



Wapichan Environmental Monitoring Report

South Rupununi District Council
September 2018



Introduction

The South Rupununi District Council (SRDC) established its Monitoring Programme at a meeting in Shorinab (Shulinab) on 7th July 2013, following up on a recommendation arising out of the Wapichan Territorial Management Plan. This Plan was developed over several years, following numerous village and District-level meetings during which we arrived at consensus on its various aspects, goals and planned actions, namely, the sustainable use, management and development of Wapichan lands and resources.

The Monitoring Programme was established with the purpose of safeguarding and protecting our lands, territories, and resources, including through collaborative arrangements with the Government, where appropriate and agreed.

We are pleased now to present the Wapichan Environmental Monitoring Report to Your Excellency. This report provides some background information on the Monitoring Programme; provides a case study that details the work of the Programme in relation to the mining at Marudi Mountain; and presents our recommendations and requests.

Executive Summary

This report presents an overview of the South Rupununi District Council (SRDC) Monitoring Programme and provides a case study of one particular site that the Monitoring Programme has been targeting – Marudi Mountain.

The report begins with background information regarding the Monitoring Programme and how it operates. It continues by providing a summary of the data that the monitors have collected to date, before continuing into a detailed discussion of the findings from the Monitoring Programme as related to Marudi Mountain. The report shows how the data collected by the SRDC Monitoring Programme has been corroborated by other sources and how it can be used to help address violations of the law and of our rights as indigenous peoples.

The highlights of the report are as follows:

Monitoring Programme Data

- Between 2013-2018, our monitors have made more than 250 observations of activities that are harmful, illegal, and/or violations of our rights.
- Between 2013-2018, our monitors have observed more than 380 impacts on the environment and our way of life, including deforestation, water pollution, destruction of hunting and fishing grounds, and damage to cultural heritage, among others.
- Almost 50% of the impacts observed by monitors are caused by mining activities.

Monitoring at Marudi Mountain

- Mining activities, both legal and illegal, on Marudi Mountain are causing significant cultural, environmental, and social concerns for us as affected indigenous people.
- Marudi Mountain sits within Wapichan traditional territory and is part of Aishalton Village's requested title extension.
- Marudi Mountain is an important spiritual, cultural, and resource-gathering site for us.
- Mining at Marudi Mountain has caused significant deforestation and land degradation; destruction of creek beds; pollution of creeks, with documented high turbidity levels and mercury poisoning; depletion of fish stocks and decrease in wildlife populations; and health risks from mercury poisoning and amalgam burning.
 - These same negative environmental and health impacts observed by our monitors have been corroborated by studies done by the World Wildlife Fund and by a site visit by the Ministry of Natural Resources, Environmental Protection Agency, and the Guyana Geology and Mines Commission.
- The influx of miners into Marudi Mountain has caused increased rates of prostitution, sexually transmitted diseases, teenage pregnancies, and drug and alcohol use.
- The influx of coastlanders into the mining areas has diverted income away from villages to shops run by coastlanders in mining camps.
- The heavy machinery passing over our roads to access Marudi Mountain are damaging our local infrastructure.

Legal Implications

We believe the findings of our Monitoring Programme can assist the Government in enforcing the laws in our country and in meeting its obligations under international law:

- The Government can protect our right to non-discrimination by following up on the recommendations of the United Nations Committee on the Elimination of Racial Discrimination to refrain from issuing any concessions on our traditional lands and territory, and to revoke any already issued, without our free, prior, and informed consent.
- The Government can respect our right to effective participation by ensuring that we are involved in any decision-making processes related to Marudi Mountain, notably, by immediately rejecting the current draft environmental and social impact assessment done on Marudi Mountain for the proposed Romanex Guyana gold mine project and requiring a revision that is done with our participation.
- The Government can protect our right to our lands, territories and resources, and additionally enhance its own ability to protect and conserve land in Guyana by granting us legal recognition to our lands and territory.
- The Government can fulfill our right to a healthy environment and to health by effectively enforcing the mining and environmental laws and regulations.
- The Government can respect our right to cultural heritage and our way of life by halting the destruction of Marudi Mountain.

Recommendations

The SRDC Monitoring Programme is well-suited to monitor and report on violations of laws, policies, and rights occurring throughout Wapichan territory in the South Rupununi and along the border with Brazil. Official recognition by the Government of our Monitoring Programme and official collaboration with Government agencies, including the Ministry of Security, Guyana Forestry Commission, and Guyana Geology and Mines Commission, can enhance our combined abilities to identify and take action against illegal or harmful activities happening throughout the South Rupununi.

We hope this report provides a useful overview of what our Monitoring Programme is capable of and we look forward to a mutually beneficial collaboration with the Government of Guyana to monitor and address violations of the law and of our rights.

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Background to the Monitoring Programme

The South Rupununi District Council (SRDC) Monitoring Team is comprised of two coordinators along with one monitor for each village in our territory, including the satellite villages¹.

Our team monitors various activities occurring in our territory, including mining operations, border crossings, logging operations, and cattle rustling activities. Where requested by Village Councils, our monitors visit resource sites in our territory to report on wildlife abundance and illegal resource use, among other things. Their work documents happenings that might be negatively affecting Wapichan natural resources and territory and that could be, or are clearly, harmful, illegal and in violation of our rights. Our monitors visit particular sites to document happenings at different intervals, or they may visit a site on the request of their Village Council or upon information provided to them.

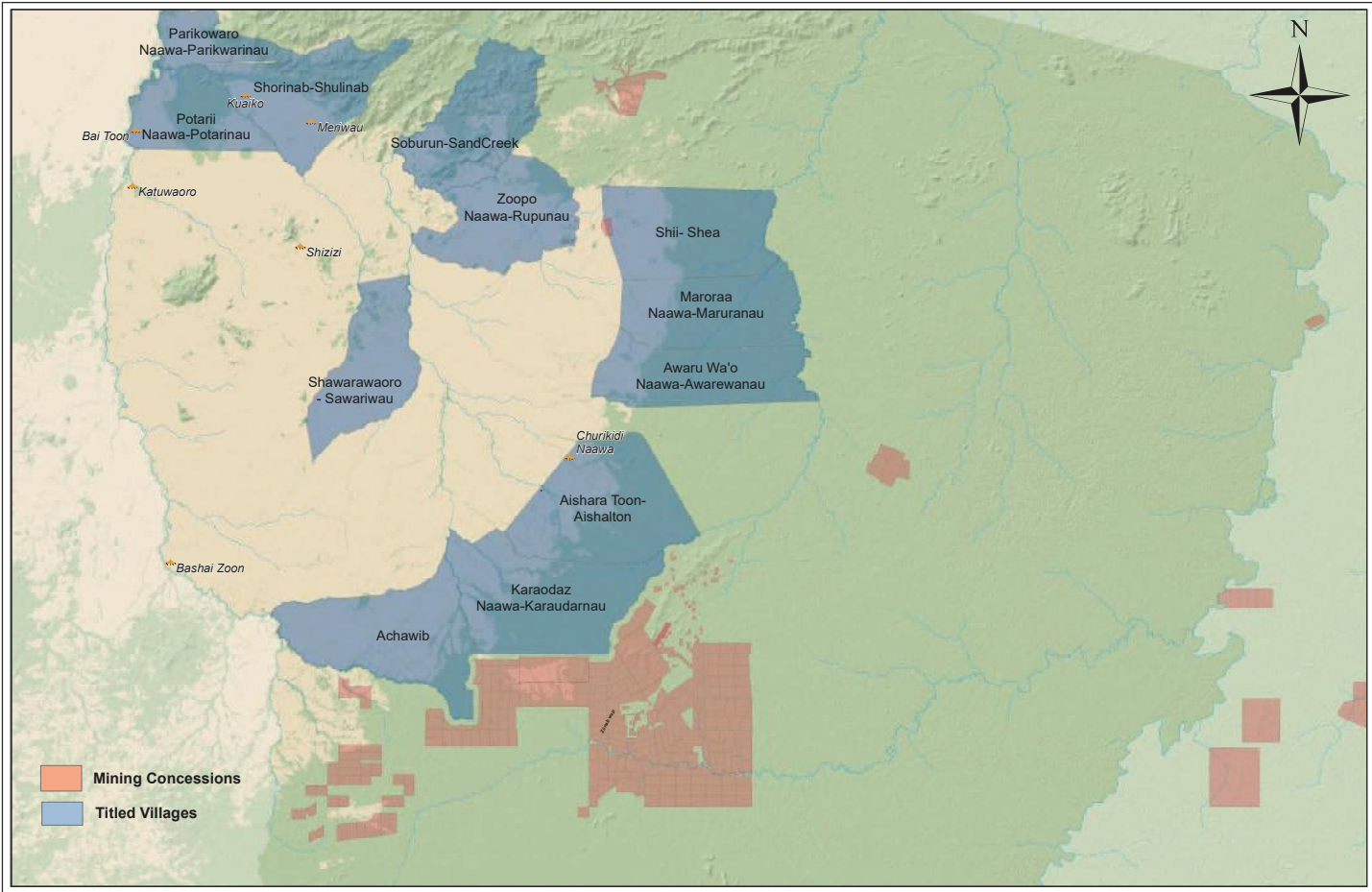


Figure 1: Wapichan Wiizi

¹ A few villages do not currently have monitors and we are awaiting nominations from the Village Council for a monitor who will be trained.

Our team has alerted government officials to illegal activities they have noticed. Most recently, in May 2018, our team brought a team from the Guyana Forestry Commission (GFC) to Parabara to meet with the Village and investigate complaints of an illegal logging and mining operation that had just begun work in the Village. The GFC, explaining that there were no forestry concessions in the Village's proposed title, shut down the operation.

A few sites have been of particular concern to the Wapichan people and are therefore visited regularly by our monitors, including the Marudi Mountain mining operations, the Channa Creek mining area (in Parabara's proposed title), the Wakada Naawa mining area (in Achawib's requested extension), and crossing points along the international border between Guyana and Brazil.

Our team also works to ensure that our own maps of Wapichan territory are accurate. For example, in October 2017, a group of SRDC monitors went on a month-long ground-truthing trip up the Rii Waò (Rewa River), collecting GPS points of important landmarks along the way. This was followed by a further extensive trip by our monitors, local knowledge holders and SRDC members down Chiip Waò (Essequibo River) and along the eastern boundary of our territory in February 2018.

How does the monitoring programme work?

Our monitors are trained by technical advisors from our international partner, Digital Democracy, to use GPS and smartphone technologies to record data. The monitors use GeoODK (Open Data Kit) to record data on mobile phones². ODK attaches GPS points and photos to the sites monitored. ODK contains a form questionnaire that was created by the local monitoring team in collaboration with the Global Justice Clinic at New York University, Digital Democracy, and Forest Peoples Programme in close consultation with the SRDC. The questionnaire ensures that the monitors collect reliable information that is appropriate both for internal use by the our communities and that can also be shared with local, national or international law enforcement agencies to take action on human or environmental rights violations if necessary. Rules on the public sharing of our monitoring data are set out in an information sharing and protection agreement developed by the SRDC and our villages in May 2017.

The monitors have also used drones to capture images of impacted areas from above since 2014, and in February 2018 were trained in drone mapping, so that changes to impacted areas can be more closely monitored and measured over time.

² In some cases, when monitors experience technological difficulties, monitors have also handwritten or typed up reports.

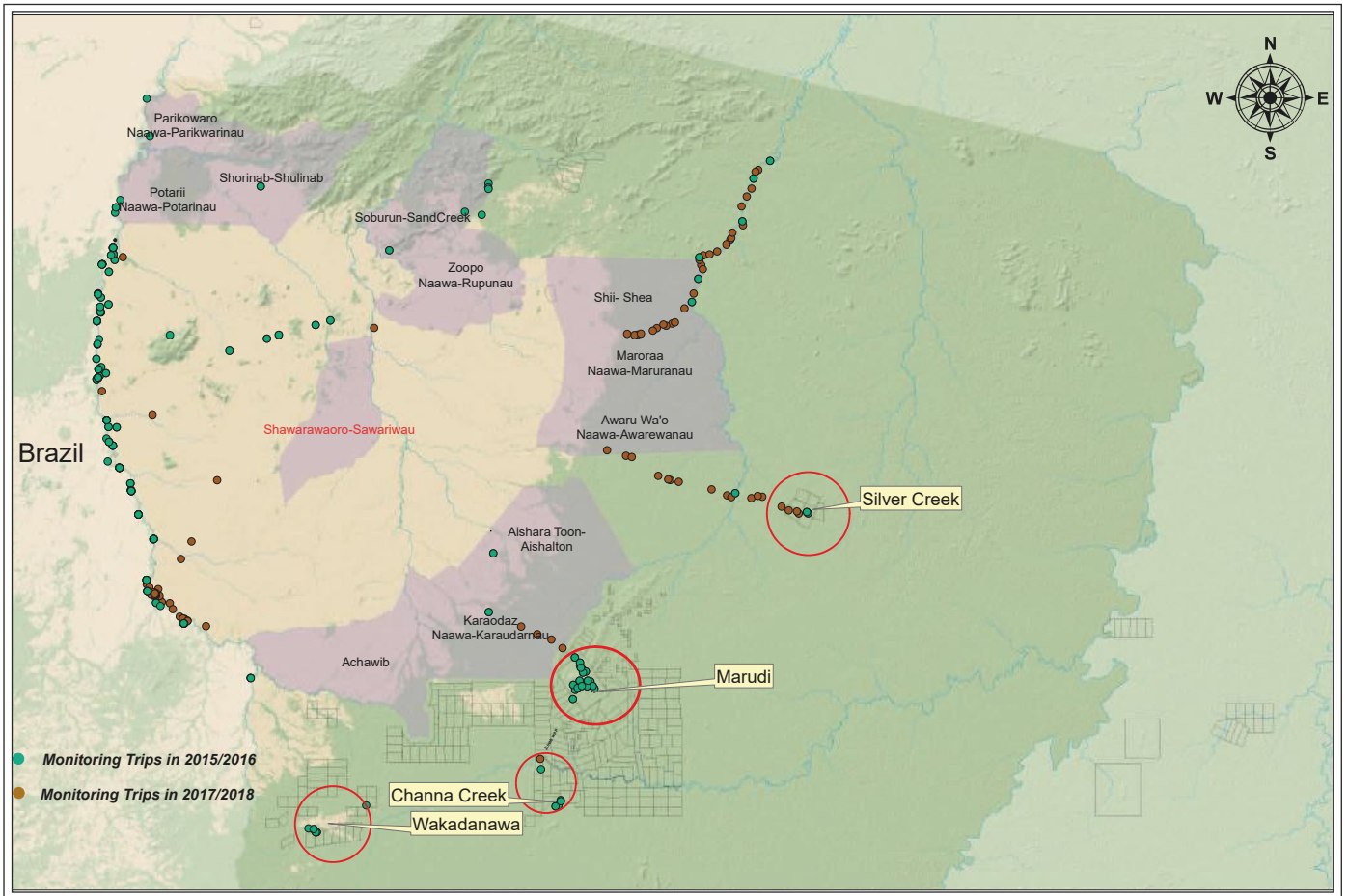
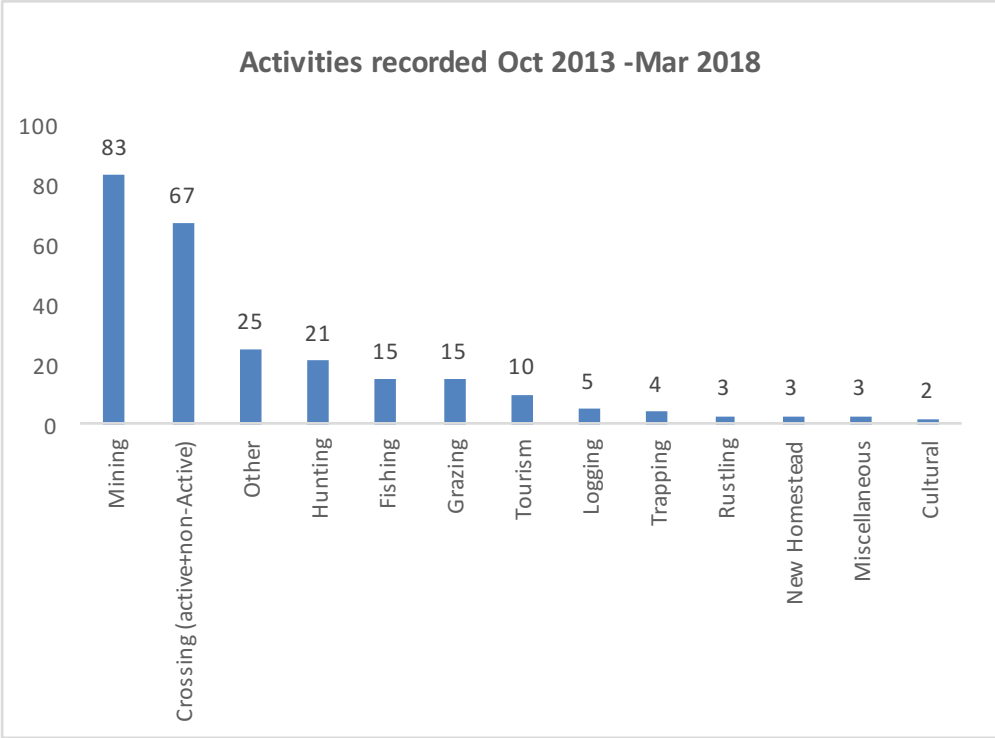


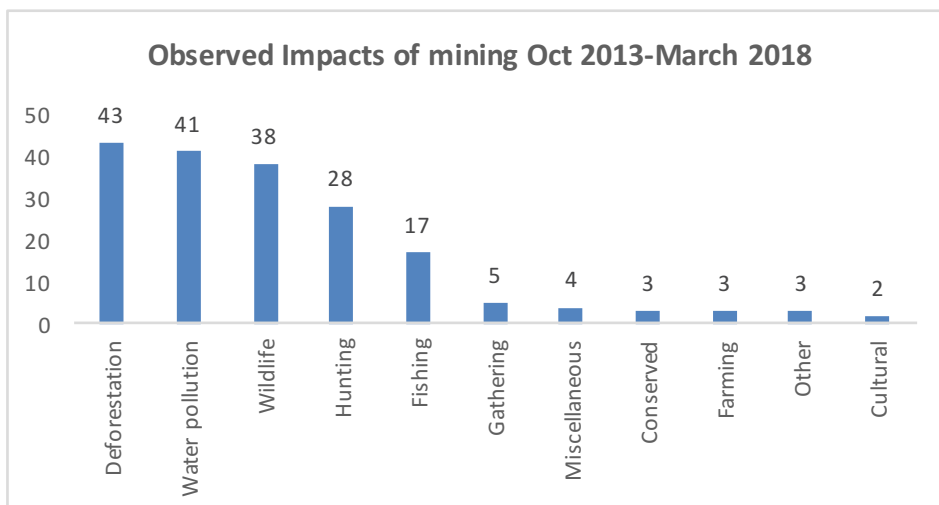
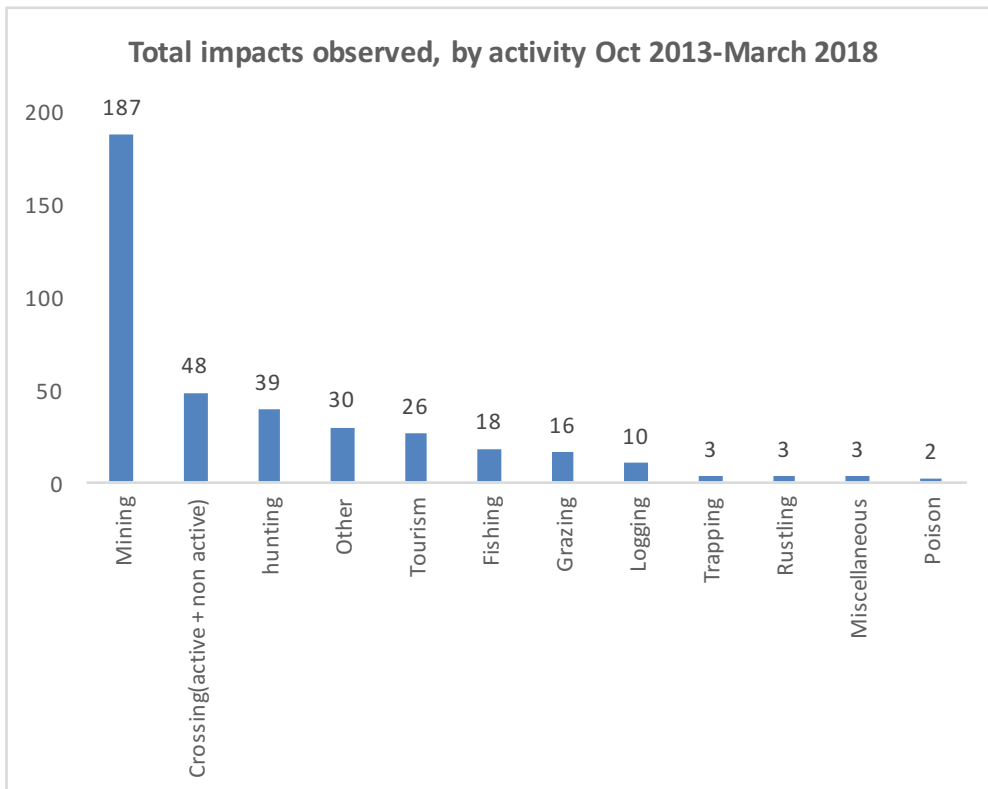
Figure 2: Monitoring Trips 2015 – 2018

Monitoring Data Summary

Between 2013 and 2018 the monitoring team recorded numerous activities of concern happening in Wapichan territory. The largest number of observations made by the monitors was in relation to mining, totaling 83 of 256 observations.

For every activity that the monitors record, they also record any observed impacts. For example, at any given mining site, the monitor’s report would record any impacts of the mining observed by the monitor, such as deforestation, water pollution and impacts on wildlife and hunting, fishing, gathering, and grazing. Accordingly, any given activity could generate multiple impacts. Across all activities, monitors recorded a total of 385 observed impacts. Among the 83 mining activities recorded by the monitors, a total of 187 impacts were identified, amounting to almost 50% of all impacts observed.





Recorded Impacts of Mining

Between 2013-2018, recorded, observed impacts resulting from mining included deforestation, decrease in numbers of wildlife, increased difficulties in hunting, water pollution, and depleted fishing stocks. The recording of these impacts suggests that the impacts have been severe enough to be visible and evident to our monitors, who are currently working with purely observational data. Impacts were often noted to be connected to the presence of mining camps.

I am saddened by what is happening in Marutu Taawa. The miners from outside are destroying the whole place and not allowing our people to work. They are making the mountains and forest disappear down there and the rivers are all dirty. It is not good. I am worried about the situation and I am thinking about it all the time. It has to stop and we must be strong and be together to keep our land for ourselves and our children and grandchildren.

Caroline Winter, Aishara Toon Village

I am very sad. I don't know how to explain what I feel. I don't know why people go to Marudi. They don't really need the things there, they just want to live there and gain things for themselves. They are not in need of it. And they are just destroying it. When we Wapichan use the mountains we use it just a little bit and then we came back. We have worked long, using our natural way of getting what we needed - not plenty, just what we needed.

Talita James, Aishara Toon Village

Something like this, it is very sad for me. My concern is, although the place is already spoiled, contaminated, should there be something done before everything is damaged? That is my concern. Before all the fruit trees are damaged? Before all the games are chased away? Because when we get to understand that not far from now, tomorrow, the flour will be 2000 dollars a pound, meat will be 5000 dollars a pound. And if we don't have income, where will we go? We had our fish, our games. But suppose now that area is destroyed, how far will we have to go to find food? And sad to say, if we do not do something now, what will happen with our children? This is my concern. Somehow we should say 'no' to the people who are mining the place and destroying the place. And that is where I grow and I know the place. I am really concerned for my children's children. I need my forest to remain where it is. Although there is already big damage in Mazoa and Marudi, we must protect what remains.

Godfrey Pauline, Aishara Toon Village

I have been hearing what is happening in the mining fields and I am not in agreement. Those mine people are clearing forest and eating up the creek beds. The Wapichan nao never worked like that: our people would work in the ravines. They did not cut down the forest. We never felled trees in the mining area. I do not like what is happening. I do not approve of what is being done there. I hear that there is a machine road opened up into the Blue Mountains and I do not like it at all. Our grandparents did not punish the land and they respected the mountains. Now those miners are damaging it all and contaminating the waters. They just think about money. If this continues without any control we will all pay the price for the destruction.

Luisa Laita, Aishara Toon Village

Mining at Marudi Mountain

One particular focus of the monitoring programme has been the mining activities on Marutu Taawa (Marudi Mountain). Marutu Taawa, situated in traditional Wapichan territory, is a culturally and spiritually important mountain to the Wapichan people and is located at a critical watershed in Guyana. Following discussions and agreement amongst all the Wapichan communities, one settlement, Aishalton Village, is applying for an extension to their titled land that includes the mountain and its surrounding area. We stress that application for extension of title by a single village was done solely to comply with the requirements of the Amerindian Act and that other Wapichan villages are also connected to and closely attached to Marutu Taawa and the associated mountain Karawaimun Taawa and thereby affected by what happens in this area. The SRDC has therefore decided that effects of activities at Marutu Taawa are the collective responsibility of all villages and the District Council.

Foreign companies in partnership with Guyanese firms have been conducting mining and related operations on Marudi Mountain for more than seven decades³. A large-scale mining exploration licence was granted in the 1990s over a piece of land on Marudi Mountain and since then, there have been both large-scale prospecting activities, as well as small-scale mining activities, occurring on that concession. The presence of small miners on the concession has caused significant tensions and conflicts between the large-scale mining licence holder and the small miners. The mining concession is currently owned by Romanex Guyana Exploration Ltd. (Romanex), which is a wholly-owned subsidiary of Guyana Goldstrike Inc. (Goldstrike), a Canadian company⁴. Recently, Goldstrike received a cash infusion through an investment by a Chinese mining company, Zijin Mining Group⁵. The company's licence was converted into a mining licence in 2009⁶, suspended in 2014⁷, and renewed in 2016⁸. At no point in time were we, the affected Wapichan people, ever consulted or asked for our free, prior, and informed consent, despite our written and other objections filed over more than a decade.

3 Strickland, Derrick. "NI43-101 Technical Report on the Marudi Property Guyana." Swift Resources, Inc., Nov. 30, 2016, p. 13.

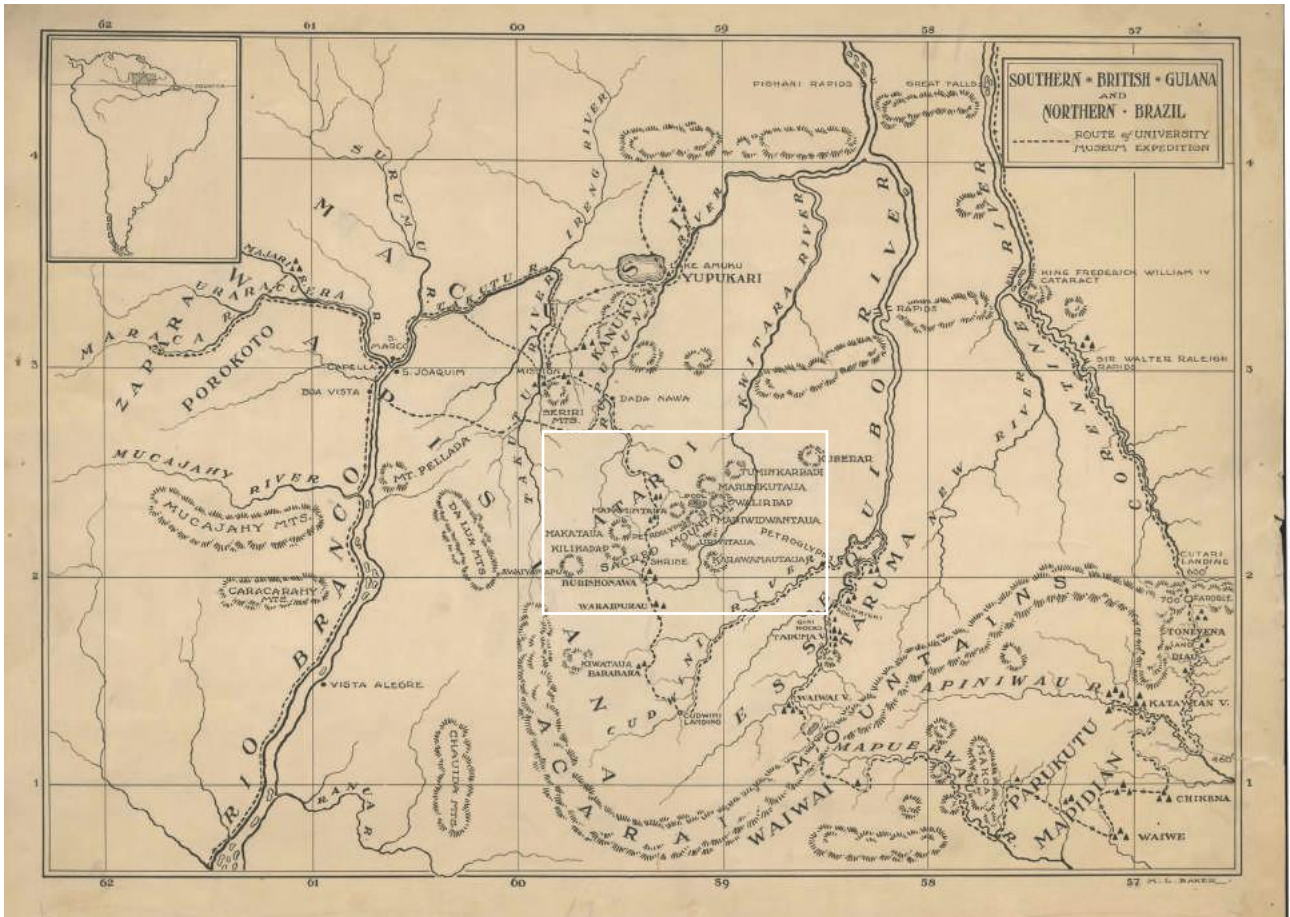
4 "Marudi Gold Project", Guyana Goldstrike Inc., available at: <http://www.guyanagoldstrike.com/index.php/projects/marudi-gold-project>.

5 Guyana Goldstrike Raises C\$3,475,000 and Completes Strategic Investment with Zijin Global Fund and Zijin Midas Exploration Fund LLC, <https://www.guyanagoldstrike.com/index.php/news/2018-news-release/91->, (last accessed on 27.06.2018).

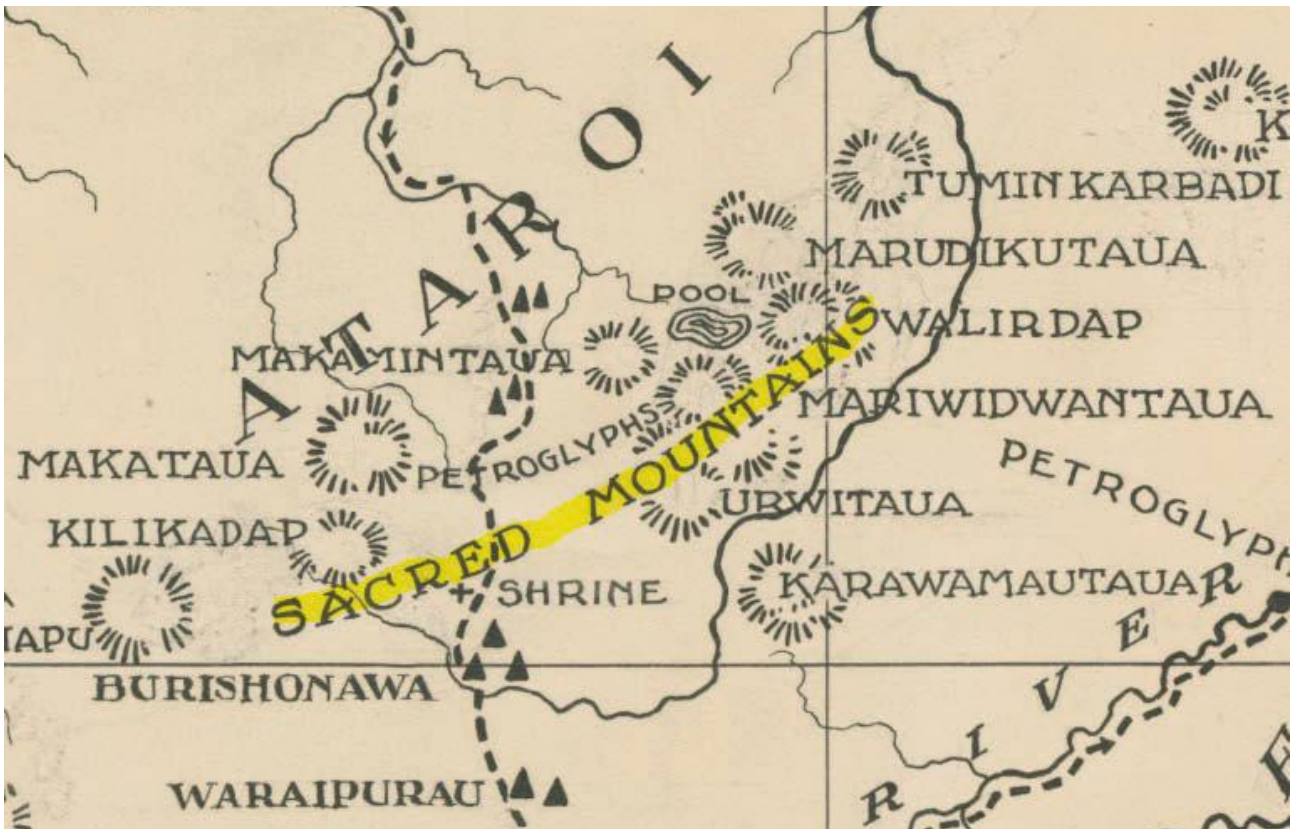
6 "Mining firm's licence for Marudi Mountains under review", Kaieteur News, 1 Mar 2013, available at: <https://www.kaieteurnews.com/2013/03/01/mining-firms-licence-for-marudi-mountains-under-review/>; Technical Report Marudi Property Mazoa Hill Mineral Resource Estimate Guyana Goldstrike Inc., https://www.guyanagoldstrike.com/images/pdf/43-101_Report_Guyana_Goldstrike_Mazoa_Hill_Zone_Jan_2018.pdf (last accessed on 27.06.2018).

7 The MNR and GGMC suspended Romanex's mining licence in October 2014, citing "issues of non-compliance" which included illegal mining by others and inactivity on the company's part. Guyana Geology & Mines Commission Annual Report, 2013, http://parliament.gov.gy/documents/documents-laid/5469-annual_report_of_the_guyana_geology_and_mines_commission_2013.doc, (last accessed 27.06.2018); "Romanex's Marudi mining license under review", Stabroek News, Mar. 1, 2013, <https://www.stabroeknews.com/2013/news/stories/03/01/romanex-marudi-mining-licence-under-review/>.

8 On April 24, 2016, the GGMC brokered a mediation agreement between Romanex, the small-scale miners, and representatives of eight of our Villages, precipitating the renewal of Romanex's mining licence in September 2016. The agreement delineated terms for specified small-scale miners to continue working on Romanex's concession and specified steps to be taken for environmental compliance. See Mediation of Marudi Mountain Mining Dispute, Region 9, Agreement Among Parties to the Dispute, April 24, 2016 (hereinafter "Mediation Agreement"); Denis Chabrol, "Romanex's Mining Licence in Rupununi Reactivated; Small Miners to Be Allowed to Operate", Demerara Waves, Sep. 27, 2016, <http://demerarawaves.com/2016/09/27/romanex-mining-licence-in-rupununi-reactivated-small-miners-to-be-allowed-to-operate/>; "Romanex Gets Green Light to Restart Marudi Mountain Exploration", Kaieteur News, Sep. 28, 2016, <https://www.kaieteurnews.com/2016/09/28/romanex-gets-green-light-to-restart-marudi-mountain-exploration/>; "Illegal Miners at Marudi to Halt Excavation – Following Mediation Meeting", Stabroek News, Apr. 25, 2016, <https://www.stabroeknews.com/2016/news/stories/04/25/illegal-miners-marudi-halt-excavation/>; "Unapproved Miners at Marudi Have to Move by Sunday – 70 Operations Can Work with Existing Material", Stabroek News, Apr. 29, 2016, <https://www.stabroeknews.com/2016/news/stories/04/29/unapproved-miners-marudi-move-sunday/>; "Romanex mining licence for Marudi reactivated", Stabroek News, Sep. 28, 2016, <https://www.stabroeknews.com/2016/news/guyana/09/28/romanex-mining-licence-marudi-reactivated/>.



Figures 3 and 4: Map and detail showing sacred mountains in Wapichan Territory
 from: William Curtis Farabee, The Central Arawaks, Philadelphia: The University Museum (1918)



Regardless of who is doing the mining, the mining activities at Marudi Mountain are of great concern to us. Not only is Marudi one of a chain of spiritually and culturally important mountains - part of our cultural heritage and integral to our way of life - the mountain and its neighbors contain many resources we use which are being harmed by the deforestation, pollution, and other environmental damage caused by the mining. These same negative impacts are also causing direct health concerns, with evidence documenting heavy mercury poisoning in at least one of our villages. Aside from these direct impacts, the mining activities are causing negative social, economic, and infrastructural issues in our communities.

In the meantime, while the ongoing dispute between Romanex and the small miners continues to dominate the attention of the media and the government, our concerns about the mining at Marudi Mountain have been largely ignored⁹. We hope that this report changes that fact.

Cultural Impacts

Marutu Taawa (Marudi Mountain) sits at one end of the Karawaimun Taawa mountain range and is an important historical, cultural and spiritual site. Marutu Taawa is one of the places that Wapichan marunao nao (shaman) visit in spirit frequently, because large communities of ancestral spirits, including the spirits of deceased marunao nao, live there. The story of how Marutu Taawa got its name is as follows:

All those mountains and forests down towards Marutu Taawa “Darkness Mountain” are important to us Wapichan nao, and our foreparents cared for the area. The names of all the mountains and creeks have meaning to us. The name Marutu Taawa comes from our ancestors who walked in that place. There was a group of our people who traversed the area crossing the mountain and they saw that suddenly the sky became dark, dark, dark. They also noted that when they moved away at the end of the mountain the sky got brighter again. That is why they learned not to climb the mountain and to go around it. This is where the Maruta’o tuunizu (the grandfather spirit of darkness) lives. Long ago, this spirit keeper would kill humans that troubled his area. Before I was born, they say that a marunao (shaman) went to the area and closed it down so people could work there. So the area there is a sensitive place.

Nicholas Myers Ernest, Karaodaz Naawa Village

Our beliefs about Marutu Taawa and the Karawaimun Taawa mountain range are central to our identities as Wapichan people. There are numerous publicly available studies affirming the continuity of Wapichan culture in the South Rupununi¹⁰, and particularly the importance of our lands and territories to our cultural identity. The anthropologist WC Farabee recorded that the Wapichan mythscape of the South Rupununi is centered upon the Marudi-Karawaimun Mountain Range¹¹. Farabee recorded the Wapichan belief that “Tuminkar [Tominkaru, the Creator] and Duid [Dowidi, Tominkaru’s brother] lived here before men were created and continued to live in the mountains about the region for a long time after.”¹²

⁹ We have raised our concerns repeatedly, through letters and formal complaints to the Government, in-person meetings with Government officials and representatives of the mining company, and some letters to the editor published in national newspapers.

¹⁰ For example, the book *The Central Arawaks* [William Curtis Farabee, *The Central Arawaks*, Philadelphia: The University Museum (1918)] provides background information about Wapichan cultural beliefs.

¹¹ Id. at pp. 131-135.

¹² Id. See also W.C. Farabee, *The Arawaks of Northern Brazil and Southern British Guiana*, 1 AMERICAN JOURNAL OF PHYSICAL ANTHROPOLOGY 427 (1918), 427.

It [Marutu Taawa] is also a very rich area for important resources used by the Wapichan nao. There are important plants and trees in that forest around Marutu Taawa. The orara vine grows there, which we use to make curare arrow and dart poison. The particular vine that grows around the mountain is very potent and can only be found in that location. This is the very best orara we have on Marutu Taawa. There are two types of curare vine in our territory: the kokoi vine and kowazaza. The one on Marutu Taawa combines both types and this is why it is so potent. This is why in the time of our grandparents they traded this particular vine from Marutu Taawa and people would come from far to trade with us to obtain it. It does not grow anywhere else in Wapichan wiizi. It is confined to the forest.

Other useful plants found around Marutu Taawa include kobin which is a palm that has a stem used to make blowpipes that some of us still use until today. There are also trees with chan shiwu'o flower, which is used to make the flights of our darts. As well as that, you find min (arrow resin), the taro tree (used to make arrow points), marowaiba (medicinal resin), tibi (basketry vine) and in the east there are also minau (brazil nut) trees. So all that area is our traditional hunting and gathering grounds.

It also has very important creeks that flow in different directions and support fishes that come to spawn in June-July time. The place has fish like katuzudu kiizip, achimaru (haimara) and kamunaru. Our ancestors really cared for and respected the fish keeper by following our customary law. They would carefully put away the sticks used for the fish smoking stand so as not to offend the fish spirit keeper.

The creeks that flow in the area are Natu Wa'o (Locust) that flows into Marutu Taawa Wa'o that flows into Kuyuwini River (left bank); Mama Wa'o that also flows into the same Marutu Taawa Wa'o that discharges in the Kuyuwini; Madikaa Wa'o that flows into Kuyuwini (left bank). Then there are creeks that flow the other way in the Kwitaro watershed. There is Ikizap Wa'o that flows into Toto Wa'o (left bank) which then flows into the Kwitaro River; Iwio Wa'o that flows into Toto Wa'o (bank) and from there again into Kwitaro; and Panch Creek that discharges into the same Toto Wa'o and so the water ends up in the Kwitaro also. The area is so important as all of the creeks coming from the Marudi area are feeding different streams and rivers. It is a special watershed in our territory supplying both the Kuyuwini /Essequibo and the Kwitaro Rivers.

Testimony of Nicholas Myers Ernest, Karaodaz Naawa Village

Other scholars have similarly recorded and observed the relationship between the Wapichan identity and our territory through our cosmology, myths, practices, and history¹³. Many names of places in our traditional lands refer to important spirit beings and events in our myths, legends, and oral histories. As a consequence, these places hold a deep and special meaning for our communities. These lands and the environments in which we live are closely tied to our way of life, our cultural heritage and our distinctive collective identity as indigenous peoples of the South Rupununi and Upper Essequibo river catchment¹⁴.

13 Katherine MacDonald, *Rupununi Imaginaries*, PhD Dissertation, York University: Toronto, October 2014, pp. 167-68.

14 Id.

Marutu Taawa and Karawaimun Taawa contain many important resources, including fish spawning grounds, chalk for ceremonial dances, and plants and vines for poison and to make blowpipes and arrows:

People would go to Karawaimun to extract chalk from the mountain for the parachara dance. For the dance, the ladies would have to dress up in their 'aprons' and everybody would have to wear paint in different ways depending on their age and if they are married. The paint would come from the colourful chalk on the mountain, the karawai – that is how the mountain got its name. You could only find the chalk along a ravine along one side of the mountain. The komatawau (a short palm tree) would be a marker that would tell people where to find the chalk. People would throw in beads to pay for the chalk. You will find plenty beads there.

You cannot play about this place and you cannot spend time to overnight there. There was one big mango tree near the mountain where people used to camp when they went. They said when you collect the chalk, a monster, dragon-like, would come attack you. They had to call poori (prayers) to collect the chalk. Before going, they had to tell the marunao (shaman) in charge of the place before they went so he would know who exactly is going. He would also give them advice. When they left from the house, he would smoke incense behind them so he could ensure they are protected. That is how they would go for the chalk. When they came back, the marunao would check them to see if they are safe to come home. In my daddy's time, the big marunao in charge of the area was Bi Pio Pio. Once the chalk was collected, people would go to a special building to put on paint for the parachara ceremony.

Michael Francis, Aishara Toon Village

The destruction of this culturally sensitive and important place is of serious concern and threatens our efforts to keep our heritage and traditions alive. As one of our knowledge holders in Karaodaz Naawa Village explains:

I truly feel that we Wapichan nao must take care of our forests and mountains and waters. The way the miners are acting, they are teasing and tormenting the spirit keepers around Marudi. Our grandfathers knew not to trouble those keepers. They knew how to keep the place well. They fixed the area so we could walk there on the understanding that we would not let the place be harmed. Now all this damage is happening the spirits may get angry and we will have to face the consequences of sickness. All those Kodoidin nao and Namachidin nao may send sickness and illnesses. This is also why malaria is becoming more and more prevalent around Marudi.

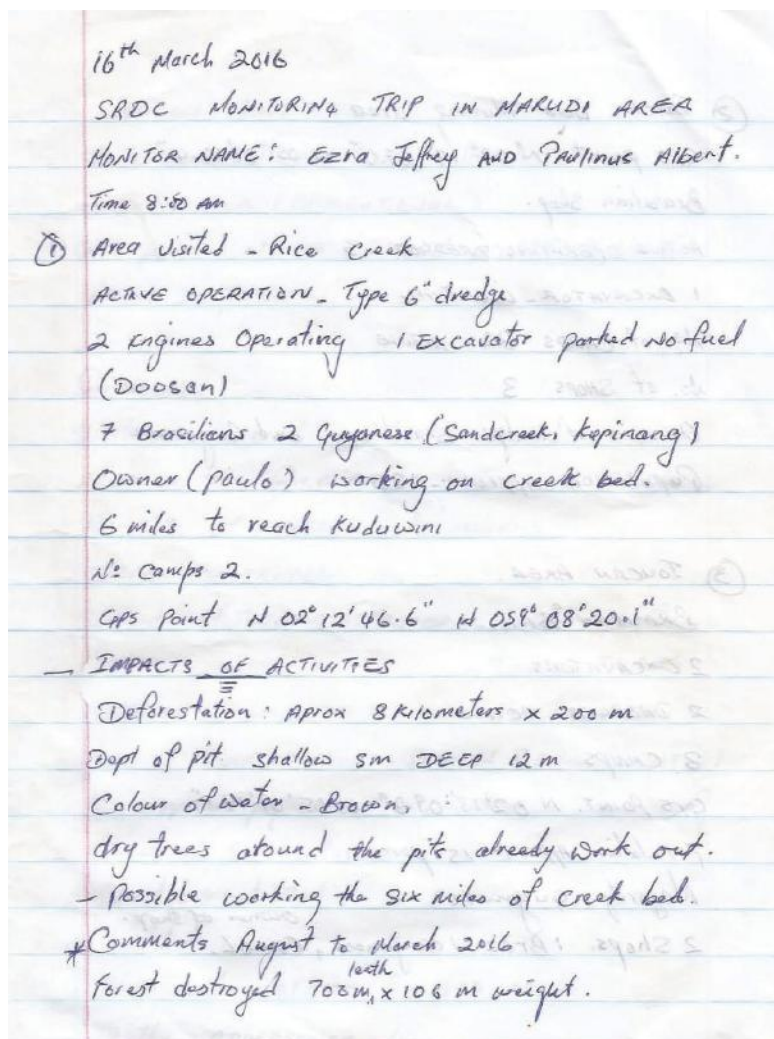
The fact is that the spirit keepers are disgusted with what is going on and we will have to face up to the future.

Chrysoston Isaacs, Karaodaz Naawa Village

Environmental and Health Impacts

The mining activities at Marudi Mountain have caused significant environmental destruction. Impacts include the following, much of which has been recorded by SRDC monitors:

- Damage to forest cover and deforestation and significant land degradation (e.g., loss of fragile topsoil);
- Pollution of and destruction of creeks, including high levels of turbidity and mercury poisoning;
- Depletion of fish stocks;
- Decrease in wildlife population and destruction of hunting grounds;
- Damage to traditional gathering grounds used for collection of bush foods, craft resources, medicinal plants and ceremonial materials;
- Serious health risks from evidence of high levels of mercury in people living close to mining areas; and
- Health risks from air pollution caused by amalgam burning.



16th March 2016
SRDC MONITORING TRIP IN MARUDI AREA
MONITOR NAME: Ezra Jeffrey AND Paulinus Albert.
Time 8:00 am

① Area Visited - Rice Creek
ACTIVE OPERATION - Type 6" dredge
2 engines operating - 1 excavator parked no fuel
(Doosan)
7 Brazilians 2 Guyanese (Sandcrack, kepianang)
Owner (paulo) is working on creek bed.
6 miles to reach Kuduwin
n° Camps 2.
GPS point N 02° 12' 46.6" W 058° 08' 20.1"

— IMPACTS OF ACTIVITIES
Deforestation: approx 8 kilometers x 200 m
Dept of pit shallow 5m DEEP 12 m
Colour of water - Brown,
dry trees around the pits already work out.
— possible working the six miles of creek bed.

*Comments August to March 2016
Forest destroyed 703m^{length} x 106 m width.

Figure 5: An excerpt from a monitoring report written in March 2016

SRDC monitors have documented in detail the amount of deforestation they have noticed on particular trips and even the species of trees impacted by the deforestation. One report from March 2016 at Rice Creek noted that the monitors had observed a deforestation area of 5 km by 200 m, with a change in the amount of forest destroyed from August 2015 to March 2016 of 700 m in length and 106 m in width, and with two particular species of trees damaged -- the crabwood tree and the turo tree. The same report noted that the mining site was only 6 miles from the Kuyuwini River. Some reports have observed that certain creeks are now gone and completely dried up as a result of mining in the creeks.

Another report, in February 2018, documented seven excavators working on lower Panch Creek, with none having proper tailing ponds, causing the run-off from the sluice boxes to go into old pits in the creek bed itself and overflows running off downstream. The report noted that all of the water was muddy and the actual course of the stream was not visible because water was logged in old pits, with just ponds and lakes visible. These impacts will not be limited to one creek: Panch Creek flows into Toto Wa'ò, which flows into the Kwitaro River, which joins with the lower Rii Wa'ò (Rewa River), which joins with the lower Rupununi River, which flows into the Essequibo River.



Figure 6: Satellite imagery showing the increased deforestation
Showing the Marudi mining area from August 20 2013 to October 15 2015

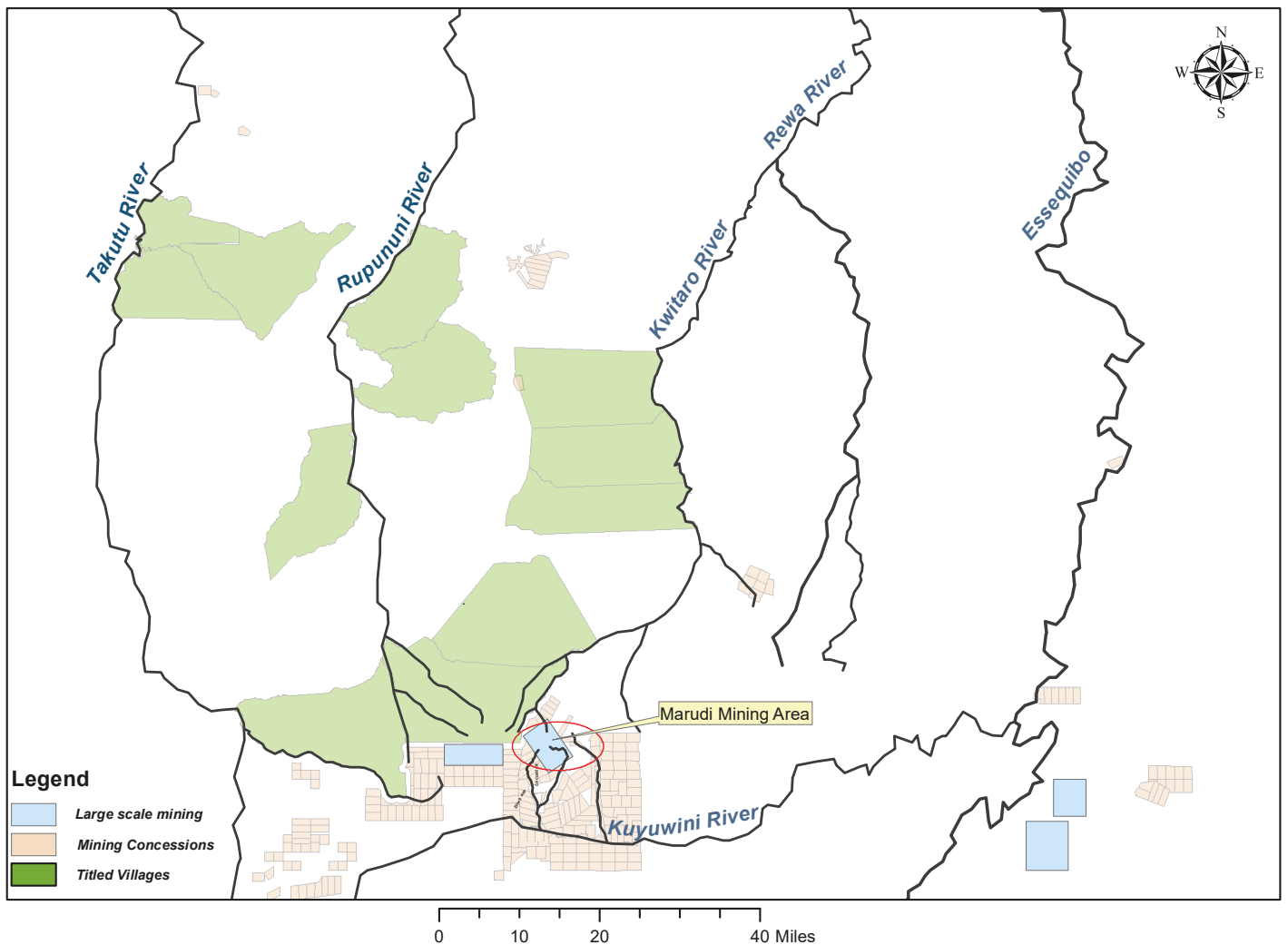


Figure 7: Map of rivers polluted by mining operations in Wapichan territory

The potential for increased mining activities on Marudi is particularly concerning because the ecosystem of the area has been under stress for some time. Residents of nearby villages such as Karaodaz Naawa (Karaudarnau) and Aishara Toon (Aishalton) have reported that they have noticed a decrease in the game (wildlife) in the forests at Marudi Mountain, which they suspect is a result of the mining activities and destruction of the forest cover and of the creeks. One resident observed:

So many things are happening now that aren't like before. We are not finding fishes like before because the whole area is contaminated. The miners use a lot of things, like oil, gas, and other things that are polluting the area. The owner of the place, they say, is gone. The miners have chased it away. You wouldn't find clean water now. You wouldn't find no more plenty fish in the pool, because the keeper of the creek wouldn't be there any longer. The fishes have a grandfather who keeps the fishes. Sometimes it is a big kamudi or other big creatures. But nowadays, the oil and other things coming from Marudi is chasing the owner of the fish so there is no proper safety for the fishes. The fishes are not normal like before. You can see that some fishes don't have the same sizes as before. For example, the hiamara fish have the same size heads as before, but the tail is much finer and smaller than before. There is a big change in the whole area.

Godfrey Pauline, Aishara Toon Village



Figure 8: Drone imagery of Natu Wa'o (Locust Creek), April 25 2015

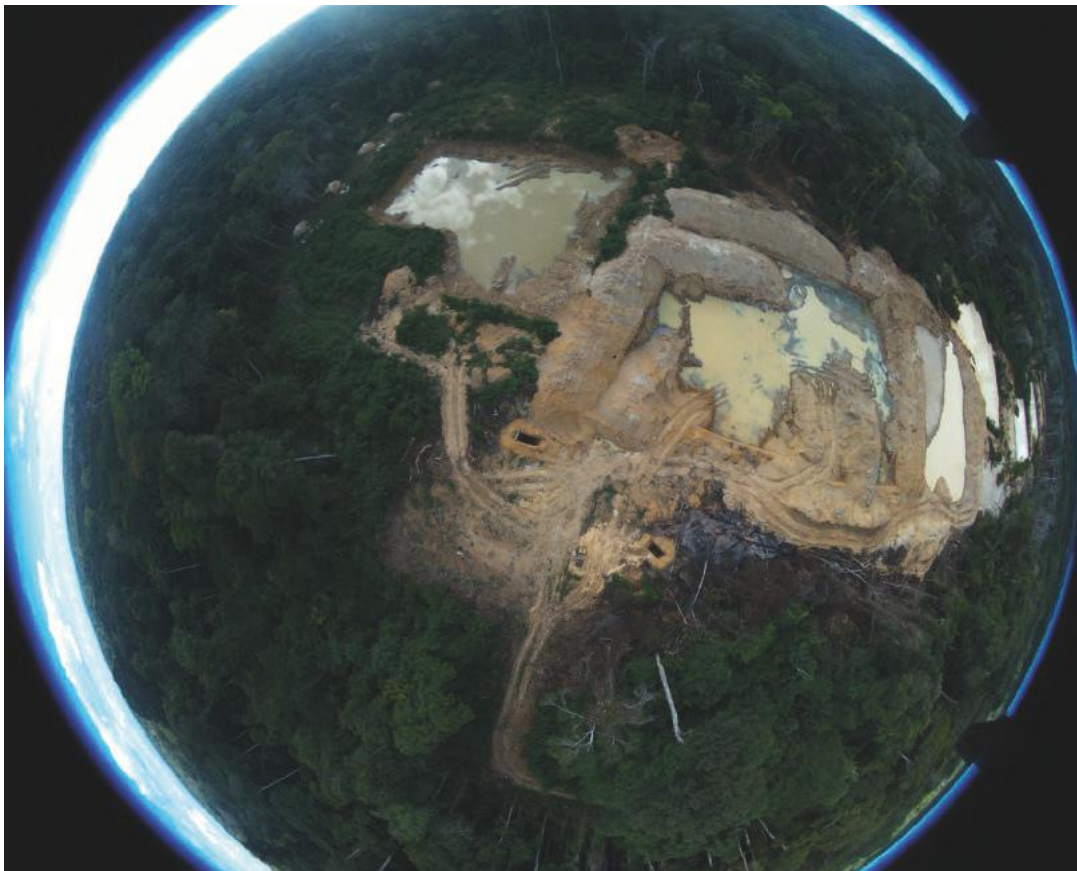


Figure 9: Drone imagery of Toucan Creek, April 9 2016



Figure 10: Mining in Natu Wa'o (Locust Creek)

Studies done by the World Wildlife Fund (WWF) have documented the negative environmental and health impacts of the mining at Marudi Mountain. The WWF's 2016 Biodiversity Assessment Report on the South Rupununi documented that of all bodies of water tested, Marudi Creek had the highest turbidity level, at 154 NTU¹⁵. The WWF also detected high levels of mercury in both the Kuyuwini River (at 4.55 µg/L) and Marudi Creek (at 4.64 µg/L)¹⁶. The study noted that although the results were preliminary and further studies were needed, the tests done thus far at Marudi Creek are a cause for concern and may indicate that the creek was under threat¹⁷. The WWF recommended that Marudi Creek "should be [one of] the first ones that are targeted by the Wapishana people for action in terms of controlling the human activities"¹⁸.

These data were updated following a site visit to Marudi by the Ministry of Natural Resources, the Environmental Protection Agency (EPA) and the Guyana Geology and Mines (GGMC) Commission in May 2016. A GGMC/EPA follow-up report to the site visit observed that all creeks in the Marudi catchment area had high turbidity levels, ranging from 193 NTU to 824 NTU¹⁹. The report continued that many creeks were "significantly mined and their channels were diverted"²⁰.

The Ministry of Natural Resources' summary report following the May 2016 site visit documented additional negative environmental and health impacts of the mining activities at

15 *Biodiversity Assessment Survey of the South Rupununi Savannah, Guyana*, BAT Survey Report No. 1, World Wildlife Fund, 2016 (hereinafter "WWF BAT Report No. 1"), p. 177.

16 *Id.*

17 WWF BAT Report No. 1, p. 180.

18 WWF BAT Report No. 1, p. 182.

19 GGMC/EPA Joint Follow-Up Visit to Marudi Mountains Report, May 9-16, 2016, p. 2.

20 *Id.*



Figures 11 & 12: Mining in Natu Wa'o (Locust Creek)

Mining in creek beds disrupts water flow, which in turn disturbs fish spawning. The lack of flow is causing the water to stagnate in pools. Miners are also dumping tailings back into the creek bed.



When you look at where the mining is taking place around Marudi that area was always healthy and intact before. I had walked and studied that place for a long time. Then the people came in to do mining and they began to destroy the land. This is not a good thing! Why are they destroying it? You can see now that the trees are dying back and the place is smelly. It is now stinking, especially in the rainy season. They are not taking care of the place and many games have gone away from there as their multiplying grounds have been damaged. You have to see that this place is not only the home for us humans but also for the birds, animals and fishes. It is their home too! This is why I am saying that the forest is being messed up and the birds and animals are not there any longer. The creeks are dirty and we can no longer drink the water there. It is smelly.

This is why I would like the mining to ease off now and stop because the place is not healthy no more and the bichi and bakuru are leaving that place. I am so sad to see how the place is now and to see the damage to the mountain is hurtful to me. What is also very troubling is that the dirty and contaminated mining waters are running off into the creeks and eventually into the Kuyuwini and Kwitaro Rivers. The water is not healthy and no longer clear. I am saddened to see the river water like that all dirty.

I feel that if the companies and the government plan to large scale mining the situation may get even worse for us and we will be put out of there and no longer able to use the place no more. They will change the place and destroy and nothing will be able to live there and we will not be able to go and get the resources we need any more. Our land will be reduced. The government may say that we can use other parts of our territory but it is not the same. And what really worries me is that the whole place is so important for the rivers here. The creeks flow into the Kuyuwini and then the Essequibo, and flow into the Kwitaro as well. It is a crucial watershed for our territory and for the fishes and people living far from there. I remember once catching a fish with a tag and it must have come from way down the Essequibo, but it reached up here. So these pollutants will enter the river and flow downstream and cause sickness in the fish and the people that eat them. The problem is that the large-scale mining may cause damage to the waters at a faster rate and have a much bigger impact.

Testimony of Chrysoston Isaacs, Karaodaz Naawa Village

Marudi Mountain. The report observed that “burning of amalgam was done openly leading to atmospheric pollution and posed serious threat to the health of the miners and residents of the area.”²¹

A 2017 study done by the WWF found that residents of Parabara Village had hair mercury levels exceeding the World Health Organization recommended level of 25 µg*g-1 in adults. The most vulnerable population in Parabara, women of childbearing age, had the highest mercury levels, between 46.64 and 50 µg*g-1, and could pass the mercury on to developing fetuses and cause severe neurological damage to the child²².

SRDC monitoring reports have also documented these practices and negative health and environmental impacts, particularly damage to waterways which contravene the Environmental Protection Agency’s Water Quality Regulations²³.

Socio-Economic Impacts

The mining at Marudi Mountain has also impacted our communities with social ills, negative economic impacts, and infrastructural impacts, including:

- Prostitution of young Wapichan women in the mining camps
- Increasing levels of sexually transmitted diseases (STDs) and teenage pregnancies
- Drug and alcohol problems spreading from mining camps to villages
- Diversion of income away from villages to shops in mining camps
- Damage to local infrastructure by heavy mining machinery

One person described some of what is happening as follows:

As well as the harm to the forest, mountains and rivers, there are bad things happening to our young people. They go there and work with the miners and are affected by their badness. They are influenced by them and the idea of just making money. Our girls go there to sell their bodies. To lie with a miner they will get one pennyweight. Sometimes a girl might lie with ten men in one single night and earn ten penny weight. Can you imagine!

This is what makes us Wapichan nao angry and upset. Even our young men that are married with children will be tempted to lie with a girl and pay for sex and so they spend out their money and gold and forget their family. So when our youth go there to get money they end up being corrupted. If you walk along the mining trails down there you can see many condoms discarded. So our people that go with the miners no longer know how to live with nature.

Nicholas Ernest Myers, Karaodaz Naawa Village

21 *Summary Report: Marudi Mountains Romanex ML, Region 9*, Ministry of Natural Resources, May 10-15, 2016, p. 6 (emphasis added).

22 *A Rapid Risk Assessment on Mercury Exposure and Accumulation in Four Indigenous Communities in the Southern Rupununi Region, Guyana*, World Wildlife Fund, June 2017, p. 31.

23 See, e.g. EPA Water Quality Regulations 5(3) (prohibiting any discharge in toxic amounts).

The social impacts of mining include the increase in prostitution at the mining camps and the associated increase in sexually transmitted diseases and teenage pregnancies. There have been complaints about the increase in drug and alcohol use in villages through the influence of miners. These same activities have also caused security concerns for village residents, with reports of potential human and drug trafficking.

Village residents are also concerned that villagers who work in the mining camps spend their money on prostitution, drugs, or alcohol, causing economic challenges, as the money the “village boys” make does not circulate back into the villages. Moreover, the mining activities have prompted an influx of people from the Guyana coast (“coastlanders”) and from Brazil, who have set up shops in the Marudi mining area. This has diverted economic activity away from the villages and village shops. Miners and the mining company argue that the mining is providing an economic boost to the villages, some villagers are actually suffering economically as a result of the mining.

The mining activities are not only affecting the villages closest to the mining areas, but all villages (in addition to the cultural impacts) through damage to our roads. The heavy machinery used by the miners degrades our roads and the miners give nothing back to help rebuild or maintain them. As just one example, on June 1, 2018, an excavator destroyed a bridge on the route between the town of Lethem and the villages in the South Rupununi, resulting in villagers being stranded on one side or the other.



Figure 13: Destruction of local bridge by excavator owned by miner

The excavator broke this bridge along this route between Lethem and the South Rupununi

Legal Implications

The mining activities at Marudi Mountain violate our rights both as citizens of Guyana and as indigenous peoples. We hope that this report helps to highlight the specific ways in which the laws of Guyana and our rights are being violated and to help the Government enforce its own laws and meet its obligations under international law.

Right to Non-Discrimination

It is discriminatory for the Government to prioritise the concerns of the miners over our rights. The Constitution of Guyana, Article 149D(1) provides: “The State shall not deny to any person equality before the law or equal protection and benefit of the law.” The Committee on the Elimination of Racial Discrimination (CERD), which interprets the International Convention on the Elimination of All Forms of Racial Discrimination, which is explicitly incorporated into our Constitution²⁴, recently recommended that in order to stop discriminating against us in the context of the activities on Marudi Mountain, the Government should, among other things, not issue any new concessions, and should revoke any concessions already issued without our consent (see next section)²⁵.

Right to Effective Participation

It is a violation of our right as indigenous people to effective participation in decision-making affecting us to grant mining concessions without our consent and to conduct environmental and social impact assessments without our involvement. The right to effective participation includes the right to give our free, prior, and informed consent, through our representative institutions (e.g., the SRDC), to legislative and policy matters affecting us²⁶. The CERD recommended that in order for the Government to effectively comply with its international legal obligations in this regard, it should “Refrain from approving projects and granting mining concessions that affect the lands, territories or resources of Indigenous Peoples without obtaining their free, prior and informed consent, *and revoke such projects ... on Marudi Mountain to which the Indigenous Peoples did not consent.*”²⁷ Such revocation is called for since the mining license was granted without our free, prior, and informed consent and applies irrespective of whether title has been issued over that area.

The CERD also recommended that the Government “Ensure that environmental and social impact assessments of the proposed mining project on Marudi Mountain are conducted with the participation of the Wapichan people”²⁸. We observe in this regard that the draft ESIA has

24 Constitution of Guyana, Art. 154A.

25 *Communication to the Republic of Guyana*, CERD/95th/EWUAP/SK/ks, 17 May 2018.

26 UNDRIP, Art. 19. See also, UNDRIP, Art. 32; Rio Declaration on Environment and Development (calling on states to enable the effective participation of Indigenous Peoples in achieving sustainable development); *Yatama v. Nicaragua* (2005) (IACtHR) (holding states responsible for ensuring that indigenous communities can participate in decision-making “from within their own institutions and according to their values, practices, customs, and forms of organization”) para. 225; IACtHR 23-17 (noting that the state’s obligation to guarantee fundamental rights like the right to life and personal integrity under the American Convention includes procedural requirements, such as the rights of access to information and public participation) (citing *Caso Furlan y familiares Vs. Argentina. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 31 de agosto de 2012. Serie C No. 246, párr. 294, y Caso I.V. Vs. Bolivia, supra, párrs. 156 y 163*) 211;

27 *Communication to the Republic of Guyana*, CERD/95th/EWUAP/SK/ks, 17 May 2018.

28 *Id.*

already been published²⁹, without our participation in the process. We urge the Government to reject this draft ESIA as inadequate and to request a revision of the same, one that includes our effective participation.

Right to Lands, Territories, and Resources

The lack of legal recognition of our ownership and control over Wapichan wiizi as one people is a violation of our rights as indigenous people to our lands, territories, and resources³⁰. Since 1967, we have petitioned the Government to recognise our customary tenure system and to legally recognise our collective territory. The Government thus far refused our request. The Committee on Economic, Social and Cultural Rights (CESCR), which interprets the International Covenant on Economic, Social and Cultural Rights (ICESCR), also explicitly incorporated into our Constitution, recommended that the Government revise the Amerindian Act to protect indigenous peoples' rights to our lands, territories and resources³¹. We are hopeful that this Government will follow this recommendation and live up to its promise to revise the Amerindian Act 2006 in accordance with international standards and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Our monitoring programme is just one example of how we indigenous peoples are stewards of our lands and can manage and care for these lands better than anyone else. We urge the Government to grant us the legal recognition to our lands that will enhance our abilities to protect our lands.

Right to a Healthy Environment and to Health

The failure of the Guyana Geology and Mines Commission (GGMC) to ensure that mining at Marudi is being done in accordance with national mining and environmental laws violates our right to a healthy environment and to health, both as individuals³² and as indigenous peoples collectively³³. In 2016, the Ministry of Natural Resources (MNR) shut down all operations on Mazoa Hill within Marudi, declaring it to be unsafe and hazardous, because miners were operating without regard to legal requirements related to health, the environment, and safety³⁴. However, days after the MNR team left, workers were again mining on Mazoa Hill, showcasing the ineffectiveness of the enforcement of mining and environmental laws.

In its report, the MNR recommended standardizing the mining operations according to Best Management Practices and the Mining Act, Environmental Protection Act, and corresponding regulations; requiring the GGMC to develop and implement a targeted education and awareness programme for the Marudi area; and ordering the Environmental Protection Agency (EPA) and GGMC, with support from the Police Force, mining license holders, indigenous communities,

29 Romanex Guyana Draft EIA, Environmental Protection Agency, Created 18 July 2018, available at: <http://www.epaguyana.org/epa/downloads/esia-s/download/17-esia-s/334-romanex-guyana-draft-eia>.

30 Committee on Economic, Social and Cultural Rights, *Concluding observations on the combined second to fourth periodic reports of Guyana*, United Nations Economic and Social Council, 28 Oct 2015, E/C.12/GUY/CO/2-4, para. 15.

31 Committee on Economic, Social and Cultural Rights, *Concluding observations on the combined second to fourth periodic reports of Guyana*, United Nations Economic and Social Council, 28 Oct 2015, E/C.12/GUY/CO/2-4, para.15.

32 See, e.g., ICESCR, Art. 12; CESCR General Comment No. 15; Constitution of Guyana Art. 149J(1)-2(2) (stating that “[e]veryone has the right to an environment that is not harmful to his or her health or well-being” and that the State must take legislative and other measures to “secure sustainable development and use of natural resources while promoting justifiable economic and social development”).

33 See, e.g., UNDRIP, Art. 29.

34 See *Summary Report: Marudi Mountains Romanex ML, Region 9*, Ministry of Natural Resources, May 10-15, 2016, pp. 5-6 (also reporting that “miners operated without regard for the Mining Act, Environmental Act [sic], and the various regulations that govern mining activities”).

and the Rupununi Miners Association, to develop and implement a programme to monitor all mining activities at Marudi³⁵. The CESCR had similarly recommended that Guyana “strengthen the inspections of mining and logging activities in hinterland areas, including by improving the human and financial capacities of the inspection bodies”³⁶.

The SRDC monitors are well placed to help the Government implement the MNR and the CESCR’s recommendations and to ensure that the miners, whether working for the small-scale miners or the Romanex/Guyana Goldstrike company, are adhering to mining and environmental laws.

Right to Cultural Heritage and Way of Life

The destruction at Marudi Mountain violates our right to our cultural heritage and our way of life. Article 149G of the Constitution of Guyana provides that “Indigenous peoples shall have the right to the protection, preservation and promulgation of their languages, cultural heritage and way of life.” Similarly, international law protects the right of the Wapichan people to the protection and preservation of our cultural heritage³⁷. We have the right to maintain and strengthen our “distinctive spiritual relationship” with traditionally owned/occupied lands and territories³⁸. It is critically important to the maintenance of our cultural heritage that we stop the continued degradation of Marudi Mountain.

35 *Summary Report: Marudi Mountains Romanex ML, Region 9*, Ministry of Natural Resources, May 10-15, 2016, p. 13.

36 Committee on Economic, Social and Cultural Rights, *Concluding observations on the combined second to fourth periodic reports of Guyana*, United Nations Economic and Social Council, 28 Oct 2015, E/C.12/GUY/CO/2-4, para. 17(b).

37 See, e.g., UNDRIP, Art. 31; American Declaration on the Rights of Indigenous Peoples, Art. 13.

38 See, e.g., UNDRIP, Art. 25.

Recommendations

The work that the SRDC monitors have done shows that our Monitoring Programme is an important and invaluable resource for gathering information about what is happening on the ground in the South Rupununi. It has also revealed many of the challenges facing the Wapichan today in the South Rupununi, particularly in relation to the protection of our lands, territories and resources. We therefore respectfully recommend to Your Excellency that The Government of Guyana formally recognise and collaborate with the SRDC Monitoring Programme.

We observe that the Ministry of Natural Resources has itself recognised the need for better monitoring and enforcing of mining and environmental laws at Marudi Mountain. Aside from the mining activities at Marudi, we note that there are many other challenges and issues in the South Rupununi, including, for example, illegal logging and illegal border crossings. The SRDC Monitors are well-equipped to monitor these activities -- they are local Wapichan and know the South Rupununi well, and they have had experience and training in monitoring these activities. Our Monitoring Programme can therefore assist the MNR in monitoring the mining activities at Marudi Mountain. We can also assist the Ministry of Security in monitoring border security and the Guyana Forestry Commission (GFC) with monitoring illegal forestry activities, as we have already done in a situation in Parabara.

Official recognition of the SRDC Monitoring Programme would provide both us and the Government with an enhanced ability to identify and take action against any illegal or unsustainable activities happening within our territory and the South Rupununi. Such recognition would allow for a fruitful and mutually beneficial collaboration between the SRDC and the Government of Guyana and we hope to continue to assist the Government monitoring violations of the law and our rights in our territory.