

# LAND DISTRIBUTION IN GUYANA – ASSESSMENT OF EXISTING PRACTICES

## EXECUTIVE SUMMARY

The study of land distribution in Guyana is intended to:

1. Identify the existing practice followed to select persons with respect to land distribution for housing, agriculture, and commercial activities;
2. Identify the existing practice followed to grant mining concessions, claims and licenses;
3. Identify the existing practice followed to allocate permissions for forest resources;
4. Assess whether, or not, the practice in conducting each of the above activities is equitable;
5. To determine whether over a ten year period, there as been an equitable approach to all with regard the concerned activities;
6. To provide recommendations regarding what positive action could be developed to redress areas of inequitable practice

Equitable for the purpose of this research means fair, just, impartial or unbiased. Equitable means possessing equity.<sup>1</sup> Fair means openness, free from obstacles or hindrances. In this regard, the distribution process or the practice must be free from any favoritism or self-interest, bias, or deception. Decisions and recommendations should be objective and in conformity with established rules or standards.

The analysis involved an examination of policies and other documents used to guide the practice. Application and distribution registers were perused, where possible. Interviews and questionnaire responses were solicited from Senior Officials of Commissions and Ministry, namely, Guyana Lands and Surveys Commission, Guyana Forestry Commission, Guyana Geology and Mines Commission and the Ministry of Housing and Central Housing and Planning Authority. Where possible, interviews were

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<sup>1</sup> Webster's Dictionary, 1913 Edition.

held with regional representatives of the above named agencies. This was intended to gain a better understanding of the regional experiences and practices. Interviews were held with recipients of land for house-lots, agriculture and commercial activities as well as applicants of grants for concessions, claims and licenses to carry out logging activities and mining.

Research was concentrated in eight of the ten administrative regions in Guyana, namely Regions 1-6 and Regions 9 and 10. Regions 7 and 8 were not included in the study, though initially Region 8 was also considered, but had to be abandoned due to the high cost involved.

The methodology was purely qualitative or interpretive. Analyses were based mainly on a framework of the European Union (EU) land policy guidelines<sup>2</sup> and national and sectoral distribution guidelines and other best practices on land distribution from international organizations. The report is presented in three sections as follows:

- Land distribution - agriculture, housing and commercial activities.
- Land distribution - allocation of forest concessions and licenses.
- Land distribution - granting of mining licenses/concessions

It should be noted that in respect of Forestry and Mining, land is not distributed in the same way for these purposes. Permission is granted in the form of concessions, permits and licenses for persons to extract resources and minerals from the land. These sectors were nevertheless included in the study.

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<sup>2</sup> EU Land Policy Guidelines for support to land policy design and land policy reform processes in Developing countries.  
[http://www.donorplatform.org/index.php?option=com\\_docman&task=doc\\_view&gid=347&PHPSESSID=8a827bc1](http://www.donorplatform.org/index.php?option=com_docman&task=doc_view&gid=347&PHPSESSID=8a827bc1).

### **Limitations of the study:**

A major limitation of the study worth mentioning was the reluctance of some Heads of agencies to grant permission for the implementation of the study. The length of time that agencies took to consider the request despite continuous contact has resulted in major delays in data collection and analysis.

A vital activity in the research was a desk study which involved an examination of application and lease registers, where possible. In this regard a major difficulty encountered which militated against achieving one of the objectives of the research was the aggregated nature of the record-keeping systems existing in the various agencies. Records were neither arranged by ethnicity, region nor by category of distribution in cases of multi-use distribution. Without disaggregated data, it is difficult to have conclusive findings on ethnicity. In this regard, the objective of determining whether over a 10-year period, there has been an equitable approach to all concerned could not be achieved. The conclusions of this study are therefore based mainly on interviews, but not on documents.

### **Findings**

#### **Summary of Findings and Recommendations – Land Distribution: Housing, Agriculture and Commercial Activities**

Findings and recommendations as indicated earlier are based on the research framework for equity and equitable distribution of land for the above uses. The framework has been influenced by the EU land policy guidelines for developing countries and other documents, including international best practices and national and sectoral documents. Based on these guidelines, the research shows that some existing practices within the two distributing agencies are satisfactory in terms of equity and good practices. However, others need to be improved in order to achieve standards of equity.

The following areas seem satisfactory:

- (a) Checks and Balances as a requirement for equity: Both agencies carry out adequate checks and balances on how procedures are carried out at both the national and regional levels.
- (b) Procedures for deciding in favor of a particular party in a dispute over land claims. Procedures seem to be in line with equity. They depict objectivity and fairness.
- (d) Addressing corruption allegations against staff members by members of the public: The procedures are adequate; they are addressed under a human resources disciplinary code with specific procedures for varying types of misconduct

The following recommendations below are based on the research findings which indicate inadequacy of the practices.

- (a) Given the importance of land policies for growth and development, recommendation is made that urgent steps be taken to put in place a written national policy on land distribution. This policy should constitute fully, all the components of equity. It should be a policy that is well publicized and utilized.
- (b) In order to promote equity in the distribution of land for Agriculture, Housing and commercial activities the GLSC should institute a policy to publicize all leases at both the national levels, particularly in the region in which the lease is to be issued.
- (c) The Ministry of Housing should consider using other forms of publicity in addition to the newspapers, such as the television and radio.
- (d) Both distributing agencies should put in place measures to prevent land grabbing, not only at the level of applicants, but also at the level of other categories of persons, including persons in the distribution of the commodity.

- (e) A policy or mechanism should be put in place within the Ministry of Housing and CH & PA to give the unemployed the opportunity to access land. Systems should be put in place to provide land to persons with special needs. The Ministry of Housing should remove restrictions in its land distribution policy that may hinder persons without children from accessing land.
  
- (f) The “White Paper on land House-lot distribution” should be re-worked, providing a broad cross-section of the society with an opportunity to participate and to contribute to the document. This is likely to provide greater transparency, exclusivity, legitimacy and donor’s input. The “White Paper” needs to be given publicity, beginning among officers and staff of the two distributing agencies.

### **Summary of Findings and Recommendations – Allocation of Forest Lands/Concessions**

With respect to allocation of forest lands/ concessions, the research shows, based on the framework for equitable distribution, that while there are some areas characterizing equitable practice in the administration of the allocation process, the practice in some respects need improvement.

The major areas of concern are as follows:

- (a) System of Appeals: Applicants for forest concessions should be informed about the possibility to appeal if their applications are rejected.
  
- (b) Adequacy of resources to carry out the work of the Commission: The Commission should purchase a heavy duty generator for its office at Region 1 or alternatively a Solar Power System for the office, which can generate adequate levels of electricity to operate the office equipment.

Other major areas to be considered in the practice of equity in allocation of forest concessions/resources are adequate and can be retained. These include:

- (a) Advertisement of forest concessions
- (b) Level of participation in the formulation of policy and other documents to guide the Commission
- (c) The procedures used to make a decision in favor of a particular party in dispute over Forest lands/concessions
- (d) The factors of influence in the formulation of new policies and procedures in the recently reformed GFC.

### **Summary of Findings and Recommendations – Mining Concessions**

As is the case for allocation of land for house-lots, agriculture and commercial activities and for Forestry concessions, similarly, the results of the study indicate that some level of fairness and transparency exists within the practice, while there are some areas of concern which need to be addressed. The major areas to be addressed are as follows:

- (a) Policy document: In order to demonstrate that the policy was designed through a transparent process, the policy of the GGMC should be revised, encouraging a broad process with inputs from a wide range of stakeholders and interested parties. The policy document should be disseminated for the Officers use at the regional level. Further, it is recommended that the policy document be included among the training materials for personnel in the various regions.
- (b) The GGMC needs to strengthen its publicity when advertising opportunities for claims/licenses, to cater for persons who for one reason or another, do not read the newspapers and worse, have NO easy access to the official Gazette. The television has become an integral part of Guyanese culture and would be a useful medium of publicity reaching a larger proportion of the population. Radio announcements can also be included.

- (c) GGMC should put in place simple procedures to facilitate citizens who may want to appeal against local and regional systems. It would be advisable for the various sectors involved in this study; (GLSC, MOH/CH& PA, and GFC) coordinate in establishing a common Appeals Committee in each region to listen to appeals of citizens using their agencies.
- (d) Authorities should ensure that minorities and those who are not so financially empowered are given access to mining licenses and concessions. Significant portions of land should be preserved for minorities and small operators. These groups are to be encouraged to engage in the process.

Major areas that are considered satisfactory include:

- (a) Procedures to address matters of corruption
- (b) Procedures in place to address disputes surrounding mining concessions
- (c) Adequate checks and balances to carry out procedures.

General Recommendations:

- (a) There should be consistency in the information available at all levels within the distributing agencies.
- (b) There should be information sharing among the different agencies involved in the distribution of land and its resources.
- (c) There is a need for coordinated efforts among all land- related distributing agencies. Activities of the agencies, should not be in competition, but complementary in order to achieve the overall goals of the country.
- (d) The ERC should organize workshops on land distribution to promote the equity approach to distribution, using the European Union Guidelines prepared for land policy design and reform in developing countries, including Guyana. At these workshops, a strategic plan should be adopted on how to integrate the use of the guidelines purported in the document, with the common goal of achieving equity in all areas of the distribution process.

- (e) A component of the strategic plan should include a programme for continuous monitoring and evaluation of the plan. There should also be continuous report-back seminars/workshops or meetings on the progress being made. These workshops and planning sessions should include a wide range of stakeholders of land from all sectors of the society.
  - (a) In addition, there should be continuous research on the equitable approach to land distribution, as a means of continuous update of our progress in this regard.
  
- (f) The GGMC AND GFC respectively, should hold workshops for small scale miners and loggers. At these workshops, these small entrepreneurs should be encouraged in their work and be reassured that their commissions are willing to support them in their work. They should also be encouraged to advance into large scale logging and mining, even if it requires them forming themselves into cooperatives or partnerships. These miners and loggers should be also taught and exposed to modern technology in their field of work in order to enable them to compete favourably with other companies. Some training can be organized through their loggers and miners associations.

Other findings and recommendation are found in the general findings section of the individual sectors.

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## **List of Abbreviations**

CH&PA	Central Housing and Planning Authority
EPA	Environmental Protection Agency
ERC	Ethnic Relations Commission
EU	European Union
FMD	Forest Management Division
FAO	Food and Agricultural Organization
FPA	Forest Processing Association
FRIU	Forest Resource Information Unit
GDP	Gross Domestic Product
GFC	Guyana Forestry Commission
GGMC	Guyana Geology and Mines Commission
GLSC	Guyana Lands and Surveys Commission
GMA	Guyana Manufacturing Association
GPS	Global Positioning System
GUYSUCO	Guyana Sugar Company
LAO	Land Administration Officer
MIU	Management Information Unit
MOH	Ministry of Housing
NDC	National Democratic Council
NDS	National Development Strategy
NGO	Non-governmental Organization
PCU	People's Cooperative Unit
PSIA	Poverty and Social Impact Analysis
SFP	State Forest Permission
SFM	Sustainable Forest Management
SOP	Standard Operating Procedures
FAP	Food and Agricultural Program
UN	United Nations

## **Acknowledgements**

The Ethnic Relations Commission (ERC) and the Researcher appreciate the cooperation and guidance received from the agencies that have participated in the study of land distribution in Guyana. These agencies are The Guyana Lands and Surveys Commission (GLSC), Ministry of Housing/Central Housing and Planning Authority (MOH/CH&PA), Guyana Geology & Mines Commission (GGMC) and Guyana Forestry Commission (GFC).

The ERC and Researcher also acknowledge the support of the Regional Officers of Housing, Lands & Surveys, Forestry and Mining who have participated in one way or another. Special thanks to the Lethem's Office of the GGMC for providing the photographs on mining and to the Deputy Commissioner of GFC for doing likewise.

To the various respondents, your participation is highly appreciated. Thanks for taking time from your busy schedule to share your experiences as applicants for land, concessions or licences in the various sectors.

The hard work of the Assistants on the project is also acknowledged and lastly, in the final stages, the Editor, whose work is highly appreciated, thank you.

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# LAND DISTRIBUTION IN GUYANA: ASSESSMENT OF EXISTING PRACTICES

## 1.0 INTRODUCTION

The study of land distribution in Guyana is intended to:

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3. Identify the existing practice followed to allocate permissions for forest resources.
4. Assess whether the practice in conducting each of the above activities is equitable.
5. Determine whether over a 10-year period, there has been an equitable approach to all with regard to the activities concerned.
6. Provide recommendations regarding what positive action could be developed to redress areas of inequitable practice.

Land carries various symbolic values among Guyanese, the common factor being that land is an important resource to all groups within societies. Throughout history land has played a central role in societies. It has been the locus of productivity and a source of political power. The sound management of land fosters environmental stability and economic well-being, while its abuse has helped in the destruction of ecosystems and livelihoods.<sup>1</sup>

The most basic of all economic resources is land. It plays a major role in shaping economic development. Agricultural land is integral in the production of our subsistence. Land is crucial to the functioning of cities. Its ownership determines the degree of economic inequality within the society. The land question is central to contemporary social concerns about problems of housing affordability and environmental quality.

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<sup>1</sup> Importance of land. [http://www.wealthandwant.com/themes/importance\\_of\\_land.html](http://www.wealthandwant.com/themes/importance_of_land.html)

Over half a billion families outside the developed world still depend on agricultural land as their primary source of income, security and status. More than half of these families exist in highly unsatisfactory and unstable tenure relationships to the land on which they are dependent for their livelihoods.<sup>2</sup>

Improvement and stability of land have crucial benefits apart from increased crop production and improved nutrition to poor households, such as sustained and improved economic growth, empowerment of the poor, democracy, creation of wealth, a reduction in urban migration, reduced instability and social unrest.<sup>3</sup>

Guyana, the only English speaking country in South America, covers an area of 215,000 square kilometers (83,000 square miles), with a land area of 197,000 square kilometers (76,000 square miles). Guyana is divided into 10 administrative regions, with the population distribution as shown in Table 1.1.

**Table 1.1: Population Distribution by Administrative Region**

Number	Region	Population	
		Total	%
1	Barima-Waini	18,755	2.59
2	Pomeroon-Supenaam	43,149	5.96
3	Essequibo Islands-West Demerara	92,139	12.72
4	Demerara-Mahaica	299,800	41.41
5	Mahaica-Berbice	49,937	6.89
6	East Berbice-Corentyne	144,107	19.90
7	Cuyuni-Mazaruni	15,478	2.13
8	Potaro-Suparuni	5,788	0.79
9	Upper-Takutu-Upper Essequibo	15,221	2.10
10	Upper Demerara-Upper Berbice	39,453	3.45

Guyana has a variety of natural resources with fertile agricultural lands on the coastal plain and in the riverain areas. The country comprises vast areas of tropical forests with a variety of ecosystems. It also has a wide range of minerals, including diamond, gold, semi-precious stones, manganese and bauxite, which is mined in various regions of the country.

<sup>2</sup> Roy L. Prosterman and Tim Hanstad (2003). Land Reform in the 21<sup>st</sup> Century: New Challenges, New Responses: RDI Report on Foreign Aid and Development #117.

<sup>3</sup> Ibid.

## **1.1 Economy**

Guyana is an open economy with agriculture accounting for half of the national Gross Domestic Product (GDP). It depends heavily on its agricultural and mining exports (sugar, rice, timber, rum, gold and bauxite) to generate foreign exchange. The agriculture sector remains a principal contributor to the country's GDP, chiefly through its sugar and rice production with plans to expand to non-traditional crops, including fisheries and livestock. Over the last five years, there have been a number of improvements in the sector. These include the implementation of two strategic plans, one being for five years, for organic farming and the other, 10 years, for restructuring the rice industry.<sup>4</sup>

Land distribution in Guyana is presently conducted by a number of public, semi-public and private agencies. Land distribution for Agriculture, Residential, Business, Commercial, Industrial, Grazing, Tourism, Ecclesiastical and Recreational activities are carried out by the Guyana Lands and Surveys Commission (GLSC), while the Ministry of Housing and Central Housing & Planning Authority (CH&PA) are responsible for house-lot distribution.

With respect to Forestry and Mining, land is distributed differently. Permission is granted in the form of concessions, permits, claims and licences for persons to extract resources and minerals from the land.

## **1,2 Land Distribution - Housing, Agriculture and Commercial Activities**

According to the National Development Strategy (NDS) Chapter 22, Guyana has no land use policy. As a result, there is no organized program on demarcation of land for specific uses. There are two categories of land, publicly-owned land, comprising government lands and state lands. The Commissioner of Lands and Surveys has jurisdiction over State Lands. The three commissions dealing with land, Guyana Geology and Mines Commission (GGMC), Guyana Forestry Commission (GFC) and GLSC administer lands for mining, forestry and agriculture respectively. Due to the lack of the policy to regulate land use, each of these agencies may distribute land in a common space for different purposes.

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<sup>4</sup> UNCCD. (2006). The Guyana Lands & Surveys Commission. UNCCD National Focal Point. Guyana's third national report on the implementation of the United Nations Convention to Combat Desertification.

Government lands constitute those either granted to or purchased by the Government for the development of general revenue, such as hospitals, schools, clinics, government administrative buildings and land development schemes. Freehold private lands are those that have been held by private or corporate bodies.

The Government of Guyana owns approximately 90% of the land. There are various categories of holders of state leases permitted to occupy lands and hold legal documents. These include owners of freehold lands, who have purchased from the State by way of transport, squatters – unregularised occupants of state lands whose who have applied for lands they occupy while waiting on the applications to be approved, renters of freehold lands – those who rent under private arrangements from freeholders, among others.

General land distribution issues and that of ancestral lands are of great significance in Guyana. Chapter 24 of the NDS proposes strategies to address Amerindian claims for land titles and claims forwarded by Guyanese of African origin who assert ownership of lands which their ancestors bought immediately after slavery, and later lost. The strategy proposes an equitable solution to the matter.

The strategy also proposes a number of broad objectives for land policy, including:

- The provision of increased access to land for the landless of both urban and rural farming families with limited acreages.
- Improvement of lease arrangements towards providing greater security of tenure.
- The provision of access to production financing for agricultural investments.
- Effective management of Guyana State land resources, by putting in place proper lease management systems with better documentation and an effective system for collecting lease rentals.
- Acquisition of the land use and land capability data necessary for investment.
- Clarification of national land policy at a broad level in this strategy and more specifically in subsequent documents.
- Lease terms of 99 or 999 years compared with the present 25-year limit to be introduced.
- The selection of citizens for housing lands to follow the same procedures as set down for agricultural lands.

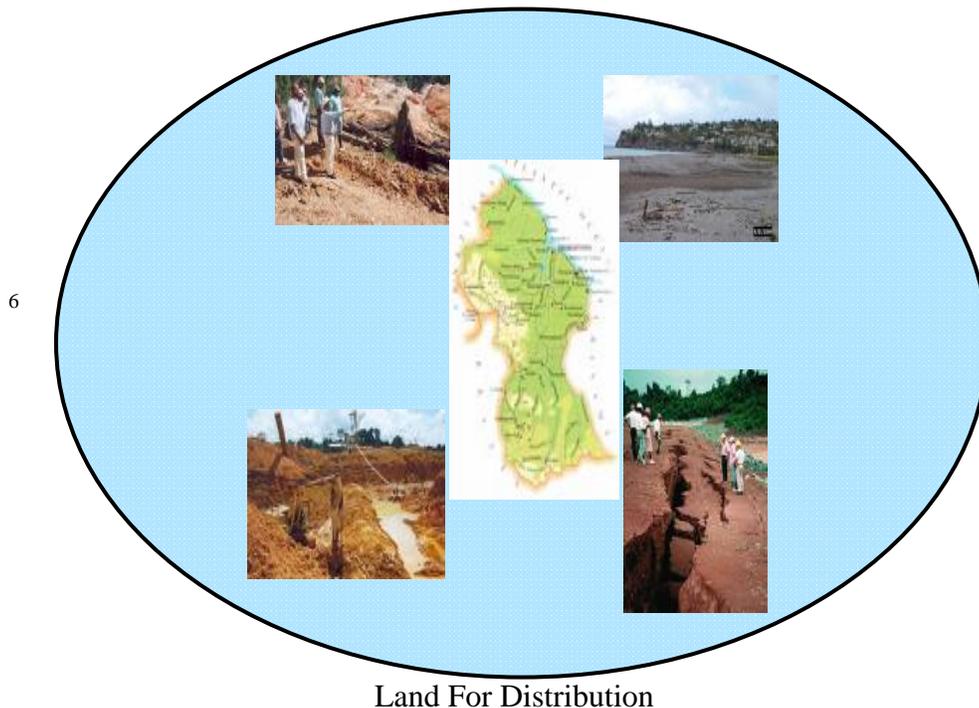
The United Nations' (UN) official policy on land, which was first officially articulated at its conference on Human Settlements (Habitat 1) in Vancouver in 1976,

promotes the indispensability of public control of land use which must be used in the interest of the society. The preamble states:

Land cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market.... Private land ownership is ... a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice, if unchecked, it may become a major obstacle in the planning and implementation of development schemes. The provision of decent dwellings and health conditions for the people can only be achieved if land is used in the interests of society as a whole.<sup>5</sup>

Specific recommendations of the policy include the establishment of urgent policy on human settlements, maintenance of public ownership of land in order to achieve equitable distribution of development benefits, encouragement of public surveillance or control in the interest of the nation, zoning and land use planning be used as a basic instrument of land policy.

Figure 1.1



<sup>5</sup> UN Article from ecologic, 1997, edn. [www.sovereignty.net/p/land/unproprts.htm](http://www.sovereignty.net/p/land/unproprts.htm)

<sup>6</sup> Google images of lands for housing in Guyana

Inappropriate land policies constitute a serious constraint on social and economic development in various respects that are of vital significance for developing countries. Outdated land laws, insecure land tenure and slow or dysfunctional land administration institutions can hinder private investment, undermine good governance and reduce the ability of local authorities to raise taxes.

Highly skewed distributions of landownership and patterns of access to land that discriminate according to gender or ethnicity affect the ability of decentralized market mechanisms to put land to its best uses, shrink economic opportunities among disadvantaged groups, including the ability to use land as collateral and foment social conflict and violence<sup>7</sup>

In Guyana, the ownership of land is either in the hands of the State or under private freehold tenure. A portion of the land, which includes the banks of canals and dams, is common propriety. This is used for grazing and for cultivation of some vegetables and ground provisions, particularly by the landless.<sup>8</sup>

Publicly owned lands in Guyana comprise two categories, “State Lands”, formerly “Crown Lands” and “Government Lands” to be developed for public purposes, including land development schemes. Conditions are similar for obtaining any of the two types of public lands.

Common land ownership types are “Leasehold”, “Freehold”, “Private Leasehold” and “Squatter Occupied Lands”. “Leasehold” refers to the form of ownership where land is rented to the lessee for a specified time agreed upon by the contracting parties (lessor and lessee). “Freehold connotes land ownership through title deeds. Freehold is the most secure form of land tenure, referred to as “bona fide” or “proprietor’s land”. “Private Leasehold” carries two types of tenants, historical and seasonal, the former being transferable. Such owners enjoy special rights and pay annual rents. Seasonal tenants on

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<sup>7</sup> UN- HABITAT (2006). Global Land Tool Network -Themes and Issues. Nairobi, Kenya.

<sup>8</sup> Poor Rural Communities support Services Project – Drainage and irrigation component, Guyana

the other hand, rent land for a crop or a season. “Squatter Occupied Lands” are occupied by squatters of abandoned lands, State lands or lands legally owned by others.<sup>9</sup>

### 1.3 Land Tenure

When individuals or corporate bodies acquire land or land use rights, they gain tenure. An owner can either lease or sell tenure. This subscribes to the division of tenure into two categories, “leasehold” and “freehold”. Most leases place restrictions on the holder of the lease. For example, although a leaseholder may be permitted to carry out construction over a land, he/she may have no rights to the minerals thereon. The freehold has fewer restrictions than the leasehold and is considered to be more secure. The leasehold is considered more equitable. The right of ownership is reserved for the society as a whole rather than to an individual.<sup>10</sup>

Tenure security is defined as, “...(i) protection against eviction; (ii) the possibility of selling and transferring rights through inheritance; (iii) the possibility...(of having a ... mortgage, and access to credit under certain conditions”.<sup>11</sup>

According to the UN Human Settlements Programme, a primary cause of poverty and equity is the failure to adopt at all levels, appropriate land policies and practices. Legal access to land is necessary for the development of sustainable human settlements. Land rights and access constitute an integral part of social capital, which provides the foundation for self-determination within a person’s social, cultural and economic environments. It enhances and sustains food security<sup>12</sup>.

Governments undertake land reform policies to alter existing rules governing access to land, whether customary or formal. Land reform is Government’s direct interventions to change agrarian structures with the objective of redistributing land for purposes of equity and productivity and changing the rules governing land tenure.

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<sup>9</sup> Poor Rural Communities Support Services Project – Drainage and irrigation component, Guyana.

<sup>10</sup> UN-HABITAT. Urban Land Policies for the Uninitiated. n.d.

<sup>11</sup> UN-HABITAT, United Nations Human Settlements Programme. Handbook on Best Practices, Security of tenure and access to land – Implementation of the Habitat Agenda, Nairobi, Kenya, 2003

<sup>12</sup> R. Ramirez, Consultant, International Support Group.2002. Land Reform, Land Settlement and Cooperatives -

## **2.0 ASPECTS OF LAND DISTRIBUTION**

### **2.1 Social Aspects**

People's rights to land constitute the basis through which they are able to enhance and sustain their food security and livelihood. Land rights form the foundation of people's self-determination within their culture and society. According to the UN Human Settlement Programme (2006), security of tenure and access to land are the prerequisites for sustainable human settlement and adequate shelter for all in both rural and urban areas. Land, being a productive asset, can have great impact on social relations at both the household and community levels.

### **2.2 Political Aspects**

Land is indispensable from the perspective of economic growth and social progress of people. As a commodity it is unique, invaluable and immovable. Land is an indispensable resource for development, even where it is of mere symbolical importance. In instances of dispute over rights and practices associated with particular plots of land, chances of eruption of conflict and violence can be significant.<sup>13</sup>

In Guyana, the NDS notes that issues of land distribution are important because they may potentially explode as a racial problem.<sup>14</sup> There has been the experience of ethnic polarization amongst particularly Guyanese of African and East Indian descents. This has been documented by the Special Rapporteur to the UN Commission on Human

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<sup>13</sup> "Land and Conflict" Office of Conflict Management and Mitigation Bureau for Democracy, Conflict and Humanitarian Assistance, U. S. Agency for International Development (USAID) available at: [http://www.usaid.gov/our\\_work/cross-cutting\\_programs/conflict/publications/docs/CMM\\_Land\\_and\\_Conflict\\_Toolkit\\_April\\_2005.pdf](http://www.usaid.gov/our_work/cross-cutting_programs/conflict/publications/docs/CMM_Land_and_Conflict_Toolkit_April_2005.pdf)

<sup>14</sup> Guyana National Development Strategy, Chapter 22, II 28

Rights in Guyana ...<sup>15</sup> Misir asserts that ethnic polarization in the country is also socially and politically contrived.<sup>16</sup>

Claims have been advanced by Guyanese of African descent that they have been alienated from land previously bought by their ancestors immediately following emancipation from slavery (NDS Chap 22).

On the question of social equity, landholding by Amerindians is of concern since some Amerindian settlements remain un-surveyed and without titles. This results in a sense of insecurity for Amerindians and encroachment by miners and loggers (NDS Chap. 22).

The NDS proposes that a special Parliamentary Committee be set up to examine the distribution of land amongst the various races in Guyana.

### **2.3 Economic Aspects**

The NDS states that presently there is no land structure data (e.g. soil type, arability, land contour) in Guyana which would help support land use planning. Investment in land as well as land distribution is hindered by the absence of such an effective plan.

The NDS also points out that the farm holdings with families considered to be poor are all less than ten acres, with an average holding of two acres. This is sub-economical and likely is a significant contributing factor of poverty in rural areas. By comparison, the typical holding with families considered non-poor is about 26 acres. Hence there is also disparity in access to land. Changing the structure of land holding, even through land purchase and distribution by Government, presents operational challenges.

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<sup>15</sup> Report available at : <http://www.ohchr.org/english/countries/gy/index.htm>

<sup>16</sup> “Guyana not ridden by ethnic conflict”, Prem Misir (2002). Available online at : [http://www.uog.edu.gy/files/documents/prochancellor/The\\_Social\\_Construction\\_of\\_Race-Ethnic\\_Confilct.pdf](http://www.uog.edu.gy/files/documents/prochancellor/The_Social_Construction_of_Race-Ethnic_Confilct.pdf)

The capacity for conducting cadastral surveys is inadequate as is the legal capacity for conveyancing. These inadequacies contribute to a slow pace of land transfer both in land distribution by Government and in the private market, between private vendors and purchasers. One result in the private market is that many vendors and purchasers proceed with transactions without legal registration and formal documentation.

In 2001, the body responsible for management of state lands, the Guyana Lands and Surveys Department, was reformed as a semi-autonomous Commission, with powers to regularize tenures. A Land Tenure Regularisation Project was initiated, amongst other efforts, to improve documentation of rights and to convert some leases into freehold tenures. The Commission is also charged with responsibility to develop land policy and plan land use.<sup>17</sup>

With regard to land distribution for housing, it must be noted that only house-lots are distributed by Government, not houses. This is done by a process of divesting land to families, following a selection process.

The NDS notes that 90% of land available for housing on the coast is owned either by the Guyana Sugar Corporation (GUYSUCO) or the Government of Guyana. Hence divestment by GUYSUCO or the Government is essential for housing land release.

### **3.0 POLICIES AND PROCEDURES**

#### **3.1 Agriculture/Homesteads and Commercial Activities**

The distribution of public lands for agriculture, commercial, industrial, eco-tourism and shelter and settlement falls under the jurisdiction of the State Lands Act and the control of the GLSC. It is against this background that the Government in the post-1992 era has implemented significant institutional and policy reforms. These reforms aimed to improve the beneficial utilization of public lands and to provide equal opportunities to the population in accessing lands for the purposes listed above.

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<sup>17</sup> Report from Workshop on Land Policy, Administration and Management for the English-Speaking Caribbean, Hilton Hotel, Port of Spain TRINIDAD and TOBAGO, March 19 – 21, 2003

The institutional changes include establishment of an autonomous GLSC, with a broad-based governing Board of Directors, increasing the tenure of land ownership from 25 years to 50 years, resulting in beneficiaries accessing easy loans from banking institutions. Freehold occupation of lands up to 15 acres, which have been utilized beneficially for 25 years, have been instituted. A country-wide program of tenure regularization was established to provide titles to thousands of occupiers of State lands and to establish an accurate public lands register for proper and effective Land Administration.

Land applicants to the GLSC must be citizens, residents or corporate bodies. The application process includes information to the applicant on the full application process including instruction on how to complete the application form.

The process includes preliminary confirmation of the availability of the land where the staff checks the records and plans or stock sheets while the applicant awaits the result. If the land seems available, inspection and part payment of inspection fee are requested. The inspection is carried out in the presence of the client and a report is prepared, a copy of which is given to the client.

The application form is then completed and “notarized” by a competent authority. Filing fees are paid and the completed application is entered in the Register of Applications. The regional staff then carries out the relevant procedures, including affixing People’s Cooperative Unit numbers and inserting application details on to the cadastral and stock plans and recording the details in the notation register.

The schedule of applications is then forwarded to the Regional Democratic Council (RDC) and Neighbourhood Democratic Council (NDC) for their comments and to relevant agencies where necessary, such as GGMC, GFC, the Environmental Protection Agency (EPA), CH&PA and Sea Defense.

The application forms are then passed to the Monitoring Implementation Unit (MIU) staff who enters the details into their application registers and carries out clarifications. The file is passed to the database staff for entry into the lease database.

The applications are then forwarded to the Applications Processing Unit for distribution to the Land Administration Officer (LAO) who checks it and passes it to the Head of the Processing Unit, who also carries out checks and forwards it to the Manager

to prepare a draft schedule. Schedules are prepared, scrutinized by relevant officers and passed to the Commissioner of Lands and Surveys, who then forwards this to the Office of the President and to the Chair of the GLSC Board, where refusal or approval is granted and returned to the GLSC.

Letters are sent out, leases prepared, signed and distributed to successful applicants through their Regional Officers and through the Head Office. Letters are also sent to the unsuccessful applicants with reasons for their non-approval.<sup>18</sup>

### **3.2 Land for Shelter and Settlement/Housing**

The distribution of land for shelter and settlement or housing comes under the jurisdiction of the CH&PA which has representation from the Municipalities, the GLSC, the EPA, the Central Board of Health (CBH), the Private Sector and representatives of the main political parties.

The system of land allocation for housing passes through a filtering process which is designed to allow for little discretion. The department which handles this process, the Lands Administration and Conveyance Department of the Ministry of Housing and CH&PA has established criteria for allocation of house-lots to persons and has created a database of all applicants. It also acts as an arbiter of disputes among persons and interest groups to ensure a fair system of land distribution.

The criteria include a minimum age of 21 years; Guyanese residential status for at least six months; non-property owner; Single, Married or Common-law arrangement; have at least one child under 21 years or the legal guardian of children<sup>19</sup>; and low-income earner (monthly income below \$60,000) or middle income earner (monthly income \$60,000 or above). There are, however, exemptions to the above criteria. In areas of low demand for house-lots, for example, applicants without children whether or not they are single, may be considered. Applicants with proven medical problems or incapacitated, special or priority cases such as victims of disasters (e.g., floods and fires) or occupants of ruinous buildings may also be considered.

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<sup>18</sup> Guyana Lands and Surveys Commission. Standard Operating Procedures for Land Administration. Revised Edn. (2006)

<sup>19</sup> Functions of the Land Administration & Conveyance Department, Ministry of Housing/Central Housing & Planning Authority.

Priority for consideration in any of the above categories may be given to those who have applied in previous years, and so verified by the CH&PA. In all of the above cases, notarised documents and certificates from relevant statutory authorities are to be provided to verify the authenticity of the information supplied.<sup>20</sup>

The system used to process applications for house-lots through the CH&PA involves the completion of application forms which are obtainable from that agency. The applicant's information is then verified by the Regional Housing Committee. Verification of the land is carried out through collaboration among a number of agencies, namely the Regional Housing Officers in collaboration with the CH&PA, the Lands & Surveys Department and the Local Authority. This is to ascertain that the plot of land is available and suitable for residential purposes.

The Regional Housing Committee schedules interviews for the applicants using Interview Conclusion Forms. The Committee short-lists applicants, based on a points scoring system in which applicants with the highest scores represent those with greatest need. The list of recommended applicants is forwarded to the CH&PA. On confirmation, the CH&PA issues instructions to the Regional Housing Officer to proceed with the allocation process. Allocation letters are issued and agreements of sale are subsequently signed. Authorization to receive payment for house-lots is forwarded to the regions.<sup>21</sup>

### **3.3 Squatting**

Squatting is the ad hoc development of housing on land not laid out for building purposes, without regard to consequences for health, safety, public interests and future land uses. Minister Sheik Baksh, (1999) identified seven principal causes of squatting as follows: Unaffordability of high rentals, overcrowding, rural/urban migration, motivation of home ownership, the desire to escape from slums, pent-up housing demand and lack of government policy and programs.

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<sup>20</sup> "White Paper" on Land and House-lot Distribution, Government of Guyana

<sup>21</sup> GINA Publication. The House-lot Allocation Process, Georgetown, Guyana, March, 2003.

Many initiatives have been launched to regularize squatting but the Government has set a number of guidelines including upgrading of all squatter settlements, except untenable sites. It is intended that all sites should have certain minimum basic infrastructure and services. An environment should be created which would negate the need for choosing squatting as an option. It is intended that land would be made available with the necessary infrastructure in order to pre-empt, or otherwise prevent squatting among other persons.

### **3.4 Criteria for Regularization and Titling/Allocation of Lands**

Before a squatting area is considered for regularization, it must satisfy certain basic criteria. Representative groups of the area in question must show an interest. The authorities, e.g., the GLSC, must determine that the area does not conflict with other land use interests such as sea defense, cemetery and major highway. The number of households should not be greater than the available land space in keeping with the country's building regulation. The soil structure must be suitable for building (e.g., no swamps, vulnerability to erosion). Areas must be in close proximity to major highways and to basic services such as education, health, water and waste disposal. The land must be owned by the State.

Regularisation activities are three-fold:

- **Geography:** The land must be sited within a geographical area where basic amenities could be accessed (roads, education, health, etc.) and must be surveyed and designed in a manner to ensure that all features of a well laid out housing area;
- **Community involvement/participation:** The people occupying that area must be involved in all stages of its development;
- **Enforcement:** There must be adherence to all the rules and standards set by the management. Any deviation will be met by enforceable actions.

#### The Titling Process

Provided the land conforms to the regularization criteria and the relevant stakeholders are on board, the titling process will begin under the Land Registration Act. The procedures involve identifying the area and eliciting the stakeholder participation.

Establishing blocks and surveying individual lots and designing the entire block showing all sub-divisions. Provided these things are done, then the titling process commences.

### **3.5 Squatting in Trinidad & Tobago**

Like Guyana, Trinidad & Tobago also has a problem of squatting, for which procedures have been established to regularize the phenomenon.<sup>22</sup> The system provides for the regularization of persons who satisfy the following criteria:

- Not in an environmentally sensitive area;
- Occupation of the land verified by the Ministry of Agriculture, Lands and Marine Resources, Government of Trinidad & Tobago;
- Cultivated the parcel of land according to the Ministry's rules;
- Design a program for the development showing the technical sustainability and financial feasibility of agricultural activities; and
- Own no other land elsewhere.

The procedures are different from those existing in Guyana. Trinidad and Tobago does not involve the citizenry and community groups in the exercise, nor does it involve communities nor the private sector and interest groups in self-help. Instead the Trinidad and Tobago arrangement involves the State's Land Administration Division and a team of stakeholders, highly placed representatives of banks and country officials, who conduct interviews and select applicants and who approve/reject proposals.

### **3.6 Land Distribution and Equity**

Equitable for the purpose of this research means fair, just, impartial or unbiased. According to Webster's Dictionary, 1913 Edition, equitable means possessing equity. Fair constitutes openness, freedom from obstacles or hindrances. In this regard, the distribution process or the practice must be free from any form of favoritism or self-interest, bias, or deception. Decisions and recommendations in the distribution process should be objective and in conformity with established rules or standards. There should be no discriminatory practices in the distribution process.

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<sup>22</sup> Ministry of Agriculture, Land and Marine Resources, Trinidad and Tobago, West Indies:  
<http://www.agriculture.gov.tt/applicationloader.asp?app=articles&id=1059>.

Chapter 149 of the Guyana Constitution declares unlawful the practice of any discriminatory treatment to any person based on race, gender, ethnicity, origin, sexual orientation or nationality, etc. Discriminatory in the Constitution is defined as:

“affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, are accorded privileges or advantages which are not afforded to persons of another such description.”<sup>23</sup>

As indicated in earlier sections of this report, land plays a vital role in societies throughout the world, both the developed and the undeveloped. Land has implications for livelihood, poverty, for wealth, economics, politics and even the environment. The type of land policies, tenure and administration determines the level of progress development and peace that people will achieve within their societies. To reiterate, equitable land distribution is characterized by fair, unbiased and objective processes and procedures, thus practices in administration of land distribution agencies. The framework below provides some salient features and guidelines to an equitable distribution of the commodity.

### **3.7 Forestry Activities**

This section gives an overview of aspects of forestry from an international perspective generally and as they pertain to Guyana, in particular, especially relating to the allocation of forest concessions. It also presents findings from interviews with officials of the Guyana Forestry Commission at the local and regional levels as well as with recipients of forest resources in some regions. It concludes with a summary of findings and recommendations.

The Forestry industry in Guyana has gone through periods of metamorphosis and mutation from the early 1900s when a forestry department, a subset of the Land and Mines Department, issued the same permits for forest exploitation as was done for mining.<sup>24</sup>

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<sup>23</sup> Guyana Constitution (1980) with 1996 Reforms.  
<http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>

<sup>24</sup> Guyana Forestry Commission manual of procedure for state Forest Permission (draft) 2003.

Many events in Guyana and globally have had an impact on the forestry industry resulting in a new environment which is defined by new policies and procedures to ensure, among other things:

- Immediate benefits while not confirming future benefits;
- A climate for investors and operators in the industry;
- Substantive development;
- Transparent system and procedure;
- Established code of practice, guidelines and standards for operation;
- An efficient database, containing up-to-date information (respecting confidentiality) on all forest resources, and including cross sector information; and
- Provision of education and training for all involved in forest operation/management, including research.<sup>25</sup>

The forest industry is now managed by a semi-autonomous body, The Guyana Forestry Commission (GFC). The GFC was established in 1979 and possesses the legal mandate to manage and control the utilization of the state forests. The mission of the GFC is “(t) o provide excellence in forestry management services to our stakeholders through the application of professional skills to contribute to our nation’s development”.<sup>26</sup>

The GFC has the responsibility for areas legally gazetted State Forest, which totals 13.6 million hectares. The sustainable management of Guyana’s forests is guided mainly by:

1. The National Forest Policy;
2. The National Forest Plan;
3. The Forest Laws; and
4. The Code of Practice for Timber Harvesting.<sup>27</sup>

### **3.8 Land Use Policies in the Forestry Sector**

Land use policies are directed towards the allocation of land for beneficial occupation. These policies are reflective of the conflicting interests operating in the same

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<sup>25</sup> Guyana National Forestry Policy Statement October 1997

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<sup>26</sup> GFC Website. <http://www.forestry.gov.gy/about.htm> (retrieved 3/25/2007).

<sup>27</sup> Satyadeow Sawh. Statement on Sustainable Forest Management in Guyana (2006).

geographical environments. Among them is an affirmative action program for the indigenous people.

Concession licences and permits go through a transparent filtering process to ensure that those who occupy forest lands confirm to qualifying standards. These concessions arise out of legislation and should not be provided at the discretion of forest authorities. Section 6 of the Forests Act Cap 67:01 and Regulation 16 of the Draft Forest Regulations to the Forest Act provides for the issuance of State Forest Permits and licences. Regulation 17, schedule 2c of the regulation sets out the new format for issuing licences. Traditionally, State Forest Permissions were issued once per calendar year, they are now issued for a 2-year period.

The legislation prescribes the scope on the different categories of forest utilization. In addition to permissions for Forest Management Plait, State Forest Permissions can be issued under three conditions, namely, Conversion forests – agricultural leases where the lessee will commercialize the timber; Logged Over Forests - for small volumes of forest products, such as charcoal, paling staves, firewood; Primary Forest Areas – areas less than 20,000 acres.

The categories of applications are determined and evaluated in a different manner. They are **New Applications** – done through a competitive process which requires the applicant to ascertain his/her timber harvesting capability; **Renewals** – the main criteria of which is the absence of outstanding debts to the GFC; and **Agricultural Leases** - these are automatic since the land may be cleared anyway. The licenses are only valid until the removal of the timber which is to be commercialized.

Tenure of licenses is also determined under the legislation. The application process can be followed throughout the many stages until the final approval or rejection in each category of application. The different roles of the varying Government/Forest Officials who have to act upon application in the field and office have all been spelt out and applicants are kept informed in writing during the process and stages of his/her application.<sup>28</sup>

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<sup>28</sup> Manual of Procedures for State Forest Permission - Revised Edition, (n.d.)

Areas of more than 4,000 hectares would have licenses for a maximum of three years, unless there is sustained logging. The procedure and requirements as specified in the manual of procedures stipulate that application should be made at the office closest to the site where the concession is located. If made in another area, the application must be re-directed to the Officer in charge of that region.

When an application is made, using his updated map, the Officer verifies whether the location is available. It should be noted that in the case of all new lands for allocation or reallocation as State Forest Permission, the Commissioner first advertises in the public domain.

If upon checking, the area is already occupied, the applicant must be informed and advised to prospect in another area with the guidance of the Range Officer. If the applicant insists on applying for the said area, he/she should be advised that he/she would be required to pay the prescribed fees which would not be refundable if the application is unsuccessful. He/she is also required to sign a statement to this effect before the officer accepts the application. The original copy of such statement is forwarded to the head office to be retained as record.

The application must be fully completed as questions on the form are interrelated. In addition to personal data, other data required are registration as a Limited Liability Company, nationality identification cards, location area, experience in practical work, equipment, financing, number of employees, Manager's name, description of forest produce and signature of the applicant.

Correctness and completeness are important in completion of the application form. Incomplete forms should be returned via the officers, who would be guilty of negligence.

Applications are evaluated, based on proper completion, with comments from the Range Officer to the Divisional Officer whose comments are also stated before forwarding the application to the Deputy Commissioner of Forests – Monitoring Division and the Assistant Commissioner of Forests – Resource Planning to check the description of boundaries, ascertain the size and finally determine its occupancy and any other relevant information to assist the Forest Resource Allocation Committee in effectively analyzing each application.

Each application is analyzed on its own merit, using a score sheet and the statement of the Committee's recommendation. Each member of the Forest Allocation Committee is required to initial the form which is then forwarded to the Commissioner of Forests, with the required documents attached. The Commissioner presents the forms with the attachments to the Technical Committee of the Board of Directors for their final decision. Each attending member of the meeting is required to sign the Memorandum of Recommendation.

The entire process must be treated as confidential. Applications with the results (approved/refused) are returned to the Assistant Commissioner – Forest Resources Programme, stamped by the Commissioner.

The Forest Resource Information Unit (FRIU) prepares the State Forest Permission for each approved application; approvals are signed by the Commissioner and duly stamped. The permit is then dispatched to the relevant Divisional Forest Officer through the Deputy Commissioner of Forests – Forest Management Division (FMD). The Divisional Forest Officer ensures that the details of all permits are recorded in the Master Register before forwarding the permission to the Range Officer.

If an application is refused, the applicant is informed in writing, with reasons for the refusal being given. A copy of the correspondence is sent to the Range Officer in the Divisional Forest Office.

State Forest Permissions are monitored and details recorded on the specified monitoring form.

### **3.9 Forest Policy**

The National Forest Policy which was approved in 1997 was formulated through a series of consultations with sector interests which lasted for a period of two years. The overall objective of the National Forest Policy is:

The conservation, protection, management and utilization of the Nation's forest resources, while ensuring that the productive capacity of the forests for both goods and services is maintained or enhanced.<sup>29</sup>

The specific objectives are to:

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<sup>29</sup> Guyana Forestry Commission (2001). Draft National Forest Plan.

1. Promote the sustainable and efficient forest activities which utilize the broad range of forest resources and contribute to national development while allowing fair returns to local and foreign entrepreneurs and investors;
2. Achieve improved sustainable forest resource yields while ensuring the conservation of ecosystems, biodiversity, and the environment; and
3. Ensure watershed protection and rehabilitation: prevent and arrest the erosion of soils and the degradation of forests, grazing lands, soil and water, promote natural regeneration, afforestation and reforestation, and protect the forest against fire, pests and other hazards.

Accurate and reliable information for planning classification, resource and allocation is recognized as a necessity. According to the National Forest Policy, "...Allocation of forest resources for utilization should be fair, transparent and competitive."<sup>30</sup> A requirement of the forest policy is that all commercial utilization of State forests is conducted under concessions or licenses, issued by the Guyana Forestry Commission.

Some international observers regard decentralization policies in forest governance as a universal remedy for problems of unsustainable development. Others are of the opinion that they will lead to disordered use of forest resources and competition and discord among local governments, as they strive to attract investment. Another group of commentators are of the view that such policies do not bring about change and that further, in-depth qualitative examinations of localized experiences is required. What are the sources?

As indicated in the European Union Guidelines, decentralization policies not only promote accountability in allocation policies, but also forge equity in the distribution process. Decentralized governance, mentioned earlier, fosters accountability and provides essential checks and balances between the different government actors responsible for the public policy process.<sup>31</sup>

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<sup>30</sup> Guyana Forestry Commission. Manual of Procedures for State Forest Permissions (Revised Edn.)

<sup>31</sup> Kristen Andersson (2006). ARTICLE: Understanding decentralized forest governance: an application of the institutional analysis and development framework. University of Colorado.

The Guyana National Forest Policy recognizes the need for decentralization. It speaks to the involvement of local communities and Regional authorities in the formulation and approval of land use plans.

In its National Forest Policy Statement, the GFC, in outlining its forest allocation regulation and agreement, states that all commercial exploitation agreements will be undertaken only through the use of concessions. In the concession allocation process, licenses and permits are to be allocated through a process in which advertisement, bidding or tendering would be carried out.

Exploratory permits would be first granted, to all prospective investors.

Forest concessions have been widely used, both in developing and developed countries as a means of allocating timber harvesting rights. Studies have shown however, that concessions have stimulated commercial timber harvesting and generated some forest-based development. The benefits have been accrued at considerable cost with respect to other forest benefits. However, Gray (2000) opines that past failures in the use of concessions can be overcome through changes such as introducing and strengthening procedural and economic incentives.

The steps and procedures for allocation by concessions as described by Gray, are as follows:

### **Concession Allocation Steps and Procedures**

**Step 1 -- Ensure the Area is Not Encumbered by Other Land Ownership or Land Use Restrictions:** An important first step is to ensure that land claims are settled and that tenure rights to both the land and the timber are clear before proceeding.

**Step 2 -- Land Use Planning and Selection of Areas for Concessions:** The selection of the areas for allocation to forest management concessions should be based on land use planning rather than responding to requests from potential concessionaires.

**Step 3 -- Initiation of Proposed Forest Management Concession:** It is preferable that the concession allocation process be initiated by the Government, or by the government agency responsible for administration of state forest lands rather than concession applicants.

**Step 4 -- Advertise the Areas and Invite Expressions of Interest:** If the land and forest tenure rights are settled, and the area defined, the next step is to invite expressions of interest from potential concessionaires. Concession conditions, rights and obligations would be specified.

**Step 5 -- Pre-Qualification of Bidders:** Companies interested in the concession area would be asked to submit materials to pre-qualify. The conditions for pre-qualification should be stated in the application package.

**Step 6 -- Approval of Qualified Bidders:** The agency responsible for forest administration would have a limited time to evaluate the pre-qualification materials and notify qualified bidders.

**Step 7 - Time for Bidders to Evaluate the Area and Timber, and Prepare Proposals:** Qualified bidders would be eligible to inspect the area and undertake a reconnaissance inventory. Bidders would be required to submit the details of their inventory methods and results along with their bids. Alternatively, the government might undertake the inventory and make it available to bidders as part of the bidding package.

**Step 8 -- Submission of Bids:** It is suggested that concession bidding be by sealed tender. The deadline for receiving bids would have to be strictly observed to avoid any legal challenges later.

**Step 9 -- Selection of the Winning Bid:** For transparency, tenders should be opened publicly. It is suggested that bidding be based on bonus bids. Bonuses would be in addition to the normal stumpage prices, area fees and other charges. The recommended form of the bonus bids would consist of: (1) an annual bonus payments per hectare on the concession, and (2) a lump sum bonus paid upon signing the contract. With pre-qualification of bidders, all bidders should have the necessary experience and abilities to carry out the concession management obligation.

**Step 10 -- Concession Contract and Signing:** The forest management concession contract would cover the concessionaire's rights and obligations; along with the conditions for the management and operation of the commercial forest lands within the concession, and for the protection and management of non-timber producing areas within the concession. The contract conditions should follow a standardized form applicable to all concessions, with special conditions, rights and obligations that apply to the area in question in a separate annex.<sup>32</sup>

As it is with allocation of land for housing, agriculture, and commercial activities, where the distribution should be done equitably or fairly and transparently, similarly, the awarding of forest concessions should have qualities of transparency, fairness or equity. According to the forest department of the Food and Agriculture Organization (FAO), using a competitive process in granting contracts will ensure transparency, accountability, economic efficiency and sustainability of the forest.

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John A. Gray Forest Concessions: Experience and Lessons from Countries around the World. University of Manitoba, Winnipeg, Canada

According to the FAO, competition contributes to increasing stability of political decisions on contracts, transparency in the administration of public forests, and collection of revenues.<sup>33</sup>

Transparency according to the World Bank (1997) requires government actions to be developed under explicit procedures. Often, these procedures, when combined with the intervention of controlling authorities, result in substantial improvement of transparency in the governance of the forestry sector. Transparency in the process of awarding forest contracts is important to reduce the potential for bribery and corruption. It achieves efficiency in the award process, ensures that the resources are allocated to their most valuable uses and maximizes financial returns to the Government. Generally, the use of a competitive process for contract award tends to diminish the chances of corruption. If well used, transparency increases the probability of detecting mismanagement.

Among the various methods that could be used for awarding contracts, auctions are the preferred and recommended choice where competition for contracts is possible. It is the most transparent method of award. It reduces the possibility of bribery, collusion and influence. It is a method that would most closely reflect the market value of the commodity.

Here are six main stages in the competitive bidding processes:

1. Invitation to tender, or request for proposal.
2. Advertisement of the contract and invite potential contractors.
3. Pre-qualification of bidders.
4. Submission of bids or proposals.
5. Review of bids or proposals and contractor selection.
6. Negotiation of the final contract conditions.<sup>34</sup>

Negotiation is an important component of most methods of contract award even for those methods which involve competition. As such negotiation skills are very important in achieving efficient contracts and fair value for the resources.

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<sup>33</sup> FAO Corporate Document Repository Need fuller reference data

<sup>34</sup> FAO Corporate Document Repository. Governance Principles for Concessions and Contracts in Public Forests. Department of Forests. FAO. Internet.

### **3.10 Land Distribution - Grant Of Mining Licenses/Concessions**

Mining is a significant industry in Guyana contributing 17% to the country's Gross Domestic Product (GDP) and employing between 15,000 to 20,000 persons. The main minerals in which the industry is concentrated are gold and diamond, in which ordinary citizens and companies participate. Bauxite, the preserve of state and international investors is also mined. The industry promotes other ancillary services and operations such as machining, blasting, plumbing and metallurgical operations.

In Guyana, there is no dedicated Ministry of Mines, but a Standing Committee of Parliament that oversees the Industry. Concessions to land for mining are considered after a lengthy filtering process through the Guyana Geology and Mines Commission.

Comparison with India: In India Mining concessions are granted in the same manner as any business entity that wants to be licensed to operate.<sup>35</sup> They are required to pay income tax returns and compliance among other fees. In Guyana, the emphasis is on technical capacity and other ground rules such as investment capability of the prospector and other competing interests for the same land.

In India, the prospector must (before being licensed) produce for approval his mining plan. He must conform to rules governing repatriation of metals and funds, whereas in Guyana, these issues are silent at this licensing juncture.

Land distribution for mining is a private sector activity. In other words, "land to the miner" meaning that requests for/and acquisition is based on the ability and the capacity of the miner to carry out the necessary activities. Because the tax structure is among the highest in the Commonwealth and import duties are excessive or even punitive, it militates against small miners, who in the first place are being marginalised by the large scale miners. Whereas all miners have the same opportunity of accessing land for mining, there are no affirmative action programmes to benefit small operations.

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<sup>35</sup> Mineral Concession Rules (1960). INDIA. (<http://mines.nic.in/crchps.html>)

The State, however, for its part, is concentrating on formulating rules for the protection of the environment, ensuring sustainable production of the minerals and arbitrating disputes among miners.<sup>36</sup>

Mining in Guyana comes under the Guyana Geology and Mines Commission Act of 1979. Under this act, the Minister gives the general policy direction to the Commission. The stated functions of the Geology and Mines Commission are to:

- Promote interest in production of minerals
- Advise on exploitation of mineral resources
- Explore for minerals and do relevant research

The Mining Act 1989 provides for the issuance of prospecting and mining licenses, as follows:

Small-scale – prospecting license is bought. If, or when the applicant wishes to mine, they hoist notice boards on the four corners of the plot, files notice with Guyana Geology and Mines Commission (GGMC) and pays the required fees. The Claim is advertised and investigated. If in order, the mining permit is issued.

Medium scale – Application is made for Prospecting license. The application is advertised and investigated; if in order, the prospecting license is issued. If or when the applicant wishes to mine, further application is required.

Large-scale – Application is made for the prospecting license, as above. It must include a work program and budget for prospecting. Before prospecting permission is granted, the applicant must provide Environmental Impact Assessment and Environment Management Plan. If or when the applicant wishes to mine, a further application is likely needed. The Minister grants the permission.

Reconnaissance Permissions granted for Geophysical and Geological Surveys: In order to be considered for this permit, the applicant is required to provide a proposal outlining the geological objectives and program, area(s) of interest, proposal of fees and schedules, as well as financial and technical capability.<sup>37</sup>

The GGMC has introduced auctions for properties where there is likely to be competition and rivalry. These areas are open to all persons who meet the stipulated

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<sup>36</sup> National Development Strategy. (Guyana) Chapter 16.

<sup>37</sup> The mining sector in Guyana, n.d. Geology and Mines Commission.

requirements. Common areas to be auctioned are those that were previously closed for prospecting or surveys and are returned to open status. Bids are considered, either through “...an up front cash payment” where a definite amount of money is paid up front” or by “... a tribute on production merit consideration”, a tribute paid in on minerals covered throughout the life of the project.<sup>38</sup>

### **Requirements for a modern mining law as proposed in the European Legislative frameworks.**

The modern mining legislation according to Ulric Kullmann, is aimed at providing a legal framework to promote an early development of the mining industries. To this end, both the investors and government must be able to benefit. Investors must be given the necessary guarantees and incentives, while the government needs to be able to practice its mining policy. Environment, health and safety, customs, taxation, corporation law and investment incentives must be incorporated into the policy.

Once mining concessions are issued, the onus is upon the government to exercise its role of overlooking proper implementation of the rule. It is necessary for a mining law to create attractive guarantees and conditions for new investments and pay attention to modern prospecting and mining. It must provide for a legal framework without permitting legal and other political hazards.

Modern mining must be void of a wide scope of administrative discretion. As pointed out earlier, discretion in mining law and policy can lead to corruption... Modern mining law must be clear, predictable and minimize subjective bureaucratic decision-making. Entitlements must be based on transparent criteria following standards which are capable of adjudication by impartial institutions.

Large discretionary bargaining powers are now known to be a major disincentive to investment due to its extra bargaining powers, uncertainty and unreliability. The modern approach requires for government to stay away from mining, public authorities complying with requirements of the law, including the environment, health and safety and rational and active use of public land and its resources... Government agencies are

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<sup>38</sup> Government’s Policy for Exploration and Development of Minerals and petroleum Resources in Guyana (1997).

required to minimize all forms of bureaucratic decisions making and prohibitive transaction costs.

Key issues in the mining law must include the nature of rights and obligations and how they affect the contracting parties. Although the exploration phase does not necessarily require exclusive rights, the prospecting and development phases require the protection of exclusive rights.

It is important to establish transparent procedures. This requires the satisfaction of three conditions as follows:

- the decisions must be based on objective, pre-established criteria published in advance;
- all the general conditions and obligations imposed on the undertakings must be established and made available to the entities before submission of applicants;
- The criteria, conditions and obligations must be applied without discrimination.

Both mining and other general legislations must provide for free access to mineral resources, provide investors with the necessary guarantees and incentives, providing for transparent procedures, while at the same time permit the government to practice and promote mineral policy.<sup>39</sup>

### **Legislative issues for inclusion in a national mineral policy, UNCTAD:<sup>40</sup>**

Applicable laws:

The mineral policy must describe any laws that regulate the mineral sector; outline the specific principles to be used in determining which law will take precedence where a conflict of laws exist and the laws applicable to different levels of government and their responsibilities.

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<sup>39</sup> Ulrich Kullmann. (n.d.) Requirements for a modern mining law in the framework of European Legislation. Federal Ministry of Economics and Technology, Germany.

<sup>40</sup> J.M. Otto (n.d.) Mine, Environment and Development. A series of papers prepared for the United Nations Conference on Trade and Development.

Regulatory approach for mining/and exploration:

Mineral policies describe the basic approaches to awarding exploration and mining rights. It includes the types and uses of the concession, licenses, leases and other authorizing documents and the laws that regulate them. They should also include any regulatory distinctions between various scales. It is felt that small scale mining is one of the most difficult to regulate in the sector, but that its potential dangers and valuable contributions to local economies should be recognized.

### **Application Priority for exploration and mining:**

A central policy question in granting exploration and mining licenses is the prioritizing of conflicting applications where areas applied for overlap. One of the simplest systems is purported to be the “first come first served” principle. In using this principle, two systems may apply. In the case of an overlapping area, the first applicant is awarded the grant, provided he meets the minimum non-subjective statutory criteria... The other approach is where the decision is made based on a “first come first considered” method, where the first application is considered fully and is either awarded the grant or rejected based on the applicant’s financial and technical capabilities, before the next application, in time is considered.

Apart from these “first in time” approaches, the granting authorities use other systems that have a discretionary component, where each application is weighed based on merits. Depending on the situation or particular influence. Therefore, the authorities may use their discretion to grant the award in cases where there are several conflicting applicants and existence of fear of the wrath of unsuccessful applicants. This is a major problem inherent in systems where discretionary granting applies. It is felt that those conflicting application situations can be resolved by a system based on bidding though it is not widely used around the world.

As is the case of land distribution for housing, agriculture and commercial activities, security of tenure is central to mining both the licenses granting authorities and the grantees have their own conflicting interest in the question of security of tenure.

### **Availability of information in mining**

Information collection and dissemination are key components of many mineral policies. Issues which can be addressed in the policy include the role of government agencies, with regard to information, exploration reporting needs, ownership of geological information mining reporting needs and requirements.

### **Form and content of mining legislation:**

Generally a number of agencies and administrative channels are involved in the implementation of the policies of the mineral sector. Investors to the mineral sector attempt to address key questions that are useful in assigning the regulatory system. The full list is presented in Appendix 5 and would be applicable for future research. The contracted list of questions below features in the present study and are applicable to all areas of land policy, regardless of land use.

- Does the country have a mineral policy?
- Does the first applicant for an area have priority?
- Is it clear who has the authority to grant a mining right?
- Are there any limits on discretionary approval authority
- Is there an avenue for appeal should the mining right not be granted?
- Are there clear procedures to resolve land use conflict
- Under what circumstances can the mining right be cancelled or suspended?
- Is there an appeal process
- Is dispute resolution impartial? Is arbitration available?<sup>41</sup>

### **Some Characteristics of successful mining legal regimes:**

Legal mining regimes, to be successful must reduce lengthy processing time and strive to minimize the potential of corruption. This could be done by eliminating discretion in implementation of the law. It should eliminate any requirement for an applicant to demonstrate the applicant's financial and technical ability. but rather establishing clear procedures in granting mining concessions. It should specify the

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<sup>41</sup> J.M. Otto. Mining, Environment and Development. A series of paper prepared for the United Nations Conference on Trade and Development (UNCTAD) (n.d.). Colorado, USA.

miners' obligations and the means to comply with them, while limiting the grounds for cancellations of rights.<sup>42</sup>

The title must be secure and transferable. The law should allow the holder the right to transfer both exploration and exploitation concessions to another investor or third party. Modernization of the mining is a prerequisite for the promotion of private sector mining. Land must be liberated for access to miners. The mining code should be void of any eligibility criteria which is discriminatory. Legal provisions that prohibit foreigners from accessing mining rights constitute a capital formation restricting effect in the domestic mining industry. Legal reforms should not favor parastatal bodies above private sector mining investors and companies.

The best practice with respect to surface rentals is characteristic of low surface rentals during exploration when the total cost is significantly higher. The licensing process for mining concessions must be transparent and accountable. The procedures for obtaining, maintaining and terminating mining rights should be explicit. Clear timeframes should be specified for filing of applications, issuance of license, provision of notice periods. Persons must be provided an opportunity to be heard before any significant actions are taken. Decisions which affect solicited or acquired rights must be put in writing and opportunities provided for judicial or administrative reviews.

### **3.11 Framework**

The framework for this study has been adapted from *European Union Land Policy Guidelines in Support of Land Policy Design and Reform Processes in Developing Nations and National and Sectoral Land Distribution Guidelines*.

In the guidelines, the need is stressed for inclusive land policies that offer people practical means of obtaining secure legal title to their assets within a land administrative regime that operates in a realm of efficiency and accountability. It purports the design of effective policy frameworks and promotes good governance, decentralization and democratic institutions at both the national and local levels. The guidelines propose that

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<sup>42</sup> Worldbank. Successful Mining Legal and Investment Regimes in Latin American and the Caribbean Region. (1995).

no system of land tenure can be effective without a body with the power and authority to define and enforce the rules and provide arbitration in the resolution of conflict. Effective land policy must propose coherent and practical rules, institutions and tools that are appropriate for varied contexts and interest groups.

In order to foster equitable distribution, the design of the policies, regulations and procedures governing the process should include the participation of a variety of stakeholders, namely local governments which usually have some power over the management of land and natural resources

Equity, legitimacy and economic efficiency are aims of land policy reform. Inequitable land distribution, weak land administration and problems of land tenure can result in conflict and injustice. An equitable distribution process must be free from any favoritism or self-interest, bias, or deception. Decisions and recommendations should be objective and in conformity with established rules or standards.

Policy should include mechanisms for securing the rights of indigenous people to their lands. This is important to foster their cultural survival and promote equity. The law must also be accessible to poor farmers, indigenous people and vulnerable groups. Small farmers must also be provided with secure tenure.

An objective of land policy is to prevent conflicts and inefficiencies in order to ensure equity, legitimacy and economic efficiency. Land policy is the core of social, economic and environmental issues in countries throughout the world. It is crucial for environmental sustainability. Land policy constitutes is essential for the empowerment of the poor and the promotion of equitable and sustainable development.

If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the procedures. Good land administration practice ensures an open record of land claims. It also ensures that claims are publicized before titles are granted. Unless policy reform includes an effective and responsive judicial and administrative system, the success of a pro-poor land policy reform would be undermined.

Issues of key importance to land reform include proximity, accessibility and mechanisms for accountability. The system of land administration should "...provide

people an easy and low cost access to fair and transparent procedures, avoiding transaction costs due to distance, bureaucratic bias and delays.”

The use of discretionary authority in land administration systems creates room for rent seeking and patronage. As such, structures and procedures should be so designed to minimize such risks.

Land administration should be decentralized. The chosen system should include adequate checks and balances on how procedures are carried out, encouraging public scrutiny, including oversight by higher bodies, and the dissemination of information. It would be easier to carry out such checks where there is common knowledge about the process that should be followed. These constitute features of transparency. This can also be done through peer pressure, social accountability or formal legislation. Functionaries at local levels must have incentives to carry out the land administrative functions in the interests of the local population and to respect their rights.

Local governments generally possess some power in the management of natural resources and land. Land policies should therefore be consistent with the responsibilities and powers of the local institutions. In this regard local governments should be involved in the design of land policies. This offers opportunity for close scrutiny and fosters dispute resolutions closer to the local stakeholders.

The design of the land reform institutions and policies has significant implications for equity and fairness. The choice of institutions and technology for land administration is not only technical, but involves a social aspect, which if not taken into consideration may lead to the exclusion of some groups, such as women and youths. A land registration system which is based in the capital city with formal survey techniques and substantial fees could be less accessible to rural populations than low-cost procedures at the district level.

Land administration is a public good. Government ought to provide adequate financial and other resources for land administration, using a combination of donor funds, user fees and public expenditure to provide an efficient service.

In order to improve equity and promote productivity in agriculture, the policy must improve access to land and security of land rights. Land rights security presumes effective institutional arrangements to avoid contestation of rights without the

confirmation of arbitration or legal authorities. Good land administration puts in place systems of appeal to contest claims. These are necessary features which characterize the transparency of the process. An equitable system of land administration must always comprise simple procedures of appeal to facilitate citizens' appeal against local decisions. An equitable and successful land distribution process requires transparent procedures, the political will to enforce them and strong donor support.

Sectoral policies on land should be harmonized to avoid fragmentation and contradictions. Policy making should involve a participatory approach. Given the centrality of land rights and policy, government needs to establish a proposed timetable for consultation and review of policy. Although it is the Government's duty to specify its priorities and make a choice among them, decisions will benefit from broader public debate in the drafting and review of a national land policy document. Receiving inputs from a wide range of stakeholders and interested parties should help Government to gain a clearer idea of priorities and the nature of the choices faced.

It is vital that any changes in a policy as important as land be viewed as resulting from a broad political process with inputs in a representative manner, inclusive of public and private sector representatives, men, women and the local community. Land policy reform should involve donors who can also make a major contribution, if they play a cautious role. Donors can, among others, contribute by facilitating public debate, funding the costly portions of the preparation and implementation of the policy reforms; contribute to research, to the institutional and capacity building and in monitoring and evaluation of the processes. It is necessary to demonstrate that the process has been transparent. This will assist in providing greater legitimacy and avoid accusations of biases.

It is argued in the guidelines that land policy reform has the capacity to make substantial contributions to poverty reduction. Policy reform should include mechanisms to remove obstacles to the access of land for the poor by providing them with legal rights and credit access through collateral and forbidding land grabbing and encroachment among other processes of exclusion. Based on the objectives of land policy, the reform program may include, among others, codes to regulate and recognize land rights to vulnerable groups, women small farmers, pastoralists and other minority groups.

The principle of subsidiarity should guide decisions over the distribution of responsibilities in the management of land resources at the central local and communal levels with clear rules to prevent the abuse of power and mechanisms for accountability.

## **4.0 METHODOLOGY**

### **4.1 Introduction**

This section describes the scope of the study, the procedures used for data collection and the data analysis techniques. It explains the challenges faced during the process and definition of key terms.

The study is qualitative in nature. It is an indicative study that would inform a wider, quantitative survey. Data were collected during the period April to August 2007.

### **4.2 Scope of the Study**

The research was conducted in Regions 1 to 6, 9 and 10. The inclusion of these regions was an attempt to gain an understanding of the practice of land distribution at both the national and regional levels. It excluded Regions 7 and 8, due primarily to cost factors.

This research does not include private land distributors or its agencies. The information derived in this study was obtained through interviews from agencies involved in allocating government and State lands such as Ministries and Commissions and their sub-agencies.

### **4.3 Sampling**

Convenience sampling was used to select recipients of and unsuccessful applicants for land, licences and concessions as well as officers in the primary agencies responsible for land distribution. This was necessary since personal data on the recipients is considered confidential and some officers in the regions felt they could not participate in the study without approval from their supervisors.

A total of 33 recipients and 4 unsuccessful applicants participated in the study. Their distribution by sector and ethnicity appears in Table 4.1.

**Table 4.1: Number of Applicants Interviewed**

Sector	Recipients				Unsuccessful Applicants			Total
	EI	AM	AF	MIX	EI	AM	AF	ALL
Housing, Agriculture, Commercial	7	7	7	0	1	0	3	25
Forestry	2	1	1	1	0	0	0	5
Mining	2	2	2	1	0	0	0	7
<b>Total</b>	<b>11</b>	<b>10</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>37</b>

EI – East Indian; AM – Amerindian; AF – African; MIX - Mixed

One officer each from CH&PA, GFC, GGMC, and GLSC as well as 14 Regional Officers also participated in the study.

#### 4.4 Instrumentation

Interview schedules were developed for senior officers at the national level of each agency as well for officers at the regional level and for recipients of and unsuccessful applicants for land, licences, and concessions in the various sectors. Questions and discussions focused on policy, procedural and equity matters. Some questions and discussions were tailored to accommodate the officials of the specific entity with whom interviews were held. Questions were similar for regional officers and representatives, and focused mainly on their work in the regions. Questions to applicants were based on their experiences as applicants for land, licenses, claims or permits in the specified sectors.

The interview schedules appear in Appendix 1.

#### 4.5 Data Collection

The primary source of data was interviews. In instances where the representatives of entities at the national level were unavailable for interview or needed the input of officers in other sections, schedules were left with them to be completed. In such cases, clarifications and/or additional information were subsequently sought, where necessary. Recipients of house-lots, concessions, licences and claims were also interviewed, in addition to unsuccessful applicants, where possible. A total 6 miners were interviewed away from their work area. One miner was interviewed via the telephone.

#### **4.6 Data Analysis**

Analyses were based mainly on the European Union (EU) land policy guidelines, sectoral land distribution guidelines and other best practices on land distribution from international agencies. Questions were analyzed using qualitative, interpretive methods. All interview schedules were edited. Responses from agencies at the national level were analyzed with responses at the regional level within common sectors. Stand-alone responses were analyzed separately, based on the equity guidelines within the framework. Responses from applicants were grouped into two categories, recipients and unsuccessful applicants, based on the particular sector, whether housing, agriculture and commercial; forestry; or mining. These were entered into the XL Computer processing program for easy grouping and accumulation of responses. These grouped responses were then interpreted based on recorded and reported practices of the particular sector through which their applications were made.

#### **4.7 Limitations**

A major limitation of the study was the reluctance of some Heads of agencies to grant permission for the implementation of the study. The length of time that agencies took to consider the request despite continuous contact has resulted in major delays in data collection and analysis.

A vital activity in the research was a desk study which involved an examination of application and lease registers, where possible. In this regard a major difficulty encountered which militated against achieving one of the objectives of the research was the aggregated nature of the record-keeping systems existing in the various agencies. Records were neither arranged by ethnicity, region nor by category of distribution in cases of multi-use distribution. Without disaggregated data, it is difficult to have conclusive findings on ethnicity. In this regard, the objective of determining whether over a 10-year period, there has been an equitable approach to all concerned, could not be achieved. The conclusions of this study are therefore based on interviews, but not on documents.

It was intended to interview recipients and unsuccessful applicants who have been exposed to the various practices in the various sectors. The vast spatial distances with gravel tracks/roads and inadequate public transportation in those areas posed difficulties in obtaining adequate first-hand information from recipients and non-recipients of land and related resources through the sectors in focus although considerable time and effort was spent attempting to locate persons.

Many recipients of land were either at work or away from their homes or businesses at the time of interviews. Apart from the paucity of time to carry out the activities for this research, access to persons from the other two categories, forestry and mining, posed greater difficulty. After reaching some regions where miners and forest operators carry out their operations, one needed to travel extremely long distances to meet the recipients. In some cases, the cost and time was just much, if not more to travel directly into the mining and logging areas.

#### 4.8 Definition of Terms

Terms and concepts used in the study were specifically defined. The definitions appear in Table 4.2.

**Table 4.2: Definition of Terms and Concepts**

Equitable	“Fair allocation, involving the one way distribution of resources” <sup>43</sup>
Fair	Openness, freedom from obstacles or hindrances
Just	Utilizing fair procedures and mechanisms
Impartial	Without bias or distinction or discrimination
discrimination	Unfair treatment
Land tenure	The system of access to and control over land and related resources.
Land tenure system	A land tenure system is made up of rules, authorities, institutions and rights.
Land Administration	Land administration connotes the responsibility of the government to provide tenure security and

<sup>43</sup> Marshall, Gordon (1996). Oxford Concise Dictionary of Sociology. Oxford University Press, Great Britain.

	information for property markets, business and governmental activities. <sup>44, 45</sup>
Ethnic Group	Individuals who consider themselves or are considered by others as sharing common characteristics which differentiate them from other cultural groups within the society.

Based on the above terminology, the process or practice of land distribution and granting of licences, claims and forest permits must be free from any favouritism, self-interest, bias or deception. All related practices should be fair, open and without bias or discrimination. Decisions and recommendations should be objective and in conformity with established rules or standards.

## 5.0 FINDINGS

This chapter presents the findings, analysis and recommendations of the research on the assessment of land distribution practices for various uses. The framework utilized to analyze responses to questions, with relevant comments and recommendations are presented. The analysis involves responses to similar questions at national and regional levels within the specific sectors on which the research is focused.

The findings are presented in three major sections. Section 1 focuses on land distribution for housing, agriculture and commercial activities. Section 2 presents findings for the allocation and/granting of forest concessions. Section 3 highlights the findings for the granting of mining licences and concessions.

### 5.1 Housing, Agriculture, Commercial Activities

**Question: Are there special conditions for senior citizens, charitable organizations and the dislocated?**

**Purpose of the question as an indicator:**

Land policy reform has the capacity to make substantial contributions to poverty reduction. Policy reform should include mechanisms to remove obstacles to the access of

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<sup>44</sup> Ibid.

<sup>45</sup> Council of the European Union, Brussels.

land for the poor by providing them with legal rights and access to credit through collateral.

**Findings:**

Commission:

No special conditions for charitable organizations and the disadvantaged in respect of land allocation exist.

Ministry:

While no special conditions exist for senior citizens, charitable organizations and the dislocated, a new housing policy will identify and address issues related to vulnerable groups.

**Comment:**

The point to consider here is if the individual fails to meet the full requirements (of having children etc), whether they will be given special consideration though it may be established that they are living in sub-human conditions. Special consideration however does not seem possible since it has already been pointed out that there were no special considerations in place for persons in special circumstances; who do not fit the established criteria. It therefore means that several persons who are in dire need are being excluded based on the established criteria.

**Recommendation:**

The Ministry needs to remove restrictions in their land distribution policy that may hinder persons without children who are in dire need from accessing land.



**Question: Under what circumstances is land re-possessed? Please state.**

**Purpose of the question as an indicator:**

There should always be a high level of consistency and fairness in the implementation of policies and procedures within the distributing agencies.

**Findings:**

**Commission:**

Re-possession occurs in cases of non-beneficial occupation, non-payment of rent, national interest, acquisition for public purposes, non-contracting of any other laws attached, and Narcotics involvement.

**Ministry:**

Re-possession occurs for failure to make the appropriate payments, property is already owned, or an illegal sale of the property has been affected.

**Comment:**

Reasons for re-possession seems objective and in the interest of the state.

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**Question: What are some of the major reasons for non-approval of land to applicants? Please state.**

**Purpose of the question as an indicator:**

1. Shelter constitutes the primary significance of land in urban areas. Most of the urban poor are without secure tenure and occupy large informal settlements.
2. Land rights may also assist the poor in accessing legal and financial services to raise investment capital.
3. Land tenure is necessary for the alleviation of poverty in developing towns and cities. In this regard more inclusive policies are needed in both urban and rural areas which offer people practical means of securing legal title.

**Findings:**

Commission:

Lack of interest – No Follow-up; Land occupied by other persons; Non compatible land use; over-riding national interest, reserve, etc.

Ministry:

It may be established that they are property owners (sometimes a part owner), or incomplete documentation.

**Comment:**

The reason offered for non-approval seems legitimate.

**Recommendations:**

- Agencies should ensure that the major reasons stated for non-approval of lands to applicants should be upheld.
- Agencies should ensure that reasons given for rejecting land applicants remain objective and legitimate.
- The policy of the Ministry not to grant land to persons without children should be reviewed.

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**Question: Are there Land Selection Committees involved in the distribution process?**

**Purpose of the question as an indicator:**

1. Organizations and movements of the landless and land insecure should be involved in policy development and implementation as primary stakeholders and special efforts should be made to support their participation in promoting poverty reduction.

2. The local community and the private sector as well as civil society groups should also be involved in monitoring and reviewing the performance of policy structures and procedures.

**Findings:**

Commission:

No Land Selection Committees were involved in the land distribution process. However, there were Land Committees. These are committees comprising of farmers as distinct from committees participating in land distribution in all regions.

Region:

Land Selection Committees existed but were dissolved seven years ago when the Commission became a semi-autonomous body.

Ministry:

No Land Selection Committees are involved in the distribution process at the Ministry. Such committees do exist; however, they are under the preview of the Minister of Agriculture since they allocate state land for agricultural purposes.

Regions:

It appears Regional Housing Officers are unaware of the existence of Land Selection Committees at present.

**Comment:**

The operation of Land Selection Committees had been dissolved.  
The Land Selection Committee includes the Regional Chair and other committee members from political parties.

**Recommendation:**

Land Selection Committees should be resuscitated in all regions, including Region # 4 to assist in the land distribution process in general.



**Question: If there are no Land Selection Committees, why not? Please state**

**Findings:**

Commission:

Perhaps the composition of such committees; some regions have land committees, not selection committees.

Ministry:

Land selection committees allocate state land for agricultural purposes.

**Comment:**

As above

**Recommendation**

Land selection committees should be resuscitated in all regions.



**Question: Can you confirm the proportion of land that is presently occupied by the Amerindians? Yes, please state.**

**Purpose of the question as an indicator:**

Land rights that were alienated from the original owners or users should be restored.

1. Restitution of land rights to indigenous peoples according to their ancestral rights.  
Not a sentence
2. Support should be given to the judicial and negotiation processes for restitution.
3. The NDS proposes that a special Parliamentary Committee be set up to examine the distribution of land amongst the various races in Guyana.

**Findings:**Commission:

14% of titled lands. However individual Amerindians are not barred from applying for lands in other parts of the country.

Ministry:

Information is not available from this Ministry since Amerindians are reportedly catered for under the Amerindian Act, thus they come under the purview of another agency

**Recommendation:**

Land distribution agencies should collaborate among themselves and other relevant bodies regarding the restitution of lands. The records of Land distribution agencies should reflect all proportions of land allotted and demarcated for specific uses. This information would assist agencies in avoiding encroachment on land for different uses.



**Question: Are there records to show what proportions are occupied by other groups within the society?**

**Findings:**Commission:

Records are not disaggregated by ethnic group, so there is no formal means of determining proportions of land issued to any ethnic group.

Ministry:

No records exist in relation to the proportion of land occupied by other ethnic group.

**Comment:**

Based on responses from the two agencies, it is possible to determine the number of plots distributed, but not the number distributed to any ethnic group.



#### 5.1.1 Successful Applicants

Interviews with recipients were aimed at determining whether or not all applicants were treated equitably. Discussions were held with a total of 21 recipients of land for housing, agriculture and commercial activities, of them, 7 were of East Indian ancestry, 7 were Amerindians and 7 were of African descent.

Land was allocated to these 21 applicants through four different agencies, namely, Guyana Lands and Surveys Commission, Ministry of Housing, Private Developers, and the other applicant the Mahaica/Mahaicony-Abary Agricultural Development Association.

Most of the applicants became aware that they could apply to a certain agency for land, either for housing, agriculture or commercial activity by hearing from a relatives or friends, Others either knew that the particular agency distributed land or became aware when Officers visited the area, there were those who heard from their local political party office or were either advised by a Surveyor invited to a land meeting or saw a television advertisement.

All applicants interviewed were unaware whether there was a possibility of an approval, if their application had been unsuccessful for land to construct housing, or to conduct agriculture or commercial activities. All applicants reported that they were unaware of any appeal procedures.

All applicants fell within the eligible age group to apply for land at the time of their applications, being between the ages of 22 and 69 years old. The minimum ages set were 21 years in the case of the Ministry and 18 years for the GLSC. There is no evidence therefore among these applicants that any distinctions were made with respect to age and land distribution for the specific activities. There was no dictation of any kind, or any form of favoritism or inequitable treatment with respect to age among this grouped applicants for land or for housing, agriculture and commercial activities. Applicants selected for interviews submitted their applications to the respective agencies over a 10-year period, 1996-2006, in keeping with the research period proposed.

Although respondents for housing, agriculture and commercial activities were one year, approval for some persons took as long as seven years. Two applicants received immediate approval, having received their lands from a Developer. Some applicants received their approval after a year, while a few of them received approval after seven years and others after ten years. Approval for two persons took two years; while another two received their approval within six months. One person received approval in five years and for another it was 1½ years and the other, one week.

It would be interesting to understand the particular circumstances surrounding the varying approval periods. However, these findings indicate some degree of inconsistency in the receipt of approvals from the distributing agencies concerned. It appears that this inconsistency is causing some amount of embarrassment to the officers and staff in some regions. Officers reportedly are abused verbally and accused of wanting to solicit bribes in exchange for house-lots when in fact there has been a delay in final approvals of land issued through the Guyana Lands and Surveys Commission over the last three to four years. This has resulted in a considerable number of applicants awaiting approvals to their applicants. The respondent within the head office verified that there was some delay in approval of land applications over the past few years.

With respect to type of tenure, three types of ownership are possible: lease, Transport and Title. A total of half the number of respondents had or expect leases, while 7 of them either had already collected their transports or expected them. Another 4 had titles. The other person had no documents at the time of the interview and could not say what he/she would be issued.

With respect to the application procedure, the experiences of all applicants were reportedly generally similar. All but two of the successful applicants had completed application forms. The other two acquired land from a developer, one, a friend of the developer, received the plot of land as a gift from the developer. As such, he was not required to enter into a formal application procedure.

The 19 successful applicants were shown and asked to confirm the particular application form which they filled, whether that of the Ministry of Housing application or the GLSC.

A substantial number of interviewees uplifted their application forms at the GLSC's Offices. Ten interviewees collected forms at that office. Four persons collected forms at the Ministry of Housing/CH&PA. A total of six persons collected their forms either at the RDC or NDC Offices.

Many of the questions to which interviewees responded were related to the information they were required to provide when making their application, either to the Guyana Lands & Surveys Commission or to the Ministry of Housing. The two distributing agencies were asked to respond to the relevance of questions in relating to the outcome of one's application for land. It appears that with respect to the Commission, several questions had no relevance to the outcome. Some examples include occupation, level of income, ownership of machinery, life insurance, farming experience and membership of cooperatives. Some of these questions were, however, relevant in the case of the Ministry, e.g., level of income and ownership. Level of income and expenditure, according to the Ministry, determines the level of house-lot for which a person is eligible, whether low, medium or high income. Ownership on the other hand, determined whether the person qualifies for a house-lot since persons who are already owners are considered ineligible for allocation of land.

With respect to the Commission and ownership, a person who already owns land, provided it falls under the category of "beneficial occupation" meaning it is gainfully utilized and the applicant wants to get involved in another activity or to expand the present activity, that applicant is eligible for additional land.

Further analysis indicates that both the Commission and the Ministry have issued lands to the unemployed among the respondents in this study. Three of them received lands from the Commission and the other two persons from the Ministry. Four of these persons, even though they were unemployed, either had working spouses or had children working. One of the unemployed had no income at all, but has 11 children between 1 and 18 years old, had taken up land prior to her application to the Lands and Surveys office and was successful.

Plots were readily available for 20 of the applicants at the time of application. In the other case, the initial applicant had migrated; the successful applicant could not, however, describe the process leading to his/her receipt of the land.

It appears that it is only the Guyana Lands and Surveys Commission that involves the applicant in an inspection process before the application is completed. Only 10 of the respondents were positive that inspections to the land were carried out before completion of their applications.

Nine interviewees indicated that this was either not done, or they could not remember that aspect of the process. One applicant reported that the land was surveyed while the other said it was not necessary, so it was not done, since the land was a gift from the developer.

Even though applicants through the Guyana Lands and Surveys Commission were required to state in their application whether they had insurance policies, having one is not/or is no longer a requirement. Of the 10 respondents who applied through that agency, only one person reported that he/she had an insurance policy.

Only one respondent was childless and lived alone at the time of his application for land. That person applied to a developer who had no restrictions about age or family size for the acquisition of land.

Of the 21 respondents, only 3 were aware of persons whose application for land between 1996 and 2006 was unsuccessful. One respondent's sister was refused land because she was childless. Another reported that her friend was refused land because she had refused to give extra money to the Housing representative in the Region. The third person reported that she/he was aware of three bachelors without children who were refused access to land.

When asked, only one respondent reportedly noticed any form of discrimination. The respondent said he/she noticed some hesitancy and slant/bias remarks being made during his transaction.

Respondents raised concerns about the process of land distribution, highlighting issues and offering recommendations as follows:

- Some persons have been allotted several plots while others have been put on a waiting list. It appears that persons who have access to more money fall in the former category.
- Some house-lots were reduced while others were withdrawn to accommodate infrastructure such as construction of a road.
- Persons, who are already land holders, apply for more land and are being granted same.

- Land measurements are now smaller and this is forcing persons to buy two plots.
- Infrastructure should be in place.
- The allocation process should be made easier so that applicants do not have to seek audience with several officers before the land is finally allocated.
- Applicants without children should have access to land.
- Mechanisms should be in place to prevent the practice of house-lots being awarded on the passing of cash.
- The switching of plots should be eliminated.
- The time period given for the erection of a building before repossession of land should be lengthened.
- Titles should be issued instead of leases in order for owners to access loans as leases are not accepted for loans at the bank.
- Housing scheme programmes should be brought on board since cheaper housing is made available through such programmes.
- There should be a policy preventing persons from holding on to land and not utilizing it; the said land should be given to other people who can utilize.

#### 5.1.2 Unsuccessful Applicants

Interviews were held with four (4) persons whose applications for house-lots were unsuccessful. They were three persons of African descent and one of East Indian ancestry. It was not possible to interview equal numbers of unsuccessful applicants by ethnicity. Persons, who were aware of unsuccessful applicants, were mostly unaware of their addresses. In some instances they resided long distances from where the successful applicants were interviewed.

All the unsuccessful applicants interviewed made applications to the Ministry of Housing/CH&PA. These applicants had never attempted to make an appeal to anyone. Three persons reportedly did not know it was possible to appeal, while the other did not know to whom to appeal.

The ages of the unsuccessful applicants ranged between 32 and 52 years old. They made their application between 1997 and 2006. Two persons completed application forms at Regional Offices, while the other two persons did so at the Head Office of the Ministry. One applicant lived with a friend at the time or with spouse and children and two lived alone.

All the applicants were employed, one each with the Public Service, private Sector, para-statal, while the other who reportedly had a spouse and children was self-

employed. Until the time of their application, the respondents worked at their places of employ between 5 to 17 years with approximate earnings between \$30,000 and \$60,000.

Only one of the respondents had owned a house, which he/she had intended to transfer to the new plot. The other three persons had no house. Two were renting while one lived with relatives/friends.

Unsuccessful applicants like those who were successful, were required to state in their application for land, the approximate time after allocation that they intended to build. Three of the respondents reported that they had stated they would commence building within 12 months, while the other who already had a house, said he was prepared to transfer the house immediately upon approval of the house-lot.

All four of the unsuccessful applicants had indicated that they would commence paying for the land within three months. They all stated that they would seek mortgages. All the interviewees reported that they were provided with reasons for non-approval of their lands.

One applicant said he/she was told, after an altercation with the officer in the Region, that he/she was not eligible. Two persons said they were ineligible because they were childless, while the other person with spouse and children was told there were no available plots. Three of the respondents, when asked affirmed that they were aware of persons in similar circumstances who applied for land and were unsuccessful. One respondent was told at the same time she and friends had gone to the Ministry.

One respondent said he/she was aware of several persons who had made their application after his/hers and were successful. Persons felt they were discriminated against, not by race, but because of their child-bearing status.

The applicant who owned the house reported that he/she was unaware of anyone who had applied for land and was unsuccessful.

The unsuccessful respondents shared their perspectives on process as follows:

- Change or eliminate the discriminating criteria on that deem persons without children are not eligible for house-lots.
- The Ministry of Housing should return to Region to distribute house-lots; they should refrain from sending a person who is a bribe-seeker.
- The Housing Officer collects money from various persons over and above what is required, promising to give land, but failing to keep his part of the agreement.

## **Summary of Findings - Housing, agriculture, commercial activities**

This section of the study of land distribution which addresses housing, agriculture and commercial activities focused mainly on two distributing agencies, namely the Guyana Lands and Surveys Commission and the Ministry of Housing and Central Housing and Planning Authority.

The findings show that apart from the “White Paper on land and house-lot distribution, there seems to be no national land distribution policy which is used to guide these two agencies in the distribution of the commodity for the aforementioned uses. The study recommends that such a policy be formulated urgently through a transparent and all-inclusive process, to assist in the achievement of its validation as a document which could be used to distribute land in Guyana on an equitable basis, with no biases, but with fairness and openness to all applicants.

Other findings related to the existence of equitable practices within the agencies such as, checks and Balances as a requirement for equity and procedures for deciding in favor of a particular party in a dispute over land. In both agencies, these practices were satisfactory. With respect of the publication of available lands and leases which is a requirement for equitable distribution, it was recommended that the Lands and Surveys Commission adopt a policy to engage in such publicity, while the Ministry of Housing and Central Housing Authority, should consider using other forms of publicity.

A major concern of applicants for house-lots was what they referred to as “discriminating criteria” which the Ministry of Housing and Central Housing and Planning Authority uses, in that deems persons without children ineligible for house-lots. It is recommended that this criterion be changed to accommodate such applicants.

The following section presents the results of the activities carried out in the Forestry sector.

### **5.2 Forestry Activities**

**Question: What policy documents are used to guide the Commission in discharging its official functions? Please give a short description of each.**

**Purpose of the question as an indicator:**

1. Land policies are of fundamental importance to sustainable growth, good governance and well-being of and the economic opportunities open to both rural and urban dwellers, particularly the poor.<sup>46</sup>
2. Inappropriate and non-existent land policies constitute a serious constraint on social and economic development in various aspects that are of vital significance for developing countries. Outdated land laws, insecure land tenure and slow or dysfunctional land administration institutions can hinder private investments; undermine good governance among other effects.

**Findings:**

National:

(1) National Forest Policy – strategy outlining the program necessary for the achievements of sustainable forest management (SFM); (2) National Forest Plan – outlines the program through which the forest sector (GFC), is guided by, to implement the SFM.

Regional:

Forestry Monitoring Guidelines, Code of Practice, Forest Act, State Forest Permission, Removal Permits, Forest Laws, Maturation Manual and Finance Manual, Human Resources Policies and Procedures Manual, Code of Practice for Mangrove Harvesting, Code of Practice for Timber Harvesting, Finance policies and procedures.

**Comment:**

A National Forest Policy exists. It appears that adequate guidelines exist to guide officers and staff in Regions in performing the necessary functions to achieve the policy objective of sustainable forest management.

**Recommendation:**

Maintain the use of the documents and keep updating them in line with global trends.



**Question: Do you know who or what groups were involved in the formulation of the policies?**

**Purpose of the question as an indicator:**

1. Sectoral policies on land should be harmonized to avoid fragmentation and contradictions. Policy making should involve a participatory approach.

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<sup>46</sup> World Bank group – Land policies for growth and poverty reduction. <http://econ.worldbank.org>

2. Given the centrality of land rights and policy, government needs to establish a proposed timetable for consultation and review of policy.
3. Although it is the government's duty to specify its priorities and make a choice among them, decisions will benefit from broader public debate in the drafting and review of a national land policy document.
4. Receiving inputs from a wide range of stakeholders and interested parties should help government to gain a clearer idea of priorities and the nature of the choices faced.
5. It is vital that any changes in a policy as important as land be viewed as resulting from a broad political process with inputs in a representative manner, inclusive of public and private sector representatives, men, women and the local community.
6. Land policy reform should involve donors who can also make a major contribution, if they play a cautious role. Donors can, among others, contribute by facilitating public debate, funding the costly portions of the preparation and implementation of the policy reforms and contribute to research, institutional and capacity building and monitoring and evaluation of the processes.
7. It is necessary to demonstrate that the process has been transparent. This will assist in providing greater legitimacy and avoid accusations of biases.

**Findings:**

Civil society, FPA, GMA, Government, International stakeholders, NGOs, others were involved in formulation of the National Forest Policy.

**Comment:**

1. Information from the National Forest Policy Document indicates consultations with the various stakeholders took two years.
2. The participation in the formulation of the policy documents seems wide-ranging and satisfactory.

**Recommendation:**

Consultation with stakeholder should continue to be an integral part of policy formulation.



**Question: Are these documents disseminated for use at the Regional level?**

**Purpose of the question as an indicator:**

1. The National Forest Policy is aims, among other things, to achieve fairness and transparency.

2. Procedures at the national and regional levels must be consistent. Therefore, policy guidelines must be at the disposal of all officers and Staff.

**Findings:**

The respondent reported that the documents are distributed to the Regions.

**Comments:**

Satisfactory



**Question: Does your Commission conduct training for officers and staff on how to use the documents?**

**Purpose of the question as an indicator:**

1. Staff should be trained/upgraded. Ministry and other land distributing agencies should have a staffing plan which matches its human resources with task and activities to be performed.
2. Local administrations must have adequate capacity. Staff members must be well acquainted with land rights of the poor as well as with human rights law.

**Findings:**

National:

The respondent reported that the Commission conducts training for officers and staff on the use of policy documents.

Regional:

Training is provided.

**Comment:**

Respondents at both national and regional levels reported that training was carried out on the use of the documents.

**Recommendations:**

Training must be sustained.



**Question: What is the role of the Regional Officers? Please state.**

**Purpose of the question as an indicator:**

Verification of Regional Officer's role in the practice of equity

**Findings:**

National:

Carry out GFC's mandate to monitor and regulate the State Forest and implement GFC's Policy and programs.

Regional:

Monitor sustainable harvesting of forest to maintain sustainability; ensure that persons adhere to harvesting rules – (charges are laid for wastage; detect and prevent forest offences including illegal loggers

**Comment:**

1. Some international observers regard decentralization policies in forest governance as a universal remedy for problems of unsustainable development.
2. European Union promotes decentralization as a means of promoting accountability and equity in the distribution process.

**Recommendations:**

Maintain the presence of the Forestry Officers at the Regional level.



**Question: Are there any checks and balances on how procedures are carried out?**

**Purpose of the question as an indicator:**

1. The land administration system should be decentralized. Such an arrangement must ensure that the chosen system includes adequate checks and balances [e.g., through peer review, social accountability or formal legislation] including oversight by higher bodies.
2. Functionaries at local levels must have incentives to manage land in the interest of the local population and to respect their rights.

**Findings:**

National:

Environmental Monitoring; Routine checks are carried out at the concession level.

Regional:

Checks and balances are done against a work plan; the work plan is reviewed on an annual basis.

**Comment:**

It appears that adequate checks and balances/monitoring are carried out both at the level of the Concessionaire and the distributor.

**Recommendation:**

Monitoring is sustained at all levels.



**Question: Are all concessions publicized before they are issued? If yes, how is the Commission satisfied that they are seen by all the concerned public? Please state.**

**Purpose of the question as an indicator:**

1. Good land administration practice ensures an open record of land claims. It also ensures that claims are publicized prior to the distribution of titles.
2. If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the procedures.
3. Good land administration practice ensures an open record of land claims. It also ensures that available land and claims are publicized before titles are granted.
4. Unless policy reform includes an effective and responsive judicial and administrative system, the success of a pro-poor land policy reform would be undermined.

**Findings:**

National:

All licenses and concessions are publicized.

Regional:

All available lands are advertised.

**Comments:**

1. Interviewees at both the national and regional levels confirm the publicity of concessions and available lands.
2. Publicity is in keeping with the EU policy guidelines on equitable distribution.
3. Advertisement is the fourth step of a 10-step procedure in allocating forest concessions, as advocated by in John Gray's Article on experiences and lessons from countries around the world.
4. Advertisement is in line with national forest policies, which demand that all areas available for allocation must be publicized and that all applicants must be represented to the Commissioner of Forest, although only one applicant may be allocated to the area available for allocation.

**Recommendation:**

The Commission must sustain the policy.



**Question: If licenses and concessions are publicized, what form of publicity is utilized? Please select (a) radio (b) television (c) newspapers (d) other please state.**

**Purpose of the question as an indicator:**

1. Good land administration practice ensures an open record of land claims. It also ensures that claims are publicized prior to the distribution of titles.
2. If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the procedures. Good land administration practice among other things ensures an open record of land claims.

**Findings:**

National:

Publications are done in the National Media and on the GFC's website over a period.

Regional:

All available lands are advertised through the use of flyers and in newspapers. Notices are placed on Bulletin Boards.

**Comment:**

Forest concessions and lands appear to be satisfactorily advertised. Interviews at both the national and Regional levels affirmed the use of advertisement. Innovative means of advertisements are also utilized, such as flyers and bulletin boards.



**Questions: If available lands and concessions are advertised, how is the Commission satisfied that they are seen by all the concerned public? Please state.**

**Purpose of the question as an indicator:**

If land reform is aimed at the poor majority, systems must be put in place for such groups to have clear information about the opportunities and procedures through the dissemination of information.

**Findings:**

Opportunities are published. GFC carries out sensitization exercises.

**Comments:**

Various efforts seem to be made to ensure that a wide cross-section of the society is aware of available forest lands and concessions.

**Recommendations:**

The GFC should strive to sustain their publicity programmes.



**Question: What appeal procedures are available to an unsuccessful applicant who wants to appeal the decision?**

**Purpose of the question as an indicator:**

1. Good land administration puts in place systems of appeal to contest claims. These are necessary features which characterize the transparency of the process.
2. An equitable system of land administration must always comprise simple procedures of appeal to facilitate citizens' appeal against local decisions.

**Findings:**

National:

(1) Write to the Commissioner; (2) Concerned applicant invited to meeting; (3) Procedures and outcome discussed with that individual; (4) Applicant can then (if not satisfied) go to the Minister or NGO.

Regional:

They are referred to Georgetown or the Region would try to find them an alternative area.

**Comment:**

At the national level, the respondent described a line of appeal, which is initiated in writing.

In the region, the officer tries to address the matter or refers the appellant to Head Office.

**Recommendation:**

A common appeals committee recommended for housing, agriculture and commercial sector, should also serve the Forestry sector in the various regions.



**Question: Are there simple procedures for citizens to appeal against local and/or Regional systems?**

**Purpose of the question as an indicator:**

1. Good land administration puts in place systems of appeal to contest claims. These are necessary features which characterize the transparency of the process.
2. An equitable system of land administration must always comprise simple procedures of appeal to facilitate citizens' appeal against local decision.

**Findings:**

National:

There are procedures for appeal.

Regional:

There are procedures for appeal.

**Comment:**

Above comments apply.

**Recommendations:**

Above recommendations apply.



**Question: What is the procedure for deciding in favour of a particular party in a dispute over forest lands/claims/resources? Please state.**

**Purpose of the question as an indicator:**

1. No system of land tenure (whether forest land, housing, agriculture, etc.) can be effective without a body that has the power and authority to define and enforce the rules and provide arbitration in case of conflict.
2. In order to improve equity and promote productivity in agriculture, the policy must improve access to land and security of land rights. Land rights security presumes effective institutional arrangements to avoid contesting of rights without the confirmation of arbitration or legal authorities.

**Findings:**

National:

1) Legality of operation verified; (2) GFC procedures followed.

Regional:

Use the Global Positioning System (GPS) to detect the location. If too technical, Mapping Boundary Division: they would carry out measurements in the presence of both parties and encourage them to come to an amicable solution. Otherwise the matter is forwarded to the Resource Management Section for a decision. There is a penalty for illicit operation.

**Comment:**

The procedures applied in addressing disputes over forest resources are satisfactory.

**Recommendation:**

Sustain the practice.



**Question: What are the restrictions on who can apply for forest resources? Please state.**

**Purpose of the question as an indicator:**

1. Evaluation of the practice against the policies of the organization.

**Findings:**

No restrictions were reported, but to be successful applicants must be Guyanese, a registered Guyanese company or a foreign company registered in Guyana.

**Comment:**

There is a criterion that only applicants between the ages of 18 and 60 years would be allocated forest resources.

**Recommendation:**

If as stated among the list of criteria used for processing new SFP applications “only applicants between the ages of 18 and 60 would be allocated forest resources”<sup>47</sup> still applies, it should be changed. Otherwise, the list of criteria used for processing new SFP applications should be revised to reflect the current criteria.



**Question: Are adequate resources available to implement the policy and/or procedures within the Commission?**

**Purpose of the question as an indicator:**

1. Land administration is a public good. Government ought to provide adequate financial and other resources for land administration, using a combination of donor funds, user fees and public expenditure to provide an efficient service.

**Findings:**

National:

Adequate resources are available for implementation.

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<sup>47</sup> GFC Forest Resources Allocation Committee. Criteria to be used for processing of New SFP applications.

Regional:

Adequate resources are available. In the case of Region 1, equipment is available, but there is no electricity during working hours.

**Comment:**

Respondents indicated that adequate resources for implementation of the Forest Policy were available. However, electricity, an important resource is lacking in Region 1.

**Recommendations:**

The GFC should purchase a heavy duty generator for the office in Region 1.

Alternatively, it should provide a Solar Power system which can generate adequate electricity to operate the equipment in Region 1.



**Question: Are all citizens provided with adequate/clear information about how this system works? If yes, at what stage and what format does the dissemination of information take? Please explain.**

**Purpose of the question as an indicator:**

If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the opportunities and procedures through dissemination of information.

**Findings:**

National:

*All staff are informed; GFC makes this information public (training, media).*

Regional:

*Flyers, newspapers, notices on bulletin boards are used to disseminate information about the GFC and lands which are available*

**Comment:**

Some effort seems to be made to disseminate information nationally and at the Regional level, so that persons could be made aware of the work and opportunities of the GFC. Copies of advertisements indicate that they are done bi-yearly, approximately one month prior to the closing date for indications of interest.

**Recommendation:**

Maintain the information dissemination programme at all levels. Try to include same in regions where this may not be done.



**Question: Has your Commission been reformed or restructured since 1992? If your Commission has been reformed since 1992, have you formulated new policies/regulations or procedures since then? What were the reasons behind the formulation of these policies, regulations and/or procedures?**

**Purpose of the question as an indicator:**

1. Specific objectives of the GFC include (a) the promotion of sustainability and efficiency in forest activities, utilizing forest resources to contribute the national development and entrepreneurial development; (b) achievement of improved sustainable resource yield.
2. An objective of land policy is to prevent conflicts and inefficiencies in order to ensure equity, legitimacy and economic efficiency.
3. Land policy is the core of social, economic and environmental issues in countries throughout the world. It is crucial for environmental sustainability.
4. Land policy is essential for the empowerment of the poor and the promotion of equitable and sustainable development.
5. The aim of land policy is to achieve various objectives such as security and distribution of land rights, management and use and access to land, including the specific type of tenure under which it is held.

**Findings:**

National:

The Ministry has been restructured since 1992. New policies, regulations and procedures have since been formulated. These documents were formulated to improve sustainable forest management and to achieve GFC's efficiency.

**Comment:**

The factors that influenced the formulation of the new policies and procedures in a recently reformed GFC seem satisfactory since land policies are designed to, among other things, promote efficiency and maintain environmental sustainability.

**Recommendation:**

Ensure that the documents are widely circulated and applied in the work of the Commission, nationally and regionally.



**Question: Are you familiar with the distribution/allocation system in its entirety? If yes, please describe the stages.**

**Findings:**

Regional:

- Commission publicizes vacant areas and would-be loggers apply.
- Applicant completes application form with recommendation from Ranger and Divisional Officer. This involves the completion of forms, payment of fees and collection of other documents such as proof of ownership of machinery and other equipment.  
Receipt, stating area number, is issued for payment of application fee.
- Application is forwarded to Georgetown to the Forest Resource Management Department where it is scrutinized to verify details regarding area applied for.
- It is sent to Forest Resources Selection Committee for processing.
- It is assessed on a point system and then recommendation is forwarded to the Commissioner and Board.
- Goes to the Commissioner and then to the Board for a final decision.

**Comment:**

The allocation procedure at the regional level seems satisfactory.

**Recommendation:**

The allocation procedure should be sustained.



**Question: What major objectives have you set out to achieve after the restructuring/formation? What were your established indicators to determine your level of achievement? Please give an idea of your achievements so far.**

**Purpose of the question as an indicator:**

1. Not only its policies, but also the design of land reform institutions has significant implications for equity and fairness. Effective institutional arrangements are required to promote fair treatment.
2. The structure and functioning of the administrative systems are crucial. It is important to know what bodies are responsible for filing and for the registration of changes, arbitration, adjudication, conflict resolution, whether or not they are effective in practice. The capacity of the institutions should not be questionable. They should be supported by systems for land surveys, mapping, land information, land valuation, registration of rights, recording of transactions, issuing of title, and collection of fees or rent.

**Findings:**

National:

(1) Major objective – enhance efficiency and ensuring management of the state forest is in keeping with international best practices. (2) Improved international rating, production and export; (3) 12% increase in GDP in 2006; 10% increase in employment. Achievement of GFC’s work plan.

(2)

(1) Achievements – (2) Improved international rating, production and export; (3) 12% increase in GDP in 2006; 10% increase in employment. Achievement of GFC’s work plan.

Regional:

To stop illegal activities (woodcutters): provision of better services to the Region

Accurate revenue collection and disposal of same

Ensure that all producers and loggers are licensed.

Submission of accurate and timely reports to headquarters (monthly).

The indicators are as follows:

- Less complaints about poachers
- Fewer officers on the road to carry out monitoring activities.
- Lumberyard dealers enter correct information on documents to check against information surrendered at the office.
- Clamp down on lumber yards buying wood from illegal loggers/reduction in the number of illegal loggers
- Favorable feedback from Head Office
- Licensing of loggers
- Saw mill operators making purchases from legally authorized loggers

**Comments:**

The objectives, indicators and achievements of the Forestry Sector since its restructuring seem satisfactory.

**Recommendation:**

The work should be sustained.



**Question: Is there a policy or regulation in place to grant licenses to the small man without equipment, but who is prepared to use manual labour for logging? Is a policy in place to grant licenses to the small man? What are the procedures to be followed? Please state.**

**Findings:**

There is a policy in place to grant licenses to the small man.

(1) Formation of community forestry groups; (2) On a case by case basis approval is granted for less than 1,000 acres; (3) Permission is granted to log on agriculture lease.

**Comment:**

It appears that the Forestry sector works in the interest of the poor in the community.

**Recommendation:**

This program should be sustained.

**Figure 5.1**



**“Guyana Forestry Commission Officers and Loggers at Work”**



**Question: Is age a requirement for the distribution of forest resources?**

**Purpose of the question as an indicator:**

Analysis based on selection criteria for forest concessions.

**Comment:**

“Applicants will only be accepted from individuals in the age range 18 years to 60 years.”<sup>48</sup>

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<sup>48</sup> Guyana Forestry Commission. Criteria to be used for the processing of New SFP applications, n.d.

**Recommendation:**

If there is no age limits for State Forests Permissions, the list of criteria for the processing of new State Forest Permission applications should be made known to all and applied as intended.



**Question: Does an applicant’s occupation determine whether approval for forest lands/resources would be granted?**

**Purpose of the question as an indicator:**

1. Evaluation based on GFC’s documentation.

**Findings:**

It was reported that an applicant’s occupation does not determine whether approval for forest concessions would be granted.

**Recommendation:**

The new SPF application forms should be amended to reflect the change in the requirement.



**Question: Does an applicant’s level of weekly, monthly or yearly income/expenditure influence his/her approval for Concessions?**

**Purpose of the question as an indicator:**

The use of discretionary authority in land administration systems creates room for rent seeking and patronage. As such, structures and procedures should be so designed to minimize such risks.

**Findings:**

The respondent stated that the applicant’s level of weekly, monthly or yearly income/expenditure does not influence his/her approval for forest concessions.

Questions 2(e) and 3(b) of the State Forest Permission new application form implies that the Commissioner of Forests will use his discretion on whether applicants would be required to provide audited accounts and other documents.

**Recommendation:**

The Commission should standardize the type of documents required for each type of application so that applicants making similar applications would be required to present similar documents so that the use of discretion would be no longer needed.



**Question: Would prior ownership of equipment/machinery influence the applicant's approval of forest lands/resources?**

**Purpose of the question as an indicator:**

1. Evaluation based on the Guyana Forestry Commission's documents.

**Findings:**

*No*

**Recommendation:**

If prior ownership of equipment/machinery does not influence the applicant's approval of forest lands, it should be extracted from the application evaluation sheets.



**Question: Can an applicant receive approval for more than one parcel of forest land/resources?**

**Purpose of question as an indicator:**

Land use policy is leaning toward the principle of allocation based on beneficial occupation. Beneficial occupation implies that provided previous allocations made to an applicant is resourcefully utilized, that applicant may apply for further leases or concessions.

**Findings:**

*Yes*

**Comment:**

An applicant can receive approval for more than one parcel of forest land/resources. Beneficial occupation is in line with the policy of Guyana Lands & Surveys Commission.

To provide additional plots to applicants provided previous allocations are beneficially utilized.

**Recommendation:**

To be sustained



**Question: Does the type of resources to be cultivated influence the allocation process? Yes, please explain.**

**Finding:**

In the case of agriculture leases; also proposed size of operation.

**Comment:**

The type of resources to be cultivated influences the allocation process. Among other things, applications are evaluated based on product range and product innovation.

**Recommendation:**

Can be retained



**Question: Are there mechanisms in place to prevent grabbing of forest resources? Yes, please state.**

**Purpose of the question as an indicator:**

1. It is argued in the guidelines, that land policy reform has the capacity to make substantial contributions to poverty reduction.
2. Policy reform should include mechanisms to remove obstacles to the access of land for the poor by providing them with legal rights and credit access through collateral, while forbidding land-grabbing and encroachment among other processes of exclusion.
3. Based on the objectives of land policy, the reform program may include, among others, codes to regulate and recognize land rights to vulnerable groups, women small farmers, pastoralists and other minority groups.

**Findings:**

1) Applicants have to demonstrate their financial and technical capability to work and operate in land applied for; (2) Number of concessions is limited to the size of the operation.

**Comment:**

Mechanisms for preventing grabbing of forests concessions seem to be in place. However, they do not seem to cater for other categories of persons apart from applicants.

**Recommendation:**

Any mechanisms to prevent the grabbing of forest concessions/resources should cater for other persons, including persons working within the Commission and or involved in the allocation process.



**Question: Under what circumstances are land/or Forest Concessions re-possessed? Please state.**

**Purpose of the question as an indicator:**

1. Evaluation of the practice

**Findings:**

Land/Forest Concessions re-possessed when Non-compliance with GFC's requirements and procedure – following consistent breaches after warning is given.

**Comment:**

Satisfactory

**Recommendation:**

To be sustained.



**Question: What are some of the major reasons for non-approval of land to applicants? Please state.**

**Purpose of the question as an indicator:**

1. For organizational evaluation

**Findings:**

Major reasons for non-approval of land to applicants are:  
1) Lack of financial capability; (2) Lack of technical capability; (3) Demonstration of poor overall ability to manage land.



**Question: If there is a dispute over land in your Region, what procedure is used for deciding in favour of a particular party? Please state.**

**Purpose of the question as an indicator:**

1. No system of land tenure can be effective without a body that has the power and authority to define and enforce the rules and provide arbitration in case of conflict.
2. In order to improve equity and promote productivity.
3. An equitable distribution process must be free from any favoritism or self-interest, bias, or deception. Decisions and recommendations should be objective and in conformity with established rules and standards.

**Findings:**

The respondent reported that if there is a dispute over land, the following procedure would be followed:

- Go to the area and investigate, using Global Positioning System (GPS) to pick up the location.
- If the matter is too technical for the region to attend to, then the Mapping Boundary Department is called in. They would carry out the measurements in the presence of both parties in order to arrive at an amicable solution.
- Forward to the Forest Resource Management Section for a decision on the matter.
- There is a penalty for illicit operation.



**Question: Are overseas-based Guyanese allocated forest lands/resources? If yes, what are the criteria for such allocation? Please state.**

**Purpose of the question as an indicator:**

1. Evaluation of the practice

**Findings:**

An overseas-based Guyanese can be allocated forest lands/resources if he/she 1) has a registered company in Guyana; (2) Gains success through fair and transparent competitive process



**Question: Would you like to make any further comments, or statements regarding land distribution in your Commission? If yes, please state.**

**Respondent's Comments**

GFC has a set of criteria for forest land allocation:

- Must be advertised for 1 month in the main public media
- Applicants pay fee and fill standard form
- Competitive evaluation process
- Assessment by scoring system by several individuals and entities

- Final approval by Board of GFC or Cabinet Ministers



### **5.2.1 Discussions with Recipients of Forest Concessions/Resources**

It was possible to have discussions with five (5) recipients of forest products who discussed their experiences in relation to allocation of forestry resources. Among the respondents were two (2) East Indians, one (1) Amerindian, one (1) Mixed and one (1) African. They emanated from Regions 1, 2, 4 and 9. They do not comprise a representative sample of persons in the forest industry. They were available and willing to give an interview.

They all heard from or were influenced by relatives and friends about going into the particular office to get started in logging. Respondents made their applications either at their Regional Forestry Office or at the Head Office in Georgetown.

All but one respondent felt if they were unsuccessful or their applications were rejected, they would have been able to appeal to their Regional Forestry Officers. The other felt he would have been able to appeal to the Rupununi Chamber of Commerce. The interviewees were all between the ages of 36 to 40 years old, well within the accepted age range recorded among the list of criteria for processing new SFP applications, which is 18 to 60 years old. They made their applications for SFP between 2003 and 2006.

All applicants were required to fill the same application forms which they identified. They were all employed at the time of their applications. Three worked in logging before, while the other two did farming.

Respondents were asked how long it took for an officer to confirm that the spot which they had identified was available. One respondent said it took a month, while the others said that the areas were published in the newspapers before the application was made.

It appears that the areas that were published in the newspapers had to be inspected before the completion of the application process, but applicants were not required to pay an inspection fee as is done for the plots distributed through the Guyana Lands and Surveys Commission. The one logger who identified his land, indicated that after the identification, the survey was conducted; he was not required to pay any fees for the survey. The recipients were neither required to pay inspection nor survey fees.

Interviewees were asked whether they were aware of a person or persons who had applied for concessions and were rejected. None of them was aware of any such person or persons.

The respondents related the application process as having the following steps:

1. Fill application form
2. Pay application fee
3. Submit application to Forestry – Regional Office
4. Application is sent to Head Office – Georgetown
5. Upon receipt of result of application, pay concession fee.

The loggers were invited to make comments in relation to their applications for forest concessions.

**Figure 5.2**



## **“Guyana Forestry Commission Officers and Loggers at Work”**

Generally, the loggers complained about the distance they were required to travel to do the logging. One interviewee said he had a first allocation of land, which later formed part of an allocation made to Amerindians. That, he said, resulted in tensions between the loggers and the Amerindians. The logger was however reallocated to new areas beyond the Amerindian lands; however access to the new areas was through the Amerindian lands. At first the Amerindians were unwilling to give permission for them to pass and it affected their work greatly. The problem was eventually resolved and they have permission to pass. However the area is very far away.

Some loggers have complained about the introduction of sustainable harvesting. They said loggers are now required to do many things in that regard, which if not done results in charges being laid against them. Loggers feel they are being pressurized. It was reported that previously the Forest Rangers assisted loggers and guided them in the right direction. Loggers seemed to have depended on this assistance, as some of them are slow academically and may not quite understand, or may not immediately understand what it is they are required to do. It was reported that it appears that Forestry Officials are anxious to find loggers doing the wrong thing to lay charges against them.

Other problems raised were:

- Workers are seasonal.
- Concessions allocated are small for the equipment they have.
- There is low-valued wood in some areas. They are not permitted to cut “Bullet wood” which is a high quality wood.

### **Summary of Findings - Forestry Sector**

In respect of the allocation of forest concessions and based on the European Union policy guidelines, the findings of the study indicate that in a number of areas, the practices were satisfactory, such as publicity of the availability of forest concessions, participation in the formulation of policies and dissemination and training of staff in the use of policy documents.

On the other hand, some areas need addressing. One case in point is where the Commissioner is allowed to use discretion in determining whether certain documents would be needed in applying for a particular type of forest concession. However, the use of discretion in the allocation process is discouraged in the policy guidelines. This is said to have the capacity to lead to corruption. In this regard, the research recommends that there should be a requirement that persons making a specific level/type of application would be required to provide a specified set of documents which are laid out beforehand. In this regard, the Commissioner would no longer need to apply any element of discretion in the allocation process.

### **5.3 Mining Activities**

**Question: What policy/other document(s) are used to guide the Commission in discharging its official functions? Please give a short description of each.**

**Purpose of the question as an indicator:**

1. Land policies are of fundamental importance to sustainable growth, good governance and the well-being of and economic opportunities for both rural and urban dwellers, particularly the poor.<sup>49</sup>
2. Inappropriate and non-existent land policies constitute a serious constraint on social and economic development in various aspects that are of vital significance for developing countries. Outdated land laws, insecure land tenure and slow or dysfunctional land administration institutions can hinder private investments and undermine good governance among other effects.

**Findings:**

National:

The Guyana Geology and Mines Commission Act, NO 9 of 1979. N.B, this is not a policy document. Policy is set by the Board of Directors. Policy Document authorized by the Honorable Prime Minister (Minister responsible for Mines and Minerals).

Regional:

Mining Regulation 65:01/Mining Act 20 of 1989

**Comment:**

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<sup>49</sup> World Bank group – Land policies for growth and poverty reduction. <http://econ.worldbank.org>

It appears that at the national level of the Geology and Mines Commission (GGMC), officers are guided by the Guyana Geology & Mines Commission Act No. 9 of 1979 and a policy document. At the regional level, officers use the Mining Regulation 65:01 and the Mining Act.

**Recommendation:**

In keeping with equity guidelines and in order to maintain a high level of consistency throughout the GGMC, all policy and other guiding documents should be disseminated for the officers' use at the regional level.



**Question: Do you know who or what groups were involved in the formulation of the policy(ies?)**

**Purpose of the question as an indicator:**

1. Receiving inputs from a wide range of stakeholders and interested parties should help government to gain a clearer idea of priorities and the nature of the choices faced.
2. It is vital that any changes in a policy as important as land be viewed as resulting from a broad political process with inputs in a representative manner, inclusive of public and private sector representatives, men, women and the local community.
3. Land policy reform should involve donors who can also make a major contribution, if they play a cautious role. Donors can, among others, contribute by facilitating public debate, funding the costly portions of the preparation and implementation of the policy reforms and contribute to research, institutional and capacity building and monitoring and evaluation of the processes.

**Findings:**

The respondent reports that the Honorable Prime Minister (Minister responsible for Mines and Minerals) and the Board of Directors, Guyana Geology and Mines Commission involved in the formulation of the policies.

**Comment:**

The GGMC's policy was formulated by a small group of persons, specifically the Honourable Prime Minister and the Board of Directors of the GGMC.

**Recommendation:**

In keeping with the equity guidelines and to demonstrate that the policy was designed through a transparent process, the policy of the GGMC should be reviewed, encouraging a broad process, with inputs from a wide range of stakeholders and interested parties in addition to staff representation from the various levels of the GGMC.



**Question: Are these documents disseminated for use at the Regional level?**

**Purpose of the question as an indicator:**

1. The national land policy is aimed, among other things, to achieve fairness and transparency.
2. Procedures at the national and regional levels must be consistent. Therefore policy guidelines must be at the disposal of all officers and staff.

**Findings:**

National:

*No*

Regional:

*Yes*

**Comments:**

Reportedly the Guidelines and Mining Act are used at the regional level. However, there has been inconsistency in the responses at the two levels, national and regional, in this regard.

**Recommendations:**

It is necessary for the Commission's policy to be disseminated to the regions as this would foster consistency and assist in the achievement of fairness and transparency at all levels of the agency.



**Question: Does your Commission conduct training for officers and staff on how to use the documents?**

**Purpose of the question as an indicator:**

- Staff should be trained/upgraded. Ministry and other distributing agencies should have a staffing plan matching human resources with task and activities.
- Local administrations must have adequate capacity. Staff members must be well acquainted with the land rights and the poor and human rights law.

**Findings:**

National:

*N/A*

Regional:

*Training is provided.*

**Comment:**

While at the national level it has been reported that documents are not distributed at the Regional level and as such the question would be not applicable, in at least one location, it was reported that documents were used and training was received in the use of the documents. Based on the response from the national level, the training may not be carried out on the use of the policy.



**Question: What is the role of the Regional Officers? Please state.**

**Findings**

National:

By law, officers do not have jurisdiction over Mining

Regional:

*Facilitating the mining process for miners.*

**Comment:**

It appears that Regional Officers do not have jurisdiction over mining lands; however they are involved in facilitating the mining process for miners.



**Question: Are all claims/licenses published before they are granted? If yes, how is the Commission satisfied that they are seen by all the concerned public?**

**Purpose of the question as an indicator:**

1. Good land administration practice ensures an open record of land claims. It also ensures that claims are publicized prior to the distribution of titles.
2. If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the procedures.
3. Good land administration practice ensures an open record of land claims. It also ensures that available land and claims are publicized before titles are granted.
4. Unless policy reform includes an effective and responsive judicial and administrative system, the success of a pro-poor land policy reform would be undermined.

**Findings:**

National:

*The Commission is satisfied that all the persons concerned are able to see the published claims published in the Official Gazette and newspapers. It is also made available at a*

*nominal fee to miners. Copies are sold on an on-going basis. Copies are also available in the C. N. Barron Library at GGMC Headquarters.*

**Regional:**

*Letters are written and distributed about closed areas.*

**Comment:**

The publicity in this regard seems fairly satisfactory at the national level.

**Recommendation:**

Greater effort could be concentrated to additional publicity of claims in the regions using whatever popular means of publicity is available locally.



**Question: What are the restrictions on who can apply for different types of licenses? Please state.**

**Purpose of the question as an indicator:**

1. Non-Discrimination:

The mining code should not contain any discriminatory eligibility criteria for holding of mining rights. Legal provisions which prohibit foreigners from owning mining titles have the effect of restricting capital formation in the domestic mining industry. Legal reforms should also ensure that under the law parastatal mining companies do not receive preferences over the private sector mining companies and investors.<sup>50</sup>

**Findings**

Small Scale - Guyanese  
Medium Scale - Guyanese  
Large Scale - Guyanese and Foreigners

**Comment:**

Foreigners are restricted from involvement in small and medium scale mining.

**Recommendation:**

The GGMC should carry out a study on the capacity of small and medium scale mining areas, in order to determine whether opening up those areas to foreigners, would negatively affect the domestic mining industry. If not, they can consider removing the restrictions from those two scales of mining.



<sup>50</sup> World Bank. (2002). Characteristics of Successful mining legal and investment regimes in Latin America and the Caribbean Region.  
[http://www.worldbank.org/html/fpd/mining/m3\\_files/ienim/remyla2.htm](http://www.worldbank.org/html/fpd/mining/m3_files/ienim/remyla2.htm)

**Question:** How does the Commission satisfy itself that all potential applicants are aware of opportunities for claims/licenses? Please state.

**Purpose of the question as an indicator:**

If land reform is aimed at the poor majority, systems must be put in place for such groups to have clear information about the opportunities and procedures through the dissemination of information.

**Finding:**

National:

*By publication in the Official Gazette and Newspapers in addition to notices at GGMC Headquarters and mining stations.*

**Comment:**

The GGMC evidently sponsors a considerable amount of publicity of opportunity for claims and licenses.

**Recommendation:**

The GGMC needs to strengthen its publicity when advertising opportunities for claims/licenses, to cater for persons who for one reason or another do not read the newspapers and/or do not have easy access to the Official Gazette. The television has become an integral part of Guyanese culture and could serve as a useful medium of publicity to reach a larger population. Radio announcements can also be considered.



**Question:** Are adequate resources available to implement the policy and/or procedures within the Commission?

**Purpose of the question as an indicator**

1. Land administration is a public good. Government ought to provide adequate financial and other resources for land administration, using a combination of donor funds, user fees and public expenditure to provide an efficient service.

**Finding:**

National:

*No, not perfect. GGMC faces new challenges, especially on the environment, roads and community development. More human resources are currently being recruited.*

Regional:

*Yes*

**Comment:**

It appears that there are inadequate human resources to carry out the work of the GGMC. However, the Commission is presently in the process of recruiting the needed resources.



**Question: Are all citizens provided with adequate/clear information about how this system works? If yes, at what stage and in what format does the dissemination of information occur? Please explain.**

**Purpose of the question as an indicator:**

1. If land reform is aimed at the poor majority, systems must be in place for such groups to have clear information about the opportunities and procedures through dissemination of information.

**Findings:**National:

Citizens are expected as a general rule to read the Mining Act and regulations. (Ignorance of the law is no excuse).

Regional:

*Yes.*

**Comment:**

Based on the response of the respondent at the national level, there is no indication whether citizens are provided with clear and adequate information about how the GGMC operates. It appears further that unless one is able to read these documents, there may be no other means of the information filtering out to them. At the Regional level, it is felt that information is clear and adequately disseminated.

**Other Issues:**

The role of the GGMC includes:

1. Acting as a development change agent in the diversification of the economic base of Guyana through its activities in the mineral sector.
2. Creating the opportunities for rapid economic development which an expanding mineral sector is ideally suited to provide.
3. Providing to the general public the basic prospecting information and advisory services, on the available economic minimal prospects.<sup>51</sup>

**Recommendation:**

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<sup>51</sup> GGMC Brochure (2007). The Mining Sector

Based on the role of the GGMC, it is recommended that the Commission take a proactive role in organizing seminars and workshops, not only for its sister agencies or persons already in the mining industry, but also for the general public including youths and the unemployed. These should provide adequate and clear information about the GGMC, how it operates and on how the GGMC together with the participants can work to contribute to individual development and the economic development of the country as a whole.

Pamphlets should be prepared and distributed widely through the Public Relations Department of the Commission. These should promote mining as a viable economic sector for the unemployed and include clear information on how the system operates.



**Question: How does the Commission address any allegation of corruption against a staff member brought by a member of the public? Please explain.**

**Purpose of the question as an indicator:**

1. The use of discretionary authority in land administration systems creates room for corruption, such as rent seeking and patronage. As such structures and procedures should be so designed to minimize such risks.

**Finding:**

National:

- *The member of the public must document the allegation giving particulars.*
- *The allegation is put to person accused.*
- *Further investigation carried out.*
- *Charges under GGMC disciplinary rules are laid, if necessary.*

Regional:

*The person is free to raise the matter with the Mining Officer.*

**Comment:**

Based on information received from the GGMC's respondent, it appears that the Commission has a procedure in place to address matters of corruption. However, the Mining Act #20 of 1989, though it addresses a procedure for persons aggrieved by the Commission's refusal to grant licenses or renewals of same, it does not address allegations of corruption the public might bring against staff members. There is also a

grievance procedure to deal with internal matters between staff and supervisors<sup>52</sup> but none which addresses the question at hand.

**Recommendation:**

The Mining Act should be amended. A clause should be added on a procedure to address allegations of corruption against staff members of the Commission.



**Question: What appeal procedures are available to an unsuccessful applicant who wants to appeal the decision? Please state.**

**Purpose of the question as an indicator:**

1. Good land administration puts in place systems of appeal to contest claims. These are necessary features which characterize the transparency of the process.
2. An equitable system of land administration must always comprise simple procedures of appeal to facilitate citizens' appeals against local decisions.

**Findings:**

National:

Appeal to the Commissioner; Appeal to the Honourable Prime Minister.

**Comment:**

According to the Mining Act, a person who wants to appeal the decision of the Commission to refuse a license of any category may appeal to the Minister, implying the decision would have been made by the Commission. However, based on the information received from the respondent, it appears that one needs to first appeal to the Commissioner and then to the Minister. The procedure according to the Act seems satisfactory.

Before the Minister makes the final decision on the matter, he first consults with the Commission and asks for any relevant records regarding the matter of appeal.

**Recommendation:**

The Commission should continue to adhere to the procedure for appeals as outlined in the Mining Act 20 of 1989, in addressing matters of appeal from unsuccessful applicants.

**Question: What is the procedure for deciding in favour of a particular party in a dispute over mining concessions? Please state.**

**Purpose of the question as an indicator:**

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<sup>52</sup> Rules – Geology & Mines Commission (n.d.)

1. No system of land tenure (whether forest land, housing, agriculture, etc.) can be effective without a body that has the power and authority to define and enforce the rules and provide arbitration in case of conflict.
2. In order to improve equity and promote productivity in mining, the policy must improve access to land and security of land rights. Land rights security presumes effective institutional arrangements to avoid contesting of rights without the confirmation of arbitration or legal authorities.

**Findings:**

National:

- Consider submission of both sides and the law and facts proved.
- A hearing officer or a mines officer hears disputes. (Regulations 81 et al).

Regional:

Take the GPS position or use the compass to determine the legal boundary. However, the first applicant will receive the favorable decision.

**Comment:**

It appears that the GGMC has a satisfactory procedure to address disputes relating to mining concessions.

**Recommendation:**

The GGMC should continue to follow its procedures to address disputes regarding mining concessions.



**Question: Are there any checks and balances on how procedures are carried out?**

**Purpose of the question as an indicator:**

1. The land administration system should be decentralized. Such arrangements must ensure that the chosen system includes adequate checks and balances [e.g. through peer review, social accountability or formal legislation] including oversight by higher bodies.
2. Functionaries at local levels must have incentives to manage land in the interests of the local population and to respect their rights.

**Findings:**

National:

Yes, the procedures as set out in the mining laws follow standard court procedures, so all issues are fully ventilated and all sides heard.

Regional:

Everything done in the office is checked for accuracy.

**Comment:**

It appears that the GGMC has in place adequate checks and balances in carrying out procedures. The matter is dealt with legally, which is one of the recommendations of the guidelines as proposed in the framework in this study.

**Recommendation:**

The GGMC should continue to follow their procedures in carrying out checks and balances in their work.



**Question: Are there simple procedures for citizens to appeal against local and/or regional systems?**

**Purpose of the question as an indicator:**

1. Good land administration puts in place systems of appeal to contest claims. These are necessary features which characterize the transparency of the process.
2. An equitable system of land administration must always comprise simple procedures of appeal to facilitate citizens' appeal against local decision.

**Findings:**

National:

N/A

Regional:

Yes. Persons should write the Head Office.

**Comment:**

At the regional level, it is felt that persons should write the Head Office if they would like to appeal against any of their local systems. However, the respondent at the national level indicates that the question is not applicable to them.

**Recommendations:**

The GGMC should put in place simple procedures to facilitate citizens who may want to appeal against local and regional systems. It would be advisable to have mechanisms at the local level to deal with any matters there.

A single appeal mechanism should be established in each region in which land agencies operate (GGMC, GLSC, CH&PA, and GFC) to receive and address appeals at the local level.



**Question:** Has your Commission been reformed or restructured since 1992? If your

**Commission has been reformed since 1992, have you formulated new policies/regulations or procedures since then? What were the reasons behind the formulation of these policies, regulations and/or procedures?**

**Purpose of the question as an indicator:**

1. An objective of land policy is to prevent conflicts and inefficiencies in order to ensure equity, legitimacy and economic efficiency.
2. Land policy is the core of social, economic and environmental issues in countries throughout the world. It is crucial for environmental sustainability.
3. Land policy is essential for the empowerment of the poor and the promotion of equitable and sustainable development.
4. The aim of land policy is to achieve various objectives such as security and distribution of land rights, management and use and access to land, including the specific type of tenure under which it is held.

**Findings:**

National:

No, not fundamentally

**Comment:**

The respondent reported that the GGMC has not had any major changes within the Commission since 1992.

**Recommendation:**

Polices, regulations, and procedures should continue to feature in the GGMC's program and should be reviewed periodically.



**Question:** If yes, have you formulated new policies, objectives, regulations or procedures since then?

**Findings:**

There are new policies otherwise than in this context. New regulations are in draft soon to become law.

**Comment:**

Although GGMC did not undergo any major reform since 1992, they have formulated new policies and have draft regulations.

**Recommendation:**

GGMC should continue to revise and update their policies and regulations based on new trends and best practices.



**Question: If policies were formulated, what are the reasons behind the formulation of these policies?**

**Purpose of the question as an indicator:**

1. Inappropriate land policies constitute a serious constraint on economic and social development in a number of respects that are of great significance for development countries.
2. Insecure land tenure, outdated land laws, and slow or dysfunctional institutions of land administration can restrict private investment, undermine good governance, and reduce the ability of local authorities to raise taxes.<sup>53</sup>

**Findings:**

Again (out of this context), changes in the mining industry dictated that changes in policy, law and procedure occur.

**Recommendation:**

GGMC must continue to revise its policies in view of global, regional and other changes.



**Question: If yes, what major objectives have you set out to achieve after the restructuring/ formation? What were your established indicators to determine your level of achievement? Please give an idea of your achievements so far.**

**Purpose of the question as an indicator:**

1. Not only its policies, but also the design of land reform institutions has significant implications for equity and fairness. Effective institutional arrangements are required to promote fair treatment.
2. The structure and functioning of the administrative systems are crucial. The bodies that are responsible for filing and the registration of changes, arbitration, adjudication, conflict resolution, whether or not they are effective in practice are also important.

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<sup>53</sup> PSIA. Poverty and Social Impact Analysis (PSIA).

3. The capacity of the institutions should not be questionable. They should be supported by systems for land surveys, mapping, land information, land valuation, registration of rights, recording of transactions, issuing of title, and collection of fees or rent.

**Findings:**

National:

Regulations done in 1992 to introduce medium scale mining

Indicator: Currently have approximately 4,000 medium scale permits issued.



**Question: Is age a requirement, for the distribution of mining concessions?**

**Purpose of the question as an indicator:**

Analysis based on selection criteria.

**Findings:**

*Yes, Adult – 18 years.*

**Comment:**

Persons below the age of 18 are deemed not responsible enough to carry out mining activities.

**Recommendation:**

The 18 years of age criterion as an acceptable age for receipt of land be retained.



**Question: Does an applicant's occupation determine whether approval for mining licences/concessions would be granted?**

**Findings:**

*No for claims*

*Yes, for mining licenses, i.e. (large scale), proof of technical and financial capability is principal test.*

**Comment:**

It appears that occupation is a criterion for large scale mining only.



**Question: Does an applicant's level of weekly, monthly or yearly income/expenditure influence his/her approval for claims/licenses?**

**Purpose of the question as an indicator:**

Analysis based on criteria.

**Findings:**

*No, for claims (small scale).*

*Yes; N.B. access to financing is critical (not income per se).*

**Comment:**

It appears that income influences approval for large scale mining operation.

**Recommendation:**

Authorities should ensure that minorities and those who are not so financially empowered are given access to mining licenses and concessions. Significant portions of land should be preserved for minorities and small operators. These groups are to be encouraged to engage in the process.



**Question: Would prior ownership of machinery influence the applicant's approval of mining licenses/claims?**

**Findings:**

*No, for Claims*

*It may help to establish capability at large scale level.*



**Question: Can an applicant receive approval for more than one mining license/claim?**

**Findings:**

*Yes – for more than one claim, mining license or prospecting permit (medium scale) or mining permit.*

*With respect to mining license (large scale), it is unlikely that an applicant would wish to /can develop more than one mine at a time.*

**Comment:**

The principle of beneficial occupation is applied in the granting of mining licenses and concessions.

**Recommendation:**

Authorities should ensure that the principle of beneficial occupation is followed in each case and approval should be revoked if the principle is contravened.

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**Question: Does the type of resources to be mined influence the process of granting concessions? If yes, please explain.**

**Finding:**

Granting claims/licenses/mining concessions is on a first come basis.

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**Question: Is experience in mining a requirement for approval of mining claims/licenses?**

**Finding:**

*No – At large scale would be an asset*

**Comment:**

Experience in mining while not a legal requirement, is no doubt an asset in successful implementation of a mining program.

**Recommendation:**

Experience while not a legal requirement, must be factored into the process, making it a legitimate criterion for granting mining concessions.

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**Question: Are there mechanisms in place to prevent grabbing of mining licenses/claims? If yes, please state.**

**Purpose of the question as an indicator:**

1. It is argued in the guidelines, that land policy reform has the capacity to make substantial contributions to poverty reduction.
2. Policy reform should include mechanisms to remove obstacles to the access of land for the poor by providing them with legal rights and credit access through collateral, while forbidding land-grabbing and encroachment among other processes of exclusion.
3. Based on the objectives of land policy, the reform program may include, among others, codes to regulate and recognize land rights to vulnerable groups, women small farmers, pastoralists and other minority groups.

**Finding:**

*Yes, the laws, while not specifically restricting, are sufficiently stringent to temper this.*

**Comment:**

The use of the principle of “beneficial occupation” of land will deter land grabbing and void the attempts at speculative practices.

**Recommendation:**

Policies against land grabbing should be clearly spelt out.



**Question: Under what circumstances are claims revoked? Please state.**

**Findings:**

*Claims can be abandoned at small scale if rent is not paid, challenged by Mines Officer or miner, and cancelled at medium and large scale under careful circumstances set out in Mining Act (Sections 52 and 65).*



**Question: What are some of the major reasons for non-approval of claims/licenses to applicants? Please state.**

**Findings:**

*Failure to satisfactorily prove technical and financial capability.*

*Weak work program.*

*For small scale – only if land is unavailable that claim location is not allowed.*

**Comment:**

Satisfactory

**Recommendation:**

The procedures should remain.



**Question: Are mining licenses/concessions granted to foreigners?**

**Finding:**

*Yes; N.B. Only foreign companies may qualify for grants of prospecting or mining licenses after applying. Foreign individuals do not qualify.*

**Recommendation:**

Criterion for granting foreigners prospecting licenses should remain.



**Question: Are overseas-based Guyanese granted concessions/mining licenses? If yes, what are the criteria for such allocation? Please state.**

**Findings:**

*Overseas-based Guyanese are granted mining concessions after the application process is complete. The criteria are the same for any applicant.*

**Comment:**

Satisfactory

**Recommendation:**

Should remain



**Question: Would you like to make any further comments, or statements regarding the grant of mining concessions within your Commission? Yes, please state.**

The Mining Act (1989) and regulations set out clearly who qualifies and the mode of application and processing. One locates and applies (small scale) or applies (medium scale) and once requirements are satisfied, a grant is done.

Under the above law, there are three scales of mining/prospecting – claim and prospecting permit (small scale), mining permit (medium and large scales) and mining license (large scale).



**5.3.1 Preliminary Interview - Mines Manger, Small Scale**

The mining process involves prospecting, locating and progression to mining. The first step in the process is to secure a prospecting permit – small scale. This permit is accessible by application under. Chap 65:01 of the Mining Regulation. Application is made to the GGMC’s Office, Brickdam, Georgetown, from any Mines Officer or office in the interior regions, or at the offices of the Regional Democratic Councils in Regions 1, 7, 8, 9 and 10 or at Police Stations. A filing fee of G\$500 must accompany each application form.

There are 6 mining districts as follows: Berbice, Potaro, Mazaruni, Cuyuni, North West District and Rupununi. Mining could be carried out for gold only, gold and precious stones or precious stones only. The maximum size of a small scale plot for mining is 1,500 ft x 800 ft. The license is valid for 12 consecutive months.

The prospecting permit affords the applicant the right to go into a mining area and prospect. If the area is found to be feasible, he/she would stake a claim by cutting boundaries and putting boards to the extremities for direction. Each board around the claim must show the following information in

permanent markings:

- Name of the claim holder;
- Date of location of the claim;
- Number of the prospecting permit which was issued; and
- The name of the creek, hill or flat where the claim is located.

The applicant is then required to give notice that he/she has located a claim. This is done by signing up a “Notice of Location” form, within 60 days after the claim has been located. Payment of filing and rental fees for the claim must then be effected.

The claim is then plotted on the stock sheets. Provided the claim is verified and found to be valid, the applicant is issued with a verification claim license. If the claim is found to be within a closed area, the applicant is informed. If there is a dispute in regard to overlapping of claims, the first lawful applicant is granted the claim. The applicant must be 18 years or older and must be a Guyanese. Non-Guyanese are not granted small nor medium scale mining permits.

### **5.3.2 Recipients of Small Scale Mining Licences**

Further to responses received from senior officials at the GGMC and interviews with Regional Personnel on the operations and procedures for grants of mining licences and concessions, interviews were held with a total of seven (7) small scale miners operating in Regions 1 and 9 and one large scale mining company whose operations are carried out in Regions 8 and 9 and whose Head Office is in Region 4.

**Figure 5.2 Small scale miners at work**



### **Interviews with Small Scale Miners in Regions 1 & 9**

The interviews with small scale miners were focused on miners' experiences in the application process for mining licenses. Of the seven interviewees, four persons operated in Region 1 and three in Region 9. Two persons each said they were East Indians, Amerindians and Africans respectively while the other person said "Mixed". Only one of the seven miners received his application form through a Regional Office though he submitted it at the GGMC Headquarters in Georgetown. The other interviewees collected their application from and submitted it to the Head Office of the GGMC in Georgetown.

All seven miners heard about the opportunity for mining licenses from a relative or friend. They did not know whether it would have been possible for them to appeal or whether there were procedures they would have been able to follow if their applications for mining licenses had been unsuccessful or rejected.

Interviewees were all above the eligibility age of 18 years. Their ages ranged from 21 to 54 years old when they applied for mining licenses. They all made their application for mining concessions between the years 1997 and 2006.

All applicants attested to filling the same application forms as shown to them. Applicants were employed in different occupational professions. These included an Accountant

in the Construction Industry, a Manager and a Mechanic in a mining company. Three of the respondents were unemployed.

Interviewees reported that they were not required to pay inspection or survey fees for their licenses. However, they paid filing fees and made part-payment of the rental fees. The acquisition process for their mining licenses involved at least eight stages, beginning with the purchase of a Prospecting License. The respondents reported that after purchasing the prospecting license, they went into the respective areas, Regions 1 and 9, to locate a claim. Provided the claim was located, the interviewees were required to stake the claim, which involved placing boards at the four corners of the claim with their name and other details. They said they worked the claim for a while to ensure that it was feasible before making an application for the full mining licences. They then applied for the licences and paid the required fees, after which they waited for the result of their application. They indicated that they had to wait for between 6 to 10 weeks for the final result of their application for mining licences.

In order to know the results of their application, the miners were required to check in one of two places, either a list which was posted in the office at the GGMC in Georgetown or the Mining Gazette in the library at the GGMC Head Office. Only one miner reported that he had checked the Mining Gazette. When licences were ready, the miners paid the remaining fees before collecting them.

In discussing difficulties faced in mining, the miners spoke about deplorable condition of roads and flooding. Some complained that miners were on their own and had to fight for themselves. One said that he would first have to consult with his lawyer before giving any further information. One person was only prepared to say that small miners have issues.

The miners did not feel that any indifferent treatment they received from the GGMC was because of their ethnicity. They felt any inconsistencies were due to negligence. Based on their reports, the miners felt they were treated fairly by the GGMC.

It is recommended therefore that GGMC makes a concerted effort to avoid any inconsistency in the processing of applications in keeping with the principle of equity. If there is a delay in the process, applicants should be given a reason.

August 2007

### **Interview with Mining Company - Large Scale**

#### **Tabengwa Miners<sup>54</sup>**

The interviewee is a long-standing Director in the company, who has worked within the company from its inception. The report of this interview is intended to provide the experience of one large-scale mining company, which is a joint venture between a local and a foreign company.

Tabengwa was not required to go through the normal procedure. The foreign partner knew the owners of the local Company beforehand. However, the process involved identifying the land, checking the geological history or testing the land. Upon ascertaining that the land was free, application was made to the GGMC. The partners wrote to GGMC about the venture, providing the claim numbers and agreement between the two partners. The GGMC went through its internal procedure of checking, after which the applicants were informed of the result of their findings.

Tabengwa reported that financial and technical capability were the major criteria set for the granting of large-scale mining concessions. They were also required to register as a local Guyanese Company and to produce their documents in that regard. Apart from the difficulties raised regarding the condition of the roads, particularly in the rainy season, Tabengwa reportedly had not encountered major difficulties in the industry. The interviewee felt that the GGMC had certain controls and procedures in place which acted in the interest of both the company and the country in general. Tabengwa formed relationships with the Amerindian communities in which it operates.

According to an officer of GGMC, the parties entering into a joint venture arrangement have no compulsion to inform GGMC, but admitted that some companies would inform them as a matter of courtesy and for the sake of the record. The officer reported that the local permit holder is liable to GGMC as the Company with which the agreement was made and not the foreign partner. The officer added that joint venture companies usually approach a lawyer to formalize the agreement. He/she said, however, that GGMC encourages joint ventures among the local companies and overseas-based ones because on many occasions, the local entrepreneurs lack adequate finances to sustain the businesses on their own.

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<sup>54</sup> Name used to protect the true identity of interviewee and Company

### **Summary of findings - Mining Sector**

In the Mining sector, similar to other sectors in the study of land distribution, practices with respect to equity or fairness were examined. The Mining sector grants concessions to individuals and companies to carry out mining activities in gold, diamond and other precious stones.

Examination of the practices within the sector indicates that the procedures in a number of areas are satisfactory, such as the existing procedures to address disputes surrounding mining concessions and checks and balances in carrying out the administrative procedures within the sector.

With respect to the formulation of policies however, in order to demonstrate that the policy is designed through a transparent process which is a tenet of equity, it is recommended that the policy be revised, encouraging a broad and inclusive process with input from a wide range of stakeholders and interested parties. Further, all officers should receive training in relation to the policy in order to ensure a high level of consistency and in all aspects of the work of the GGMC.

## **6.0 Summary, Conclusions and General Recommendations**

An objective of the report on land distribution is to provide a basis for the ERC to identify issues within its mandate in the area of land distribution with respect to equity within the society.

In order to implement equity in land distribution, firstly an appropriate policy must be in place. The design of that policy must have the capacity to offer all citizens a guarantee of their rights and ways of addressing the problems they face. The design of the policy must be inclusive and participatory, respecting the rights of minorities and providing equal rights to both men and women. As the study indicates, a national land distribution policy is lacking in Guyana.

Institutions and agencies administering the policy must, among other requirements, possess certain characteristics. Such institutions and agencies must be

impartial and non-discriminatory. They must have adequate capacity, provide training and upgrading for staff, must stop land grabbing and illegal appropriation of natural resources.

The land administration system must offer simple, accessible procedures with well known rules that address the problems faced by farmers and other land users. There should be efficient arbitration systems which are accessible to people, removing all inefficiencies in land administration, ensuring effective publicity of land claims, prior to their registration and titling. It must also provide avenues for appeal. There should be no discretionary power over land rights.

The study shows that a common issue which needs improving at varying levels is that of appeals. It was found that many recipients and unsuccessful applicants alike were unaware of the possibility to appeal the final decision of their application, even in cases where such a system was in place. In some instances, if one wants to appeal against the final decision of their application, that person needs to approach the very person, who made that final decision.

The recommendations in respect to appeals are (a) ensure that applicants are aware at the time of their applications, of the possibility to appeal the final decisions of their applications. (b) that a common appeals committee be established in each region to listen to citizen's appeal in relation to land matters for housing, agriculture, commercial activities, as well as for forestry and mining.

An equitable system of land administration, according to the EU Guidelines, must always comprise simple procedures of appeal to facilitate citizens' appeal against local and other decisions. This, (appeals system) according to the Guidelines is a feature which characterizes the transparency of the process. Therefore, any good land administration system is one which includes a system of appeal.

Recommendation is made that a further study as a follow up to the present one be carried out to determine answers to the following:

1. Has the Government formulated a land policy and strategy to reform land

tenure and natural resource management? If so, have the environment, gender, HIV/AIDS issues and their impact on social relations and agriculture been taken into account in the design of the policy? Has due account been taken of indigenous people's land rights and land claims?

2. Was the design participatory (as stressed in the present study)? If not, are there calls to do so within government or society or from outside agencies?
3. Have different groups, in particular women been consulted? Were they part of the formal consultation process? Are people (particularly in rural areas) aware of and informed about the content of the new policy? Is it broadly accepted across society? Have the views of minorities and marginal groups been requested? Are they reflected in the policy?
4. Are responsibilities for carrying out land policy combined under one Ministry or distributed amongst various sectoral Ministries? Which different sectoral ministries play a role in dealing with land issues and delivery of land related services? How are these powers exercised in practice?
5. How do different land agencies relate to one another? Are the approaches taken by different parts of government coherent, or do they operate in contradiction.
6. Is Local Government involved in land management? Are their roles clearly defined? Does it have adequate financial and human resources?

#### General Recommendations:

- (a) There should be consistency in the information available at all levels within the distributing agencies.
- (b) There should be information sharing among the different agencies involved in the distribution of land and its resources.
- (c) There is a need for coordinated efforts among all land- related distributing agencies. Activities of the agencies, should not be in competition, but complementary in order to achieve the overall goals of the country.
- (d) The ERC should organize workshops on land distribution to promote the equity approach to distribution, using the European Union Guidelines prepared for land

policy design and reform in developing countries, including Guyana. At these workshops, a strategic plan should be adopted on how to integrate the use of the guidelines purported in the document, with the common goal of achieving equity in all areas of the distribution process.

**APPENDIX 1**

**ETHNIC RELATIONS COMMISSION**

**INTERVIEW SCHEDULE**  
**LAND DISTRIBUTION**

**This investigation into “Land Distribution” in the Administrative Regions of Guyana is being carried out to identify the activities, processes and procedures utilized in the distribution of land for housing, agriculture, commercial activities, forestry, mining, and to determine whether between 1996 and 2006, there has been an equitable approach to all concerned.**

**Ministry.....Level of Interviewee .....**

1. What official policy document(s)/laws are used to guide the Ministry in discharging its official functions? Please give a short description of each.....  
.....  
.....  
.....
  
2. In what regions do you have Officers/representatives? Please state.....  
.....
  
3. What are the roles and functions of the Regional Officers/Representatives in the land and house-lot distribution process? Please state.....  
.....  
.....
  
4. Can you say who or what groups and/ or organizations were involved in the formulation of these documents?  
(a) No   
(b) yes,   
If yes please state.....  
.....  
.....
  
5. Can you say what prompted the formulation of these documents?  
.....  
.....  
.....
  
6. Does your Ministry conduct training for Officers and staff on how to use the document(s)?  
(a) Yes   
(b) No
  
7. If yes, how often are they trained and /or upgraded? Please state.....  
.....  
.....

8. Are all the names of all allottees publicized?  
 (a) No   
 (b) Yes
9. If yes, what form of publicity is utilized? Please select  
 (a) Radio   
 (b) Television   
 (c) Newspapers   
 (d) If other, please state.....  
 .....  
 .....
10. If yes, how is the Commission satisfied that they are seen by all the concerned public? Please state.....  
 .....  
 .....
11. What form of legal ownership does the land/house-lot allottees receive? Please select from the list below:  
 (a) Title   
 (b) Lease   
 (c) Transport   
 (d) If other, please state.....
12. Are there restrictions on who can apply for land?  
 (a) No   
 (b) Yes   
 (c) If yes please state.....  
 .....  
 .....
13. How does the Ministry ensure that all potential applicants are aware of opportunities for land? Please state.....  
 .....  
 .....
14. Are adequate resources available to implement the policy (ies) and or procedures within the Ministry?  
 (a) Yes   
 (b) No   
 (c) If no, please explain.....  
 .....  
 .....
15. Which of the following administrative systems are available to poor people and vulnerable groups, e.g. women, Amerindians, the Challenged?  
 (a) Regional Committees   
 (b) Local Government   
 (c) National Committees   
 (d) State   
 (e) If other, please state.....
16. How does the Ministry address any corruption allegation against a staff member brought by a member of the public? Please explain.....  
 .....  
 .....  
 .....
17. What is the procedure for deciding in favor of a particular party in a dispute over land claims? Please state.....  
 .....  
 .....

18. With whom does the final decision rest, regarding land and house-lot allocation? Please state.....  
.....
19. Who/what committee(s) within the Ministry would make a final recommendation of applicants for land and house-lot allocation. What guidelines are used, if any to determine if that Officer of Committee would make an objective recommendation? Please state .....
20. What appeal procedures are available to an unsuccessful applicant who wants to appeal the final decision? Please state .....
21. Are there any checks and balances on how procedures are carried out?  
(a) No   
(b) Yes   
(c) If yes, please state.....
22. Are there simple procedures for citizens to appeal against local and / or regional allocation systems?  
(a) Yes   
(b) No
23. If yes, what process needs to be followed? Please describe.....
24. Are you aware of the "White Paper" on land and house lot distribution which was laid in Parliament in 2003?  
(a) Yes   
(b) No
25. If yes, can you say which, committees/ organizations/agencies, etc, were involved in the preparation of the document?  
(a) No   
(b) Yes   
(c) If yes, please state.....
- 26.. Was your department or section able to make submissions, or given a hearing during the preparation of the White Paper?  
(d) Yes   
(e) No
27. Can you say what are the next steps regarding the "White Paper"?  
(a) No   
(b) Yes   
(c) If yes, please state.....
28. Can you say what influenced the documentation of the White Paper?  
(a) No   
(b) Yes   
(c) If yes, please state.....
29. Has your Ministry been restructured since 1992?  
(a) Yes   
(b) No

30. If yes, have you formulated new policies/ regulations or procedures since then?  
 (a) Yes   
 (b) No
31. If yes, what were the reasons behind the formulation of these policies, regulations and /or procedures? Please state.....  
 .....  
 .....
32. What major objectives have you set out to achieve between 1996 and 2006? What were your established indicators to determine your level of achievement? Please give an idea of your achievements so far.....  
 .....  
 .....
33. Is there a policy or regulation in place to provide land to the unemployed?  
 (a) Yes   
 (b) No
34. If yes, what are the procedures to be followed? Please state.....  
 .....  
 .....
35. Is there any affirmative action program(s) for vulnerable groups?  
 (a) No   
 (b) Yes   
 (c) If yes, please describe.....  
 .....  
 .....
36. Is age a requirement, for land distribution  
 (a) No   
 (b) Yes   
 (c) If yes, please state the minimum age.....
37. Are there special conditions for senior citizens, charitable organizations and the dislocated?  
 (a) No   
 (b) Yes   
 (c) If yes, please explain.....  
 .....  
 .....
38. Does an applicant's occupation determine whether or not approval for land would be granted?  
 (a) Yes   
 (b) No
39. Does an applicant's level of weekly, monthly or yearly income/expenditure influence his/her approval for land?  
 (a) No   
 (b) Yes   
 (c) If yes, what is the acceptable level of income? Please state.....  
 .....  
 .....
40. Does the ownership of a house and its value influence the result of one's application for land? Please state.....  
 .....  
 .....

41. Is it true that a person within the low income group who is childless is not eligible for land/house-lot allocation?  
 (a) Yes   
 (b) No
42. If yes, what is the alternative for this category of persons? Please explain.....  
 .....  
 .....
43. Can an applicant receive approval for more than one parcel of land?  
 (a) Yes   
 (b) No
44. If the applicant is a current or past member of a cooperative society, would he/she  
 (a) receive land through this Ministry   
 (b) denied land by the Ministry   
 (c) referred to the Cooperative society   
 (d) other, please state.....
45. Are Amerindians as individuals eligible for land allocation outside of their titled communities?  
 (a) Yes   
 (b) No
46. How are Amerindians within a titled community allocated land within that community? Please state.....  
 .....  
 .....
47. Are there rules in place to prevent land-grabbing?  
 (a) No   
 (b) Yes   
 (c) If yes, please state.....  
 .....  
 .....
48. Under what circumstances is land re-possessed? Please state.....  
 .....  
 .....
49. What are some of the major reasons for non-approval of land to applicants? Please state.....  
 .....  
 .....
50. Are there Land Selection Committees involved in the distribution process?  
 (a) Yes   
 (b) No
51. If yes, what is the composition of these Committees? Please state.....  
 .....  
 .....
52. If no, why not? Please state.....  
 .....
53. Can you confirm the proportion of land that is presently occupied by the Amerindians?  
 (a) No   
 (b) Yes

- (c) If yes, please state.....
54. Are there records to show what proportions are occupied by other groups within the society?  
 (a) No   
 (b) Yes   
 (c) If yes, please give details.....
- .....
55. Can you say what proportion of land is demarcated for housing?  
 (a) No   
 (b) Yes   
 (c) If yes, please state.....
56. If yes, what proportion of land is already distributed for housing? Please state...
- .....
57. Does your Ministry have an established program to ensure that the entire population is adequately housed?  
 (a) No   
 (b) Yes
58. If yes, how is that program designed to achieve its objective? Please explain.....
- .....
- .....
59. Could you say what level of squatting exists on state lands?  
 (a) within the city, please state number/approximate number.....  
 (b) in other regions.....  
 (c) .....  
 (d) .....  
 (e) .....  
 (f) .....
60. Are state lands/house-lots allocated to foreigners?  
 (a) No   
 (b) Yes   
 (c) If yes, what are the criteria for such allocation? Please state.....
- .....
- .....
61. If yes, what type of legal ownership do they receive?  
 (a) Lease   
 (b) Title   
 (c) Transport   
 (d) If other, please state.....
62. Are overseas-based Guyanese allocated house-lots while residing overseas?  
 (a) No   
 (b) Yes   
 (c) If yes, what are the criteria for such allocation? Please state.....
- .....
- .....
63. Would you like to make any further comments, or statements regarding land distribution in your Commission?  
 (a) No

(b) Yes

(c) If yes, please state.....

.....

.....

**ETHNIC RELATIONS COMMISSION**  
**INTERVIEW SCHEDULE**  
**LAND DISTRIBUTION – REGIONAL OFFICER**

**This investigation into “Land Distribution” in the Administrative Regions of Guyana is being carried out to identify the activities, processes and procedures utilized in the distribution of land for housing, agriculture, commercial activities, forestry, mining, and to determine whether between 1996 and 2006, there has been an equitable approach to all concerned.**

**Commission .....Branch.....**

**Regional Office, Region # ..... Level of Interviewee.....**

26. What official Guideline is used to guide your offices in discharging its functions within the Commission?  
.....  
.....  
.....

What are the functions of your offices in the Region? Please describe.....  
.....  
.....

27. Is training provided for yourself and staff on how to use any document(s) that may be relevant to distribution in your Region?  
(a) Yes   
(b) No

28. Does your Office provide any additional publicity of available lands or leases for the benefit of persons residing in your Region?  
(a) No   
(b) Yes   
(c) If yes, please state.....  
.....

29. Are you familiar with the land distribution system in its entirety?  
(a) Yes   
(b) No

30. Please describe the stages of the allocation process followed at the Regional level:  
.....  
.....  
.....

31. Are adequate resources (human, financial, equipment, etc) available to implement the policy and or procedures within your Region?  
(a) Yes   
(b) No   
(c) If no, please explain.....  
.....

32. Which of the following administrative systems are available to persons seeking redress in your Region?  
(a) Regional Committees

- (b) Local Government
- (c) National Committees
- (d) State
- (e) Other, please state.....

33. How would your Office address any corruption allegation against a staff member brought by a member of the public? Please explain.....

.....

.....

34. If there is a dispute over land in your Region, what procedure is used for deciding in favor of a particular party? Please state .....

.....

.....

35. What procedure is used in your Region, if an applicant wants to appeal the final decision of his or her application? Please state.....

.....

.....

.....

36. Are there checks and balances on how procedures are carried out in your Regional Office?

- (a) No
- (b) Yes
- (c) If yes, please state.....

.....

.....

37. Are there simple procedures for citizens to appeal against local and / or regional systems?

- (a) Yes
- (b) No

38. If yes, what process needs to be followed? Please describe.....

.....

.....

39. Are you aware of the "White Paper" on land and house lot distribution which was laid in Parliament in 2003?

- (a) Yes
- (b) No

40. If yes, can you say which, committees/ organizations/agencies, etc, were involved in the preparation of the document?

- (a) No
- (b) Yes
- (c) If yes, please state.....

.....

16. Was your Region able to make submissions, or given a hearing, during the preparation of the White Paper?

- (d) Yes
- (e) No

17. Can you say what are the next steps regarding the "White Paper"?

- (a) No
- (b) Yes
- (c) If yes , please

state.....  
.....  
.....

18. Can you say what influenced the documentation of the White Paper?

- (a) No
- (b) Yes
- (c) If yes, please

state.....  
.....  
.....

19. Is there a Regional Land Selection Committee in your Region?

- (a) Yes
- (b) No

20. If yes, what is the composition of that Committee? Please state.....

.....  
.....

21. Are there specific objectives towards which your Region seeks to achieve?

- (a) No
- (b) Yes
- (c) If yes, please

describe.....  
.....  
.....

22. What are your established indicators to determine your success? Please give an idea of your achievements so far.

.....  
.....  
.....  
.....

23. Is there any affirmative action program(s) for vulnerable groups in your Region?

- (a) No
- (b) Yes
- (c) If yes, please

describe.....  
.....  
.....

24. Would you like to make any further comments, or statements regarding land distribution in your Region?

- (a) No
- (b) Yes
- (c) If yes, please

state.....  
.....  
.....

**ETHNIC RELATIONS COMMISSION**  
**QUESTIONNAIRE – SUCCESSFUL APPLICANTS**  
**LAND DISTRIBUTION – MINING LICENSES**

**This investigation into “Land Distribution” in the Administrative Regions of Guyana is being carried out to identify the activities, processes and procedures utilized in the distribution of land and to determine whether between 1996 and 2006 there has been an equitable approach to all concerned.**

**Region #.....**

1. Have you ever applied for and received a mining license in Guyana?  
 (a) Yes   
 (b) No
  
2. If yes, through which Agency/Commission did you apply?  
 (a) Guyana Geology & Mines Commission   
 (b) A Cooperative Society   
 (c) Other, please state .....
  
3. How did you know that you could apply to this particular Agency for Mining Licenses?  
 (a) saw newspaper advertisement   
 (b) saw advertisement in the Official Gazette   
 (c) heard from a relative/friend   
 (d) heard from my local Party office   
 (e) heard/saw an advertisement from the Regional agency office   
 (f) Other, please state.....
  
4. Can you say whether or not one can appeal if their application for mining license is unsuccessful/ or rejected,?  
 (a) Yes   
 (b) No
  
5. If yes, to whom can they appeal? Please state.....  
 .....
  
6. How old were you when you made application for a mining license? Please state.....
  
7. In which year did you apply for the mining license? Please state.....
  
8. In applying for your mining license, did you have to fill an application form?  
 (a) Yes   
 (b) no – **skip Q. (10)**
  
10. If yes, where did you obtain the form?  
 (a) At the Regional Geology & Mines Office   
 (b) At Guyana Geology & Mines Commission, Georgetown   
 (c) At your local Party Office   
 (d) Other, please state.....  
 (e) Not applicable
  
11. Were you employed when you made application for Mining Licenses?  
 (a) Yes   
 (b) no – **Go to Q. 14**
  
12. If yes, what was your occupational profession?  
 (a) Mining   
 (b) Farming   
 (c) Administration   
 (d) Other, please state .....

13. If employed, were you employed...  
(a) In respect of mining   
(b) Farming   
(c) Administration   
(d) Other, please state.....  
(e) Not applicable

14. How long did it take for the officer to confirm whether or not the claim was available? Please state  
.....

15. Was the area for which you had applied, inspected before the completion of your application?  
(a) Yes   
(b) No

16. Were you required to pay Inspection or Survey fees for the claim?  
(a) Yes   
(b) No

17. Are you aware of a person or persons in the Region who have applied for mining licenses but were unsuccessful?  
(a) No   
(b) Yes   
(c) If yes, please elaborate.....

.....  
.....  
.....

18. Is there any comment or statement you would like to make in relation to your application for licenses or granting of Mining licenses in general?  
(a) No   
(b) Yes   
(c) If yes, please state.....

.....  
.....  
.....  
.....

**ETHNIC RELATIONS COMMISSION**  
**INTERVIEW SCHEDULE**  
**LAND DISTRIBUTION**

**This investigation into “Land Distribution” in the Administrative Regions of Guyana is being carried out to identify the activities, processes and procedures utilized in the distribution of land for housing, agriculture, commercial activities, forestry, mining, and to determine whether between 1996 and 2006, there has been an equitable approach to all concerned.**

**Commission .....**

**Branch.....**

**Regional Office, Region # .....**

**Level of Interviewee.....**

41. What policy document(s) are used to guide the Commission in discharging its official functions? Please give a short description of each.....

.....  
.....  
.....

42. Do you know who or what groups were involved in the formulation of these documents?

- (a) No
- (b) Yes
- (c) If yes, please state.....

.....  
.....

43. Can you say what prompted the formulation of these documents?

.....  
.....  
.....

44. Does your Commission conduct training for Officers and staff on how to use the document(s)?

- (a) Yes
- (b) No

45. Is the freehold of agricultural land ever sold outright to applicants by the Commission?

- (a) Yes
- (b) No

46. Are all applications publicized?

- (a) Yes
- (b) No

47. If yes, how is the Commission satisfied that they are seen by all the concerned public? Please state.....

.....  
.....

48. What are the restrictions on who can apply for agricultural and other types of leases? Please state.....

.....  
.....

49. How is the Commission satisfied that all potential applicants are aware of opportunities for land and leases? Please state.....  
.....  
.....
50. Are adequate resources available to implement the policy and or procedures within the Commission?  
(a) Yes   
(b) No   
(c) If no, please explain.....  
.....
51. Which of the following administrative systems are available to poor people and vulnerable groups, eg? women, Amerindians, the Challenged?  
(a) Regional Committees   
(b) Local Government   
(c) National Committees   
(d) State   
(e) Other, please state.....
52. How does the Commission address any corruption allegation against a staff member brought by a member of the public? Please explain.....  
.....  
.....
53. What is the procedure for deciding in favor of a particular party in a dispute over land claims? Please state.....  
.....  
.....
54. The Commission would make a final recommendation to the President in regard to lease applications. What guidelines are used to determine if the Commission would make an objective recommendation? please state.....  
.....  
.....
55. Final approval of lease applications rests with the President. What appeal procedures are available to an unsuccessful applicant who wants to appeal the President's decision? Please state.....  
.....  
.....
56. Are there any checks and balances on how procedures are carried out?  
(a) No   
(b) Yes   
(c) If yes, please state.....  
.....  
.....
57. Are there simple procedures for citizens to appeal against local and / or regional systems?  
(a) Yes   
(b) No
58. If yes, what process needs to be followed? Please describe.....

- .....
- .....
59. Are you aware of the "White Paper" on land and house lot distribution which was laid in Parliament in 2003?
- (a) Yes
- (b) No
60. If yes, can you say which, committees/ organizations/agencies, etc, were involved in the preparation of the document?
- (a) No
- (b) Yes
- (c) If yes, please state.....
- .....
- .....
21. Was your department or section able to make submissions, or given a hearing during the preparation of the White Paper?
- (d) Yes
- (e) No
22. Can you say what are the next steps regarding the "White Paper"?
- (a) No
- (b) Yes
- (c) If yes, please state.....
- .....
- .....
23. Can you say what influenced the documentation of the White Paper?
- (a) No
- (b) Yes
- (c) If yes, please state.....
- .....
- .....
24. Has your Commission been formed or restructured since 1992?
- (a) Yes
- (b) No
25. If yes, have you formulated new policies/ regulations or procedures since then?
- (a) Yes
- (b) No
26. If yes, what were the reasons behind the formulation of these policies, regulations and /or procedures? Please state.....
- .....
- .....
27. What major objectives have you set out to achieve; what were your established indicators to determine your level of achievement? Please give an idea of your achievements so far.....
- .....
- .....
- .....
28. Is there a policy or regulation in place to provide land to the unemployed?
- (a) Yes
- (b) No
29. If yes, what are the procedures to be followed? Please state.....

- .....  
 .....  
 .....  
 30. Is there any affirmative action program(s) for vulnerable groups?  
 (a) No   
 (b) Yes   
 (c) If yes, please describe.....  
 .....  
 .....  
 31. Is age a requirement, for land distribution  
 (a) No   
 (b) Yes   
 (c) If yes, please state the minimum age.....  
 .....  
 32. Are there special conditions for senior citizens, charitable organizations and the dislocated?  
 (a) No   
 (b) Yes   
 (c) If yes, please explain.....  
 .....  
 .....  
 33. Does an applicant's occupation determine whether or not approval for land would be granted?  
 (a) Yes   
 (b) No   
 .....  
 34. Does an applicant's level of weekly, monthly or yearly income/expenditure influence his/her approval for land?  
 (a) No   
 (b) Yes   
 (c) If yes, what is the acceptable level of income? Please state.....  
 .....  
 .....  
 35. How does the ownership of a house and its value influence the result of one's application for land? Please state  
 .....  
 .....  
 .....  
 36. Would ownership of agricultural equipment influence the applicant's chance of success?  
 (c) No   
 (d) Yes   
 (e) If yes, please explain.....  
 .....  
 .....  
 37. Can an applicant receive approval for more than one parcel of land?  
 (a) yes   
 (b) no   
 .....  
 38. Is it necessary for an applicant to have a life insurance policy to receive approval for agricultural or any other land?  
 (a) No   
 (b) Yes   
 (c) If yes, under what circumstance(s).....

- .....  
 .....
39. Does the type of crops and or livestock to be cultivated and /or reared influence the land selection process?  
 (a) Yes   
 (b) no,   
 (c) If yes, please explain.....  
 (d) If no, why are applicants required to state?.....
40. Is experience in farming a requirement for approval of agricultural land?  
 (a) Yes   
 (b) No
41. If Yes, how many years experience as a farmer is an applicant for agricultural land required to have? Please state  
 .....  
 ...
42. If the applicant is a current or past member of a cooperative society, would he/she  
 (a) receive land through this Commission   
 (b) denied land by the Commission   
 (c) referred to the Cooperative society   
 (d) other, please state.....
43. Are there rules in place to prevent land-grabbing?  
 (a) No   
 (b) Yes   
 (c) If yes, please state.....
- .....  
 .....
44. Under what circumstances is land re-possessed? Please state.....  
 .....  
 .....
45. What are some of the major reasons for non-approval of land to applicants? Please state.....  
 .....  
 .....
46. Are there Land Selection Committees involved in the distribution process?  
 (a) Yes   
 (b) No
47. If yes, what is the composition of these Committees? Please state.....  
 .....  
 .....
48. If no, why not? Please state.....  
 .....  
 .....
49. Can you confirm the proportion of land that is presently occupied by the Amerindians?  
 (a) No   
 (b) Yes

(c) If yes, please state.....

50. Are there records to show what proportions are occupied by other groups within the society?

(a) No

(b) Yes

(c) If yes, please give details.....

.....

51. Could you say what level of squatting exists on state lands?

i. within the city, please state number/approximate number.....

ii. in other regions.....

iii. ....

iv. ....

v. ....

vi. ....

52. Are state lands allocated to foreigners?

(a) No

(b) Yes

(c) If yes, what are the criteria for such allocation? Please state.....

.....

.....

.....

53. If yes, what type of legal ownership do they receive?

(a) Lease

(b) Title

(c) Transport

(d) Other, please state.....

54. Are overseas-based Guyanese allocated forest lands/resources?

(a) No

(b) Yes

(c) If yes, what are the criteria for such allocation? Please state.....

.....

.....

55. Would you like to make any further comments, or statements regarding land distribution in your Commission?

(a) No

(b) Yes

(c) If yes, please state.....

.....

.....

.....

.....

**ETHNIC RELATIONS COMMISSION**  
**LAND DISTRIBUTION**  
**HOUSELOTS, AGRICULTURE COMMERCIAL ACTIVITIES**

**This investigation into “Land Distribution” in the Administrative Regions of Guyana is being carried out to identify the activities, processes and procedures utilized in the distribution of land and to determine whether over a ten-year period there has been an equitable approach to all concerned.**

1. What documents does the Lands and Surveys Commission use to guide the body in carrying out its work?  
.....  
.....  
.....
2. Could you say what process was employed to formulate each of these documents?  
(a) No   
(b) Yes   
(c) If yes, please state.....  
.....  
.....
3. Is age a requirement, for land distribution  
(a) No   
(b) Yes   
(c) If yes, please state the required age.....
4. Does the number of dependents, specific relation and age of dependent residing with applicants at the time of one’s application influence or affect the approval for land?  
(a) Yes   
(b) No
5. If yes, what number of dependents, level of relations and age range has a greater influence on the outcome of the application? Please explain.....  
.....
6. Are applicants are asked to state their place of employment,  
(a) because employer must be contacted before approval   
(b) applicant must be employed   
(c) other, please state.....  
.....
7. What process is followed if the applicant is unemployed?  
.....  
.....
8. Is the question of how the applicant is employed related to  
(a) the type of work the applicant does?  
(b) type and level or specific position held?  
(c) If other, please state.....  
.....
9. Does the level or type of one’s occupation determine whether or not approval for land would be granted?  
(a) Yes   
(b) No   
If Yes, what level and or type of occupation influence approval? Please state  
.....
10. How many years of service are required in a specific job before approval is granted?.....
11. What level of earnings is required for approval to be granted? Please state

- .....weekly
- .....fortnightly
- .....monthly
12. What number of employed days per week does an applicant require to be considered for land? Please state.....
13. How does the ownership of a house and its value influence the result of one's application for land? Please state.....
- .....
14. How does the name of an applicant's landlord and the amount of rent paid influence the outcome of one's application? Please state.....
15. Do you make contact with the applicant's land lord/lady?  
 (a) Yes   
 (b) No
16. If yes, do you,  
 (a) confirm the applicant's tenancy?   
 (b) confirm the applicant's rent?   
 (c) Other, please state
17. If (a) or (b) why is it important to confirm these details/ or how are these details used in processing the land application? Please state.....
- .....
19. If an applicant owns a house and is prepared to move it, how does this information influence his/her application for land? Please state.....
- .....
20. In what circumstance may an applicant receive approval for more than one parcel of land? Please state.....
- .....
21. How would prior ownership/shared ownership of agricultural or other machinery influence the applicant's approval of land? Please state.....
- .....
- .....
22. Is it necessary for an applicant to have a life insurance policy to receive approval for agricultural or any other land?  
 (a) Yes   
 (b) No
23. Approximately what proportion of applicants has life insurance policies?  
 (a) 75-100%   
 (b) 50-74%   
 (c) 25-49%   
 (d) 1-24%
24. Are selected applicants required to give up any land they own or rent within a year of being allocated new land?  
 (a) Yes   
 (b) No
25. Does the type of crops and or livestock to be cultivated and /or reared influence the land selection process?  
 (a) Yes   
 (b) No   
 (c) If yes, please explain.....  
 (d) If no, why are applicants required to state?.....
- .....
26. If an applicant requests land in another area in addition to the current application, does this affect / or influence the current application?  
 (a) Yes   
 (b) No   
 (c) If yes, please explain.....

.....  
(d) If no, what is done in such  
circumstance.....  
.....

27. Is experience in farming a requirement in application for agricultural land?  
(a) Yes   
(b) No

28. If Yes, how many years experience as a farmer is an applicant for agricultural land required to have? Please state  
.....

29. If the applicant is a current or past member of a cooperative society, would he/she  
(a) receive land through this Commission   
(b) denied land by the Commission   
(c) referred to the Cooperative society   
(d) other, please state.....

30. If an applicant is unwilling to produce medical certification regarding his/her physical condition would he/she  
(a) be denied allocation   
(b) receive approval nevertheless   
(c) If other, please  
state.....

31. Would like to make any further comments, or statements regarding land distribution in your Commission?  
(a) No   
(b) Yes   
(c) If yes, please  
state.....

.....  
.....  
.....  
.....

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