017, His Excellency the President constituted a Commission of Inquiry to settle all outstanding issues as they affect land ownership, grants, leases, *et cetera*, relating to Africans or Amerindians in order to finally put to rest any unease among our different races or ethnic groups. The issue of land rights and reparation has long been an emotional one for the Africans in this country, starting way back in 1838. I dare say that it has been an indictment on all of us that no comprehensive effort has ever been made before now to settle land matters in so far as the Africans are concerned. On this particular point, I wish to emphasise that it is time a unified, holistic and universal solution be found for the problem at hand. Today, we owe a yet unpaid debt to the Freed African whose blood, sweat, bones and ultimate sacrifice have been made to reclaim Guyana's coastland from the seas, tame the waters of the back lands, *et cetera*.

We are reminded by the late Dr. Walter Rodney, a world class historian of no mean order, in his book, *A History of the Guyanese Working People (1881-1905)*, that the African peoples utilised shovels and their sweat to dig many miles of canals and construct many miles of dams, roads and pathways in the development of what is now known today as the “Beautiful Land of Guyana”. There was nothing beautiful then about the technology and the brutal working and living conditions which they endured as they used primitive tools to excavated millions of tons of earth in that process. The evidence of their hard work and sacrifice is still present with us today. We are forced to ask the simple question: where is the evidence of their reward?

I would wish that, in due course, those who stand in opposition to this Commission of Inquiry would be in a position to point us in the direction of the evidence of the rewards of the Freed Africans and their offspring. Sir, permit me, therefore, to say that the Africans had no godfather or benevolent institution to support them. On the contrary, they were subjected to discrimination and economic deprivation and were not afforded the help that others received. In their quest to be self-sufficient, even in the villages they acquired, they were confronted with unspeakable, artificially created barriers and obstacles to progress. History has shown that often times their villages were spitefully and vindictively flooded by those in control of the administration. The cry of the African for a reparative reward is not a quiet one; it is not a new cry nor is it a cry without merit and justification. Yet, it has been deliberately bypassed and even ignored to the point where it now needs a formidable and positive response and that is exactly what this CoI is designed to do.

In contrast to how the Africans were treated, other races whose contributions to national development have been acknowledged can point to the help the establishment of the day afforded them. From available literature, it is revealed that what has become known as the Independence Agreement provided, as a precondition for political independence of the then British Guiana, land security of the Indigenous peoples. For instance, in the Agreement, it states that the ownership of land rights, of accompanying and other legal rights held by customs or traditions be legally recognised without distinction or disability. This provision certainly guarantees security for Amerindians. Consequently, the 1967/1969 Amerindian Lands Commission was established to look into the rights of the Indigenous peoples. Further, with the passage of the Amerindian Act of 1976, they were legally allocated 13.8% of Guyana’s lands. One may wish to ask: how much

was awarded or allocated to the Africans at the same time or at any time before or since the 1976 legislation?

At this point, I wish to direct our attention to what prompted and motivated His Excellency to appoint the CoI. During the two months which have passed since the establishment of this body, a wide range of ideas and opinions have been expressed in support of its cause, purpose and function. I am surprised at the position adopted by the National Toshias Council which claims to be the voice of the Amerindians. I am disinclined to believe that many persons from that body have been adequately briefed on the facts, while there are others who have deliberately set out to distort those facts.

However, one of the many individuals, who is well positioned to speak on the matter and has, indeed, spoken on it, is the Hon. Minister of State, Mr. Joseph Harmon. On the basis of his submissions, it is clear that the President's decision to put the CoI in place was not wishful thinking, but was done with the wishes, will and desires of a great many citizens with whom he had spoken. He had consulted with them.

Responding to certain unfounded comments attributed to the National Toshias Council, I emphasise:

“...the President, having listened to the concerns of residents across the country regarding land - citizens in the hinterland, the communities in relation to ancestral lands - thought it best to appoint a commission to deal with these issues.”

This puts to rest the question of consultation. This was published in *Stabroek News* of 6<sup>th</sup> March, 2017. The foregoing remarks make it quite clear that there were conversations between His Excellency and the people who mattered most.

3.35 p.m.

Moreover, there is evidence to show that the Hon. Minister of Indigenous People's Affairs had explained the issues to the stakeholders, including the National Toshias Council (NTC) which now would have us believe that it is absolutely oblivious to the crux of this matter. I make these points to dispose of the allegation that consultation did not proceed the appointment of the commission of inquiry (COI). Certainly, while prior consultation was not an absolute necessity,



His Excellency, nevertheless, still ensured that respect was given to the views and inputs of the citizens who would be most affected.

Kindly permit me to address the matter of consultation in a bit more detail. Let us not lose sight of the fact that the COI was appointed in keeping with the parameters of the Commissions of Inquiry Act, Chapter 19:03 of the laws of Guyana. As a matter of clarity, the only person who has any authority under that Act to appoint a commission is the President himself. He does not have to engage in any form of consultation. Yet he did exactly that, he consulted.

Further Sir, the provisions of Chapter 19:03 are unlike those of several other areas of our legislation. One which readily comes to mind is article 161 (2) of our Constitution which mandates His Excellency to consult meaningfully with the Leader of the parliamentary Opposition before appointing a chairman of the Guyana Elections Commission (GECOM). Permit me to reiterate that no similar provision is made in Chapter 19:03, yet there was consultation prior to the appointment of the COI. In other words, His Excellency has done far more than he was constitutionally required to do. The President's initiative is not only empirically grounded, but it is also properly placed within a legal framework.

The National Toshias Council, which has thus far spoken through its Chairman and Vice Chairman, has objected to the commission on less than justifiable grounds. Among the reasons, which were advanced for its non-support of the inquiry, was the apparent twinning of the objectives or the bifurcated agenda depicted in the terms of reference (TOR) which read as follows:

“to examine and make recommendations to resolve the issues and uncertainties surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans and any matters relating to land titling in Guyana.”

Certainly, these terms give the impression that the titling affecting Amerindians and Africans would be addressed jointly or together but that is a misconception.

The National Toshias Council has accused His Excellency of failing to consult, but I must submit that had it sought clarification before hastily jumping to conclusion it, NTC, would have

discovered that the issues pertaining to the two groups, namely Amerindians and Africans are to be addressed separately, and not jointly.

Secondly, the NTC has expressed fears that the inquiry would result in a dispossession of the lands to which Amerindians are entitled. I have already pointed out that by virtue of the Amerindian Act of 1976, 13.8% of Guyana's lands were awarded to the Amerindian peoples. Today, I stand before this Assembly to declare that there is no intention by the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government to indulge in any act of dispossession of the indigenous lands. In that regard, we invite the proponents of such a baseless and ill-conceived thought to produce the evidence of possible dispossession.

It is clear to us that while the claims of dispossession are empty, they have manifested an attitude of avarice which should not be condoned. This is certainly evident in an article which appeared in the *Guyana Times* on May 4<sup>th</sup>, 2017 under the caption, “Government Accused of grave wrong against Amerindians”. The NTC made it quite clear that it was not satisfied with the 13.8% of lands already given to them. On the contrary, they want more. In the article the Chairman of the NTC suggested that they fear dispossession of the lands already titled or those for which they are seeking extension. These words are not taken lightly. Our research has revealed that the Amerindians are seeking an additional 10% of lands which would give them a total of 24% of all of Guyana, while, thus far, the Africans have got nothing. While land titling for Amerindians and Africans will be addressed separately, reference to the claims for repatriation for the Africans cannot be avoided.

It is not the APNU/AFC Government that wants to dispossess the Amerindians, but rather those who pretend to be working in their interest. Let us not forget that it was not this Government which has removed the name “Timehri”, an Amerindian word, from our international airport. Let us not forget that it was the forerunner of the APNU/AFC Government, People’s National Congress (PNC), which introduced the MEDEX programme in the interior in the interest of health and longevity of the Indigenous peoples. We will continue to work in the interest of all the races for this beautiful nation and resist all those who are determined to undermine the peace and tranquillity which exist among all peoples. I support the call for an apology from the NTC to all those who support this COI.

I am aware that the name Eric Phillips, who is an executive member of the African Cultural and Development Association (ACDA) and Chairman of the Guyana Repatriations Committee, brings about much discomfort to those who would wish not to have justice and fair play for the Africans, but his contributions cannot be wished away or brushed aside as some persons would have us do. His research has revealed the weakness in the claims by the Amerindians for more lands, and for what is even more dangerous is their claim for subsurface rights. Such a right would allow them to have 24% of all minerals beneath the surface of the lands. If such a claim was to be satisfied, it would mean, by extension, that only *coastlanders* would be entitled to the benefits of the emerging oil and gas industry, and that is an untenable position which must not be entertained beyond the moment. Let me repeat again, that is an untenable position which will not be entertained beyond the moment. What those who endorse such a claim fail to comprehend is that no sovereign state gives away subsurface rights.

On the question of sovereignty, the posture being adopted by the NTC is not only weak and empty, but it is also dangerous and short-sighted. They are claiming that sovereignty belongs to the people and not the state. This assumption does not take into account the role of the state to defend our territory. It is the state which defends our sovereignty and not the people who have to do so. Why? It is because sovereignty belongs to the state and not the people.

I wish to point out that much of the lands, which are now possessed by the *Wai Wai* people, are contiguous to the Brazilian's borders and are directly in the path of Venezuela's false, baseless and outrageous claim to our territory. Therefore should Venezuela mistakenly do the unthinkable, it is the state of Guyana which will be called to action and not the people.

That is only one of the many reasons why the COI is very important to all the peoples of this country. Further, by now it should be no secret that Guyana has signed on to the United Nations' agenda for the achievement of the 17 Sustainable Development Goals (SDGs). Those goals include goal number 15 which fits squarely into Guyana's green initiative which is being pursued passionately. For ease of reference, I will quote number 15:

“To Protect, Restore and Promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss.”

It is not my intention to present to this Assembly, at this time, the parameters upon which we are building a green state, but I would submit that there is a strong correlation between SDG number 15 and the strategies which we have developed for the building of a green state. Hence, the need for commission of inquiry to carefully and studiously proceed with its mandate so that no specific group is negatively affected, while at the same time the nation's interests are protected, becomes imperative.

I have already noted that the question of repatriation in the interest of Africans is far from being settled in this country and the only reason why any Guyanese would stand in the path of the COI is to allow that issue of repatriation to remain unresolved, to the detriment and suppression of the Africans.

I hereby submit to this Assembly that at this juncture of the history of the Cooperative Republic of Guyana we are poised to break new grounds, set new standards and blaze a trail in resolving the African repatriation issues in this part of the hemisphere. There is no doubt, in my mind, that it is a trail that many other countries would be prepared to follow. In this sense, His Excellency must be regarded as a true visionary, whose main purpose is to provide a “good life” to all Guyanese.

In a view of what my previous colleagues have said, what those who will come after me will say and what I have just said, I have no alternative but to solicit the endorsement of the appointment of the commission of inquiry and let progress continue.

Thank you. [*Applause*]

**Dr. Anthony:** I rise to support my colleague’s motion asking for the commission of inquiry to be cancelled. We have heard from the various speakers from the Government asking that this commission be allowed to do its work regarding and trying to resolve issues relating to uncertainty “...surrounding the claims of Amerindian land titling, the individual, joint or communal ownerships of lands acquired by Freed Africans...” and on any other matter relating to land titling in Guyana.

*3.50 p.m.*

What is puzzling in this statement here is what uncertainties are we talking about? What are the uncertainties surrounding the claims of Amerindian land titling? I was not aware that there were uncertainties about Amerindian land titling, so I am not sure why this commission is necessary. From the terms of references, it seems that the Government is conflating or confusing two very distinct and separate issues by compressing Amerindian land titling and issues relating to the lands of free Africans into one commission. I think that we need to separate out the two issues and that we should deal with each one of them in a separate manner.

First of all, in my mind, the issue relating to the titling of Amerindian lands has to do with historic continuity that they are the descendants from the peoples who occupy these lands prior to colonisation. It also has to do with the territorial connection, that is, Amerindian ancestors inhabited these areas. It also has to do with that Amerindians were in occupation of these lands and they formed very distinctive social, economic and cultural relationship to the land. It also has to do with our national law, that is, the Amerindian Act. It also has to do with this country's international obligation and the treaties that we would have signed. This question of uncertainty about Amerindian, there should not be any uncertainty because every Guyanese schoolchild ought to know that the Amerindians are the first people of this country.

However, this known fact, which was supported by archaeological and documentary evidence, is now being contested by purveyors of bogus history with a lot of alternative facts. We must not fall into these traps. It is timely to remind ourselves of an article that was published in the *Guyana Review*, January/February, 2000. The issue is 28. That article is titled the "Guyana the Millennium" by Jennifer Wishart which documented the archaeological evidence of Amerindian presence dating back to the palaeo-indigenous period 11,500 to 7,000 years ago. That is how long they were in this country. Then, the archaeological period was divided up into three separate phases. We could talk about that if we need to. I think everyone knows that the *Guyana Review* was published then by now by His Excellency President Granger. I think that is known.

The documentary evidence, let us look at that. We could go back to the sixteenth century and it tells of the Europeans encounters with Amerindians. For example, in 1596 Lawrence Keymis wrote about the Demerara River when he met with *Waikaios* nation in the town of Mabarusi which is not called Mabaruma and he also listed the Amerindians living in Supenaam River in Cuyuni River, and so forth. This was way back in 1596 where the European documented these

encounters with the Amerindian. There are many more documents that could attest to these encounters, that could put in context the chronological order of who was here first. It is for this reason that the Amerindians can truly say that the land, in which they are living today, is their ancestral lands.

The periods of Dutch and English occupation have seen Amerindians being slowly dispossessed of their lands. As the Europeans settled on the *coastland* and the river banks, the Amerindians were forced to move deeper and deeper into the interior. Recognising that those displaced did not receive any compensation, the House of Commons in 1837 mooted that there should be a land tax and that the land tax should be imposed on the settlers to defray whatever expenditure might be necessary for the instruction of the adult, the education of their youth and the protection of them all. This recommendation was never implemented.

In 1902, the Aboriginal Indian Protection Ordinance No. 21 of 1902 allowed for the creation of the reservation. In that same year nine reservations were created. Eventually they went on to create 14 reservations, but the thinking then was that reservations were a very paternalist form of dealing with Amerindian land issues and eventually this was disbanded. There were also several recommendations for changes to the Constitution for the legal assignment in perpetuity to Amerindians of territories for their use, but these were never implemented.

At the 1967 Independence Conference, Amerindian rights were finally recognised. They were to be granted ownership of rights of occupancy over areas and reservations where any tribe or community of Amerindian was then traditionally resident or settled and other rights, such as rite of passage, in respect to the rights that they traditionally enjoyed. To give effect to this decision the Amerindian Lands Commission Ordinance No. 23 of 1966 was issued. This commission submitted a report in 1969 and recommended that Amerindian villages be established as corporate local authorities that each village be given freehold title for all village lands, that their general education and training should be improved, that they be given better medical services and most importantly that Amerindian families should be given formal titles to their lands.

These recommendations were then incorporated in the Amerindian (Amendment) Act No. 6 of 1976 and it provides for legal title to the Amerindian lands to be vested in Amerindian communities. This paved the way for 64 Amerindian communities to receive legal recognition of

the lands they use and occupied. In 1991, another ten communities were granted absolute grants under the State Land Act and in 1991 Amerindians had about 6 % of the country territory. These 74 communities raised a number of issues about the process, the broader and the size of the allocation. There were another 25 untitled communities which were requesting legal recognition of the lands they used and occupied.

In 1995, the Government of the Guyana formulated a paper after consultation with the Amerindian toshaos and a two-phase approach was designed. One, it was the demarcation of the existing 74 legally titled Amerindian communities and other phase was addressing the extension of titled communities and the request for title by those communities.

In 2006, under the Amerindian Act, Part VI, a clear process was established, that is, communities must show: One, its use and occupation of the land being requested for at least 25years. The second thing was that population must be at least 150 persons for the five years preceding the application. Based on these new guidelines more than 96 villages now have titles to their lands which approximate to about 14% of Guyana territory. It is clear that the current mechanism to allocate, demarcate and to give communal ownership has been entrenched in our laws. The Amerindian communities have accepted this legal framework, which is consistent with international law and with our treaties obligations.

The major complaints of these communities is not about the mechanism, but rather about the pace of implementation and knowing this, the Government would have done well if it would have been able to accelerate the pace of the process. Unfortunately, what has happened, the Amerindian Titling Unit, which was at the Office of the President, the staff, who were there, were sent home. I understand new people were hired. A year later, the net effect, however, is that not much has been done since and there was money to continue this process of demarcation and that money was from the Norwegian Funds, so the moneys were there, the staff were there. What we needed to do was to accelerate the process, yet, what we have seen is that in the last two years not much has happened and then what you have now is that a pause on what was going on and we now have a commission of inquiry being set up without consultation, without proper representation to reopen what has been settled in law many years ago.

I do not agree with this mandate and I do not agree with this commission of inquiry. I, therefore, want to join with my Amerindian brothers and sisters and all fair-minded Guyanese and say that this commission of inquiry is not necessary.

Let us look at the other issue and I am very happy that I am speaking after Hon. Member Minister Keith Scott because he did raise some very important issues. When we looked at the titling, “to look at the individual joint of communal ownership of lands acquired by free Africans”, as with many historic cases, many persons living today might not be acquainted with the historic information pertaining to these village lands and the information that is being popularised may or may not be accurate. In such a scenario, it would be very helpful if this Government could tell us what are these lands, where they are located and how many individual titles would be examined.

4.05 p.m.

The Government should also tell us how many properties, which are jointly or communally owned, would be examined and where these properties are located. Do we know who the heirs are of these lands? Are the heirs currently in occupation? If these direct descendants are not in possession, then who are in possession?

If we go to a book called *Themes in African History* - the editors of this book are Dr. Winston McGowan, Dr. James Rose and His Excellency President David A. Granger - there is an article in the book by historian Mr. Brian Moore and it speaks to the issue of land. In this article, which talks with land, it states:

“The joint ownership of land, almost from the onset, posed problems as each shareholder sought to establish claim to a specific portion of the estate. The tendency to allocate, to each shareholder small plots of land in different sections of the village led to uneconomical parcels, made worse by further subdivision among the heirs. All this was done without recourse to law, so that in many instances individual lands owners never obtained legal titles for their plots and even when they did, inheritance was complicated by the system of Roman-Dutch law, which granted the widow and the children of each specific but undivided share of the deceased land. Further confusion was caused by the



problem of illegitimacy and unregistered births within the African community, which led to many property disputes among villagers.”

This problem has been acknowledged. The issue, however, is how the problem is going to be rectified, because so many years ago – more than over 180-something years ago – these things have been in existence. It is whether or not there are the historic documents to be able to prove who the owners are or the current occupants, if they are entitled to those lands. If they are not, what would be done with those persons who are in occupancy? It is going to be a complicated problem. I am not sure that a COI would be able to resolve these problems. I think that the two issues should be separated. That is what we should do. It is to separate the two issue and we need to find a proper mechanism. This undertaking cannot happen in a few months.

If you go back to the terms of reference, this COI has a finite timeline. What we need to do is set up a mechanism to deal with the issue. We recognise that it is an issue and we should work to resolve it, but a COI, in my view, would not be able to do that. **[Lt. Col. (Ret'd)**

**Harmon:** Tell us what can do it.] We can discuss that. Why are you not talking to us about it? You did it unilaterally. Now, we are telling you that we acknowledge that there is a problem and we can work together to fix it, but we have to talk and come up with appropriate mechanisms.

The Hon. Minister Keith Scott, in his presentation, also spoke about reparations. We, on this side, have no problem with reparations. In fact, we were the ones who championed reparations in many of the regional and international fora. We did that and I want the Hon. Member to know.

What are reparations? The colonisers who were here, who exploited us, and made a lot of money from us, reparations is to get back some of what they took. We have to ask for reparations from those European powers that were in occupancy in Guyana. The people who are living here, you cannot go and take from this one to give to that one. That is not reparation. We have to take from the people who exploited us. That is where we have to go.

We were part of the Caribbean Community (CARICOM). One of the things which we decided at the regional level, was to come up with a ten-point plan. The ten-point plan includes a formal apology from the colonisers, that they should pay us reparations, that they also should help colonisers with an Indigenous Peoples Development Plan. I want us to understand this: When we

are talking about reparations, before slaves came here, the first peoples were living here and many of those societies were decimated. The colonials should also pay for what they caused to those civilisations. That is why one of the points in the ten-point plan was an Indigenous Peoples Development Programme.

We also spoke about the cultural institutions because the people who were here as slaves, or indentured immigrants, or Amerindians had their cultural institutions decimated. If we are going to help them to rebuild some of those connections, then we have to invest in those cultural institutions. Also, diets were changed for people who came here. The diets, which were changed, have led, now, and it has been documented, to some of the chronic diseases that people get today. One of the things, which was being asked for, was for the colonials to pay for the public health crisis that is occurring in the Caribbean.

Illiteracy was another area that we spoke about. Then, there was a specific call for an African Knowledge Programme to help persons of African descent living in the Caribbean to get better connected with some of their history and traditions. That would not happen without proper investment in this area.

The hang-ups of slavery and indentureship, what happened to the people? They should have psychological rehabilitation programmes.

All of these things were decided on. This is the CARICOM's position and this is still being advocated. It also includes transfer of technology and, at the level of CARICOM, we were asking for debt cancellation. This ten-point plan is what was being advocated. **[Mr. Croal: It**

**was also for indentured people.]** It was also for indentured people because everybody suffered. There were Indigenous people; there were African people and there were indentured people. It is for everybody.

The way we were approaching this was that in every country, which was affected, there should be a national commission to deal with reparations. That national commission, in our case, was headed by Mr. Eric Phillips and he was given resources to be able to compile Guyana's case, so that it could have become part of the regional case, so that we could strengthen and go to the people and present a proper set of documents to show that we have a strong case.

In other territories, this is what was happening. What we need, if we are going to fight for reparations, is to have unity on the matter and go together and advocate what we have already started. The work has started and it is out there. We need to support that. The Government needs to continue the work that was done by the People's Progressive Party/Civic (PPP/C) Government.

In the latter part of Minister Scott's presentation, he mixed up the words "reparation and repatriation." I do not think that people want to go back anywhere. They want to stay here. I think that is what he meant.

I think there is a commonality of issues. There are many things that we agree on and there is no need to fight over these things. This is our history. It is our common history. What we need is to have more bilateral discussions so that we can then move the process forward. It is like handing over a baton. When one Government takes it this far, the other one must move it forward. That is what we should be trying to do. Unfortunately, for some of these things we become very divisive. Do you know who laughs at us? It is the same colonial people who, perhaps, were the ones who benefited the most.

In summing up, all I would like to say is that there is a clear case already established in law for how we can allocate lands to Amerindian communities and we should use that. If then we do not like the Amerindian Act and we need to make some amendments, bring the amendments here and let us deal with them.

The second matter is the issues affecting descendants of African Freed slaves should be dealt with and we need to come up with an appropriate mechanism to deal with it. It is because this issue has a lot of historical complexities and we must be fair to the people who are living there, right now.

Thank you very much Mr. Speaker. [*Applause*]

**Mr. Scott:** Sir, I crave your indulgence. I made a mistake when I spoke and I would like to have it corrected. What I did mean was reparations. Thank you Sir.

**Mr. Speaker:** Hon. Members, it is now twenty minutes past four o'clock. We will take the suspension now. Before we do that, I would like to invite Members of the Committee of

Selection to meet with me in my chamber for the purpose of determining the Members of the committees which will consider the Petroleum Commission of Guyana Bill 2017.

*4.20 p.m.*

We can do this after you would have refreshed yourselves. So we can meet at five o'clock in my Chambers. If I may, as a reminder, the Members of the Committee of Selection are the Hon. Khemraj Ramjattan, Hon. Amna Ally, Hon. Volda Lawrence, Hon. David Patterson, Hon. Catherine Hughes, Hon. Gail Teixeira, Hon. Bishop Juan Edghill, Hon. Gillian R. Persaud and Hon. Neendkumar.

I hope that Members would come to the meeting with the names so that we can complete this when we meet at five o'clock.

The Sitting would be resumed at 5.20 p.m.

*Sitting suspended at 4.21 p.m.*

*Sitting resumed at 5.37 p.m.*

**Mr. Speaker:** The Sitting is now resumed. The next speaker is the Hon. Joseph Harmon. You have the floor.

**Minister of State [Lt. Col (Ret'd) Harmon]:** Mr. Speaker, I rise to make my contribution to this motion which is before the House and to indicate that my presentation on this motion will be very brief. It is because I believe that enough has been said about the merits and the demerits of this motion.

What is important for us to understand is that the resolution clause in the motion is seeking to have the National Assembly call upon the Government to invite His Excellency the President to consider revoking the aforesaid Commission of Inquiry in the best interest of national unity and social cohesion. If, at the end of the day, this motion were to succeed, then the extent to which the resolution of this National Assembly can go would be for us to invite His Excellency to consider certain things. Therefore, the angst which this motion is creating inside and outside of the National Assembly, I believe that it is so unnecessary.

This motion, while it calls for a revocation of the Commission of Inquiry, the debates, so far, has been about Amerindian land titling and nothing else. Therefore, if we seek to revoke the entire Commission of Inquiry, we would be doing an injustice to those persons who the Commission of Inquiry was mandated to examine their causes but was not represented in this National Assembly.

I believe that, having listened to the complaints made about the Terms of Reference of the Commission of Inquiry and having listened to the debates that were ongoing in this National Assembly and having read statements made and attributed to Indigenous peoples' organisations and to other persons in the society, His Excellency the President thought it best to invite the Indigenous peoples' organisations to a meeting to resolve these issues which surround the Commission of Inquiry as it affects Amerindian land titling. Unfortunately, at the time of the meeting, His Excellency met with the Amerindian Peoples' Association. What I can say and what is already reported in the media, is that the issues that were dealt with were issues which had been championed by all of these organisations. Therefore, whether His Excellency met with one, two or three, the issues that were championed were the issues which were addressed.

His Excellency the President has said that he would like to meet with all of the Indigenous peoples' organisations and that is stated in the release. I can say to you that efforts have been made by his Office to contact these various organisations to meet very shortly.

Mr. Speaker, five points emerged upon which, I believe, decisions of a national significance could have been made.

Firstly, His Excellency requested that we gathered all of the literature that had to do with Amerindian land titling. That is to say the Amerindian Act, the laws which had to do with the Act of 2006, the land titling agreements and the international agreements that had been signed between the Government and international organisations. He requested that all of the literature be assembled and coalesced and dealt with by a group of persons that can look at it.

Secondly, the concerns about the Amerindian Act of 2006 are real concerns. In fact, several of the speakers who spoke before me addressed the fact that the Indigenous peoples' organisations had called for a review of that Act. Because law review takes a long time, it was agreed, generally, that the group should excise those sections which were most injurious and deal with

them so that when it came before the National Assembly the entire Act would not have to be brought.

The third issue had to do with the question of free, prior and informed consent. That issue is one which has troubled this nation for the longest while. Even in the titles that have been granted before, complaints have been made that the consent was not free and that it was not total consent.

[**Ms. Teixeira:** I have never heard about that before.]                      You never heard about that, but we have heard about it. Go into the villages and the people will tell you.

The other issue that was raised was that these titles that were granted were not real titles. That is what the people said to us. Many of these titles included areas which were troubling and they could not address and, therefore, what they did was to include that area in the grant that was issued and call it “save and except”. What that meant was that there was an area that was granted to the Amerindian communities, but inside of that area there were other people living and so to address that there was a title which was given, save and except the lands on which people were living. That is ridiculous. What the residents in the communities were saying was that the titles were not indefeasible titles and that they were really not worth the paper that they were printed on. Many of them said that.

Fifthly, the Amerindian people said that they wanted the Commission of Inquiry to be halted as it related to Amerindian land titling issues and that until such time that the questions, which had arisen, were dealt with, that part of the Commission should be put on hold. I believe that it is a fair position which His Excellency took. What he had said also was that there should be a joint meeting of the Government and the Indigenous peoples’ organisations – The National Toshias Council, the Guyanese Organisation of Indigenous Peoples, the Amerindian Peoples’ Association, the Amerindian Action Movement of Guyana and the National Amerindian Development Foundation. Representatives from all of these bodies would meet to discuss how best the process could be moved forward.

I believe that was a fair position to be taken. I am saying that even if we were to pass this motion today, we might not get to the point where we are now because His Excellency had agreed that the work would be halted. In fact, the work with respect to Amerindian land titling was halted on the 15<sup>th</sup> June, 2017. The other aspects for which the National Assembly has no issue that work

would continue. The work on Amerindian land titling has been stopped until such time that these issues could be addressed in a way that His Excellency has identified. We believe that the Indigenous peoples' organisations would find comfort in that.

There is no mystery about it. There is nothing that this side of the House would want more than to ensure that every Guyanese got their just desert, that every Guyanese, irrespective of where they are or where they came from, get what they are entitled to. That is the essence of fairness; that is the essence of national unity that we speak about; and this is really what the intervention of His Excellency the President is meant to do.

That was the reason why I said that I was not going to speak long it is because of that. I had a very long presentation planned on the Act itself and on the issues as they relate to what one can get from under the land titling arrangement and the problems that exist in moving from a State grant to a title under two separate Acts. There are several issues there, but I am not going to speak about those, today, because I believe that a mechanism has been put in place where these issues can be addressed outside of the glare of all of the cameras, *et cetera*, where people sit and work assiduously, arriving at solutions that affect their daily lives. This is really what I want to say. I believe that this is the best approach and I would like to commend that approach to the National Assembly.

Thank you very much. [*Applause*]

*5.51 p.m.*

**Mr. Dharamlall:** Good evening everyone. Mr. Speaker, having listened to Hon. Ministers Joseph Harmon and Keith Scott, I think their contributions are telling that what is before us, is cause for national concern. Listening to the lamentations of both Ministers, I think that, not Indigenous peoples alone, not Afro-Guyanese alone or descendants of Freed African slaves alone, but all the other demographics need to be worried and concerned with what was just presented by those Ministers.

But before I seek to address some of the issues that I would like to share with this honourable House, I would like to put on record and this is in response to the Hon. Minister Dawn Hastings-Williams, of Kako, the Amerindian village in the Upper Mazaruni, that at no time did any PPP/C

Government revoked titles for any village. The Hon. Minister mentioned revoked and I am saying that no title was ever revoked. I need that to be placed on record. The Minister is incorrect by saying so.

The other thing is, the Hon. Keith Scott made a proclamation and misconstrued the *Constitution*. So I took the liberty of reading Article 9 of the *Constitution*. Minister Keith Scott said that sovereignty belongs to the State. This is what Article 9 of the Constitution states:

“Sovereignty belongs to the people, who exercise it through their representatives and the democratic organs established by or under the Constitution.”

A Minister of Government is misconstruing the *Constitution of the Cooperative Republic of Guyana*. I think that presents the basis of why this Government is in the *tail spin* that it is currently in. Unfortunately, after the elections, there is a description that I researched and which aptly describes this Government as an electoral authoritarian state. The CoI is a classic example of why I think this Government is an authoritarian state. It is diametrically opposed to what democracy is. The very basis of this Commission of Inquiry:

1. It was never consulted on;
2. It was never properly shared with the beneficiaries of the Commission; and
3. It did not have national buy-in because it is going to affect everyone.

Just those three things alone separate a democracy from an authoritarian state. Unfortunately, this is where we find ourselves in after two long years, unfortunately, of APNU/AFC Coalition regime.

The other thing that I would like to clarify, the Hon. Keith Scott, spoke about Amerindian requests for lands, for want of a better...well without quoting, he referred to it as an “avarice”. Avarice means extreme greed for wealth or material gain. Is this what the Government of Guyana is saying to our Amerindian people, that their request and ownership of land is extreme greed for wealth and material gain? Is that what the Hon. Dawn Hastings-Williams is defending, the avarice? I do not think so. I think that this Government needs to make a national public



apology to the Amerindian people for that very statement. I am terribly worried about the treatment Amerindian people will receive.

I have spoken, oftentimes, at other forums that since this Government came into office, Amerindian people are the ones mostly affected. The current context of this Commission of Inquiry... [Mr. Patterson: At least your daughters... *[Inaudible]*] What about your daughter?

I think that Amerindians are being decimated by this Commission of Inquiry. The Hon. Joseph Harmon mentioned that they are not going to be proceeding with the aspects that deals with Amerindian land titling. Unfortunately, I do not know how many on the Government side were able to read the Terms of Reference (TOR) of the Commission of Inquiry? There are 10 Terms of Reference.

- (1) “To resolve issues and uncertainties surrounding the individual, joint or communal ownership of lands acquired by Freed slaves in Guyana;
- (2) To examine and make recommendations on the claims of Amerindian titling in Guyana;”

It is unfortunate that since Independence and even before then, that the Government is now questioning Amerindian land titling and the Hon. Joseph Harmon, and, again, I am not quoting, but I got the impression that some of the titles, if not all of the titles, that were issued since President Burnham up until President Ramotar, that those were fake titles, meaning that the Amerindians are actually living on fake descriptions and lands, which do not really belong to them. That again is a travesty to the first peoples of this country.

The third Terms of Reference states:

- (3) “Examination on many other matters relating to land titling in Guyana;”

That affects everyone else and not just the demographics described in the Commission of Inquiry.

The fourth terms of reference states:

- (4) “The criteria for establishing Amerindian and African Ancestral lands;”

The Amerindian Act, and Hon. Pearson-Fredericks spoke at length about it, the description and allocation of Amerindian lands is provided for already under national Law. So is this Government now saying that the Amerindian Act of 2006 and the preceding Acts, which allowed for the distribution of lands to our first peoples, that those are also unconstitutional and unlawful?

The fifth Terms of Reference states:

- (5) “Develop and publish description of all Amerindian and African Ancestral lands;”

For one to get a title, one ought to have a description. For a village to be demarcated as an Amerindian village it has to have a description and I am certain that the Hon. Dawn Hastings-Williams knows of that and also the Hon. Minister Garrido-Lowe and so too is the Hon. Minister Dr. George Norton. They must be aware of that.

If it is now that this Government is going to develop and publish descriptions of Amerindian lands, I am wondering now whether the village that the Hon. Minister Dawn Hastings-Williams comes from, Kako, the Amerindian village, whether that village is not really Kako Village.

- (6) “Review the current and established practices relating to Amerindian ancestral lands and other lands in Guyana;

- (7) Establish suitable methods to define and register rights herein;

- (8) Ensure that all land uses and practices under communal tenure conform to the principles of sustainable land management;”

The Hon. Charlie, spoke about this. Is this Government, which is pushing a ‘green development strategy’, now saying to the 75,000 plus Amerindian people in this country, who are the guardians of our rainforest and environment, that over the thousands of years that they have been here, that the stewardship of our lands and their lands specifically have not or have been compromised? I doubt that this Government is actually serious about wanting to address these land issues.

(9) “Establish a strategy for prioritising land release;

(10) Any other matter concerning land titling in Guyana which the Commission deems relevant to its mandate.”

I think that the Commission of Inquiry is a rouse which is being used to ensure that this Government takes away land from people who genuinely deserve and own land. My worry that they are land grabbers who are in concert and collusion seeking to take land away from the people who genuinely deserve land in Guyana. I am saying that this is my belief and that is why I say that the Commission of Inquiry is a rouse.

We in the People’s Progressive Party do not dispute, at any time, that anyone here in this country does not deserve land. Land for us is extremely important; important because many of us who have a connection to land speak of its spirituality, and especially our First Peoples. It is from the connection that they have through the centuries of their association with land develops and drives them. An Amerindian without land is someone without identity. It defines who they are. They derive strength from the land. Like all of us, human survival depends on our ownership of land. Across centuries, ownership of land gives us dignity. All of us in this House and across this country, especially during the course of when the PPP/C was in Government, ensured that if not all, but almost all Guyanese, had access to a house lot or to a piece of land or in cases to a village and not to part of a house or unit of a building.

Land also is our source of food; land also is what our economy was built on. As a matter of fact, the fertility of the lands of Guyana is why Freed African slaves and descendants are here today. It is because of land that descendants of immigrants are here today. In this House, we are debating not on our behalf alone, but also we are debating on who is to come after us. As this Government decimating our Amerindian people, and if we look at the two-year history of this decimation...

**Lt. Col. (Ret’d) Harmon:** Mr. Speaker, on a Point of Order, 40(a). The speaker has said earlier that the CoI was decimating Amerindian communities. He now goes on to say that this Government is decimating the Amerindians. It is wrong and I am asking that he withdraws that statement. What decimate means? Decimate means to wipe-out and that is genocide.

**Mr. Speaker:** I thank the Hon. Minister for his statement. Hon. Member, Mr. Dharamlall, you are awaiting the directions of the Speaker?

**Mr. Dharamlall:** Yes, Sir.

**Mr. Speaker:** I would recommend that you withdraw the terms that you used and rephrase your statements.

**Mr. Dharamlall:** Mr. Speaker, I feel very passionately about this issue and I think that the actions of the Government...I have withdrawn the word decimation. Sorry Mr. Speaker.

*6.06 p.m.*

**Mr. Speaker:** Would you like to start again?

**Mr. Dharamlall:** Yes.

**Mr. Speaker:** Would you like to tell me what is it that you rose to say now?

**Mr. Dharamlall:** Yes.

**Mr. Speaker:** So, would you start to tell me what you rose to say.

**Mr. Dharamlall:** I said I withdraw the use of the word “decimation” and I would like to continue by reiterating that I feel that this Government’s agenda for Amerindian development is not in sync with what is required for Amerindian development.

**Mr. Speaker:** Hon. Member, I thank you, but let me remind you that we are talking about a Commission of Inquiry. The discussion that we are having so far seems to me that you should be guided by the ‘Rule of Relevance’, which is a rule known to everyone in this Chamber, seldom observed, but it is a rule that we should be guided by. Please proceed.

**Mr. Dharamlall:** Thank you, Mr. Speaker. [*Interruption*]

*Mr. Speaker hit the gavel.*

**Mr. Dharamlall:** I do seek your protection as I continue with my presentation. Certainly, land is part of development; it is an asset and it is capital. When we speak of land, we do not just speak

of land as an amorphous form or something without value. I am getting to the point too, that if this Commission of Inquiry, as the Hon. Minister Harmon said, will also focus on issues that are germane to the people of this country, then we need to also look at what is taking place with land elsewhere. My worry about what is happening with the policies of this Government, especially towards our sugar workers, where they are now unable to toil the lands that their fore parents came here to do for over 300 years and toiling the lands of Guyana...

*Mr. Speaker hit the gavel.*

**Mr. Speaker:** Hon. Member, I will remind you of the requirement of relevance. If you choose to ignore it, I will have to ask you to resume your seat. We cannot do this. Please proceed and be minded about the requirement of relevance.

**Mr. Dharamlall:** Mr. Speaker, I would like some clarity. One of the Terms of References of the Commission is to examine and make recommendation on any other matter concerning land titling in Guyana, which the Commission deems relevant to the mandate. The mandate of the Commission of Inquiry states:

“To examine and make recommendations to resolve all issues and uncertainties surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired to Freed Africans and any matters relating to land titling in Guyana.”

So, Mr. Speaker, I genuinely believe that I am relevant in dealing with the 83,000 square miles of land in this country. I think that the 17,000 sugar workers who toiled the sugar lands of Guyana...

**Mr. Speaker:** Hon. Mr. Dharamlall, resume your seat. The next speaker is the Hon. George Norton. You have the floor Sir. [*Interruption*]

*Mr. Speaker hit the gavel.*

*All Members of the Opposition stood.*

**Mr. Speaker:** Hon. Dr. Norton, please take your seat. I see the whole Members on my left have risen. May I inquire if someone will speak for the Members on the left or no one is speaking for the Members on the left?

**Ms. Teixeira:** Mr. Speaker...

**Mr. Speaker:** Okay, someone is speaking.

**Ms. Teixeira:** Yes, someone is speaking Sir. Thank you. I am someone. Sir, the motion that is before us deals with the Terms of Reference of a Commission of Inquiry. The Commission of Inquiry has three pages of Terms of Reference...

**Mr. Speaker:** Hon. Member, Ms. Teixeira...

**Ms. Teixeira:** ...of which any Member can speak on the matter.

**Mr. Speaker:** Ms. Teixeira, may I inquire on what basis you are addressing the Chair right now?

**Ms. Teixeira:** Mr. Speaker, I am under Standing Order 40 (b), elucidation.

**Mr. Speaker:** If you are under Standing Order 40 (b) then you should probably begin there and then tell me what it is you are saying.

**Ms. Teixeira:** Under Standing Order 40 (b), elucidation, you invited me Sir to speak as someone and I am someone speaking.       **[Hon. Member: Why are they standing?]**       They have a right to stand.

This motion is critical. The Terms of Reference of this Commission are broad and any Member in this room can speak on the Terms of Reference of the Commission. Therefore, I am asking you to reconsider your position in relation to the Hon. Member, Mr. Dharamlall, on behalf of our side.

**Mr. Speaker:** Hon. Members, you will decide if you will remain standing or whether you will take your seats. If you remain standing, then you cannot disrupt the work of the Chamber. I would recommend that you all take your seats and if you do not obey the Speaker, then you know what is next.

**Ms. Teixeira:** I am afraid we do not know what is next, Sir.

**Mr. Speaker:** You do know what is next?

**Ms. Teixeira:** No, I have no idea.

**Mr. Speaker:** Members will sit as the Speaker has directed them to do.

**Ms. Teixeira:** Mr. Speaker, we are appealing to you. People are allowed to express their views in this National Assembly, whether we agree or not, with each other. This issue of censoring a Member and shutting him/her down is not acceptable. The Member was not breaching any Standing Orders. *[Interruption]*

*Mr. Speaker hit the gavel.*

**Ms. Teixeira:** He was not. Last night Mr. Speaker, we were abused by the Hon. Mr. Trotman in the most unbelievable language and you allowed it to go on.

*Mr. Speaker hit the gavel.*

**Ms. Teixeira:** You allowed Mr. Trotman to accuse the Leader of the Opposition of being a pariah. You allowed that and did nothing. What Mr. Dharamlall is saying is not an issue and incomparable with Mr. Trotman. It is not comparable Sir. How could you do this? *[Interruption]*

**Mr. Speaker:** Are Members of the Opposition directing their remarks to the Speaker?

**Ms. Teixeira:** Mr. Speaker we are asking for you to allow Mr. Dharamlall to continue his speech.

*Mr. Speaker left the Chamber.*

*Sitting suspended at 6.14 p.m.*

*Sitting resumed at 6.33 p.m.*

**Mr. Speaker:** Please be seated Members. The next speaker is the Hon. Gail Teixeira. You have the floor.

**Ms. Teixeira:** Thank you very much, Mr. Speaker. The motion that is before us is an extraordinarily important one, and, one that I believe goes to the heart of some fundamental issues of our country.

Land is an issue in human history and human kind that has been considered as sacred, spiritual, wealth and also is the cause of much division, conflicts and wars. So too, we have in our context, the diversity of many different peoples coming as victims of exploitation to this country and our own struggles as a country, and, as a nation, to find the answers for equality and poverty reduction and development and how do we deal with that.

The issue of land in Guyana has an extraordinarily interesting history and land in Guyana versus the rest of South America, which we are part of the continent. We are rather an unusual case. In South America and in many of the Latin countries, the majority of land is privately owned and mainly by the very rich. In Guyana, the majority of the land is controlled by the State. The largest land owner of Guyana is the State. The second largest land owners are the Indigenous peoples who are the first peoples of our country with 14% of the land mass. We are not the same as Latin American countries, where 50%, 60% and 70% of the population own 10% of the land and the very rich own the majority of the land. It is quite a unique situation in Guyana.

When this motion came up, it really caused us to think, what was or what is the injustice or the wrong or wrongs that the Commission of Inquiry on land is trying to remedy. It is because we have not been enlightened, not in the debate today, and, not by any public statements by the Government, prior to this, on why this Commission of Inquiry on these issues. The *Gazette* that was presented and printed on 11<sup>th</sup> March does not make us much the wiser either. It omits in one part the Amerindian Act and it goes on to talk about it later on and it has the Terms of Reference which take up, as I said earlier, three pages. However, when one looks at the Commission of Inquiry, it has not come to us as a people without some indicators from before. We have tried to explain what this Commission is for now and what is the remedy or the injustice it is trying to deal with.

The Hon. Minister Harmon got up and explained things that are post-Commission of Inquiry, what are the events post-Commission of Inquiry and what are the issues that are inter-regnum that are going to take place while the Commission of Inquiry is ongoing. That missed detail is of



no interest in terms of why this Commission of Inquiry on these issues now and why was it done in such a manner that it was like a shot in the dark. On 10<sup>th</sup> March people were sworn in and on 11<sup>th</sup> March, the Terms of Reference were gazetted. As of today, 16<sup>th</sup> June, there appears to be no public hearings because one of the Terms of Reference states that the hearings of the Commission will meet in public. There was an advertisement in the newspapers saying that they were going to do it and that was a while ago.

As I said and I have said this before in this House, that trust and confidence for governments are built through hard work. This Commission of Inquiry undermines trust and confidence rather than builds them. In the original motion submitted to the House, we were deeply concerned that the Terms of Reference of this Commission was a recipe for further polarisation of our people, along ethnic lines, creating major fissures among our people with regards to complex and controversial land issues, while grossly violating long held commitments of successive Governments to Amerindian land rights in Guyana. Unfortunately this “Be it Resolved” clause was removed.

Another clause that was removed was our own recognition in bringing this motion to the House, that the President has the right to establish any Commission of Inquiry on any issue he wishes to. This is the power of the President. And that he could establish a new and separate one if he wishes to inquire into the issues touching on and concerning the ownership of lands acquired by Freed Africans and on all matters in connection therewith. Regrettably, that paragraph was also deleted and so I do not blame the Members on the Government’s side for making certain statements.

*6.40 p.m.*

It is because they were not aware that in the original motion submitted, we recognised that and our own view was that the issues of Amerindian Land Titling and the issues of rectifying what were wrongs that took place in relation to Freed Africans should be dealt with separately. There are different land issues. As I said in the beginning, the land issues of Guyana are complex and, in fact, the history of Guyana with land, even in the colonial times, has a better history than many other countries.

The difference with Amerindian lands is that it is communal lands. The issue of Freed African lands could be communal, joint or individual and very complex because laws were passed both by the British Colonial Government and under the PNC Government to do with the communal lands that were part of the Freed Africans' villages. These are complex issues. The comingling of the issues was thought to be unhelpful if you were trying to deal with righting a wrong to do with lands owned by Freed Africans.

When we go back and we try to go to the Terms of Reference again - the Terms of Reference of such a Commission of Inquiry were such weighty terms of reference. It has only until November, 2017 to rule on these issues that could take years as a Commission of Inquiry. It is dealing with archaeological, anthropological, cartographic, historical and other records; if it would really be dealing with the issues it says it is trying to deal with, that cannot be done between now and November. It is impossible or it is a *whitewash*.

The issue of how we got to this point of a Commission of Inquiry, as I said, not one Member on the other side has stated. What were the wrongs, the injustices, the issues that the Government would want to address by a Commission of Inquiry? I have heard Members on the other side today speak of what the Commission would do. This is a Commission of Inquiry. A Commission of Inquiry does not do anything. They investigate; they put their findings and they make recommendations. It is for the Government or someone else somewhere to make the decisions. This Commission would rectify nothing; it would only be able to point in different directions, depending on how it examines issues.

What preceded this is what is worrying. The decision of the Government to go in this direction, I believe, is ill-advised; it is very worrying and I believe, the more I look at it, it is sinister. I hope that that is not an unparliamentary word.

When we go back to the debate during the General Elections, there was the whole issue of lands and retribution. We then came to statements made by the Government in relation to a number of issues relating to land. One was an announcement on 22<sup>nd</sup> August, 2016, where the President was proposing a National Indigenous Peoples Authority.

There was another discussion on 7<sup>th</sup> August, 2016 where the President said he would establish a Lands Commission which will be tasked to rectify the existing anomalies and resolve the

controversy surrounding the thousands of hectares of communal lands across the country. This was a statement made at the Fourth Annual State of the African Guyanese Forum held at the Critchlow Labour College during that weekend. It was organised by the Cuffy 250 Committee.

You also had at the National Toshias Council meeting, in August, 2016, a statement by the President about having an Indigenous Lands Commission. There are a number of issues that are pointing in the direction of lands; Indigenous Lands Commission and Indigenous Peoples' Authority which go beyond what is in the Constitution and also with regard to the Amerindian Act of 2006.

Someone said in the House, earlier, that, when the Amerindian Act of 2006 was before the House, we, in the People's Progressive Party/Civic (PPP/C), did not allow the recommendations of the then Opposition to go before it. Unfortunately, I cannot read it because of time. The *Hansard* of 16<sup>th</sup> February, 2006 captures the debate on the Parliamentary Special Select Committee's Report to the House of the amendments it made at the Third Reading of the Amerindian Act. It was pointed out by the Hon. Member - which was not debunked by anybody in the House - that the majority of our amendments came from Mr. Vincent Alexander. Dr. George Norton was also a Member of the Committee, also Ms. Shirley Melville and Ms. Sheila Holder. The majority of the amendments that came to the Committee were from the Opposition, in particular Mr. Alexander. At no point in the discussions in the Parliamentary Special Select Committee was there any discussion of an Indigenous Lands Commission or a National Indigenous Peoples' Authority. This has been championed post the Bill and post the Act in more recent times.

The points that have been raised by the Hon. Minister Scott: first of all, if you take a statement from a person and make it truth, you could then get yourself into a lot of trouble, unless you do your homework. The National Toshias Council never said that it wanted 24% of Guyana's land. The Amerindian Act of 2006 provides for a process by which Amerindian villages could apply for communal titles that are forever and absolute, according to the constitutional laws of Guyana. They apply through a process that is defined in the Amerindian Act of 2006. At no point did the NTC or has anybody else calculate that, based on the balance of communities that have applied and are awaiting nor those who have extended and wish to extend, would lead to whether it is 14%, 16%, 18%, 20%, 24% or more. The point that was raised by the Hon. Member and, using

Mr. Eric Phillips' letter to the newspapers, claimed that the National Toshias Council wanted this. In fact, when you listen to Mr. Keith Scott's comments and the way that it is put forward, in fact, the National Toshias Council never asked for that. This is a quote from the article in the *Guyana Times* newspaper of 4<sup>th</sup> May, 2017 by Mr. Phillips under the caption, "Government accused of 'grave wrong' against Amerindians":

"Minister Scott in his speech said that the National Toshias Council made it quite clear that they were not satisfied with 13.8% of the lands already given to them. On the contrary they want more."

He went on to say that Amerindians are seeking an additional 10% of lands which would give them a total of 24% of all of Guyana while, thus far, the Africans have gotten nothing.

If it is that the Government is listening to Mr. Phillips, who is an Advisor to the President or to the Ministry of the Presidency, then I regret that the Government is being sadly misled. At no point has this been said or no point had been made that, if the Amerindians do not get 24%, there would be consequences. The Government is acting on misinformation or it knows very well that the information it is receiving is wrong but it is convenient to move in this direction.

On the Amerindian lands issues, the Amerindian Act righted and corrected a historical injustice. It was done by years of consultation. Someone on the other side said that there was no consultation. For the record, it is all in the *Hansard* of 2006. There were two years of consultations, village by village in this country, where they discussed an Amerindian Act. The PPP/C, before 1992, promised that we would deal with Amerindian land rights. When we came into office, we started, as Dr. Frank Anthony explained, on a two-tier policy. However, by 1996, we realised that we had to do more than this. By 2001, we agreed that policies are not laws and therefore the *whims and fancies* of a government could change so the rights of the Amerindian people, particularly to do with their lands, could become very discretionary rather than absolute. And so we moved to and felt the need for the creation for an Act, a law. After two years of consultation, the matter came to the House. It went to a Parliamentary Special Select Committee which had hearings and met for another period of time. There were very active Members of the Opposition in that Committee, who played a very important role. As I said, if you doubt me, you

should check the *Hansard* of 16<sup>th</sup> February, 2006. You could also go back to when the Bill was brought and read for the first time in the House before it went to the Select Committee.

When the Hon. Minister Scott deduces from that that this misinformation is given or when alternate facts have been given to him about the 10% additional and he deduces from that that the Amerindian people and the National Toshias Councils are avaricious...

Let me get into some other areas that are unacceptable. You then accuse Amerindian people and their communities of being avaricious. The Commission of Inquiry, in our minds, is a dangerous step by the Government, insensitive at least and, at worst, sinister. It is a recipe, as we said in our motion which was deleted, to divide our people unnecessarily, particularly at this time. We are not a country that is at war. We are not a country where these are issues that are creating immense friction. If that were the case, a Commission of Inquiry would not have been the way to go.

The way in which this Commission was set up was by no consultation. The consultations have been taking place after the Commission has already been set up and when people are upset. The key group that has been left out is the National Toshias Council. Whether you like who makes up the National Toshias Council or not, they are the elected representatives of an executive of all the Amerindian Village Councils in this entire country. They are the sole and legitimate representative of the Amerindian peoples of this country. In the Constitution, the NTC is given the power to bring nominations to the Indigenous Peoples' Commission (IPC) which, by the way, the Government seems to have also ignored exists. The IPC is a constitutional body with constitutional powers, including tribunal powers if it wishes to use it. The IPC has been sidelined, like the NTC.

When an Hon. Member of this House says that any additional claims for lands are thought to be avaricious, when an Hon. Member in this sitting endorses the position of Mr. Phillips that he has publicly written from March, 2006 up to May, 2017 in the newspapers, as an Advisor to the President... And now I heard he is somewhere in the States Assets Recovery Unit (SARU). I do not know if that is true. I saw him speaking for that.

In a letter that I wrote in March, 2016 to the Press, I asked the Government, "Could you please state whether Mr. Eric Phillips' views and opinions represent the Government's?" The

Government, at no point, has corrected Mr. Eric Phillips to say that Mr. Eric Phillips' views are not the views of the Government. They have never done that. Therefore, the assumption by everybody is that Mr. Phillips' views do have the support of the Government.

Today, in this House, we have the Government officially endorsing Mr. Phillips' positions on lands, Amerindian lands and any other person's lands. Mr. Phillips has said, "The Amerindians came here after. Why did they get all that amount of lands? They did not do anything for it and they did not fight for it." He then counterposes that with the struggle of the Freed Africans' lands and he also brings in other racial comments about Indian Guyanese. The Government has never disassociated itself from a person who is an official in the Government. Today, we now know that the Government has been, silently maybe, but, as of today, not silently anymore, supporting and endorsing Mr. Phillips' position as the official position of this Government on these issues.

*6.55 p.m.*

Therefore, when you worry about people not trusting and believing in you, you must understand why. It is because these issues are not being dealt with in the correct way.

First of all, I have heard Lt. Col. (Ret'd) Harmon talk about revising the Amerindian Act. I have heard the South Rupununi Group saying that they need to revise the Amerindian Act. Well, some of us do go into these areas too, not only you, the Ministers. And I ask, what is it that has to be amended in the Amerindian Act, other than the Vice-President talking about renaming it the Indigenous Peoples Act, as we renamed the Ministry of Amerindian Affairs to the Ministry of Indigenous Peoples' Affairs? What is it that you want to change? What are the injustices that you want to correct? What are the deficiencies that you want to correct? Not one of you can say what, prior to coming to this House today, and, not even in the House today.

You are saying that the Amerindian groups want to revise the Act. There was a meeting of Amerindian leaders in Georgetown. Georgetown is not the place if you want to consult the Indigenous organisations, the Amerindian Village Councils and the Amerindian people. You have to get into your cars, jeeps, boats and helicopters and get to where the people are. That was how the Amerindian Act was done, and that was how the Amerindian Act was created; over two years of slugging it out, meeting with people, negotiating, seeing what makes sense, looking at international law, looking at international practice, and trying to make sure that we had a Bill that

upheld the protection of the Amerindian people, upheld their rights, was able to fulfil standards that are required at the international level in terms of Indigenous peoples' rights, but also do what no other country in this hemisphere has done. We, as Guyanese, must be proud that this is the only country in the western hemisphere that has given out communal, absolute, forever titles to its Indigenous peoples. And we are recognised in the world for that. And we should be proud of that and not to be haggling and trying to barter between one ethnic group and another over land; we should be ashamed of that.

It is under the People's Progressive Party/Civic that 103 Amerindian communities were able to have their land identified, titled and demarcated. And so we are proud of our record.

But, in the last two years, if there were doubts of what this Commission of Inquiry is all about, it is not only about these things. It is a parallel organisation, a National Indigenous Peoples' Authority (NIPA), when the National Toshias Council is elected by the people of the villages. You want to parallel the NTC and undermine it, and then there is an Indigenous Lands Commission, which you want to set up to undermine the Amerindian Act.

Now you want to revise the Amerindian Act itself. And what for? What is the objective? Not one of you have spoken and have declared to the Guyanese public – do not worry about declaring to us – the objective of these uncertainties and anomalies that you have found in the Amerindian land titling; the fact that two, three or six are still awaiting their title!

But tell me something. And I have all the facts, but, again, time. And if you do not believe me, go to the United Nations Development Programme's Assessment of the Amerindian Land Titling Unit which was published on December, 2016. It is on the website. It is supposed to be a public document because it is part of the Norwegian Agreement and the Guyana Reducing Emissions from Deforestation and Forest Degradation (REDD+) Investment Fund (GRIF) to do with Amerindian Land Titling in which over US\$10 million has been assigned for that. And, in fact, that is money we earned under the carbon credit system; money we earned as a people. And so, it is our resource that is being used for our people.

And yes, you got into Government and have been there for two years. Other than my Friend, Minister Anna Ally, who goes to the Trade Unions on May Day and tells people to be patient

because the “good life” will come... But in two years, these communities in 2015 had applied and were going through all demarcations.

In the Amerindian Land Titling Assessment, for example, it is pointed out – Midterm Evaluation on the Amerindian Land Titling Project in Guyana, December, 2016, UNDP – all the lands and all the titles that have been given and also which ones they have no information on. I heard some people making comments about those titles that were withdrawn. And interestingly, one of them is Tassarene, and one of our Colleagues and Friends here in this House has been publicly disclosed on land in Tassarene. But when the miners’ organisation went to the President and said that Tassarene had a problem and this one has a problem because they had concessions in those lands and it was handed over to the Amerindian villages, the President said, “Let us look back and try and find out about it.” Now I see that it is a problem. But I hope that the Hon. Member, who has land in the Amerindian area in Tassarene, will voluntarily give up her concessions so that the people can get their land. But in the two years, can the Government say how many areas that applied for land have been demarcated? How many have been given titles? How many have been given certificates? And yet, the same UN document is showing a lot of money has been spent. I do not know where it is going. But it is not going where it is supposed to go. This is for demarcation of these villages that are waiting.

As we said, as of 2015, there were 15 applications for extension pending and six were awaiting title. What did you do in the two years? And now, there is a need for a Commission of Inquiry to deal with that issue.

The Amerindian Act has been the best tool that we know to resolve conflicts in the communities. And certainly, if there are ideas on how to improve the process, there is a place to bring it and discuss it. However, this issue of where the problems are in the Amerindian Act is not to do with the law. But lands had been given out for forestry and mining long before the Amerindian Act of 2006. And the court has dealt with these issues based on the Constitution and the court. In order to change some of these things, these have to be constitutional amendments and not issues of sitting in some high-powered room, deciding on the comprehensive issues and five points that were outlined by Lt. Col. (Ret’d) Harmon.



The issues, if they are to be dealt with, are constitutional. And the issue of removing – remember in the Constitution to take away a human right – requires a two-thirds majority, and, in some cases, a referendum. To give a new right, an additional right does not really have the same requirement. So be careful how you are taking away people's rights, especially the Amerindians' rights.

We have also heard from an Hon. Member about if people want the 24% more additional land, then what is going to happen on the coast with the oil land? So will only the coast-landers get the oil? These are absurd and bizarre propositions coming from someone in this House. They may not be unparliamentary, but they are absolutely unacceptable that we are positing to our people these kinds of equations and arithmetic that are based on ethnicity.

As I said, the objective of the CoI, in our mind, is sinister and it is divisive.

And let us go further on why we think this. Go back to the Amerindian Land Titling Unit. In the process of terminating 1,972 Amerindian Community Service Officers (CSOs) on July or August, 2015, the Amerindian Land Titling Unit has been shut down. We lost people who had been trained, who had worked in this area and had the institutional memory. The same UN Assessment stated that, by closing down the Unit and taking such a long time to replace it, there is no institutional memory. But you are throwing away good things and you are bringing what – we do not what you have brought in because we do not know who runs the unit anymore. We do not know if they are qualified – maybe they are – but you are getting rid of people who have had a long association and know what they are doing, who have gotten the respect of the Amerindian leaders in the Amerindian communities; you have *pitched* them out the doors and then what happens? For almost an entire year, nothing happens on Amerindian Land Title. Yet, as I said, money has been spent. So who is spending it? Goodness knows.

We have all sorts of developments. There are the household solar units; 15,000 were given out to households. Suddenly, last year, we read in Parliament that 6,000 units would be going to the Office of the President to light up the Office of the President and State House. Well, every time I pass State House and Office of the President, I look for the solar panels and, of course, they are not there. But I am still hoping. But I did not look at the roof because the new fence that is being built I cannot see over – the iguana coloured fence.

In Guyana, sacrosanct are user rights in all of the issues when one goes back historically, even under the terrible days of Dutch and British colonialism. The issues of user right, rite of passage, and Freedom of passage, are all critical in terms of Amerindian rights on the use of land.

Yes, I have heard a number of things said about reparations and I want to come back to that.

**Mr. Speaker:** Hon. Member, you have five minutes remaining.

**Ms. Teixeira:** Do I really?

**Ms. Manickchand:** If it pleases you, Sir, could I ask for an extension for the Hon. Member of 15 minutes? So, she would just continue speaking for the five minutes plus the additional 15 minutes for her to conclude.

**Mr. Speaker:** Hon. Member Ms. Teixeira, you have 10 minutes remaining.

**Ms. Teixeira:** Thank you.

There are profound concerns when there are letters being written, as we have seen in the newspapers. When there is a statement at the University of Guyana (UG) at the constitutional Carter Centre meeting about the harmonisation of Guyanese society...and some of the younger generation do not know what that means. Mr. Eric Williams, as the Prime Minister, at one time talked about harmonising the Trinidad and Tobago Society. And in his view, the harmonisation was making a new *dougl*a group.

In Guyana, with the ethnic diversity which we have, an explanation on what 'harmonisation' means is critical. And is this CoI trying to do that – to harmonise our society? And can someone please explain what that will be?

When the British and the Dutch dealt with a number of issues and we had the 1969 Lands Commission... I want to ask that this document which was brought about post-Independence, the report by the Amerindian Lands Commission, August, 1969... I believe that it is really a required reading for people at university but I also believe it is for Members of the Government and the Opposition who are dealing with Amerindian land issues and Amerindian rights because this document goes village by village and describes the issues and also the issues of land. And it is in this document that was headed by a Commission, appointed at that time by the then Prime

Minister, Mr. Forbes Burnham, which made it very clear the existence of the Indigenous peoples, long before anybody else came here, talks about the different groups and the numbers. And the numbers, by 1969, were approximately 80,000. At the time when Mr. Robert Schomburgk traversed across what is now Guyana, in the 1830s, his records were showing that there were 13 different distinct linguistic groups that were also approximately about 40,000. So the view that I have seen in the newspapers of only 4,000 people existing at that time is utter “bunkum”.

*7.10 p.m.*

And if we are going to have a discussion, and if the Government is going to set up a CoI of such sensitivity, complexity and controversy, then at least it should be armed with proper evidence, with the arithmetic, archaeological and historical issues to deal with it. This whole debate today has been kind of tainted or bent in one direction - I should say - because the CoI does not only deal with Amerindian lands and Freed Africans' lands. It deals with any other land titling wherever and by whomever.

We can talk, and we are right, because the Amerindian organisations, communities and the NTC were not consulted before the CoI was set up. I do not know and I do not believe that the organisations that lead the African culture groups and villages were consulted before the CoI was set up. This CoI deals with land issues for everyone else who is Guyanese in this land, any matter to do with land titling whether for agriculture, housing, roads, community purposes or private purposes.

The issue that we feel very strongly about is that the Amerindian Act, as is, is a legal framework we should be proud of. It has efficiently and effectively dealt with the Amerindian land issues in this country thus far. There is no need to interfere with this process by going to a commission of inquiry.

I believe the President has a right, as I said earlier. If he wants a Commission of Inquiry to look at Freed Africans' lands or any other issues of that nature, he could go ahead. It is not a problem. We would not oppose it. However, the way this is being defined is a retrograde step by the Government that this country will pay the price of for decades to come.

Although Minister Harmon has said that the work of the Commission relating to Amerindian lands is now on pause and we are going to consult and have the five points, all of that is coming after the Commission has already been set up. As someone said, it is a smokescreen. Therefore, we remain resolute in opposition, even more resolute than when we put the motion, having heard some of the contributions on the side of the Government, which have not disabused our fears. In fact, the contributions have worsened our fears so we call again for this Commission to be revoked. The last paragraph has been amended to ask the President to reconsider. This matter is of such importance that, although we were very concerned, we agreed to the amendments that were made to our motion to have this issue debated in the best interest of our people and in the best interest of our country.

The accusations against the NTC in this House demand and require an apology. Maybe the Government has to stop being so thin-skinned because, when you are in government, you get “*buse up*” by everybody most of the time. We have been on that side and you on this side. We know some of the abuse that went on; some of you were not here. We had it here up to last night. We are quite capable of dealing with that. The Government is treading on very dangerous waters on this issue.

I heard the Member talk about Venezuela and Brazil. When I read his speech, if I were him, I would not have said what he said in this House in relation to the Amerindian communities on the Brazil and Venezuela borders. I would ask the Government and the Minister of Foreign Affairs, in particular, to please check that speech and to tell the Hon. Member to back off from those kinds of issues where disloyalty of people on this side of the border in relation to people on that side of the border is being implied. I would think it was extremely serious. It was not unparliamentary, of course, so it was not stopped.

When Mr. Aubrey Norton brought a motion here to do with reparations in 2005 or 2006, it was hotly debated and amended. We were talking about a Caribbean Community (CARICOM) led reparations body that will be able to represent all the islands instead of each one of us fighting on our own. We could not afford it and so on. That was in 2007. The motion was amended to include a CARICOM-led initiative. We brought that motion. Guyana and other countries agreed on a CARICOM Reparations Commission which Sir Hilary Beckles headed. The Terms of Reference were in relation to the three great injustices that were done in the Caribbean region –

the slavery trade and slavery, the Indentureship of Asians and the genocide of Indigenous peoples. Those are the three planks of the CARICOM Reparations Commission. Each country then had to set up its national reparations commission and to put forward its documents and Guyana's position went up. Dr. Frank Anthony mentioned that this afternoon. The Minister of Culture, Youth and Sport, at the time, Dr. Anthony, invited groups to come before him and Mr. Eric Phillips was elected to represent them and that is how he is the Chairman, up to now, of the Guyana Reparations Commission. When the reparations symbol came to Guyana, it was passed around the Caribbean region as an emblem of the reparations, of the need for an apology and for compensation for the terrible things that colonialism did to our people. Why was it that a broad cross section of Guyanese people was not included in the organising of it? Why was it being portrayed that reparation was only to do with one issue, slavery, which is not so.

**Mr. Speaker:** Hon. Member, you have three minutes more.

**Ms. Teixeira:** Thank you very much. I believe that I have written on this in the press and I have commented on this Commission.

To sum up, in the four points that the President outlined is a comprehensive review of all literature that has to do with Amerindian land titling, particularly as it relates to ongoing programmes. Is it the Amerindian Land Titling Programme? Is it the Amerindian Community Development Programme? What is it? That is what he is producing now as another body. While the Commission halts the work on Amerindian land titling, some other body, unnamed so far, will now deal with the four points: review of all literature of Amerindian land titling; consensus building of the terms of reference; a strengthening of adherence to principle of FPIC; reconciling the position of the Government. Which Commission? Is it the Commission of Inquiry? The Indigenous Lands Commission that has not been set up as yet. Is it the NTC? Who is doing this? And the last point is a review of the Amerindian Act. Who is doing this? When is it going to be done? Who is leading it? We are caught in betwixt and we are in limbo. There is a Commission of Inquiry and a part of it has been put on hold. Someone else is taking over but we do not know who is taking over and we do not know when it is going to be done. But, when it is done, then it is back to the Commission of Inquiry. It is absolutely bizarre. On such a critical issue of land and the sensitivity of it in this country, it cannot be treated in such a cavalier, *ad hoc* manner because people's rights are involved and our international obligations and commitments made from

British times to Burnham times, to Hoyte times, to Jagan times, to Jagdeo times and to Ramotar times in relation to all of this... These are decades of issues that have come up with land and Amerindian land titling, in particular, and the protection and safeguarding of land and private property in this country, outside of communal lands.

We again appeal to the Government, in the best interest of maintaining some level of social cohesion in this country, which the Government propagates as being its driving policy for national unity, to stop the Commission entirely. The President has been able to halt a part of the work. We are asking the Commission to halt all the work and for us to look at the Amerindian lands and what the weaknesses are. As far we know, there are no weaknesses in the law. There are weaknesses in terms of the interagency issues and issues of land that have been given out prior to the Act.

Thank you very much, Cde. Speaker. *[Applause]*

**Mr. Speaker:** Hon. Members, we are now at 7.20 p.m. We will take a break for half of an hour and return at 7.45 p.m.

*Assembly suspended at 7.22 p.m.*

*Assembly resumed at 8.00 p.m.*

**Minister of Social Cohesion [Dr. Norton]:** If it pleases you, Mr. Speaker, this motion before this honourable House is premised on the belief that this Commission's mandate can undermine the legitimacy of Amerindian land rights and can lead to the dispossession of present and future Amerindian land titles. This can be no further from the truth and will never happen and, for the record, not under the leadership of this present Coalition Government.

Guyana is larger in land space than England and Scotland combined. Land is a vital economic and social resource of this beautiful land of ours, bequeathed to us by God Almighty or whoever we conceive him to be, whether it is the great spirits, in the parlance of the Indigenous peoples or Paba, according to the Areruya Church of the Akowaio peoples, or be it Allah, Jah or Krishna.

Let me begin this debate by dealing with the issue of lands acquired by Freed African slaves. First and foremost for the emancipated African slave, in 1838, was the acquisition of land. The

Freed African men wanted better homes than those that were on the plantation, especially for their wives and children. This is very much so even unto today for the men folk of all ethnic extractions. It is even so for men who have no wives or children, like some of us today who have acquired larger than necessary houses and lands under not so legal circumstances.

The Freed African slaves wanted lands to farm so that they could have food security as well as to build churches for spiritual uplifting and schools to enhance education. There is no question of the importance of land for their survival.

*8.03 p.m.*

In Guyana, for centuries, there has always been an issue of land rights of Guyanese of African extraction and referring to land for which Afro-Guyanese had communal titles or which they have occupied under licence as "crown lands", but, as it was pointed out, there was never really a case of Guyanese of Africans extraction claiming lands from the state as compensation for slavery.

Over the hundred or so estates that were purchased by emancipated slaves, which formed the core of the village movement in this country, much of the titles were given communally. The expectation is that occupants of the communal lands would be granted individual titles subjected to the laws of concession and prescription. In Guyana it is claimed that they might be a legal framework to resolve these problems faced by the African Guyanese community for the very lands that their ancestors had legitimately bought and paid for from their colonial masters. There were no sweetheart deal, no under-pricing and no opportunities for specially selected persons, as was the case of a situation that happened not so long ago that we are all familiar with.

The past Government of the PPP/C had a great opportunity of the extent of this problem faced by the Afro-Guyanese community for their ancestral lands, but they the PPP small 'c' lost that opportunity when they refused to support a motion in the name of the late Hon. Member Ms. Deborah Backer of the People's National Congress Reform (PNCR) during a debate in the National Assembly in July 2007 for the establishment of an African Lands Commission.

Since 2004, an African Guyanese non-governmental organisation (NGO) had been asking the PPP-led Government for a commission that would seek to remedy the forfeiture of lands legally

bought by their ancestors. That motion was shut down by the PPP/C Government, showing clearly that there was no interest in solving that land issue and there was not the political will to do so, since it wanted that *status quo* to remain. What a better opportunity and timing there ever was to have done so to support and approve of this motion on a date to mark the bicentenary of the Abolition of the African Slave Trade which coincided with the date of that motion in 2007.

The PPP and the PPP/C Government of that day, while they recognised that there was an issue to be solved, they amended the motion to remove the establishment of the commission of inquiry. It seems as though they recognised the positive results of such a commission of inquiry, but never wanted that this issue to be resolved. Here, again, with this establishment of the commission of inquiry, a genuine effort is being made by this coalition Government to solve this problem, once and for all, in the most transparent and legal manner by the establishment of commission of inquiry. Here, again, the PPP/C, true to form, is out tooth and nail, like a cat on its back, to prevent this from happening and once more seek to deny African Guyanese land justice by this very motion that is before this House, and we talk about empowerment.

This coalition Government believes that all Guyanese must share justly in the patrimony of this country. Likewise, the Indians in Guyana wanted lands for all the purposes mentioned above. However, their issue is of a slightly different nature and in some cases land was given by the colonisers to them, the Indians, in return for their rights of repatriation among other things. A large number of Indians also bought lands, but that did not solve all the land issues and the land problems which still exist today. These problems must be solved, some before others. Let me say for the records that no one has said that all of these land issues would be tackled at the same time by the same commission of inquiry. Some will be dealt with before others, but this coalition Government is committed to solving this problem.

His Excellency the President David Granger, in a brief address at the swearing in of the members of the commission of inquiry in March of this year, explained to all Guyana that the commission is meant to settle all controversies originated from disagreement over ownership of land, so as to satisfy all of the citizens of this country. He said that we need not fight each other for land, and that the Government will investigate their claims and respond to their just demands.



I wish to remind this honourable House of the way the PPP/C Government operated, its *modus operandi*. I referred to the writing of the learned counsel and former Speaker of this august House, the honourable Ralph Ramkarran. Mr. Ramkarran, writing in his blog, *Conversation Tree*, September 4, 2016 under the caption “Echoes of the "ever-present" past”, referred to the land problems of a village in Berbice, known as the Bath Village, which is a constituency of the PPP/C, that has an historic problem which has been in the making for some time, with respect to the land. People in the village sold out their lands, but no title was passed, while some died and others migrated over the years. This was a festering problem and was beginning to cause some problem in the community itself. Mr. Ramkarran said that President Mr. Ramotar found 46 million for the process of declaring a registration area, surveying and eventually granting titles. Such a solution, if it had been made available and applied to African land issues, would have helped to reduce the land problems. This, however, was never done and it shows, as clear as the day, that the PPP/C Government had no interest in solving the African land issue.

I mention these scenarios to emphasise the point that it was all about land and its ownership. Today, this coalition Government recognises that the issue of land is far from settled. We have decided to take decisive action to ensure that all Guyanese can live in this land without worrying about their future ownership to land. This is especially so for the Indigenous peoples of this country who, from time immemorial, have strong cultural, material and spiritual connection with their land, Mother Earth or *Pacha Mama* as the Indigenous people would say. It is perhaps best described as paradoxical that the descendants of a proud people should, up to today, still be clamouring for title to their ancestral lands.

Let me make it clear, and for the records, that this coalition Government never at any time entertained the thoughts of depriving the Indigenous peoples of rights to their land. To express same by anyone, as is being done by some in the media, is being downright wicked and malicious. I cannot agree more with Vice-President and Minister of Indigenous People’s Affairs, the Hon. Member Mr. Sydney Allicock, who charged that this motion seeks to discuss an issue that is non-existent.

Formal and organised advocacy for rights to Indigenous lands by Indigenous people was *ab initio* realised by Mr. Stephen Campbell, the first Indigenous legislator in Guyana. He feared that since the Indigenous people did not have title to the land previously designated as reservations, it

might be expropriated after Independence, especially since the then PPP Government, from 1957-1964, did nothing to allay his fears. It never did, quite unlike the PNC when it was in power, which was only three years after being in Government in 1967, changed that *status quo*. The results of his advocacy were a blueprint for Amerindian land rights. A main provision of this blueprint was the setting up by law of an Amerindian Lands Commission charged with the job of implementing the overall decision to give Amerindians titles to their lands. That commission was set up in September, 1967 with functions that are enshrined in article 17 of the Guyana Independence Ordinance. The commission started work on September 4, 1967 and by August, 1969 completed its work.

It is because of the establishment of that Lands Commission, by the independent Guyana, under the rule of the PNC, that we had one of the most serious rebellions in our country. This is why this motion must be dealt with all seriousness and sensitivity because it deals once again with opposition and objections to a Lands Commission of inquiry, this time by the PPP/C.

Some people who are in possession of large areas of lands, which could not have been legally theirs, did not intend to surrender these lands to the commission. They committed treason by taking up weapons against the state of Guyana using the Indigenous peoples, the *Wapisianas*, as foot soldiers on January 2<sup>nd</sup> 1968.

I call upon the few of my Indigenous brothers, who are up in arms about this commission, “to take kindly to the counsel of the years”, if I might use a line from Max Ehrmann, 1927, and I will advise them, as a former toshao myself, not to forget their history and that those who cannot remember the past are condemned to repeat it. To remember that this world is full of trickery and we must always be careful of political wolves in sheep's clothing, and that they can find themselves rushing in where angels fear to tread. That rebellion had to be crushed and it was. That rebellion was orchestrated to prevent the *Wapisianas* and *Macushis* from gaining ownership to their lands.

In spite of that rebellion, in which five Guyanese officials, including the District Commissioner lost their lives, the Government of the day, under its leader, the late first Executive President Linden Forbes Burnham, was committed to carry out the act to provide for the establishment and function of the Amerindian Lands Commission. This was in keeping, not only the rule of law of

the country, but also in keeping with the objective of his party, the PNC, a party that has as one of its objective which states clearly that the party shall uphold the rights of our Indigenous peoples and ensure that their institution, cultures and traditions are protected and their development promoted. That objective of the PNC was not just mere talk. It did walk the walk. The PNC has walked that walk. It held firm to these two objectives and sternly opposed anyone who tries to do the contrary. Hence, land issues affecting all Guyanese must be given fair and equal treatment.

It is because of the complex nature and sensitivity of land issues and the Government's focus on social cohesion and national unity, the most appropriate approach of resolving this situation of land issues is by the establishment of this Lands Commission of inquiry which is the best place for public discourse on land in Guyana. Here, we can have the genuine consultation taking place. The purpose of this Lands Commission is to comprehensively and holistically examine land issues, not in a piece meal manner, of solving the problem of one village alone as was done in Bath Village. The commission of inquiry is to examine issues pertaining, not only to Amerindian land titling or African ancestral lands, but all other land issues, such as sustainable land use and land distribution, which is exactly the objective of this commission.

*8.18 p.m.*

It is important to note that the mandate of this commission is to make recommendations. This seems to be causing some persons to express fear and report to His Excellency by 1<sup>st</sup> November, 2017. It should be noted also that this commission is legally constituted under an Act of the Parliament of Guyana, where the President has the legal authority and power to establish the commission sets out in section (2) in the Commission of Inquiry's Act, Chapter 19:03.

The commission is very important in Guyana history and present and opportunity for open consultation, engagement and public conversation on issues of land in Guyana. It is an opportunity for all us to be accountable and transparent on land distribution, so it is difficult to understand why someone would label this commission as being ill-advised or troubling as someone wrote in the press under the caption of "Cat out of the bag". There is no cat to be let out of the bag. In the first place I have a problem with that. Any person who put a cat in a bag might be guilty of cruelty to animal.

The PPP insisted that the Amerindian Act of 2006 has the absolute best set of provision for dealing with all things Amerindian. For the records, let it be clearly stated that this coalition Government has no intention to dilute, in any way, any aspect of the Amerindian Act of 2006. It must be pointed out that indigenous affairs today are determined not only by the Amerindian Act, but first and foremost by the Constitution of the Cooperative Republic of Guyana. This Government needs not to be reminded as someone attempted to do about the preambles and about articles 142 and 146 of the Constitution. We can assure this House that we are fully aware of them and we are fully aware also of article 154 (a) (1) that speaks to human rights enshrine in all of the international treaties, whether it is the convention on civil and political right, convention on social, economic and cultural rights, the convention on the elimination of all forms racial discrimination, all forms of discrimination against women, the right of child, and all. We are familiar with that and we have no intentions of not living up to our commitment.

Indigenous affairs today, as I said, before, are not only determined by the Amerindian Act, but by the Constitution and also by the policy of the Ministry of Indigenous People's Affairs and of course they are all guided by decisions of the National Toshias Council. All four of these organs are mandated under the laws of Guyana and fall within the ambit not only the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but also the International Labour Organization (ILO) Convention 169.

On the other hand, with respect to the Amerindian Act of 2006, this very National Toshias Council, the indigenous village and other community leaders and a vast majority of the Indigenous people who live in these villages and communities continue to insist that this Act is inadequate. They contended that their rights are not properly protected or guarantee by this Act in its current form. Even the Vice Chairman of the present National Toshias Council, himself, demanded that the Amerindian land titling process be halted until this Act is amended, but I am not surprised that he seems to have been in Syria and travel that road to Damascus. That is why the Vice-President the Hon. Member Mr. Sydney Allicock referred to as "an about face of no mean order." His action reminded me of a song sang by Procol Harum in 1967 where the band referred to "turn cartwheels across the floor."

Once again, I urge that they take kindly to the counsel of the years and I would like to advise that they be careful that they might be condemned to have an itching palm. Hence, it is must be clear

to this House that it is not the Government wishes to make the amendments, but it is the Indigenous people themselves. This is just to answer the question that was asked by the Hon. Member Ms. Teixeira of what are the amendments the Government wishes to make to the Amerindian Act today and in her newspaper articles. The Indigenous people will be given the opportunity to point out the deficiencies and the amendments they so desire when the opportunity is provided.

We are hearing the chorus of no consultation from all and sundry. This desire for the revision of the Amerindian Act was pointed by a public consultation on the perceived need of the Amerindian community which was done by the Ethnic Relations Commission since 8<sup>th</sup> July, 2008, just two years after this Act was presented, and consultation involved all the Indigenous people's organisations as well as toshaos from different villages. The desire for a change was also pointed out in another public forum sponsored by that commission under the then chairmanship of the Hon. Member Bishop Juan Edghill. There has been consultation and the decision to revise the Act was never that of the Government, but of the people themselves. It was not a one shot meeting as was decided recently by the Hon. Member of the Opposition in the press.

Let it be known, especially for those who seem to be threatening the Government with taking their perceived graveness on land and titling to international bodies that the final draft of the guideline for the Amerindian Land Titling in Guyana of 9<sup>th</sup> December, 2016 is to be adopted by the United Nations Development Programme (UNDP). It is part and parcel of this whole development. International bodies are actively involved in the process for we have nothing to hide nor we are not involved in any underhand movement. There we saw that there are reasons for guidelines and changes to be made in the actual process of Amerindian land titling and we have involved the UNDP from the initial stage.

There is this constant cry of no consultation and failure to honour the principle of free, prior and informed consent of this Government. Suddenly persons have become self-proclaimed experts on Amerindian land titling and acting as those they are the only persons who know it all. The President, in his visits to many Indigenous communities across Government from Morawhanna in the north on the Aruka River to Masakaneri in the south on the Upper Essequibo River, from Yarow on the Wenamu in the west to Siparuta in the Corentyne in the east, where His Excellency the President travelled with them in their canoes across the rapids of the river, climbed the

mountains with them, where he slept in their villages, shared meals with them and had the opportunity to uninterruptedly hear their calls for the Amerindian Act to be amended so that it may address the concerns of the Indigenous people, particularly as it relates to lands matters. He had open and frank conversation in the most friendly and respectful manner. He never referred to them as being stupid or threatened that they would be slapped, yet, there are claims by the Opposition that there was no consultation.

The Hon. Member Ms. Pauline Campbell-Sukhai in her presentation referred with words to the effect that the setting up of this commission is a slap in the face of the Indigenous peoples. The PPP and its leaders seemed to be very familiar with the slapping of Amerindians. What more effective consultation could one request, especially since His Excellency the President utilised interpreters when it was necessary, respecting their language and culture and allowing the Indigenous people to express themselves in the most effective way. These is a true exercise of the principle of free, prior and inform consent as it is enshrined in the UNDRIP, article 19. This is not what Members of the PPP/C were doing, in which they claimed that this principle is honoured in the breach. We had leaders of the PPP/C going into these Amerindian villages, with Government's money, pasting up posters, saying evil things about our leader, Mr. Granger.

It was for that reason that the President, in his address to the National Toshaos Conference at the Arthur Chung Conference Centre on 28<sup>th</sup> August, 2015, just three months after taking office, he was sufficiently and accurately informed to publicly state, I quote:

“Land is life. Your Government is aware that there are claims and controversies. We shall establish a commission to examine issues in relation to land titling and demarcation. We invite all communities...” [*Interruption*]

**Mr. Speaker:** Hon. Members, we cannot continue in the manner in which we are doing. Hon. Members, on both sides of the aisle, in the front benches, I will not call names now, are carrying on conversations much to the disrespect of the speaker. I do not know how we could have that. You have a colleague who is speaking and Hon. Members are carrying on conversations. Some are pointing across to the others. It could hardly be a most commendable approach to conduct in the House. Dr. Norton, please continue.

**Dr. Norton:** This was declared almost two years ago by His Excellency the President about the formation of a commission of inquiry to the National Toshias Council. It was also repeated in August 2016 where President David Granger mentioned in his ten-point plan that he was going to establish an Indigenous Land Commission. This commission is nothing new to the Indigenous people. I fully agree with you that the request to you, Mr. Speaker, from the parliamentary Opposition, for an adjournment motion on a definite matter of urgent public importance to discuss this commission and to call for its revocation on 13<sup>th</sup> August, 2017 was considered not urge. This is even more so of less urgency since His Excellency the President, in his writing, “Rupununi, the Last Frontier”, since 2014, then the Leader of the Opposition and of the A Party of National Unity (APNU), stated that many communities are not satisfied with lands given to them. The APNU promised to sit down with communities and have them identifies the lands that they need and pledged to settle these issues once and for all. It was clear after in a timely manner, as stated above, visiting Indigenous villages in north, central and south Rupununi. This clearly shows, in no uncertain terms, the dire need for this commission of inquiry. It is the only logical thing to do after listening to the cries and the dissatisfaction of the Indigenous people themselves with respect to land issues, especially over the last 23 years.

In accordance to the PPP, the Amerindian Act as it is, at the moment, was capable of solving these issues. Why the PPP Government did in nines of the existence of this act did not settled and addresses all land claims? This clearly shows that they had no intention of doing so and no interest in addressing effectively Amerindian land issues.

*8.33 p.m.*

The records will show that it took the PPP 23 years to add 28 villages to the list of 77 of who legally own the lands they occupied. It must be pointed out also that over four years, after this Amerindian Act of 2006 was passed by Parliament, a Bill to bring it into force was laid in the National Assembly by the PPP/C Government. It was after it said that the previous instrument utilised could not be located. Then Minister of Amerindian Affairs, Hon. Member Ms. Pauline Campbell-Sukhai, tabled the Amerindian Act 2006 Commencement Bill in the National Assembly on November 4<sup>th</sup>, 2010. This is a demonstration of the importance they gave to the Amerindian Act that they are now claiming is so complete in resolving Amerindian land issues, that is, almost half a decade after its assent the Act was not yet brought into force.

The Opposition is expressing fear of this commission of inquiry. Is this fear based on what this inquiry is likely to bring to the open and lay before all Guyanese and to the world at large? Is this fear of exposure of the real reason for this motion? It is because this inquiry will bring to the fore documents purporting to be land titles that were issued by the PPP/C Government and photographs taken and those documents taken back, documents that were never signed, hence, they were not worth the paper on which they were printed.

This confusion is what this coalition Government is trying to find solutions for, which would satisfy all parties concerned. We can mention the confusion that existed between the villagers of Sawariwau and Katunarib, where they had difficulties in coming at a common border, and the problem that existed between Riverview and Karau Creek that are on opposite sides of the Essequibo River, yet one ended up having the same title as the other. These are just a few examples of the confusion that reign under the PPP/C Government with regard to settling Amerindian land issues. These are issues we should be discussing in this House to protect its reputation, not motions which seek to protect political figures from public scrutiny for their mismanagement and misdeeds.

Let us accept that there is work to be done to improve the quality of life of our Indigenous people. This is why this Government, through the Ministry of Indigenous People's Affairs, has a budgetary vote to start the consultative process which will culminate in a comprehensive review and amendment of the Amerindian Act. Let it be known that no funds allocated for Amerindian land titling will be used for this commission, as it is being pedalled in the media.

I take this opportunity to urge your position to immediately withdraw this motion, to join with this coalition Government in working to bring solutions to the many varied issues which touch and affect the lives of our Indigenous people and all Guyanese.

I urge the Opposition to recognise that the issue of land is not one to be taken lightly or to be played around with. It is a matter which is sacred to our Indigenous people and we in this House as lawmakers ought to ensure that we record that sense of importance and sensitivity in our dealing with the matter.

Thank you very much Sir. [*Applause*]



**Mr. Nandlall:** I thought this was a very straightforward motion when it was laid in the National Assembly. I did not anticipate the length and breadth of the debate that we have embarked upon, Sir, from the commencement of these proceedings today.

We sought to bring, via the Parliament, our concerns in relation to a commission of inquiry that was established by His Excellency the President, utilising his powers under the Commission of Inquiries Act. We laid with you, Sir, our concerns in the form of a motion. Unfortunately, Sir, it was altered. Our intentions are not contained in the motion that is before the House. Perhaps that may be one of the reasons why we have heard so many distortions of our position.

For example, let me state, from the outset, that we are not opposed to a commission of inquiry established to enquire into African land issues. We said that in our motion. We said that. This long - I do not want to say diatribe - excessive discourse that we have heard about the PPP being opposed to the African rights and African land rights, we want to reject that. Let me say that I am a student of history. I have lived my entire life in this country and I believe that I have a good understanding of Guyana's history and political evolution. I do not know of any policy of any government ever directed at denying any ethnic group land in this country, more particular Afro-Guyanese, because that impression is being conveyed. What I do know is that there was a government policy of compulsory acquisition.

As one speaker was speaking I made a note of the number of private properties that were seized by government - lands owned by Jainarine Singh at Liliendaal, Central Pawnbrokery, in Lombard Street, Hope Estate, owned by the Sankars, Takuba Lodge, owned by the Kissoons, Echilibar Villas, owned by the Kissoons again. When we are speaking about who lost land and who were land grabbing, and so on, we have to put these things into perspective.

Those who are now championing the cause of Afro Guyanese and land rights, I want to remind them, as I speak now, Afro-Guyanese rice farmers in Region 5 land leases are being revoked and we are challenging them in the court. We do not have to go back to slavery. Afro-Guyanese land rights are under siege right at West Coast Berbice. Dozens of leases have been seized, revoked, over the last two years, or so. This is a statement of fact, Sir.

**Mr. Speaker:** Hon. Member, you rise.

**Attorney General and Minister of Legal Affairs [Mr. Williams]:** It is Standing Order 40 (b). Sir, this matter that the Hon. Member is referring to is in the courts and it is inaccurate. He is alluding to a matter in which, shortly before the elections, the last Government took away arbitrarily the land of the villagers of Seafield Village, and because of the victory at the elections the land was restored, but the matter is before the courts.

**Mr. Speaker:** Hon. Member, I thank you. Mr. Nandlall, if you know the matter is before the court and you know that there is a rule...

**Mr. Nandlall:** I am not dealing with the case.

**Mr. Speaker:** Mr. Nandlall, would you listen to me?

**Mr. Nandlall:** I am not being allowed to speak in this National Assembly.

**Mr. Speaker:** Mr. Nandlall, you will listen to me then you will speak. If the matter is in the court and you are aware of that, then you know that you ought not to make it part of your reference.

**Mr. Nandlall:** All I am saying is that there are dozens of leases of farmers in West Coast Berbice that have been revoked. That is all I am saying. There is an advertisement in the newspapers to that effect. I am saying that those here who are pretending to champion the rights of those people, the wrongs are taking place now. I want to say that, to put into perspective a lot of misleading statements which have been made in this debate.

All we are saying, that when we began this process, was to say that it was improper to appoint a commission of inquiry, in the first place, to address the issues that are the subject of the terms of reference of this commission of inquiry. We are of the view that a commission of inquiry cannot effectively deal with those matters. This Government, in my respectful view, has a tendency to contract out its work and responsibility to commissions of inquiry, farming it out to commissions of inquiry. These are two sets of matters, we have land issues...

First of all, we are a country of six races and this commission of inquiry chooses two of the six races to address their land issues. Is that not wrong, Sir? Is that not discriminatory according to the Constitution? Should I not feel offended and left out that my President is not concerned about

my land issues? [*Interruption from the Members of Government.*] There is a gentleman whose name is Commodore Bess, who lives and owns a land at *Pradoville*.

If we want to deal with land issues in this country and we speak the doctrine of cohesion, we cannot choose two races, assumed, because we are not holding consultation with the two races. We sit in an air-conditioned office somewhere and we look into a crystal ball and we say two of our six races, though we preach cohesion, have problems with their lands. We are not going to consult them. We do not consult the very Afro-Guyanese and we certainly have not consulted the Amerindians, but we will determine that we are going to establish this inquiry to exclude them from the process. We will appoint a group of strangers, unknowing to the people whose interest they are to investigate, the people do not know them, the people do not have a say in whether they think that these sets of commissioners are qualified to treat with the intricacies and technicalities that will arise in the treatment of the issue. All of these are imposed on the people of this country, so in their best interest their godfather is doing everything for them, not a word of engagement with them.

Three months after the commission has been established it is bound by its terms of reference to hold public hearing. Three or four months after its establishment, not a single public hearing is held. Then, in the middle of the process, there is a time driven agenda, a report has to be submitted to the President by September. In the middle of the life of this commission, the President stops it - of course, it is his commission - and says, "Look, we will consult". All of a sudden a decision is made to consult and then we fall into error again, because we only consult with our friendly organisation, the Amerindian Peoples Association (APA). We do not consult with the only statutory body under the Amerindian Act, which we passed in this Parliament unanimously after two years of consultations, and we together said, in this House, that our Amerindian people are going to be represented by a government established in this Act. That Government will form them into a National Toshaos Council that will be the unified voice of our Amerindian people and we made that part of the laws of our country.

*8.48 p.m.*

Today, we are consulting with our Amerindian brothers and we are leaving out the only statutory recognised entity by the laws of this country. What are we doing Sir? That cannot be right. There

are problems with Amerindian land titling and land issues. We have heard it and it has been the subject matter of legal proceedings in the court. There is an ongoing battle of competing economic interests between the miners and the Amerindian communities and we are aware of that. What is there in this Commission to address that issue? If you ask the Amerindians, you would hear that that is one of the most substantive issues that they want to be addressed. What is their future in relation to resources on lands that would fall under their stewardship by law?

There is nothing to address that. As I said, we have had consultations and expertise from all over for two years. There were outings from the three Parliamentary Special Select Committees and we arrived at a mechanism that we thought, in 2006, would govern the manner in which Amerindians are to receive communal lands to which they are historically entitled. There was never an issue about Amerindians entitlement to communal lands in the areas in this country in which the Amerindian people live, until the advent of one Eric Phillips. That was always our colonial history. We have signed on to international conventions to that effect and we give international commitments to the Norwegian Government when we accepted moneys from it. We entered into all of those international obligations and many of them involved interactions from both sides of the political divide and consensual movement forward.

We agree with the mechanism contained herein the Amerindian Act. In fact, we outlined how the applications are to be made; how consultations are to be held; and how we would move forward with expanding, if we decide to grant requests for more lands to the Amerindians. What can a commission of inquiry do about that? That is why we are questioning the utility of this Commission. All that we have to do is to follow the Act. I have to respect the Hon. George Norton because he is a Toshao and has spent years in the Amerindian communities. He would have left there a long time ago, but that is his constituency. He spoke good about this Act; he spoke very commendably about the Amerindian Act. So why do we need a commission of inquiry? Why do we not give effect to the mechanism that is here if there is a Toshao's Council and there are village councils right across the hinterland that were established by the Amerindian Act which would offer us the opportunities? I really do not understand why we need the Commission of Inquiry. What is the basis for all of the arguments I have heard? I have not heard any reasonable arguments advanced to amalgamate and merge the two Amerindian land interests and issues with those relating to land which were acquired by Freed slaves.

First of all, the lands are physically hundreds of miles apart from each other, the people are very far away from each other, the issues are absolutely different and they come from different historical orientations. In fact, there is absolutely no similarity. I will read from the Terms of Reference from the motion, which states:

“To examine and make recommendations to resolve all issues and uncertainties surrounding the claims of Amerindian land titling, the individual, joint or communal ownership of lands acquired by Freed Africans...”

When you reach to the stage of Amerindian land titling, there is no conjunction. There is no “and” to even separate the issues. It is like one flowing exercise, one transaction almost to deal with things that are completely and absolutely separate, distinct and apart from each other. The Commissioners are going to have an extraordinary difficult time.

Again, Sir, what are the issues? Where are the lands? Let us assume that, obviously, recommendations are going to come out of this and that should be made very clear to the Guyanese people because of the impression that is being conveyed out there that, at the conclusion of this inquiry, somehow or the other, all of the concerns that the Amerindians have and those of our Afro-Guyanese brothers and sisters are all going to evaporate and they are all going to be addressed. That is not so. All that will come out of this is a set of recommendations. Quite frankly this Government does not have a good track record in acting on its own recommendations with respect to commission of inquiries. There is the Commission of Inquiry into the Guyana Sugar Corporation (GuySuCo), which was repudiated by the Government, was established by the President. It did not recommend closure of any estates, but estates are being closed. So there is that type of track record, so I want to just alert the Guyanese people that all that would come out of this are a set of recommendations and whether they would be acted upon is a completely different matter.

We cannot turn a blind eye to the legal issues that would have to be addressed in giving effect to the recommendations, whatever they are. I presume that the constituency that is being wooed here expects, at the end of the process, land. This long process that we are engaged in, they are not really interested in. They are not really interested in what the Commission of Inquiry determines. What they are interested in is the end result. They want the land and therein lies the

problem. Where would they get it from? It cannot be taken from private people, unless we embark on that course of compulsory acquisition, which the Government has shown a proclivity to do already. Sir, remember the two lots of land on Carmichael Street. That process had begun, but fortunately it was nipped in the bud. *[Interruption]*

The distinguish High Commissioner of Canada had to call and intervene at a certain place in Sophia.

*Mr. Speaker hit the gavel.*

I am guided, Sir. Sir, we cannot turn a blind eye because I do not think that the Government wants to create an expectation that it cannot fulfil. That would be even more disastrous. I am asking because I have not heard it. I thought that I would have heard, at least, from the Speaker who seemed to be representing the interest of the President, the Hon. Joseph Harmon. I thought that he would have edified us as to where the lands will come from to give effect to the recommendation.

The Hon. George Norton made reference correctly to the *Constitution* that protects private property from compulsory acquisition by the State. He said that we must not dwell on it, but we have to because we are dealing with lands. So where are we going to get the land to give effect to this? Are we going to take the lands that we are now promising the sugar workers at GuySuCo? The sugar workers were told that they could rear ducks and that GuySuCo would rent cows from them. That was the first time I have ever heard that cows are rented. That they will take the cows, milk them and pay a rental per month.

I was making the point that we do not have a lot of *res nullius* and Sir, you would understand that term from international law. We do not have much of that left in Guyana so the land is owned, at least where persons want lands. Land is available in abundance in Guyana, but the areas are not developed and I do not think that the people who are looking at this motion expect lands in areas to which they do not have access.

We are of the view that a commission of inquiry is totally unsuitable to deal with this issue. We believe that the Minister with responsibility for Housing can listen to the concerns and that the Minister of Agriculture, through the various agencies of the State, can process applications for

people who want lands. Those who want Amerindian lands, we have a mechanism. That is why I have an abhorrent for the concept of farming out ministerial work and establishing a commission of inquiry because it cost the taxpayers too. It is not a ministerial salary that is being diverted towards the cost of the Commission. So it is the Commission that will be doing the work that the Ministers are supposed to be doing.

Those are some of our concerns. We never expected all of these sinister motives and sinister intentions which have been ascribed and attributed to us. We do not have a devious intention when we oppose this. We believe, firstly, that the Commission of Inquiry is an unsuitable vehicle to address the issue. Secondly, we believe that, at a minimum, in accordance with Article 13 of the *Constitution* and in accordance with every principle of good governance, which my Hon. Colleagues on the other side promised the people of this country, consultation is required.

9.03 p.m.

No consultations were done. Even the President, at a very belated stage, and I must credit him for recognising because we made a lot of noise in the public that it should not have happened, but we had to go that route to get His Excellency's attention. He has put it on hold to listen to the Amerindians, but then he only listened to one organisation, which is quite unfortunate. He has not listened to the legitimate, legal, and statutory representative of the Amerindians.

Thirdly, we are saying that there is absolutely no basis whatsoever to mix the two issues together. They came out of different historical evolutions, social circumstances, they are geographically located at different places and there are different interests that guide their requests for more land. Here on this side of the country it is more agricultural and on that side of the country it is more exploration and mining. In fact, I cannot find any similarity apart from the fact that other ethnic groups in country have been excluded which is another concern of ours, if you are going to address lands, even if the other groups do not have any. But it would be really wrong to arrogate unto oneself the power to determine that all the other peoples of this country do not have issues with land, but we select just two groupings, put them together, put them in a pot to boil and it is not compatible *metemgee* wise.

**Mr. Speaker:** Hon. Member, you have five minutes remaining.

**Mr. Nandlall:** Sir, with those few words, I thank you very much. *[Applause]*

**Mr. Speaker:** I thank the Hon. Member for his statement. The next speaker is the Hon. Raphael Trotman. You have the floor Sir.

**Mr. Trotman:** Goodnight Mr. Speaker. I rise to offer brief comments on the motion which has been presented and to join with my Colleagues on the Government side in opposing this motion for reasons which I will set out shortly. We start with the position that it is the absolute right and discretion of any President of Guyana, as all Presidents have exercised that right, to appoint a Commission. The Commissions of Inquiry Act, Cap. 19:03, and I quote section 2 with your leave, states:

(1) The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare.”

This is notwithstanding any other law, including the *Constitution* or any other legislative device that may be addressing any matter. It is the discretion of any President of this country to inquire into any matter for the public’s welfare. All Presidents of this country have exercised that right.

We have heard that there are sinister motives behind the appointment of a Commission of Inquiry of this nature. I actually wish to join with... **[Mr. Nandlall: I never said so.]** I never said you. Some Members, on the Opposition side, have said that there are sinister motives. I actually joined with the arguments of my learned Friend, the Hon. Member, Mr. Nandlall, when he said that the two issues of African ancestral rights and Amerindian land titling are separate and apart. He is absolutely correct. That is the intention of this Commission. It is not to conflate or to comingle these two issues in any way whatsoever.

Mr. Speaker, if I may go through, in some chronological order, some of the genesis of this matter. Any politician, who has campaigned either at the local government level, but more so at the national level, particularly those Members of Parliament in this House who found themselves on what is known as the National Top-up list, that is where the entire country is one constituency. Those who have travelled from the coast of Crabwood Creek right through to Moruka or Morawhanna and have gone into the Hinterland and over the hills, mountains and



valleys of this country would know that land is life, as my sister and friend said earlier, for Amerindian people. It is also life for the people on the coast. The two perennial issues that confront any person who seeks to represent persons in this country.

One on the coast, there is the vexed issue of lands which were previously held by the Freed slaves of Africans. In the Hinterland, there is the vexed issue of lands and the rights of hinterland people who have enjoyed certain rights for thousands of years and a threat to that right; the right to hunt, fish, enjoy and the encroachments that come from mining, foresting, dwellings and from the pollution of rivers. And so it was that we did not need to consult before this Commission of Inquiry was established because, in 23 years, the Government, while in Opposition, has been consulting on this matter.

So whether it was that in 2015 and I recall the date almost to the hour, in April of 2015, when one morning the Hon. Member, Mr. Joseph Harmon and myself met with the then candidate for Presidency, Brigadier Granger, as he was then referred, he had a little book and he had just come from Region Nine with the Hon. Member, Dr. Norton. He said, "I am going to establish a commission to look at the lands." He said, "Wherever I go, these are the issues that we are facing". So there was no desire to take away anyone's land and there is no desire now to take from the people from the coast and to take away from the Hinterland. All it was is that His Excellency said, "I have heard the cries of the people and I intend, once we are elected, to do something about it." And this is what he has done in his own deliberate judgement.

So those who asked what the mischief was. There is a mischief born out of 23 years of traversing the highways and the byways, the villages and going up the rivers and over hills and mountains and hearing the cries. That we have miners coming into our lands; that we have people hunting without permission; we have people trafficking our young ladies and children; and we have people setting up their residences in our communities without our permission. We want access to our lands.

On the coast, it is that this family owned the lands in the back lands. We were an agricultural people, our lands have been flooded, we have had them taken away from us by prescriptive rights and we have had them taken away from us by nefarious means. We as a family, whether it be in Buxton or in Golden Grove, Haslington, or Ann's Grove or Fryish Village in the

Corentyne, we want to have the restoration of those rights as the descendants of those who worked. So that is the basis upon which His Excellency sought to establish a commission of inquiry. It is because the matters pertaining to land are matters of the public's welfare. So there was no sinister motive behind his discretion. It is painful, in fact, to hear persons say that Africans are coming to take away Amerindian titled lands or that the Amerindians will be brought to Georgetown. The two issues have nothing to do with each other and shall remain separate and apart from each other.

Just to say, therefore, that when it was that we were told that we needed to consult, as I said before, we have been consulting for 23 plus years on this matter. Those who take the time to read the news would know that there was a horrendous fire in the City of London two nights ago. Today it was announced that there is a commission of inquiry into that fire. Does one need to have a consultation for an obvious patent situation? **[Mr. Mustapha: That is different.]**

All issues are different. The point I am making is that we are aware of the concerns.

Having been the Minister for Natural Resources for almost two years, I am aware, on an almost daily basis, of the confusion that has arisen over titling, mining and forest activities and, again, this is another area that has to be addressed. The intention is not for us to rewrite the Amerindian Act in its entirety. Yes, aspects of it may need to be amended and updated. The idea is not for us to determine that miners shall have greater rights over Indigenous communities or Indigenous communities shall have superior rights over miners. It is to come to some kind of *modus vivendi* so that we may forward as a nation in the public's welfare and find common grounds on how we may develop our country together and in a respectful manner.

Much has been made about the comingling. As I said before, the intention has never been and it will never be that these two issues will cross paths. I have every confidence, given the team of persons that had been assembled by His Excellency the President, for example Rev. George Chuck-a-Sang; Mr. David James, Attorney-at-Law; Ms Carol Khan-James; Mr. Lennox Caleb; Ms. Belinda Persaud; Professor Rudolph James, an eminent Legal Professor; Ms. Paulette Henry, just to name some of the Commissioners. They are quite capable, either individually or collectively to disaggregate those issues which are coastal and pertain to the African ancestral lands and those issues which are hinterland based and pertain to Indigenous people lands. We need to give some credit and so, when we go to the motion itself, and I wish to pause to make

this point, it is my view, personal as it is, that a commission of inquiry is a quasi-judicial body. In a sense and it is my view and I respectfully advance it that once His Excellency has appointed a commission and that commission is current, that commission ought not to become the subject in my opinion, respectfully, of a debate in the House. But I am happy that this debate has been allowed.

We looked at the ‘Whereas’ clauses of this motion. The third ‘Whereas’ clause states:

“AND WHEREAS the mandate of the Commission could undermine the legitimacy of Amerindian land rights.”

The word “could” supposes that it is casting into the future. We have not even allowed the Commission to be given the opportunity to sit and to hear evidence and to consult and to travel into the interior of this country - “it could undermine”. Here we are asking this House to revoke an appointment or to condemn an action of a President. It will not happen. As the Hon. Member, Ms. Teixeira, said the Opposition is resolved to ending this Commission, so too are we resolved to seeing it through to the end.

The second ‘Whereas’ clause states:

“AND WHEREAS Guyana has established under the Amerindian Act 2006, a legal framework which addresses Amerindian land rights and Amerindian communal land titling.”

This Commission appears to put Guyana on the collision course with its international rights and obligations. Again, it is casting itself into the future and assuming that there may be some outcomes, which we cannot foretell at this stage what findings the Commission will make before it has even sat, heard, analysed and made its findings and recommendations. So, that is why I personally feel that, a Commission of Inquiry, having been appointed under law with powers to summon witnesses and have quasi-judicial personality, if I may frame it in that way, ought not to be the subject of an inquiry by this House in its infancy stages. Perhaps its findings may be reviewed by the House, but to ask us to assume the role of fortune-tellers or to look into the future to determine that this could or that it would or that it may and then for those reasons the President’s deliberate judgement or discretion was badly, capriciously or unreasonably exercised,

is to really take us down a dark path. As I said, I do not intend to speak very long tonight. I do believe, as I said, that there is no comingling. My Colleague Minister, Minister Scott, spoke extensively about the feelings of Africans and about their land titling and so too has the Hon. Member, rightfully so and I have always admire when she does speak, Ms. Campbell-Sukhai, spoke about the feelings of Amerindians and their rights. Both sides are equally right and correct. This Commission seeks to give both sides a hearing and to address both sides equally, but separately.

*9.18 p.m.*

If I may make a final point Mr. Speaker, it is this. It is not necessarily a bad thing that there is some comingling of our cultures. I believe that it is important that villagers, as I said, from Ann's Grove or Haslington or Fryrish, should have some understanding of the plight of a person in Kato or Philippi or in Sand Creek down at the bottom, south of the Rupununi, an understanding what is it about your lands that are so important to you, when the rains and the floods come and when the cassava goes bad. So too a villager in Waramadong should understand what it is to be at the back of Buxton and to be flooded out and to be denied access to lands. Even though we fear comingling, it may not necessarily be a bad thing for us to understand because it is in the understanding that we learn to live better and to respect each other's ways better.

I just thought that my intervention would point out why this Commission came about, how it came about, the sincerity of His Excellency the President, in formulating this Commission and the utility of having a Lands Commission. If we are going to address the issue of lands, we would then ask the question what are the issues and there are two perennial issues- Amerindian land titling and rights there from, and the vexed issue, as I said, of displaced ancestral lands of Freed African slaves. There is nothing improper, immoral or abhorrent in having a Commission sitting under one housing, administratively one cost, one set of secretarial services, and one set of commissioners who are quite capable of disaggregating the issues and the facts and coming to findings independently, without this fear that one is coming to take over the other.

This Government respects the rights of the Indigenous peoples and we will fight to defend those rights. We will do so hand in hand with the Members of the Opposition because we are all patriots and we all support those rights. This Government respects the rights of those who feel

that they have been displaced and who have been crying for decades, perhaps for over a century asking for the right to be considered and for some restoration to the rights that have been lost.

In closing, this Commission seeks only to cater for those cries and we have consulted the people for 23 years. During the last campaign, then it was that His Excellency, having returned from a visit to the Rupununi stated to Members, Mr. Harmon and I:

“I am going, once elected, to establish a Lands Commission to address the issues of the Amerindian people. They are due that and I will give it to them.”

I thank you, Mr. Speaker. *[Applause]*

**Ms. Campbell-Sukhai (replying):** As the debate on the motion before the House, tabled by yours truly, comes to an end, I have a number of responses which I want to share with this House. First of all, I need to reiterate the issue that land and natural resources are fundamental to the existence, livelihood, cultural heritage, identity and future opportunities of the Indigenous people, as well as all of Guyana’s people.

It is not surprising that the NTC became objectionable to the Commission of Inquiry on land as they did. It is because when one examines the Terms of Reference, which I believe was crafted and coined without much consideration, the interpretations of those TORs, and I want to express as my opinion, they may have begun the fear that has emanated across the Indigenous population of this country. It is not the debate that has created that fear. The motion came weeks or days after the NTC had gone to the press and the media on this matter. Therefore, when the Hon. Minister Harmon was making his presentation, and I will not use his words because I cannot *parrot* his words, but he alluded to the fact that it was the debate and the statements attributed to Indigenous organisations and the frenzy in the media that had actually created this fear. Therefore, that is why I believe and have posited that it is not the debate. It is the coining of the Terms of Reference.

In my last presentation and my first presentation, when I laid this motion in the House, I took the time and the effort to deal with the Terms of Reference, particularly and specifically those that dealt with the Amerindian land titling matters.

Guyana is a member of the United Nations. Guyana is also a signatory to the United Nations Declaration on the Rights of Indigenous Peoples or which is normally used as an acronym (UNDRIP). In that declaration, in Article 26, clause 3, it states:

“States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.”

No doubt, these matters that are contained in clause 3 of Article 26 were taken into account by Guyana, by the Government. Therefore, it is us, who are now sitting legislators, who should ensure that the mechanisms which are outlined in this declaration that we twin them with our own national legislation which is the Amerindian Act of 2006, so as to ensure that Amerindian land rights and ownership continue to be protected.

I have heard in this House that there is need to review the Amerindian Act of 2006 and that this request was submitted or has come out of the leaders’ meetings and discussions. However, I have been around for a number of years. I have worked in Indigenous communities prior to becoming a Member of Parliament; I have worked, during my tenure as a Member of Parliament, in the hinterland; I have travelled the length and breadth of this country, including extensively in the hinterland, and I can tell this House that Guyana has made positive advances in relation to Indigenous rights, Indigenous land rights and ownership, to the extent that, Guyana stands out among a very few handful of countries that have been politically bold enough to entrench in their Constitution and in law, the protection of their country’s first people. Very few, maybe not even five.

Therefore, sometimes when I listen to the level of debate with respect to the criticisms that are showered in this House, I sometimes wonder whether we are really serious about upholding and respecting the rights of Indigenous people and whether we failed to listen to some of the opinions that I have heard in this House. In fact, I have heard earlier this afternoon from the Hon. Ms. Pearson-Fredericks that the current Minister of Indigenous Peoples’ Affairs had repeated some years ago, at some conference, one of the first conferences, that we should look with our Indigenous eyes when you are dealing with our issues and not with a political eye. Therefore,

this brings me back to the fact, whereby I have heard criticisms from the other side which sought to say that nothing has been done over the particular period when the PPP/Civic was in office.

Recall in my presentation, when I introduced the motion, that I made mention of the 74 villages that were provided with titles, prior to the advent of the PPP/C coming into Office in 1992. I have also alluded to the fact that 27, but I hear now it is 28, which means that when I left the office in 2015 only one titled village was probably processed and delivered in two years. So, I admit that I am one short of the mark of 28. And, yes, under the 28 years, one can question why only 28? Why we did not do more? Twenty eight is very close to the closure of providing titles to Amerindian villages that are eligible. It is the PPP/Civic Government that brought closure to awarding Amerindian communities titles to their lands. The remaining titles that have to be dealt with and processed are those applications that are in for extensions. If under the PPP/C's years, 28 villages were titled and today we cannot consider and process the application for extension, this only tells the nation one thing, that we have no intention now that there is a new Government in Office to actually consider and deal with extensions.

The Amerindian Act is very clear that a village, and village is interpreted in the Act to be a titled village, has the opportunity under the 2006 Amerindian Act to apply for extension. Why are we not dealing with extensions? There are funds available to deal with that.

*9.33 p.m.*

In fact, 12 villages were investigated for extension. They were in the process of the first quarter or the first half of 2015. Investigation was being carried out in the fields. While the politicians like me were politicking and campaigning for that Election, the technical people were doing their jobs. In the transition team handover, the matter of those reports were included when the transition team received handing over notes from the then Ministry of Amerindian Affairs. What is happening? It means that there may have been a directive from some place not to go ahead and read those field investigative reports or to take them to the Cabinet for approval if you find them positive. If you do not find them positive and you have problems with the findings, it is incumbent on the current Minister to ask the investigative team to go back to the village, to the different stakeholders and come back with a revised report.

Therefore, I could only assume that there may have been a directive to put a hold on it. I also wish to say that the institutional mind of the Land Tenure Unit was dismissed, sent home or fired, whatever term we want to use, but the opportunity availed itself for the new Ministers to put in place technical people of their choice to move forward in the direction of dealing with land titling when they assumed office.

They received their officers of choice, but, today, what has happened? It is either that the officers of choice chose not to work and they continue to take salaries... In fact, the coordinating head of that Unit receives an estimated salary equal to or even a little bit more than a junior Minister. If there would be any investigation about the current land tenure programme, as a new committee would be appointed to do, I would wish to say here that the Committee, whenever it is appointed, should investigate why the Unit has not rolled out the output of that project and why targets are not being met and to link it to the issue of this country not benefitting from the additional funds that are to be drawn down to the Guyana REDD+ Investment Fund from the Kingdom of Norway.

If we try to *throw sand in each other's eyes*, we would not have positive outcomes. Therefore, that is a starting point for the Cabinet or the authorities of the new Government to examine what is happening there.

The other matter of FPIC: there is no doubt that this is a troubling matter with the Amerindians. Even when we were in Government, we were bombarded with the call for increased consultations. I believe that our Government, at that time, adhered to the call because we respected the voice of the Indigenous peoples. I do not see any harm, respecting the voices of the Indigenous peoples, being brought to the then People's Progressive Party/Civic Government. Therefore, I see no harm in consulting with the Indigenous peoples on important and significant matters that would have an impact on their livelihoods, their opportunities and their future. The issue of the President not consulting, we accept that. He could establish; that is his authority. When we have to deal with the nation's business and land is critical to everyone, it is incumbent on any government to want to consult. Therefore, I do not agree that consulting with only one organisation is enough in this situation. I will tell you why.



The duly elected representative which is legally recognised and statutorily recognised is the National Toshias Council. We have heard that said in this House. We have heard Hon. Minister Harmon, in his presentation, say that they invited Amerindian organisations. I admit that there are Amerindian organisations in this country but the duly elected representative should have been fore and foremost the focus to have discussions on this matter. It is the NTC that has the primary grouse with the CoI and it got support from the Amerindian organisations and other organisations of different nature that came in to support it on this matter.

Why I do not agree with what occurred on Wednesday, 14<sup>th</sup> June, 2017 is because that meeting, in my opinion, was the APNU/AFC talking amongst them. The Amerindian Peoples' Association attended that meeting with a candidate who was a candidate on the APNU/AFC Election list of 2015. The person was also the co-leader of the list. If the first person does not function, for some reason or the other, the individual who was part and parcel of the Wednesday, 14<sup>th</sup> June, 2017 meeting becomes the head of that list. For me, it is like speaking to oneself. That did not bring any consolation to the NTC. In fact, the behaviour that was displayed on Wednesday would have driven a further wedge in the relationship between the Government and the elected leaders of the Indigenous peoples.

It is not building trust; neither is it supporting cohesion. I understand that one of the reasons why His Excellency decided to put on hold the CoI members are dealing with Amerindian land issues was related here in this House as in the interest of building unity and national cohesion. You cannot want to build cohesion when you continue to disrespect, sideline and ignore the duly elected representatives of the Indigenous peoples. In no way should this happen. If we are genuinely interested in unity and national cohesion, then we must do the right thing. I understand that the NTC has written to the Executive, requesting a meeting. To date, that letter has not yet seen a response but the Government went ahead to do a number of things. It came up with a five-point position or decision to establish a new committee to deal with the five-point position.

It is an affront to us, to the Indigenous peoples and to the Amerindian Act. I have the Report of the Special Select Committee of the National Assembly as it relates to the Amerindian Bill which we discussed extensively. My Colleague on the other side, the Hon. Minister Norton, was a Member of that Committee. This Committee worked positively. We extended the opportunities

even at the last moment when we opened the Special Select Committee discussions to accept further recommendations coming from organisations, individuals and the public.

This also brings me to the point of Minister Hastings questions. Ms. Hastings has questioned herself and she has questioned the National Assembly and the matter of Free, Prior and Informed Consent in relation to the crafting of the Amerindian Act of 2006 and whether consultation occurred.

Sometimes we tend to probably say the things that some people want to hear. In this case, we have to be genuinely interested in the affairs of the people who we claim to represent.

We must also look for answers. What are the big issues for Indigenous peoples in this country as it relates to land? We have heard nothing substantial from any of the presenters, except the Hon. Minister Trotman who made some relevant points. There are issues but, like I said, I have also worked in the sector.

Mr. Speaker, I could tell you that the People's National Congress Government which, under its tenure, had provided titles to 74 villages, did not demarcate the area. That is the genesis of the issues with boundaries and areas where some communities which have matters in the court have a contention. It is not the PPP/C. Therefore, I want to put at rest that, during the 23 years of the PPP/C Government, credit must be accorded to that period because what we have seen was that we have actually come full circle to bringing closure to the areas that were eligible for titling.

*9.48 p.m.*

Therefore, this whole aspect of looking into unresolved uncertainties had emanated since then, and the matter is in the court.

The other issues that we have with boundaries are not substantial because the People's Progressive Party/Civic Government had allocated sums of money to the Guyana Lands and Surveys Commission (GLSC) to deal with boundary issues when it occurred. I can tell you that the one that happened, which I have heard mentioned here, in this House, not during this debate but prior, and maybe, I did not want to respond then or did not take the time to respond, had to do with Akawini and Wakapau. Let me remind you that they were titled in the People's National Congress period and it was the PPP/C Government, during the demarcation process, that began

to resolve those issues, and moneys were given or allocated for that purpose. [Lt. Col.

(Ret'd) Harmon: To whom?]

To GLSC.

[Lt. Col. (Ret'd) Harmon: When

was that?]

It was in 2013. And it was provided, in 2013, through the Appropriation Bill because, at the time when we were discussing the matter, the Budget was cut and we did not have the opportunity to draw down from the GRIF. But under the Amerindian Development Fund, we were able to get that money and to deal with that matter.

When we speak of Region 9 and the issues, which I have heard here, that His Excellency came back during and after the campaigning in Region 9, I will tell you something. Most of the villages that were visited did not have more than three persons at their meetings. They took 26 persons on a canter. When they went to Shiriri, there were three; when they went to Potaro, there were three; when they went to Rupanau, it was less. Therefore, that is why the issue is being misrepresented. In Region 9, there is no community or no village that has no title.

The last village that received valid and full titles under the PPP/C was Rupanau. Massara received title years ago and it has also received extension. Annai has received title and extension; Yarikita, similarly. There is no Amerindian community in Region 9 that has not received title. We would like this House to know that Nappi's investigation was done and it is awaiting extension.

Please give Nappi its extension. Sand Creek is also awaiting its extension; please deal with the extension. Shulinab has applied for extension; please give Shulinab its extension. There is enough money to conduct the investigations. There are enough resources to deal with the matter.

I would like to now touch on the matter of the Hon. Mr. Keith Scott. I made a few notes while he was speaking and I have a very fast typing skill so I was able to capture some of the things he said. He said that the Amerindian Act of 1976 had awarded 13.8% of land to Amerindians. That is not so; it was 6%. He also said that the NTC is speaking about extension and that the NTC has in its request for an additional 10% - and I do not know if he can count - that will take it to 24%; 24% of Guyana's land mass will go to Amerindians while others have not had anything. He further extended that argument to say that the NTC is clamouring for subsurface rights. And he even mentioned that, internationally, there is no sovereign nation that gives up those kinds of rights. He further extended it to say that, if they receive the 24% total land, then they will be

entitled to the minerals and the wealth under the soil and the Amerindians will own that. He linked it to the fact that, if that happens, then the oil and gas that is now found here, the coastal people should be owners of it. **[Hon. Member: No.]** That is what he said – should benefit from it. He linked it. So, why would he want to link it? He even went on to say that this 10% more, which the NTC has in its head is as a result of greed. He did not use the same word but, in my understanding, that is what he meant.

Amerindians are humble people. We are not driven by greed. We are driven by our customary way of life. And until the gaps are closed in relation to what occurs and what development means to people around the world, including Indigenous peoples, there will be need for Indigenous peoples to want to preserve their customary activities. And in so doing, it is not greed. So, we should not look on Amerindian application for extension as a motive driven by greed. It is our customary rights and activities that have seen many Amerindians from Chenapau being denied their rights of movement.

Those who would have been to Chenapau would know that to get to the Airport, they have to cross the National Park. When you militarise and classify the Kaieteur Park as a zone of... **[An Hon. Member: A zone of peace.]** It is not a zone of peace; it is a militarised zone. It has curtailed the movement of the Indigenous peoples in that village.

There is a video out there on social media which is painful to the core of the Indigenous peoples. Whether they are exercising their customary activities and rights, they need to have Freedom of movement. And Freedom of movement means that they must have the opportunity to go to the rivers to fish, to enter the forest to gather, and to conduct sustainable practices which we have recognised that the Indigenous peoples have long learned to do for their survival.

Artisanal mining is one such activity, and, if one understands the livelihood options in those areas, one will understand why Chenapau may want to mine in a very artisanal way for gold. That is their survival. I will urge that, if the Government wants to curtail destructive mining, then it should go after the ‘big fishes’. It is because the Indigenous peoples of Chenapau have not been able, like many other villages, to even amass major sources of wealth.

**Mr. Speaker:** Hon. Member, we are approaching the 10.00 p.m.

## SUSPENSION OF STANDING ORDER NO.10 (1)

**Mr. Speaker:** I will invite the Prime Minister to move the adjournment. Hon. Prime Minister, we are requesting that the time be allowed for the debate...

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** Your Honour, we have said that the scheduled time to end these proceedings will be 10.00 p.m. There has been a consensus on this issue.

**Mr. Speaker:** Hon. Prime Minister, the request from the Chair is that we would allow this debate to end.

**Mr. Nagamootoo:** I move that the speaker be given five minutes to conclude, whereupon, I would move the motion.

**Mr. Speaker:** Hon. Prime Minister, I am requesting that we allow the time for this debate to end. I think that the Hon. Member is just wrapping up and, thereafter, the question is to be put.

**Mr. Nagamootoo:** I would not *split a hair* on that, Sir. I move that the Sitting continues until the debate is concluded.

**Mr. Speaker:** Most grateful.

*Question put and agreed to.*

*Standing Order suspended.*

**Mr. Speaker:** Hon. Member, please proceed.

**Ms. Campbell-Sukhai:** Thank you, Mr. Speaker.

I heard someone saying that Ms. Campbell-Sukhai would speak for about six hours, but I want to tell you that I will not. I will close up and wrap up very quickly.

I want to say that, having said all that I have already said and having recognised the arguments that were put forward by my Colleagues on my side with respect to the motion before us and why we are calling for the revocation of the CoI on land, putting on hold the Amerindian Land Titling is not the answer. Not recognising and isolating the NTC is not the correct thing to do.

With respect to criticising the Indigenous peoples with respect to their need for securing their future as it relates to their security and land tenure matters, it should be taken seriously. Therefore, putting on hold that issue is not going to satisfy or even console the Amerindian duly elected leaders that there is genuine effort on the part of the Government to actually listen to them, respect their voices and allow them to participate in a meaningful way on important matters that could impact their future.

*10.03 p.m.*

I also wish to say that, as the mover of this motion, I stand firm on the matter that the CoI established is not the answer as it relates to dealing with matters of land issues, specifically to the Indigenous peoples. I, therefore, call on His Excellency to reconsider, as the motion alludes to, the position he has now taken, as represented by the Hon. Minister Harmon.

I, therefore, put the motion to the House. *[Applause]*

*Question put and negatived.*

*Motion negatived.*

**Mr. Speaker:** Hon. Member Ms. Teixeira, do you have something to say?

**Ms. Teixeira:** Mr. Speaker, with your permission, before you close this session, we would like to extend best wishes to all the fathers in Guyana, the fathers and grandfathers in this House, male parents, young fathers to be and single fathers, for Father's Day, which is Sunday. We would like, this Sunday, to recognise the contribution of the men of our society and also to appeal to the men in our society to pay greater attention to their children and to take a stand against domestic violence.

We wish all the men in this House, particularly yourself, Dr. Scotland, the Clerk and the staff of the Parliament Office, a happy Father's Day. We hope you will enjoy Father's Day and not overdo it; some fathers overdo it. We would like you to enjoy yourselves and enjoy your day with your family. We ask you to continue to stand firm as good models for the young people and the future generation of our society.

Thank you. *[Applause]*

**Mr. Speaker:** I thank the Hon. Member for her kind words. I could not say they would be reciprocated, given the day, but we will remember it for Mother's Day.

Hon. Prime Minister, I ask you to move the adjournment.

**Mr. Nagamootoo:** Before I move the adjournment, I would like, on behalf of the Members of the Government and the President of Guyana, to also convey to you and the staff of the Parliament Office, the members of the Press, Members of the Opposition, all Members of this National Assembly and all the men of Guyana, a happy Father's Day. I share the sentiments of the Hon. Member, Ms. Teixeira, that our fathers should demonstrate those responsibilities that befit their status as fathers, avoid domestic violence and take care of their homes and children.

In my case, a few days ago, I had the privilege of becoming a grandfather for the sixth time. So I also look forward, apart from being a father and grandfather, to many more grandchildren. I wish those fathers who are grandfathers as well a happy, happy Father's Day. If you have an invitation, I am available on Sunday for drinks. Those of you who would like to join me, I am willing to entertain you to free drinks after the session.

## **ADJOURNMENT**

**Mr. Nagamootoo:** I move that this Assembly be adjourned until the 7<sup>th</sup> July, 2017 at 2.00 p.m.

**Mr. Speaker:** I thank the Hon. Prime Minister. This House stands adjourned until 7<sup>th</sup> July, 2017 at 2.00 p.m.

*Adjourned accordingly at 10.09 p.m.*