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Excellency,

The Committee on the Elimination of Racial Discrimination considered, at its 68th session held from 20 February to 10 March 2006, the initial to fourteenth periodic reports of Guyana (CERD/C/472/Add.1) and, at its 1758th and 1759th meetings (CERD/C/SR.1758 and 1759) held on 10 March 2006, adopted concluding observations (CERD/C/GUY/CO/14) including various recommendations.

Pursuant to Article 9, paragraph 1, of the Convention, and Article 65 of the Committee's rules of procedure, as amended, the Committee requested in paragraph 28 of its concluding observations that your Government provide information on the way it has followed up on the recommendations contained in paragraphs 15, 16 and 19 within one year. By letter of 10 April 2007, the Coordinator on follow-up of the Committee, Mr. Morten Kjaerum, reminded Guyana of this request for information which unfortunately has yet to be received.

The follow-up procedure of the Committee is designed to assist States parties in the effective implementation of the Convention. In the interest of continuing a constructive dialogue with your Government, the Committee reiterates its request for information with respect to the implementation of the recommendations contained in paragraphs 15, 16 and 19 of its concluding observations.

According to information from other sources made available to the Committee at its seventy-first session (31 July-17 August 2007), no steps have been taken by the State party to implement the recommendations set out in paragraphs 15, 16 and 19 of the concluding observations and; the situation has deteriorated further in certain areas, making the concerns expressed by the Committee in the above-mentioned paragraphs of its concluding observations all the more urgent. The Committee, therefore, wishes to recall the following:

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- In paragraph 15 of its concluding observations, the Committee urged the State party to remove the discriminatory distinction between titled and untitled communities from the 2006 Amerindian Act and from any other legislation. Furthermore, the Committee called on the State party to recognize and support the establishment of Village Councils or other appropriate institutions in all indigenous communities, vested with the powers necessary for the self-administration and the control of the use, management and conservation of traditional lands and resources.

According to the information received by the Committee, the distinction between titled and untitled communities has not been removed and the Minister of Amerindian Affairs, according to an article published by Guyana Government News Agency on 1 April 2006, has stated that this distinction will remain. In the same article, the Minister expressed the view that in some cases the Village Councils had too much power.

- In paragraph 16 of its concluding observations, the Committee urged the State party to recognize and protect the rights of all indigenous communities to own, develop and control the lands which they traditionally occupy, including water and subsoil resources, and to safeguard their right to use lands not exclusively occupied by them, to which they have traditionally had access for their subsistence. It also urged the State party, in consultation with the indigenous communities concerned, (a) to demarcate or otherwise identify the lands which they traditionally occupy or use, (b) to establish adequate procedures, and to define clear and just criteria to resolve land claims by indigenous communities within the domestic judicial system while taking due account of relevant indigenous customary laws.

According to information submitted to the Committee, the State party continues to deny the indigenous groups right to subsoil and water resources in indigenous areas. Furthermore, to the extent title has been granted to indigenous groups, this has been done unilaterally by the State party, rather than within the framework of a procedure respecting the inherent rights of the indigenous groups to such areas.

- In paragraph 19 of its concluding observations, the Committee urged the State party to ensure the availability of adequate medical treatment in hinterland areas, in particular those inhabited by indigenous peoples, by increasing the number of skilled doctors and of adequate health facilities in these areas, by intensifying the training of health personnel from indigenous communities, and by allocating sufficient funds to that effect. Furthermore, the Committee recommended the State party to undertake environmental impact assessments and seek the informed consent of concerned indigenous communities prior to authorizing any mining or similar operations which may threaten the environment in areas inhabited by these communities.

The Committee has not received any specific information on the access to health services in the mentioned areas. It has received, however, information that would indicate a continued lack of respect for the interests of the indigenous population in a clean environment. The Committee has for example been informed that small - and medium - scale miners have been granted one more year of grace from provisions regulating the discharge of waste water into rivers and creeks used by indigenous communities. The Committee has also received information about large scale mining projects in territories traditionally used by indigenous peoples where consent was not sought, for example in the North Pakaraima Mountain area.

In light of the information available to the Committee and the absence of any response from your Government, please note, that failing receipt of the information requested by 30 November 2007, the Committee may decide to consider the relevant issues under its early warning and urgent action procedure at its 72nd session (18 February- 7 March 2008) in the light of information received from other sources.

Allow me, Sir, to underline that this request for information is made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,

Régis de Gouttes
Chairman of the Committee for the
Elimination of Racial Discrimination