Interacting with Indigenous Communities in the “Right” Way?

A bottom-up examination of BHP Billiton, Alcoa and the Government of Suriname’s interactions in West Suriname

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Apoera, Section and Washabo

• 3 Lokono villages
• Community of Trio in Apoera
• Strong ties with Guyana communities
General Context:
Regulatory/Legal framework

• No legal or constitutional recognition of Indigenous or Tribal rights to ancestral lands, territories or resources – **only country in Western hemisphere!**
  – **BUT** ratification of international agreements that do:
    • UN Convention for the Elimination of Racial Discrimination (CERD)
    • Convention on Biological Diversity
    • UN declaration on the rights of Indigenous Peoples
  – Recent decisions by international courts: Moiwana case, Saramaka case

• No environmental framework in Suriname
  – No legal requirement for environmental and social impact assessments (ESIA)
  – NIMOS’ guidelines – **implementation and enforcement?**
  – Draft environmental legislation – **original draft revised and weakened, esp. public participation**
General Context: Role of Government

- Weak/no regulations or sufficient resources for enforcement of existing regulations
- Few mining or logging companies abide by national environmental, labour and other laws
- No real progress on land rights
- Mining concessions overlap with nearly 40% of Indigenous and Maroon communities
- Logging concessions currently affect 60% of Indigenous and Maroon communities

(Source: IDB 2005)

- **BUT new MYP: “rights-based development”**
What we found: *Bakhuys*

Exploration Impacts

- Land Rights, Traditional Use and Decision-making
  - Prohibition of subsistence activities in 2,800 km² of traditional territory
  - Increasing pressure/exacerbating conflict on land rights situation within Apoera Plan: migration of city people to “Plan”
What we found: *Bakhuys*

Exploration Impacts

- Workplace conditions and impacts on family

**Miners’ Complaints:**

- Poorly paid and don’t get overtime
- Food not satisfactory – always chicken; prefer “bush” meat and fish
- Can’t hunt - can fish, but not eat the fish onsite
- 2 weeks on, 1 week off... Can go home on weekend at own cost
- No rest when go home for week “off” -- have to hunt and fish for the family, and stock up for 2 weeks they’re away
- Extra work and burdens placed on spouses at home
- Not enough telephone access to call home
- Physical problems because of repetitive work
- Environmental concerns -- holes drilled 25m apart instead of 50m; “the bush will disappear after the mining”
Company/Government/Community Interactions

- **NO ESIA for advanced exploration phase**
  - Goes against international standards, NIMOS’ own guidelines and ICMM’s Sustainable Development Principles
  - Public apologies from BHPB

- **NO Consultation/Participation of affected community people in “screening” or “scoping” phase of Mine ESIA**
  - Goes against NIMOS’ own guidelines (could have had a ‘scoping advisory group’, even an ESIA independent advisory group for whole process)

- **Mine ESIA studies started without informing communities**

- **ESIA’s done “piecemeal” instead of doing an integrated, cumulative assessment of the proposed projects**
  - The mine ESIA violates even NIMOS’ guidelines regarding minimum topics to be considered in a mining project ESIA
What we found: *Bakhuys Exploration Impacts*

- Undermining of traditional governance and decision-making structures, and rights to consultation and consent
  - No consultation/consent process re concession area or MOU
  - BHP contractor undermined Chief’s suggestions and process regarding local workers to be hired
  - No consultation or participation in “Screening” or initial “Scoping” phase of ESIA (in 2003)
  - ESIA studies started well in advance of any community presentations or feedback

From ICMM *Sustainable Development Framework*

“Ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalised groups have equitable and culturally appropriate means of engagement”
LESSONS LEARNED

• More pressure on government to recognize land rights. Petitions sent to the President
• Important exchange visits with other IP’s with experience on mining
• Visits to mine sites for better understanding of mining process and possible impacts
• As community to decide for yourself which part of the mining process you want to see and with whom you want to talk.
Thank You

• Challenge for the future: to find a good balance between tradition and modernity for the generations to come