



JUSTICE INSTITUTE GUYANA
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UN UPR Pre-sessions
12th December 2019 @ 12.00
Room XXIV Palais de Nations

The Justice Institute Guyana is a not-for-profit, independent legal institute. We are honoured to present this statement on the death penalty, indigenous rights and the many violations of human rights from proposed oil production.

1. The death penalty

Guyana's last execution was in 1997. We congratulate Guyana for being *de facto* abolitionist.

Follow-up to the 2nd UPR:

In the 2015 UPR States recommended that Guyana should establish a formal moratorium on executions, abolish the death penalty, and accede to the Second Protocol to the International Covenant on Civil and Political Rights. Nothing has been done.

New Developments since 2nd UPR

In December 2018 Guyana made a small step forward. Guyana abstained in the UN vote on a Moratorium on the Death Penalty instead of voting against. But in February 2019 at the UN High Level Panel on the death penalty Guyana supported a statement defending the death penalty, so there has been no real progress.

In 2015 one state recommended that Guyana should reduce the number of death penalty offences. Guyana accepted. But within a few months Parliament created about 12 new offences that have the death penalty in the Anti-Terrorism and Terrorist Related Activities Act 2015.

We recommend that the Government of Guyana:

- (1) immediately passes a national law that replaces the death penalty with humane sanctions;
- (2) accedes to the 2nd Protocol of the International Covenant on Civil and Political rights

2. Indigenous Peoples

Indigenous land belongs to peoples who occupied that land before colonisation. You cannot have indigenous land rights if you entered a country after colonisation. Some of Guyana's Amerindian peoples occupied land before colonisation and have indigenous land rights. But some Amerindian peoples moved to Guyana after colonisation and they cannot claim land as pre-colonial indigenous peoples. These Amerindian histories must be respected.

The Amerindian Act 2006 guarantees land rights for all Amerindian peoples whether pre-colonial or later arrivals. We congratulate Guyana on the Amerindian Act. But the government is not settling Amerindian land claims.

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Final Statement

We recommend that the Government of Guyana immediately implements the Amerindian Act 2006 and settles Amerindian land claims.

3. Multiple threats from oil – life, healthy environment, property.

Guyana is a carbon sink with net removals of GHG every year. If other countries follow Guyana's lead and become carbon sinks human beings will reverse the catastrophic man made global warming that threatens to destroy life on earth.

Sadly, Guyana has found about 13.6 billion barrels of oil and 32 trillion cubic feet of natural gas. The Minister of Finance predicts 1 million barrels of oil a day by 2025.² That would mean nearly 156 million metric tonnes of new GHG emissions every year. If that happens it will make climate change worse and make the earth more hostile to life. It would violate the right to life and the right to a healthy environment. Global warming burdens future generations disproportionately. Oil production violates inter-generational equity. 75% of Guyana's people live below sea-level. We could lose our homes and even our lives from rising sea-levels and extreme weather.

The UN Committee on the Elimination of Discrimination Against Women has recommended that Guyana review its climate change and energy policies because of the disproportionate impact on women and girls.³ Guyana's proposed oil production is contrary to the UN's sustainable development goals such as 3 good health and wellbeing, 5 gender equality, 7 affordable and clean energy, 13 on climate action, 14 life below water, etc.

Guyana is at the crossroads. This is a dangerous time for us. 1 path leads to sustainable development from a green economy, rich biodiversity and Guyana's role as a carbon sink. The other path lead to dangerous oil production which will make Guyana poorer, destroy the environment and violate fundamental rights. The oil deal with ExxonMobil, Hess, and China's National Offshore Oil Corporation has many illegalities. It undermines the rule of law. We have challenged oil production in court. We will bring more court cases to protect our rights to life, property, a healthy environment and democracy.

We recommend that the Government of Guyana:

- (1) takes all steps to respect constitutional rights to life, property, a healthy environment, inter-generational equity.
- (2) halts all oil exploration and production until it has assessed the impact of oil production on these rights;
- (3) invites the UN special rapporteur on Human Rights and the Environment to make a country visit to Guyana.

²<https://www.kaieteurnews.com/2019/03/05/guyana-to-produce-1m-barrels-of-oil-per-day-by-2025-finance-minister/>

³ <https://www.ciel.org/news/un-institution-warns-guyanas-oil-and-gas-development-threatens-rights-of-women-and-girls/>