

Indigenous Peoples Advisory Forum

To the Aluminium Stewardship Initiative



The third meeting of the Indigenous Peoples' Advisory Forum to the Aluminium Stewardship Initiative (ASI) was held in Suriname between 21 – 24 March 2018, hosted by Vereniging van Inheemse Dorpshoofden in Suriname (VIDS), (in English, the association of village leaders in Suriname). This is a summary report of the proceedings of the meeting, with the key outcome documents annexed herein.

Table of contents

Contents	03
Meeting Objectives	04
Wednesday 21 March 2018	05
All participants session	05
Captain Jona Gunther, Welcome	05
Marie-Josée Artist, Objectives of the Meeting	05
Robie Halip, Introductory Session on the IPAF	05
Fiona Solomon, Aluminium Stewardship Initiative 2018 Program of Work	06
Mark Annandale, Report on indigenous peoples' participation in extractive industry standards	08
Leo von Carlowitz, GIZ	09
Louis Biswane, KLIM representative from the field site area	09
Angela Kaxuyana and Dimitrio Tiriya, COIAB	10
Indigenous only afternoon session	11
Progress against planned work 2017 – 2018	11
Thursday 22 March	12
Field trip to the Wane creek area.	12
Friday 23 March	13
Indigenous only session	13
Standard Committee and associated working groups	13
Review of the IPAF Terms of Reference	13
All participants session	13
Work program of the ASI	13
Solidarity night	14
Saturday 24 March	15
Indigenous only session	15
All participant session	15
Nomination of IPAF members to the Standards Committee	15
Complaints Mechanism: visualisation	15
Meeting conclusion	15
Annex One: Agenda as printed	16
Annex 2: Participants list	21
Annex 3: Reference Documents	22
Annex 3: Amended Terms of Reference for the IPAF [to be reviewed]	23
Annex 4: Recommendations from the Indigenous Peoples Advisory Forum to the Aluminium Stewardship Initiative [as proposed]	26

Meeting Objectives

- To convene IPAF participants with the indigenous peoples of Suriname to share experiences and perspectives
- To increase awareness of sustainability issues and practices associated with bauxite mining and alumina refining amongst IPAF participants
- To continue to provide IPAF input into the development of ASI's certification program for the aluminium value chain
- To agree two IPAF representatives to the ASI Standards Committee

Wednesday 21 March 2018

All participants session

Chief Selowin gave a prayer to open the meeting.

Chief Jona Gunther, Welcome

Chief Jona Gunther formally welcomed all participants to Suriname, and expressed a wish for a productive meeting over the days that we are together. He introduced the organisation VIDS to all participants: VIDS was established after the Interior War and has as its main purpose the recognition of the land rights of indigenous peoples in Suriname, and is the main overarching organisation of all indigenous peoples in Suriname.

To support the work of VIDS, there are regional organisations of villages in Marowijne and in Para and other districts. They function as the regional arms of the VIDS organisation. "We are not where we want to be now, but we continue to talk with the government to gain recognition of our rights." Captain Jona wished the meeting well, fruitful exchanging of thoughts and ideas, to find out how we can proceed with the work.

Marie-Josée Artist, Objectives of the Meeting

Marie-Josée Artist welcomed people and introduced the objectives of the IPAF meeting in 2018. These objectives are brought forward to each annual meeting of the Forum, to guide the work that we do together.

Robie Halip, Introductory Session on the IPAF

The first expert meeting of indigenous peoples regarding the ASI was held in Chiang Mai in 2015. At that stage there was detailed discussion, not of the Standard itself (which was largely negotiated and agreed by that stage) but rather the indicators that were being proposed to measure achievement of the standard. The outcomes of that meeting were many: comments to those indicators; preparation of two guidance notes for ASI members (one on the implementation of Free, Prior and Informed Consent, and one on the identification of indigenous peoples); and a general statement regarding the importance of providing indigenous peoples with effective participation in a Standard that seeks to recognise and increase respect for their rights. The fact sheets remain on the ASI website and the expectation is that they will be continually used by ASI member companies.

In 2016 a further expert meeting was held in Kuantan in Malaysia. In this second expert meeting the Terms of Reference for the Indigenous Peoples Advisory Forum (IPAF) was drafted and the IPAF was formally proposed to the ASI Board as an independent platform for indigenous peoples within the ASI. A publication on the impact on indigenous peoples from the aluminium industry was finalised and printed in 2016. Case studies included experiences from Suriname, Guinea, Malaysia, Cambodia and Australia, and provide detailed experiences from indigenous peoples about the experiences, challenges and lessons learnt from these communities. In 2016 Robie Halip and Marie-Josée Artist were also nominated as the interim IPAF Steering Committee members. Participants from Guinea were involved in this meeting, but have not been able to be involved since due to significant visa challenges.

In 2017 the IPAF convened its annual meeting in Australia, hosted by the Gumatj people in Arnhem Land. During this meeting there was a series of inputs drafted as recommendations into the ASI Guidance Document for the Performance Standard, particularly on Principle 9 on Human Rights. There is an expectation that IPAF will be able to provide more guidance directly to ASI members on issues related to indigenous peoples, including FPIC and underlying rights on lands, territories and resources. This meeting will review again how IPAF and ASI can support the advancement of the recognition of the rights of indigenous peoples.

The ASI is a multi-stakeholder forum involving companies, non-governmental organisations, indigenous peoples' organisations, and others. At the outset and still now there is quite a lot of nervousness and concern among indigenous peoples' organisations about engaging directly with companies in this way. When proposing the establishment of IPAF, the involved indigenous peoples' and support organisations proposed that there would be very independent working methodologies and that the platform would be an independent advisory process. It was made clear that IPAF has a function to provide advice, because it is important that the perspectives of indigenous peoples are brought into arenas like this, but would be independent. Indigenous peoples have also been involved in the ICMM, the International Council on Mining and Metals, but it does not have an independent platform for us there. We consider the independent nature of this platform to be a very important step in developing certification for commodities.

Leo queried the frequency of meetings of the whole Forum, and also who pays for this meeting. It was confirmed that the ASI paid for the face-to-face meetings and other work of the IPAF. Robie reflected that input into the governance documents and technical documents is complicated and time consuming, and it is difficult to do through teleconferences or similar. Members of IPAF are also individuals and organisations who have full-time jobs elsewhere as well, and the time commitment is considerable. There is a language barrier across the Forum as well, with members comfortable working in French, Portuguese and English.

Samin shared that the challenge is to bring up the experiences and knowledge of indigenous peoples from the ground up into the standard setting arena. There is great value in this happening but it is a task that is very difficult. Nicholas shared that in India there have been some very bad experiences with multi-national or other companies mining, including Bauxite, which led to very severe impacts on indigenous peoples. There are some protective laws, including to stop mining in protected areas (which tend to overlap with indigenous territories). The history in India generally has been that indigenous peoples are very excluded from and suppressed by mining companies and government interests in mineral extraction. There is a hope that governance structures like ASI and the certification that is required can help this situation. The experiences already shared through IPAF meetings, including the ways in which indigenous peoples in Australia have been able to take control of their own local economy.

Robie concluded that the IPAF space is a challenge, and giving in technical inputs into documents is one element of the work, participating in the Standards Committee is another element is another, but more broadly than this IPAF is an opportunity to establish and build solidarity for indigenous peoples' impacting by mining.

Fiona Solomon, Aluminium Stewardship Initiative 2018 Program of Work

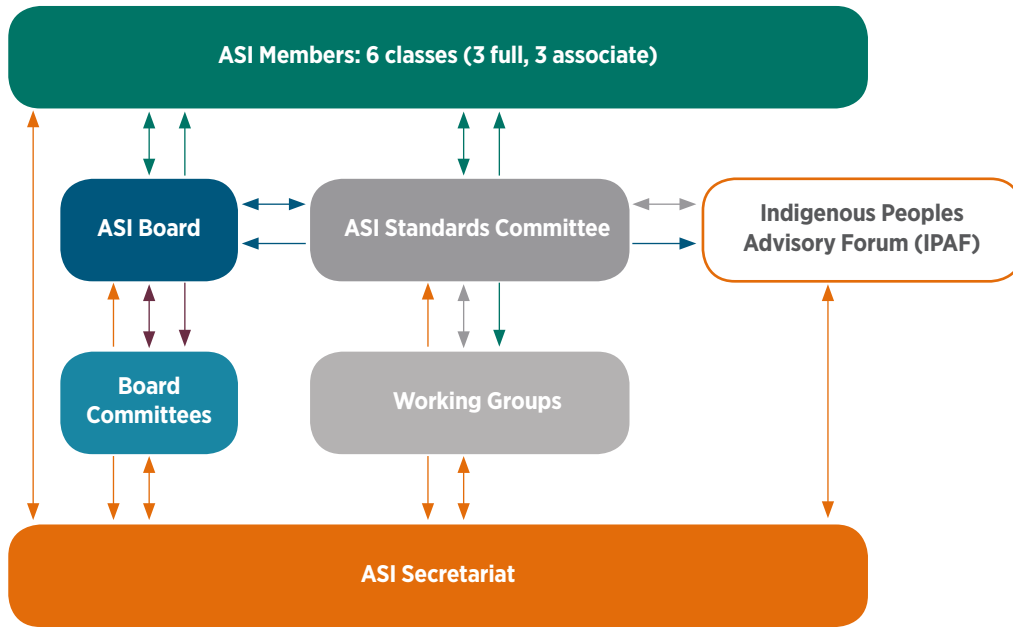
Fiona thanked the hosts, particularly to VIDS for hosting us, and for everyone for making the journey to here. She confirmed that the Forum is very important to the ASI and that “we want to see it grow and build in years to come”.

The ASI is young, only 3-4 years now, and is a multi-stakeholder platform. It has companies from throughout the value chain, it has NGOs, social and environmental, and it has engagement from indigenous peoples as well. The ASI wants to see aluminium produced to higher social and environmental standards and improved stewardship of the metal – higher levels of recycling. The ASI standard applies to the whole supply chain, from mining, smelting, producing, transforming and recycling. The intent with the full life chain is to increase the collection and recycling in order to reduce the need for new mining and extraction.

The standard wants to be able to claim responsible production at the customer end, and this is what the certification is intended to provide. The ASI system includes three sets of documents (rules) about how the system works:

1. The Performance Standard
2. The Chain of Custody Standard
3. Assurance and Claims (what companies are allowed to say in relation to their certification status)

The governance at the ASI is as follows:



ASI members currently number at approximately 61 different members who elect the Board and the Standards Committee. It is the latter group that is involved in the technical detail of how the standard is working. Under the Standard Committee there are also Working Groups which look at particular issues in detail, currently working ones include the WG on Human Rights and the WG on Environmental Impacts.

The ASI is committed to further supporting and developing the IPAF, through the annual meetings which function to connect participants, to open dialogue between the ASI and IPAF, supporting annual work planning, and review and provide input into specific issues and work programmes. In addition to the annual meetings are the opportunities for participation through the Standards Committee (teleconferences, annual face-to-face meeting) meeting with the Board and then participating in the working groups mentioned above. This year's Annual General Meeting will be held in Perth in Australia, and there are options for how to highlight the work of indigenous peoples in that AGM – a Panel on Indigenous Peoples and Mining perhaps? There is going to be a sustained level in the budget support for IPAF, which currently stands at AUD 55,000.

ASI general activities this year include working towards the first certifications. There is a 2-year deadline for all members to attain some certification in their work areas. Within the ASI Secretariat there is a focus on rolling out the certification system, including a training programme – training for members and for auditors – and they would like to have a training module specifically on indigenous peoples' rights or indigenous peoples' experiences with this industry. There is also a focus on monitoring and evaluation to assess how impact is being seen on the ground. Working Groups are also proceeding with work on human rights and biodiversity, which could involve indigenous peoples or IPAF may want to provide inputs separately.

ASI would like to see discussion at this meeting into the scope of collaborative work that can be done this year between IPAF and ASI. One item is the review of the ASI complaints mechanism and visualisation of how that complaint mechanism might work. Another area of possible collaboration is on monitoring and evaluation, particularly monitoring and evaluation of whether FPIC has been effectively implemented or not. Education programmes (webinars and training) being developed for members, and there is interest in developing training specifically on FPIC and other issues of importance to indigenous peoples. There is also a key need to talk about the 2019 IPAF meeting in advance to start planning and discussion this meeting.

Discussion followed that there is a need to do additional resource mobilisation for the work of the IPAF. Nicholas queried where companies are at the moment in working towards certification, and Fiona explained the incentives or motivation built into systems of certification like this, for customer demands or other claims that are able to be made.

Samin raised a query about the current status of the complaints mechanism, how it has been designed and how it is envisaged to be functional. Fiona noted that the Complaints Mechanism was a large part of the discussion in the 2016 Malaysian meeting, and some of the design was altered due to those discussions, including provision of translation services to try to ensure that the Mechanism is accessible for indigenous peoples.

Helen noted that the Complaints Mechanism was also part of the discussion in the 2016 Expert Meeting in Kuantan, Malaysia, and some specific items were included in the Terms of Reference for the IPAF about the relationship between IPAF and the Complaints Mechanism. There was some broader discussion about the pressures that exist in the aluminium supply chain that could drive company interest in pursuing certification.

The Complaints Mechanism will be discussed again later in the agenda, so the discussion was closed to be picked up again.

Mark Annandale, Report on indigenous peoples' participation in extractive industry standards

Mark Annandale introduced the work that he has been doing on reviewing indigenous peoples' participation in sustainability standards for extractives – broadly defined as including mining, forestry, oil, gas, palm oil and hydroelectricity. The study looked at five different standard setting processes: Forest Stewardship Council (FSC); Aluminium Stewardship Initiative (ASI); Roundtable on Sustainable Palm Oil (RSPO); Equitable Origins (EO); and Responsible Jewellery Council (RJC).

Key recommendations that emerged from the study included the following:

- Certification programmes should include a permanent Indigenous Peoples advisory body
- Context – specific FPIC guides are needed to support extractive companies and local indigenous peoples (trainings of both sides)
- Context – specific FPIC verification criteria / frameworks to support auditors
- Greater transparency of FPIC processes and outcomes
- Auditors require locally-specific knowledge and context to function effectively

Leo von Carlowitz, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Leo von Carlowitz provided a presentation on the work of GIZ in the area of resource extraction, an area that GIZ is interested in due to the challenges seen in countries that have high levels of mineral or resource wealth and yet do not see significant development or widespread economic benefit from the extraction and sale of those resources. Germany is also interested in natural resources in part due to the reliance on mineral resources into German industry as well (under one Ministry), and also interested in promoting sustainable management of natural resource management as an element of the development philosophy and aims of the German government (under the development ministry – BMZ). This latter programme of work and interest includes improved governance, increasing locally added value on resources before export and other elements.

GIZ also uses the Sustainable Development Goals (SDGs) as a framework for their interest in development support – these now include commitments and measurement of industrialised countries as well as development countries (the latter were the only focus of the earlier MDGs, Millennium Development Goals). Recommended a reference to the ‘Mining and SDGs: An Atlas’. GIZ development support focuses on two SDGs, 12 and 17 (the former on responsible consumption and production, and the latter on partnership for the goals).

The GIZ ‘resource governance’ portfolio including: providing strategic advice, legal and regulatory advice for mining legislation and contracting (or concessions), capacity development within governments; supports national EITI processes, support for sustainability initiatives and certification schemes and finally promote human rights in mining. The German government has a strong commitment to human rights, including a compulsory risk analysis for all German development programmes. GIZ also supports supply chain and value chain initiatives, and works under a framework National Action Plan on Human Rights. GIZ overseas development assistance focuses on Central and West Africa, with some more limited work in Central and South America, very limited in Asia. The ‘Extractives for Development’ programme is primarily a centrally based programme, with only a little field work, which focuses on the conception and implementation of pilot projects, and to support knowledge transfer. GIZ also supports sustainability initiatives, including the Extractive Industries Transparency Initiative (EITI), CONNEX Initiative, the European Partnership for Responsible Minerals (EPRM), the Aluminium

Stewardship Initiative, the Global Battery Alliance and the emerging Responsible Steel Initiative.

Discussion of the GIZ presentation included Nicholas querying the longer-term development impact of resource extraction given that resources will indeed disappear at some point. GIZ views natural resources as possible ways to develop positive social and economic change in a country. However this needs to be seen in the context of trade policy and other enabling factors. Cathal also raised the challenge of viewing mining as a vehicle for sustainable development, and that good governance – often cited as a key solution to bad practices – is an insufficient response to the human rights violations and conflicts that are fostered by mining activities.

LUNCH

Louis Biswane, KLIM representative from the field site area

Louis Biswane introduced the area in which the field trip will be conducted on Thursday. He described the history of the lower Marowijne rive and the 8 indigenous communities who live there, including their fight through the Inter-American Court on Human Rights in which they successfully fought a case asking for their land rights to be respected. Although a significant positive result was achieved, the judgement is largely unimplemented after 11 years. One element of the court case was that the area mined needed to be rehabilitated, which the company now says that they have done. The rehabilitation has not been successful in the view of the communities. The stories of the elders in the area talk about the value of the old standing forest, including specific valuable species of trees, which are simply not present in the area any more.

Louis shared a series of photos showing the situation of the site at the point when the mine activities were being closed (2007). Springs active in the area disappeared, dried up or were taken out during the mining and have not been restored. During rehabilitation there were strong restrictions in place about access to the mine area, which were disliked at the time, and meant that people were not able to access their traditional area even after the mining was done.

Mark queried whether the company asked any of the local communities what types of trees they wanted re-planted, and Louis confirmed that there was no consultation. After VIDS requested access to the area for the affected communities, the company agreed and showed them the area that is in

the process of being rehabilitated, but the trees were already chosen and planted and they are not suitable and not valuable. Queries were also raised about the benefits shared back to the impacted communities during the period of the mining, and it was confirmed that there were very few, very small amounts. In West Suriname, where the exploration was happening later, there were better allowances for benefit sharing.

Cathal queried what had happened with the significant judgement of the Inter-American Court on Human Rights, and what the company said in response. The company claims that the rehabilitation is complete, but there are some on-going discussions.

Angela Kaxuyana and Dimitrio Tiriya, COIAB

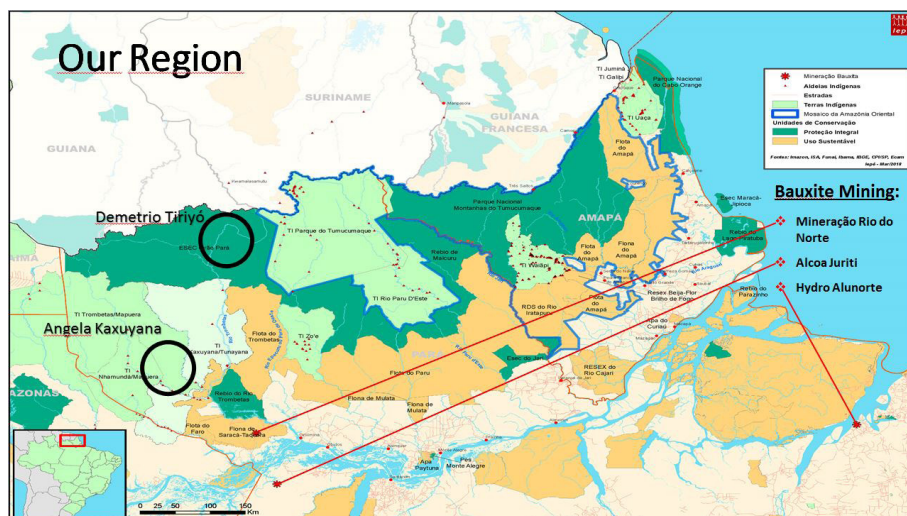
Angela Kaxuyana presented a case from Brazil, where there are 305 different indigenous groups, not including the newly contacted and living in isolation groups. There are 714 recognised indigenous lands covering 14% of the area of Brazil, and in the Brazilian Amazon this rises to 23%.

Indigenous peoples in Brazil have organised themselves into the Network of Indigenous Peoples in Brazil – Articulação dos Povos Indígenas do Brasil – a network which includes 7 organisations from other areas of Brazil. These smaller organisations are regionally separated, and the one for the Brazilian Amazon – COIAB – is also made up of smaller organisations that are aligned at a state level, 9 of them within the Brazilian Amazon alongside those 9 states. In the far north of Brazil there is a network of indigenous territories

and protected areas that cover (together) most of the land area of Para and Amapa states. This area includes the largest of the indigenous territories in the Brazilian Amazon and also some of the largest protected areas in Brazil. However despite the protected status of much of the area, it is also an area in Brazil that has significant mineral reserves so it is an area in which is the target of much interest. The area also has three significant Bauxite mining or processing sites: the Mineração Rio do Norte, Alcoa Juriti and Hydro Alunorte. In addition to the areas inhabited by indigenous peoples, there are also Maroon populations (descendants of escaped slaves, who live closer to the Bauxite mining areas) and river-dependent communities, the quilambola. In addition to the named three areas, there is also research and exploration being done that points to increased mining in the future.

Recently, in November 2015, there was a large-scale spill in Brazil, the Samarco Tailings disaster. The tailing dam split large quantities of waste directly into a river (the Rio Doce, the largest river in the region) and a whole city was damaged badly, and flowed through to the sea. It was the worst environmental disaster in Brazil's history, caused at least 17 deaths and released 60 million cubic meters of iron waste.

Further north, the Mineração Rio do Norte, formed by a partnership between Vale, Alcoa, NorskHydro, Rio Tinto and others, is mining and processing Bauxite, resulting in a large tailing dam which people fear due to the recent history of the disaster of 2015. The tailing dam is very close to a large number of communities (quilombolas) and next to a large river just up from its connection to the Amazon river. The tailing dam of Mineração Rio do Norte is dammed about 400 meters from the



potentially impacted communities, and is built in a manner that does not require an emergency plan to be put into place for possible dam collapse.

Nearby in the Para state there is also a proposed new project by Rio Tinto to remove a projected 2 million metric tonnes of bauxite from a concession area requested by Rio Tinto. The project was not approved by the State Government at the first request, for unclear reasons, although this may change with a new State Government expected to be put into power in the next elections. In addition to the protected areas, expensive mineral exploration and exploitation licenses, there are also current and proposed hydro-electric dams in the area. The largest hydro dam being proposed in the area (1 million KW) is very close to the Mineração Rio do Norte mining site as well. The large dam was proposed first in the 1970's and was blocked at that time by the communities and there was widespread conflict at the time. It is now coming back as a new proposal.

Angela ended by saying that it is crucial for the Brazilian government to respect the rights of indigenous peoples, including proper use of free, prior and informed consent. In the Brazilian experience, FPIC is too often used to override community views where approval is found by one or two individuals.

Demetrio Tiriyo continued the Brazilian experience sharing, he comes from APOINP and APITIKATXI, both indigenous peoples' organisations. In the northern Para and Amapa states there are many indigenous groups who are also resident in the Guianas, French Guiana, Suriname, Guyana. The indigenous lands on the Brazil side are all legally demarcated into indigenous reserves. In some reserves a number of peoples may be clustered into the same reserve, and there are high levels of communication across the border of Brazil with peoples of the same language groups in Suriname, Guyana, Guiana. Previously indigenous peoples were not settled or sedentary, but with the creation of these reserves they are more held to a single area and have settled in more permanent communities. The reserves are also the level at which land use planning is taking place to see how the land can sustain the peoples in to the future.

Discussions: there is a query about the development of hydro dams and who is developing the new proposals, are they proposed by private companies in the main, or by the government? This picture is changing, with increasingly private companies being responsible for a longer part of the life cycle of projects, financing, proposing, using, selling, with less government involvement.

Indigenous only afternoon session

Progress against planned work 2017 – 2018

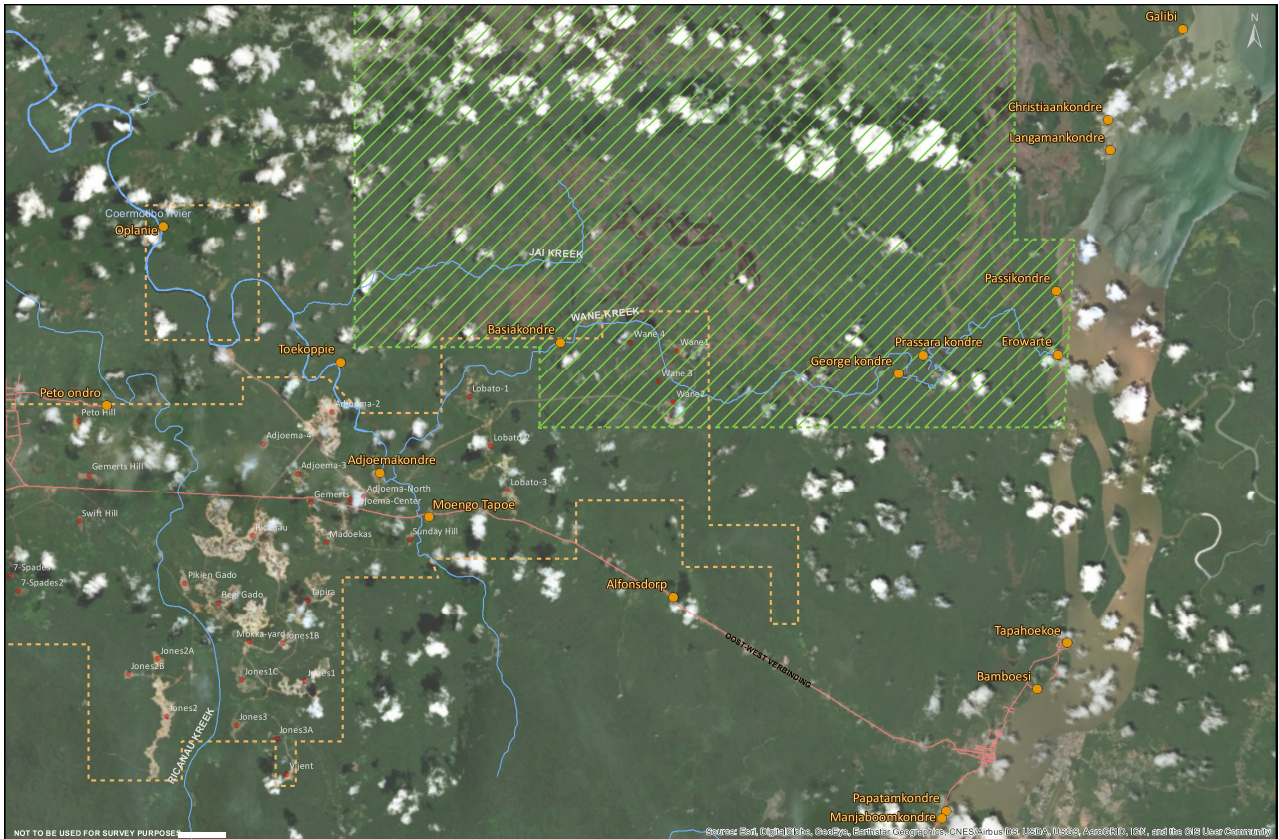
Robie presented the IPAF work plans for 2017 and 2018. The challenge of the constraints of the IPAF work planning processes with limited budget and a limit to the scope of what ASI covers (only certified member activities). Members of ASI are beginning to come with significant questions to the IPAF regarding FPIC implementation and good practices, and so as a Forum what advice to we give in relation to FPIC to these member countries. The auditors who will be assessing company behaviour will also be looking for guidance on how to identify indigenous peoples and how to assess whether FPIC has been achieved.

Proposed activities in 2017 were focused on the convening of the 2018 IPAF meeting, additional activities were difficult to fund. Potential GIZ project funding was dedicated to a sector-wide review of indigenous peoples' participation in extractive industry standards (presented to IPAF on the first day of the meeting). Outreach activities planned have been – to a certain extent – successful, but further outreach is needed to ensure continued expansion of the network and inclusion of people who can work towards taking leadership roles within the Forum.

Forum members also reflected on the importance of ensuring that IPAF remains aligned with wider indigenous organisations and movements working on extractive industries, including through the global network on indigenous peoples affected by extractive industries.

Thursday 22 March 2018

Field trip to the Wane creek area



Wane area in district Marowijne, East Suriname, about a 2-hour drive from Paramaribo, is part of the territory of Indigenous Peoples' communities. In 1986 the Government established the Wane protection area because the wet clay savannas of the Wane creek and the white wet savannas of the Wade type are present in Suriname and nowhere else, making this reserve unique. By the time the protected area was established, mining of Bauxite by Alcoa/ Suralco and BHP Billiton had already taken place for over 50 years.

After a hundred years of bauxite mining, first BHP Billiton (2011) and then Alcoa/Suralco (2015) decided to close all mine activities in Suriname. Suralco still have some operations running related to mine closures. In Coermotibo, near Wane creek, the land of Indigenous peoples, Suralco say they have rehabilitated about 90 % of the vegetation.

Alcoa/Suralco gave a guided tour to Wane areas 1 and 2, which are mined and rehabilitated areas in the territory of indigenous peoples and in the nature reserve. From there the delegates visited Erowarte, a Kari'na village near the mouth of the Wane creek and we took a short boat tour into the Wane creek under supervision of villagers.

In Erowarte the delegates had lunch and a dialogue with villagers and other members of Kari'na and Lokono indigenous peoples of Marowijne, KLIM (Kari'na en Lokono Inheemsen Marowijne), before returning to Paramaribo.

Friday 23 March 2018

Indigenous only session

Standard Committee and associated working groups

Robie presented the adjusted agenda, working through in detail the work of the Standard Committee and the Working Groups established under the Standard Committee. IPAF will look in more detail at what indigenous peoples want to achieve under the working groups, what change is needed in the Standard.

The first element addressed on the agenda is the work of the Standards Committee at the moment. The work of the Standard Committee in 2018 includes finalising the ASI Monitoring and Evaluation Plan; participation and outcomes of the 2018 IPAF meeting in Suriname, and participating in the AGM in Australia. IPAF also needs to review the Working Groups currently established under the Steering Committee, including (but not limited to): the biodiversity and Ecosystem Services Working Group (NEW); the human Rights Working Group (NEW), and the working Group on Environmental Impacts.

The Environmental Impacts Working Group has been working for some time already and in 2018 will be looking at 'recommended guidance and methodologies to establish context specific and meaningful targets for emissions and waste reductions'. They have also been requested to review environmental-related indicators including collection processes.

The Human Rights Working Group was established in 2017 and is being finalised at the moment to support implementation of the human rights criteria (under Principle 9). The Biodiversity and Ecosystems Services Working Group is looking at the integration of ecosystem services and the expansion of no-go areas in the ASI Performance Standard.

These are the three working groups that will require some input from indigenous peoples. However it is also possible for more integrated input from IPAF to consider discussions across the different working groups and to provide more integrated advice, which can then be tabled directly to the Standard Committee.

The meeting concluded that newer participants, from both Suriname and Brazil, needed more time to become familiar with the Performance Standard and the ASI system that exists around it. Break-out groups for this morning session will focus on ensuring that newer participants can understand where the Standard is at the moment. Further to that, groups (Suriname

group, Brazil group, Asia group) will review key elements of where input is needed into the ASI at the moment, focusing on guidance for auditing of key issues: FPIC, human rights due diligence, Area of Influence, Associated Facilities, human rights; and elements being discussed in ASI Standard Committee Working Groups: Biodiversity and Ecosystem Services, Human Rights, and Environmental Impacts.

Working Group discussed these topics in detail and the outcomes of these Working Groups can be found in the formal outcome document from the 2018 IPAF meeting.

LUNCH

Review of the IPAF Terms of Reference

The original Terms of Reference were presented in the meeting by Robie Halip. The original TOR foresaw a larger network than has been able to be drawn together at this stage, so the TOR may need review. Current membership remains quite limited, and the Forum could be increased in size if the Forum is a more open entity, so some changes to the TORs may be needed to achieve this. Lengthy discussion led to specific changes proposed, annexed herein.

COFFEE

All participants session

Work program of the ASI

Fiona Solomon presented on the working program of ASI that could be done in collaboration with IPAF, the first of these being monitoring and evaluation – to understand what impacts ASI is having and where. One of the key areas that ASI is trying to see improvement is in FPIC compliance and how we could assess the achievement of change in how FPIC is sought, obtained and maintained. The second idea is the training programme that ASI runs for companies and for auditors, called 'educationAL', run by Krista (based in Canada and previously having worked with First Nations peoples there).

Sharing the inputs from this morning, **Robie Halip** talked about the further work on the recommendations from this morning that will be finalised and presented tomorrow afternoon with the proposed revisions to the TOR for IPAF and the work plan for 2018-2019. What is the form of the training envisaged at the moment for members of ASI? **Fiona** responded that they are largely webinar formats (some face-to-face) with the webinar

for members and some face-to-face training of auditors about the ASI Standard and what will be expected from auditors. The ASI has some ideas about what webinars they may do in the future, and also have a format for ‘conversational’ webinars that may suit. Webinars can be done in Portuguese or Dutch or other languages also. One thing for IPAF to think through is what trainings or subjects could we present webinars on – FPIC of course, perhaps also specific examples of indigenous peoples’ experiences with aluminium production and processing. Another topic that could be useful is on the identification of indigenous peoples.

Samin proposed that training could be structured around an example of good practice, where there are some examples in Cambodia about where and how a company went through mediation to overcome non-compliance with a standard (in this case a World Bank standard). It could also be useful to collect all the national and international instruments that relate to the rights of indigenous peoples. A training on international and national instruments on indigenous rights, including respect for customary laws, and exchange of information sessions on indigenous peoples’ experiences.

Fiona explained that there are only a few auditing companies who are involved in the ASI standard at the moment. The training that has occurred already has covered FPIC and related topics to an extent but it could be a benefit to go deeper on these topics. The ASI is seeking expertise in customary legal systems and indigenous rights to be part of the auditor pool they are working with. **Robie** noted that the role of IPAF also includes a role in recommending experts to the ASI who have expertise in indigenous rights. These individuals could be registered now in the ‘expert register’ that is currently open – a call to action here!

Nicholas noted that many steps have been taken through the ASI process and have resulted in good high-level principles. How do we bring these lessons to the ground, to the indigenous peoples who may be impacted by aluminium production. How can ASI have a role in educating indigenous peoples directly about the presence of the ASI Standard?

Fiona noted that the webinar process could be used for this process as well. **Helen** raised the recommendation from the morning about how the ASI or IPAF could be involved in reaching out to indigenous peoples who may be impacted by a particular certification site, to raise awareness about ASI and what the certification requires and means. Agreed that this could be an area for possible future collaboration.

Robie noted that there is a range of training materials already available on free, prior and informed consent, and on other specific issues of relevance for indigenous peoples, which can be shared by IPAF to ASI for use on the training platform. **VIDS** endorsed the use of these videos used for engagement of indigenous peoples, and in the development of FPIC protocols. **Samin** asked about the possibility of including documentation training for indigenous peoples, training on the use of fact sheet templates for monitoring human rights abuses. This is more work for indigenous peoples directly, but a guide for auditors for assessing compliance with the Standard.

Training materials on key issues like UNDRIP, FPIC and others are available at AIPP’s website and other materials developed through other organisations can be collected and suggested as well. **Chief Selowin** recommended trainings at the community and village level, to allow people to be aware of this Standard, of what it could mean. Training and awareness raising at the community level is not something that can be done once, it needs to be a continuous process to allow people to understand over time. **Chief Jona** queried about which villages would or could be included, those directly impacted or more than that? Need would drive provision, so the answer is probably those directly impacted first and then other communities if the need and interest was there. **Chief Selowin** noted that even among agencies and government bodies that know about FPIC and should respect the principle, it is rarely done in practice. **Samin** noted that the UN Guiding Principles on B&HR, and similar standards applied to company action, are not binding. **Angela** explained that some of the communities in their area are in the process of developing their own community protocols, and they are hoping that they will be completed at the end of 2019 and they are willing to share those once they are done. **Cathal** noted also he has protocols that could be shared. **Robie** asked that training materials shared could be set up as a library on the IPAF page to collate these.

There will be another planning session in the morning so additional ideas can be brought forward then, particularly for community level trainings and what is needed at that level.

Solidarity night

After the meeting ended the participants all travelled to Pikin Poika community, an indigenous community about an hour away from Paramaribo. The community welcomed the IPAF participants to Suriname, and dances and songs were shared.

Saturday 24 March 2018

Indigenous only session

The morning session was an indigenous only session working on the recommendations from IPAF to be presented to the ASI Secretariat, and the proposed work plan for 2018 – 2019. There was also discussion of the names to be proposed for the Steering Committee term for 2018 – 2020. Morning sessions included presentation back of the recommendations drawn from the working groups of Friday working groups, including Brazil, Suriname and Asia.

After compiling recommendations, and reviewing them for consistency with earlier discussions, discussion turned to nomination of IPAF members to sit on the Standards Committee for the next term (2 years). The criteria against which members of the Standards Committee are chosen by the wider IPAF membership were reviewed and the key criteria of gender and regional balance were reiterated. With no clear decision in place, the final agreement was postponed to the afternoon session.

LUNCH

All participant session

Nomination of IPAF members to the Standards Committee

The afternoon session concluded on the nominated members to the Steering Committee. The following key points were made: that translation support could be provided for SC members in teleconferences in French and Portuguese, that there are induction processes for all new Steering Committee members when they join. In reflecting on the possible membership, IPAF members raised the following points:

- It is good to try to achieve gender and regional balance
- There should be an attempt towards balance between developing and developed countries as well, as experiences are quite distinct
- Canada was widely supported as a key country to have included in the IPAF work, ideally as a Steering Committee member at some stage (likely in the future)
- Reaffirmation of the need for resources for the work of the Steering Committee members

- The current members of the Steering Committee have found the experience to be enriching and a strong learning experience and raised for them a need for IPAF to think about capacity building within the Forum to ensure that other members are available to take up the task of fulfilling this function.

The decision reached was that there would be five named individuals who are working in various ways as IPAF representatives to the Steering Committee. Nicholas Barla will be named as a seat holder, with four named alternates: Samin Ngach, Robie Halip, Gina Castelain and Marie-Josée Artist. Robie and Marie-Josée will be providing support as out-going Steering Committee members, Gina and Samin will be learning the ropes to participate more strongly over time.

Complaints Mechanism: visualisation

There was a discussion on visualisation of the Complaints Mechanism of the ASI, the establishment or creation of simplified and accessible materials to explain the Complaint Mechanism. Mark presented some examples of visualisation of planning processes and outcome goals that have been developed by indigenous communities in Australia. Recommendations for this can be sent to the ASI Secretariat in the coming weeks.

Meeting conclusion

Robie Halip presented the proposed work plan for the IPAF in 2018 – 2019. Small revisions were made and it was agreed that it would be circulated in draft form to all participants for further comments (including French and Portuguese translations).

Samin Ngach and **Helen Tugendhat** presented the compiled recommendations on the following subjects: selection of auditors, conduct of audits, scope of audits, auditing FPIC, and specific recommendations on the Suriname case of the site visited by the IPAF.

The meeting was closed with agreement that the outcome documents would be circulated in draft form on the 25th of March 2018. Translations of the draft documents will be commissioned immediately and French and Portuguese documents will be shared on the IPAF listserv at the same time.

Annex One: Agenda as printed

Session	Responsible person	Time
MORNING SESSION	All participants	
Welcome Translation Loreen Jubitana (Director Bureau VIDS)	Chief Jona Gunther (vice chair VIDS & chair KLIM)	9.00 – 9.10
Objectives of the meeting	Marie-Josée Artist	9.10 – 9.15
Introductions of participants and statement of expectations from this meeting	All	9.15 – 9.30
Session on history of the IPAF	Robie Halip	9.30 – 9.45
Presentation by the ASI Secretariat - Launch of the certification system in December 2017 - On-going roles for the Indigenous Peoples Advisory Forum - ASI Annual General Meeting May 2018 - Updates on expected budget and collaborative work with IPAF 2018/2019	Fiona Solomon	9.45 – 10.15
COFFEE		10.15 – 10.30
Presentation by IPAF on progress against work plans and expectations from the meeting	Marie-Josée Artist and Robie Halip	10.30 – 11.00
Presentation by GIZ / Mark on his report on indigenous participation in certification schemes - Challenges and lessons learnt in other certification schemes	Mark Annandale	11.00 – 11.30
Presentation on GIZ's work on resource extraction	Leo von Carlowitz	11.30 – 12.00
Presentation by Equitable Origin on incorporating FPIC into voluntary standards	Soledad Mills	12.00 – 12.30
Presentation from the communities in Suriname (area of the field visit)	Community representatives	12.30 – 1.00
LUNCH		
AFTERNOON SESSION	All participants	
Introduction and presentations from Brazil	Angela Kaxuyana and Dimétrio Amisipa	2.00 – 3.30
COFFEE		3.30 – 3.45

Session	Responsible person	Time
AFTERNOON SESSION	Indigenous only	
Report back on IPAF work plan and progress		3.45 - 4.15
Presentation from the Standard Committee members	Robie Halip and Marie-Josée Artist	4.15 - 4.45
Introduction of in-depth issues to discuss: <ul style="list-style-type: none"> • Guarantees / bonds to support rehabilitation or to overcome negative impacts • Human rights working group • Environmental impact working group • Protected areas 		4.45 - 5.00
Discussion of the Brazil case study <ul style="list-style-type: none"> - How will the performance standards be implemented - Associated facilities element to be highlighted 		4.00 - 5.00
Discussion / Q&A		

Finish 5pm

All participants will be free to make their own dinner arrangements this evening. Per diem will be provided to indigenous participants.

Thursday 22 March

Field trip. Depart 7am from hotel De Luifel

Field visit to the Wane area

Friday 23 March

Start: 9am

Session	Responsible person	Time
MORNING SESSION	Indigenous only	
Open reflection on field trip and day 1		20 minutes
IPAF business (work plan, funding, outreach)		9.00 – 9.45
Review of the IPAF TOR <ul style="list-style-type: none"> • Presentation of revised roles and responsibilities 	All	9.45 – 10.15
COFFEE		10.15 – 10.45
Standard Committee member confirmation / discussion		10.45 – 11.15
Preparation for presentations for the afternoon		11.15 – 12.30
LUNCH		12.30 – 1.30
AFTERNOON SESSION	Indigenous only	
Introduction of in-depth issues to discuss: <ul style="list-style-type: none"> • Guarantees / bonds to support rehabilitation or to overcome negative impacts • Human rights working group • Environmental impact working group • Protected areas 		1.30 – 2.30
Discussion of the Brazil case study <ul style="list-style-type: none"> - How will the performance standards be implemented 		2.30 – 3.00
COFFEE		

Session	Responsible person	Time
AFTERNOON SESSION	All participants	
Review of the field trip <ul style="list-style-type: none"> • Issues raised • Next steps 		3.20 – 4.00
Discussion of ASI-IPAF collaborative activities in 2018-2019: <ul style="list-style-type: none"> - Monitoring and Evaluation program (Impacts of ASI) <ul style="list-style-type: none"> • How to evaluate effective implementation of FPIC? • Consider lessons from Equitable Origin project, Mark/GIZ project - ‘educationAI’ – webinars and training: input from IPAF <ul style="list-style-type: none"> • Work with Krista (ASI Director of Learning) on an ‘inspirational’ or ‘conversational’ session – live or recorded 		
SOLIDARITY NIGHT		

Finish: 5pm

Dinner will be served as part of the Solidarity Night.

Saturday 24 March

Start: 9am

Session	Responsible person	Time
MORNING SESSION	All participants	
Reflection on Day 3		9.00 – 9.10
Updates or news from existing members <ul style="list-style-type: none"> • India case updates, Nicholas Barla 		9.10 – 9.45
Review of ASI Complaints Mechanism and suggestions for visualisation		9.45 – 10.30
COFFEE		10.30 – 11.00
Recommendations from IPAF to the ASI		11.00 – 11.45
Presentation of proposed IPAF work plan 2018 – 2019		11.45 – 12.30
LUNCH		12.30 – 1.00
AFTERNOON SESSION	All participants	
Continued discussion of IPAF-ASI collaborative work <ul style="list-style-type: none"> - Involvement in Working Groups <ul style="list-style-type: none"> • Biodiversity and Ecosystem Services • Human Rights - Early planning of 2019 IPAF meeting 		1.30 – 2.30
Discussion of the Brazil case study <ul style="list-style-type: none"> - How will the performance standards be implemented 		2.30 – 3.00
COFFEE		2.30 – 3.00
<ul style="list-style-type: none"> - Reflection on meeting / thoughts for next time - How we can increase/improve communications between meetings - How we can support a more collaborative culture and work program 		3.00 – 4.00

Finish: 4pm

Annex 2: Participants list

* Red text indicates invited participants who were unable to attend.

	Name	Affiliation	Country
1	Nicholas Barla	Odisha Indigenous Peoples Forum	India
2	Robeliza Halip	Tebtebba Foundation	Philippines
3	Samin Ngach	Cambodia Indigenous Youth Association (CIYA)	Cambodia
4	Helen Tugendhat	Forest Peoples Programme	UK
5	Angela Kaxuyana	Coordination of Indigenous Organisations of the Brazilian Amazon (COIAB)	Brazil
6	Dimétrio Amisipa	Association of Tiriya, Kaxuyana and Txikiyana Peoples (APITIKATXI)	Brazil
7	Decio Yokota	Director of the Iepé Institute	Brazil
8	Marie-Josée Artist	Bureau VIDS	Suriname
9	Cathal Doyle	Middlesex University School of Law	Ireland
10	Mark Annandale	University of the Sunshine Coast	Australia
11	Jona Gunther	Vice chair & chair KLIM	Suriname
12	Selowin Alamijawari	KLIM	Suriname
13	Louis Biswane	Member of KLIM	Suriname
14	Kenneth Goeno	Portuguese Translator	Suriname
15	Loreen Jubitana	Bureau VIDS Director	Suriname
16	Sandra, Pauline (various)	Bureau VIDS (assistant)	Suriname
17	Rene Artist	VIDS Technical Advisor (Extractives)	Suriname
18	Gladies Kabelefodi	Chief Philipus dorp, vice-Chair OSIP	Suriname
19	Carlo Lewis	Chief Apoera, VIDS Board	Suriname
20	Theo Jubithana (only 23, 24)	Chair VIDS Board	Suriname
21	Max Ooft (only 23, 24)	Bureau VIDS	Suriname
22	Fiona Solomon	CEO, Aluminium Stewardship Initiative	Australia
23	Leopold Von Carlowitz	GIZ	Germany
	<i>Juan Carlos Jintiach</i>	<i>COICA</i>	<i>Ecuador</i>
	<i>Aboubacar Diallo</i>		<i>Guinee</i>
	<i>Soledad Mills</i>	<i>CEO, Equitable Origin</i>	

Annex 3: Reference Documents

1. Indigenous Peoples Advisory Forum (IPAF) Brochure (FR, SP, Port, Eng)
2. 2017 Work Plan of IPAF (Eng only)
3. 2018 Work Plan of IPAF (Eng only)
4. TOR for the Working Group on Biodiversity and Ecosystem Services (Eng only)
5. TOR for the Working Group on Human Rights (draft)
6. Outcomes of previous IPAF meetings
7. Brazil case study (Eng only)
8. Media coverage of the spill (English and Portuguese only)
9. Initial slides for ASI training – interviewing Indigenous peoples
10. Report by Mark Annandale (electronic only)

Annex 3: Amended Terms of Reference for the IPAF

Terms of Reference of the Forum (agreed amendments in red)

1. The IPAF will be independent from the ASI with its own protocols and rules of procedure.
2. The IPAF Members will hold least one face-to-face ordinary meeting annually, with the potential for a second meeting in the case of urgent attention needed to a particular issue (and if ASI has resources available). ASI will provide resources for the annual meetings and translation needs of the IPAF.
3. Two designated IPAF Members shall be the IPAF representatives on the ASI Standards Committee to ensure that indigenous peoples' rights, concerns, and recommendations are taken into account.
4. The IPAF representatives on the Standards Committee shall meet directly with the ASI Board at least once a year, usually at the ASI AGM. This will be an opportunity to report on and discuss issues raised to the Board's attention during the course of the year, issues raised during the IPAF meeting, and general concerns and recommendations from indigenous peoples.
5. The IPAF shall provide advice and recommendations during the development of ASI documents as they relate to indigenous peoples.
6. The IPAF shall review, reflect on and provide recommendations for improvement or change to ASI's governance arrangements.
7. The IPAF will recommend processes for participatory monitoring of compliance of ASI Standards that can directly involve indigenous peoples and participate in ASI's oversight procedures for certification and accreditation processes.
8. The IPAF's engagement with the ASI Complaints Mechanism shall include:
 - a. Acting as a resource on ASI Certification and non-conformance with ASI Standards relating to indigenous peoples;
 - b. Being informed of complaints related to the rights and interests of indigenous peoples;
 - c. Nominating indigenous rights experts to serve on Complaints Mechanism panels convened to respond to such complaints;
 - d. Participating in ASI's oversight procedures for the Complaints Mechanism.
9. The IPAF may request additional resources from the ASI for specifically identified needs, including commissioning specific research into issues raised by indigenous peoples¹ which ASI may contribute to if resources are available.
10. The IPAF will be responsible for regular expansion and targeting of un-represented areas or regions to ensure that membership adequately represents indigenous peoples from territories impacted by the primary aluminium supply chain.
11. The IPAF may create sub-committees or working groups of people within the Forum to deal with specific issues raised and brought to the IPAF's attention and may designate representatives to thematic ASI working groups.
12. All members of the IPAF will be responsible for providing reports back to the communities and organisations they represent and will be responsible for gathering feedback and inputs from indigenous peoples in their respective regions.
13. If a member of the IPAF is unable to fulfil their function during their term a replacement may be proposed by regional members of the wider network between Forum meetings.

¹ For example, issues faced by indigenous peoples, e.g. best practice in rehabilitation processes involving or controlled by indigenous peoples, health conditions caused by smelting, environmental issues

Composition of the Forum

The Indigenous Peoples Advisory Forum (IPAF) Network is open to any indigenous person or organisation and support groups and individuals to apply, based on interest to be engaged and commitment to provide input related to extractive industries, primarily the aluminium industry including bauxite mining, refining and/or smelting issues and familiarity with the ASI and indigenous peoples.

IPAF Representatives to the Standards Committee

Selection criteria for the IPAF representatives to the Standards Committee will be based on:

- In-depth knowledge of indigenous peoples' rights, life-ways and issues at the local, national and regional level
- Must be an indigenous person with integrity and credibility
- Must be endorsed by his/her communities, traditional institutions and/or organisations
- Level of experience with bauxite mining, refining and/or smelting issues and familiarity with the ASI (or commitment to building familiarity)
- Gender balance, and representation of youth and elders and persons with disability will be taken into account
- Representation from affected communities will be ensured
- Having the time and the commitment to attend meetings, report back to and collect feedback from IPAF members
- Convene a Skype call between IPAF members once every two months

There was discussion about possible increase in the IPAF representation on the Standards Committee, a topic that can be returned to in future years. It is not an area for work in the short term.

Strengthening the accountability links between IPAF Steering Committee members and the wider IPAF membership was also discussed. Recommendations included continuing to have an alternative SC member, in addition to the two named members, and that this alternate member can be 'learning the ropes' before joining fully. Ex-SC members can continue to provide support, input and assistance to new SC members as they are replaced.

Roles and responsibilities of IPAF representatives to the Standards Committee

- Participate in the face to face meetings and teleconference meetings of the ASI Standards Committee
- Liaise with the ASI Board and the ASI Secretariat on behalf of the IPAF
- Report back to the IPAF through the IPAF through the listserv, and other means, and in the annual face to face IPAF meetings on relevant updates from the ASI and collect inputs/feedback from IPAF members on issues/topics being discussed in the Standards Committee.

Tenure: 2 years non-renewable / 1 year renewable for 1 further year / 3 years

Standards Committee Working Groups

Selection criteria for the IPAF representatives to the Working Groups will be based on:

- In-depth knowledge of indigenous peoples' rights, life-ways and issues at the local, national and regional level
- Level of experience with bauxite mining, refining and/or smelting issues and familiarity with the ASI (or commitment to build familiarity)
- Gender balance, and representation of youth and elders and persons with disability will be taken into account
- Having the time and the commitment to attend meetings, report back to and collect feedback from IPAF members

Roles and responsibilities of IPAF representatives to the Standards Committee Working Groups

- Participate in the face to face meetings and teleconference meetings of the Working Group
- Report back to the IPAF through the listserv and in the annual face to face IPAF meetings on relevant updates from the Working Group and collect inputs/feedback from IPAF members on issues/topics being discussed in the Working Group

Annual Face-to-Face Meeting of the IPAF

Criteria for selection

1. The Indigenous Peoples Advisory Forum Members participating in the annual IPAF meetings or relevant ASI meetings will be regionally self-selected from within the Network of engaged organisations and communities.
2. Selection criteria will be based on:
 - In-depth knowledge of indigenous peoples' rights, life-ways and issues at the local, national and regional level
 - Must be an indigenous person with integrity and credibility, from the region being represented on the Forum
 - Members must be endorsed by his/her communities, traditional institutions and/or organizations
 - Level of experience with bauxite mining, refining and/or smelting issues and familiarity with the ASI (or commitment to build familiarity)
 - Gender balance, and representation of youth and elders and persons with disability will be taken into account
 - Representation from affected communities will be ensured
 - Geographical representation will be ensured according to the relevant regions within the UN regional process (Africa, Asia, Central and South America and the Caribbean, Central and Eastern Europe, Arctic, Russian Federation, Central Asia and Transcaucasia, North America and Pacific – relevance to be checked). Number of representatives will be according to relevance and extent of aluminium production, with a maximum number of 15. Alternate representatives will be identified.
 - Consideration will also be given to ensuring that countries with bauxite reserves and mining activities, and those with refineries and smelters, are both represented, as well as countries that have both
 - Having the time and the commitment to attend meetings, report back to and collect feedback from their respective regions, and perform other tasks as defined in the Terms of Reference.

Coordination for selected representatives attending the Annual IPAF Meetings and ASI related meetings

- Regions will undergo their self selection process and will forward the names of the representatives to the designated IPAF representatives to the Standards Committee
- IPAF representatives to the Standards Committee will relay the names of the representatives to the host organization/ ASI Secretariat

Annex 4: Recommendations from the Indigenous Peoples Advisory Forum to the Aluminium Stewardship Initiative [as proposed]

** These recommendations have been assembled by the members of IPAF present at the 2018 IPAF meeting held in Suriname in March 2018 (21 – 24). Members at the Forum in 2018 included individuals from Brazil, Suriname, Philippines, India and Cambodia, and support organisations from Australia and the United Kingdom. They will be translated and circulated for further inputs (two week window for comments once translated).*

General Recommendation

Knowledge about the ASI Performance Standard (Principles and Criteria), the ASI itself and the implications of certification should be a subject of outreach to indigenous peoples near or impacted by the operations of any ASI member seeking certification.

Regarding the scope and conduct of audits

Selection of Auditors

1. Auditors selected for sites relevant for indigenous peoples must have a proven track record and expertise with indigenous rights.
2. Auditors need orientation with the local specific context of the peoples involved in the particular case, the characteristic of the indigenous groups involved.
3. Audit teams chosen for specific cases should be approved by the relevant parties, both the company and the people(s) involved.
4. The auditor team should be diverse as well, including men, women and younger auditors to improve communication with diverse interviewees in indigenous communities. An appropriate range of skills and expertise needs to be present, including language skills, gender experience and skills, among others.

Scope of the Audit

1. Auditors must consider and reference relevant national and international laws, including ILO 169 and UNDRIP, and indigenous consultation protocols, whether written or unwritten. Where there is a gap between national standards and international standards, the higher standard will prevail.
2. For areas where indigenous peoples are present, the scope of the audit in relation to Area of Influence must be agreed in advance with the relevant indigenous peoples, incorporating review of possible downstream or indirect impacts
3. Associated facilities need to be included in the scope of audits. For areas where indigenous peoples are present, the scope of the audit in relation to associated facilities should be agreed in advance, consulted with IPAF and other relevant indigenous peoples' representatives and indigenous organisations
4. For new projects, appropriate environmental, social and human rights impact assessments will form part of the audit, for existing projects where these do not exist or are sub-standard, new studies should have been undertaken as part of the company human rights due diligence. In either case, these studies should be included in the scope of the audit.
5. The process of human rights due diligence is an element in the auditing process, this will include the presence of a company human rights policy, documentation about the process of identifying potentially impacted indigenous peoples. Indicators developed by the IPAF in 2015 should be referenced where relevant.
6. In the context of rehabilitation, there is significant experience with companies selling mining sites and/or concessions to junior companies towards the end of their lifecycle. This occurs even where closure bonds are in place as these may not be adequate to cover environmental and other harms. Audits should take account of closure plans (including closure bonds) and these should form an element of the original FPIC agreement.

Conduct of the Audit

1. The timing of auditing should be assessed as well, it should be undertaken at the point of certification (to establish baselines), before operations commence, during operations (annually) and after to assess continued compliance
2. The audit should check that indigenous peoples potentially impacted by a given project or site are aware of the ASI, the IPAF and the certification being sought – in addition to the company and the proposed actions of the company
3. Indigenous peoples need to be informed by the auditor about the audit process being undertaken and what the implications or outcome of the process will be
4. Auditors must visit communities to ask for their views as experience has shown the failings of desk-based audits. Auditors will need adequate expertise and funding and will have to be seen to be neutral.
5. Consultations run by auditors should span the entire community, including women, elders and youth, in accordance with local indigenous protocols.
6. The auditor needs to ensure that different indigenous peoples present in a given area or community are involved in the verification and audit process, understanding that different political groups, different views may be present
7. Where there are relevant and trusted national bodies working on indigenous development or indigenous peoples, these should be interviewed by the auditing team. The affected communities may recommend additional relevant and trusted sources of information for interview by the auditor, for instance the Public Prosecutor's Office in Brazil.
8. Audit outcomes must be validated with the communities before finalisation.
9. For audit findings where indigenous peoples are present, IPAF should play a coordinating role in reviewing those findings.

Auditing Free, Prior and Informed Consent

1. Any audit related to indigenous or tribal peoples must address whether FPIC has been obtained at the outset and acknowledge where FPIC has not been obtained (for existing projects) to recognise this history. New activities (such as revised rehabilitation plans) can then be assessed for FPIC.
2. There should be a community agreed and documented result of FPIC included in the verification of FPIC
3. FPIC must be verified through interviews which span the whole community, including men, women, children, youth and elders
4. For FPIC it is essential that companies and auditors understand that consent must be obtained before any plans or activities are authorised or commence. Failure to do this renders the remainder of the standard redundant from an indigenous rights perspective in the context of new projects or activities. This language should be included in auditor guidance.
5. Where available, protocols established by indigenous communities/peoples are a key reference for assessment of FPIC. Where written protocols do not yet exist, the auditor must check if support to develop such a written protocol was offered by the company and whether time and space was provided to do this.
6. Where FPIC is not verified in the auditing process, certification should be denied. The absence of FPIC is a material and significant breach of the ASI Performance Standard and is not compatible with continued or new certification being issued.

Input to the Human Rights Working Group

Specific to the work of the Human Rights Working Group, it should be noted for that WG that companies should not be able to request a mining concession where indigenous peoples land rights (and other rights of indigenous peoples) are not legally recognized, or explicitly recognize that companies should have a role in, and responsibility towards, supporting the advancement of recognition of the rights of indigenous peoples, including land and resource rights

Rehabilitation and closure

1. The conditions under which a project or site may be sold must be agreed in advance as part of the FPIC agreement
2. Experiences with pre- and post-closure sale of sites is widespread, rehabilitation must be assured potentially through the use of bonds or protected funds of a sufficient size (agreed as part of informed consent) being held separately from the corporate structure

No-go areas

1. Where legacy issues exist (previous forcible relocations, past human rights violations), the area will be considered a no-go area unless such issues have been addressed to the satisfaction of the indigenous peoples concerned
2. No-go areas for mining should include areas of sacred sites, burial sites, spiritual forest and reserved forests (reserved for community use), areas of importance such as established tourism and special sites, common use ponds and rivers, springs, spiritual mountains or forests, lakes, and buffer zones should be established around these sites where mining is agreed
3. Protected areas (those established at the point of ASI launch, and declared after), both those declared by the government, local, regional and national, and those declared by and protected by indigenous peoples.

Specific to the case in Suriname visited by IPAF

1. Planning mine closure and site rehabilitation in the Wane creek area should be done in partnership with indigenous peoples
2. In the implementation of the Suriname case, ALCOA should work on the mine closure plan with indigenous peoples, despite the original mining concession and mine operations not having done this. There is an opportunity for a 'new start' in rehabilitating the site. In looking at rehabilitation of the area:
 - a. Indigenous peoples should decide on flora
 - b. Indigenous peoples should own and operate the nurseries
 - c. Indigenous peoples should receive financial resources for their participation
 - d. Indigenous peoples should, if they wish, be primarily responsible for monitoring
3. For new activities (such as creating a mine rehabilitation plan), FPIC must be sought and obtained, and implemented as mandated in communities FPIC protocols (where these exist)