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**Response to the List of Issues concerning Guyana by Oil and Gas Governance Network**  
**[www.OGGN.org/about](http://www.OGGN.org/about)**

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## BACKGROUND

The Oil and Gas Governance Network (OGGN) is an organization comprising Guyanese citizens who live in Guyana and in other countries, which was created in the summer of 2017. The OGGN is a registered non-profit organization in New York City, United States with [501\(c\)\(3\) status](#). The OGGN has no political affiliations. We work for the benefit for ALL people of Guyana. OGGN's mission is to advocate for rule of law, environmental protection and financial norms with respect to oil exploration and production, and good governance in Guyana. Oil will feature prominently in Guyana's future for decades to come; thus, our position is that it is in the long-term interest of Guyana and the planet that all sectors of Guyanese society should be represented and have a role in decision-making processes with national, regional and global impacts. We accomplish our mission by:

1. Informing and educating the Guyanese public including the more than 50% of Guyanese who live in the diaspora through: in-person engagements on the streets in the New York borough where the Guyanese diaspora is concentrated; bi-weekly radio programmes; Press submissions; website.
2. Engaging the local and international media to feature topics related to our mission.
3. Advocating for transparency, accountability, and good governance by raising related concerns to international organizations and governments.

## INTRODUCTION

This report sets out OGGN's key concerns in relation to the fulfilment of the ICCPR, and in particular with respect to the following rights: ICCPR Articles 2, 3, 23, 25, 26 on non-discrimination; Articles 2 and 14 on Access to justice, independence of the judiciary, and fair trial; Articles 19 and 20 on Freedom of expression; Article 6 on Right to life; Article 27 on Rights of Indigenous Peoples.

We respond to some assertions in the Government of Guyana's third periodic report of 30 August 2021, and we further comment on germane issues between September 2021 and January 2024.

This Shadow Report is not a comprehensive response. It is limited to the competence, interest and time available to OGGN members.

The United Nations International Covenant on Civil and Political Rights can be found here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

The Human Rights Committee (HRC) document referenced in this report is "List of issues prior to submission of the third report of Guyana", International Covenant on Civil and Political Rights, CCPR/C/GUY/QPR/3, dated 31 August 2020 and found here: <https://ccprcentre.org/files/documents/G2022271.pdf>

The Government of Guyana (GoG) document, which is a response to the HRC document above, is titled, "Third periodic report submitted by Guyana under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2021", which is documented as received on 30 August 2021. A copy can be found here: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhshu5H%2Fxb%2FzBiWky7Vs1DDlSotGggTIFVnawWdtO%2FCfd6T12NfZVmBXbOE%2BRq2N3voxBOJWbggP73Avk11%2FH9pzfljeW7c%2FpWJtrztLNMCsTG>

## Human Rights Committee: Ref.: ICCPR Articles 2, 3, 23, 25 26 on non-discrimination

Human Rights Committee (HRC) requested general information on the inclusion of civil society bodies in multistakeholder processes.

### GoG's response:

*Paragraph 11. Due to the brevity of available time since the establishment of these mechanisms, and the focus on building capacity with a new and young staff in the MinPAG (Ministry of Parliamentary Affairs and Governance) and other government agencies, Guyana must report that it has not been able to have the level of inclusion of civil society bodies as it desired. However, the positions of the various civil society bodies on the human rights issues identified in the UN List of Issues are publicly known.*

### OGGN:

The governing political party has been in power for 26 of the past 31 years. The Ministry of Parliamentary Affairs and Governance's (MinPAG) excuse for a lack of inclusion is not convincing. Furthermore, it is presumptuous of GoG to assume that the human rights positions of civil society organisations (CSOs) are known, without first seeking their opinion.

The GoG is the largest employer in Guyana (22 per cent of the work force, according to the 2012 census, the last available census). In 2015 former President Granger commissioned an inquiry into the public service. The resulting 171-page Lutchman Report which included 89 recommendations was handed over in 2016.<sup>1</sup> The Inter-American Development Bank carried out a follow-up diagnostic study in 2018 which assessed the civil service against 38 indicators. Guyana's aggregated score was 25 out of 100, the lowest level of classification.<sup>2</sup> Successive governments since Independence have practised political discrimination by wielding their economic and financial power to control persons in its employ.

One example of the politicization of the Public Service are the political appointees (as Permanent Secretaries, PS) who are placed at the head of each section. In October 2020, two months after the Peoples Progressive Party (PPP) returned to office, they replaced eight Permanent Secretaries.<sup>3</sup> One of the eight, Ms Mae Toussaint Jr Thomas, PS of the Ministry of Home Affairs,

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<sup>1</sup> Lutchman, H. (2016) *The Commission of Inquiry into the Public Service of Guyana*.

[https://www.oas.org/juridico/PDFs/mesicic5\\_guy\\_infotechnicalsec\\_anex24.pdf](https://www.oas.org/juridico/PDFs/mesicic5_guy_infotechnicalsec_anex24.pdf).

<sup>2</sup> Underwood, J.H. (2018) *The state of the Civil Service in Guyana. Building state capacity in the Caribbean*. Inter-American Development Bank.

<sup>3</sup> Department of Public Information (2020) Press Release – Appointments of new Permanent Secretaries. Department of Public Information. 8 October. <https://dpi.gov.gy/press-release-appointments-of-new-permanent-secretaries/>.

was detained on 8 April 2023 at Miami Airport, USA by US Customs and Border Protection agents, who seized her cell phone.<sup>4</sup> After this detention was reported by the *Stabroek News*, the government said the PS was on her way to China for a ‘PPP-related training programme’. Ms Toussaint’s phone was eventually returned to her, and her US visa was revoked.<sup>5</sup> Four months later, Ms Toussaint was transferred to serve as PS of the Ministry of Labour.<sup>6</sup>

A 2020 study by the International Labour Organization found a high incidence of short-term and fixed-term contract workers: ‘this incidence is higher in the public sector generally (16 per cent) and reaches as high as 50 per cent in select Government ministries’.<sup>7</sup> This practice allows government to circumvent public service rules and employ favoured persons at higher salaries than those agreed with the Public Service Union.

*OGGN recommends* that the Government revives and uses simple transparent meritocratic hiring and promotional procedures already in the *Public Service Rules* (1987) or the draft 2004 revision of those rules which was stalled under the then PPP government.

#### GoG’s response:

*Paragraphs 109-113 on page 14. The GoG focused on criticisms of the Ethnic Relations Commission (ERC).*

*111. In the period 2018 to 2021, there have been many public criticisms in the media by civil society actors and political parties about the ERC and its tardiness in taking action or their silence and inaction regarding racial comments made by Ministers of the Government in the media and in the National Assembly, known politicians and political activists, both on the television and radio programmes, as well as on Facebook, especially where evidence was produced by the complainants formally to the ERC. Leading up and during the 2020 Election campaign and the post-election five month wait for the declarations, the ERC is accused having gone silent in the face of inciting comments and behavior although it was also an accredited Local Election Observer.*

#### OGGN:

There is no record in the public domain of any reports or recommendations of the Ethnic Relations Commission (ERC). The President unilaterally appointed a reconstituted ERC on 20 March 2023. We note that the poorly-written and revised National Constitution (1980/2003) does specify how members of the ERC shall be nominated (Article 212 B), but not how the

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<sup>4</sup> Stabroek News (2023) Home Affairs PS was carrying around US\$9,000 when phone was seized. *Stabroek News*. 3 May. <https://www.stabroeknews.com/2023/05/03/news/guyana/home-affairs-ps-was-carrying-around-us9000-when-phone-was-seized/>.

<sup>5</sup> Stabroek News (2023) Home Affairs PS phone returned -but US visa revocation is still in effect. *Stabroek News*. 31 May. <https://www.stabroeknews.com/2023/05/31/news/guyana/home-affairs-ps-phone-returned/>.

<sup>6</sup> <https://demerarawaves.com/2023/08/17/p-s-mae-toussaint-jr-thomas-meerabux-moved-from-home-affairs-to-labour/>

<sup>7</sup> Mohammed, N. (2020) *Non-standard forms of employment in Guyana*. International Labour Organization.



nominees shall be appointed; unlike the immediately preceding Articles 210-212 which specify the President as the appointer.



## Human Rights Committee: Access to justice, independence of the judiciary, and fair trial (Articles 2 and 14)

### GoG's response:

*Paragraph 14. The Law Reform Commission was appointed on July 29, 2021 in accordance with the amended 2021 Law Reform Commission Act. Therefore, a permanent mechanism is now in place for the review and updating of Guyana's statutes.*

### OGGN:

There is no record in the public domain of any reports or recommendations of the Law Reform Commission; that body appears to be moribund.

Many of the *Laws of Guyana* are not word-searchable: not saved as PDFs, but posted as images. Two examples are the [Forests Act 2009](#), signed into law on 12 October 2010 but which was only made available as a word-searchable PDF in 2016 on the Ministry of Legal Affairs' website. The second is the [Natural Resource Fund Act 2021](#) [only available so far as the version of the Bill in the Official Gazette, and not word searchable] This deliberate action to hinder easy access to national legislation should be discontinued.

### GoG's response:

#### *Legal Aid Services (paragraphs 296-298)*

*296. The primary channel through which legal aid services is provided in Guyana is the Guyana Legal Aid Clinic, a Non-Governmental Organization, supported by a financial subvention annually by the GoG. Although the Clinic is headquartered in Georgetown, legal aid services are extended to Administrative Regions 2, 5, 6, and 10.*

### OGGN:

Access to Justice is limited by poverty. No poor person suffering from government injustice can afford the requisite lawyers and court costs. The Legal Aid Services is very much underfunded, but it allows the government to claim there is State-supported Legal Aid.

## Human Rights Committee: Freedom of expression (Articles 19 and 20)

Paragraph 22. Please provide information on the legal and regulatory frameworks governing the right of freedom of expression in the State party ...

**GoG's response:** paragraphs 299-302 list the constitutional protections.

299. Article 146 of the Constitution protects the right of all Guyanese to freedom of expression, including the right to hold opinions, and to receive and communicate ideas without interference. Any person whose right to freedom of expression is violated may initiate legal proceedings in Court to vindicate those rights.

300. Harassment, threats, or verbal or physical attacks are offences under the Summary Jurisdiction (Offences) Act, and Criminal Law (Offences) Act, and may be reported, investigated, and prosecuted. This GoG has not engaged in harassment of media workers critical of the government.

### OGGN:

OGGN is committed to freedom of expression. Its directors and other Guyanese who offer any opinion that is contrary to that of the ruling Party have been accused of being anti-national, and anti-patriotic in the State-controlled newspaper.<sup>8</sup> Deliberate untruths have been attributed to OGGN members by columnists writing in the State-owned newspaper, *Guyana Chronicle*.<sup>9</sup> OGGN directors and other members of civil society have been labelled as being members of the “Mulatto/Creole Class (MCC) who sees the oil and gas industry as their main strategy to the PPP-led government after it defeated the APNU+AFC formation that the MCC brought into being”.<sup>10</sup> Furthermore, neither the *Guyana Chronicle* newspaper, nor the *Guyana Times*, accords the right to reply to persons maligned in their pages.<sup>11</sup> For example, *Guyana Chronicle* carried a letter by Joel Bhagwandin, who also serves as a Commissioner of the Public Procurement Commission, which questioned the legitimacy of the Oil and

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<sup>8</sup> Singh, R. (2022) We cannot allow ourselves to be distracted by the self-serving in our midst. *Guyana Chronicle*. 4 April. <https://guyanachronicle.com/2022/04/04/we-cannot-allow-ourselves-to-be-distracted-by-the-self-serving-in-our-midst/>.

<sup>9</sup> Kisooson, F. (2022) Mr. Carlos De Barros' reply to Dr. Janette Bulkan. *Kaieteur News*. 12 December. <https://www.kaieteurnewsonline.com/2022/12/12/mr-carlos-de-barros-reply-to-dr-janette-bulkan/>.

Kisooson, F. (2023) Thank you Clive Thomas for now joining me! *Guyana Chronicle*. 25 May. <https://guyanachronicle.com/2023/05/25/thank-you-clive-thomas-for-now-joining-me/>.

Persaud, R. (2023) Good Indian, good African and the myth of racial politics. *Guyana Chronicle*. 23 June. <https://guyanachronicle.com/2023/06/23/good-indian-good-african-and-the-myth-of-racial-politics/>.

<sup>10</sup> Kisooson, F. (2023) Joel Bhagwandin takes on the foreign-based MCC. *Guyana Chronicle*. 11 July. <https://guyanachronicle.com/2023/07/11/joel-bhagwandin-takes-on-the-foreign-based-mcc/>.

<sup>11</sup> Bhulai, A. (2022) Guyanese being trained to accept a culture in which only Gov't has right to information. *Stabroek News*. 4 May. <https://www.stabroeknews.com/2022/05/04/opinion/letters/guyanese-being-trained-to-accept-a-culture-in-which-only-govt-has-right-to-information/>.

Gas Governance Network (OGGN).<sup>12</sup> A reply penned by Andre Brandli, OGGN Director, was submitted to the editor of the *Guyana Chronicle*, but was never published (*email available on request*). Fortunately, the letter was subsequently published by the independent newspapers, *Kaieteur News* and *Stabroek News*.<sup>13</sup>

OGGN, and several of its members, have been named and criticised in several of the weekly Press Conferences of the General Secretary of the ruling PPP, who is also Vice President of Guyana. These Press Conferences are widely aired on the radio and on social media platforms, and then commented upon in the daily Press.<sup>14</sup>

OGGN has supported named female journalists attacked on one of the anonymous FaceBook accounts that target any perceived criticism of the ruling political Party.<sup>15</sup>

Few persons living in Guyana can exercise the right to freedom of expression. One example among many of the government's reactions to any criticism was its response to a Press Release issued by Policy Forum Guyana on 2 March 2022 titled 'Civic call for autonomous and independent oversight of extractive sector'. Two examples of the government's heavy-handed control listed in the Press Release were: '1) The "stripping" of the Public Oversight and Accountability Committee from the Natural Resource Fund Act; 2) reducing the Environmental Protection Agency (EPA) to a rubber-stamp'.<sup>16</sup> 'Ursuline Sisters of Guyana', a Roman Catholic religious order, was one of the 11 NGOs that signed the Press Release. President Ali and several ministers questioned the legitimacy of the signatory NGOs and accused them of selective advocacy. The government said that the Ursuline Sisters had 'disassociated' themselves from the Release.<sup>17</sup> Sr Mary Peter Ngui, who had signed on behalf of the Order, countered the government's claim, in a published letter: 'A week elapsed between consenting to the use of the name and the appearance of the Press Release.

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<sup>12</sup> Bhagwandin, J. (2023) Is the oil and gas governance network a legitimate organisation? *Guyana Chronicle*. 27 July. <https://guyanachronicle.com/2023/07/27/is-the-oil-and-gas-governance-network-a-legitimate-organisation/>

<sup>13</sup> Brandli, A. (2023) OGGN is a legitimate non-profit organization registered under the IRC Section 501(c)(3). *Stabroek News*. 29 July. <https://www.stabroeknews.com/2023/07/29/opinion/letters/oggn-is-a-legitimate-non-profit-organization-registered-under-the-irc-section-501c3/>

Brandli, A (2023) OGGN is a public charity, non-political, and focused on maximizing oil and gas benefits for all. *Kaieteur News*. 29 July. <https://www.kaieteurnews.com/2023/07/29/oggn-is-a-public-charity-non-political-and-focused-on-maximizing-oil-and-gas-benefits-for-all/>

<sup>14</sup> *Kaieteur News* (2023) Pres Ali, Jagdeo flay advocates for better oil deal...call them "hypocrites disguising as environmentalists". *Kaieteur News*. 6 March. <https://www.kaieteurnews.com/2023/03/06/pres-ali-jagdeo-flay-advocates-for-better-oil-deal/>.

<sup>15</sup> Adams, V., Brandli, A., Bulkan, J., Collins, F., Khusial, D., Persaud, M., Ramdas, G., & Persaud, J. (2023, April 16). OGGN and TIGI deplore attacks on female journalists. *Stabroek News*. <https://www.stabroeknews.com/2023/04/16/opinion/letters/oggn-and-tigi-deplore-attacks-on-female-journalists/>; Bhulai, A., Brandli, A., Bulkan, J., Khusial, D., Persaud, J., Persaud, M., & Ramdas, G. (2023, April 20). We ask our women parliamentarians to stand with female journalists. *Stabroek News*. <https://www.stabroeknews.com/2023/04/20/opinion/letters/we-ask-our-women-parliamentarians-to-stand-with-female-journalists/>

<sup>16</sup> *Stabroek News* (2022) Gov't backlash substantiates concerns, Policy Forum group says. *Stabroek News*. 6 March. <https://www.stabroeknews.com/2022/03/06/news/guyana/govt-backlash-substantiates-concerns-policy-forum-group-says/>.

<sup>17</sup> *Guyana Chronicle* (2022) Civil Society. *Guyana Chronicle*. 6 March. <https://guyanachronicle.com/2022/03/06/civil-society/>.

Sisters who were away or just out of surgery when consent was given were unaware of the release. After the Release was published a man from the Department of Public Information came to the convent several times and spoke to sisters, some of whom were among those unaware of the release. He came back next day and I gave him the written statement, but didn't discuss with him'.<sup>18</sup>

The topic of Freedom of Expression was also assessed by the European Union Election Mission (EOM) Guyana on the 2020 General and Regional Elections. EU EOM's final report critically assessed the media environment in Guyana.<sup>19</sup> The summary states:

“The Constitution guarantees freedom of expression, and media were generally able to freely cover the electoral process. The media environment is highly politicised, with very few independent outlets. The law does not provide sufficient safeguards to ensure the political independence of state-owned media and the broadcast media supervisory body, which failed to exercise its oversight role. The EU EOM media monitoring showed that state media were largely biased in favour of the ruling coalition, and most private media provided highly partisan electoral coverage in favour of one of the two main political forces. While there was an extensive use of paid promotional content, there were no political debates. All this negatively affected voters' ability to make an informed choice.”

More specifically, the EU EOM final report states in chapter IX. Media (for specific references, please consult p. 21-24 of the EU EOM report):

***“Largely biased state media, highly partisan private media, extensive use of paid promotional content, absence of political debates, and a lack of oversight by the regulatory body negatively affected voters' ability to make an informed choice.”***

### **“Media Environment**

Guyana, considering its limited population, benefits from a considerable number of media outlets. The media environment includes some twenty TV channels, thirty radio stations, four daily newspapers and about ten popular online news media. All of them disseminate news content also via Facebook.<sup>49</sup> Most media outlets are concentrated in the capital and in the coastal area. Only the state-owned TV channel and radio stations have a nearly nationwide coverage, while private broadcasters cover the most populated areas or a specific region. However, the broadcasters that are distributed also via cable are accessible throughout the country.

The media environment is highly politicised, with very few independent media and the majority of media outlets being either directly affiliated or leaning to one of the two main political camps. Moreover, the financial viability of broadcast media is affected by a limited advertising market, which results in broadcast media producing a limited quantity of editorial programmes and having to sell most of their airtime to a variety of third parties, and to rebroadcast programmes from international broad-cast media. This challenge affects print media as well. The government and state agencies

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<sup>18</sup> Sr. Mary Peter Ngui (2022) Ursuline Sisters clear the air on Civic group statement. *Kaieteur News*. 8 March. <https://www.kaieteurnewsonline.com/2022/03/08/ursuline-sisters-clear-the-air-on-civic-group-statement/>.

<sup>19</sup> EU Election Observation Mission (2020) *EU EOM Guyana 2020 - Final Report. General and Regional Elections*. [https://www.eeas.europa.eu/eeas/eu-eom-guyana-2020-final-report\\_en](https://www.eeas.europa.eu/eeas/eu-eom-guyana-2020-final-report_en).

constitute important advertisers, enjoying a leverage on private newspapers, which was reportedly used in the past to exercise pressure.

State-owned media which include one TV channel, eleven radio stations, and a daily newspaper historically reflect the views of the ruling party, rather than serving the public interest. The chairpersons and board members of state-owned media are directly appointed by the prime minister, who holds the portfolio of the Ministry of Information, and there is no specific legislation regulating the selection process of the board members and state-owned media funding. In the last few years, some steps were taken to further increase the influence of the government over the media. For instance, by imposing on private broadcasters an obligation to air daily and for free up to 60 minutes of widely defined public service programmes as required by the government, or by launching new local state radio stations to reach out to remote communities.

The Guyana Press Association (GPA), the only representative body of media workers in the country, and some media representatives reported that media professionalism and preparedness to cover certain topics, including elections, was a matter of concern. .... Journalists were generally able to freely cover the election campaign, however, they faced some challenges during the post-election period. In two different post-election press statements the GPA denounced cases of journalists being subject to intimidation via social networks, direct intimidation and attempted physical assaults by party supporters while covering the tabulation process and legal proceedings. GPA also complained about the lack of effective measures by security forces and GECOM to ensure media workers' safety" (pp. 21-22).

### **“Media Monitoring Findings**

The EU EOM media monitoring showed that broadcast media produced limited editorial content. The information provided to the public was limited to newscasts and very few current affairs programmes, while none of the monitored broadcast media organised political talk shows or election debates with representatives from different parties, thus reducing the ability of voters to make an informed choice. Moreover, the clear political affiliation of most broadcast media contributed to a highly partisan news coverage of the election campaign, which generally focused on the APNU+AFC Coalition, or PPP/C, with other parties receiving minimal coverage.

The state-owned broadcast media showed an overt bias in favour of the government and ruling coalition. Namely, the state-owned TV *Channel 11* devoted a total of 60 per cent of its news coverage to the government and the President, and 25 per cent to APNU+AFC. In addition, clearly misusing state resources, the Department of Public Information (DPI), a governmental agency, was extensively used to promote the ruling coalition's campaign activities" (p. 23-24).

### **Recommendations of the EU EOM**

The EU EOM formulated 26 recommendations for improving elections in Guyana. With regard to the media, their **priority recommendation** was as follows:

- *Introduce a legal and regulatory system that transforms the state-owned media into a genuine public service broadcaster. This includes provisions granting editorial independence, financial*



*autonomy, clear separation from any government institution, and an open and competitive selection process of its board members (p. 47).*

In addition, they recommended:

- *Strengthen the independence of the broadcasting authority from political influence by amending the selection and appointment process of the chairperson and board members.*
- *Strengthen the oversight of existing media law by the supervisory authority developing further guidelines on broadcast media electoral coverage, as well as reinforcing its media monitoring capacity (p. 48).*

OGGN fully supports the recommendations on the media presented in the final report of the EU EOM Guyana on the 2020 General and Regional Elections. OGGN believes that their adoption and implementation by the Government of Guyana would ensure fair access of all stakeholders in Guyana's political arena, – Opposition parties, NGOs, civil society – to state-owned newspapers, radio and TV stations. These news media are financed by the Guyanese taxpayers and should not be beholden to the ruling party only.

The final report of the EU EOM Guyana on the 2020 General and Regional Elections was presented to the Government of Guyana during a follow-up visit of the EU EOM in March 2021. To date, the Government of Guyana has made no attempt to implement the recommendations on equal and fair access to state-owned media.





## Human Rights Committee: Right to life (Article 6)

Paragraph 14. ... Please report on the steps taken: (a) to develop mechanisms and systems to ensure the sustainable use of natural resources, including oil and gas; (b) to develop and fully implement environmental standards, including the Environmental Protection Act; (c) to conduct environmental impact assessments; and (d) to provide appropriate access to information on environmental hazards.

### GoG's response:

*Paragraph 69. The Access to Information Act 2011 (Act 21 of 2011) was promulgated with the intention of making the information and documents enumerated therein available to members of the public after the prescribed process. This process has been, and continues to be, utilised by members of the Guyanese public to access various documents. There have been issues in recent years, however, which saw the Commissioner of Information taking legal action against the previous administration for, among other things, unlawful dismissal, and failing to furnish his office with the resources needed to execute its mandate.*

### OGGN:

Alfred Bhulai, OGGN Director: There is no evidence of the Commissioner of Information taking legal action against the current administration, of which he was a part, and which reinstated him after 2020, for the same failing to furnish his office with the resources needed to execute its mandate.

The Access to Information Act, devised by the PPP Government in 2011 (Act 21 of 2011),<sup>20</sup> is an affront to Guyanese trying to access information. Its real purpose is to deny access to information that any Public Authority does not wish to give. Here is how this is realized.

S13(2) of the Access to Information Act gives 5 levels of confidentiality:

“The records may be classified in accordance with the security level required as top secret, secret, confidential, restricted or general and the information contained in all documents which are classified as general shall be accessible by the public in accordance with the provisions of this Act.”

Note that only the lowest or “general” level is accessible to the public. However, S14(1)(j) can deny even that if it is not in the “public interest”, which term appears

<sup>20</sup> [https://www.oas.org/es/sla/ddi/docs/acceso\\_informacion\\_base\\_dc\\_levys\\_pais\\_GY\\_2.pdf](https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_levys_pais_GY_2.pdf)





21 times in the Act without any further explanation. The Public Authority seems to have unfettered discretion to deem information “not in the public interest”.

Alfred Bhulai, OGGN Director, pointed out this problem to the Commissioner of Information who said he had to power to override that (30 May 2022 meeting).

38. Notwithstanding any other law to the contrary, the Commissioner of Information shall give access to an exempt document where there is reasonable evidence that significant -

- (a) abuse of authority or neglect in the performance of official duty;
- (b) injustice to a person;
- (c) danger to the health or safety of a person or of the public; or
- (d) unauthorised use of public funds,

has or is likely to have occurred or in the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so.

So, Alfred Bhulai, OGGN Director, requested access to information that he had asked the Ministry of Natural Resources and the Environmental Protection Agency for. In Annex 3 is a copy of what Alfred Bhulai asked these Public Authorities for since March 26, 2021, and in Annex 4 is a copy of his request to the Commissioner of Information dated March 1, 2023. Alfred Bhulai received a reply from the Commissioner of Information by courier within 2 days informing that he would be commencing the process, see Annex 5. But as at January 2024, > 9 months later Alfred Bhulai has received no reply.

In summary, Section 12 of the Access to Information Act 2011 (Act 21 of 2011) grants the right of every citizen to access information, but the rest of the Act gives the Public Authority the right to decide whether to categorize the information as ‘not in the public interest’, and therefore to make the requested information unavailable for 20 years. And if the Commissioner of Information is appealed to, nothing happens if he does nothing.



## Conduct of EIAs and Access to Information

### GoG's response:

200. *The GoG considers public participation and engagement as integral to executing its mandate and functions in accordance with article 13 of the Constitution.*

201. *Oil companies are required to conduct public consultations to both inform the public about oil extraction projects and to understand stakeholder concerns so that these can be incorporated into the environmental impact assessment (EIA). The EIA must address these concerns adequately before the project can be approved. A second round of public consultations is conducted after the EIA submittal whereby the content of the document is discussed with the Public for the purpose of further clarification and feedback. In its review of the document, the EPA<sup>21</sup> takes note of the mitigation measures proposed and determines whether those actions adequately address the concerns raised during consultations with affected groups including Amerindian and fishing communities. The EPA also has strict compensatory requirements for any pollution incidents which may occur and has also requested Parent Company Guarantees for all oil companies operating offshore Guyana.*

### OGGN:

Alfred Bhulai, OGGN Director: 'I have attended 4 of these "public consultations". I do not go anymore, because neither the EPA nor the oil companies answer my questions, even though they know how to contact me to supply the information requested. On my last attendance I reduced my questions to only two, which I had asked in vain before (presentation of EEPGL's 6<sup>th</sup> Development (Whiptail) Project, Leonora Technical Institute, 3 February 2023).

To the oil companies' representative I asked, "What is the average gas to oil ratio (GOR)? They must know, because it is essential to know the quantities to run a successful oil extraction operation, but they are afraid that the numbers will expose their strategy of flaring for fines while dangerously overextending the prescribed production limits. There was no answer, and I was told in a friendly manner that no answer will be forthcoming.

To the Environmental Protection Agency (EPA) representative I asked, "Please tell me yesterday's oil production figures." The friendly EPA representative said she did not know, but would ask her superiors. I got no answer after over a year, because the EPA is really the lackey of the oil companies and can only get information that the oil companies give out. It leaves the EPA completely at the mercy of the oil

companies. If a spill occurs, the EPA will have no inkling of it and its true magnitude unless the oil companies give them information that they have no means of checking.

## Issue of parent company guarantees

The Liza-2 Environmental Authorisation, dated 17 January 2022, and referenced in para 201 of the Government's Third Periodic Report states –

“12.5 The Permit Holder must, as soon as reasonably practicable, provide from the Parent Company or Affiliate Companies of Permit Holder and its Co-Venturers ("Affiliates") one or more legally binding agreements to the EPA, undertaking to provide adequate financial resources for Permit Holder and its Co-Venturers to pay or satisfy their respective environmental obligations regarding the Stabroek Block if EEPG L or its Co-Venturers fail to do so. As a consequence, EEPGL will be required to:

1) Provide evidence of the following:

- That the Affiliate(s) are authorised to provide that guarantee or agreement in this jurisdiction.
- That the Affiliate(s) have sufficient financial strength for the amount of the potential liability.
- That the Affiliate(s) have the corporate legal capacity to enter into the agreement.

2) Agree to the following:

- To provide notification of cancellation, expiration, renewal or nonrenewal and expiry dates of the Agreement.
- As well as, to provide annual audited financial statements and notification if the Affiliate(s) are no longer likely to be able to meet specified financial obligations.”

Guyanese have been expressing concern at the break-neck speed of ExxonMobil's deepwater operations from the time of the company's announcement in May 2015 of a giant oil field in Guyana's EEZ. It is a high-risk strategy 'as ExxonMobil drills through ~2,000 metres of water (>1 mile) and ~3,700 metres (> 2 miles) of rock to get to the petroleum and associated gas located under the weight of such pressure in Guyana's offshore territory'.<sup>22</sup>

In July 2018, the State newspaper, *Guyana Chronicle*, reported this exchange between Janette Bulkan (later an OGGN member) and Rod Henson, EEPGL's Country Manager: 'Dr Janet Bulkan, who participated in Monday's public forum, questioned whether after the expected 20 year lifespan of the Liza Phase 2 project, the responsibility of mobilisation and clean-up activities, if any untoward incident such as an oil spill were to happen, would be transferred to the state. Henson, in response, sought to assure that his company places special emphasis on prevention and noted that at the end of the life of the field, the field would be properly decommissioned and wells abandoned.

“Might we be liable as a country if Caribbean countries then sue us for potentially messing up

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<sup>22</sup> Bulkan, J., Radzik, D., Radzik, V., Bhulai, A., Deane-Hughes, E., et al. (2023) We demand a parent company guarantee from Exxon. *Stabroek News*. 25 May. <https://www.stabroeknews.com/2023/05/25/opinion/letters/we-demand-a-parent-company-guarantee-from-exxon/>.

their waters?’” asked Bulkan. In response, the EEPGL Country Manager made it clear that if his company is found liable in any such circumstance, it would have to pay’<sup>23</sup>

During his short-lived tenure as head of the EPA, Dr Vincent Adams had demanded that the parent company, ExxonMobil, provide unlimited liability coverage in the event of an oil spill in its Guyana operations. Adams has reiterated why unlimited liability coverage is required in dozens of letters and interviews from 2019 to 2024: “The one thing I have been asking is: ‘What is the international standard? And if that standard would be used here?’ We are not asking out of the ordinary. All we want to have is what are they required to do for the developed countries and we should not expect or will accept anything less. In the application for the permit, there wasn’t evidence presented to satisfy the requirements for insurance and the key was in the clause for liabilities where it said EEPGL will cover. EEPGL is a limited liability company, they do not have the assets to cover. They are a subsidiary of ExxonMobil as everyone knows. Verbally, I was given the assurance that ExxonMobil would pick up the cost over and beyond the insurance coverage. But you have to understand that in business getting documentation is key. Yes, putting it in black and white. I wanted specificity as to how it would be covered by insurance and the parent company. ‘Oh, it will,’ then fair enough, show me in writing how’.”<sup>24</sup>

ExxonMobil’s strategy is high-risk and in violation of its environmental permits in another way: its daily production levels from two of the three operational fields –Liza-1, Liza-2 – are between 16 and 36 per cent above the nominal and de-bottlenecked extraction rates, without formal EPA approval or any indication from the builder, SBM Offshore, that the equipment was ever designed to operate safely at such increased levels.

OGGN’s calls on the government to publish international certifications that allow the oil company to operate over safety limits have been ignored.<sup>25</sup> In the public domain there are no safety certificates or any explicit mention of such safety certificates by EEPGL, the builder/operators of the FPSOs, or the EPA. Guyana’s National Bureau of Standards has also been silent, likewise the Ministry of Labour which is responsible for checking industrial Health and Safety. Given the risks that the Operator (ExxonMobil) is taking in accelerating production, a loss of wellhead control would lead to a massive oil spill and potential major environmental and economic damage to Guyana’s and Caribbean Islands’ economies, conservatively estimated at US 20 billion annually.<sup>26</sup>

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<sup>23</sup> Guyana Chronicle. (2018, July 10). Liza Phase 2 to pose only ‘minor risks’ to environment – EIA. *Guyana Chronicle*. <http://guyanachronicle.com/2018/07/10/liza-phase-2-to-pose-only-minor-risks-to-environment-eia>

<sup>24</sup> Stabroek News (2019) Exxon’s Liza Phase 2 approved. *Stabroek News*. 29 April.

<https://www.stabroeknews.com/2019/04/29/news/guyana/exxons-liza-phase-2-approved/>.

<sup>25</sup> Adams, V., Bhulai, A., Brandli, A., Bulkan, J. & Khusial, D. (2023) Gov’t must publish international certifications that allow oil companies to operate over safety limits. *Stabroek News*. 30 April.

<https://www.stabroeknews.com/2023/04/30/opinion/letters/govt-must-publish-international-certifications-that-allow-oil-companies-to-operate-over-safety-limits/>.

<sup>26</sup> Bulkan, J. (2023) Compensatory claims by our Caribbean island friends for oiled beaches would bankrupt Guyana. *Stabroek News*. 13 June. <https://www.stabroeknews.com/2023/06/13/opinion/letters/compensatory-claims-by-our-caribbean-island-friends-for-oiled-beaches-would-bankrupt-guyana/>.

Less than a month after taking over the reins of government in August 2020, the PPP sent Dr Adams on leave and did not renew his contract. From that point on, the EPA no longer insisted on Exxon providing a parent company guarantee for unlimited liability coverage, as mandated in its environmental authorisations.

On 13 September 2022 two Guyanese citizens, Fred Collins and Godfrey Whyte, moved to the High Court to get the Environmental Protection Agency (EPA) to enforce the liability clause in the permits issued to ExxonMobil Guyana for its offshore oil operations. Eight months later, High Court Judge Sandil Kissoon ordered the EPA to enforce the liability clause contained in ExxonMobil's environmental authorisation.<sup>27</sup> The government immediately announced that it would appeal the court ruling.<sup>28</sup> ExxonMobil and the EPA joined the government's appeal. One month later, High Court Judge Rishi Persaud stayed the order for EEPGL to provide an unlimited parent company guarantee and ordered ExxonMobil to deposit US \$2 billion as insurance to cover any spills while the appeal is being litigated, and then further ruled that proof of the deposit must be made available to the plaintiffs.<sup>29</sup>

A further seven months later, the EPA has refused to provide proof of the US \$2 Billion deposit as per the Court Order. This issue was raised in Guyana's Parliament by an Opposition MP during the 2024 budget debate in early January, 2024.<sup>30</sup> Government MP Sanjeev Datadin said that anyone could go to the EPA and obtain the purported document at any time during working hours. The national newspaper, Kaieteur News, took up the challenge, only to be told by the EPA that they would have to file a request to the Court to see the proof of the \$2 Billion deposit.<sup>31</sup> Beyond this, the government is continuing legal contortions to prevent citizens' access to the document.

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Kaieteur News (2023) Guyana would be left to foot costs of over US\$20B yearly compensating Caribbean islands for an oil spill – Environmental activist, Janette Bulkhan. *Kaieteur News*. 13 June. <https://www.kaieteurnews.com/2023/06/13/guyana-would-be-left-to-foot-costs-of-over-us20b-yearly-compensating-caribbean-islands-for-an-oil-spill-environmental-activist-janette-bulkhan/>.

<sup>27</sup> Harris-Smith, F. (2023) Judge rules 'submissive' EPA must enforce liability clause in Exxon permits – Nandall signals appeal brewing. *Stabroek News*. 4 May. <https://www.stabroeknews.com/2023/05/04/news/guyana/judge-rules-submissive-epa-must-enforce-liability-clause-in-exxon-permits/>.

<sup>28</sup> Harris-Smith, F. (2023) EPA files appeal against Exxon insurance ruling – says it would cause 'severe disruption' to economy. *Stabroek News*. 10 May. <https://www.stabroeknews.com/2023/05/10/news/guyana/epa-files-appeal-against-exxon-insurance-ruling/print/>

<sup>29</sup> Chabrol, D. (2023) Appeal Court stays suspension of ExxonMobil's Liza 1 operations, orders US\$2 billion clean-up deposit. *Demerara Waves*. 8 June. <https://demerarawaves.com/2023/06/08/breaking-appeal-court-stays-suspension-of-exxonmobils-liza-1-operations-orders-us2-billion-clean-up-deposit/>

<sup>30</sup> Kaieteur News (2024) No patriotic Govt. would refuse to show evidence of Exxon's US\$2 billion guarantee for oil spills – Opposition MP. *Kaieteur News*. 24 January. <https://www.kaieteurnews.com/2024/01/24/no-patriotic-govt-would-refuse-to-show-evidence-of-exxons-us2-billion-guarantee-for-oil-spills-opposition-mp/>.

<sup>31</sup> Kaieteur News (2024) EPA now wants formal request from citizens to see Exxon's US\$2 billion guarantee ...one day after lawyer says anyone can walk in and see it. *Kaieteur News*. 26 January. <https://www.kaieteurnews.com/2024/01/26/epa-now-wants-formal-request-from-citizens-to-see-exxons-us2-billion-guarantee/>





ExxonMobil continues to pump oil and gas in defiance of the terms of its environmental authorisation, and with the full support of the Executive arm of government.

## Development of Standards

### GoG's response:

202. *The EPA is empowered by its legislation to formulate standards for the improvement and maintenance of the quality of the environment and limits on the releases and emissions of contaminants into the environment.*

203. *In 2021, steps have also been taken to further regularize Permit Conditions for petroleum operations. For instance, in recognition of the Liza 1 Development Project flaring above pilot flare levels due to technical issues offshore Guyana, the EPA has modified the Permit for the project to include requests for permission to do so and the reasons for such and payments for CO<sub>2</sub> equivalent emissions because of excessive flaring. Moreover, the EPA established a Fines Framework for Flaring under the subsequent project, i.e., the Payara Development Project.*

### OGGN:

Alfred Bhulai, OGGN Director: The EPA has no proper concept of standards. The ruling Party having dismissed the former highly competent EPA Director in the first month of their return to power,<sup>32</sup> they neither employ nor seek to employ such competence that can truly detect the greedy excesses of the oil companies, who are allowed to exceed design limits imposed by the equipment standards in order to extract more oil. The EPA's incompetence is demonstrated by their failure to calculate that the flaring fines, which they boast about imposing on the oil companies, is many times less than the profits the same flaring allows the oil companies to make. Legislative empowerment is trumped by gross ignorance, which incentivizes the oil companies to do as they please.

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<sup>32</sup> Stabroek News (2020) Removal of Dr Adams from EPA. *Stabroek News*. 31 August.  
<https://www.stabroeknews.com/2020/08/31/opinion/editorial/removal-of-dr-adams-from-epa/>.





## Public remains informed and can access information easily

### GoG's response:

*Paragraph 70. The GoG makes every effort to ensure that the public remains informed and can access information easily. As such, every Government Ministry is required to have a website and active social media accounts (Facebook, Instagram, Twitter, etc.) as is necessary and deemed most effective for their purposes. These platforms are constantly updated to reflect the work being done by the Ministries, provide information to the public and create an easily accessible means of open communication. This also allows for accessibility and greater communications with the public to offer real-time responses, as far as practically possible. These have been effectively used by Government Ministers to consult with the public during the Covid 19 pandemic, e.g. Minister of Education has repeatedly virtually meet thousands of teachers and parents regarding the re-opening of schools.*

### OGGN:

The websites and social media accounts of organs of government deliver only scripted information, including through Press releases by the Department of Public Information which comes under the Prime Minister. There is no free interchange of information. Citizens, including OGGN, desirous of asking questions have to do so via the Letters pages of the newspapers. The government Ministries and other agencies seldom reply to comments and queries in the daily Press. Ministerial interactions with the Press may or may not allow for Q & As. Exceptions are the weekly Press conferences of the leaders of the two main political Parties (Leader of the PNC, and General Secretary of the PPP). However, these timed sessions tend to be taken up by very long introductory statements, allowing little time for questions, and little or no time for clarifications or secondary questions.

Questions in the National Parliament tend to be dis-allowed on spurious grounds by the (untrained) Speaker. The Chief Whip of the opposition APNU+AFC noted that, in 2021 during 97 days, the Opposition submitted over 470 questions without response.<sup>33</sup>

### GoG's response:

*Paragraph 71. The GoG's commitment to public access to information extends beyond current legislative measures. Its philosophy of inclusive and*

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<sup>33</sup> Kaieteur News (2024) Key Parliamentary Oversight Committees in four-year coma. *Kaieteur News*. 24 January. <https://www.kaieteurnews.com/2024/01/24/key-parliamentary-oversight-committees-in-four-year-coma/>.





*responsive government dictates that the public is well informed and thereby empowered.*

**GoG's response:**

*Paragraph 200. The GoG considers public participation and engagement as integral to executing its mandate and functions in accordance with article 13 of the Constitution.*

**OGGN:**

This philosophy is easy to claim, but remains unimplemented. The government provides no evidence for its claims.

The failure to provide open data or credible data has been noted by the World Bank and others.<sup>34</sup> The websites of the EPA, Ministry of Natural Resources, Ministry of Agriculture, Bank of Guyana, and others are not updated frequently. The government has published full page advertisements in the national newspapers attacking citizens, without providing credible evidence or answering the questions asked.<sup>35</sup>

**GoG's response:**

*Paragraph 73. Most recently, senior technical personnel at the Ministry of Parliamentary Affairs and Governance received scholarships from the School of Governance of the Organisation of American States and have completed a virtual course titled "Advancing Open Government in the Caribbean, Strategies and Tools to Increase Transparency and Citizen Participation in Public Policy".*

**OGGN:**

Alfred Bhulai, OGGN Director attended the same virtual course (noted in paragraph 73) as a member of Transparency Institute Guyana Inc (TIGI). According to Mr Bhulai: "The government attendees were not always present, and when they were, they did not like to admit any shortcomings. The title of the course was salutary, but the implementation will not be a priority for employees who must demonstrate their loyalty in order to have prospects of promotion. Subsequent experiences with

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<sup>34</sup> Gampat, R. (2023) Many have questioned the veracity of the statistics Guyana produces. *Stabroek News*. 15 July. <https://www.stabroeknews.com/2023/07/15/opinion/letters/many-have-questioned-the-veracity-of-the-statistics-guyana-produces/>.

Gampat, R. (2023) Ratings by World Bank, WER show Guyana's statistical systems and the data they produce are appallingly dismal. *Stabroek News*. 19 July. <https://www.stabroeknews.com/2023/07/19/opinion/letters/ratings-by-world-bank-wer-show-guianas-statistical-systems-and-the-data-they-produce-are-appallingly-dismal/>.

<sup>35</sup> Department of Environment and Climate Change (2023) Erroneous forest carbon analysis by Dr Janette Bulkan. Paid full page advertisement in *Stabroek News*. *Department of Environment and Climate Change*. 6 January.





Government departments (like the Bureau of Statistics) have served to confirm this impression” (July 2021).

## **Human Rights Committee: Participation in public affairs (Articles 25 and 26)**

ICCPR Article 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: To take part in the conduct of public affairs, directly or through freely chosen representatives

**GoG's response** on the current electoral system: paragraphs 303-305

*303. The electoral system in Guyana at the national and regional elections uses a closed-list proportional representation (PR), 25 from ten (regional) constituencies and 40 from a national ‘top up’ list. The contesting political parties identify one of their parliamentary candidates as their presidential candidate. The electoral system was adopted in 2000 for the provision of the direct election of all members of the legislature which also maintains elements of geographical representation through introducing constituency lists.*

### **OGGN:**

In Guyana voters may only choose a Party with a list of representatives. Guyanese voters do not have the privilege of choosing the representatives; only the party list leader has that privilege. Both the ruling Party and main Opposition party are in complete agreement on this lack of direct accountability of the representatives to the people. Both the ruling Party and main Opposition party also colluded in the “recall legislation”, whereby any Member of Parliament (MP), who does not vote according to the party wishes, can be “recalled” (= dismissed as an MP).<sup>36</sup> This works to cement differences and animosities.

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<sup>36</sup> Stabroek News (2007) MP recall bill passed - Backer, McAllister abstain. *Stabroek News*. 10 August.



## Human Rights Committee – List of issues – Right to life (ICCPR Article 6)

14 in the List of Issues. Please report on the steps taken: (a) to develop mechanisms and systems to ensure the sustainable use of natural resources, including oil and gas.

### GoG's response:

183. *Guyana has taken several actions to demonstrate its commitment to protecting the environment and preventing and mitigating climate change, including enacting the Environmental Protection Act, Cap 20:05, which provides for the management, conservation, protection and improvement of Guyana's environment. The Environmental Protection Act also seeks to control or prevent pollution, assesses the impact of economic development, and, manages the sustainable use of natural resources. The Environmental Protection Act, among other things, establishes an Environmental Protection Agency which is empowered to issue first development consent for all matters related to the environment. The EPA is an agency that falls within the Office of the President.*

### OGGN: - Poverty Issues – General Comments

ICCPR Article 6; section 14, point (a) in the List of Issues: this question addresses the ends, and not the means, of achieving those ends. The Article requires more clarity so that an economic reality test could be linked to a state's economic and financial 'mechanisms and systems' to secure the resources and capabilities that would achieve the expected goals and objectives under Article 6.

Beginning in 2016, Guyana added a new oil and gas industry to its existing old economy that depended on production and exports of bauxite, gold, and diamonds, forestry and fishing. Guyana signed a Production Sharing Agreement (PSA 2016) with a consortium comprising Esso Exploration and Production Guyana Ltd., CNOOC Nexen Petroleum Guyana Ltd., and Hess Guyana Exploration Ltd. Under the PSA, Guyana pays all of the exploration and production costs incurred by the Consortium since 2008 when Exxon lifted its 2000 declaration of force majeure. 75 per cent of all income from marketed sales are set aside monthly to defray those costs which include interest charges. The remaining 25 per cent – the 'profit oil' – is split equally monthly between Guyana and the Consortium. Guyana earns 2 per cent royalty on all oil sold, bringing Guyana's monthly earnings to 14.5 per cent share of oil revenues.

The PSA 2016 requires Guyana to pay the assessed Corporation Tax on behalf of the three members of the Consortium out of its 14.5 per cent share. The Guyana Revenue Authority issues Tax Receipts to the oil companies, as if there were corporation taxes flowing into Guyana's Current Account Budget. The Consortium in effect gets 85.5 per cent of all oil sold.

With 2 per cent of royalty and a mere 12.5 per cent of oil revenue paid into its NRF, and with zero Corporation Tax assessed under Guyana's income taxation laws on the Consortium's taxable profits, Guyana is unable to use its Current Account Budget to fund its (unplanned and

unstrategised) economic and social infrastructure programs. Guyana is therefore withdrawing increasing sums from the National Resource Fund (intended to be a Sovereign Wealth Fund) to generate the budgetary funds it needs to support current consumption or investment spending in its annual budget.

As these non-renewable oil/gas resources are being depleted, the amounts of value-added taxes are severely limited, close to zero, since the value-added that comes from the secondary processing of raw materials takes place outside Guyana, the exporting country. Meanwhile, resident Guyanese and the Government sector have to accommodate and finance all of the extra activities, such as environmental degradation, road congestion, diversion of finances to pay for infrastructure needed for these activities to take place in inland mining and forestry, ocean fishing, and ocean crude oil extraction.

Similarly, the demand for goods and services from the oil and gas industry puts pressure on Guyanese households through rapid rises in the cost of living (rents, food, house building materials, transportation), and the meteoric rise in cost of land for housing and agriculture. The poor can hardly afford to keep pace with rapid cost of living increases. Since July 2022, Guyana's minimum wage has been set at ~USD 288.5 (GYD 60,147). It is not clear what has caused the rapid rise in cost of living, whether it is from the non-oil sector that grew by 11.5 per cent in 2022 and 11.7 per cent in 2023 or because of the oil sector within the economy that grew by 63.3 per cent in 2022 and estimated to grow by 33 per cent in 2023.<sup>37</sup> The construction boom caused by added demand arising from the oil sector economy has increased by competition the price of raw materials such as local stone and sand and imported cement, steel, and pipes. This increase in demand – in response to some imagined 'little Dubai' – has fuelled a higher economic growth rate, leading to the upward cost inflation spiral. The oil sector is essentially an offshore enclave economy, adding to imports demand and transmitting imported cost inflation to the domestic economy.

In particular, Guyana's new oil and gas industry has increased the demand quantities of resource uses – labour, land, house building costs and prices everywhere in the economy. Yes, there is a correlation but the chain of causation has not been demonstrated. These developments impact severely on the working poor and unemployed population who are living below the poverty line. Guyana has Latin America's highest poverty rate, with an estimated 48 percent of the population—primarily those living in the interior regions—subsisting below a (World Bank, for middle-income countries) poverty line of USD 5.50 a day.<sup>38</sup>

In the Government of Guyana's case, the performance of its budget has failed to generate a Budgetary Current Account surplus to offset the rising cost of infrastructure demands – roads, waterways, wharves, air- and seaports, maintenance of roads and bridges, and the responsibilities

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<sup>37</sup> <https://finance.gov.gy/budget-speech-2024/>

<sup>38</sup> See also: <https://www.worldbank.org/en/country/guyana>;

<https://documents1.worldbank.org/curated/en/099857004112325933/pdf/IDU0b505bcfa01b27043f009eb009ad04e67422d.pdf>;  
Gauto, V. & Mooney, H. (2020) *Review of financial development and inclusion for Guyana: Assessment and options for reform*. IDB-PB-00336. (June).



of the social sectors, health, education, basic public transportation, river and sea defences. The primary reasons for this situation are the lack of taxation on exports, concessions to provide duty-free inputs for the extractive industries, including intermediate use iron, steel, and semi-finished goods, while at the same time the amount of taxes on profits at the finished-goods end of production or extraction are zero.

In the United States, for comparison, Congress has seen it fit to tax the windfall profits of oil companies, see <https://www.congress.gov/bill/117th-congress/house-bill/7061>.

Meanwhile Guyana's annual budget is without the benefit of the corporation tax on oil companies' profits. Moreover, the company taxes which are due under the 2016 PSA are charged at 25 per cent, not the standard 40 per cent.<sup>39</sup> Guyana and its 48 per cent poor are severely disadvantaged. The intention of Article 6 of the ICCPR is to assess whether there is sustainable use of Guyana's depletable resources.

OGGN agrees with the assessment of many economists and tax assessors that Guyana is doubly disadvantaged through the PSA's many deficiencies, including lack of ring fencing<sup>40</sup> and in not applying the national taxation laws which apply outside the protected oil sector. See Budget mechanism, <https://finance.gov.gy/budget-speech-2024/>

In conclusion, the tables in the official Budget Speech shows that Guyana is opting to draw down greater and greater amounts from its National Resource Fund (NRF) to finance the infrastructure that will benefit principally a wealthy minority, including services for the oil industry; almost ¼ of the 2024 national budget. The depletion of the NRF further reduces Guyana's ability to honour its stated commitment to inter-generational equity and a sustainable reduction of poverty over its entire population in the next two decades. The government intends to reduce significantly the long-term saving in the NRF.<sup>41</sup>

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<sup>39</sup> It is illogical to say that an oil company of the magnitude of ExxonMobil is non-commercial. Non-commercial companies are charged at a rate of 25 per cent on taxable profits, Guyana's Revenue Authority Corporation Tax. A commercial company has at least 75 per cent of gross income derived from trading in goods not manufactured in Guyana. Corporation Tax Act: <https://www.gra.gov.gy/income-tax-act/>. Rates & Calculations: <https://www.gra.gov.gy/business/quick-links/rates-calculations/>.

<sup>40</sup> Kaieteur News (2023) Jagdeo blames no ring-fencing for Guyana's failure to pay off US\$6 billion Liza 2 costs, but still refuses to include provision for other oil projects. *Kaieteur News*. 27 August. <https://www.kaieteurnewsonline.com/2023/08/27/jag>

<sup>41</sup> Stabroek News (2024) Gov't tables bill for huge hike in withdrawal of oil money. *Stabroek News*. 27 January. <https://www.stabroeknews.com/2024/01/27/news/guyana/govt-tables-bill-for-huge-hike-in-withdrawal-of-oil-money/>.





**Human Rights Committee: ICCPR – Right to life –Article 6; section 14, point (d)** in the HRC List of Issues: steps taken to provide appropriate access to information on environmental hazards.

**OGGN:**

The contractors to ExxonMobil are required to monitor operations against potential environmental hazards and to report such monitoring to the EPA, according to clauses in the environmental authorizations (EA = operating permits) issued by the EPA. It is not clear if such monitoring and reporting has been and is taking place.

For example, EAs require surveys of fish stocks, but no such reports have been published.

Annual reports from government environmental agencies are very late. The last available reports are EPA 2015, GFC 2016, GGMC 2015/6. However, the annual reports of the parliamentary sectoral committee on natural resources for 2012-2018 were all published in December 2018.





## Human Rights Committee: ICCPR – Right to life - Article 6; section 14 In the HRC List of Issues:

Paragraph 14. Please provide information on the steps taken to prevent and mitigate the negative effects of ... offshore oil production... Please report on the steps taken: (a) to develop mechanisms and systems to ensure the sustainable use of natural resources, including oil and gas; (b) to develop and fully implement environmental standards, including the Environmental Protection Act; (c) to conduct environmental impact assessments; and (d) to provide appropriate access to information on environmental hazards.

**GoG's response:** *is scattered in several sections of its August 2021 Report to ICCPR*

*203. In 2021, steps have also been taken to further regularize Permit Conditions for petroleum operations. For instance, in recognition of the Liza -1 Field Development Project flaring above pilot flare levels was said to be due to mechanical problems with the multi-stage flash gas compressor on FPSO Liza Destiny, and the EPA modified the Permit for the project to include requests for permission to flare and the reasons for such and payments for CO2 equivalent emissions because of excessive flaring. Moreover, the EPA established a Fines Framework for Flaring under the subsequent project, i.e., the Payara Development Project.*

OGGN has pointed out that the penalty is fiscally ineffective as Exxon make far more money by continuing to pump and flare associate gas and pay the nominal penalty, rather than reduce the rate of pumping or fix the technical problem which leads to excessive flaring, above the pilot level.<sup>42</sup>

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<sup>42</sup> Bhulai, A., Brandli, A., Bulkan, J., Khusial, D., Sugrim, C. & Persaud, M. (2023) ExxonMobil argues that shareholders should reject resolution #10 because it contains dubious claims. *Stabroek News*. 26 May. <https://www.stabroeknews.com/2023/05/26/opinion/letters/exxonmobil-argues-that-shareholders-should-reject-resolution-10-because-it-contains-dubious-claims/>.





## Human Rights Committee - Rights of Indigenous Peoples, Article 27

### GoG response in paragraphs 306-315

#### GoG's response:

310. *The Amerindian Act 2006 provides the legal framework for the land rights of Amerindian communities and a system of local governance based on traditional practices.*
314. *During the annual NTC Conference the President and Ministers attend a session to listen to representation and remedy issues for the development of these communities.*
315. *Guyana has developed a unique model of participation, inclusion, and representation of its indigenous peoples.*

#### OGGN:

##### *Government's appropriation of Indigenous resource rights in JREDD contract*

The government of Guyana illegally and unilaterally included the 2.299 million hectares (Mha) of forests which are legally owned by Amerindian [Indigenous] Villages in its jurisdictional REDD (JREDD) contract in 2022, without obtaining the Free, Prior and Informed Consent (FPIC) of each titled Village.

Indigenous Peoples (IPs) comprise approximately 10.5 per cent of Guyana's total population of 746,955 in the last census (2012). IPs are the majority populations in Guyana's forested Regions (1, 7, 8, 9), and also live in the other six administrative Regions of Guyana.

Safeguards for the protection of Indigenous Peoples with legal and/or customary rights to forests are recognized (on paper) in jurisdictional JREDD schemes. On 01 December 2022, the US-based NGO, Winrock/ART issued 33.47 million jurisdictional carbon credits<sup>43</sup> for the historical period 2016-2020 to Guyana, the first country globally to be awarded JREDD credits on the voluntary carbon market.<sup>44</sup> Those carbon credits were issued against the total national forest area (18.079 million hectares, Mha) which covers 85.5 per cent of Guyana. The State asserts legal ownership over 15.687 Mha or 87 per cent of all forests. The State's JREDD scheme also included the other 13 per cent of forests which are legally owned by Amerindian [Indigenous] Villages (2.299 Mha) and private owners (0.093 Mha).<sup>45</sup>

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<sup>43</sup> Guyana's Department of Environment and Climate Change clarified in a full-page advertisement in the *Stabroek News* on 06 January 2023 that the 33.47 million jurisdictional carbon credits were only for the (initial) period of 2016-2020. This figure is the sum of the tranches – 7.867104 for 2016, 7.604998 for 2017, 7.252244 for 2018, 4.478401 for 2019 and 6.257852 million carbon credits for 2020; see the table in <https://art.apx.com/myModule/rpt/myrpt.asp?r=212> (Department of Environment and Climate Change, 2023).

<sup>44</sup> Winrock International (2022) ART issues world's first jurisdictional forestry carbon credits to Guyana. *Winrock International*. 1 December. <https://winrock.org/art-issues-worlds-first-jurisdictional-forestry-carbon-credits-to-guyana/>.

<sup>45</sup> Guyana Forestry Commission & Indufor (2022) *Guyana REDD + Monitoring Reporting & Verification System (MRVS). Assessment Year 2021*. (May).





After the government's resource grab was repeatedly questioned in the Press<sup>46</sup>, the Senior Director for Climate and REDD+ in the Ministry of Natural Resources, Pradeepa Bholanath, responded 'that there was robust consultations with over 200 Amerindian villages over a seven-month period during the LCDS 2030 draft' and that those information sessions were in effect a demonstration of national consensus.<sup>47</sup>

OGGN reminds the government that consultation is not consent.

The government has also repeatedly stressed the months of generalised information presentations (called 'public consultations' in Guyana) on the latest (2030) version of the Low Carbon Development Strategy (LCDS) during 2021-2.<sup>48</sup> The government has also repeatedly referenced the general endorsement by the National Toshias Council (NTC) of the LCDS 2030 in July 2022. The government has not disclosed the full statement which was issued by the executive committee of the NTC on the issue of whether or not to include Indigenous Village Lands in a JREDD scheme. The NTC correctly pointed out that legally-required decisions had to be taken by a convened Village meeting, in relation to disposal of the interests (assets) legally held by the Village.<sup>49</sup>

The elected leader of each Amerindian Village which holds legal communal title over some of its claimed customary land is called 'Toshaos', while the elected leader in the Amerindian communities which do not have legal title to any customary land is called 'Captain'. Toshaos and Captains automatically are members of the National Toshias' Council (NTC), which pre-dated the *Amerindian Act 2006* and was recognized in it (Part IV, Sections 38-43). Only an Amerindian Village Council has the legal authority to make decisions on leasing 'any interest' in Amerindian Village Lands ... Sections 13, 14, 15, 34 and 44 of the Amerindian Act (cap. 29:01, 2006) lay out the procedures for disposing of 'any interest' (section 44 (2)) in any legally titled Village Land.

Section 13 empowers the elected Village Council to (d) hold for the benefit and use of the Village all rights, titles and interests in or over Village lands; (e) manage and regulate the use and occupation of Village lands; (f) promote the sustainable use, protection and conservation [of] Village lands and the resources on those lands; Section 14 (1) empowers the Village Council to make rules for (d) the management, use, preservation, protection and conservation of Village lands and resources or any part thereof; ... Section 15 requires that 'A rule, and any amendment

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[http://www.theredddesk.org/sites/default/files/resources/pdf/2011/guyana\\_mrvs\\_interim\\_measures\\_report\\_2010\\_final.pdf](http://www.theredddesk.org/sites/default/files/resources/pdf/2011/guyana_mrvs_interim_measures_report_2010_final.pdf).

<sup>46</sup> Bulkan, J. (2023) Vice President's Office is yet again misleading the people on carbon credits. *Stabroek News*. 1 November. <https://www.stabroeknews.com/2023/11/01/opinion/letters/vice-presidents-office-is-yet-again-misleading-the-people-on-carbon-credits/>.

<sup>47</sup> Papannah, D. (2023) Amerindian activists, climate change office differ strongly on consultations for carbon credits deal. *Stabroek News*. 10 January. <https://www.stabroeknews.com/2023/01/10/news/guyana/amerindian-activists-climate-change-office-differ-strongly-on-consultations-for-carbon-credits-deal/>.

<sup>48</sup> Office of the President (2022) *Guyana's Low Carbon Development Strategy 2030. Summary of feedback from consultation process and consideration of comments*.

<sup>49</sup> National Toshias' Council (2022) *Resolution of the National Toshias' Council Conference. Guyana's Low Carbon Development Strategy (LCDS) 2030*. 15 July.





to a rule, made by a Village Council comes into effect when – (a) the Village Council has consulted the Village in general meeting and two-thirds of the members of the Village general meeting have given their approval; and (b) the rule has been approved by the Minister and published in the Gazette.

The two-thirds voting threshold also applies to Village decisions on mining (section 48 (1)) and logging (section 55 (1)(e)). Section 34 (2) requires that all decisions required to be made by a Village under this Act shall be made in a Village general meeting, by consensus or by majority vote. However, if the decision is to do with a previously passed rule then section 15 requirement for a two-thirds majority vote applies. Section 44 is explicit – (1) A Village Council shall not dispose or attempt to dispose of any interest, right or title in Village lands except as provided in this Act, and (2) Any attempt to dispose of any right, title or interest in Village lands, except as provided in this Act, is void.

In their titled lands, the Amerindians are independent of the political Government but in practice, because of the numerical importance of the Amerindian vote at national elections, the Government seeks to control the communities through budget and extra-budget allocations. The Amerindian communities are essentially dependent on government budget allocations over which they have no control, because the *Amerindian Act* does not give the Amerindian Villages and communities any power to raise taxes. Guyana has Latin America's highest poverty rate, with an estimated 48 percent of the population—primarily those living in the interior regions—subsisting below a (World Bank, for middle-income countries) poverty line of USD 5.50 a day.<sup>50</sup>

In October 2028, the Amerindian Peoples Association (APA) said it was forced to withdraw from the ART TREES appeals process on account of 'the ART Secretariat's refusal to budge and address the concerns of the APA relating to the terms of reference (TORs) for the appeals committee which would determine the appeal'.<sup>51</sup>

The government has avoided discussion of its illegality by emphasising that it is giving 15 per cent of the income from the USD 750 million 10-year deal in carbon credits with the US oil company Hess Corporation to all Amerindian communities, whether or not they have titled lands or natural standing forest.<sup>52</sup> The funds were disbursed to each community if it prepared a village sustainability plan according to a template from the Office of the President.<sup>53</sup> The Minister of Amerindian Affairs said that USD 19 millions had been disbursed to 232 Village Councils and

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<sup>50</sup> Gauto, V. & Mooney, H. (2020) *Review of financial development and inclusion for Guyana: Assessment and options for reform*. IDB-PB-00336. (June).

<sup>51</sup> Kaieteur News (2023) APA says being forced to withdraw from Carbon Credits appeal process. *Kaieteur News*. 28 October. <https://www.kaieteurnewsonline.com/2023/10/28/apa-says-being-forced-to-withdraw-from-carbon-credits-appeal-process/>.

<sup>52</sup> Bulkan, J. & Palmer, J. (2023) Guyana. In: *The Indigenous World 2023*. Copenhagen, The International Work Group for Indigenous Affairs. pp. 386–395.

<sup>53</sup> Department of Public Information (2022) Over US\$112M to go to Amerindian communities from sale of carbon credits. *Department of Public Information*. 2 December. <https://dpi.gov.gy/over-us112m-to-go-to-amerindian-communities-from-sale-of-carbon-credits/>.



Community Development Councils by the end of 2023.<sup>54</sup> As presumably intended, the injection of an unprecedented cash grant of USD 50,000 to each Village has been sufficient to discourage almost all local protest against loss of control of Village forest.

OGGN supports the repeated calls by Guyanese Amerindians (NGOs and individuals) and other Guyanese for the government and the US-based NGO, Winrock/ART to comply with the *Amerindian Act 2006* and the principle of FPIC in their determination of the owner of carbon credits derived from Amerindian Village Lands. Some of these calls can be found in the Press items, arranged in chronological order, in *Annex 1*.

### *Government's campaign to deny the legitimacy of representative Amerindian organisations*

The government has intensified its long-running campaign to discredit the representative Amerindian Peoples Association (APA).<sup>55</sup> The National Toshias Council is an active participant on the side of the government in this campaign.<sup>56</sup> In November 2023, 'The National Toshias Council (NTC) has reiterated its claim that it is the "sole, legal and legitimate" body that represents the interests of Amerindians in Guyana. Led by Chairman, Toshao Derrick John, the executive members of the body organised an outreach with toshaos of the North Pakaraimas District in Kurukabaru Monday last, where the message of the Council's legal authority was reaffirmed. Minister of Amerindian Affairs, Pauline Sukhai, Minister of Housing and Water,

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<sup>54</sup> Department of Public Information (2024) Over 800 carbon-credit funded projects being implemented – Min Sukhai. *Department of Public Information*. 24 January. <https://dpi.gov.gy/over-800-carbon-credit-funded-projects-being-implemented-min-sukhai/>.

<sup>55</sup> Department of Public Information (2023) The APA persists with distortion of facts to make itself relevant for the purpose of grant funding. *Department of Public Information*. 19 April. <https://dpi.gov.gy/the-apa-persists-with-distortion-of-facts-to-make-itself-relevant-for-the-purpose-of-grant-funding/>.

Department of Public Information. (2023, April 16). Gov't takes strong stance against APA's complaint on suspension of carbon credits issuance. *Department of Public Information*. <https://dpi.gov.gy/govt-takes-strong-stance-against-apas-complaint-on-suspension-of-carbon-credits-issuance/>

<sup>56</sup> John, D. (2023, April 15). APA has taken extreme position on carbon credits which is not based on fact. *Stabroek News*. <https://www.stabroeknews.com/2023/04/15/opinion/letters/apa-has-taken-extreme-position-on-carbon-credits-which-is-not-based-on-fact/>

News Room (2023) 'The APA does not speak for Amerindians' – NTC Chairman. *News Room*. 15 April. <https://newsroom.gy/2023/04/15/the-apa-does-not-speak-for-amerindians-ntc-chairman/>.

John, D. (2023, April 17). APA must not be allowed to deprive our villages, our people of the development funds. *Kaieteur News*. <https://www.kaieteurnewsonline.com/2023/04/17/apa-must-not-be-allowed-to-deprive-our-villages-our-people-of-the-development-funds/>

Derrick John – Toshao Moraikobai, C. N. T. C., Sonia Latchman – Toshao, Bethany, V. C. of the N., Shane Cornelius – Toshao, Karrau, S. of the N., Michael Thomas – Toshao, A., Melina Pollard – Toshao, R., & The Executive Body of the National Toshias' Council. (2023, April 20). The NTC is compelled to denounce the APA's complaint to the ART Secretariat. *Stabroek News*. <https://www.stabroeknews.com/2023/04/20/opinion/letters/the-ntc-is-compelled-to-denounce-the-apas-complaint-to-the-art-secretariat/>

Collin Croal, GWI's Hinterland Services Director, Ramchand Jailal, and other officials were also in attendance'.<sup>57</sup> That claim has no legal basis. The National Toshaos' Council has its role in advising on Village strategies (section 41 (d) and (e)) but cannot usurp the powers of a Village itself. The functions of the NTC are prescribed in section 41 of the Amerindian Act (cap. 29:01, 2006). Section 38 says that the NTC 'is a body corporate comprising all Toshaos'. Nowhere in the 10 sub-sections of section 38 are any of the words – 'sole', 'legal' or 'legitimate'. The nearest to the claim are sub-section (h) – to coordinate and integrate the activities of Villages in a national basis – and sub-section (i) – to share, document and record the experiences of Villages. It is not clear that the NTC even performs these two prescribed functions.

OGGN supports the rights of Indigenous Peoples and all Guyanese to join representative organisations of their choice. Article 147 of Guyana's *Constitution* protects freedom of assembly, association, and demonstration of all Guyanese citizens, Indigenous and non-Indigenous.

### ***GGMC's failure to pay 20 per cent of mining royalties to Amerindian communities***

Article 51(3) of the *Amerindian Act 2006* requires the Guyana Geology and Mines Commission (GGMC) to pay 20 per cent of the royalties collected from mining to an Amerindian Development Fund (ADF). In 2012, the GGMC paid over USD 245,000 which, the government claimed, represented the 20 per cent in royalties for mining on Amerindian Village Lands during the period 2006-2011.<sup>58</sup>

OGGN notes that Article 51(3) of the *Amerindian Act 2006* does not limit the 20 per cent of royalties to mining on Village Lands only.<sup>59</sup>

Since 2012, there have been no further payments to Amerindian Villages by the GGMC. In its 2020 Report, the Guyana Extractive Industries Transparency Initiative (GY-EITI) reported that the Guyana Geology and Mines Commission (GGMC) had not transferred any sums to the Amerindian Development Fund (ADF).<sup>60</sup> In its 2021 Report, GY-EITI again informed that the 20 per cent royalty payment had again not been made by the GGMC to Amerindian Villages, as stipulated in the *Amerindian Act*.<sup>61</sup>

OGGN notes the continuing non-compliance of the GGMC with Guyana's law relating to royalty payments to Amerindian communities that continue to suffer the

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<sup>57</sup> Department of Public Information (2023) NTC affirms its position as legitimate representative body of Amerindians. *Department of Public Information*. 24 November. <https://dpi.gov.gy/ntc-affirms-its-position-as-legitimate-representative-body-of-amerindians/>.

<sup>58</sup> Guyana Chronicle (2012) \$49M collected in royalties for mining in Amerindian communities from 2006-2011. *Guyana Chronicle*. 20 March. <https://guyanachronicle.com/2012/03/20/49m-collected-in-royalties-for-mining-in-amerindian-communities-from-2006-2011/>.

<sup>59</sup> Amerindian Act 51(3). 'The Guyana Geology and Mines Commission shall transfer twenty per cent of the royalties from the mining activities to a fund designated by the Minister for the benefit of Amerindian Villages'.

<sup>60</sup> BDO (2023) *Guyana Extractive Industries Transparency Initiative. GYEITI Report. Fiscal year 2020*. (June).

<sup>61</sup> BDO & Hart Group (2023) *Guyana Extractive Industries Transparency Initiative (GYEITI) Report 2021*, Section 2.6.4.



negative social, environmental and inflationary impacts of uncontrolled mining on and adjoining their communities.





## Human Rights Committee – List of issues – fishery-dependent communities

Paragraph 14. Please provide information on the steps taken to prevent and mitigate the negative effects of climate change and environmental degradation, particularly as a consequence of gold mining and offshore oil production. Please respond to concerns that large-scale oil extraction significantly increases greenhouse gas emissions, causes ocean acidification and sea level rise, and adversely affects the most vulnerable groups in the State party, including the Amerindian and fishery-dependent communities and individuals living in poverty.

### **GoG's response:**

201. *Oil companies are required to conduct public consultations to both inform the public about oil extraction projects and to understand stakeholder concerns so that these can be incorporated into the environmental impact assessment (EIA). The EIA must address these concerns adequately before the project can be approved. A second round of public consultations is conducted after the EIA submittal whereby the content of the document is discussed with the Public for the purpose of further clarification and feedback. In its review of the document, the EPA<sup>62</sup> takes note of the mitigation measures proposed and determines whether those actions adequately address the concerns raised during consultations with affected groups including Amerindian and fishing communities. The EPA also has strict compensatory requirements for any pollution incidents which may occur and has also requested Parent Company Guarantees for all oil companies operating offshore Guyana.*

### **OGGN:**

This section addresses the possible adverse effects on the near-subsistence-level coastal fisher families of the exploration and extraction operations by super-giant oil companies in the offshore deep-water oilfields first drilled in 2015 and extracted from December 2019. Extraction of the light-medium sweet crude and at least some associated gas is forecast to extend to the decade of 2040-2050 but the government has left almost all planning to the oil companies, especially ExxonMobil. The Production Sharing Agreement (PSA) signed in 2016 does not require the oil companies or their contractors to interact with the people of Guyana. ExxonMobil has declared frequently that it is responsible to the government of Guyana, not to the people. Adverse and potentially adverse effects must be managed between the people affected and the government agencies and politicians.

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<sup>62</sup> [www.epa.gov.gy](http://www.epa.gov.gy)



The government's Fisheries Department is nested in the Ministry of Agriculture. In 2019, the *Marine Fisheries Management Plan, 2013-2020* estimated that 'fishing provides direct employment for about 12,000 people'.<sup>63</sup> The *Marine Fisheries Management Plan, 2013-2020* (page 14) noted that the 'data collection programme for artisanal fishers covers only a small proportion of landings; it is constrained by i) lack of resources (transport) and ii) waste of resources due to lack of local knowledge (data collectors frequently visit sites where no landings are due)'. The lack of effective regulation, and the ensuing negative effects, in Guyana's Exclusive Economic Zone (EEZ) were detailed in an August 2022 Report on illegal, unreported and unregulated (IUU) fishing crimes in Latin America and the Caribbean.<sup>64</sup> The Minister of Public Works disclosed two months later that there was an ongoing project to create a management system for Guyana's waters.<sup>65</sup> In a 2023 report, FAO described Guyana's implementation of its fisheries' management policies as 'weak'.<sup>66</sup>

The Department of Fisheries bought a reconditioned boat for USD 0.5 million in 2020<sup>67</sup> which was intended to serve as a patrol boat. The boat was not yet operational in January 2024, allegedly for lack of trained staff and basic equipment.<sup>68</sup> The Ministry of Labour does not publish counts of fishermen, fish processors and small-scale fish vendors but the Fisheries Department (FD) and FAO have counts/estimates, reproduced in FAO and GY-EITI annual reports from FY 2018.

The sectoral committee on Natural Resources (NRC) of the National Assembly meets infrequently.<sup>69</sup> There is one record of the Minister of Agriculture being questioned by the NRC

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<sup>63</sup> Fisheries Department (2019) *Marine Fisheries Management Plan, 2013-2020*.

<sup>64</sup> American University Center for Latin American & Latino Studies & Insight Crime (2022) *IUU Fishing Crimes in Latin America and the Caribbean*. (August). <https://insightcrime.org/wp-content/uploads/2022/09/SSRN-IUU-Fishing-Crimes-in-Latin-America-and-the-Caribbean-American-university-InSight-Crime-2022.pdf>.

<sup>65</sup> Edghill, J. (2022) Gov't will manage Guyana's marine space in a sustainable and responsible manner for the benefit of all. *Stabroek News*. 20 October. <https://www.stabroeknews.com/2022/10/20/opinion/letters/govt-will-manage-guyanas-marine-space-in-a-sustainable-and-responsible-manner-for-the-benefit-of-all/>.

<sup>66</sup> Kaieteur News (2023) Guyana's implementation of fisheries management policy "weak" – FAO report. *Kaieteur News*. 20 March. <https://www.kaieteurnews.com/2023/03/20/guyanas-implementation-of-fisheries-management-policy-weak-fao-report/>.

<sup>67</sup> Kaieteur News (2021) Agri. Ministry aggressively working to fully equip surveillance vessel to fight piracy, illegal fishing. *Kaieteur News*. 12 April. <https://www.kaieteurnews.com/2021/04/12/agri-ministry-aggressively-working-to-fully-equip-surveillance-vessel-to-fight-piracy-illegal-fishing/>.

Stabroek News (2022) Fisheries \$99m patrol boat to be operational in three months. *Stabroek News*. 10 April. <https://www.stabroeknews.com/2021/04/10/news/guyana/fisheries-99m-patrol-boat-to-be-operational-in-three-months/>.

<sup>68</sup> Kaieteur News (2023) \$100M reconditioned fishing vessel unused for 3 years. *Kaieteur News*. 27 December. <https://www.kaieteurnews.com/2023/12/27/100m-reconditioned-fishing-vessel-unused-for-3-years/>.

<sup>69</sup> Papannah, D. (2023) Natural Resources Committee of Parliament has met once in 30 months-despite multitude of oil and gas issues to address. *Stabroek News*. 13 March. <https://www.stabroeknews.com/2023/03/13/news/guyana/natural-resources-committee-of-parliament-has-met-once-in-30-months/>.

on the state of artisanal fisheries.<sup>70</sup> There is no published schedule of meetings of the National Assembly or its committees.

The Fisheries Department (FD) HQ and MARAD HQ administer the fisheries sector and. Marine space respectively. However, there is no scheduled calendar of stakeholder meetings, nor established channel of engagement. Fishers avoid government agencies, which are traditionally viewed as predatory rather than helpful. Artisanal fishers also have had little benefit from their calls on the local government offices, the Neighbourhood Democratic Councils and Regional Democratic Councils. These Councils have little power and essentially operate as repeaters for central government messages.

Artisanal fishers lack a politically effective voice. They form part of the informal economy and lack representative associations. The few functioning fishers' co-operatives represent only boat owners, not the fishers who make up the crews. Fishing crews work for a share of the catch; they are not paid for days at sea. There is pessimism among fishers about the short- and longer-term sustainability of the industry.<sup>71</sup>

In economic terms, artisanal fisheries count as a 'minor' contributor to Gross Domestic Product (GDP).<sup>72</sup> The decline tracked in Table 1 was expected as crude oil production began to be registered from December 2019 and so greatly inflated the national GDP.

**Table 1: Contribution of fish and shrimp to GDP at purchase (market) prices between 2019-2022**

Year	% share of GDP
2019	1.3
2020	1.0
2021	0.5
2022	0.3

**Source:** Bank of Guyana

However, fishers are major in terms of local livelihoods, and provisioning of fish protein to coastal communities who make up >80 percent of Guyana's population of 800,000. Many fishers

<sup>70</sup> Stabroek News (2022) Mustapha questioned by parliamentary committee on low fishing catches. *Stabroek News*. 16 January. <https://www.stabroeknews.com/2022/01/16/news/guyana/mustapha-questioned-by-parliamentary-committee-on-low-fishing-catches/>.

<sup>71</sup> Kaieteur News (2021) Fishing crisis continues despite MOA interventions. *Kaieteur News*. 10 September. <https://www.kaieteurnewsonline.com/2021/09/10/fishing-crisis-continues-despite-moa-interventions/>.

Henry, Z. (2022) Fisher folk battered by discouraging environment. *Kaieteur News*. 24 March. <https://www.kaieteurnewsonline.com/2022/03/24/fisher-folk-battered-by-changing-environment/>.

<sup>72</sup> Department of Public Information (2021) Govt working to resolve challenges in fishing industry – Min Mustapha. *Department of Public Information*. 29 June. <https://dpi.gov.gy/govt-working-to-resolve-challenges-in-fishing-industry-min-mustapha/>.



left school at ages 7 to early teens, are essentially illiterate, and work casually (that is, without formal contracts) in fishing or in construction. For a variety of interacting reasons, the landed fish catch has been declining since the start of monthly records published by the Bank of Guyana since 2003, with a steepening decline since 2019.<sup>73</sup> A few of the fishermen are aware that the number of local boats using the same type of gear and fishing for the same species on the same grounds is almost bound to cause a decline in fish stocks. Boats should be registered with the FD and fishing should be licensed every year. 629 boats, or about half of the estimated artisanal fleet, were registered and licenced in 2018.<sup>74</sup> In the past, estimates were for only about half the boats to be registered and licensed, and the estimated increase in number of unlicensed boats also coincides with the steepening decline in fish catches. During June-August 2022, the Government paid out individual cash grants of ~ USD 720 (GYD 150,000) to 8,794 fishers and artisanal boat owners in Guyana's coastal Regions 1-6; amounting to a one-time pay-out of USD 6.5 million.<sup>75</sup> The government did not tie the cash grants pay-outs with licensing requirements for fishers or fishing boats.<sup>76</sup>

The government spent about 2/3 of the 2023 budget for fisheries on creating ponds for brackish-water shrimp in administrative Region 6, a nice subsidy for those 120 rice farmers with political connections.<sup>77</sup> The government has also spent over USD 1 million on a marine fish cage project in Region 2.<sup>78</sup> Meanwhile, the FD has few staff and few or no operational funds to actually visit the c.80 fish landing sites (wharfs) used by artisanal fishers.

Almost uniformly the fishermen attribute that drop in landed fish catches to the advent of offshore oil extraction in December 2019. Naturally, ExxonMobil dismisses the claims of the fishermen, since most of the oilfield activities are 200 kilometres offshore while the flat-bottomed locally-built artisanal boats are mostly within 50 kilometres offshore. In 2021, the

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<sup>73</sup> Kaieteur News (2021) Report shows...Fish and shrimp production declining for two years now. *Kaieteur News*. 27 October. <https://www.kaieteurnews.com/2021/10/27/fish-shrimp-production-declining-for-two-years-now/>.

<sup>74</sup> Guyana Extractive Industries Transparency Initiative (2019) *Guyana Extractive Industries Transparency Initiative. 2018 Report*. <https://eiti.org/documents/guyana-2018-eiti-report>

<sup>75</sup> <https://agriculture.gov.gy/2022/08/08/ministry-of-agriculture-fishermen-cash-grant-list/>

<sup>76</sup> Ministry of Agriculture (2022) Being licensed not a requirement to benefit from \$150,000 grant for fishermen – Min. Mustapha. *Ministry of Agriculture*. 11 June. <https://agriculture.gov.gy/2022/06/11/being-licensed-not-a-requirement-to-benefit-from-150000-grant-for-fishermen-min-mustapha/>.

<sup>77</sup> Rover, K. (2022) Brackish water shrimp production advancing in Region Six. *Department of Public Information*. 6 February. <https://dpi.gov.gy/brackish-water-shrimp-production-advancing-in-region-six/>.

Chabrol, D. (2022) GUYSUCO to reduce sugar production; focus will be on shrimp, hemp- Jagdeo. *Demerara Waves*. 11 April. <https://demerarawaves.com/2022/04/11/guysuco-to-reduce-sugar-production-focus-will-be-on-shrimp-hemp-jagdeo/>.

Guyana Times (2022) World Fisheries Day: \$500M spent on aquaculture, \$750M in cash grants for fishermen – Agri Minister. *Guyana Times*. 21 November. <https://guyanatimesgy.com/world-fisheries-day-500m-spent-on-aquaculture-750m-in-cash-grants-for-fishermen-agri-minister/>.

<sup>78</sup> Stabroek News (2022) Fish catches were higher in latter part of 2021 – Mustapha -highlights cage project. *Stabroek News*. 3 February. <https://www.stabroeknews.com/2022/02/03/news/guyana/fish-catches-were-higher-in-latter-part-of-2021-mustapha/>.

Department of Public Information (2022) Mainstay/Whyaka to get the first two marine cages. *Department of Public Information*. 10 September. <https://dpi.gov.gy/mainstay-whyaka-to-get-the-first-two-marine-cages/>.



government asked FAO to carry out a study on the reasons for the declining fish catch. That study was handed over to the government in May 2022. Vice President Bharrat Jagdeo and the Minister of Agriculture Zulfikar Mustapha have said that the FAO study exonerates ExxonMobil from responsibility for declining fish catches<sup>79</sup> and instead attributes the lower catches to climate heating. In spite of repeated requests, the government has refused to make FAO's report public<sup>80</sup> and consequently there has been no open debate.

The monitoring of fish catches by the government Fisheries Department (FD) is statistically dubious on paper, and in practice hardly functions. The current Ministerial claims for increasing production in agriculture, including fisheries, appear to be bogus, the fisheries data being especially unlikely. Untriangulated fisheries data are published monthly by the Bank of Guyana.<sup>81</sup> The Statistical Bureau<sup>82</sup> does not publish fish/fisheries data.

The deep-water oilfields in production since December 2019 lie about 100 nautical miles (180 km) offshore and have been described as '[the last great frontier of the offshore oil boom](#)'. As a recent [article](#) noted: 'Thirty-two out of 37 of the Exxon-led group's well tests have turned up oil, by far the industry's highest success rate in modern history, Bank of America analysts said in a June note. The group is expected to pump more than one million barrels a day throughout the 2030s, according to analyst Schreiner Parker of energy research firm Rystad'.

Up until the coming of the deep-sea oil barons, fishers were the principal users of Guyana's marine space. While they are still the most numerous out on the water, fishers' rights have steadily eroded vis-à-vis those exercised by petroleum-related operators. High-risk oil exploration and production activities lie in deeper water than the traditional fishing grounds for the demersal stocks targeted by the gill-netting fishermen. But multi-generational fishers say that the declines in fish catches accelerated with deep-sea oil exploration and seismic surveys in the 21<sup>st</sup> century, causing their declining livelihoods.

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<sup>79</sup> Chabrol, D. (2022) Oil industry not responsible for low fish catch- FAO study. *Demerara Waves*. 20 May. <https://demerarawaves.com/2022/05/20/oil-industry-not-responsible-for-low-fish-catch-fao-study/>.

Kaieteur News (2022) FAO says "rapid study", available data determined low fish catch not as a result of oil production. *Kaieteur News*. 25 May. <https://www.kaieteurnewsonline.com/2022/05/25/fao-says-rapid-study-available-data-determined-low-fish-catch-not-as-a-result-of-oil-production/>.

Oil Now (2022) Oil and gas related activities are far beyond Guyana's major fishing zone – FAO report. *Oil Now*. 3 June. <https://oilnow.gy/featured/oil-and-gas-related-activities-are-far-beyond-guyanas-major-fishing-zone-fao-report/>.

Kaieteur News (2023) Fishermen unimportant, invisible to ExxonMobil. *Kaieteur News*. 15 July. <https://www.kaieteurnewsonline.com/2023/07/15/fishermen-unimportant-invisible-to-exxonmobil/>.

<sup>80</sup> Kaieteur News (2022) 'Show us the study' – Environmentalist challenges Mustapha to release findings that conclude oil industry not affecting declining fish catch. 23 May. <https://www.kaieteurnewsonline.com/2022/05/23/show-us-the-study-environmentalist-challenges-mustapha-to-release-findings-that-conclude-oil-industry-not-affecting-declining-fish-catch/>.

Kaieteur News (2023) 570 days of secrecy. *Kaieteur News*. 14 December. <https://www.kaieteurnewsonline.com/2023/12/14/570-days-of-secrecy/>.

<sup>81</sup> Kaieteur News (2023) Fish catch drops by 8.7% in first half of 2023 – BoG Report. *Kaieteur News*. 25 September. <https://www.kaieteurnewsonline.com/2023/09/25/fish-catch-drops-by-8-7-percent-in-first-half-of-2023-bog-report/>.

<sup>82</sup> [www.statisticsguyana.gov.gy](http://www.statisticsguyana.gov.gy)



The Environmental Impact Assessments (EIAs) prepared for the oil companies state that (a) the oil fields are so far offshore that any negative environmental effects will not reach the fishermen, the traditional fishing grounds, or the shoreline, except under unusual conditions of wind and current; (b) the northwest direction of the main Guiana Current will carry pollutants from the Floating Production Storage and Offloading (FPSOs) vessels, including oil spills, usually away from the coastline into the Caribbean Sea; (c) wind and currents will rapidly dissipate negative effects; (d) fish ova and juveniles sucked into and killed by the cooling-water pumps on the FPSOs are not likely to be the demersal species targeted by the fishermen; (e) 3-D and 4-D seismic surveys and vertical seismic profiling may disturb marine biota but slow-start procedures should give time for susceptible marine organisms to swim away from the operational area. [Note – given that the sounds from seismic air guns are very loud and may be heard hundreds of kilometres away, this optimism does not seem to be justified. Seismic noise can disrupt the swim bladders of fish, and kill them].<sup>83</sup>

The requirements of Guyana's Environmental Protection Agency (EPA) for oilfield monitoring mainly would not provide data to assure that negative effects are of low significance, until the more stringent demands of the EA for the Yellowtail oilfield in March 2022.

The earlier EPA environmental authorisations (EAs) did not require the oil companies to map the fish nurseries, feeding grounds or migration paths of fish populations in their EIAs; no baseline studies were required.<sup>84</sup> However, the EA for the Yellowtail oilfield (30 March 2022) requires at section 1.3.0 (d) a 'Fisheries Stock Assessment and Impacts'. There is no public information that such a study has been carried out, completed within one year, or publicly reported (as required by sections 1.3.3 and 1.3.4.<sup>85</sup>

Nor have any before/after effects of oil field operations on the important artisanal marine fisheries sector been tracked by either Guyanese agencies or the oil companies. The Environmental Impact Assessments (EIA) carried out for ExxonMobil list the potential risks to fishing and fishers from deepsea oil exploration and extraction.<sup>86</sup> The EIAs attribute the decline

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<sup>83</sup> Sivle, L.D., Vereide, E.H., de Jong, K., Forland, T.N., Dalen, J. & Wehde, H. (2021) Effects of sound from seismic surveys on fish reproduction, the management case from Norway. *Journal of Marine Science and Engineering*. 9 (4). doi:10.3390/jmse9040436.

<sup>84</sup> Stabroek News (2021) Environmentalist raps Exxon over lack of comprehensive baseline study on fishing ...consultant says studies meet 'international standards'. *Stabroek News*. 29 November. <https://www.stabroeknews.com/2021/11/29/news/guyana/environmentalist-raps-exxon-over-lack-of-comprehensive-baseline-study-on-fishing/>.

<sup>85</sup> <https://guyaneseonline.net/2022/04/02/guyana-oil-epa-grants-environmental-authorisation-for-yellowtail-project/>

<sup>86</sup> ERM Guyana Inc. & Environmental Management Consultants (2020) *Participatory fishing study final report*. 315 pages.

Kaieteur News (2022) ExxonMobil warns 3rd oil project could drive away fish, unleash toxic effects. *Kaieteur News*. 13 April. <https://www.kaieteurnews.com/2022/04/13/exxonmobil-warns-3rd-oil-project-could-drive-away-fish-unleash-toxic-effects/>.

Kaieteur News (2023) ExxonMobil's EIA document reveals... Fishermen in deeper trouble as 5th oil project kicks in. *Kaieteur News*. 10 January.



in fish to over-fishing and the migration of fish stocks.<sup>87</sup> Atlantic Ocean warming trends have been recorded<sup>88</sup> but there are no (scientific or statistical) studies on changing seasonal or aseasonal movements of the demersal fish in or near the EEZ of Guyana. In our conversations with fishermen, none has mentioned any indication of changes in the known seasonal movements of the populations of the more commercial fish species.

The women's NGO, *Red Thread*, has been recording fishers' observations about changes in their fishing grounds.<sup>89</sup> Four posters on the popular bangamary fish (*Macrodon ancylodon*) and fishers have been published through collaboration with the University of British Columbia, the University of Guyana's GREEN Institute, and Policy Forum Guyana, and distributed free of charge to fisherfolk organizations and schools.<sup>90</sup>

There is no government or NGO office to which fishers go to report their observations that include the following:

1. **Obstruction.** Platform supply vessels moving between the offshore FPSO vessels and the oilfield shore bases cross and obstruct the traditional but undemarcated fishing grounds, claiming right-of-way.<sup>91</sup> Guyana's Maritime Administration Department (MARAD) places 'Notices to Mariners' in the major newspapers that notify about vessel traffic and marine safety exclusion zones. However, the majority of fishers are illiterate and do not buy or read newspapers and so are not informed by official marine safety notices and exclusions. Fishers have reported that the ships that service the oil fields pose dangers to navigation and have damaged their (cadell) fishing lines and nets. On the few occasions

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<https://www.kaieteurnewsonline.com/2023/01/10/exxonmobils-eia-document-reveals-fishermen-in-deeper-trouble-as-5th-oil-project-kicks-in/>.

<sup>87</sup> OilNow (2023) Decline in fish catch started in 2013 due to depletion/migration of stock – Report. *Oil Now*. 10 March. <https://oilnow.gv/featured/decline-in-fish-catch-started-in-2013-due-to-depletion-migration-of-stock-report/>.

<sup>88</sup> Cheng, L., Abraham, J., Trenberth, K.E., Fasullo, J., Boyer, T., Mann, M.E., Zhu, J., Wang, F., Locarnini, R., Li, Y., Zhang, B., Tan, Z., Yu, F., Wan, L., Chen, X., Song, X. & Liu, Y. (2022) Another record: Ocean warming continues through 2021 despite La Niña conditions. *Advances in Atmospheric Sciences*. 39, 373–385.

<sup>89</sup> Red Thread (2022) A very fishy story: Grassroots women's questions about oil drilling, fishing and the FAO Study. *Stabroek News*. 23 May. <https://www.stabroeknews.com/2022/05/23/features/in-the-diaspora/a-very-fishy-story-grassroots-womens-questions-about-oil-drilling-fishing-and-the-fao-study/print/>.

<sup>90</sup> GREEN Institute, University of Guyana. Outreach: Marine fishes of Guyana – bangamary. <https://greeninstitute.gv/resources/community-outreach/>.

Bulkan, J. (2023) *Fish catches decline began around the same time as the beginning of offshore oil production, at the end of 2019*. 2023. <https://www.oggn.org/2023/08/26/fish-catches-decline-began-around-the-same-time-as-the-beginning-of-offshore-oil-production-at-the-end-of-2019/>.

<sup>91</sup> Papannah, D. (2022) Liliendaal fishers lament low catches -say oil vessels have chased them from traditional grounds. *Stabroek News*. 11 January. <https://www.stabroeknews.com/2022/01/11/news/guyana/liliendaal-fishers-lament-low-catches/>.

Papannah, D. (2022) Fisher folk complain of being denied access to fishing grounds by Exxon support vessels. *Stabroek News*. 22 January. <https://www.stabroeknews.com/2022/01/22/news/guyana/fisher-folk-complain-of-being-denied-access-to-fishing-grounds-by-exxon-support-vessels/>.

Kaieteur News (2022) Fishermen say Exxon's operation forcing them out of fishing zone. *Kaieteur News*. 25 January. <https://www.kaieteurnewsonline.com/2022/01/25/fishermen-say-exxons-operation-forcing-them-out-of-fishing-zone/>.



when compensation was paid, the amounts were set by the government jointly with the oil companies/contractors without a negotiation process; there was no implementation of Free, Prior and Informed Consent. The EPA said that a Trinidadian firm of consultants was used to inform the fishers' cooperatives before production started, but the majority of fishermen never heard about these consultations.

2. **Noise.** Operations which may be affecting fish populations include the very loud pulses of air guns used in 3-D and 4-D seismic surveys carried out since 2000<sup>92</sup>; mechanical drilling of exploratory, production and re-injection wells; mechanical and hydraulic piling of supports for subsea structures such as well heads and manifolds.
3. **Pollution from the FPSOs and drillships of liquid wastes.** ExxonMobil secured permission from the EPA to dump up to 400,000 barrels of contaminated produced water and flare 45 mmscf of associated gas per day from the two FPSOs in operation in 2022. That figure will increase to two million barrels of produced water daily when the planned 10 FPSOs are in operation, and will continue for 20 years.
4. **Oil spills.** Fishers' reports of oil slicks on the water have been denied by the government.<sup>93</sup>
5. Without consulting the fishermen, the government contracted **removal of wrecks**<sup>94</sup> which the oil companies alleged were obstructing vessels' travel between drillships and FPSOs and shorebases. Fishers said that the wrecks had served as fish accumulating devices (FADs) and that they have not been compensated for their loss.
6. **Disturbance to fish habitat and fish nurseries** from geophysical and geotechnical surveys, bottom profiling, surveys and trenching for fibre optic cables and gas-to-energy pipelines.
7. The **sea bed drilling and the emplacement of sub-sea structures** for the extraction of oil and re-injection of associated gas and treated seawater, to maintain reservoir pressure have cumulative impacts on marine life, including what fishers term 'vibrations in the water'. Sound travels well in water; in the EIAs, the oil companies acknowledge the negative effects on cetaceans and turtles but not on fish.

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<sup>92</sup> Weilgart, L. (2013) A review of the impacts of seismic airgun surveys on marine life. *CBD Expert Workshop on Underwater Noise and its Impacts on Marine and Coastal Biodiversity*. (February).

<sup>93</sup> Kaieteur News (2021) Min. Bharrat claims slick definitely not oil, despite no verification. *Kaieteur News*. 11 December. <https://www.kaieteurnewsonline.com/2021/12/11/bharrat-claims-slick-definitely-not-oil-despite-no-verification/>.

Kaieteur News (2021) Exxon's operations not driving fish away-Jagdeo claims. *Kaieteur News*. 28 December. <https://www.kaieteurnewsonline.com/2021/12/28/exxons-operations-not-driving-fish-away-jagdeo-claims/>.

Kaieteur News (2023) VP Jagdeo still denying Exxon's operations impacting fish catch even though company says opposite. *Kaieteur News*. 26 September. <https://www.kaieteurnewsonline.com/2023/09/26/vp-jagdeo-still-denying-exxons-operations-impacting-fish-catch-even-though-company-says-opposite/>.

<sup>94</sup> Khan, A. (2021) \$787.6M contract signed for removal of wrecks in Demerara River. *Department of Public Information*. 3 September. <https://dpi.gov.gy/787-6m-contract-signed-for-removal-of-wrecks-in-demerara-river/>.





8. The **gas-to-energy project** of work on the west coast and west bank of the Demerara River caused and is causing major disruption to fishers and fish.<sup>95</sup>
9. The **artificial island** that has been built on the west coast of the Demerara River as a shorebase leased for 20 years to ExxonMobil caused and is causing major disruption to fishers and fish.<sup>96</sup> No EIA was carried out for this disruptive engineering. It is currently rumoured (January 2024) that construction work was of poor quality and that continued dredging and dumping of dredged material will be needed.<sup>97</sup> The Marine Administration Department (MARAD) denied/s that fishers had legal rights in the operational area around the artificial island.<sup>98</sup> Some fishers who had fixed fish pen net licences in the vicinity were compensated; others claimed they were not compensated.<sup>99</sup> As customary, the government dealt with fishers on a one-to-one basis, rather than as a group.
10. **Poaching.** The oil workers are illegally fishing off their vessels without permits, allegedly catching high-value tuna species; the government had agreed in 2022 to stop fishing for tuna (blue and white marlin) and swordfish because monitoring to international standards is not possible by Guyanese government agencies. By not stopping the fishing by oil company personnel, Guyana is again in compliance with its ICCAT obligations (International Convention for the Conservation of Atlantic Tuna).
11. **Loss of lives at sea.** Some of the lives lost at sea are reported;<sup>100</sup> many are not. Some bodies of drowned fishers wash up along the sea coast.<sup>101</sup> Few of the fishers are

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<sup>95</sup> Bulkan, J. (2023) Are fishermen to be simply 'collateral damage' to the oil companies and contractors?

*Kaieteur News*. 3 March. <https://www.kaieteurnews.com/2023/03/03/are-fishermen-to-be-simply-collateral-damage-to-the-oil-companies-and-contractors/>.

<sup>96</sup> Bulkan, J. (2022) Enormous amount of mud will be dumped on the Demerara fishing grounds. *Stabroek News*. 11 July. <https://www.stabroeknews.com/2022/07/11/opinion/letters/enormous-amount-of-mud-will-be-dumped-on-the-demerara-fishing-grounds/>.

Bulkan, J. (2023) Vreed-en-Hoop (Peace and Hope): Signpost of the oil oligarchy and political party paramountcy in Guyana. *Energy Humanities*. 3 August. <https://www.energyhumanities.ca/news/feature-vreed-en-hoop-peace-and-hope-signpost-of-the-oil-oligarchy-and-political-party-paramountcy-in-guyana>.

Sutherland, L. (2022) Dozens of fishers said to be affected by dredging of Demerara River mouth. *Stabroek News*. 5 August. <https://www.stabroeknews.com/2022/08/05/news/guyana/dozens-of-fishers-said-to-be-affected-by-dredging-of-demerara-river-mouth/>.

<sup>97</sup> Stabroek News (2024) Artificial island shore base has suffered work delays -company mum on reasons. *Stabroek News*. 19 January. <https://www.stabroeknews.com/2024/01/19/news/guyana/artificial-island-shore-base-has-suffered-work-delays/>.

<sup>98</sup> OilNOW (2022) No approved, charted fishing grounds exist in dumping area for shore base dredging – MARAD. *OilNOW*. 10 August. <https://oilnow.gy/featured/no-approved-charted-fishing-grounds-exist-in-dumping-area-for-shore-base-dredging-marad/>.

<sup>99</sup> Stabroek News (2022) Some affected fishers already compensated over Demerara dredging -NRG Holdings says talks ongoing on financial redress as consultations continue. *Stabroek News*. 25 August. <https://www.stabroeknews.com/2022/08/25/news/guyana/some-affected-fishers-already-compensated-over-demerara-dredging/>.

<sup>100</sup> Papannah, D. (2022) Three missing after Noble House trawler capsizes. *Stabroek News*. 21 February. <https://www.stabroeknews.com/2022/02/21/news/guyana/three-missing-after-noble-house-trawler-capsizes/>.

Oosman, B. (2022) Missing Rosignol fisherman's family clings to hope for safe return. *Stabroek News*. 17 March. <https://www.stabroeknews.com/2022/03/17/news/guyana/rosignol-fisherman-missing-after-boat-capsizes-2/>.





registered with the National Insurance Scheme, so receive no financial support when they suffer work-related injuries. There is no public record of surviving families receiving State support; the families themselves uniformly deny receiving any State support.

12. **Piracy** is symptomatic of Guyana's lawless sea frontier. Newspaper articles from 2010 to the present document the stories of the survivors: the seizure of boats, engines, fish<sup>102</sup>, 'glue' (swim bladders); the uncounted number (at least a few hundred in the 21<sup>st</sup> century) of murdered fishermen, thrown overboard to die by drowning ... propelled by criminality and/or a fight over 'turf' in the open access fishing grounds. The 'pirates' are reputedly other Guyanese fishers, taking advantage of the lack of institutional protection or action in Guyana.

The international legal definition of maritime piracy encompasses criminal acts of violence ... *on the high seas*. The definition of 'piracy' in Section 5 of Guyana's *Hijacking and Piracy Act*, No. 8 of 2008, expands on that definition by including 'any illegal act of violence or detention or any act of depredation committed ... within Guyana's ... rivers, internal waters or the territorial sea of Guyana'.

The Government of Suriname has legal jurisdiction over both banks of the Corentyne River, an anomaly in international jurisprudence, as the custom is to use the talweg, which is the centre of the principal navigable channel of the waterway, as the demarcation of an international boundary. As many acts of maritime piracy were/are committed by and on Guyanese nationals in Suriname's waters, Guyana's 2008 *Act* addresses jurisdiction: '... where an offence under this Act is committed outside Guyana, the person committing such offence may be dealt with in respect of the commission of the offence as if the offence had been committed at any place within Guyana or its territorial waters ... [if] the offence is committed on board a vessel registered in Guyana; (b) the offence is committed on board a vessel being leased without crew to a lessee who has his

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Stabroek News (2022) Still no word on E'quibo fisherman who went missing in Suriname waters. *Stabroek News*. 9 April. <https://www.stabroeknews.com/2022/04/09/news/guyana/still-no-word-on-equibo-fisherman-who-went-missing-in-suriname-waters/>.

Bacchus, S. (2022) Lusignan fisher suspected victim of foul play at sea -boat captain among two held after decomposed body found. *Stabroek News*. 13 August. <https://www.stabroeknews.com/2022/08/13/news/guyana/lusignan-fisher-suspected-victim-of-foul-play-at-sea/>.

Stabroek News (2022) Skeletal remains found at Eversham foreshore suspected to be missing Suriname fisherman. *Stabroek News*. 28 August. <https://www.stabroeknews.com/2022/08/28/news/guyana/skeletal-remains-found-at-eversham-foreshore-suspected-to-be-missing-suriname-fisherman/>.

Stabroek News (2022) Body found on Corentyne foreshore identified as Suriname fisherman. *Stabroek News*. 1 September. <https://www.stabroeknews.com/2022/09/01/news/guyana/body-found-on-corentyne-foreshore-identified-as-suriname-fisherman/>.

Stabroek News (2023) GDF steps up search for missing boat, crew. *Stabroek News*. 4 December. [https://www.stabroeknews.com/2023/12/04/news/guyana/gdf-steps-up-search-for-missing-boat-crew/#:~:text=The%20Guyana%20Defence%20Force%20\(GDF,missing%20on%20November%2016%2C%202023.](https://www.stabroeknews.com/2023/12/04/news/guyana/gdf-steps-up-search-for-missing-boat-crew/#:~:text=The%20Guyana%20Defence%20Force%20(GDF,missing%20on%20November%2016%2C%202023.)

<sup>101</sup> Stabroek News (2023) Body of missing fisherman washes up on Eversham foreshore -three rescued. *Stabroek News*. 18 November. <https://www.stabroeknews.com/2023/11/18/news/guyana/body-of-missing-fisherman-washes-up-on-eversham-foreshore/>.

<sup>102</sup> Kaieteur News (2021) Bilingual pirates cart off food, fuel, fish from fishermen. *Kaieteur News*. 14 March. <https://www.kaieteurnewsonline.com/2021/03/14/bilingual-pirates-cart-off-with-food-fuel-fish-from-fishermen/>.





principal place of business in Guyana or ... his permanent residence is in Guyana; or (c) the alleged offender is a citizen of Guyana or is on board a vessel in ... which the offence is committed when it enters Guyana or is found in Guyana’.

However, the years-long delays in Guyana’s court system translate into justice denied. We summarize two examples. Firstly, on 28 May 2016 [four fishers were brutally murdered at sea](#). The sole survivor left adrift in the sea somehow ‘managed to contact persons at the Number 66 Fishing Complex and informed them of the attack and gave a description of the boat that was used by the perpetrators, the police said. The following day the police went to the Number 65 Village foreshore, Corentyne, where they saw a boat matching the description given. Five men who were aboard were arrested’. The SN article informed further that 7 ½ years after the Police had arrested the accused, the five men pleaded guilty. All five were sentenced to death on 14 December 2023.<sup>103</sup>

The second example concerns two horrific piracy attacks on five fishing boats in Suriname’s waters on 27-28 April and 3 May 2018. The piracy was allegedly set into motion by two Guyanese brothers, and resulted in 16 murdered fishers and nine survivors. One year later, [the trial](#) of nine Guyanese fishers ended in a Surinamese court. Subdistrict Judge Marie Mettendaf sentenced seven of the fishers to 25 years each on one charge and 10 years each on another. She sentenced an eighth fisher to 15 years and the ninth to 5 years imprisonment. The rapid application of justice (1 year) in Suriname stands in contrast with the 7 ½ years and counting in Guyana. Two Guyanese were tried in November 2022 and sentenced to death by a Guyanese judge for two of the murders in 2018.<sup>104</sup>

On the Guyana side, on 28 June 2019 then President Granger appointed Dr Rishee Thakur to lead a Commission of Inquiry into the piracy attacks and deaths in April-May 2018. Dr Thakur’s report, including six recommendations, was handed over to the President on 31 January 2020.<sup>105</sup> There has been no official response in the four ensuing years – characteristic of the incoming PPP-administration’s response to any initiative taken by their predecessor in government.

OGGN agrees with the statement that the one-off cash grant in 2022 paid to 8,794 people who registered themselves as fishermen during the near-shut-down during the COVID-19 pandemic has not, and will not, address the structural problems in the artisanal fishing industry.<sup>106</sup> Small-

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<sup>103</sup> Stabroek News (2023) Five sentenced to death for murder of fishermen. *Stabroek News*. 15 December. <https://www.stabroeknews.com/2023/12/15/news/guyana/five-sentenced-to-death-for-murder-of-fishermen/print/>

<sup>104</sup> Stabroek News (2023) Two sentenced to death for murdering men in Corentyne piracy attack. *Stabroek News*. 31 January. <https://www.stabroeknews.com/2023/01/31/news/guyana/two-sentenced-to-death-for-murdering-men-in-corentyne-piracy-attack/>.

<sup>105</sup> Thakur, R. (2020) *Report of the Commission of Inquiry into the piracy attacks and the death of Guyanese fishermen off the coast of Suriname*.

<sup>106</sup> Kaieteur News (2022) ‘Cash grant won’t solve woes of fishing industry’ – Patterson. *Kaieteur News*. 27 September. <https://www.kaieteurnews.com/2022/09/27/cash-grant-wont-solve-woes-of-fishing-industry-patterson/>.





scale fishers continue to be treated as small fry, surviving as best they can in a marine space in which oil is King. Fishers repeatedly reminded: 'We can't eat a new road'.<sup>107</sup>

OGGN recommends that the governing authority respect the civil and political rights of fishers and fulfil its regulatory role in Guyana's Exclusive Economic Zone.

OGGN recommends that fishers should be supported by government and NGOs to resuscitate the co-ops which currently represent only boat owners and to form associations of fishers who form the crews.

OGGN recommends that fishers be trained in culturally appropriate data collection, that would begin to fill the gap caused by an inactive Fisheries Department.

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<sup>107</sup> McGreal, C. (2022) 'We can't eat a new road': Guyanese voice fears over true cost of Exxon's oil bonanza. *The Guardian*. 12 May. <https://amp.theguardian.com/environment/2022/may/12/exxon-oil-deal-guyana-climate>.



## Lack of Transparency

### GoG's Response:

*Paragraph 48. The Government of Guyana has taken several steps to ensure transparency and accountability as critical to good governance of the state, and to prevent and combat corruption at all levels of public administration.*

*Paragraph 353. The GoG remains committed to promoting and defending democracy, rule of law, transparency and accountable for all Guyanese and committed to building "One Guyana" that recognizes its diversity in a united nation where all Guyanese are beneficiaries of its wealth.*

### OGGN's Response:

The Government of Guyana (GoG) issued tax receipts to ExxonMobil Guyana, HESS Guyana, and CNOOC Guyana but these companies did not pay taxes. The amount of tax receipts issued is estimated to be GY\$274.8 billion, see <https://www.stabroeknews.com/2023/12/29/features/the-road-to-first-oil/natural-resource-fund-overstated-by-274765m-should-be-addressed-as-a-matter-of-urgency/>. The 2019 budget before oil production was estimated at GY\$300 billion, see <https://finance.gov.gy/wp-content/uploads/2021/01/Budget-2019-Speech.pdf>. Foregoing GY\$274.8 billion in taxes is depriving 48 per cent of Guyanese living below the poverty line the benefits of the nation's wealth.

While the GoG has promised to release these tax receipts it has failed to live up to its promise of transparency. During a Pan American Development Foundation (PADF), in the summer of 2021, a representative of the government promised to release these tax receipts, please see minute 46:48 of this video: <https://www.youtube.com/watch?v=sd8oiNNQqXQ&t=2808s>. OGGN has followed with letters to the Guyana Ministry of Natural Resources and letters in the Press, but the tax receipts remain hidden.

In chronological order here are some of the requests OGGN has made to obtain the tax certificates:

1. Here is an email to the Minister of Natural Resources requesting the tax certificates, the attached document in the email is found in Annex 2:



DK Darsh Khusial <dkhusial@oggn.org>  
To: vickrambharrat@yahoo.com Fri 23/07/2021 11:06

OilCompaniesTaxCertificates...  
132 KB

Hon. Vickram Bharrat,

Please see our attached letter where we kindly request information related to Tax Certificates issued to Esso, Hess, and CNOOC.

Thanks.

Darsh Khusial  
Oil & Gas Governance Network  
[www.oggn.org/about](http://www.oggn.org/about)



2. Here is Confirmation that the Minister of Natural Resources office received the letter.

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**From:** [Hon. Minister of Natural Resources](#)  
**Sent:** July 23, 2021 11:26 AM  
**To:** [dkhusial@oggn.org](mailto:dkhusial@oggn.org)  
**Cc:** [Ministry of Natural Resources & the Environment](#)  
**Subject:** Re: Request for information related to Tax Certificates issued to Esso, Hess, and CNOOC

Dear Mr. Khusial,  
I am in receipt of your email with the above mentioned subject. It will surely be brought to Minister's attention.

Thank you.

Best Regards,  
**Elaine Dunn - Mendonca**  
Executive Assistant  
To the Hon. Vickram Bharrat, M. P.  
Minister of Natural Resources  
Ministry of Natural Resources  
96 Duke Street, Kingston, Georgetown, Guyana.  
Tel. (592) 231-2519 ext 22

3. Here is an additional email to alternative emails to the Minister of Natural Resources.



DK Darsh Khusial <dkhushial@oggn.org> ← ↶ ↷ | ...  
To: publicaffairsunit@nre.gov.gy; ministry@nre.gov.gy Fri 23/07/2021 11:10

 OilCompaniesTaxCertificates... 132 KB ▼

Ministry of Natural Resources,

Please see our attached letter where we kindly request information related to Tax Certificates issued to Esso, Hess, and CNOOC.

We would appreciate if you can acknowledge receipt of this email.

Thanks.

Darsh Khusial  
Oil & Gas Governance Network  
[www.oggn.org/about](http://www.oggn.org/about)



4. Here are links to letters by OGGN that were published in the major independent newspapers in Guyana on September 24<sup>th</sup>, 2021 calling for the release of tax certificates issued to the oil companies:
  - a. <https://www.stabroeknews.com/2021/09/24/opinion/letters/tax-certificates-for-oil-companies-not-yet-posted-on-ministrys-website/>
  - b. <https://www.kaieteurnews.com/2021/09/24/oil-gas-governance-network-awaiting-response-from-govt-on-tax-certificates-issued-to-oil-companies/>
  
5. Here are further follow up letters mentioning the unreleased tax certificates in major independent newspapers.
  - a. <https://www.stabroeknews.com/2021/12/10/opinion/letters/corruption-has-kept-us-poor/>
  - b. <https://www.stabroeknews.com/2022/01/10/opinion/letters/end-this-corporate-welfare-of-vat-waivers-and-exemptions-for-these-oil-companies/>



- c. <https://www.kaieteurnews.com/2022/02/08/canada-has-a-golden-opportunity-at-guyana-energy-conference-to-condemn-corruption/>
- d. <https://www.stabroeknews.com/2024/01/03/opinion/letters/mr-nandlalls-response-suggests-he-has-found-magic-formula-to-overcome-concerns-about-2016-psa/>
- e. <https://www.stabroeknews.com/2024/01/14/opinion/letters/if-gra-issued-tax-receipts-to-oil-companies-it-must-show-it-received-the-monies-stated-on-those-receipts/>

### OGGN's Response:

The 2016 Production Sharing Agreement (PSA) does not align with Guyana's laws. Clauses within the PSA on taxation and stabilization were influenced by the interactions between the lawyers of ExxonMobil and Guyana, as recorded by Raphael Trotman, then Minister of Natural Resources.<sup>108</sup> Guyana has a sovereign right to renegotiate the contract. Enforcing tax law would allow revenue to be redirected to diversifying Guyana's economy. Ultimately, the rule of law would protect the nation of Guyana from anyone, or any company, standing above its laws.<sup>109</sup>

### OGGN's Response:

The government has failed to release the audit reports for the Stabroek Block. Specifically, the IHS Markit report for US\$1.7 billion that was for the period 1999 to 2017. Additionally, for audit 2018 to 2020 that totaled US\$7.3 billion. That is about US\$10 billion in audit reports that the government is hiding.

There are serious concerns about the quality of these audits, here are some letters in the press that raises concerns about the quality of the audits:

- a. <https://www.stabroeknews.com/2019/11/03/opinion/letters/how-is-exxon-going-to-prove-its-share-of-the-pre-contract-costs-incurred-in-guyana-if-its-automatic-file-sweep-programme-deleted-records-dated-before-august-2015/>
- b. <https://www.stabroeknews.com/2020/08/09/opinion/letters/president-ali-must-not-take-the-people-for-granted-arrogance-of-ministers-would-not-be-tolerated/>
- c. <https://www.stabroeknews.com/2020/11/01/opinion/letters/capital-cost-for-payara-well-raises-red-flags/>
- d. <https://www.stabroeknews.com/2021/11/21/opinion/letters/stabroek-block-appears-to-be-padded-by-at-least-25/>

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<sup>108</sup> Trotman, R. (2023) *From destiny to prosperity*. Isaiah Publications.

<sup>109</sup> <https://www.stabroeknews.com/2024/01/14/opinion/letters/the-party-in-office-has-to-be-held-accountable-for-the-oil-companies-tax-farce/>





- e. <https://www.stabroeknews.com/2023/11/25/opinion/letters/these-findings-justify-a-full-scale-forensic-audit-of-the-2018-2020-accounts-of-exxonmobil-guyana/>
- f. <https://www.kaieteurnewsonline.com/2023/11/26/findings-of-us7-3b-audit-of-exxonmobil-justify-full-fledged-forensic-audit-oggn/>
- g. <https://www.stabroeknews.com/2023/11/26/news/guyana/civil-society-group-questions-audit-of-us7-3b-in-exxonmobil-expenses/>
- h. <https://www.stabroeknews.com/2023/12/02/opinion/letters/one-has-to-wonder-what-other-anomalies-a-forensic-audit-of-oil-production-capital-costs-might-not-uncover/>
- i. <https://www.kaieteurnewsonline.com/2023/12/24/big-oil-big-problems/>



## Annex 1. Indigenous and non-Indigenous calls for respect for their legal resource rights in the matter of forest carbon credits (in chronological order)

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Fredericks, N. (2022, December 10). Guyana's Indigenous peoples were never consulted on carbon credits proposal submitted to ART, our voices will never be swept aside. *Stabroek News*. [https://www.stabroeknews.com/2022/12/10/opinion/letters/guyanas-indigenous-peoples-were-never-consulted-on-carbon-credits-proposal-submitted-to-art-our-voices-will-never-be-swept-aside/?utm\\_source=whatsappbtn&utm\\_medium=whatsapp&utm\\_campaign=whatsapp\\_send](https://www.stabroeknews.com/2022/12/10/opinion/letters/guyanas-indigenous-peoples-were-never-consulted-on-carbon-credits-proposal-submitted-to-art-our-voices-will-never-be-swept-aside/?utm_source=whatsappbtn&utm_medium=whatsapp&utm_campaign=whatsapp_send)

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Bulkan, J. (2022) 'The range of tenures (property rights) that underlie the jurisdictional carbon credits sold by Guyana to oil company Hess Corporation', *Stabroek News*, 15 December. Available at: <https://www.stabroeknews.com/2022/12/15/features/the-range-of-tenures-property-rights-that-underlie-the-jurisdictional-carbon-credits-sold-by-guyana-to-oil-company-hess-corporation/>.

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Stabroek News. (2023, June 28). Upper Mazaruni council restates that carbon trading consultations defective. *Stabroek News*. <https://www.stabroeknews.com/2023/06/28/news/guyana/upper-mazaruni-council-restates-that-carbon-trading-consultations-defective/>

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Kaieteur News. (2023, July 3). Govt. had no authority to sell forest-based carbon credits from titled Village Lands without explicit Amerindian agreement – Environmental Activist. *Kaieteur News*. <https://www.kaieteurnews.com/2023/07/03/govt-had-no-authority-to-sell-forest-based-carbon-credits-from-titled-village-lands-without-explicit-amerindian-agreement-environmental-activist/>





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## Annex 2: Letter Requesting Tax Certificates issued to the oil companies



Oil and Gas Governance Network  
205-07 Hillside Avenue, Suite 24  
Hollis, New York, 11423

July 23<sup>rd</sup>, 2021

Hon. Vickram Bharrat  
Minister of Natural Resources  
96 Duke Street  
Kingston  
Georgetown, Guyana

Dear Minister Bharrat:

We trust that you are doing very well. We need your help.

According to the Production Sharing Agreement of the Stabroek Block, the Government of Guyana issues Tax Certificates to the oil companies. For the 2020 financial year, the financial statements of HESS Guyana and CNOOC Guyana states that they paid billions of Guyana dollars in taxes. During the recent Guyana Extractives Industry Transparency Week conference, see here <https://geitw.padf.org/>, hosted by the Pan American Development Foundation (PADF), in response to a question, Mr. Gossai of your Ministry had indicated this information will be available on the website. Please see his statement on this matter at this link, <https://youtu.be/sd8oiNNQqXQ?t=2808>. This information has not been posted as yet.

On behalf of the people of Guyana at home and abroad, we would like to know as follows:

1. The number of Tax Certificates issued to Exxon, Hess, and CNOOC.
2. The amount of money in each Tax Certificate issued.
3. The date(s) when the Tax Certificates were issued.
4. Copies of each Tax Certificate issued.
5. Additionally, can you say whether Exxon, Hess and CNOOC have used these Tax Certificates to obtain Tax Credits in their home countries.

This request is made under any applicable "Freedom of Information" regulations, and in recognition that the Government of Guyana has committed to accountability and transparency under its membership in the international EITI (The Extractive Industries Transparency Initiative) and its ratification of the Regional Agreement on Access to Information, Public



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**OIL & GAS**  
GOVERNANCE NETWORK

YOUR INFORMATION HUB FOR TOPICS ON GUYANA'S ENERGY FUTURE



**OIL & GAS**  
GOVERNANCE NETWORK

YOUR INFORMATION HUB FOR TOPICS ON GUYANA'S ENERGY FUTURE

Participation and Justice in Environmental Matters in Latin America and the Caribbean – the Escazú Agreement – which enshrines the “Principle of Maximum disclosure” and Citizens Human Rights.

We look forward to your gracious assistance and timely response to our request for this information.

Yours Truly,

Dr. Jerry Jailall

Darshanand Khusial

Dr Ganga Ramdas

Joe Persaud

Mike Persaud

Charles Sugrim

Directors, Oil & Gas Governance Network, [www.oggn.org/about](http://www.oggn.org/about)  
[dkhusial@oggn.org](mailto:dkhusial@oggn.org) (WhatsApp: [REDACTED])



205-07 Hillside Avenue  
Suite 24, Hollis, NY 11423



[REDACTED]



[dkhusial@oggn.org](mailto:dkhusial@oggn.org)



205-07 Hillside Avenue  
Suite 24, Hollis, NY 11423

A 501(c)(3) Public Charity



[dkhusial@oggn.org](mailto:dkhusial@oggn.org)



## Annex 3: TIGI Letter to Government Requesting Daily Information from Exxon



**Transparency Institute  
Guyana Inc.**

*Promoting transparency and accountability  
and eradicating corruption.*

Transparency Institute Guyana Inc. (TIGI)  
51, High and Leopold Streets,  
Werk-en-Rust, Georgetown  
[infotransparencyguy@gmail.com](mailto:infotransparencyguy@gmail.com)  
[alfredbhulai@yahoo.com](mailto:alfredbhulai@yahoo.com)  
Tel. 656 3460, also for WhatsApp

2021-03-26

Hon. Vickram Bharrat, MP  
Minister of Natural Resources  
95-96, Duke St., Kingston,  
Georgetown

Dear Sir,

At the beginning of the Esso Exploration & Production Guyana Limited (EEPGL) Stakeholder meeting 10 am on Friday Feb 12, 2021, CEO Alistair Routledge said they wanted to be transparent and accountable. And they took the trouble to invite Transparency Institute Guyana Inc (TIGI). Later in the meeting when questions were asked, Mr Routledge said EEPGL is providing the Government with all the information, no doubt because the Government is the elected representative of the people and the meeting was of barely one hour duration.

So we should like to take up Mr Routledge on the transparency and accountability by asking you, our Government, to provide us the information we seek. Just fill in the table in an Excel sheet. The technical operations manager at the same Stakeholder meeting said it was complicated but the data has to be there for obvious control purposes, so I am adding a simplified scheme of some of what the table requires. Both the scheme and the table are based on the law of conservation of matter and energy. We did ask EEPGL for a process flow diagram of the operations, and the Zoom recording of the stakeholder meeting too, but there is absolutely no indication these are forthcoming.

Should you require elucidation of our request for information and the importance of having it, please contact us forthwith.

Thank you in anticipation of a speedy reply,

*Alfred Bhulai*

Alfred Bhulai

TIGI Secretary

Sent to: [publicaffairsunit@nre.gov.gy](mailto:publicaffairsunit@nre.gov.gy)

cc: Environmental Protection Agency (EPA)

[epa@epaguyana.org](mailto:epa@epaguyana.org)

cc: TIGI President

[lionmax2003@yahoo.com](mailto:lionmax2003@yahoo.com)

cc: Oil & Gas Governance Network

[dkhusial@hotmail.com](mailto:dkhusial@hotmail.com)





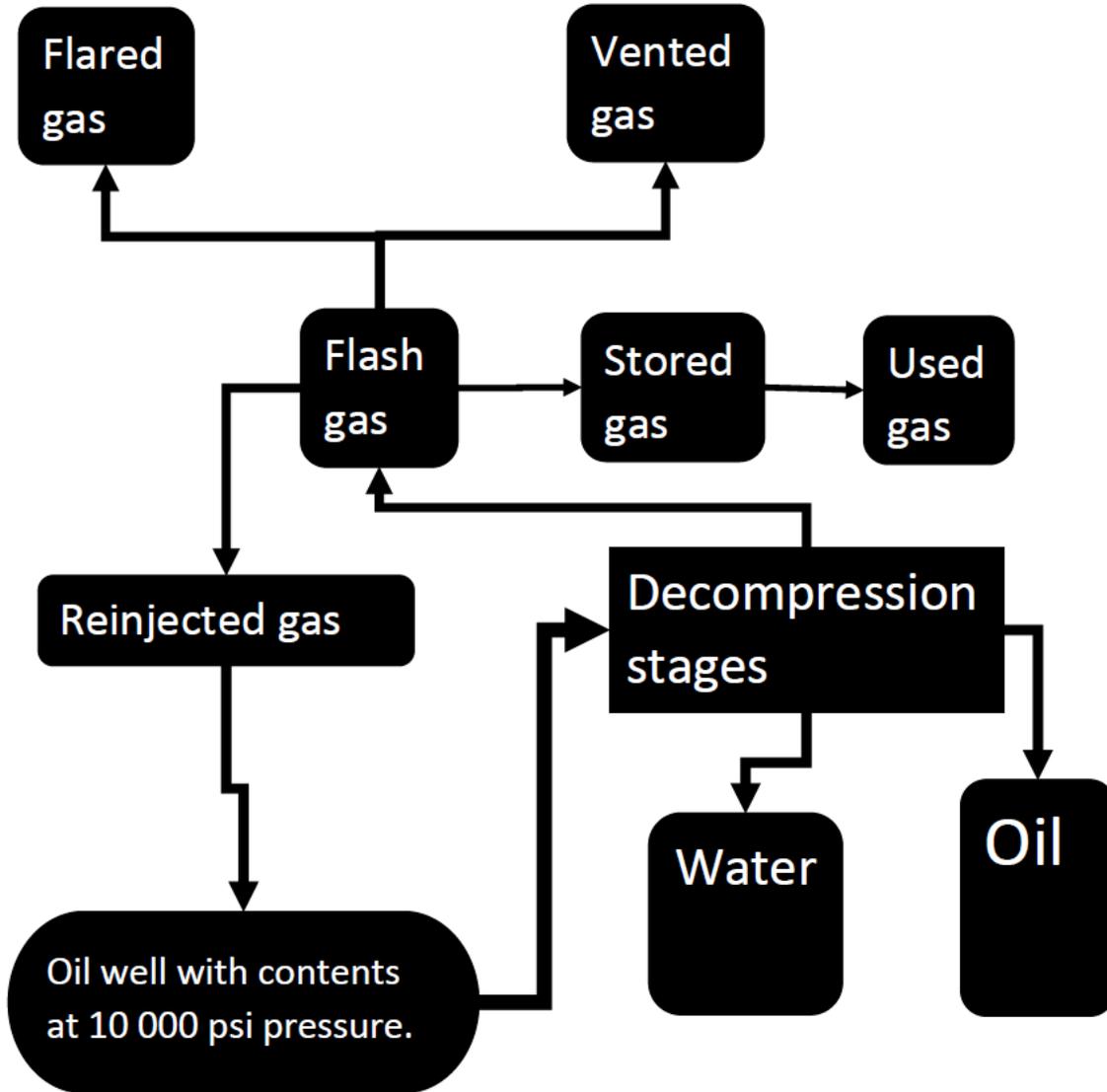
## Required daily Report from FPSOs

Daily Report	Units	Well	Decompression	Decompression	Decompression	Named	Total Product-ion	Storage	Off-loading
	stated per day,	Underground	Stage 1	Stage 2	Stage 3	other Stages ...			
	(averaged * only when Applicable)		and identification of equipment						
<b>Pressure</b>	psi	10 000							
<b>Temperature</b>	°C								
<b>Oil</b>	barrel								
Oil analysis	%								
<b>Gas</b>	cuft								
Gas analysis	%								
Gas reinjected	cuft								
Gas flared	cuft								
Gas vented	cuft								
<b>Water</b>	barrel								
Water analysis	%								
Water reinjected	barrel								
Water not reinjected	barrel								
<b>Other</b>									
<b>Sewage</b>	barrel								
Sewage analysis	%								
Recycled	barrel								
*When averaged, graph of variations should be shown									





### Simplified FPSO flow scheme



## Annex 4: Alfred Bhulai's Request to Commissioner of Information



Thought × Knowledge ( Work + Materials ) ± Calamity = Product  
 Energy auditing and maintenance engineering services, solar & wind power. Manufacturing process auditing.  
 Environmental monitoring.

**ALFRED BHULAI**, Principal.  
 244, Lamaha Gardens,  
 Georgetown 413241,  
 Guyana.  
 Tel. (592)656 3460, Email: [alfredbhulai@yahoo.com](mailto:alfredbhulai@yahoo.com)

2023-March-01

**JUSTICE CHARLES RAMSON S.C., O.R.**  
 Commissioner of Information  
 Office of the Commissioner of Information  
 340, East Street  
 South Cummingsburg, Georgetown

Dear Justice Ramson,

Thank you for the enlightenment received when I visited you on Monday May 30, 2022. As you recommended, I asked the Guyana Bar Association (GBA) for the text of your address on the Access To Information Act 2011 and Its Implementation (2013-2017). The Secretary replied within a week and referred me to the article in the Bar Association Review (BAR-2018 pg 29) titled "Access To Information Act 2011 and Its Implementation (2013-2017)".

I appreciate your advice to adhere to the prescribed form and will welcome any correction if I deviate in these matters. I did mention that I was requesting some information from the Ministry of Natural Resources. I attach a copy of the request sent March 26, 2021, receipt of which has been acknowledged by both the Ministry of Natural Resources and the Environmental Protection Agency, but the information has not been forthcoming. Additionally, for your purposes, I attach a copy of the reasons for making the request.

I have since come to realize the importance of addressing the right source of information, so my second request to you is for

- a) the name of the Guyana Minister of Petroleum,
- b) how to address him correctly (with titles and qualifications), and
- c) how to contact him.

The Minister of petroleum is referred to in the Production Sharing Agreement (PSA) our country has with the oil companies currently exploring and producing oil offshore Guyana, and I have questions for him.

Yours sincerely,



# Annex 5: Reply to Alfred Bhulai's Request from Commissioner of Information



Notary Public  
Justice of the Peace  
And  
Commissioner of Oaths  
to Affidavits

**JUSTICE CHARLES.R.RAMSON S.C.O.R**

**COMMISSIONER  
OF  
INFORMATION**



Office of the President  
Shirley Chanté Sampson, Prime Minister  
Georgetown, Guyana

Tel:

Email: [justice@oggn.org](mailto:justice@oggn.org)

3<sup>rd</sup> March, 2023

C'de A. Bhulai (Principal)  
244 Lamaha Gardens  
Georgetown 413241

Dear Comrade,

Your application dated 1<sup>st</sup> inst. is hereby acknowledged and the gracious comments therein are a source of comfort to me.

As far as your first request is concerned, I shall commence its process and will advise you on any development as soon as possible.

A propos your second request, I regret to inform you that it does not technically fall within the lawful remit of this Office. However, I am inclined to the view that the information may best be sourced from the Official Gazette of the 11<sup>th</sup> Sept 2020, a requirement of law, since the assumption of Office of the current Government.

Best regards.

Sincerely,

Justice Charles. R. Ramson S.C.O.R

Commissioner of Information

