

## The Extractive Industries in the Guiana Shield

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### Introduction

Extracting natural resources has been a particularly important source of revenue generation for the economies of Suriname, Brazil and Guyana. The three countries are fortunate to constitute the core part of what is known as the Guiana Shield, a 1.7-billion-year-old Precambrian formation which extends from the Atlantic Ocean to the Amazon River Basin in South America. Indeed, the discovery of massive oil reserves offshore Guyana in 2015 and in 2020 in Suriname, has stimulated a dynamic economic expansion in the former country, which the latter hopes to emulate. This complements exports of gold and timber from these countries as well as Brazil, which has also discovered and is developing its own fossil fuel resources.

But there are downsides to the expansion of extractive industries in the Guiana Shield. The pursuit in the development of the region's resources has led to the implementation of policies that do not necessarily take into consideration the rights of Indigenous and Tribal peoples (ITPs) that reside in the forested portion of Amazonia. This creates threats to ITPs livelihoods, ecosystems and cultural structures. While extractive industries are important to the economies of Guyana, Suriname and Brazil, the current socio-economic and legal structures under which they operate, are detrimental to the ITPs slash and burn agriculture, hunting and gathering, social structure with traditional authority system, way of life. This article discusses how multiple governments have handled ITPs in regard to the extractive industries, in particular mining, and human and land rights violations. It stresses that ITPs self-determination is prohibited by the uneven nature of the regimes of the three countries. There is clearly a need for more inclusive

policies in regard to land rights and better arbitration mechanisms for managing clashes of interests between the allocation of concessions and collective land titles.

### **Contributions of the extractive industry to the economy**

The Guiana Shield covers multiple countries<sup>1</sup>. This paper focuses on Guyana, Suriname and Brazil as part of the Guiana Shield. The extractive industries play an important role in the economy of these countries. They depend on the extractive industry for their economic growth. Guyana was considered one of the countries with the lowest per capita income in South America, but there was a rapid increase in the GDP per capita from US\$18,199.5 in 2022 to US\$ 20, 626, in 2023. This can be explained largely by the offshore oil production, which began in 2019 (World Bank Group, 2024). According to a country office report from United Nation International Children’s Emergency Fund (UNICEF) 43 percent of the population lives in poverty. Indigenous peoples are part of this 43 percent, they are also the most marginalized communities in Guyana and suffer from poverty related deprivations (UNICEF, 2021).

Despite these statistics we see that the developments in the offshore industry have caused a decline in poverty from 60. 9 percent in 2006 to 48.4 percent in 2019 using a poverty line of US\$5.50 per day in 2011 Purchasing Power Parity (World Bank Group, 2024). The contribution of the extractive industry to the economy for the fiscal year (FY) 2020 was 31.13 percent. With mining accounting for 12.15 percent and Oil and Gas 17.02 percent (GyEITI, 2023).

Similarly, to Guyana, Suriname is also expected to have the same development portfolio, with the signing of the Final Investment Decision (FID) from Total Energies<sup>2</sup>. With this newfound offshore industry the future is looking very bright. The GDP per Capita was US\$ \$5,858.8 in 2022 and US\$ \$6.069 for 2023 (World Bank Group, 2024). This shows a slow increase that can be explained by the measures the current government is implementing, considering the country is recovering from a socio-economic crisis. The poverty headcount ratio at US\$6.85 a day was 18 percent in 2022 (World Bank Group, 2024)<sup>3</sup>. This is relatively good compared to the region.

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<sup>1</sup> The Guiana Shield encompasses Suriname, Brazil, French Guiana and Guyana, parts of Colombia and Venezuela and has a lot of economic potential (St Kitts and Nevis Observer, 2022)

<sup>2</sup> The FID was communicated by the APA corporation on the 1th of October 2024 to the President of Suriname, Chandrikapersad Santokhi

<sup>3</sup> The percentage of the population living on less than \$6.85 a day at 2017 international prices.

Latin America and the Caribbean had a poverty headcount of 26 percent in 2022 (World Bank Group, 2024). In 2020 the extractive industries contributed 5.6 percent to the total GDP of Suriname (EITI, 2022). Additionally, Brazil is considered a developed country and is the world's 12th largest economy (KPMG & IBRAM, 2023). The GDP Per Capita was US\$ 10.043,6 in 2023, compared to US \$ 9,065.5 in 2022. The poverty headcount ratio was 24 percent for 2022 at US\$6.85 a day, this is still below the region's average of 26 percent (World Bank Group, 2024). In 2018 Mining extraction accounted for 2.44 percent of the GDP (OECD, 2022).

### **Indigenous and Tribal peoples of the Guianas**

The Indigenous population in Guyana is approximately 60.000 people and make up to 7 percent of the total population. Most of the population lives in the interior of Guyana. There are nine tribes of Indigenous Peoples in Guyana: Warau, Carib, Arowak, 2Akawaio, Patamona, Arekuna, Makushi, Wapshana and Wai Wai. These communities suffer severely from the impact of mining e.g., high incidence of sexually transmitted disease (STD's) and malaria. There is also a high prostitution of Indigenous women in the mining camps (Colchester et al, 2002).

The Indigenous Peoples in Suriname are approximately 20344 or 3.8 percent of the population of 541.368 (IWGIA, 2020). They are divided into the following groups: the Kaliña (Carib), Lokono (Arawak), Trio (Tirio, Tareno) and Wayana. There are other Indigenous groups in Southern parts of Suriname (IWGIA, 2022). The country is also home of seven Tribal Peoples: the Samaaka, Pamakka, Ndjoeka (Okanisi), Matawai, Kwinti, Aloekoe, Cottica<sup>4</sup>.

Brazil Indigenous people are estimated to be at 896,917 distributed amongst 305 ethnic groups. The biggest group is the Tikuna that comprise 6, 8 percent of the total Indigenous population. 502.783 of the Indigenous population live in rural zones, the rest live<sup>2</sup> in urban zones. Approximately 505 Indigenous lands have been identified of which the majority is located in the Amazon (IWGIA, nd). These different groups experience many challenges and conflicts with garimpeiros, mining companies and national governments in the respective countries, due to poor regulations and the absence of enforcement of sanctions.

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<sup>4</sup> These groups are descendent of enslaved Africans that escaped the plantation system and started free communities in the Amazon region of Suriname

This dynamic requires that we ask this question, “Why is it important that the collective rights of ITPs to their territories are acknowledged? Before answering this question, it is important to give a description of ITPs. The International Labor Organization (ILO), a United Nation (UN) authority on the rights of ITPs, gives the following definition: These are people with their own cultures, languages, customs, institutions and traditions (ILO, 2016). Under international law there is no precise definition of Indigenous Peoples, due to the fact that a definition risks excluding certain groups because of the diversity of these peoples all over the world.

International law does have some criteria’s that were established by the ILO. Convention no. 169, which is one of the most important legal instruments that protect ITPs rights. The strength of this law is the fact that it is the only legally binding instrument that is open for ratification and that exclusively focuses on the rights of ITPs. Article 1.1 (b) of this convention gives the following definition for Indigenous peoples : “peoples in independent countries who are regarded as Indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions” (Indigenous and Tribal Peoples Convention, 1989 No. 169). This definition suggests that to be defined as Indigenous the following factors are important: be descendants of the people who first inhabited a geographical area at the time it was colonized. These people also should have been able to retain one's own social, economic, cultural and political institution. Another element that the ILO convention emphasizes is self-identification as a member of Indigenous peoples.

Article 1.2 states the following: “self-identification as Indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply” (Indigenous and Tribal Peoples Convention, 1989 No. 169).

Additionally, the following definition is used for tribal peoples: “tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations(Indigenous and Tribal Peoples Convention, 1989 No. 169). These peoples are not Indigenous to a specific geographical area, but share the similar

characteristics as Indigenous groups. In the case of Suriname these peoples are descendants of enslaved Africans that escaped slavery and built communities in the Amazon rainforest.

The different definitions emphasize the subjective and objective elements as the most important elements of defining these peoples. The objective elements emphasize self-identification as Indigenous and tribal peoples, and the subjective elements emphasize historical elements, cultural elements and socio- economic elements (ILO, 2016).

### **The concept of Territories**

Another important element of the ITPs right is the effectively enjoyment of all human right, which should be protected by the state. This can be realized by the state acknowledgement of territorial rights of ITPs.

The concept of territories or lands is described by the ILO Convention No. 169 article 13.2 as all the areas that the ITPs use or occupy (The Inter American Commission on Human Rights, 2009). This description is very important, because the concept of territory is not limited to the house and the physical occupied spaces. It is seen as the area that is used for hunting, farming and other cultural activities. The Inter American Commission states that the relationship between ITPs and their territories should include “territory as a whole”, so also places that are used for “agriculture, hunting, fishing, gathering, transportation, cultural and other purposes” (The Inter American Commission on Human Rights, 2009). This is a very important definition that needs to be considered when discussing territories of ITPs. It adds a different dimension to the discussion about ITPs, in relation to concession rights in areas that ITPs considered part of their territories. The area that the government of these countries should consider when issuing concession rights becomes much larger due to the fact that areas of cultural practices and hunting should also be included as part of the territories of these peoples. Incorporating a broader definition of ITPs territory would be in step with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), recognizing the survival, dignity and well-being of the Indigenous peoples of the world (United Nations, 2024).

## **Conflict between the extractive industries and Indigenous and Tribal peoples**

The previous paragraphs describe ITPs and the concept of territory. The importance of this concept and how this can influence concession rights in ancestral land of ITPs has also been discussed.

Another important point that was discussed is the financial contributions of the extractive industry to economic growth in Guyana, Suriname and Brazil. This is considered a driver of growth and development of these countries, cementing the idea that the vision for development of these respective governments is: ensuring and securing major investments in the extractive industries; more precisely, offshore oil industry, bauxite and mining.

This can be further confirmed by the fact that the presidents of these countries issued a shared declaration expressing their commitment to strengthen energy cooperation (Oil Now, 2024). These investments are usually large-scale projects that cause conflicts with ITPs, considering the weak regulation to protect their territories. What makes these conflict more complicated are the rights that ITPs have to territories based on the small-scale investments can also cause conflict with ITPs. Researchers identify different types of conflict: armed conflict or paramilitary conflicts and localized conflicts (Bainton, 2020). The latter reveals a larger macroeconomic impact of the resource curse in terms of government dependency upon mineral rents and the failure to develop economic alternatives (Bainton, 2020). Conflict is also defined as: “The interaction of two or more parties with perceived incompatible goals, who engage each other through a range of practices including dialogue, persuasion, negotiation, arbitration, legal action, protest, intimidation and physical violence.” (Andrew et al 2017, p13). Based on this definition a mining conflict can be described as tension between mining companies and various stakeholders that are affected by mining operations (Andrews et al, 2017). These stakeholders can be communities near mining operations, communities that claim territorial right to concessions of mining companies, national governments and community-based organizations (CBO). They can be categorized as localized conflicts and are attributed to not providing the appropriate recognition and protection of the territorial rights of these communities by states.

A direct consequence of this is that companies and individuals have concession rights in territories of ITPs. This is the case of the village of Nieuw-Koffiekamp, Suriname, where concession rights were given to a multinational in 1994. A mineral agreement was signed

between Gold Star and the Government of Suriname (GoS) for exploration of gold in an area that the members of a village, Nieuw-Koffiekamp, considered their traditional territory. The village of Nieuw-Koffiekamp, with a population of approximately 800 tribal peoples, is located in this concession. The members of this village were neither consulted nor informed prior to these concession rights being issued. This created, and still creates tension between the mining company and the community members (The Association of Indigenous Village Leaders in Suriname et al, 2002).

The situation in Guyana is different from Suriname, in terms of land rights for ITPs. Guyana has an Amerindian act that discusses the rights of Indigenous peoples. This act does not guarantee the inclusion of Indigenous peoples in major decisions regarding their territories. A primary example of this is the Isseneru case in Guyana, where mining operators were granted mining rights within Isseneru Village ancestral lands in 2007 ( Sutil, 2023).

In Brazil one of the best examples is the case of the Yanomami peoples. They are the largest Indigenous groups that live in northern Brazil and Southern Venezuela, approximately 45.000 inhabit a territory of 9.6 million hectares. The influx of miners created a threat to their way of life (Survival, 2024). Currently thousands of miners are working illegally in their territories transmitting deadly diseases and exposing them to mercury poisoning and other hazardous materials (Survival, 2024). Although their territory is demarcated the government is not structurally addressing the assault on their traditional way of life.

### **The Institutions in the Extractive Industries**

One of the main points discussed previously is the important contribution of the extractive industries to the economy of these countries, more specifically the mining sector. This sector is regulated by different legislations and institutions that play an important role in issuing concessions rights in the forested parts of the Amazon. In Guyana mining is dominated by artisanal small-scale miners. They produce over 70 percent of the gold. These small-scale miners are legalized and formalized. Approximately 15.000 people are in this sector spread out in the interior of the country in the mining districts namely, Berbice, Potaro, Mazaruni, Cuyuni and North West and Rupuni. (Lovreglio, 2021).

The main regulatory body involved in the mining industry is the Ministry of Natural Resources (MNR). This Ministry is responsible for developing, implementing and overseeing policies for the responsible development, exploration and use of natural resources; while ensuring the protection and conservation of the environment (GyEITI, 2021) All the other agencies fall under this Ministry. Another institution that is responsible for mining is the Geology and Mining Commission, which is responsible for the guardianship of all minerals in Guyana (Ministry of Natural Resources, 2024). The agency has the following divisions: Mines, Environment, Petroleum and Geological Services Divisions with all of them having specific expertise (Ministry of Natural Resources, Guyana Geology and Mines, n.d). The Guyana Gold Board (GGB) is also important for the mining industry and is responsible for purchasing and buying gold in Guyana and abroad.

The board has issued dealers licenses to 9 entities and individuals who help facilitate the purchase of gold from sellers across Guyana (Ministry of Natural Resources, Guyana Gold Board, nd). Gold Mining is primarily regulated by The Guyana Mining Act of 1989 which states that the ownership of all minerals is vested in the republic of Guyana. It also states that the owners of surface titles whose rights are governed by the State Lands Act (Chapter 61-01) have no mineral rights (Omai Gold mines, 2024). This gives the GoG complete ownership of all minerals in the territory of Guyana. The mining act also emphasizes the rights of Indigenous communities to quiet enjoyment of their land or land that is considered part of Indigenous settlement<sup>5</sup> (Guyana Mining Act (1989),). In part 13 there are special provisions included related to Indigenous peoples.

At first glance one would consider the rights of ITPs to be taken into account by this provision, but in practice these provisions are not always respected. But these provisions don't have the intended effect, due to the poor enforcement of the different mining agencies (L. Ghorge, personal communication October 2024). This can be further explained by the findings of a study (Lovreglio 2021) that emphasizes the complex and the multidimensional nature of the sector. One of the conclusions of this study is that Indigenous people are granted the right to mine on their territory by state law, but they view gold mining through their own customary law

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<sup>5</sup> The mining act speaks of Amerindian



(Lovreglio, 2021). This divide in perception can create a situation of conflict. Mining concessions are given and renewed ad hoc in Guyana without proper monitoring and land assessment which also leads to conflicts (Lovreglio, 2021).

The extractive industry, specifically the mining sector in Suriname is regulated by the Ministry of Natural Resource (MNR) and Geologische Mijn Bouwkundige Dienst (GMD). The sector is dominated by artisanal small-scale mining, legal and illegal. It accounts for 60 percent of all Surinamese gold production (Crawford, Bliss, 2017)

The objective of this Ministry is to ensure the integrated, sustainable and efficient management and development of the production of the natural resources in Suriname, taking into account the environment, safety and rights of local communities. The Ministry is also responsible for the monitoring of the mineral laws and regulations. This Ministry is also responsible for drafting policy for the mining sector (The National Assemble of the Republic of Suriname, 2024). One of the most important differences with Guyana is that this Ministry has a community engagement unit. This unit mitigates the negative impact of big projects through engagement with the ITP communities. They are also building the capacity of these communities in Free Prior Informed Consent (F2PIC). Similarly, the Ordening Goudsector Suriname (OGS) is also a key department in this Ministry that focuses on regulating the ASM (Crawford, Bliss, 2017).

Unlike the constitution of Guyana, there are no provisions in the constitution of Suriname that acknowledges the rights of ITPs. There are provisions that relate to mining and its governance (Crawford, Bliss, 2017).

An important legislation to this sector is the mining decree (1986). This decree deals with all mining related activities, exploration, exploitation and reconnaissance. Currently the GoS is revising this decree, but it still needs to pass through parliament.

One of the biggest weaknesses that was identified by the IGF mining policy framework assessment in relation to ITPs, is that the mining decree does not create opportunities to include sustainable benefits for communities (ITPs). Moreover, community consultations are not made mandatory in this decree (Crawford, Bliss 2017). Further analysis also reveals that provisions regarding the FPIC are not included. These will be included in the revised version of this act (Crawford, Bliss, 2017).

Another weakness that is identified is the procedure of issuing mining permits. The local government is required to advise the MNR, especially in the interior of Suriname<sup>6</sup>. Communities that will be impacted by the mining concession are supposed to be consulted by local government officials and then an advice is given to the MNR. This advice is non-binding, which creates the possibility for the MNR to ignore it.

Brazil consists of 26 autonomous states that all have their relative financial independence and complete administration branches. This is the reason why it is important to emphasize that the states also have the competency to set secondary regulation regarding certain aspects of mining (OECD, 2022).

In Brazil the Extractive Industries is organized by the Ministry of Mines and Energy (MME) (ICLG, 2024). More specifically the Secretariat of Geology, Mining and Mineral Transformation. Through this body the mineral policy is implemented, coordinated and decided. This secretary coordinates mining rights, evaluates the performance of the sector and other activities related to mining. This organization is also responsible for issuing mining rights and supervises the inspection of mineral exploration and production. The National Mining Agency (ANM) is the institute that regulates the mining sector for the Federal Government. Additionally, the ANM has a key role in granting mining titles for large, middle-tier, and artisanal small-scale mining activities. (OECD, 2022). These mandates stem from the Brazilian constitution which has important provisions regarding mining. The current constitution states that mineral resources are the property of the Federal Government. It gives the federal government the responsibility to establish the areas and conditions for mining (OECD, 2022).

The 1988 constitution notes that mining can be carried out with permission from the Union (the Federal Government) on Indigenous land. This should be in the national interest and carried out by Brazilians or by companies that are established under Brazilian law. The Federal constitution does not deny companies from mining in Indigenous land, but it does have conditions. These conditions are: authorization from the national congress after hearing from the communities that will be impacted and ensuring that they can also participate in the mining process. It is important

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<sup>6</sup> This advice is not mandatory for the ministry to give a mining permit. These advice are not binding, so the central government can set them aside.

to state that Indigenous communities do not have a veto power when mining rights are issued on their land, which puts them in a deficient negotiating position (Risso et al, 2021).

The ANM also issues an artisanal mining permit for individuals and for cooperatives for a period of five years. The main objective of this permit is to support a group of miners known as *garimpeiros* (OECD, 2022). Brazilian *garimpeiros* are also a part of the small-scale mining community of Suriname, with a less than positive reputation.

### **Legal Limitations in the Guianas**

Despite the international conventions, ITPs have little or no land rights in the countries in the Guiana Shield, respectively Suriname, Guyana, and Brazil. In some of these countries there are legal provisions in regards the rights of ITPs made in the national laws, but these provisions have their limitations. In Guyana the rights of ITPs are acknowledged through the Amerindian ordinance and the Amerindian act. One of the limitations within this act is that the Minister retained the power to decide issues on the land unilaterally (Laing, 2018). The new revised version of the act gives the Amerindian communities the power to refuse entry to individuals. It also states that miners that are willing to work on the land must have the consent of the villagers before proceeding and must obtain a written agreement. Even though this act gives these communities a lot of power the Minister has the final right of refusal for large scale mining projects. The Minister will make a decision based on the interest of the public (Laing, 2018). This part of the Amerindian act is of major concern to the Indigenous communities.

One of the consequences of this act is that areas which are considered part of the territories are included in the concessions of miners, creating mining concessions between different villages.

Another limitation is that the Amerindian act is also subordinate to the mining act, in cases where mining groups received rights for mining prior to Indigenous communities receiving titles to land (Ramsay, 2024). This is one of the conclusions of the ruling of the Inter-American Commission on Human Rights in the case of “The case of the Akawaio Indigenous Community of Isseneru and the Amerindian Peoples Association of Guyana vs the state of Guyana”.

A final document that supports the rights of Indigenous peoples to their territory is the Constitution of Guyana. In the preamble the following is stated: “We the Guyanese people value the special place in our nation of the Indigenous Peoples and recognize their right as citizens to

land and security and to their promulgation of policies for their communities” (The Constitution of Guyana of 1980, Preamble).

In Suriname, the Indigenous communities have no official title to land. Suriname is one of the only countries that did not ratify the ILO conventions 169 (IWGIA, 2020). It did vote for the UN declaration on the rights of Indigenous Peoples. Under this declaration Suriname has substantial obligations to recognize and respect the rights of the ITPs. This declaration contains the minimum standard for the protection of the rights of ITPs, by addressing individual and collective rights (United Nations, 2024).

In the constitution of Suriname (The Constitution of Suriname art 8) there is a basis for the protection of the rights of these communities. Article 8 states that “No one shall be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status”. The Indigenous communities are not explicitly revered to in the constitution, which does not give them rights to the land they inhabit.

As a result of not having formal title to the land concessions the Samaaka, the Kaliña and Lokono Peoples, ITP groups in Suriname, took international measures to have their rights acknowledged<sup>7</sup>. These events can be considered catalysts of the fight for the ITPs rights in Suriname. The culmination of which eventually led to the draft law on collective rights.

This draft collective law forms the foundation of the rights of the ITPs in Suriname and covers: Legal recognition of collective property rights in ITP’s traditional living and habitat areas and the natural resources they have traditionally used. VIDS (The Association of Indigenous Village Leaders in Suriname) and other tribal people organizations have emphasized that this draft law is far from perfect. One of the weaknesses of this draft is that it is considered a framework law that does not cover other important aspects, i.e., Free Prior Informed Consent or the recognition of the traditional authorities of ITPs; a self-governing structure that goes back hundreds of years (IWGIA, 2022). This law also still needs to pass through parliament.

The Brazilian constitution also recognizes Indigenous Peoples as the first and natural owners of the land and guarantees them the right to their land (IWGIA, Nd). Another legislation that deals

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<sup>7</sup> “The Kaliña and Lokono Peoples case” and the case of “The Saamaka People v. Suriname”

with ITPs is the Law No. 6.001 establishing the Indigenous people Statute. This law regulates the legal framework of Indigenous people living in the forest, with the purpose of protecting their culture and integration. It deals with different elements of Indigenous rights e.g. protective native lands, resources (Food and Agriculture Organization of the United Nations, 2024). One of the most important elements of this law is that it states that only Indigenous peoples are allowed to benefit from the natural resources from these protective lands.

### **Limitation in mining legislation regarding the rights of ITPs**

There are also limitations in the different mining legislation in the countries of the Guianas. The rights of ITPs are not included in the different mining provisions. A limitation in the mining legislations in these countries of the Guiana Shield is the absence of a provision in the different legislations, making it impossible for ITPs to have real agency on how the mining sector affects their traditional territories. It is also not clear how legal entities are sanctioned for mining on these territories and which institutions are responsible to carry out these sanctions. In Guyana and Brazil, the rights of Indigenous peoples are explicitly acknowledged in the constitution, but it is not clear how these rights are being enforced by the state. It is also not clear what the national mechanisms are that impose sanctions if these rights are not respected. Another notable component that plays an important role when applying for concession rights, is the engagement of legal bodies with the ITP communities. Individual miners or mining companies often engage with the community as part of a symbolic process, there is no legislation that makes this as a mandatory step in getting concession rights in ITPs territories.

One of the weaknesses of these different legislations regarding Indigenous land in the Guiana shield is that they do not regulate the process of engaging with ITPs. FPIC is not a mandatory part of these laws. This causes engagement to be considered a symbolic gesture in the extractive industries. As a result, policies are not inclusive of the ITPs perspectives. Another point that needs to be addressed is the huge gap between what is stated in the law and what is happening in reality.

### **Conclusion and Recommendation**

The Extractive industry, respectively mining, is a very important source of revenue generation for the countries in the Guiana Shield. The argument can be made that it contributes immensely

to the economic growth of these countries (Brazil, Guyana and Suriname). Considering the contribution to the economy we may conclude that the governments of these countries in the Guiana Shield will focus on large investments in the extractive industry for the foreseeable future. It is then expected that this will create more conflicts between ITPs, governments and the private sector with the current status quo of laws and regulations.

This is one of the reasons why these respective governments should ratify ILO convention 169. This will result in the further recognition of the territories and the traditional governance structures of ITPs. The governments of these countries also have a role in ensuring that these rights are respected, by imposing sanctions on legal entities that do not respect them.

Additionally, the principle of Free, Prior and Informed Consent (FPIC) in relation to policies that may impact ITP's territories, culture and livelihood must be taken into consideration and must be made mandatory by law. This means that policies that will impact ITPs communities should be drafted in partnership with ITPs. This can be realized if an institution is created with members of the different stakeholders on the board. This institution should have a far-reaching mandate to impose and enforce specific sanctions on legal bodies that do not respect the rights of ITPs. This institution should also have a mechanism that deals with the different national conflicts in the extractive industries. The institution should also be able to monitor the different national policies to see if they are inclusive of the rights and perspectives of ITPs.

## Reference List

- Andrews, T., Le Billon, T., Chang, H., Reyes, D., Elizalde, B., & Thompson, I. (2017, April). *The rise in conflict associated with mining operations: What lies beneath?* Retrieved from <http://dx.doi.org/10.13140/RG.2.2.36488.62720>. Accessed October 2024.
- Bainton, N. (2020, July). *Mining and Indigenous Peoples*. Retrieved from <https://doi.org/10.1093/acrefore/9780190854584.013.121>. Accessed August 2024.
- Colchester, M., La Rose, J., & Kid, J. (2002, January). *Mining and Amerindians in Guyana: Final report of the APA/NSI project on "Exploring Indigenous Perspectives on Consultation and Engagement within the Mining Sector in Latin America and the Caribbean"*. Retrieved from [https://www.researchgate.net/publication/277059488\\_Mining\\_and\\_Amerindians\\_in\\_Guyana\\_final\\_report\\_of\\_the\\_APANSI\\_project\\_on\\_Exploring\\_Indigenous\\_Perspective\\_on\\_Consultation\\_an](https://www.researchgate.net/publication/277059488_Mining_and_Amerindians_in_Guyana_final_report_of_the_APANSI_project_on_Exploring_Indigenous_Perspective_on_Consultation_an)

[d Engagement within the Mining Sector in Latin America and the Caribbean](#). Accessed October 10, 2024.

- Constitution of the Co-operative Republic of Guyana of 1980 with Amendments through 2016. Retrieved from <https://www.parliament.gov.gy/Constitution%20of%20the%20Cooperative%20Republic%20of%20Guyana.pdf>. Accessed September 12, 2024.
- Crawford, A., & Bliss, M. (2017, May). *IGF Mining Policy Framework Assessment Suriname*. International Institute for Sustainable Development. Retrieved from <https://www.iisd.org/system/files/publications/suriname-mining-policy-framework-assessment-en.pdf>. Accessed October 10, 2024.
- EITI. (2022, January). *Extractive Industries Transparency Initiative Suriname (EITI-SR)*. Retrieved from <https://eiti.org/documents/suriname-2018-2020-eiti-report>. Accessed August 11, 2024.
- Food and Agriculture Organization of the United Nations. (2024). *FAO Lex Database*. Retrieved from <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC014188/>. Accessed December 16, 2024.
- GyEITI. (2023, December). *Guyana Extractive Industries Transparency Initiative (GYEITI) Report 2021*. Retrieved from [https://eiti.gy/wp-content/uploads/2023/12/GYEITI-2021-Report\\_29-Dec.pdf](https://eiti.gy/wp-content/uploads/2023/12/GYEITI-2021-Report_29-Dec.pdf). Accessed October 24, 2024.
- Guyana Mining Act. (1989). Retrieved from <https://www.parliament.gov.gy/publications/acts-of-parliament/mining-act-1989>. Accessed October 5, 2024.
- ICLG. (2024). *Mining Laws and Regulation*. Retrieved from <https://iclg.com/practice-areas/mining-laws-and-regulations/brazil#:~:text=Brazilian%20mining%20law%20is%20mainly,Brazilian%20Federal%20Constitution%2C%20Decree%20No>. Accessed October 5, 2024.
- Indigenous and Tribal Peoples Convention, 1989, No. 169. Retrieved from [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169). Accessed October 12, 2024.
- Omai Gold Mines. (2024). *Mining Act, Guyana Mineral Tenure (Guyana Mining Act of 1989)*. Retrieved from <https://omaigoldmines.com/guyana-1/mining-act-1/>. Accessed December 15, 2024.
- The Association of Indigenous Village Leaders in Suriname, Stichting Sanomaro Esa, The Association of Saramaka Authorities, & The Forest People Programme. (2002, January). *Persistent and Pervasive Racial Discrimination Against Indigenous and Tribal Peoples in the Republic of Suriname*. Retrieved from

<https://www.forestpeoples.org/sites/default/files/publication/2010/10/surinamecerd3ajan04eng.pdf>. Accessed August 2024.

- The Constitution of Suriname Art 8. Retrieved from <https://www.dna.sr/wetgeving/surinaamse-wetten/geldende-teksten-tm-2005/grondwet-suriname/>. Accessed September 12, 2024.
- The Inter American Commission on Human Rights. (2009, December 30). *Indigenous and Tribal Peoples' Rights Over Their Ancestral Land and Natural Resources*. Retrieved from <https://www.oas.org/en/iachr/indigenous/docs/pdf/ancestrallands.pdf>. Accessed October 19, 2024.
- The Inter American Commission on Human Rights. (2009). *Indigenous and Tribal Peoples' Rights, Norms, and Jurisprudence of the Inter-American Human Rights System*. Retrieved from <https://www.oas.org/en/iachr/indigenous/docs/pdf/ancestrallands.pdf>.
- The National Assembly of the Republic of Suriname. (2024, September 21). *Draft Law on the State Budget (2024)*. Retrieved from [https://www.dna.sr/media/390829/23\\_1763\\_Pres.\\_Rep.\\_Sur.\\_Aanb.\\_Ontwerpwet\\_Staatsbegroting\\_2024.pdf](https://www.dna.sr/media/390829/23_1763_Pres._Rep._Sur._Aanb._Ontwerpwet_Staatsbegroting_2024.pdf). Accessed October 2, 2024.
- International Labor Organization. (2016, July 22). *Who Are the Indigenous and Tribal Peoples?*. Retrieved from <https://www.ilo.org/resource/who-are-indigenous-and-tribal-peoples>. Accessed October 5, 2024.
- IWGIA. (2022, April 1). *The Indigenous World 2022, Suriname*. Retrieved from <https://www.iwgia.org/en/suriname/4676-iw-2022-suriname.html>. Accessed September 2024.
- IWGIA. (n.d.). *Indigenous Peoples in Brazil*. Retrieved from <https://www.iwgia.org/en/brazil#:~:text=A%20total%20of%20505%20Indigenous,are%20concentrated%20in%20the%20Amazon>. Accessed October 4, 2024.
- KPMG & IBRAM. (2023). *Brazil Country Mining Guide, 2023*. Retrieved from <https://assets.kpmg.com/content/dam/kpmg/br/pdf/2023/4/Brazil-Country-Mining-Guide-2023.pdf>. Accessed August 5, 2024.
- OECD. (2022). *Regulatory Governance in the Mining Sector in Brazil*. OECD Publishing, Paris. Retrieved from <https://doi.org/10.1787/63d60aa8-en>. Accessed October 12, 2024.
- Ramsay, R. (2024, June 6). *State Guilty of Abusing Indigenous Rights at Isseneru - IACHR Report*. Retrieved from <https://www.kaiteurnewsonline.com/2024/06/06/state-guilty-of-abusing-indigenous-rights-at-isseneru-iachr-report/>. Accessed October 15, 2024.
- Laing, T. (2018, February 1). *Indigenous People of Guyana*. Center for Global Development, pp. 12-16. Retrieved from <https://www.jstor.org/stable/resrep29753.7>. Accessed September 4, 2024.



- Lovreglio, J. (2021, August 3). *Inter-Institutional Gaps and Diversity within Guyana's Gold Mining Sector: Multi-level Governance and Corrupt Natural Resource Management* (Master's thesis). Utrecht University. Retrieved from <https://studenttheses.uu.nl/handle/20.500.12932/68>. Accessed October 4, 2024.
- Ministry of Natural Resources. (n.d.). *Geology and Mines*. Retrieved from <https://nre.gov.gy/guyana-geology-and-mines/>. Accessed October 10, 2024.
- Ministry of Natural Resources. (n.d.). *Guyana Gold Board*. Retrieved from <https://nre.gov.gy/guyana-gold-board/>. Accessed October 15, 2024.
- Ministry of Natural Resources. (2024). *The Ministry of Natural Resources*. Retrieved from <https://nre.gov.gy/>. Accessed October 4, 2024.
- Risso, M., Sekula, J., Brasil, L., Schmidt, P., Eduarda, M., & de Assis, P. (2021, April 1). *Strategic Paper 53 Brazil Legislation on Mining and Indigenous Lands Overview*. Igarape Institute, pp. 13-19. Retrieved from <https://www.jstor.org/stable/resrep30586.8>. Accessed October 23, 2024.
- Oil Now. (2024, March 1). *Guyana, Suriname, and Brazil Pledge Energy Cooperation in Trilateral Declaration*. Retrieved from <https://oilnow.gy/news/guyana-suriname-and-brazil-pledge-energy-cooperation-in-trilateral-declaration/>. Accessed August 2024.
- Sutil, N.S. (2023, October 11). *Akawaio People Win Historic Case Against Guyana Government to Secure Tenure Over Ancestral Lands*. Retrieved from <https://thetenurefacility.org/article/akawaio-people-win-historic-case-against-guyana-government-to-secure-tenure-over-ancestral-lands-2/>. Accessed August 10, 2024.
- United Nations. (2024). *UN Declaration on the Rights of Indigenous Peoples*. Retrieved from <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples>. Accessed September 2024.
- World Bank Group. (2024). *GDP per capita (Current US\$) - Suriname, Brazil, and Guyana*. Retrieved from <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=SR-BR-GY>. Accessed August 8, 2024.
- World Bank Group. (2024). *The World Bank in Guyana*. Retrieved from <https://www.worldbank.org/en/country/guyana/overview>. Accessed September 19, 2024.
- UNICEF. (2021). *Country Office Annual Report*. Retrieved from <https://www.unicef.org/media/116261/file/El-Salvador-2021-COAR.pdf>. Accessed September 5, 2024.
- Survival. (n.d.). *The Yanomami*. Retrieved from <https://www.survivalinternational.org/tribes/yanomami>. Accessed December 16, 2024.

