

Engaging on Equal Terms: Asserting Customary Ways of Decision Making in FPIC Process

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Threats to indigenous peoples' rights and well-being are particularly acute in relation to resource development projects, be they state- or corporate-directed.²

Introduction

Bauxite mining exploration, development and rehabilitation in Suriname by some of the world's biggest mining companies have imperiled the well-being and rights of indigenous communities in various parts of the country. In West Suriname a proposed joint mining venture by BHP Billiton and Suralco threatened Lokono and Tereno peoples with destruction of their lands, livelihoods, and food and water sources. In East Suriname, these same companies have been undertaking rehabilitation of mined-out areas, which has affected Kaliña and Lokono³ as well as Maroon villages. In both instances, the concerned peoples were denied their rights to proper consultation, free, prior and informed consent (FPIC) and participation, in violation of company policies and international human rights norms on activities that directly impact on indigenous communities and the environment. These experiences are presented in this paper.

The paper's preliminary section provides background information on the history, peoples and economy of Suriname and on the indigenous communities affected by mining and rehabilitation projects. It also discusses the indigenous organization of village leaders (VIDS) who are working to advance indigenous rights in Suriname, and the state of rights protection in the country under domestic and international laws.

The second part describes the experiences of the indigenous communities in relating to mine companies and in asserting their right to free, prior and informed consent. This is followed by an analysis of these experiences and the processes undertaken to implement FPIC. The case of East Suriname has been written from the experience and perspective of the concerned indigenous peoples themselves.

The case studies illustrate how indigenous peoples try to manage a situation as rights holders through the use of FPIC and the challenges they confront in exercising this right. Both studies show that a lack of project information and understanding is one of the greatest obstacles for indigenous peoples to have a say in the processes. Pressure applied by companies and community people themselves can also force village leaders to come to weak decisions.

The paper concludes with recommendations and conditions that should first be met for FPIC to be achieved. Among these are that land rights and free, prior and informed consent be recognized in national laws. In addition, local mechanisms must be in place for meaningful consultation and information sharing between company and community and within the community itself.

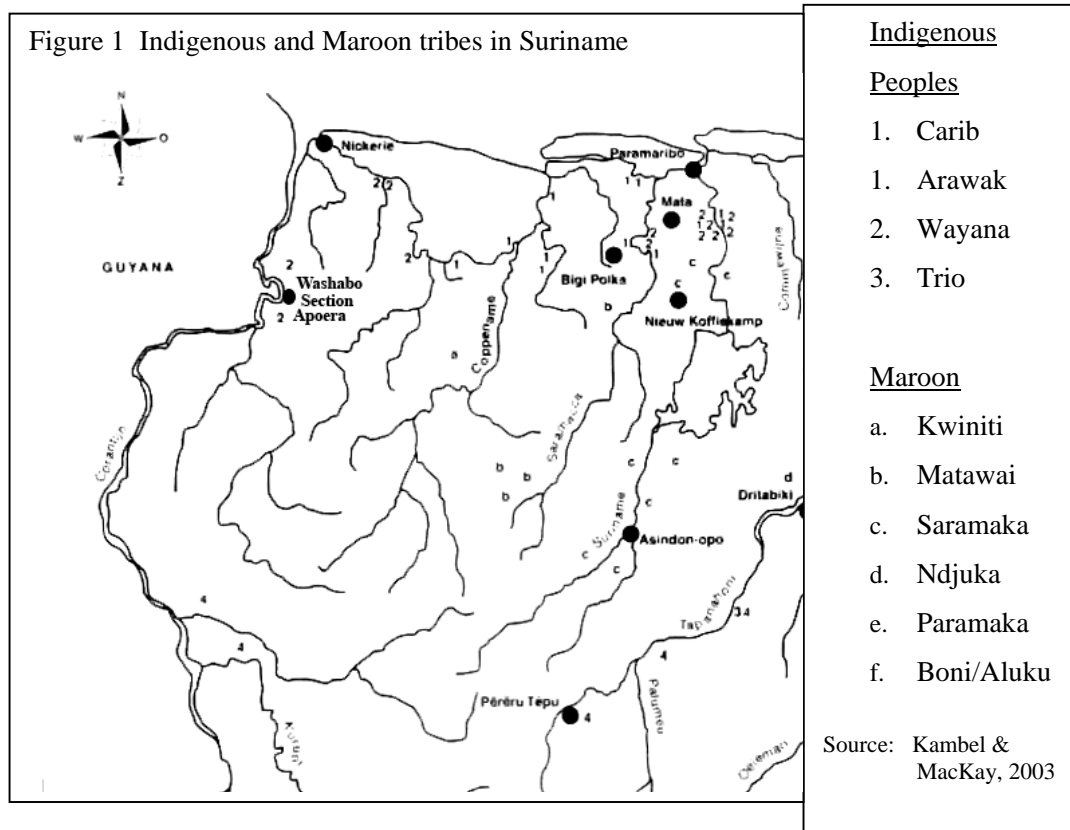
Suriname: History and Peoples

Suriname is a former Dutch colony and a part of the Guyana shield on the northeast coast of South America. It is bordered by Guyana to the west, French Guyana to the east, Brazil to the south and the Atlantic Ocean to the north. The country is divided into ten districts, most of which

are located in the coastal area. The largest part of the hinterland is covered by the Sipaliwini district, which is the traditional territory inhabited and used by the indigenous peoples and the Maroons.

Suriname was first colonized by the English in the 1650s and then ceded to the Dutch in 1667. Apart from a short period of English control in the early 19th century, it remained under Dutch rule until it achieved independence in 1975.

Suriname has a small population of some 500,000, approximately 80 percent of whom live on a small coastal strip comprising about 10 percent of the country's total land mass. The population is drawn from eight different ethnic groups: Creoles and Maroons, both of African descent; East Indians, the descendants of indentured laborers from India; Javanese, originally from Indonesia; indigenous peoples; Chinese; Lebanese and a small group of Europeans, mostly of Dutch origin.⁴



Suriname is home to four indigenous groups, namely, the Carib (Kaliña) and Arawak (Lokono) who live in the coastal area, and the Trio (Tareno) and Wayana who live in the hinterland with other smaller indigenous groups. The Maroon has six tribes: the Saramaka, Ndyuka, Paramaka, Aluku, Matawai and Kwinti. The Maroons are the descendants of African, mostly West-African, slaves who escaped the plantations in the 17th and 18th centuries and established, with the support of the indigenous peoples, semi-autonomous tribal communities. It is estimated that there are 47 indigenous communities and 186 Maroon communities. In numbers the 2004 census indicated that 3.7 percent of the population is indigenous (representing 18,037 persons), and 14.7 percent Maroon (representing 72,553 persons).

The indigenous peoples and Maroons have their own cultures, traditional structures and organization of their communities. Their villages are located in the savannas, forests and tropical rainforests of the country's interior. The geographic isolation of the majority of the communities has multiple consequences on their situation and conditions.⁵

Suriname has been wracked by coups and armed conflict between military cliques. In February 1980, a military coup d'état put the military forces in charge of the country until general elections were held in 1987. A year earlier, former military men began an armed battle against the national army, which took place in the hinterland. This affected the indigenous and Maroon peoples who were drawn into the armed conflict and ended up fighting against each other. As a result, many of them fled to other parts of the country and as far as Guyana and French Guyana. Those who stayed behind were isolated from Paramaribo, the capital city.⁶ Another military coup took place in 1990, and it was only two years after that the armed forces finally signed an official peace accord.⁷

Economy

The years of armed conflict (1986-1992) and a brutal dictatorship halted economic development and brought political turmoil. These, along with a sharp decrease in the price of bauxite, one of the country's major products, caused poor economic performance and macro-economic instability.⁸ Although economic growth has improved, the country is still poor in terms of GDP. While ranking only 85th of 177 countries on the 2006/2007 human development index, Suriname is extremely rich in natural resources. The rainforest abounds in endemic species, biodiversity and subsoil resources. The oceans also have a wealth of resources, including oil and gas found offshore. Inland, there are big deposits of gold, bauxite and potentially other minerals.

Bauxite mining dominates the economy, with its extraction and processing accounting for 70 percent of tax revenues. Other significant exports include timber, shrimp, rice, bananas and crude oil. Gold mining is also becoming more important with the opening of the Gross Rosebel mine in 2004. Many of the subsurface resources are found in the more remote areas of Suriname, frequently on lands occupied and used by indigenous and Maroon peoples.

Indigenous Organization and Indigenous Rights

The Association of Indigenous Village Leaders in Suriname (*Vereniging van Inheemse Dorpshoofden in Suriname* [VIDS]) was established in 1992 because of the need to strengthen traditional authorities of the indigenous peoples and to protect indigenous rights after the so-called Interior War (1986-1992).

Suriname is the only country in the western hemisphere where indigenous rights are not recognized. The government of Suriname has ratified important declarations and conventions but

these are not incorporated in legislation, regulation or the Constitution. This has harmed individual rights to identity, livelihood, culture, education, health, labor and economic development as well as collective rights of indigenous peoples to self-determination and self-governance, land rights, consent and participation in all decision making processes, among others.⁹ Traditional governance structures are not legally recognized in Suriname. But the denial of these collective rights is especially grave where it comes to rights to land and natural resources. The government in numerous cases has given mining, logging and other permits or concessions in indigenous and Maroon ancestral lands and territories, leading to conflicts and even forced displacements of local communities.¹⁰

The highest priority of VIDS and its legal working arm, the Foundation Bureau VIDS, is the recognition of indigenous peoples' land rights. In addition, the professionals of Foundation Bureau VIDS also work on strengthening traditional leadership and building the capacity of women, youth and communities in general. In this process eight indigenous villages in the Marowijne district in east Suriname have formed the Committee for Land Rights of Indigenous Peoples of the Lower Marowijne (CLIM) to advocate for land rights. Some of their tools include participatory mapping, and researches on traditional use and management of their territories and on decision making processes in their communities. Similar studies and mapping were also done by the three Lokono communities in West Suriname. Although they have not yet formed an organization, they have worked closely together especially during the exploration phase of the bauxite mining project in their region.

Suriname and Human Rights Instruments

Suriname has ratified or is in the process of ratifying the following human rights instruments:

Table 1 Human Rights Instruments ratified by Suriname

<i>United Nations System</i>	<i>Inter-American Human Rights System</i>
UN Declaration on the Rights of Indigenous Peoples (supported in 2007)	American Declaration of the Rights and Duties of Man (American Declaration); American Convention on Human Rights (ratified in 1987)
International Covenant on Civil and Political Rights (ICCPR, ratified by Suriname in 1976 and monitored by the Human Rights Committee [HRC])	Additional Protocol to the American Convention of Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador ratified in 1990)
	Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 1994 (Convention of Belem do Para ratified in 2001)
International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified in 1976 and monitored by the Committee on Economic, Social and Cultural Rights)	
International Convention on the Elimination of All Forms of Racial Discrimination (or Racial Discrimination Convention ratified in 1984 and monitored by the Committee on the Elimination of Racial Discrimination [CERD])	

International Convention on the Elimination of All Forms of Discrimination against Women (or Women’s Convention ratified in 1993 and monitored by the Committee on the Elimination of Discrimination Against Women [CEDAW])	
Convention on the Rights of the Child (Children’s Convention ratified in 1993 and monitored by the Committee on the Rights of the Child [CRC])	

Source: Kambel & MacKey, 2003 and Arkel, Artist & Madsian, 2008

In addition, Suriname has committed itself to respect the culture and way of life of indigenous peoples by subscribing to the CARICOM Charter of Civil Society, a regional human rights instrument adopted by the heads of government of the member states of the Caribbean Community on February 19, 1997. Article XI provides: “The States recognize the contribution of the indigenous peoples to the development process and undertake to continue to protect their historical rights and respect the culture and way of life of these peoples.”¹¹

Importance of FPIC

The right of indigenous peoples to *Free, Prior and Informed Consent* is clearly recognized under a range of universal and regional human rights instruments as well as under the Convention on Biological Diversity. In contemporary international law, indigenous peoples have the right to participate in decision making and to give or withhold their consent to activities affecting their traditional lands, territories and resources. Consent must be freely given, obtained prior to final authorization and implementation of activities, and founded on an understanding of the full range of issues implicated by the activity or decision in question: hence the formulation -- free, prior and informed consent or prior informed consent.

The right to FPIC is recognized for indigenous peoples under international laws:

- The Committee on the Elimination of Racial Discrimination relates the right to informed consent to the right to participate found in Article 5(c) of the Convention on Racial Discrimination.
- The UN Committee on Economic, Social and Cultural Rights relates it to the right to participation of indigenous peoples in decisions affecting their lives.
- The Inter-American Commission on Human Rights (IACHR) has stated that this right is part of a number of “general international legal principles applicable in the context of human rights.”
- The Convention on Biological Diversity provides for this in relation to exploitation of traditional knowledge.¹²

Without these international instruments, the indigenous and Maroon peoples of Suriname have no protection.

Rights Protection under Domestic and International Laws

Historically, indigenous and Maroon peoples inhabiting the interior have lived without outside interference and with a degree of implicit protection provided by the government. This is rapidly changing however as private companies and the Government look to the interior for its resource potential.¹³ By law, the state owns all lands that have not been granted to other entities and all natural resources. It can issue concessions for resource exploitation without regard for indigenous and tribal peoples' rights to land or other resources. Although legislation recognizes that they are entitled, but not by right, to use and enjoy their villages, settlements and current agricultural plots, should the state decide that these areas are required for other activities, indigenous and tribal 'privileges' (as the state calls them) are negated as a matter of law. There are no applicable judicial or administrative remedies that indigenous peoples may invoke should their rights be threatened or violated.¹⁴

Without recognized ownership rights to their ancestral lands and territories, indigenous and tribal peoples have no security of tenure, which creates the potential for conflict. Also, the lack of a sufficient law on environment¹⁵ complicates the implementation of environmental and social impact studies of activities related to extractive industries.

In various instances however the indigenous peoples and Maroons have sought the protection of the Inter-American Commission and of the Inter-American Court of Human Rights.

In 2005, the IACHR determined that Suriname had violated a tribal community's right to property and held that its property rights arise from its traditional occupation and use, as defined by its customary laws, and are not dependent for their existence on Suriname's domestic laws. It ordered the government of Suriname to establish constitutional and legislative mechanisms to recognize and secure the community's property rights and halt any third party activities in their traditional territory.¹⁶ This case is known as the *Moiwana* case.

On February 16, 2007 the VIDS, jointly with the village leaders of eight Kariña and Lokono communities of the Lower Marowijne and the Lower Marowijne Indigenous Land Rights Commission, also presented a petition to IACHR against the State. They cited the State's issuance of individual land titles to non-indigenous persons, granting of concession rights for bauxite mining, and establishment of three nature reserves within the territory of the Lower Marowijne peoples, all of these without their knowledge or consent. On October 15, 2007 the IACHR declared the petition admissible with respect to the alleged violations of Articles 3, 21, 25, in conjunction with Articles 1 and 2 of the American Convention.¹⁷

In 2008, international jurisprudence was set on land rights for indigenous peoples and Maroons with the judgment of IACHR in the case of the *Saramaka People v. Suriname* (Judgment of 12 August 2008, Series C No. 185). The Court reiterated its decision in the November 2007 judgment of the case, which requires that Suriname legally recognize, demarcate and title the territory of the Saramaka people no later than December 2010.¹⁸

Other avenues have also been sought. Between 2004 and 2009 VIDS, in collaboration with another indigenous and Maroon organization, submitted several reports to the Committee on the Elimination of Racism and Discrimination. In particular it called CERD's attention to the Surinamese mining bill, which denies equal access to indigenous and Maroon peoples to judicial remedies and fails to require their agreement to mining. The Committee's concerns in this respect have been reiterated in two urgent action decisions issued in 2005 and 2006, both of which highlighted Suriname's obligations to recognize, secure and protect indigenous peoples' traditional lands, territories and resources.¹⁹

Case Studies

The following section presents two case studies: one on bauxite mining in West Suriname and the other, on rehabilitation of mined-out areas in East Suriname. In both instances, directly affected were indigenous and Maroon peoples, and the companies involved were the mining giants, BHP Billiton and Alcoa, and their local subsidiaries.

West Suriname: Bauxite Exploration and Mining

At various times in the past, mining companies had been interested in exploring and exploiting bauxite in the Bakhuis Mountain in West Suriname, but they were deterred by unstable aluminum prices, economic recession and the "interior war."

On January 6, 2003 however the Government of Suriname signed a Memorandum of Understanding (MoU) with mining companies BHP Billiton and Suralco, a subsidiary of US-based Alcoa, permitting exploration for bauxite on 2,800 square kilometers of primary forest used by both indigenous and Maroon²⁰ communities. BHP Billiton, the world's fourth biggest aluminum producer, had a joint venture agreement with Alcoa, the world's number one aluminum producer since 1984.

A second MoU was signed between the government and Suralco to examine the possibility of large-scale hydroelectric development for essential energy,²¹ an aluminum ground refinery, an aluminum smelter and a potential deep water harbour.²² The mining companies engaged SRK Consulting (SRK) of South Africa to undertake an Environmental and Social Impact Assessment (ESIA) of the mining and transport options of the so-called Bakhuis Project.

The Bakhuis Project would affect three Lokono communities: Apoera, Section and Washabo which did not know that a deal had been struck which would literally shift the ground on their traditional territories.

The Lokono Experience of FPIC

Since the start of the Bakhuis Project, the affected indigenous communities were denied their rights to consultation, participation and free, prior and informed consent. Only once in February 2001 did the companies communicate to the village chiefs that they were interested in mining bauxite in the Bakhuis area. The Lokono people of West Suriname only came to know about the signing of the MOUs between the government and the joint venture partners (45% BHP Billiton and 55% Suralco) through the media.

The exploration phase, which lasted from November 2003 to November 2005, had an approximate total cost of US\$8.5 million and proved the existence of at least 300 million tons of bauxite. The mining companies were interested in exploiting all plateaus over 250 meters or some 25 percent of the concession area. They envisioned mining to be operational by 2010 or 2011 with construction starting in 2008.

The mining exploration started without any Environmental and Social Impact Assessment in place in violation of company policies and international human rights standards on environmental and social impacts; among these was the prohibition of the Lokono people to hunt and fish in their traditional territory. (Weitzner 2007 and 2008; FPP 2007 and Robert Goodland 2005 and 2007)

The affected communities were not involved in the screening or scoping phase of the ESIA that SRK Consulting started in 2003. It was only in mid-2005 that it distributed its Plan of Study, which claimed there were no communities within the concession area, which in addition was not mentioned as part of the traditional territory of the Lokono people.²³ By considering only the location of the villages, SRK and the bauxite companies did not regard the fact that the Lokono and Trio peoples depend on the surrounding nature for their livelihood. Former World Bank Group chief environmental advisor Robert Goodland criticized this, saying “The resource systems of forest and water are far more important than today’s location of the villages. It seems indisputable that the Indigenous Peoples depend on the forest and aquatic resources that will be impacted by bauxite mining.”²⁴

Interactions

The village leaders of the affected Lokono and Trio communities asked VIDS for their support and to stand with them because they had no idea about what could happen. In response, VIDS assessed the situation and approached the North South Institute (NSI) to be included in the “Indigenous Perspectives” project. Together, VIDS and NSI have been providing information and capacity-building support, technical and legal advice, assistance with mapping of Lokono traditional territories, and opportunities for tri-partite dialogue.

The affected indigenous communities repeatedly stated that they were not against development but that they should be respected as the owners of the land, not merely as stakeholders; be given all information about the project; be included in the ESIA process, and their right to FPIC be respected.²⁵ Further, they proposed to negotiate a Protocol that would define and protect their traditional rights. In reply the companies said that “until such time as traditional rights are recognized by the Republic of Suriname and incorporated into Surinamese law, formal endorsement by BHP Billiton and Alcoa of such claims would be premature.”²⁶

This position was heavily criticized by the communities and their advisors at VIDS and NSI. In a working paper on FPIC, the Forest Peoples Programme wrote: “...rather than comply with their policy commitments, the companies have chosen to hide behind national law – a law that has been declared in violation of international human rights law by the two highest human rights bodies in the hemisphere in 2005 and 2006, and by two UN bodies in 2004 – and to knowingly proceed with their operations in direct contravention of Suriname’s human rights obligations.”²⁷

This position of the companies had deleterious effects on the community level: contractors disregarded and disrespected traditional authorities, indigenous peoples were not included by SRK in the ESIA process, and information was sorely lacking. As Weitzner notes:

*...throughout the exploration phase, the traditional governance and decision-making structures of the local Indigenous Peoples were undermined, as were rights to consultation and free, prior and informed consent...BHP’s contractor undermined the Chiefs’ suggestions and process with regard to local workers to be hired. Rather than working with the list of community people the Chiefs had developed based on their own criteria, the contractor allegedly simply came to town and hired locals as per his own criteria. According to discussions at the community level, one of the Chiefs’ criteria was to provide employment opportunities for men and women who had families and children, while the contractor was more interested in hiring younger, single men.*²⁸

As a result of these, members of the communities experienced feelings of confusion, fright, uncertainty and discontent.

Information Lack

The first community information sharing in Apoera, Section and Washabo was held only in February 2006 after various requests by the Lokono chiefs. Although information was given on the project and the ESIA process, much remained unknown such as:

- Whether the project would eventually include a refinery in West Suriname, and if so where that refinery would be located. Options included Apoera, Nickerie or Bakhuis.
- Location of beneficiation plant. Since the quality of Bakhuis bauxite is lower than that in the East, a beneficiation plant would be required if the choice fell on the existing Paranam refinery in its current form. The other option was Bakhuis, but a beneficiation plant there would require abstraction of water from one or more watercourses, which would affect downstream communities.
- Transporting of the bauxite from Bakhuis. Options included: by road or by rail to Apoera and then barged on the Corantijn river to Paranam; or by slurry pipeline to Paranam.
- Where the bauxite would be smelted. Options included building a smelter in the West, which would require building a hydroelectric dam in the Kabalebo River that would displace Trio people and affect the water sources of Lokono and Trio communities (VIDS 2007, Weitzner 2007).

The picture in the first half of 2006 was not encouraging:

- The companies' point of view was that there was a lack of international consensus on the application of FPIC and that "neither BHP Billiton nor Alcoa has a commitment to FPIC in their corporate policies."²⁹
- The companies would not respect the traditional land rights of the Lokono people.
- Tensions arose between community members and company contractors.
- Community members were not involved in the ESIA process.
- Information on the project and the ESIA process was inadequate.
- Community members felt that the companies were guilty and noted that the government did not provide information or make any appearance in the affected villages.

The Lokono chiefs were firm in their demand for respect of the indigenous peoples' rights to land and to FPIC, and this firmness probably made the companies realize they had to sit down at the table with the communities. Their main concern however was for the process to go ahead as stated in their June 2006 letter: "...the companies will engage the communities to understand their views, so that we can all agree to move forward together with a win-win-win solution. By this, we mean that the companies continue investment activities, communities benefit socially, economically and technically from the project and that Suriname, as a whole, benefits from a sustainable development project."

Bakhuis Forum

The general managers of Suralco and Bauxiet Maatschappij Surinam (BMS), BHP Billiton's local subsidiary, and the chiefs of Apoera, Section and Washabo agreed to have regular meetings, together with representatives of the local government, SRK and VIDS. For the companies these meetings were in light of the ESIA process, while the indigenous chiefs placed these in the bigger

framework of an extractive industry affecting their traditional territory and their way of life and culture.

The meetings, which started on a two-week basis, came to be known as the Bakhuis Forum (BF) meetings. In the first meeting held on September 21, 2006, all parties agreed to always respect each other's opinion even if they disagreed. This basic rule proved to be very important, as there were moments in future meetings where tensions were so high that continuity was at stake. These meetings were the first ever in Suriname history that brought together the highest level of company management and traditional authorities to discuss on a regular basis project activities and problems encountered by community members.

The main subjects discussed at the BF meetings included:

- Land rights and FPIC of the indigenous peoples of West Suriname
- Compensation for indigenous village chiefs
- Information and Documentation Centre (IDC)
- ESIA

To analyze and better understand this interaction between the companies and the communities, each of these subjects is further discussed below.

Land Rights and FPIC. On land rights, the companies were disregarding it as an issue between the government and the indigenous peoples of Suriname. On FPIC, they were backtracking, replacing consent with consultation, as reported on by the Forest Peoples Programme: "In May 2005, BHP Billiton's local manager did agree to negotiate a protocol on how the Lokono's FPIC would be obtained in relation to the project. The need for such a protocol was raised by community leaders at all meetings with the companies and their consultants, as was their request that they be considered 'rights-holders' rather than just another 'stakeholder' to be consulted. However, in meetings in November 2005 and February 2006, the companies backpedaled from their public commitment, and stressed that they support free, prior and informed *consultation* not FPIC. They also committed to obtaining the 'broad community support' of the affected communities at a later date, although again at the same time rejecting FPIC."³⁰

This position of the companies led to major discussions in the BF meetings and brought the indigenous leaders on the verge of breaking up all discussions. In one such meeting attended by the communities' lawyer, the companies declared to "act in practice in a way that respects their traditional rights, but that we do not want to get into making declarations about those rights. We have to work together on determining what respecting their rights in practice really means on the ground, but that our respect for their rights will be reflected in the way we consult, the way we support their development and the agreement we enter into with them." (May 2007)

Both parties also agreed to start working on the framework of an Impact Benefit Agreement that, as the chiefs put forward, could only be finalized after all impacts of the mining project were known.

Compensation. Another issue concerned compensation of the chiefs for the time they spent on the whole process of engagement. They were involved in getting information, giving feedback to their communities and interacting with consultants and subcontractors, which left them little time for traditional activities to provide for their families. The companies granted this request after

approval by the Minister of Regional Affairs who had demanded community meetings on the subject in each village.

On February 1, 2007 an agreement was signed for the period July 2006 - March 2007, but the chiefs only received a copy of it one day before the signing, giving them no time to review and make amendments. When this was brought up in a meeting, the BMS general manager said that amending the agreement would again take a long time, as it had to be approved by all parties, including the government. To avoid this, he proposed taking up all the comments from the minutes of the meeting and expressed the companies' intention to extend the agreement for the whole period of the ESIA that was then envisioned to end by December 2007.³¹ The chiefs, weary of the time it had already taken (since September 2006), decided to sign the agreement.

Information and Documentation Centre. During the first information-sharing meeting in February 2006, it was proposed to have within the communities an Information and Documentation Centre that would serve as a centre for community members to obtain information on the project. The companies agreed to set up the IDC, but soon differences in views emerged. The chiefs envisioned a community centre that would not only harbor information on the mining project and ESIA but also other information such as on the indigenous cultures and indigenous rights. Further it would be a learning place where trainings, information meetings and expositions, among others, could be held for community members. Therefore the three villages agreed to have the IDC at a central place, namely, beside the community centre of the central village of Section.

It was after the Information and Documentation Centre was built that it became clear that BHP Billiton and Suralco considered the centre as company property for disseminating information on the ESIA and on the companies. This led to dissatisfaction and protests especially among community members of Section, because they would never have consented to a company building within the village.

The companies then proposed a system of co-management to which the chiefs were amenable, but the IDC never became the centre they had envisioned from the beginning, and only a few community members made use of its services. Another problem was that, although appointed by the traditional authorities, the community members (one from each village) who worked at IDC were paid directly by the companies and considered company employees.

ESIA. Several issues linked to the environmental and social impact assessment, primary of which was information sharing and consultation of communities, were discussed at the Bakhuis Forum meetings. The Lokono chiefs suggested that other communities that may be affected by the Bakhuis project should be included in the consultation; these were the Maroon and indigenous communities downstream of the Nickerie and Wayambo rivers and the Guyanese communities downstream of the Corantijn River. Within the Lokono area they advised SRK to have separate meetings in the three affected villages as well as in Apoera Plan and in the Trio community at Sandlanding. Based on earlier experiences, the chiefs also advised the firm to have their presentations translated in the local language, to use images and to translate documents in a simple language.

SRK Consulting did follow these advices but the consultation process did not fully succeed. Although the Guyanese communities were identified as stakeholders, "consultation with these communities was not possible due to the sensitivities around the maritime boundary dispute between Guyana and Suriname."³² The schedule of the information and consultation meetings was also linked to company timeframe. Efforts by the communities to have more time for internal

discussions and consequently for a better understanding of the ESIA and the impacts of the project were brushed aside. Repeatedly company employees stressed the urgency of not stretching the time because this would seriously damage the process and could result in a “high level” company decision not to go through with the project.

On the Lokono chiefs’ request for more community involvement in the researches, SRK hired community members to participate in some of the research teams, and an agreement was signed that all gathered material belong to the three Lokono villages.

It was during the Bakhuis Forum meetings that the importance of exchange was discussed, and the companies arranged for community members to visit a mine in East Suriname. In 2007 the village chiefs were brought to Columbia to see the sustainable development projects BHP Billiton had created together with communities of Cerra Matosa. Another visit was made to a rehabilitation site of MRN in Brazil. All three visits however were organized and totally controlled by the companies that left no time for the Lokono to talk to the affected local people.

Conflicts, caused by contractors and subcontractors, were also discussed and solutions, proposed, such as the case when a contractor obstructed a road leading to an agricultural plot and when another cut down banana trees in another plot. On those occasions the chiefs repeated their request for the companies to put down rules on paper for company personnel, consultants and (sub)contractors on how to act within the indigenous territory. Although the companies promised to do so, these rules were never clear nor communicated to the traditional authorities.

The ESIA studies themselves were an issue for heated discussions. The ESIA was divided into three sections: mining, transport and dredging, each with a different timeframe. The indigenous communities were concerned that if not linked together, this would lead to three outcomes that would not take the cumulative impacts into consideration, and thus they persistently brought this to the attention of SRK and the companies. It was at the last BF meeting on 21 May 2008 that SRK handed over to the Lokono chiefs the draft Environmental and Social Impact Reports (ESIR) on the mining and transport aspects, which contained a section called “Cumulative Environmental and Social Effects Analysis.” The dredging report was to be ready only by May 2009.

After this submission, SRK immediately wanted to plan the next consultations in the villages. The chiefs however said that it would not be possible to have meaningful consultations if nobody understood the content of the more than 1,000-page technically written reports. As agreed on during the BF meetings, the communities would first engage a team of experts to review the reports.

Community members indicated that they did not know exactly what the project was all about and, further, were confused from the different stories emanating from contractors, subcontractors and company workers. This was reason enough to ask Bauxiet Maatschappij Surinam for information meetings to explain to the communities all aspects of the Bakhuis mining and transport, including dredging of the Corantijn River. These meetings took place in June 2008, and it was on these occasions that BMS reminded the communities of the tight timeframe of BHP Billiton.

Pressures. By then it was only BHP Billiton that was going ahead with the Bakhuis project, as Suralco had withdrawn from it a few months earlier. According to BMS officials, the construction had to start in August or soon after in order to start production in 2010, as the mines in the East were depleting and planned to close in 2010. BMS was ready to start construction and was only awaiting approval from the government. Although the ESIA studies had not been completed, the

company believed the government would provide them with the exploitation rights as soon as the community consultation meetings had taken place. BMS also wanted an agreement signed with the communities as proof they were not against the project. This was necessary to convince BHP Billiton shareholders that there was no opposition to the project and thus could go ahead with the investment. The Lokono chiefs however stood firm that they could not sign an agreement as yet because they wanted to know fully what the impacts, including the cumulative effects, would be.

In the meantime confusion pervaded the communities because of different stories surrounding the project. To overcome this problem, BMS and the community leaders agreed to give more structure to the information flow. It was in May 2008 that they concurred to have radio programs, a newsletter and a joint monthly briefing by BMS and the chiefs. However, only one newsletter was produced, which appeared on September 8, and little follow up was made on the radio programs and briefing.

Rumors also started circulating that the chiefs did not want the project to go ahead and that without their approval BHP Billiton would withdraw. Fearful that this would lead to job loss and stop all development in the region, community members started to pressure the chiefs to follow the company timeframe. From July 30 to August 3, 2008, SRK held information meetings to explain some of the content of the draft ESIR, and on August 28 started consultation meetings in Apoera, Apoera Plan, Section, Washabo and Sandlanding.

The company then drafted a bridging agreement that would lay down the framework of the negotiations for an Impact Benefit Agreement and Community Development Plan. The lawyer appointed by the communities to review the draft agreement was not able to do so, as pressure within the communities built up and the chiefs were urged to sign the agreement because time was running out for the companies.

On September 9 2008, the chiefs of Apoera, Section and Washabo signed a bridging agreement with Bauxiet Maatschappij Surinam 'in anticipation of the mining agreement between the Government of Suriname (GoS) and BHP Billiton.'³³ To the company, the bridging agreement showed its good intention towards the indigenous communities to come to an Impact Benefit Agreement and a Community Development Plan that would include an Indigenous Peoples Plan.³⁴ It was to its advantage, since the bridging agreement gave BMS the written social license³⁵ needed to present the next day at a "high level" BHP Billiton meeting.

But to the affected indigenous peoples, it marked a violation of their right to FPIC as it was signed under great pressure due to company deadlines. In addition, the bridging agreement was signed before the Environmental and Social Impact Assessment could be finalized and subsequently reviewed by the communities' lawyer to enable him to advise the communities accordingly.

On October 15 shortly after the chiefs signed the bridging agreement, the government announced it had suspended negotiations with BHP Billiton. In reaction the company declared its withdrawal from the Bakhuis project and from Suriname as a whole.

East Suriname: Rehabilitation of Mined-out Areas

Bauxite has been mined in East Suriname particularly in the Marowijne district since 1917. Today BHP Billiton and Suralco are undertaking rehabilitation of the areas that have been totally destroyed after almost 90 years of mining, since the mine had no closure plan from the start. The

bauxite mine is located in the traditional territory of indigenous and Maroon peoples who were not informed or their consent obtained when the government issued the mine concession.

The case study concerns the non-involvement of the affected Lokono and Kaliña peoples in the mine rehabilitation. In 2006 the indigenous organization CLIM together with VIDS requested the mining companies to give a delegation of CLIM and the Maroon Authority of Adjoemakondre the opportunity to visit rehabilitated mine sites. The Maroon village of Adjoemakondre is situated in the middle of the mine concession area. It was only after this request was made that Suralco and BHP Billiton invited the indigenous organization.

The CLIM consists of eight indigenous villages, namely Christiaankondre, Langmankondre (Galibi), Erowarte, Tapoekoe, Pierre-kondre, Marijkedorp, Alfonsdorp and Bigiston. The organization was concerned about the mine rehabilitation since the communities did not know what it entailed and were already experiencing its adverse impacts. CLIM received complaints from hunters³⁶ who frequented the Wane Creek area that wild game was disappearing or retreating further into the forest because of the road construction and noise of heavy equipment used in the rehabilitation work; outsiders were also coming in to hunt. Commercial logging in the area compounded the situation, as it led to cutting of fruit-bearing forest tree species that provide food for wild animals. Mine and logging concessions overlap in the Wane Creek area and it is also where the Wane Creek Nature Reserve was established in 1986, without the free, prior and informed consent of the communities.³⁷

Mine Visits

The first site visit by CLIM to look at the results of rehabilitation efforts occurred in November 2006 in the Coermotibo mine in East Suriname. The CLIM delegation was composed of traditional authorities of the Lower Marowijne area, and they were accompanied by some members of the Maroon traditional authority of Adjoemakondre village. On the companies' side were the Coermotibo mine General Manager, the Suralco rehabilitation manager, and the BHP Billiton mine manager, human resources manager and public relations person.

Two rehabilitation sites in the Coermotibo mine were visited, where the Suralco rehabilitation manager explained the methods used in the restoration work, such as soiling process and erosion prevention. In the 8-year-old rehabilitated area called Labato1, he said 400 trees had been planted for every hectare, and the species used were supposed to attract birds and bees to spread the seeds. In Labato 3, small trees were planted by Maroon seasonal women laborers hired by a subcontractor from the villages of Adjoemakondre and Pit Ondro at 60 cents for every tree planted.

Concerns on Rehabilitation

The CLIM delegation had various concerns with the companies' rehabilitation efforts and was dissatisfied with their responses to the issues they raised during these visits (see Annex 2). An elder, for instance, noted that the trees being cultivated were shrubs and the other plants grown were not indigenous to the area. The others questioned whether bauxite was the only mineral extracted because of information they received that other minerals were being mined. The companies replied that if other minerals were present the concentration would be very low and uneconomical to extract. They invited the delegation to visit the refinery to see how bauxite was processed and what the end products were.

The Maroons of Adjoemakondre on the other hand brought out the long-term impacts the companies' mining activities have wrought on their community. They said there were no longer any areas for the villagers to farm or to hunt. When it rained the river got polluted, causing people to fall ill and making others want to leave and build their lives elsewhere. While they received some support, their way of living was not as it used to be.³⁸

As Suralco's representatives could not provide adequate answers in these visits, the companies organized a feedback session in Moengo, the so-called Bauxite City, in June 2007. At this meeting, CLIM and VIDS requested the Suralco presenters to speak in Dutch or Surinamese to be understood by everyone, and CLIM³⁹ also took the opportunity to explain the following issues and points:

- All the mining activities implemented by Suralco and BHP Billiton were against the rights of indigenous peoples.
- The companies were just as guilty as the government for violating their rights.
- VIDS filed a petition with IACHR seeking recognition of the land rights of the affected indigenous peoples.
- CLIM/VIDS knew what FPIC meant and how to implement this instrument.
- All mining activities in the concession areas had adverse impacts on affected communities.

In its presentation, CLIM also demanded independent studies on the rehabilitation activities and on the damage caused by mining, restoration and compensation, and involvement of the affected communities in the mine rehabilitation and closure project. The presentation showed photos of the destruction in the Wane Creek Area where the nature reserve has been established.

In reply the Rehabilitation Manager suggested that CLIM and the affected Maroons make a list of the herbal plants they use, and the companies in cooperation with the communities will identify and propagate these. CLIM declined to collaborate because the companies could misuse the people's knowledge and even use it against them, and they believe that as long as their land rights are not recognized, they have no protection.

After this meeting, CLIM insisted in paying a visit to the Wane Creek area where the mine overlaps the logging concession (HKV)⁴⁰ in the indigenous village of Alfonsdorp. Even if it was difficult to enter the area due to rains, CLIM pushed through with the visit and saw indications of logging -- a lot of wood blocks along the road. When questioned about this, the company said it had a concession only for mining bauxite, knew nothing of the logging activities, and CLIM should confront the Suriname authority about it.

Analysis on Indigenous Peoples' Attempts to Assert FPIC

Since their rights are not recognized in Suriname law, the indigenous and tribal peoples strongly depend on international instruments for protection. A number of strategies have been used to address issues of concern, including mapping of territories and land use, forging partnerships with international organizations to help increase pressure and build capacity, recourse to international instruments such as the Inter-American Convention on Human Rights, and submissions to the UN Convention on the Elimination of All Forms of Racial Discrimination. Another strategy being used is direct engagement with multinational companies.

In West Suriname, the affected communities built a relationship with the mining companies after being left out in the issuance of concession and exploration rights and in the making of the ESIA, even as no impact assessment was completed before exploration started. They succeeded in creating a space where their voice could be heard and their concerns expressed through the Bakhuis Forum meetings. They established regular meetings with company officials and with consultants in charge of the ESIA studies.

On the companies' side, their expressed commitment to "work with the communities as if they had their land rights" and to seek the communities' approval of the Bakhuis mining project was a major step forward. However, they were not willing or able to adapt either their timeframe or rules to accommodate the indigenous peoples' process of decision making. Consequently, the Lokono communities, amid a conflicting situation and under high pressure, took the decision to sign a bridging agreement with BHP Billiton based on faith in the company's goodwill.

On the mine rehabilitation in East Suriname, the VIDS/CLIM delegation came to the conclusion that the mining companies wanted to prove they did a good job by starting rehabilitation of the mined-out areas and that the indigenous and Maroon communities must thank them for that. It was clear the companies were impressed with the indigenous communities' traditional knowledge of the forest and indicated involving them in the rehabilitation process. But considering that they did not respect the perspectives, wishes, interests, concerns and rights of the indigenous peoples, cooperation would be difficult because mutual respect is essential in such a situation. The companies also expressed intending to involve the indigenous peoples in the mine closure activities, but the latter has not heard anything on this since.

In both cases, moreover, when confronted with the right of indigenous peoples to the land they traditionally use and occupy and their right to FPIC, the companies dug their heels behind deficient national laws. And on FPIC they claimed to support free, prior and informed consultation and not consent.

Lessons and Recommendations

Based on these experiences of the indigenous communities in Suriname in relating with mining companies and in attempting to exercise their right of FPIC, the following recommendations are made:

- Indigenous peoples' rights to land, territories and resources must be secured in national laws, and these lands and territories must be properly delimited, demarcated and titled.
- Free, Prior and Informed Consent needs to be incorporated into domestic laws to be effective. As both cases have shown, companies will hide behind national laws to evade respect and recognition of indigenous rights.
- Indigenous peoples should be proactive in identifying (possible) threats to their territories and resources as well as defining for themselves what the elements of an FPIC process are. A mechanism of interaction/consultation should be in place before a project starts.
- Without a good structure for communication within the communities, the participation of villagers will be limited. Although village chiefs might be well informed, they can not make good decisions without having conversations and discussions with all villagers, including youth, women, elders.
- A mechanism should be put in place for communication between the company and the communities, preferably before the start of any activity.

Annexes

Annex 1 International Acceptance of Indigenous Peoples' Right to FPIC

<p>Indigenous peoples' right to free and informed consent is also embraced in the draft declarations on the rights of indigenous peoples now pending at the UN and OAS. Though still preliminary, these declarations are increasingly cited as expressions of principles of customary international law. Article 30 of the UN draft Declaration provides that</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that states obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.</p> <p>The approach adopted by the respective instruments above is consistent with the observations of the UN Centre for Transnational Corporations in a series of reports that examine the investments and activities of multinational corporations on indigenous territories.²² [14] The final report concluded that multinational companies' "performance was chiefly determined by the quantity and quality of indigenous peoples' participation in decision making" and "the extent to which the laws of the host country gave indigenous peoples the right to withhold consent to development...." [15]</p> <p>A 2001 UN workshop on indigenous peoples and natural resources development reiterated and elaborated upon this conclusion, stating in its conclusions that the participants, which included industry representatives:</p> <p>recognized the link between indigenous peoples' exercise of their right to self determination and rights over their lands and resources and their capacity to enter into equitable relationships with the private sector. It was noted that indigenous peoples with recognized land and resource rights and peoples with treaties, agreements or other constructive arrangements with States, were better able to enter into fruitful relations with private sector natural resource companies on the basis of free, prior, informed consent than peoples without such recognized rights.²³ [16]</p>	<p>International Acceptance of Indigenous Peoples' Right to FPIC²⁴ [17]</p> <p>UN Committee on the Elimination of Racial Discrimination</p> <p>UN Committee on Economic, Social and Cultural Rights</p> <p>UN Sub-Commission on Promotion and Protection of Human Rights</p> <p>UN Permanent Forum on Indigenous Issues</p> <p>UN Working Group on Indigenous Populations</p> <p>UN Development Programme</p> <p>UN Centre for Transnational Corporations</p> <p>UN Commission on Human Rights, Special Rapporteur on situation of the rights and fundamental freedoms of indigenous people</p> <p>Convention on Biological Diversity</p> <p>Convention to Combat Desertification, particularly in Africa</p> <p>Inter-American Commission on Human Rights</p> <p>Inter-American Development Bank</p> <p>Andean Community</p> <p>European Council of Ministers</p> <p>European Commission</p> <p>Organization of African Unity</p> <p>World Commission on Dams</p> <p>World Bank Extractive Industries Review</p> <p>IUCN Vth World Parks Congress</p> <p>World Wildlife Fund</p>
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	International Petroleum Industry Environmental Conservation Association and the International Association of Oil & Gas Producers
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Source: Forest Peoples Programme, *Indigenous Peoples' Right to Free, Prior and Informed Consent & the World Bank's Extractive Industries Review, An Overview*, March 2004

Annex 2 Questions and Answers during CLIM's First Mine Rehabilitation Visit

<i>Questions</i>	<i>Answers of Companies</i>	<i>Opinions of Indigenous Peoples</i>
What use do Kasjoe and Djamoë trees have for the communities?	<ul style="list-style-type: none"> • They have potential economic value. • They have ecological value for attracting birds, bats, insects and mammals. • Since 2004 they no longer planted these. • Observations showed that they can compete with local fruit market. 	These trees are not indigenous to the area and we do not use them like the other trees such as palm fruit trees.
Will the fauna return?	<ul style="list-style-type: none"> • When the conditions are good the fauna will return. • They have seen tracks of different animals. 	The trees, which are in the rehabilitation areas, do not attract animals because the animals live off fruit trees. If these trees are not in the area, the fauna will never return.
How long will it take before the area is restored to its original state before mining took place?	<ul style="list-style-type: none"> • This cannot be measured because "original state" has many different interpretations • The objective is to return the function of the forest system because it will be impossible to have a full grown forest within just a few years after rehabilitation. Therefore 	

	<p>this process will take time, but all efforts are there to get the system to be self sustained.</p>	
<p>Why did the company start rehabilitation only ten years ago?</p>	<ul style="list-style-type: none"> • In the past rehabilitation was not required. • Rehabilitation is not yet adopted in legislation of Suriname. • Since 1994 Alcoa has made rehabilitation an obligation worldwide. 	<p>The indigenous peoples have traditional knowledge of the forest, and from the beginning the companies should have involved them, because the trees in the rehabilitation areas are useless for them and the animals.</p>
<p>Why were the indigenous peoples not consulted?</p>	<p>Rehabilitations is undertaken with reference to Alcoa Mine Rehabilitation Standards & Guidelines.</p> <p>This standard indicates that they first have to look at the legislation of the country and if that is missing they have to rehabilitate the area to similar conditions before the mining activities, in this case a forest system.</p>	<p>We are the ones who are living in the area. We are rights holders, and that is why we are concerned how the area will be left after the mining activities.</p>
<p>Will there be compensation for the disturbance caused by mining?</p>		
<p>What is the relation between rehabilitation of old mines and possible kaolin mining?</p>	<p>This can be best answered by the government because they own and manage the land. The bauxite companies have permission for bauxite exploration and mining, which means that kaolin will be done by a third party.</p>	<p>What is the use of rehabilitation if in the area kaolin will be mined? Otherwise it is useless to rehabilitate.</p>
<p>Are the companies willing to promote with the government the recognition of land rights for the indigenous and Maroon peoples?</p>	<p>For a multinational it is difficult to openly choose sides. We will be condemned nationally and internationally if we get involved in local (Surinamese) decision-making. Multinationals have to stay neutral, but we do have to work according to local and international laws.</p>	<p>The government does not take our collective land rights into account, that is why it is violating our rights. We have no benefits from the mining activities.</p> <p>Pillars for the communities are water and education which are absent or not</p>

		really well developed inspite of the long period of mining in the area.
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Endnotes

¹ Although the process is still going on in both areas, we set a timeframe in which we limited ourselves to write about the period from 2003 to the present.

² Forest People Programme, *Indigenous Peoples' Right To Free Prior And Informed Consent & The World Bank's Extractive Industries Review, An Overview*, March 2004, from http://www.forestpeoples.org/documents/prv_sector/eir/eir_ips_fpic_overview_mar04_eng.shtml

³ In West Suriname the mining related activities also affected indigenous relatives and neighbours living across the Corantijn River in Guyana and in East Suriname Maroons living in the impacted territory. These communities are not discussed but mentioned when needed.

⁴ Forest People Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, FPIC working papers, March 2007, pp 2.

⁵ Arkel, van Zaire & Artist, Marie-Josée & Madsian, Carla, *Analysis of the Status of Indigenous and Maroon Women's Rights in Suriname*, Commissioned by UNIFEM, November 2008, pp 4-5.

⁶ Artist, Marie-Josée and Madsian, Carla, *West Suriname, Wat Betekent een Geïntegreerde Aluminium Industrie voor de Inheemse Gemeenschappen?* Vereniging van Inheemse Dorpschoufden in Suriname (VIDS), April 2007, p 8.

⁷ *Akkoord voor Nationale Vrede en Ontwikkeling*, Lelydorp, augustus 1992.

⁸ Molenaar, Bente, *Is There Gold In All That Glitters? Indigenous Peoples and Mining in Suriname*, Prepared for a project funded by the Inter-American Development Bank's Canadian Technical Assistance Program (CANTAP) funding, The North-South Institute, November 1, 2007, p 4.

⁹ Vereniging van Inheemse Dorpschoufden in Suriname (VIDS), *Draft Multi-annual Development Programme 2009-2013*, 2009, pp 6-7.

¹⁰ Arkel, van Zaire & Artist, Marie-Josée & Madsian, Carla. *Analysis of the Status of Indigenous and Maroon Women's Rights in Suriname*, Commissioned by UNIFEM, November 2008, p 53.

¹¹ Idem, pp 55-56.

¹² MacKey, Fergus, *Free Prior Informed Consent for Indigenous Peoples and Local Communities: A Briefing for World Bank Executive Directors*, June 2004.

¹³ Molenaar, Bente, *Is There Gold In All That Glitters? Indigenous Peoples and Mining in Suriname*, Prepared for a project funded by the Inter-American Development Bank's Canadian Technical Assistance Program (CANTAP) funding, The North-South Institute, November 1, 2007, pp 4-5.

¹⁴ Forest Peoples Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, FPIC Working Papers, March 2007, p 3.

¹⁵ The Ministry of Labour, Technological Development and Environment designed a draft law four years ago but it is still not accepted. The National Institute for Environment (NIMOS) tries to use the draft guidelines for ESIA studies especially for large scale development projects but they have no power of enforcement and lack capacity to monitor and control the ESIA processes.

¹⁶ Forest Peoples Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, FPIC Working Papers, March 2007, March 2007, p 3.

¹⁷ Arkel, van Zaire and Artist, Marie-Josée and Madsian, Carla, *Analysis of the Status of Indigenous and Maroon Women's Rights in Suriname*, Commissioned by UNIFEM, November 2008, p 59.

¹⁸ Idem, p 54.

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- ¹⁹ Forest Peoples Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, FPIC Working Papers, March 2007, pp 3-4.
- ²⁰ Artist, Marie-Josée and Madsian, Carla, *West Suriname: Wat Betekent een Geïntegreerde Aluminium Industrie voor de Inheemse Gemeenschappen?* Vereniging van Inheemse Dorpschouwen in Suriname (VIDS), April 2007, pp 26-28.
- ²¹ *Ibid.*
- ²² Viviane Weitzner, *Shifting Grounds: Indigenous Peoples and Mining in West Suriname*, Final Project Report for Inter-American Development Bank Project: "Indigenous Peoples and Mining in Suriname – Building Community Capacity and Encouraging Dialogue," STU-T1005. Association of Indigenous Village Leaders in Suriname (VIDS) and The North-South Institute (NSI), February, 2008, pp 1.
- ²³ In 2004 the communities of Apoera, Section and Washabo together with VIDS did a preliminary mapping of their traditional territory and customary use areas, financed by IUCN Netherlands.
- ²⁴ Robert Goodland in *Suriname: Environmental and Social Reconnaissance of the Bakhuis Bauxite Mine Project*, 2005, p. 14 also mentioned other communities likely to be impacted by the bauxite mining, including downstream of the Nickerie: Tapoeripa, Post Utrecht and Cupido; downstream of the Wayambo river: Donderskamp and Corneliskondre and downstream of the Corantijn: several Guyanese villages including Orealla and Siparuta.
- ²⁵ Letter to SRK Consulting, 10 March 2006; letter to the managing directors of BHP Billiton and Suralco, 21 September 2006.
- ²⁶ Letter to the chiefs of Apoera, Section and Washabo from the managing directors of BHP Billiton and Suralco, 4 November 2006.
- ²⁷ Forest Peoples Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, Working Papers, March 2007, p. 15.
- ²⁸ Weitzner V. *Determining our Future, Asserting our Rights: Indigenous Peoples and Mining in West Suriname*, 2007, p. 36.
- ²⁹ Letter to the chiefs of Apoera, Section and Washabo from the general managers of BHP Billiton and Suralco, 01 June 2006.
- ³⁰ Forest Peoples Programme, *Free, Prior and Informed Consent: Two Cases from Suriname*, Working Papers, March 2007, p. 16.
- ³¹ Minutes of Bakhuis Forum #7, 1 February 2007.
- ³² SRK Consulting. *Environmental and Social Impact Assessment of Transport Aspects of the Proposed Bakhuis Bauxite Project. Draft Environmental and Social Impact Report*. January 2008, Volume 1, pp.8-8.
- ³³ Bridging agreement "Overbruggingsovereenkomst Bakhuis Bauxietontginningsproject Republiek Suriname, 09 September 2008."
- ³⁴ *Idem.*
- ³⁵ In a letter sent 01 June 2006 to the chiefs of Apoera, Section and Washabo, the bauxite companies stated: "...we would not proceed with a project if there was overwhelming community opposition."
- ³⁶ Kambel, Ellen Rose, Jong, de Caroline ed., *Marauny Na'na Emandobo/Lokono Shikwabana: Marowijne our territory*, FPP, VIDS and CLIM, 2006, pp. 105-106.
- ³⁷ Minutes of Bakhuis Forum #7, 1 February 2007.
- ³⁸ Minutes regarding the orientation rehabilitation activities, Coermotibo Operations, taken by Suralco.
- ³⁹ Power point presentation of VIDS/CLIM, *Marauny Na'na Emandobo/Lokono Shikwabana*, Moengo, 21 June 2007.
- ⁴⁰ Minutes of site visit rehabilitation in Coermotibo by CLIM; the Captain of Alfonsdorp talked about the logging permit from his village where value trees were destroyed by Suralco and never got compensated.

