Mining on or Near Ancestral Lands in the Americas

October 5th, 2005
Ottawa, Canada
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Background

The Mining on or Near Ancestral Lands in The Americas workshop was co-hosted by The North-South Institute (NSI-Canada) and the Assembly of First Nations (AFN-Canada), together with our research partners the Amerindian Peoples Association (APA-Guyana), the Association of Indigenous Village Leaders (VIDS - Suriname), the National Organization of Indigenous Peoples of Colombia (ONIC- Colombia), the Process of Black Communities of Colombia (PCN-Colombia) and the Forest Peoples Programme (FPP-UK).

The purpose of the meeting was to:

- Share the results of collaborative research conducted in Guyana, Colombia, Suriname and Canada on Indigenous perspectives to consultation and decision-making; and
- Get feedback on how best to involve other parties — particularly Canadian companies and government officials — in working towards concrete changes in policy and practice so these are more aligned with Indigenous and Tribal processes, aspirations and rights.

Approximately 52 of participants attended, including government officials and donors, Canadian mining industry associations, Indigenous and Tribal Peoples and their organizations, Canadian non-governmental organizations and other experts with interests in these issues (see Appendix 1 for participants’ list).

The event opened with a dinner and cultural activities the evening of October 4th, with a full day of plenary sessions and discussion on October 5th. This report summarizes the presentations and discussions of October 5th, and includes a press release (Appendix 2).

This workshop launched Phase II of a multi-country research project. We are extremely grateful to the International Development Research Centre of Canada for funding this event.

Note: All research documents related to this project are available at www.nsi-ins.ca
Workshop on October 5th

1. Opening Prayer and Remarks

Elder Peter Decontie opened the meeting with a prayer in Algonquin and a smudge ceremony. He set the stage for the day’s discussions by recounting the story of how the community of Maniwaki rejected a smelter that would have caused pollution and destruction of wildlife habitat. The Co-Chairs then made some brief opening remarks.

Assembly of First Nations Nova Scotia and Newfoundland’s Regional Chief, Rick Simon, noted that First Nations in Canada have had a long experience with mining developments. “Unfortunately, part of that experience is the ‘boom and bust’ cycle that we see in many other natural resource-based industries,” he said. “Indigenous Peoples rarely benefit from the economic advantages of a mining venture, yet we often pay the highest price. The impact on our traditional ways of life and our economies can be devastating.”

Chief Simon underscored the need for governments and the mining industry to ensure Indigenous rights are respected emphasizing that First Nations are not ‘anti-development.’ “[Development] has to be responsible and sustainable; our people need to be involved at the outset and involved and engaged throughout the process. We rightly expect to share in the benefits of any development. We also expect to have our land claims resolved in a fair and efficient manner and to have the authority and capacity to develop our lands as we see fit.” An important tool in moving forward is the Akwe:kon guidelines, which provide advice on the development and implementation of impact-assessment regimes to incorporate Indigenous Peoples’ considerations into new or existing impact-assessment procedures.

Chief Simon closed his remarks by highlighting that this meeting would provide the opportunity to learn from one another, and a chance to initiate honest dialogue on differences, mutual objectives and shared values. “It is a chance to better understand each other and, in doing so, begin the work of mapping-out a path forward,” he concluded.

Roy Culpeper, President and CEO of The North-South Institute (NSI) welcomed participants. NSI has 30 years carrying out its mandate of ‘research for a fairer world’. A key emphasis is on empowerment and adequate participation of the poor. Sustainable and equitable development is a fundamental human right. While corporate social responsibility is a step in the right direction, NSI research has shown that voluntary approaches are not enough. The research highlighted in this workshop emphasizes acceptable forms of accountability, and reflects concerns also raised in the Extractive Industries Review, the Extractive Industries Transparency Initiative and the Indigenous Peoples’ Summit of the Americas. Culpeper closed his remarks by thanking the project’s principal funders, namely IDRC, and private sector companies that provided support to NSI’s Corporate Social Responsibility Programme, namely Syncrude, Falconbridge and Rio Algom Mines. He especially thanked the hard work undertaken by his colleague Viviane Weitzner and the project partners taking part in the event.
Gisele Morin-Labatut, Programme Officer at Canada’s International Development Research Centre (IDRC), noted that IDRC has been funding research related to Indigenous Peoples for over 20 years, particularly with regards to equitable access to natural resources and incorporating Indigenous perspectives into strategies for environmental management. She reviewed some of the daunting challenges that Indigenous Peoples face in this regard, emphasizing that “excursion into and confiscation of their traditional lands and resources continues to threaten many Indigenous communities, despite the growing public and international awareness about their rights.” For IDRC, whose mandate is to fund research to ensure sustainable and equitable development, there are important research questions concerning the role of applied research to help Indigenous Peoples assert their legal rights, negotiate more effectively with private companies, influence public policy with their national and local governments and share more fully in the economic benefits of resource use. Morin-Labatut closed by wishing participants a warm welcome and successful meeting.

Following these opening remarks, there was a round of introductions of all participants.


Overview of methodologies and rationale for Phase I

Viviane Weitzner, Senior Researcher, NSI, gave an overview of the rationale and methodologies underpinning Phase I of the project, “Indigenous Perspectives to Consultation and Decision-Making within the Mining Sector of Latin America, the Caribbean and Canada.”

What gave rise to this project was NSI’s recognition that in the late 1990s there was increasing investment in minerals extraction by Canadian companies in Latin America and the Caribbean, with much of it taking place on or near Indigenous lands with little or no community consultation or consent. While companies and the public were growing increasingly aware of the need to engage with these communities appropriately, a literature scan highlighted very little literature incorporating the perspectives of Indigenous Peoples themselves. The North-South Institute therefore developed a project to further understanding on these issues.

The project’s main objective was to undertake a bottom-up examination of the issues at stake as a critical step towards more appropriate policy and practice.

“The project’s main objective was to undertake a bottom-up examination of the issues at stake as a critical step towards more appropriate policy and practice.” —Viviane Weitzner

Several research questions informed the project, including: What does consultation mean from an Indigenous perspective? How can these processes be strengthened from an Indigenous perspective? Is consultation and participation enough? What are adequate expressions of self-determination with regards to Indigenous Peoples and mining? What are the implications for policy and practice?

The project was envisioned in two phases, with Phase I (2000-2002) being a scoping exercise and Phase II providing the opportunity to scale-up the learning and influence policy and practice through national round table dialogues, among other mechanisms.

Principally funded by IDRC, the project profiled Guyana and Colombia, with desk research on the Canadian and international situation. The idea was to start with a pilot project and potentially scale up to other countries. Work in Guyana was undertaken by the Amerindian Peoples Associa-
tion with technical support by the Forest Peoples Programme; and in Colombia, with the Universidad de Antioquia, Instituto de Estudios Regionales. A variety of participatory methods were used in the research, and in each country an Indigenous Steering Committee was established to guide the research.

**Guyana**

Jean La Rose, Project Coordinator of the Amerindian Peoples Association (APA), reviewed Phase I of the work in Guyana. Mining has taken place in Guyana since the 1840s, and this activity is part of the national development plan. The Government is opening Indigenous territories to mining, and activities include small, medium and large-scale gold and diamond mines. Phase I research focused on conducting a participatory survey of Indigenous assessments regarding the impacts of mining and experiences with consultation. Community workshops and interviews took place in Regions 1, 7, 8 and 9. In addition, a literature review was conducted and meetings took place with Government officials, private sector representatives, NGOs and aid agencies, including CIDA. A detailed report was written to highlight the outcomes of the research.

Amerindians make up some 7% of the population in Guyana, with the majority living in the Interior (some 70,000 from 9 major Peoples). Only 70 of 120 villages are officially recognized. Indigenous rights are guaranteed by the Guyanese Constitution and land rights by the Independence Agreement.

Approximately 12,000 people are engaged in mining activities (including small-, medium- and large-scale mining), many of whom are Amerindians. Some 14,000 small-scale permits have been issues, and 1,800 licensed dredges are operating. Exploration and prospecting permits cover over a quarter of the national territory, and clearly many of these overlap with Amerindian territories. The activities of illegal *garimpeiros* from Brazil were also highlighted in the research.

Several Canadian companies have interests in Guyana (including Cambior, Vanessa Ventures, Golden Star resources, Canarc, among others), and CIDA has funded the GENCAPD project to
build capacity in the Mines Commission, examine the environmental impacts of small-scale mining, and technologies to mitigate these impacts.

The Guyanese research highlighted:

- The weak governance framework in Guyana
- Inadequate land rights recognition for Amerindians
- Weak protections against mining
- Issues regarding Amerindian self-governance, including erosion of traditional roles

In particular, the research identified the main impacts of mining from an Indigenous perspective: water pollution, decline of fish and game, mercury contamination, cultural erosion, division among villagers, high incidences of malaria, alcohol and other substance abuse, high rates of STDSs and reports of HIV/AIDS. It underscored the severe impacts of mining on Amerindian women, such as: increased burden on women regarding subsistence and childcare; prostitution; and alleged rapes and police corruption.

Recommendations from the research included the need to

- empower women and raise awareness of their rights
- explore alternatives to small-scale mining and its related cash-generating activities for income generation
- develop new policy and practice through national dialogue
- regularize land tenure
- accept the principle of free, prior and informed consent
- strengthen Amerindian institutions
- develop a best practice protocol with the private sector
- ensure negotiated agreements with communities.

Discussion

Q. FC: In Canada, one of the first stages of exploration is “free entry” — Is that the same process in Guyana?

A. JLR: There’s free entry to illegal miners. What usually happens is that miners go into an area, stake a claim and then take out an agreement with the Mining Commission. The problem is that there is an overlap between mining claims and Indigenous titles areas. The GGMC doesn’t verify the location of the mining claims, and sometimes more than one claim is given out for the same area. There is also overlap with Indigenous territories that are not yet under officially recognized title.

Q. FC: How come there isn’t official recognition for all Indigenous communities — why are only some recognized?

A. JLR: The communities are given a piece of paper saying they have legal title — that’s recognition. However the
full area of territories used and occupied by Indigenous Peoples is not recognized by the Government. In 2002 there was a court case. A mining claim was taken out in a community, and an injunction was taken out to remove the community. The judge ruled on the side of the community, which was a major victory.

Q. RG: A comment on the relationship between consultation and consent. “Can consultation be meaningful if saying ‘yes’ or ‘no’ is not part of it?”

A. JLR: So far consultation has been very lacking in mining, forestry and conservation activities in Guyana. When they do occur, a team of officials goes to a community on very short notice, with very little or no documentation. There is often no time to seek independent technical expertise. Our communities who have not been exposed to this are silent. And silence is often seen as consent.

Q. LB: With regards to standards. The GGMC does not have enough human resources, and their rules are not enforced. With regards to open pits, miners are supposed to reclaim these, but this doesn’t happen. The regulations exist, but they just aren’t enforced.

A. MC: The use of mercury regulations is particularly not enforced.

Q. PG: A distinction needs to be made between exploration and mining. How much involves Canadian companies? What has the experience been like with Canadian industry?

A. JLR: Small-scale mining is not exploratory, it just happens. We also have penetration by garimpeiros who use cutter-head dredges. This technology has a large impact on the environment. We have many experiences with Canadian companies, for example:

- Golden Star in the Upper Mazaruni with gold and diamond exploration. They moved in without notifying the communities. The communities only found out when they started seeing reconnaissance planes flying overhead. The communities objected, and in the end Golden Star did not proceed in that area. Golden Star was also a partner with Cambior.

- Vanessa Ventures in the Marudi mountains in Southern Guyana. The GGMC is actively promoting mining, and the key issue is consultation/consent processes. The mine sits in the middle of two conservation projects — that’s when you see the emergence of double standards.

Q. HCofG: As a point of clarification, as a representative of the Government of Guyana in Canada, I would be remiss not to clarify some of the issues raised here this morning. I am not here to take issue with the report that has come out of Guyana, but it is incumbent upon me to clarify some of the matters that have
been raised. My colleagues from Guyana highlighted a number of aspects of the mining industries in Guyana. Some of those items are quite valid. Industry in Guyana is not perfect. The same applies to other places in the world — you will find some of those same issues right here in Canada. The report also mentions a lot of allegations: allegations of corruption, allegations of drug abuse, allegations of prostitution, and so on. I would have thought that the authors of the report would have examined those allegations and come up with a definite position — whether those allegations are accurate or not — before coming to an important forum of this nature to make just allegations. In addition, there are other organizations in Guyana that do not share the same view the APA expresses, and who are satisfied with the efforts and contribution the mining industry is making on the economy of Guyana and more specifically the well-being of the Amerindians in the interior of Guyana. For example, with Omai mines, the company has offered lots of community services. The Gold Mining industry has undertaken quite a lot of Government responsibilities, providing health care, putting in better transportation, roads, and river transportation, and as a result the contribution of the miners in Guyana has been recognized by the very aboriginal communities. So, to paint a picture of doom and gloom is not an accurate one. So, I thought I’d bring that to the attention of the parties here today. Thank you.

A. JLR: We focused on small-scale mining. Cambior is a large-scale company. The benefits communities saw took place only after the 1995 spill, and there was no community consultation or input. With regards to the question of allegations of corruption, if you go into mining areas you can see the police wearing more gold — you just have to see the physical evidence. In relation to our Indigenous organizations, the only organization that has carried out extensive work among Indigenous communities in Guyana has been the APA. We have wide outreach among Indigenous communities, and in fact we do collaborate with other organizations and share our concerns about environmental pollution and other concerns about other issues the research project revealed.

A. MC: As one of the authors of the report, we use the word allegation not because we have not verified the concerns raised, but in order to be very careful because the personal testimonies on which these charges are based have not been tested in a court of law.

Colombia

Gladys Jimeno, principal researcher for the Colombian component of Phase I and Omaira Mindiola, project coordinator for Phase I, followed with a summary of the University of Antioquia-led project and its results in Colombia.

The presenters outlined the make-up of the Indigenous steering group, and noted that the research took place in two main regions. In Sierra Nevada de Santa Marta, the research highlighted issues around the proposed construction of a coal port on a sacred site; and complex issues surrounding a proposed development plan for the Sierra. In the Guajira, research was conducted with the Wayuu People on the expansion of the El Cerrejon coal mine, off-shore gas development (Chuchupa B), salt mining (Manaure) and the establishment of ports (Portete).
Colombia has progressive legislation regarding “prior consultation”, and this mechanism has been used historically by Indigenous and Black communities for resistance, throughout the “conquest”, the colony and the republic. Ethnic rights are protected in the Constitution, in ILO Convention 169 which was ratified by Law 21 of 1991, and in Law 99/93 that establishes the National Environmental System and Ministry of Environment.

Some of the key conclusions from the Colombian study include the need to open different spaces for dialogue between the different players — ethnic groups, the state and companies; and inter-ethnic reflection (Indigenous and Afro-Colombian communities) at the national and international levels.

In Colombia, prior consultation with free, prior and informed consent started to be implemented in good faith by the State, companies and legitimate representatives of Indigenous Peoples. While experience was gained, there have been steps backwards both de facto and de jure regarding ethnic rights.

National and international companies have pressed to simplify ‘consultation’ within technical and administrative parameters that do not enable understanding or the equitable negotiation with sufficient information on impacts and benefits that a project can bring an Indigenous or Afro-Colombian community.

The government has made legal modifications that cut back already recognized ethnic rights. For example, the new mining code, a reform that was backed by CIDA-funded technical assistance. And Decree 1320 of 1998, that set out the rules for consultation without itself being properly consulted, which in turn led to the approval of a forestry law, among others. The Government has put in second place the responsibility of protecting ethnic groups and has abandoned its position of guarantor of human rights of Indigenous Peoples, and this extends to prior consultation and free, prior and informed consent.

Phase I Study recommendations include:

• Establishing capacity-building programs in:
  • Environmental legislation
  • Human rights and Indigenous rights
  • Mining law
  • Strengthening internal administration and representative authorities of Indigenous and Afro-Colombian communities
  • Conducting investigation on small-scale mining
  • Undertaking a Phase II of the project, focused on repositioning consultation with free, prior and informed consent as a fundamental instrument of protection and defense of the rights of ethnic groups.

Discussion:

Q. LC: Prior consultation is legislated in Colombia. Was there consultation regarding this?

A. GJ: Yes there was, but there was no consultation around Decree 1320. The rules outlined in this Decree go against the others enshrined in the Constitution and in International and also Environmental law in Colombia, and it was established without consulting Indigenous or Afro-Colombian Peoples.
In Colombia there is recourse to Constitutional justice: any citizen can access tribunals or the court system if they feel negatively affected by a decree. In the case that the decree is declared unconstitutional, it reverts to the previously recognized law.

Q. EB: I would like to congratulate Omaira and Gladys for their synthesis of the Colombian experience. With regards to the case of the salt mines of Manaure, I would like to add that this is one of the most transcendental cases in Colombia regarding the involvement of Indigenous Peoples in a company. Around 24,000 Indigenous Peoples benefit from the mine. In this case the government gave up an important part of its property to the Wayuu, as it did in the case of a salt mine some 40 kms away from Bogota. The current government has held 18 prior consultation processes, the last one some 8 days ago, using processes that were prior to Decree 1320 precisely because the communities rejected it as they were not involved in its formulation. Some 10 days ago there was a meeting involving the President of Colombia and Indigenous representative, in which two things were agreed: a revision on Decree 1320 in dialogue and involvement of communities and their representatives; and the second refers to the Forestry Law, in which the President has directly pointed out the need that during the congressional debate there be not only Indigenous representation (there are two), but also Afro-Colombian representation. And I want to take advantage of this opportunity to highlight that Carlos will become a candidate on the senate. In this manner communities will be clearly involved in the discussion about the Forestry Law in Colombia.

Q. KK: This information is very interesting regarding how to operationalize FPIC. You said you chose particular cases in your work because they were good. Were these before Decreto 1320?

A. GJ: Not all cases. 103 prior consultations had already been carried out before Decreto 1320. In some cases there are negotiations regarding whether to apply Decreto 1320 or prior consultation (which is not included in the Decreto). This leaves the communities out in the cold.

Q. JG: Do Indigenous Peoples and Afro-Colombians have a joint position on the Free Trade Agreement?

A. LEA: In general we have a common position. The FTA will affect Indigenous territoriality. I want to reiterate that in this process we haven’t been consulted. We’ve seen the government is saying we’ve been consulted. There are other cases where we haven’t had consultation, for example in the Forestry Law.
A. CR: Black communities are worried about the FTA. It affects our territories, our natural resources and our intellectual property. In order to be able to have a position on how the FTA affects our communities, we’re asking the government to do a study on the impacts. It’s not just ‘yes’ or ‘no’; we need to know the impacts. There’s a misunderstanding — prior consultation is prior to the approval of a law. It’s not about simply inviting Indigenous and Afro-Colombians to participate. It’s a process that requires really good information and where each community can have their own spaces, with their own means, to do their consultation. We salute the invitation of the presidential advisor.

Q. GM: Referring to Gladys’ presentation, we can conclude that the ‘state of the art’ in Colombia regarding consultation is quite advanced — even though it is not perfect — and that it makes possible the concept of sustainable development, which is everyone’s goal. However, referring to other activities outside of mining would be opening “a pandora’s box,” and I would like to ask that people stick to the main topic of the meeting.

A. GJ: We have many good and positive experiences in Colombia, that is true, but we also have ample experiences that have had negative and violent impacts. We have documented all experiences, and right now it is clear basic rights to consultation are being violated. While maybe this government has undertaken 18 consultation processes, in the past the average number of consultations that should have taken place per year was closer to 60. There is also the question of whether or not these consultation processes are actually appropriate. The invitation that this project is making is not to negate reality, but to face it, and to create spaces for dialogue with a view to ensuring that rights to consultation do not remain only paper rights, but that they are implemented. We have extraordinary legislation with zero implementation, and this is the step we need to take.

RC: The issues before us are complex, and there are diverse interests around the table. There are benefits from mining, but also costs and these have not adequately been acknowledged. Everyone here has come to recognize both the benefits and the challenges.

**Synthesis Phase I**

Viviane Weitzner, Senior Researcher, NSI then synthesized the main finding from Phase I. She noted that although there were diverse Indigenous Peoples even within the study countries let alone among them, different types of resources and scales of mining and different socio- and geo-political contexts, there were striking confluences in experiences with development and conservation projects. These included:
• **Fundamental issues and conflicts**, including differences between western and Indigenous views of what constitutes ‘development’, sovereignty and ownership of sub-surface resources.

• **Conceptual and philosophical issues**, such as how to express Indigenous concepts of appropriate ‘consultation/consent’ and the need to decolonize language in order to do this.

• **Confluences in Indigenous self-assessments of consultation experiences**, which read lack a manual of how-not-to-consult, including short-term and tokenistic benefits. Further, consultation processes have been destructive in and of themselves, undermining Indigenous integrity and authority, and fuelling social conflict. The bottom line for all study participants is that Indigenous Peoples want recognized the right to free, prior and informed consent, which includes the right to say ‘no’ to projects on ancestral lands.

A variety of pre-conditions emerged with regards to entering into equitable dialogue processes, including the need for outsiders to recognize that Indigenous Peoples are owners of their territories even if this has not been officially recognized; prior consultation leading to free, prior informed consent; and if there is consent, negotiation and partnerships, including ongoing monitoring of the implementation of agreements, and review. Additional pre-conditions for entering more equitable dialogue processes were highlighted, targeted to Indigenous Peoples; governments; companies and NGOs; and donors and international financial institutions.

There is room for strengthening CIDA’s role abroad on several counts, including ensuring that reforms it finances, such as Colombia’s new mining code, include appropriate consultation processes with Indigenous and Tribal Peoples and do not violate a country’s constitutional and international commitments. CIDA-support environmental reform, such as the CIDA-funded GENCAPD project in Guyana, should emphasize equally social impacts, and include appropriate Indigenous participation in planning.

Finally, the study highlighted several policy implications and critical questions, such as how to shift the role of the state from ‘siding’ with companies to fulfilling fiduciary obligations and protecting Indigenous rights, and the tensions inherent in states — and by extension, companies — accepting the right to free, prior and informed consent.

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“Further, consultation processes have been destructive in and of themselves, undermining Indigenous integrity and authority, and fuelling social conflict. The bottom line for all study participants is that Indigenous Peoples want recognized the right to free, prior and informed consent, which includes the right to say ‘no’ to projects on ancestral lands.”

— **NSI Synthesis**

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“**The work the NSI is carrying out** ... is useful, revealing, and done in a responsible way.”

— **Anthony Andrews**
Discussion:

Q. MC to industry: How can industry balance the playing field?

A. AA: In exploration, there are major and junior exploration companies. We appreciate the work the NSI is carrying out. It is useful, revealing, and done in a responsible way. I heard clear perspectives of incomplete consultation processes; on experiences of being excluded, power differences and manipulations of the processes. The mining industry takes this very seriously. We work where you live and are trying to make improvements. However, there is a need to acknowledge progress and benefits, as well as negatives, and by doing this, you are more likely to achieve dialogue. We have 4000 projects in many countries. We are also building capacity. There is a lack of experts in social consultation. We deal with realities, and our arrival can stir the pot. Projects are lightening rods for pre-existing problems. Regarding weak governance, companies seek authorization from competent authorities and this can be a confusing, weak and unpredictable process. PDAC members want clarity and improvement in this. We need to be able to assure our investors too. We have common interests even if for different reasons: We’re heading in same directions, but for different reasons. We don’t mind who we deal with — we’re happy dealing with Aboriginal owners. Note that organizations like mine have no authority over our members. There are no short cuts to capacity building. See also www.E3mining.com, a PDAC product and a compendium of guidance and best practice developed for members. But it is also for governments, NGOs and others. We are trying to promote capacity building.

A. VW: (referring to a power-balancing diagram in one of her presentation slides) There is a need to emphasize “Government Social Responsibility” just as much as “Corporate Social Responsibility” in seeking to address these issues.

Lunch Break

3. Panel: Suriname and Lutsel K’e Dene First Nation (Canada)

Suriname

Loreen Jubitana, Executive Director of the Association of Indigenous Village Leaders of Suriname (VIDS), gave an overview of VIDS, Indigenous rights in Suriname, and the IDRC-funded project in West Suriname. VIDS represents all the Indigenous leaders of Suriname. While the population of Suriname is just above 500,000, the number of Indigenous People is approximately 80,000. There are approximately 40 villages, and VIDS is made up of the 40 Chiefs representing these villages. The VIDS is also “the speaking partner” with the government on Indigenous Peoples’ affairs. It was established in 1992, right after the armed internal conflict in Suriname as a mechanism to restore traditional authority. The Bureau was established in 2002 as a Secretariat and legal working arm of the VIDS, and currently 5 women work at this Bureau. VIDS’ mandate is to promote and defend Indigenous rights in Suriname.

“Regarding Indigenous rights, Suriname is the only country in the Western hemisphere that does not recognize any rights of Indigenous Peoples.” — Loreen Jubitana

Regarding Indigenous rights, Suriname is the only country in the Western hemisphere that does not recognize any rights of Indigenous Peoples. There are several examples to highlight this, the most recent being the draft Mining Act. This draft Act discriminates against collective rights and favours individual rights, particularly with regards to recourse to the courts (an individual
may approach a court, but a whole community cannot). In addition, the government issues mining concessions without consulting Indigenous Peoples on whose lands these concessions are located. Moreover, there is no environmental legislation in force in Suriname, and so companies are not forced to undertake environmental or social impact assessments.

Loreen Jubithana then reviewed current plans for the Kabalebo hydro-electric project and the Bakhuis bauxite mining project by BHP Billiton and Suralco (Alcoa) in West Suriname, showing maps of where they are located. This series of bauxite-related developments goes back to the 1960s and 1970s when the area was first explored and potential for mining and hydro were discussed. However, the price of bauxite fell on the world market and then Suriname underwent an interior war which affected the projects. Current exploration activities of the bauxite mine are slated to end in October/November 2005.

The current IDRC-funded project with NSI grew out of a request from the village leaders in West Suriname for help in dealing with this series of developments on their traditional territories. The government and companies had signed an MOU regarding these projects, and it was only around 8 months later that they informed the communities. In the meantime, VIDS had heard about these developments and went to inform the communities, when they received a request for help. Affected communities include the West Suriname Arawak villages of Apoera, Section and Washabo (Arawak), the Trio communities of Wanapan, Amotopo and a village on the Lucie River, as well as villages on the Wayambo and Guyanese Indigenous villages on the Corentyne.

The IDRC project started with the villages in West Suriname (Apoera, Section, Washabo and Wanapan) and identified further villages that would be affected both by the bauxite exploitation and also the hydro-electric dam. The project’s objectives include: to conduct research on mining in West Suriname to support the affected communities and influence national policy; to provide technical support and build capacity to deal with the mining companies and government; to link with Aboriginal organizations in Canada who have experience negotiating with mining companies, all with a view to providing the communities of West Suriname with capacity-building and long-term support in dealing with the development projects. In addition, the project focuses on opening dialogue with the various actors, and developing an appropriate plan for dialogue and consultation/consent.

Some of the activities to date include:

- The establishment of an Indigenous Steering Committee.
- A workshop in May 2005 that included community leaders and women, government and company representatives, as well as two Indigenous representatives from Lutsel K’e Dene First Nation in the Northwest territories, Canada.
- Several workshops in West Suriname to share information about the development plans and documents that VIDS received, and training of a group of community people to go house-to-house to share the information.
- Participatory mapping of the villages to better understand the impacts of the exploration activities at Bakhuis was already having at the household level.
- Local radio interviews.
• Site visits to Coermotibo, a bauxite mine in East Suriname, and to Afobaka, Suriname’s only hydro-electric facility.

• A preliminary ESA Reconnaissance by Robert Goodland.

Project results to date include:

• There is growing awareness of the communities in the West, and increased participation of women in project activities.

• There is more self-initiative particularly with regards to a proposed nature reserve in the traditional territories of the communities that is problematic as there has not been adequate consultation and the communities have taken a firm, joint position to put this project on hold.

• There is willingness from BHP Billiton to work on a protocol for consultation/consent, and the communities are currently working on one.

• There is growing recognition of VIDS’ work.

Among some of the preliminary project conclusions are the need for legal recognition of land rights, the critical importance of developing a consultation protocol, the reality that there have already been some visible impacts from the exploration phase, and that there is need for more capacity-building and institutional strengthening.

Josée Artist, community development officer of VIDS closed the presentation by highlighting some of the key impacts from the mining exploration activities that the project has identified so far. These include: Increased work for women whose spouses work at the mine; no “down” time for miners who come home as they have to make up for the work at the family agricultural plots and by fishing and hunting to provide for the family; increased alcoholism; conflicts and division among the villages; people from Paramaribo putting pressure on the government to give them lands in Apoera city, likely on account of the potential bauxite mining and business opportunities.

Lutsel K’e Dene First Nation

Florence Catholique, Negotiator from Lutsel K’e Dene First Nation (Canada) then presented Lutsel K’e’s experience negotiating with mining companies. She noted that the Lutsel K’e Dene First Nation 1899 Treaty established a consensus-decision-making process where the people have the right to say ‘no’ to developments.

Responding to Anthony Andrews’ comments regarding the need to also highlight benefits mining can bring, Florence identified the community radio station set-up in West Suriname through contributions including from BHP Billiton/Alcoa as an important example.

Lutsel K’e Dene First Nation has developed a “Resource Development Protocol” to help deal with these issues. At the onset of the diamond rush in the Northwest Territories, the community lacked human capacities and monies to deal with the situation. ‘Our relationship with government was very good at that time.” In response, “we set up some arrangements that industry has to abide by”.

Florence Catholique’s presentation outlined the protocol (see powerpoint presentation for full text). It is based on the assumption that “We...
have our rights in the land we live on. We have ours cemented in our Treaties, and that has been enshrined in our Constitution.”

Lutsel K’e is very intent on using both Western and Traditional Knowledge, and of ensuring that no mining towns are established to support the industry. The whole area has to be ‘reclaimed’ after the activities are finished, she said. Some difficulties need to be examined very seriously, such as environmental pollution, especially after mines are closed.

Florence Catholique reviewed experience with BHP Billiton’s Ekati and Rio Tinto’s Diavik mines, noting that problems encountered include severely restricted resources availability at the community level, very tight deadlines and very limited scope to the assessments. She also reviewed some of the agreements Lutsel K’e has negotiated and the lessons learned from these, noting that the socio-economic agreement with BHP is “only paper — it’s worth nothing.” A variety of lessons have been learned from these processes, including that it is in the public interest to ensure that are provided to Aboriginal organizations so they can actively participate in negotiations. She closed by outlining some of the ways communities can get prepared for these processes.


International

Viviane Weitzner briefly presented the framework for Phase II of the project. The general objective, which will be adapted appropriately in each of the country components, is: “To facilitate, document and analyze efforts in strengthening the capacities of Indigenous Peoples to engage with government, industry and other relevant actors through multi-party dialogues and other interactions with a view to more equitable outcomes, policies and practices that respect the processes, aspirations and rights of Indigenous Peoples in natural resources decisions affecting their lands.”

The conceptual framework includes documenting to what extent strengthening the capacities of Indigenous and Tribal Peoples and providing the resources and space for intra- and inter-community dialogue and strategizing helps tip the balance of power to enable more equitable multi-party dialogues and outcomes; and providing insights into the implementation of free, prior and informed consent processes.”

— Viviane Weitzner

The conceptual framework includes documenting to what extent strengthening the capacities of Indigenous and Tribal Peoples and providing the resources and space for intra- and inter-community dialogue and strategizing helps tip the balance of power to enable more equitable multi-party dialogues and outcomes; and providing insights into the implementation of free, prior and informed consent processes.

An acknowledged limitation of the research framework is that capacity-building efforts are targeted only to Indigenous and Tribal Peoples, and the research team is not working on capacity-building for governments or industry outside of the information-sharing, awareness-raising and dialogues integral to the project.
Phase II partners now also include the National Indigenous Organization of Colombia and Colombia’s Process of Black Communities; the Assembly of First Nations of Canada; and the Association of Indigenous Village Leaders of Suriname. While funding for the Colombian component has not yet been secured, there is a possibility of developing an “Andean” component to the project that could include Colombia and one other country, potentially Peru, Ecuador or Bolivia.

International activities led by the NSI will include a case study on Lutsel K’e’s experience negotiating with mining companies; this launch workshop; organizing team meetings; an evaluation of Aboriginal participation in the Whitehorse Mining Initiative and its replications; support in producing training materials; and a synthesis report and policy brief of the main findings of the work.

**Guyana**

Marcus Colchester, Director of the Forest Peoples Programme (FPP) then presented Guyanese plans for Phase II. Specific objectives of the work include:

- Feedback Phase I results to the communities
- Strengthen community capacity
- Develop an Indigenous platform of a shared vision and recommendations
- Promote dialogue with government and industry
- Build up knowledge about how to deal with mercury contamination
- Review possibilities for economic alternatives to small-scale mining

Since Phase I ended in 2002, there have been several important changes in the political and mining investment landscape. The government has responded to Amerindians’ demand to reform the outdated Amerindian Act, but new drafts reveal a lack of progressive thinking, and Parliamentary debate is now taking place. The main concern of all 3 Indigenous Peoples Organizations in Guyana are that there is no mention of land rights in the new Act; the Act does not enshrine the right for communities to say ‘no’ to large-scale mining; there is an erosion in the power of Amerindian Village Councils; and there is too much ministerial discretion including veto.

There are continuing problems with regards to land. While the new Minister is seeking to address land issues, the government process of demarcation and ‘extension’ of new titles is subject to Ministerial whim and is not rights-based. There are also double standards regarding land: conservation and extraction activities are treated as if they are unrelated. Finally, there is a lack of Government understanding regarding Indigenous land rights and international legal obligations.

There are also further problems with mining. There has been an increase in new concessions (for example, Goldstone and Vanessa Ventures); consent policies are not being applied; there are poor or no consultation processes; there is one-sided promotion of mining, that highlights benefits without factoring costs; and pollution and other impacts continue.

Phase II will respond to this new context. Activities will include:

- Dissemination and awareness-raising:
Establishing a National Indigenous Advisory Committee (NIAC), and holding 3 meetings

Technical summary of Phase I

Popular Summary of Phase I

Community workshops in 5 regions, with involvement of women and youth

Technical support from the FPP, NSI and AFN

Roundtable meetings between the NIAC and Amerindian leadership to plan policy interventions and coordinate; and between Amerindians and other sectors (mainly companies and government), with the aim of developing a mutually agreed protocol for engagement with the private sector.

- Research on mercury, including desk research, delivering results to communities and (funding permitting) developing a community testing and monitoring programme

- Review of economic alternatives to small-scale mining

Hoped for outcomes include: Amerindians being better informed about the pros and cons of mining, their rights and ‘best practices’; strengthened awareness and capacity; widely shared Amerindian vision on ways forward; revised government policy; negotiated protocol for negotiated agreements between communities and companies; documentation of all activities.

**Colombia**

Carlos Rosero, President of Process of Black Communities in Colombia (PCN) and Luis Evelis Andrade, President of the National Indigenous Organization of Colombia (ONIC) provided an overview of the context and objectives for the Colombian component. Carlos Rosero began by noting that the title of his presentation “La Consulta. Ahora como nunca” (Consultation: Now like never) is not the official title of the project, but instead “is an idea that we hope will help make our perspective ‘contagious’ by highlighting its importance and urgency at this moment.”

In Colombia there are 44 million people, with 84 Indigenous groups comprising 2% of the population, while Afro-Colombians comprise 26% of the population. They are located all over the country. Recognized rights include:

- collective property rights over their territories (known as ‘resguardos’ for Indigenous Peoples and “Tierras de Comunidades Negras” — Lands of Black Communities — for Afro-Colombians)

- non-renewable natural resources, with some rights to exploitation of non-renewable and renewable resources, with the exception of oil and gas

- cultural identity

- development of their own cultures

- participation and autonomy (for Indigenous and Black communities), and self-government (Indigenous Peoples only)

- own justice system (Indigenous Peoples)
Prior consultation is enshrined in the Constitution, in ILO Convention 169, and in environmental legislation. Consultation is considered a fundamental right that protects other fundamental rights: participation, cultural integrity, healthy environment, etc. Various decisions by the constitutional court have also signaled that consultation is a process — it is not simply a meeting — and communities have their own spaces for discussion and decision and agreement-making with the companies and government to establish which mechanisms should be followed once the communities’ concepts and perspectives are articulated.

Difficulties regarding prior consultation include that:

- The Decree setting out the process never went through a consultation process itself
- It has been limited only to environmental issues and projects, when it should also include policies and other administrative measures that affect communities.
- It has been confused with simply having a meeting
- It has been limited to collective territories and does not encompass ethnic integrity ("What about elsewhere? In urban centres? You don’t lose your Indigenousness or Blackness if you are outside of your territory")
- Communities are pushed into having favourable views of projects in exchange for small projects — such as football fields and uniforms.
- Communities saying ‘NO’ go unheard and unrecognized
- Companies fear consultation processes, and want to find the way not to implement this, or to partially/conveniently implement it.
- The State has delegated the entire process to the private sector (the state only appears at the beginning and at the end of the process)
- The armed conflict has pressured communities. For years there has been discussion about implementing special procedures in areas where there is intense armed conflict to ensure and guarantee that communities can speak without fear.
- Leaders and communities are pegged as being against development. Communities are put on the defensive and seen as terrorists. “If you ask Carlos Castaño, what do you think of Kimy Pernia, he would say, ‘I have nothing against Kimy Pernia but he is opposed to Urra’.”

Against this backdrop, Luis Evelis Andrade then presented the objectives of the project. The general objective of Phase II in Colombia is “To contribute to reposition prior consultation and free, prior and informed consent with Indigenous Peoples and Black communities by: developing and implementing capacity-building regarding consultation; dialogue between community, business and government actors in order to establish mechanisms, policies and good practices to implement prior consultation in Colombia.” Specific objectives include capacity-building of leaders; enabling spaces for dialogue, exchange and agreement-making between communities, government and the private sector; updating the background document by further information gathering and documentation of consultation processes and also small-scale mining; accompanying, supporting and documenting up to 3 current processes of prior consultation and free, prior and informed consent; defining and implementing culturally appropriate dissemination mechanisms and processes.
Discussion

Q. : Is this project an uphill battle given Decreto 1320?
A. CR: The government recognizes that Decreto 1320 doesn’t work and so do the companies. It can be reformed. In one consultation process Ecopetrol agreed not to use Decreto 1320, so there is some more willingness to do things differently.

Q. : What are the principal risks of this project?
A. CR: The principal risk is that there are no political conditions for dialogue and to make this a political debate. We need to pave the way so that the government and companies are not in control. There is also the risk of political macarthyism — that we will be marked as terrorists if we want dialogue. But it is our decision to defend our rights. It’s unfortunate, but in Colombia it is always a risk to defend our rights and dignity, this is the reality. We assume that risk permanently. We know we’re not doing anything illegal, that our rights are legalized, so why this? If we thought of all that, we would be paralyzed — we need to take these risks.

Suriname

Josée Artist of VIDS noted that follow-up to the IDRC-funded project in Suriname is still in the planning stage, but could include: land mapping and demarcation of the traditional areas of the peoples affected by the mining developments to complement work that already has been done on this in West Suriname; ongoing capacity-building regarding negotiation skills and other subjects, and awareness-raising regarding company plans; strengthening the decision-making structures in the villages (a potential office in West Suriname); continuing work on the consultation/consent protocol; follow-up and ongoing support to the communities as the official ESIA processes of the development projects takes place. In the meantime VIDS will continue its work to gain legal recognition of land rights and influencing the content of draft legislation such as the Draft Mining Act and other Acts concerning Indigenous Peoples.

Indigenous-to-Indigenous Training

Peigi Wilson, Director, Environmental Stewardship, Assembly of First Nations, presented the Indigenous-to-Indigenous Training component CIDA will be funding.

This component responds to needs identified in Phase I of the research, and has as its main objective “to enable two-way learning between Canadian Indigenous Peoples and Southern partners regarding interactions with mining companies and government with a view to mutual empowerment in developing appropriate strategies and mechanisms that support and further Indigenous and Tribal rights, processes and aspirations.”

— Peigi Wilson
actions with mining companies and government with a view to mutual empowerment in developing appropriate strategies and mechanisms that support and further Indigenous and Tribal rights, processes and aspirations." Canadian Indigenous trainers will be identified through a 4-person Aboriginal Capacity-Building Working Group established for this purpose. Criteria for selection will include gender and inter-generational considerations. Canadian trainers will attend several field activities in teams of two, and will provide knowledge on issues ranging from negotiations to communicating the risks of mining-related contamination and its impacts on human health. In addition, a workshop on Impact Benefit Agreements will be held in Canada including Canadian and southern partners. Participatory evaluations will take place throughout the project to adapt and strengthen the trainings. Project outcomes will include training materials and documentation of lessons learned in developing and strengthening Indigenous-to-Indigenous partnerships.
5. Open Discussion

LEA: Behind this discussion is the issue of ‘development’. We need development that guarantees protection of the environment. We need to advance regarding how to negotiate, but that’s nothing if there isn’t political will. We need to stop the backward steps to advances to the rights we have gained. We have to think of progress, development, impacts, climate change — everything related to this. Also, unequal conditions for dialogue and MDGs. With the El Cerrejon coal mine, there is coal for the whole world and riches for Colombia. But I say, there is misery and poverty for the Wayuu.

MC: Can Canadian companies apply best practices abroad?

GP: This has been a very interesting and enlightened day. What comes across is complexity. Perhaps there are learnings here in Canada, but these are just recent. Only recently we have Supreme Court decisions that have given substance to the interpretation of rights. They have been in the common law since the 17th and 18th century. But we’re taking about jurisdictions that don’t have rights, and where these rights do exist, they are not being implemented. These are difficult challenges…the capacity of enforcement and application of laws and enforcement of rights on a level playing field. We even have that challenge within best practices. We’re challenged here to ensure best practices are applied here across Canada. We’ve been working with civil society and developing a toolkit. The right thing is to set a platform directly between communities where community experience has had a long evolution. In Canada we make impact benefit agreements (IBAs). We need to give communities and governments conditions so that revenue-sharing happens. As well as understanding how we mitigate, and to understand the financial capacities to ensure miners don’t contaminate lakes and rivers. These are tall challenges.

Collectively we have 30 years of building costs into decision-making. We only have some 35 years of history, and we’re not at an endpoint. The primary means of capturing costs is through regulation. The Canadian Government could spend more time assisting with this process. In Ontario, we’ve moved quite significantly.
The UN regards Ontario mining legislation as a “model”. There are good things in Indigenous-to-Indigenous training, if you can expand that.

There needs to be a greater government role and good enforcement, or else people will try to expand their margin of profit.

MAC has a Towards Sustainable Mining Initiative that recognizes elements of human rights and Indigenous rights. The MAC is still in discussion regarding how to use this abroad. We’re more in a situation of learning from others and taking this to international levels. Many small companies aren’t members of MAC, and they may or may not be members of PDAC. It’s a challenge to have them become part.

With E3, there are 2000 pages of data. However workshops and capacity-building modules are needed if this is to work. How to make that training tool an opportunity is a key question, and the Canadian government could be asked to help support this.

CC to MC: I’m interested in the threat from conservation actions by government. You mentioned the government is pushing for conservation on the one hand and extraction on the other. Is there a link?

MC: There is no integrated land-use planning in Guyana. But strategically, yes — the problem re balancing conservation and mining is that there is no consultation in either, both are imposed without respect for Indigenous rights. Given advances at the international level and in international laws subscribed to by Guyana, this shouldn’t be happening anymore. Two years ago the Durban Action Plan recognized Indigenous rights in protected areas, and the CBD followed that. So the norm exists and those who subscribe to the CBD should push for this. There is a need to disseminate and spread these new standards.

JA: With the free entry system here in Canada, anyone can put $41 towards a claim without consulting, and not even Canada benefits from that. This is the root cause of the issue.

LB: It’s very important to bring indigenous perspectives to the front. In different countries you find different things: small-scale mining, large-scale mining and juniors. With regards to capacity-building, our emphasis is very related to communities. In Latin America, if we don’t build capacity for the government and companies, then we will still have a problem. We need to balance the three legs at the same level. One big problem about conflicts today — it isn’t so much about what to do, but how to do it. For governments it’s a challenge; they built systems that didn’t include communities. Now that culture needs to change, and building capacities is part of the process. How can we change that scenario. A big part of conflicts is that we have expectations regarding rights and regulations.

“\nIn Colombia we have spent many years talking with people. We establish agreements regarding the process of negotiating, for example with hydroelectricity. But in the case of Canada there is confidentiality, and you can’t share. So the question is how can you learn? It’s impossible to transmit this except for orally. But that’s a legacy that belongs to my community, and we share it among the Blacks and Indigenous Peoples. How can you learn if you have confidentiality clauses?\n
— Carlos Rosero \n
and policies don’t meet them. We need to build policies and regulations that support these.

CR: One of the presentations has made me turn things in my head. In Colombia we have spent many years talking with people. We establish agreements regarding the process of negotiating, for example with hydroelectricity. But in the case of Canada there is confidentiality, and you can’t share. So the question is how can you learn? It’s impossible to transmit this except for orally. But that’s a legacy that belongs to my community, and we share it among the Blacks and Indigenous Peoples. How can you learn if you have confidentiality clauses? With the balance of power, if I can share how things went, then other communities can learn. This is my concern.

6. Closing

Peigi Wilson and Viviane Weitzner thanked participants for their participation and the good discussion that took place. They thanked the translators for their excellent work in keeping up with presenters, and special thanks were extended to the Marcelo Saavedra and Bente Molenaar of The North-South Institute who played key roles in making the event a success. The Elder was also acknowledged for his important role in opening and maintaining the space for productive dialogue.

Elder Decontie closed the meeting with a prayer.
## Appendix 1: Participants’ List

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Appendix 2: Press Release

For immediate release

October 6, 2005

Indigenous and Tribal Leaders from the Americas meet with Government and Mining Industry in Ottawa

OTTAWA — Indigenous and Tribal leaders from the Americas are meeting in Ottawa to strategize and to discuss with the Canadian government and mining industry how best to ensure Indigenous and Tribal rights are recognized in decision-making on mining and development activities affecting ancestral lands.

The main workshop, which takes place on October 4th and 5th, is entitled “Mining on or Near Ancestral Lands in the Americas” and is co-hosted by Assembly of First Nations (AFN) and The North-South Institute (NSI) and funded by Canada’s International Development Research Centre.

“We have fought many battles with mining interests and continue to struggle against development in our territories that is not in our best interest and which proceeds without our involvement,” Assembly of First Nations Quebec Regional Chief Ghislain Picard said in an October 4th address to Indigenous and Tribal leaders from the Americas, Canadian mining executives, government officials and non-governmental organizations.

This experience is echoed across the Americas. In Guyana, communities living along the Essequibo river system are still feeling the effects from Canadian Gold Mining Company Cambior’s cyanide spill at Omai ten years ago. “Our country appears not to have learned from this lesson as
not only are we encouraging more large multinationals, but we are also encouraging the invasion of small-scale mining,” said Jean La Rose, Programme Administrator of the Amerindian Peoples Association of Guyana.

In Colombia, despite some of the most progressive legislation around Indigenous and Tribal rights in the world, the right to free, prior and informed consent is not being applied in all cases, or appropriately, according to national and international law.

“Prior to any intervention on Indigenous and Afro-Colombian territories, there must be consultation and agreement, respectful of our collective and human rights, in order to guarantee our Peoples’ cultural integrity,” stressed Luis Evelis Andrade, President of Colombia’s National Indigenous Organization (ONIC).

In Suriname, Indigenous and Tribal Peoples face the steepest uphill battle in the Americas, in that they have yet to receive official recognition from the State for collective title to their ancestral territories and recognition of any rights as Indigenous and Tribal Peoples.

“Indigenous Peoples rarely benefit from the economic advantages of a mining venture, and yet often pay the highest price,” said the AFN’s Nova Scotia and Newfoundland Regional Chief, Rick Simon. “The impact on our traditional ways of life can be devastating. We want to find a way that we can work with the government and the mining industry to ensure that our rights and interests are respected in the process.”

In this week’s meetings, Indigenous and Tribal leaders from Guyana, Colombia, Suriname and Canada and their organizational representatives will share experiences negotiating with the private sector and government. They are calling on Canadian industry and government to change policy and practice both at home and internationally to ensure Indigenous and Tribal rights, processes and aspirations are respected in decision-making.

“First Nations have won some hard earned victories in the past twenty years,” said Regional Chief Rick Simon. “We have won recognition of our Aboriginal and Treaty rights and have had them confirmed in the Constitution. The government must consult with us on matters that impact on our enjoyment of these rights and must accommodate our interests.” In Canada, mechanisms such as Impact Benefit Agreements exist that can help mitigate negative impacts and maximize positive benefits from developments.

Industry has also started including Indigenous interests in voluntary guidelines, and discussions around the effectiveness of these and other mechanisms such as multi-party dialogues will be debated.

“It is time these principles are put into practice overseas. Our right to decide what happens on our land must be respected,” said Lawrence Anselmo, former Toshao and coordinator for the Upper Mazaruni District Council in Guyana.

Indigenous and Tribal Leaders are meeting at a time when the Parliament of Canada is set to begin deliberations on a report from the House of Commons Standing Committee of Foreign Affairs and International Trade which recommends that Canada should establish clear legal norms to ensure Canadian companies are held accountable when there is evidence of environmental and/or human rights violations associated with their activities.

“Research by The North-South Institute and our partners has highlighted that while voluntary guidelines are an important step in the right direction, these simply are not enough to ensure accountability or the upholding of Indigenous and Tribal rights,” said Roy Culpeper, President and CEO of The North-South Institute. “Mechanisms such as appropriate consultation and consent processes are critical in ensuring equitable outcomes, and we hope the work programme and discussions this week will help to inform the debate in Parliament.”

Indigenous and Tribal leaders are available for interviews throughout the week.