



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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29 April 2022

Excellency,

I write to inform you that in the course of its 106<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedure, related to the situation of the Chinese Landing and the Wapichan indigenous peoples.

According to the information before the Committee, Guyanese authorities granted a medium-scale mining concession to Mr. W. Vieira in the titled lands of the Chinese Landing Carib indigenous community, without consulting or seeking the consent of the community. The information received indicates that the indigenous community obtained title to these lands under the former Amerindian Act of 1976, and that the title was reissued in 1991 under the State Lands Act and in 2018 pursuant to the Land registry Act.

The information further indicates that the Amerindian Act of 2006 requires medium-scale miners to sign an agreement with a village council before they begin mining activities in its lands, and that under the Mining Act mining rights could be conferred over a specified area “save and except all lands lawfully held or occupied”.

It is reported that, in spite of these legal provisions, in September 2021, the High Court of the Supreme Court of the Judicature of Guyana dismissed the claim filed by the Chinese Landing indigenous community against the Guyana Geology and Mines Commission and Mr. W. Vieira concerning the mining concession, without allowing the case to proceed to trial.

It is alleged that the judicial decision has precipitated increased unwanted mining activity in the lands lawfully held by the Chinese Landing indigenous community, which would irreparably damage its traditional way of life and its environment. It is further alleged that the judicial decision has also resulted in an upsurge of a series of incidents of intimidation and assaults on residents of the community, by miners and members of the Guyanese police force.

Her Excellency Ms. Kerrlene Wills  
Chargée d'affaires a.i. of Guyana  
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The Committee has also received additional information related to mining projects on Marudi Mountain and its impact on Wapichan indigenous peoples. The Committee profoundly regrets the State party's lack of reply to its letters of 17 May and 14 December 2018, regarding this situation.

According to the information received, on 17 November 2021, the Government of the State party concluded an agreement with the company Romanex Guyana, Aurous and the Rupununi Miners Association allowing for the expansion of mining activities at Marudi Mountain, without consulting and seeking the consent of the Wapichan indigenous peoples. It is alleged that the mining activities at Marudi Mountain, a sacred area for the Wapichan people and also critically important as several rivers originate in this zone, pose an imminent and grave threat to the cultural heritage and livelihood of the Wapichan indigenous peoples.

These allegations, if verified, could amount to a breach of the State party's duty to protect the rights of the Chinese Landing and Wapichan indigenous peoples to their lands and territories and the right to be consulted. In this regard, the Committee recalls its general recommendation No. 23 (1997) on the rights of indigenous peoples, in which it calls upon States parties to ensure that no decision directly relating to the rights or interests of indigenous peoples is taken without their informed consent.

Furthermore, the Committee would like to recall the recommendations made to the State party in paragraphs 15, 16, 17 and 19 of its 2006 concluding observations (CERD/C/GUY/CO/14) and reiterates its concerns and recommendations contained in the letters sent to the State party on 17 May and 14 December 2018, under its early warning and urgent action procedure.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee would like to receive a response to the above allegations before 15 July 2022. In particular, the Committee requests the State party to provide information on the measures taken to:

- (a) Consider suspending or revoking the mining concessions that affect the lands, territories or resources of the Chinese Landing and the Wapichan indigenous peoples until free, prior and informed consent is granted by these indigenous peoples following the full and adequate discharge of the duty to consult;
- (b) Refrain from approving projects and granting mining permits or concessions within the lands of indigenous peoples, whether titled or not, without obtaining the free, prior and informed consent of the affected indigenous peoples;
- (c) Ensure that Indigenous Peoples have access to effective and prompt judicial and other remedies to seek protection for their rights;
- (d) Prevent and investigate incidents of threats and violence against residents of the Chinese Landing indigenous community by miners and by members of the Guyanese police force;
- (e) Incorporate the principle of free, prior and informed consent in domestic legislation, including by amending the Amerindian Act of 2006, with indigenous peoples' participation, and to fully and adequately guarantee the right to consultation of indigenous peoples;



(f) Consider ratifying ILO Indigenous and Tribal Peoples Convention (No. 169).

Finally, the Committee regrets that the State party has yet to submit its reply to the List of issues prior to submission of the fifteenth and sixteenth periodic reports that are overdue since November 2021. In this regard, the Committee requests the State party to submit the overdue reply as a matter of urgency.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Guyana, with a view to assisting it to implement the Convention effectively.

Yours sincerely,

A handwritten signature in blue ink, reading "Verene Shepherd".

Verene Shepherd  
Chair

Committee on the Elimination of Racial Discrimination