

THE INDIGENOUS STRUGGLE: CHALLENGING AND UNDERMINING CAPITALISM AND LIBERAL DEMOCRACY

By

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Introduction

Liberal democratisation returned to Guyana in 1992 after over two and a half decades of electoral malpractices that witnessed the marginalization of all ethnic groups, save perhaps the small middle class Africans. Guyana was simultaneously transformed into a free market economy. The international financial and developmental institutions have guided the remodelling of the Guyanese state to one in which the political directorate has committed itself to competitive multi party elections and to scale back its participation and intervention in the economy. Thereafter, the state promoted export oriented and private enterprise led development. As distinct from the mid 1970s when the state owned and managed over 80 percent of the domestic economy, multinational companies currently manage or own once again all the major productive industries in Guyana, including the bauxite, gold and diamond, timber and sugar industries.¹

Like cooperative socialism, liberal capitalist democracy however has had little if any noticeable impact upon the ability of Indigenous populations to effectively participate

¹ Foreign and domestic investments in the new century have witnessed a resurgence after a slow period during the mid 1990s, with over US\$43.6 million invested in the bauxite, gold and diamond, timber and sugar industries in 2002 and, US 340 million was invested in 141 projects in 2005. This represents a seven-fold jump over investments in 2004 and 2002, and a four-fold increase over investments in 2003, with one-third involving foreign capital investment from Asian, Caribbean and North American investors in several sectors including agriculture, seafood and aquaculture, mining and timber industry (see GOINVEST 2005).

and be represented in the political structure or in the domestic economy on terms compatible with their cultural philosophy. The Household Income and Expenditure Survey (HIES 1994) last compiled in 1992-1993 revealed the Indigenous peoples, who were concentrated in interior regions, had the highest incidence of poverty at 56 per cent, when compared to the African and Mixed groups at 28 percent and East Indians at 22 per cent. As also noted in the 1997 Labour Survey and 2002 Census, there is evidence of persistent and in some instances large differentials in economic outcomes among ethnic groups in Guyana and by the ethnic dimension to regional residence, occupation and poverty in Guyana. A recent study also indicates that the most vulnerable group, evidenced by their poverty levels, their remote residential location, their ignorance of the available social welfare institutions and insufficient institutions serving their communities, is the Indigenous population. There is grave imbalance in the education and health spheres, and Indigenous communities do not receive equal opportunities when attempting to access resources for economic ventures. The criteria often demanded by financial institutions as collateral including individually titled land, immovable property or an official job letter mean that the poorer sections of the society, in particular the Indigenous populations, are unable to secure capital (Ifill 2007a).

The highest unemployment rates are found in regions in which Indigenous populations comprise a substantial part, if not a majority. Regions 8, 1, 2, 10 and 5 have unemployment rates of 19.4, 16.7, 15.5, 15.2, and 14.6 percent respectively with the rate of unemployment greater for females than males. The unemployment rate is partially explained by the relative lack of training and secondary education available in regions dominated numerically by Indigenous communities with the hinterland regions (1, 7, 8 and 9) recording the secondary net enrolment rates of 39, 53, 43 and 46 percent respectively, well below the national average of 61 percent (2002 Census).

This situation persists despite the insistence of the current administration that it has continuously improved the lives and livelihoods of Indigenous groups by increasing educational, medical and other social services to several communities as it seeks to decrease the gap between those living in interior regions and those living on the coast. The government boasts that it has created an Amerindian Development Fund, appointed a

Minister of Amerindian Affairs with an accompanying Ministry to collaborate with other Ministries and agencies to facilitate inclusion of Indigenous peoples, appointed an Indigenous Peoples÷ Commission and demarcating Amerindian lands to facilitate granting of community land titles (Government of Guyana 2004; GINA 2008).

Despite these self congratulatory claims, Indigenous groups insist that these measures were adopted and undertaken in a cursory and patronising manner and are dismissive of their cultural contributions and perspectives. Moreover, they fail to adequately address Indigenous demands for self determination and land rights (MacKay n.d.). There has been continuous discord between groups representing Indigenous peoples and the political elite as the latter is widely perceived to emanate from and represent the interests of other ethnic groups. The political leadership has also been charged with perpetuating the marginalisation and peripheralisation of Indigenous peoples in the post independence period. Thus there have been continuous, oftentimes intensified demands from Indigenous peoples for self-determination and, to appreciate the purpose and motivation underlying these ethnic demands, it is necessary to first briefly examine the manner in which the Guiana geographic spaces owned and occupied by Indigenous peoples were incorporated into the global capitalist economy and their responses to waves of capitalist expansion along with the consequences of incorporation. The post 1989 liberal economic and political transformation that occurred in Guyana will then be explored with particular reference to the impact of these changes on indigenous groups. Finally, the paper discusses the ways Indigenous groups challenge, contradict and undermine the liberal democratic capitalist dispensation.

The Incorporation and Peripheralisation of Indigenous populations in British Guiana

European nationals on their arrival to the Guiana territories at the end of the 16th century met Indigenous peoples who had descended from three linguistic groups and comprised at least 12 distinct cultural groups. Diversity and centuries of customs and practices were however disregarded and Europeans constructed a new racial/ethnic group, the

Amerindian. This construction occurred despite the realisation on the part of the colonisers that there were distinct differences among Indigenous groups since it was noted that the main Indigenous groups encountered had only a few words in common and fought constantly. Further, the Dutch whose initial interest was to trade with the Indigenous populations and then later to employ them as interior police, clearly identified and used to their advantage, the differences among groups with respect to their skill levels and the ways in which they used their natural resources (Menezes 1979). According to Williams (1991, 133), it was at this stage that the unequal allocation of economic rewards and its administrative and cultural rationalisation started. Having seized Indigenous ancestral lands and disrupted Indigenous economic livelihoods, ethnic stereotypes were then used as a justification for the exploitative treatment of native inhabitants. Indigenous groups were consequently labelled as childlike, or warlike, idle, filthy, savages and heathens. Being childlike they therefore required colonial protection and guidance; being savages they would benefit from exposure to civilised Europeans and being heathens, they required Christianity; and the cure for idleness was European determined work (Menezes 1979).

The Dutch failed in their attempts to enslave and tie Indigenous peoples to plantation labour. Thereafter, the role and function of Indigenous peoples were to trade with the Dutch, provide assistance in their battles against other European powers and police African slaves. The Indigenous groups in effect were the first to be ethnicised and the first to have a role for their participation in the society identified on the basis of this ethnicity. Moreover, Indigenous peoples were the first to be used by the colonial state on the basis of this perceived ethnic difference to undertake tasks that created conflict with another group, the enslaved Africans.

The Dutch signed a number of treaties with Indigenous populations, mainly with the Caribs and Arawaks, although the last treaty was signed in 1769 with the Akawaio. Menezes (1992, 9-10) classifies Dutch policy towards the Indigenous populations as: (1) treaties of alliance and friendship; (2) provision of yearly or triennial gifts for services provided; (3) selection of post holders, who were appointed and sent to live among them

in order to gain their goodwill and to collect and lead them in slave hunting expeditions against their enemies, the Spaniards, and later against the runaway negroes; and, (4) as determined by the Court of Policy in 1750, non-intervention in Indigenous affairs when the colony was at peace and not under threat.

When the British replaced the Dutch as the colonial power, the colonies' prospects changed and the role selected for Indigenous peoples under Dutch rule to assist in subduing internal and external threats became irrelevant, particularly after the emancipation of slaves. Thereafter, Indigenous peoples' participation in the domestic labour structure became clearly marginal evidenced by the non-establishment of a formal relationship between the British and Indigenous groups and by Britain adopting a policy of segregation and wardship to manage Indigenous populations. British legislative policy was premised on the racist stereotype that Indigenous peoples were childlike and dim-witted and therefore needed "protection" until they satisfied a standard of civilization that would have allowed them to function in colonial society. As a British Colonial official P.S Peberdy stated, "The whole object of protection is to keep the protected group away from temptation and outside bad influences and from exploitation until the Authorities are satisfied that sufficient advancement has been made to warrant protection unnecessary" (Peberdy, 1948, 38).

This attitude was evident in successive legislation used to govern Indigenous peoples including the Crown Land Ordinances of 1887 and 1903, the Indians (Captains and Constables) Ordinance of 1896 and the Aboriginal Indians (Intoxicating Liquors) Ordinance of 1908, and most conclusively in the 1902 Aboriginal Indians Protection Ordinance. The latter ordinance established ten reservations and a Protector of Indians was appointed guardian of the Indigenous peoples. Even though the 1902 Aboriginal Indians Protection Ordinance was repealed by the 1910 Aboriginal Indian Ordinance, as James (2003) argues, both Ordinances were premised on the policy of protecting the Indians. Under these ordinances, Indigenous peoples were essentially wards of the state with colonial authorities empowered to interfere in all aspects of Indigenous lives. It is important to note that these reservations were not owned by the Amerindians but were

designated as 'safe zones' and could therefore be recovered by colonial officials.

By the 1890s, it was reckoned that Indigenous populations were close to extinction and no attempt was therefore made to incorporate them in the general society. On the contrary they were viewed as historical oddities (Colchester, 1997). As one colonist remarked, 'I simply look upon the obliteration of the Indian as inevitable, in short, the realization of Darwin's theory of survival of the fittest. At the same time I think it would be well to preserve a few Indians by reservations, as is done in America, just as a curiosity for future generations (Dalglish-Patterson, cited in James 2003, 2).

As Menezes (1979) notes, this policy shifted in the early 20th century and 'reservations' were established near the coast and subsequently in the interior, to protect the pure blooded Amerindians. Commencing in the 1930s, a combination of policies was used to govern Indigenous groups notably policies of wardship, integration and assimilation. In the 1940s, the colonial authorities emphasized integration with the aim of transferring western civilization to Indigenous groups. To achieve this, Amerindian districts were created to foster community development. However, the colonial state continued to prioritise private mining and logging enterprises and failed to secure the Amerindians land rights prior to their departure in 1966.

Indigenous governance arrangements were then used in the 1950s as Britain sought to employ a system of indirect rule to govern Indigenous peoples. As will be discussed in the next section, the policy and law of independent Guyana towards Indigenous peoples, remain until today primarily premised upon colonial policy and law, that is, retaining obtrusive aspects of wardship, indirect rule and assimilation policies, despite promises for a more enlightened policy by successive administrations and appeals by Indigenous groups to both domestic and international decision making bodies.

Indigenous Rights and Interests versus 'National' Rights and Interests in Guyana

The economic and social disadvantage historically and currently experienced by

Indigenous populations is reflective of their peripheral and marginalised status within the global and domestic political economy and as highlighted in the introduction, Indigenous peoples are the poorest of the poor in Guyana and have the least access to basic services and amenities. The marginalisation of Indigenous societies is linked to the practice of evaluating group worth using criteria related to the development of the coastal plain, the plantation and the primary commodities based economy. Indigenous groups have traditionally been and are still marginal to these processes since particularly after the British assumed control of the territory, their participation in the ethnicised division of labour was at best minimal. Africans and Indians in Guyana, largely due to their pivotal roles in the growth and development of the plantation economy and civil bureaucracy considered themselves deserving and suitable culturally to function in governing positions after independence while they perpetuate the stereotype that Indigenous peoples have not developed socially and culturally but have remained childlike and backward, and are therefore unsuitable for holding political power or even truly participate in the decision making process (see Williams 1991).

Following sustained advocacy from Indigenous leaders, particularly Stephen Campbell², who was a member of the political party the United Force, Britain, at the time of Guyana's independence in 1966 made the settlement of Indigenous land rights one of the conditions of independence. However it passed that responsibility onto the new state. The condition was that:

í Amerindians be granted legal ownership or rights of occupancy over areas and reservations or parts thereof where any tribe or community of Amerindians is now ordinarily resident or settled and other legal rights, such as rights of passage, in respect of any other lands where they now by tradition or custom de facto enjoy freedoms and permissions corresponding to rights of that nature. In this context it is intended that legal ownership shall comprise all rights normally attaching to such ownership (Report of the British Guiana

² Campbell presented a petition at British Guiana's Constitutional Conference in 1962 in which he urged the British to ensure the protection of Indigenous peoples before granting independence.

Independence Conference, 1965)

An Amerindian Lands Commission (ALC) was created in 1966 tasked with proposing recommendations that would satisfy this independence condition of regularising Amerindian land rights. The ALC presented its report in 1969 and rejected as "excessive and beyond the ability of residents to develop and administer," the Indigenous claim for 43 000 square miles out of a total of 83 000 square miles of Guyana's territory. The recommendation from the ALC was the conferral of communal freehold titles on 128 communities amounting to 24,000 square miles, inclusive of mineral rights to a depth of 50 feet (Report of the Amerindian Lands Commission 1969, 77).

The Burnham administration continued to exercise paternalistic and hegemonic control over Indigenous peoples and legitimized and validated the continued management of their ancestral lands as protective measures as it characterised Indigenous peoples as naive but in reality, the impact of the "protection" was exploitative. Not unexpectedly, Indigenous land claims remained unsatisfied as only part of the recommendation was implemented with the enactment of the 1976 Amerindian Act, which amended the Amerindian Ordinance of 1951 and gave land titles to the Indigenous communities listed in the schedule to the Act. The 1976 Act provided for the title to be held in trust and administered by the Village Council on a community's behalf. The Council, subject to the agreement of the Minister, was also permitted to devise rules and regulations for a number of purposes. Sixty-two communities and two districts obtained titles to around 4,500 square miles at the time of the 1976 Act. This represented approximately half of the number of Indigenous communities in Guyana and less than one-fifth of the area recommended by the ALC. However both the amount of land and the parameters of the titles received were viewed by the Indigenous communities as unsuitable to their land use livelihood practices particularly since they did not grant legal ownership to ancestral lands in its entirety (James 2003).

Apart from the incomplete implementation of the ALC recommendations, there were several instances when they were ignored altogether, most notably when the Indigenous

communities of the Upper Mazaruni/Cuyuni Rivers were denied titles in 1976 and the state planned to displace them so that it could build a hydro-electric dam. Illustrating Wallerstein's (1991) argument that one function of the nation state is to control disaffected minorities, the Burnham regime categorised Indigenous resistance and demands for collective control over ancestral land and natural resources as an outrage and a threat to the national development and security interests. The 1970s was designated a nation building phase in Guyana and the state sought to enhance domestic production and consumption. Symbols and phrases were created to push a nationalist identity based on a socialist oriented ideology and within this context, there was a tendency to view Indigenous demands as excessive, selfish and a denial of the aspirations and rights of the other ethnic groups within the society, thus eliciting a negative response from these groups to Indigenous demands (Ifill 2009). In other words, rejection of Indigenous demands was justified by the argument that they conflicted with the national interests thus substantiating Dunaway's (2003) contention that nation building is one of two world systemic processes that reproduce the structural inconsistency between cultural hegemony and ethnic heterogeneity and consequently generates in ethnic conflict.

The dam project was eventually abandoned after persistent campaigning by Indigenous groups to the international community and pressure from the latter on the government. Ten communities in the Upper Mazaruni mining district were granted titles to 1,500 square miles in 1991 increasing the total titled Amerindian lands to 6000 square miles, or one-fourth of the area recommended by the ALC. Even though any individual, including an Indigenous citizen can apply for an individual title or lease for state land, no titles have been granted to Indigenous communities since 1991, and there are currently no systems in place to facilitate the application for land titles by Indigenous communities. Thus by 2003, 75 of the 120 Indigenous communities had secured titles to portions of ancestral lands that they occupied.

In other words, there is notable difference between the titles obtained by Indigenous communities and the land allocations recommended by the ALC and an even greater disconnect between titles granted by the state and the lands claimed by Indigenous

communities based on their current subsistence practices and ancestral land usage. Indicative of the lack of regard for Indigenous communities, some titles granted have divided once united Indigenous territories into islands connected by buffer or state lands. Concessions to mining and logging companies have then been granted by the state on legally defined state lands but traditionally used and claimed by Indigenous communities. These mining and logging operations have further exploited these communities by harmful environmental and social conduct.

The Impact of the Free Market Economy on Indigenous Peoples' Lives and Livelihoods

Following the redirection of Guyana's economy towards a liberal posture, the state has embarked on a policy of opening up and exploiting the resources of the interior regions as a strategy for fostering economic growth and development. To date, approximately 52 percent of Guyana's forests have been allocated to timber harvesting concessions and investors hold mining concessions covering some 30 percent of Guyana's surface area. Such a strategy conflicted on virtually every level with the rights and demands of Indigenous groups. Moreover, this strategy was adopted after heavy pressure was brought to bear on the state by international financial and developmental institutions, largely the World Bank and IMF, to open up the interior to foreign direct investment in the logging and mining sectors as part of the structural adjustment prescriptions.

The international financial and developmental institutions have prescribed since the mid-1980s that Guyana encourage foreign investment in large-scale mining and in the timber industry and this led to a major new investment in the mining sector in 1989 when Omai Gold Mines Limited was established, a company that comprised Golden Star Resources Ltd. (30%) Canada's Cambior Inc. (65%) and the Guyanese Government (5%). As an indication of their strong support of this policy, the World Bank's Multilateral Investment Guarantee Agency and Canada's Export Development Corporation sanctioned the investment with a US\$163 million political risk insurance policy (Colchester 1997).

The return of the free market economy to Guyana has had dire consequences for

Indigenous populations who have experienced increased exploitation and marginalisation. Embracing the developmental paradigm that encouraged private, especially foreign investment, the state sold or leased lands claimed by Indigenous communities for mining, forestry, and cattle industries without engaging in consultation with the affected communities. Not only was this occurring within a context where the indigenous communities lacked secure land rights but there was no state institution effectively monitoring the resources in the interior regions nor were there development programs introduced to address issues of social and economic deficiencies in these remote areas. Unsurprisingly therefore, these circumstances were exploited by multinational and domestic extractive industries.

Moreover, these industries have had a negative impact on the environment, namely the land and waterways, which Indigenous societies need for their survival. The majority of Indigenous communities have no access to potable water and they utilize water from creeks and rivers. These sources however have increasingly been affected by pollution as a result of the rapid growth from the 1980s of extractive industries in the interior (La Rose 2009)³.

One most visible example of the drastic consequences of these companies occurred in August 1995 when a tailings dam failure and resulting spillage at the OMAI gold mine leaked millions of gallons of clay and cyanide laced toxic waste and polluted the Essequibo river and its tributaries, the only water source for several communities, and severely affected the fishing activities of indigenous populations. Potentially, the OMAI spill affected as much as 23 000 people.

Apart from mining, logging and other activities in the timber sector have been encouraged during the 1990s and early 21st century. Logging for export commenced in the latter part of the 19th century but it wasn't until the 1960s that the industry started to

³ Ms. La Rose is arguably Guyana's foremost Indigenous activist. She is one of the founders of the Amerindian Peoples' Association (APA), represented Indigenous communities in the 2001 Constitutional Revision Commission and is the 2002 recipient

expand and penetrate interior locations and by the late 1980s around 2.4 million hectares of forests were being exploited. It was the economic policy changes in the late 1980s and 1990s however that resulted in the massive expansion of this export sector as numerous foreign investors, particularly from South East Asia invaded the industry (Colchester 1997).

The area under concession by the mid 1990s was 8 million hectares out of a total loggable forest area of around 14 million hectares, and an additional area estimated at 1.8 million hectares was disbursed to foreign companies through the granting of exploratory leases (Guyana Forestry Commission 1997). Apart from the inability of the institutionally weak Guyana Forestry Commission to properly manage the forests and regulate logging operations, and the lack of appropriate social and environmental safeguards, the adoption of these policies were without the knowledge or consent of indigenous groups and in fact has ensured their further marginalization (Colchester et al 2002).

The state owned company Guyana Timbers, which harvested in an area amounting to 320 000 hectares of forests, was divested as part of the privatisation programme in 1989 to the Colonial Life Insurance Company (CLICO). In 1991, another state owned timber company Demerara Woods Ltd., was privatised and sold to British and Dutch financiers, who secured rights to log in in excess of half a million hectares of forests (Colchester 1997).

The single largest concession, approximately 1.69 million hectares of forests, was granted to a Malaysian/ Korean group Barama Company Limited, which quickly became the largest producer and exporter of timber, harvesting more than 40 percent of the national log harvest between 1995 and 1999 (Mangar 2004, SN). The logging concession granted to this Asian group Barama in 1991 amounted to more than all the titled Indigenous lands. More disturbing was that these concessions hemmed in four communities with land titles, penetrated the Carib reservation that was established in 1977, and encircled a

of the Goldman Prize for the Americas.

number of other untitled farmlands located along the main rivers, thus turning several Indigenous communities into squatters.

Following rapid deforestation and environmental disasters such as the OMAI spill led to the government in collaboration with the international aid agencies changing the regulations to introduce new standards for the logging and mining industries from the mid 1990s but these measures don't confront the main issue, namely the social and economic exclusion of Indigenous communities within these concessions and the denial of land and resource rights. As interior locations long claimed by Indigenous populations contribute even more to the national income (see Living Index and Expenditure Survey 1999 and 2002 Census), the political elite have ensured that ultimate legal control over these lands is not held by Indigenous communities despite the revision of the offensive Amerindian Act in 1991 and again in 2006. The Act, including the 1991 Amendments did not in reality give inalienable, freehold titles to Indigenous communities as the titles included numerous caveats and limits:

- Titles granted did not include: minerals or rights to mine; rivers and river banks up to 66 feet inland; landing strips or future landing strips, and; prior to 1976, state-owned edifices and equipment and the land on which they were built.
- Under the Act, the Minister of Amerindian Affairs was empowered to arbitrarily confiscate, alter or suspend Indigenous land titles. An example of a circumstance under which the Minister could have acted to reclaim a land title was if two or more citizens in a community had been disloyal to the state.
- Under the Act, state personnel were also authorised to confiscate, vend or otherwise dispose of Indigenous property to facilitate care, protection and management and, Indigenous children could have been placed under the guardianship of the Minister for educational or welfare purposes, or to apprentice them.
- The Act also authorised the government to relocate Indigenous communities to any area in Guyana and ban cultural and religious rituals that the Minister deemed detrimental.
- Any individual of a non-Indigenous background, who wished to visit an Indigenous community, even if that individual was invited by the community, needed to first

obtain permission from the Minister of Amerindian Affairs. Failure to obtain the necessary permission could have resulted in penalties of fine and/or imprisonment.

As the Amerindian Peoples Association (1998, 3) aptly described it, the Amerindian Act was exceedingly paternalistic, offensive in many respects, discriminatory and provides almost no protection for our rights. Similar assessments of the Amerindian Act have also been made by the UN and the World Bank. A World Bank commissioned report categorised the Amerindian Act in 1995 as 'an old style statute, setting out a colonial structure of indirect rule' (Sanders, 1995, 6).

The UN Committee on the Elimination of Racial Discrimination also noted in 2003 that the disregard of Indigenous peoples by the political elite is partially due to their preoccupation with politicised ethnic conflicts between the Africans and Indians. The Committee noted that members of the political elite are so divided that they often refuse to engage in dialogue and compromise on issues not directly connected to the welfare of Indians and Africans, including issues surrounding the human, civil and constitutional rights and status of Indigenous peoples in Guyana. As stated by the Committee,

Many intergovernmental and non-governmental organizations and United Nations agencies agree that the vicious circle of political and ethnic tensions has brought Guyana to a state of political instability which adversely affects human rights and has weakened civil society, increasing racial violence, poverty and exclusion among Indigenous population groups, and hampering both the administration of justice and the application of human rights standards. (UN 2003, 5).

The major Indigenous action organizations, APA, GOIP and the TAAMOG were equally critical of the process to revise the Amerindian Act in 2005-2006 and the final output, renamed the Amerindian Bill. These groups noted that the new Bill:

- Perpetuates the long standing habit of refusal to recognise the rights of Indigenous peoples to self-determination;
- Discriminates against Indigenous peoples and;

- Refuses to recognise Indigenous rights to lands, territories, and resources (Stabroek News 1st January 2006).

The new Bill, which these Indigenous groups maintain continues to contradict international law and the revised Guyana constitution, empowers the Minister of Amerindian Affairs to intervene in the management of the village councils and in the governance of Indigenous communities. These groups maintain that power should be invested in institutions like the National Toshias Council (NTC) that have been established and run by Indigenous communities themselves. The NTC was constitutionally recognized in 2001 and includes all the Indigenous village leaders. However, final authority over the affairs of Indigenous peoples is held by the government minister who is responsible for approving council rules, determining stipends for Toshias and reviewing the NTC's financial audits. The Amerindian Bill therefore continues the practice of the state through its agents of managing and controlling the lives and activities of Indigenous peoples. This recent governance structure imposed by the state is not particularly different from the illusive notions of self-government contained in the Amerindian Ordinance (1951) (minor amendments were made in 1961). Under this ordinance, Indigenous communities voted for village councils which were presided over by captains serving two year terms. The captain was required to "maintain law and order in his area" and "carry out such instructions as may be issued to him by the Commissioner or District Commissioner". Captains and Councillors however, despite being elected could be dismissed or replaced and rules crafted by the Council could be made invalid, deferred or modified by the state at any time, for any reason.

This paper therefore argues that the Amerindian Bill of 2006 perpetuates the paternalistic, dismissive attitude of the pre and post independence state towards Indigenous communities. The state moreover perpetuates the colonial trend of identifying and defining ethnicities and this is met with fierce resistance from Indigenous groups. The government persists in using the colonially derived term "Amerindian" rather than the term "Indigenous peoples" favoured by the leading Indigenous peoples representatives groups the APA, GOIP and TAAMOG. The latter groups have therefore charged the

government of denying the 'first people' the right to identify themselves. Accepting that Indigenous peoples have specific rights by virtue of them being original inhabitants, most pertinently rights to lands owned under their customary laws, threatens the principle that the state has proprietary rights to the land and can therefore distribute it as it sees fit.

Under the new liberal economic paradigm therefore, clashes have increased between the state and Indigenous communities over disputed lands – those claimed by Indigenous societies but legally under Government control to dispense. In the new dispensation of private sector led development, successive regimes have been selling –state lands– being used by Indigenous communities to private individuals and companies operating largely in the mining and forestry sectors. As noted previously, under the Amerindian Bill, village councils do have some measure of control over the land and resources, however final decision making powers continue to be located outside the communities in the Minister of Amerindian Affairs who has the authority to ignore a council decision and sanction a mining concession when the Minister believes it serves the –public– or –national– interest.

Additionally, the question over who has ultimate control over these disputed lands is also clearly answered when the use of revenues garnered from these concessions is assessed. Miners are required to pay tributes but these are paid to the Guyana Geology and Mines Commission which then allocates 20% of all royalties not directly to the communities where elected councils can decide on their usage but the monies are allocated to the Ministry of Amerindian Affairs which then determines the spending priorities for the affected communities.

Clearly, during pre and post colonial eras, the legal framework was a key tool used to legitimise the denial and rejection of Indigenous rights and exclusion of Indigenous claims, particularly when it related to land use. All legislation related to the management of Indigenous peoples, including the new 2006 Amerindian Bill, legalise discrimination and marginalise Indigenous peoples in Guyana and are imbued with an offensive paternalistic attitude that considers Indigenous peoples incapable of self determination

and consequently requiring external protection and guidance.

Indigenous Philosophy as a Challenge to Liberal Democracy and Capitalism's Claim to Universality

Liberal democracy presumes that people relate to one other and their communities on an individualised basis and that this presumption has universal applicability. The general acceptance of liberal democracy's universality has made liberal democracy a powerful ideological force at this current historical juncture. Jowitt (1996) however indicts liberal capitalist democracy for failing to appreciate the shared aspects of human existence and placing disproportionate attention on individualism, materialism, scientific achievement and reason. According to Jowitt, liberal capitalist democracy uses the logical individual as the principal unit in social and democratic life. Liberalism reveres abstract individualism and argues that all individuals are offered similar political and legal rights irrespective of their differences. Such an interpretation rejects the argument that diversity and inequity are relevant to the debate as liberal democracy renders all individuals as essentially the same.

Phillips (1993) counters that in addition to identifying themselves as citizens of a nation, people also freely or by necessity, general identify themselves with a smaller sub-group. When this association with a sub-group is indicative of a history of systematic exploitation for particular minorities, Phillips suggests that it is disingenuous to dismiss it as an extraneous characteristic of democratic organisation. As it is presently applied, liberal democracy continually focuses on the individual as the central agent in political life, and thus prevents meaningful consideration of the need to empower marginalised groups.

Liberal democracy as a form of political participation, representation and governance is favoured, encouraged and if necessary imposed because it reinforces and facilitates the implementation of capitalism's liberal tenets. It emerged as a compromise solution for capitalist state organisation in 19th century Europe and as capitalism extended its reach and incorporated territories and peoples, liberal democracy universality claim was

advocated since as the political manifestation of capitalism, this form of political administration offered the best environment within which global capitalism would prosper.

Consequently, as Phillips states (1993), it is not surprising that liberal democracy ignores or in fact condones the social discriminations and exploitations that are associated with the capitalist economy or that it is unconcerned about the persistent and systemic economic disparities (see also Schmitter 1996). Liberal democracy prizes political equality that is premised upon every individual having the right to cast a ballot and stand for elections, and, opposes redress of any other inequality as injurious to democratic liberties. However, separating political equality from the social and economic circumstances within which it is achieved lessens its value (see Dahl 1989). As Phillips (1993) notes, issues gender, ethnicity, disproportionate access to capital, disproportionate access to knowledge, information and political skills all conspire to make some individuals and groups socially and politically unequal.

Young (1989, 1990) warns that democracy runs the risk of being illegitimate if it continues to refuse to create an opportunity for group differentiation since as she notes, "Our political problem is that some of our groups are privileged and others are oppressed." Moreover, current democratic structures offer real authority to the dominant groups while marginalised groups are oppressed, although the authority is generally hidden under a neutral broad perspective, or represented simply as the majority decision acquired through a national ballot. Democracy Young concludes, has to re-evaluate its interpretation of an united humanity, along with the idea that individuals are in fact equal simply by their equal right to vote.

Unsurprisingly therefore, the return of the free market economy to Guyana in the late 1980s and early 1990s was accompanied by the return of liberal democracy. However the liberal democracy currently implemented is minimalist and has not in a systematic manner addressed the gross social and economic inequity faced by Indigenous populations, their lack of access to information and services and their preference for

engaging the state as a group rather than as individuals. Indigenous communities have consequently persistently challenged the universalized custom under liberal democracy of relegating political rights to an individualized level. In other words, centuries of exclusion have however not lessened the determination of Indigenous peoples and their representative institutions to confront the state and persist in their efforts to acquire collective self-determination and rights to their ancestral lands. In so doing, they undermine the ideological foundations of the modern nation state and the capitalist culture that promotes individualism and resource exploitation for private gain.

The presence of Indigenous populations despite centuries of repression and exploitation is not simply an expression of survival but also of resistance and defiance. Notwithstanding the initial decimation of Indigenous groups upon contact with Europeans, and despite the incorporation of Indigenous ancestral lands into the capitalist economy and subsequent attempts at 'protection', assimilation and acculturation, Indigenous peoples have largely rejected capitalist tenets and have sought to maintain their traditions. Further, contrary to the prediction of the colonist Dalglish-Patterson, Indigenous groups have not become extinct but have instead grown as seen in the last census in 2002. The number of Indigenous peoples residing in Guyana's geographical territory had increased over the previous decade and comprised in excess of 68 000 persons, or 9.2 percent of the total population.

The mere presence of Indigenous populations confronts the value system and accompanying economic and political structures endorsed by liberal democracy and capitalism. This challenge posed by Indigenous communities is based on continuing resistance to western culture and embrace of their non-capitalist organisational structures and lifestyles. In so doing, Indigenous peoples challenge the logic of capitalism and the interstate system. By prioritising values such as communal ownership of resources, by practicing group identity politics and by maintaining their demands for ancestral lands, the core principles in liberal democracy and capitalism are contradicted, especially the seeming inviolable principles of individualism and private property rights (Ifillb 2007).

Currently, resistance and challenge to incorporation by Indigenous groups centre on the quest for self determination and to regain seized ancestral lands. Under international law, Indigenous peoples, including those in Guyana have a right to self determination and it is this right that groups in Guyana continue to assert. Although liberal democracy restored their right to vote in the national election, their political rights at a village or group level remain constrained by the excessive powers of the state over village administration through the Minister of Amerindian Affairs.

Notwithstanding the acquisition of the Guiana territories by the Dutch and British colonisers on behalf of their crowns and the distribution of the presumed crown lands for capitalist ventures, Indigenous groups have refused to relinquish claims to lands they have occupied and owned under their customary law. In the immediate post emancipation period, land acquisition by non Europeans had commenced as Africans bought lands from which they hoped to build an independent livelihood. By the late 19th century, another ethnic group, the East Indians were given land or bought land at favourable prices from the state and the plantocracy as the latter sought to maintain the size of the labour force plus forego the expense of providing return passage to India. Indigenous peoples had minimal involvement in wage labour and consequently did not accumulate capital and, they refused on principle to purchase what they believed to be their ancestral lands.

To regain lands and secure rights to self-determination, Indigenous groups have internationalized their plight, coordinated strategies of resistance and challenge with other first peoples around the world and have moved to the courts both inside and outside of Guyana and made representation to international NGOs continually seeking legal titles that would acknowledge their collective ownership of ancestral lands so they could maintain their traditional lifestyle, safeguard their sacred and other culturally significant areas and shield their communities from negative influences (James 2003).

Following intense activism on the part of Indigenous and other environmental groups, the international financial and developmental institutions, including the World Bank and the

Inter-American Development Bank by the mid 1990s had revised their uncritical support of the interior development strategy for Guyana and had begun to insist on environmental impact assessments and safeguards. They also tied financial and technical support on state agreement to implement specific environmental reforms. For instance, one condition imposed by Britain's Department for International Development for its Forestry Support Project was that the state impose a moratorium on granting logging concessions (Colchester et al 2002).

Further, in a dramatic about face, the government within the last few months has announced a new Low Carbon Development Strategy (LCDS) with the aim of securing compensation for Guyana keeping the rainforest intact, some 15 million hectares, rather than engaging in logging operations, mining or other economic activities that could destroy the country's rainforest. Considering 25 year leases have been signed with several multinational corporations that have automatic renewal options upon its completion, and the large landmass that is already engaged in these extractive industries, the ability of the state to amend the terms of agreement with these MNCs or enforce compliance with new environmental standards is not assured.

More importantly, the government has made this decision without prior consultation with Indigenous communities and this is reflective of a continuing pattern by post independence. In fact the government has argued that they will not be the beneficiaries of any 'special' treatment in the nationwide consultations but that titled communities have an option of joining the strategy or opting out. However, some of the lands the government is treating as State Forests and have been incorporated into the LCDS are claimed by Indigenous communities and have been determined by the ALC since 1969 as Indigenous lands (Stabroek News June 11, 2009).

Conclusion

Indigenous peoples represent the first and most ethnicised group in Guyana and it is this classification of difference that has nourished their relentless demands for self-

determination and total command over traditionally owned resources. Indigenous peoples are positioned at the base of the hierarchical labour structure, or are quite possibly excluded altogether from it. This means that unlike the Africans and Indians who wish to either maintain the status quo or change it while still retaining a capitalist system, Indigenous peoples have rejected the capitalist construct that attempts to reduce them to an expendable labour force and eliminate communal ownership of resources, particularly as these relate to land. Further, Indigenous peoples have been constantly engaging the state as a community rather than as individuals and this practice most threatens liberal democracy's individualist ideology.

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