

Forum Conference 2012

Changing standards and practices -
the same rights and peoples?

Report



Forum for Development Cooperation with Indigenous Peoples Conference 2012



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Indigenous Rights – New Mechanisms and Standards

Indigenous Peoples' Experiences and Perspectives on the New International Standards in the Fields of Human Rights and Corporations.

Dmitry Berezhev, Russian Association of Indigenous Peoples of the North, Siberia and Far East (RAIPON)

It is a great honor for me to participate and present at the Forum where there are gathered prominent experts in international development and development of Indigenous peoples, as well as professors at the University of Tromsø and my colleagues, students of the Master of Indigenous Studies program

During our lectures here at the university I have been met with astonishing discoveries. The issues I thought about many times during my work as an activist in the Indigenous movement in Russia are similar to others.

Many times I asked by myself: Why is it that hundreds of different researchers and experts come to our communities asking thousands of questions about our lives, then make their research findings and expertise available about the lives of Indigenous populations, but the situation is not improved? Why are there so many conferences and workshops, but the situation with Indigenous peoples' rights is still so difficult? How do all those Conventions and Declarations and other international laws work if they do not make the lives, like fishing and hunting rights, of Indigenous peoples easier? And now I start to understand; I do not understand the answers but I see the direction.

The everyday lives of Indigenous peoples around the world is very difficult. They continue to remain some of the most vulnerable populations. And many indicators of economic development, participation of decision-making, land use, and tenure, etc., show us that the life conditions of Indigenous peoples are catastrophically declining in many countries. In all countries one of the main problems for Indigenous peoples is the pressures of businesses, and most of all, extracting companies on Indigenous territories. Businesses using the gaps in legislation, corruption, money power grabs, and polluting the lands, displace the Indigenous peoples from their lands and traditional areas.

I am myself from Russia and will speak here from my Indigenous background from Russia.

I belong to the Itelmen people and originally I am from Kamchatka—that is, the Russian Far East Region. For more than twelve years, I have worked in the Indigenous movement of the small numbered Indigenous Peoples of the North, Siberia and the Far East. My first place of professional work in an Indigenous NGO was the *Ecological Information Center of Indigenous Peoples "Lach"* on Kamchatka that was organized by RAIPON in cooperation with the *Danish Environmental Protection Agency*. And for many years that Center worked with support of IWGIA. The main idea for the Center was to share and deliver information to remote settlements, build up the Network of Indigenous Peoples in Kamchatka and create legal consultations for communities.

I will offer a bit of information for orientation. In Russia, there are forty federally recognized Indigenous Peoples of the North, Siberia and the Far East, with the total population of about 250-270 thousand people living in the area that covers 60 % of the total territory of the Russian Federation, from Murmansk in the West all the way to Kamchatka and Chukotka in the East. By Russian legislation, an ethnic group can be recognized by the federal Government officially as small numbered Indigenous peoples of the North, Siberia and the Far North if the total number of its representatives is less than 50,000 people.



INDIGENOUS PEOPLES OF THE NORTH, SIBERIA AND FAR EAST OF THE RUSSIAN FEDERATION

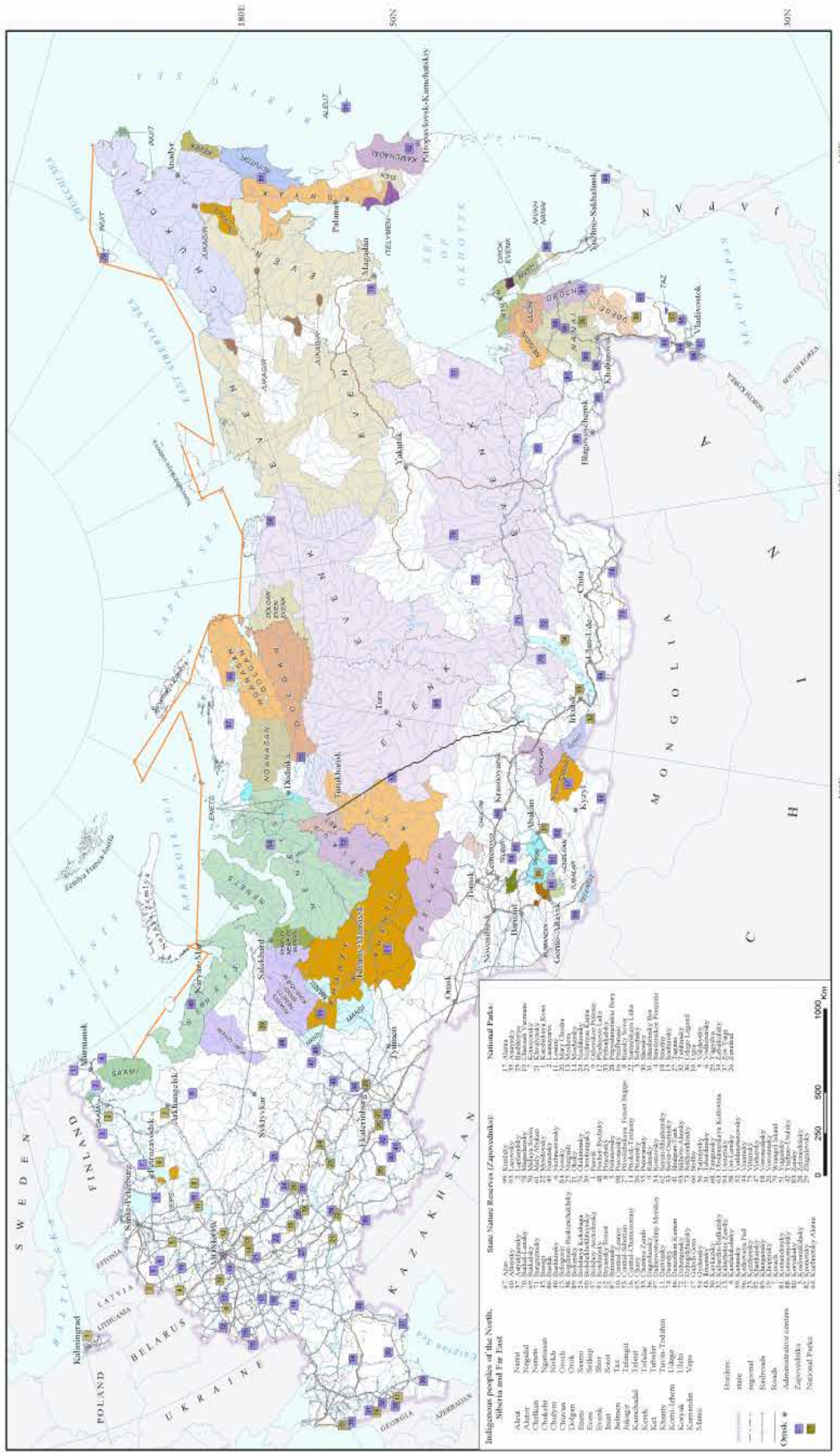


Figure 8: Slide 4 Map: Indigenous peoples of the North, Siberia and Far East of the Russian Federation

There are some other definitions that they have to preserve traditional ways of life, traditional economies, culture, languages, beliefs etc. Also in Russia we have seven other ethnic groups that are recognized by the Russian government as small numbered Indigenous peoples who live in other parts of Russia and fourteen small numbered Indigenous groups who live in Cocos. The most important thing is that our peoples preserve the very close connection with nature and dependence from natural resources. The main occupations are hunting, fisheries, sea hunting, gathering, and of course, reindeer herding.

In the beginning when the organization started, our rather young team was very enthusiastic. We made the e-mail list, organized the publication of the monthly newspaper for Indigenous peoples, organized the legal consultations and made different education workshops for Indigenous leaders.

That was at a time when the first mining companies appeared in Kamchatka. We had none of them before and the peninsula was free from the heavy industries until the beginning of the turn of the 20th century. They came to some districts in Northern and Central Kamchatka and started to build mines and ore plants and built the roads. People complained that business polluted the rivers where the local population was fishing, and divided the reindeer pastures with the roads.

Our network reacted and we reached the biggest corporation *Koryakgeoldobycha* that actually was a holding which controlled other companies, and required that they respect the Indigenous peoples' interests in those two districts where it operated.

After a while they agreed to have a roundtable with Indigenous peoples of Kamchatka to discuss the following issues: industrial development on Indigenous peoples' lands; the making of ecological expertise on the ground before the company could come into the area; the compensation for Indigenous communities when they had to withdraw from the lands; and the general consultations with Indigenous peoples.

We were very proud that we achieved such "results" and organized the direct dialog between Indigenous communities and the corporation. Actually we did not work with the corporation directly but with the new corporation's structure that was called "The fund of Kamchatka's development," or something like that. The director of that fund supported our ideas and thoughts etc. She was from Moscow and was invited by the company to organize the work with Kamchatka NGO, civil society, Indigenous organizations and others.

We held the seminar, had discussions, drew up resolutions etc. During the meeting we agreed that the corporation has to inform us about its new activity, make the compensation fund or make the special compensation agreements with the communities that were negatively affected, among other measures. This was around 2004.

At that time I was elected as a chair of the regional Association of the Indigenous Peoples and we thought that our organization that united all Indigenous populations of the region could cite the official agreement with "Koryakgeoldobycha".

At the same time, we worked closely with the ecological organizations in Kamchatka and they participated in our meetings as well. The ecologists had, of course, totally opposite views on development. They told us that Indigenous peoples had to rise up against the corporations, have protest actions etc. So for me, as a rather young man at the time, it was very difficult to make the decisions. The team was not actually experienced in the theme of industrial development and negotiations with extractive companies.

We did not have our own experts that could advise us. Of course, we consulted with the main RAIPON office in Moscow, but that was not enough, we could not receive the full consultations "round-the-clock," as you see. Concurrently, we had no regional experts. Of course we had Indigenous representatives who were professionals in culture, languages and education, but nobody with an economic or legislative background to whom we could trust. So we thirsted for expert assessments and had no ability to produce it. We still held the meetings with the company. There were Indigenous peoples from all the effected villages, ecologists, authorities and other stakeholders. We started to wait... But nothing happened.

And then the leadership in the corporation changed, and the leader of that fund for development also changed. She left for Moscow. And one time I met her during the RAIPON meeting in Moscow. I asked her about our decision and public agreements during the workshop. She said that she was only hired by the company to establish the links with the populations because they had begun complaining; that is all, and she had

done her job. And now she was a Moscow NGO professional working with new contracts to make some children's publication or something.

That was a shock for me because as a leader of a regional organization, I had already promised the people that we can open dialog with the company and they will receive some mechanisms to influence the situation, they will receive a complaint mechanism, receive compensation.

That, of course, was just a little bit of a schematic description, but I tried to give you an idea of our experiences.

Actually the new owner of the corporation decided that is not so necessary to negotiate with the local population and spend the money for that and that it would be cheaper for him to sign a direct agreement with the Governor, give the funds to be under the control of regional government and forget about the problem. They could just forget about the pollution of the river and the reindeer herders' complaints. That was a shock, but also the first valuable experience for me personally.

After that, our organization started to fight against the company and governor, but that is another story.

After some years when I moved to Moscow and I have been further involved in the issues of industrial corporations and Indigenous peoples' rights. We worked on different levels with communities, regions, with federations and internationally.

I am not sure that I have time to tell about everything. But I can tell you that in 2005, using our Kamchatka experience, RAIPON organized the first action of protests against company Sakhalin Energy—the giant oil company in Sakhalin Island that operates now through Gazprom (that's the biggest Russian and world gas company) and Shell. That was the first planned action of Indigenous communities against the oil industry in Russia. After several months of fighting in the mass media, in the field where Indigenous peoples closed the road for the company's trucks, the parties— including the regional authorities— organized negotiations.

Now they have the tri-party agreement of Regional Council of Indigenous Peoples, the Governor and Sakhalin Energy, where they agreed about the procedures of negotiations, complaints, economic development of Indigenous peoples, social programs etc. That is actually the best experience now in Russia, and Sakhalin Energy and Shell are so proud of it that they present it in every meeting around the world connected with social policy responsible business.

But beyond my Kamchatka and later experience, I can make several conclusions.

First, there is a huge gap in the expert capacity of Indigenous peoples to assess the challenges, opportunities, mechanisms and procedures of negotiations with businesses. Also Indigenous peoples are suffering and thirsting for adequate expert assessments that will support the Indigenous peoples' point of view, not the business point of view.

There are more and more international mechanisms and standards in this field that one or another way could include the issue of respect for Indigenous peoples' rights by businesses:

- the ILO 169;
- the UN Declaration of the Rights of Indigenous Peoples;
- the policies of International finance institutions, like the World Bank, European Bank of Reconstruction and Development, Asia Development Bank, etc; they have rather clear policies on Indigenous peoples' issues. Actually, the European Bank of Reconstruction and Development and the International Finance Corporation that is the structure of the World Bank are the first and only financial institutions which incorporate the Free, Prior and Informed Consent in their policies;
- the new version of the OECD (that is Organization for the Economic Development and Cooperation) guidelines for multinational enterprises, which has a complaint mechanism to the national focal points of OECD on the state level;

- the new Guiding Principles on Business and Human Rights: implementing the United Nations “Protect, Respect and Remedy” framework, the main aim of which is to make a standard for negotiations between business, states and civil society on the issue of human rights, vulnerable peoples, including Indigenous peoples are one of the focuses of the UNGPs.

Actually the last two measures, as well as IFC policy, were just adopted last year.

But the problem is that Indigenous peoples have no skills to use them appropriately and adequately. There is a huge gap in education of Indigenous peoples in the field.

The communities have no access to information and the companies do not provide the information to the people; for example, the information about the loans they can receive from the banks that could provide the instruments for Indigenous communities to influence the situation.

With all the international standards, I have started to notice that businesses and entities related to expert society and so-called NGOs on human rights, are now very vigorously involved in the thematic. They hold thousands of conferences around the world, make dozens of different guidelines and handbooks etc. So you could get confused with all of them. But unfortunately, for many of them, it is just the work for work the sake of work in the best case scenario. In the worst case scenario, it is work to destroy the recognition of Indigenous peoples' rights in negotiations with corporations.

Here I have to say that I do not speak about all of them, there are many very professional expert organizations that really support the theme of human rights and want to make the situation better for Indigenous communities.

Honestly, I have to say that it is a much easier and clearer situation with the international corporations that operate from the Western countries and have worked on Indigenous territories in Russia and in other places around the world. There are instruments which could put some tools into the hands of Indigenous peoples. It is a much worse situation with national businesses and private investments, especially in countries like Russia, where corruption flourishes and the legislation is not so strong.

That concludes a rather short overview of my understanding of the problems facing Indigenous people. To return to the beginning of my presentation and also to the dialog that we have had in our lectures in the course of Social Anthropology about types of research—activist or collaborative— I have to add to the logical series of the presentation made by Professor Saugestad. There is “research on,” “research with,” and “research by”; I really like the last one, but I would add one, that is, “research for.” That is the most important.

Program

Venue for the Forum conference at University of Tromsø 9-10 October 2012:
University Campus, Teorifagbygget, Hus 1, Auditorium 1.

Tuesday 9.10.2012

13.15-13.45: Registration, at University Campus, Teorifagbygget, Hus 1, Auditorium 1.

Opening of conference – setting the agenda

- 13.45 Opening by Torjer Olsen, Chair, Forum for Development Cooperation with Indigenous Peoples: *“Development cooperation with Indigenous Peoples – changing policies – the same peoples”*.
- 14.00 Professor Sidsel Saugestad, Former chair of the Forum for Development Cooperation with Indigenous Peoples: *Background for the establishment of the Forum for Development Cooperation with Indigenous Peoples. What happened to the mandate?*
- 14.20 Questions and discussion.
- 14.30 *Coffee. Posters by the students at the Master’s in Indigenous Studies (MIS)*

Indigenous Peoples, REDD and Norway’s International Climate and Forest Initiative

- 15.00 Gry Asp Solstad, The Ministry of the Environment: *“Indigenous Peoples, REDD and the Government of Norway’s International Climate and Forest Initiative”*.
- 15.30 Signe Howell, University of Oslo: *“No Rights - No REDD” a credibility gap between policy and practice’*
- 16.00 Questions and discussion.
- 16.30 *Coffee.*
- 16.45 Edward Porokwa, PINGOs Forum, Tanzania: *NORAD involvement on REDD with particular involvement of indigenous peoples and issues in Tanzania.*
- 17.15 Questions and discussion
- 18.00 Bus departure from the University to Scandic Hotel
- 19.00: *Dinner at Scandic Hotel*

Wednesday 10.10.2012

09.00 Bus departure from Scandic Hotel to the University Campus.

Indigenous Rights – New mechanisms and standards

- 09.15 Dmitry Berezhkov, Russian Association of Indigenous Peoples of the North, Siberia and Far East (RAIPON): *“Indigenous peoples’ experiences and perspectives on the new international standards in the fields of human rights and corporations.”*



- 09.35 Johan Vasara, The Sami Parliament of Norway: *“The Sámi Parliaments international co-operation with Indigenous Peoples”*
- 09.45. Questions and discussion
- 10.15 Coffee

Development work seen from the ground

- 10.30 Arne Kjell Raustøl, Digni: *Indigenous development - Experiences and challenges seen from an NGO.*
- 10.50 Tore Johnsen, Sami Church Council: *Between grassroots experiences and policy making: Has the experience with the emerging indigenous agendas in the Churches relevance to the field of development?*
- 11.10 Questions and discussion
- 11.30 Ragnhild Nystad, Mama Sara Education Foundation for Maasai Children: *Indigenous to Indigenous cooperation*
- 11.50 Kirsti Lervoll, Riddu Ridđu: *“Culture work/cooperation as development cooperation. The Riddu Ridđu Festival as an arena for cross boarder projects between indigenous people”*
- 12.10 Questions and discussion
- 12.30 Lunch.

Panel discussion – The way forward

- 13.30 Introductions to Roundtable discussion.
- 13.45 How to improve the quality of Norway’s development co-operation with Indigenous Peoples? Does the Forum have a part in this?
- Comments by:
- Finn Arne Schancke Selfors, Chair of the Board, Centre for Sami studies.
 - Marianne Balto, council member of the Sami Parliament in Norway
 - Representative from NGOs, Sami organizations and Forum for Development Cooperation with Indigenous Peoples

Closure

- 14.45-15.00 Closure of the Forum Conference 2012.

Participant list:

Amante Debela Goshu	University of Tromsø
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Broderstad Else Grete	University of Tromsø
Bruland Hildegunn	University of Tromsø
Dahl Jens	IWGIA
Dalheim Anne	Sami Church Council
De Lucia Vito	University of Tromsø
Evjenth Ivar	Interpreter
Fotland Håkon	University of Tromsø
Francett-Hermes Michelle	University of Tromsø
Fridfinnsdottir Elin	University of Tromsø
Gaup Nils Ole	Interpreter
Gautam Ramesh	University of Tromsø
Hatteng Bjørn	University of Tromsø
Hovda Lien Ingrid	University of Tromsø
Howell Signe	University of Oslo
Jennings Helen	University of Tromsø
Jensen Ellen Marie	University of Tromsø
Johnsen Tore	Sami Church Council
Johnskareng Arnstein	University of Tromsø
Kagumba Andrew Kalyowa	University of Tromsø
Kharina Valentina	University of Tromsø
Lervoll Kirsti	Riddu Riddu
Lilleeng Terje	University of Tromsø
Lundberg Maria	University of Oslo
Løvold Ane Hedvig Heidrunsdotter Løvold	University of Tromsø
Martinsen Lilly	University of Tromsø
Minde Henry	University of Tromsø
Nikanovora Liudmila	University of Tromsø
Nikolaeva Maria	University of Tromsø
Nilsen Line	University of Tromsø
Nystad Ragnhild Lydia	Mama Sara Education Foundation for Maasai Children
Olsen Torjer	University of Tromsø
Peng Rong	Yunnan University
Pokharel Prakash	University of Tromsø
Pokhrel Marshal	University of Tromsø
Porokwa Edward	PINGOs Forum
Rachel Issa Djesa	University of Tromsø
Ramstad Liss-Ellen	Sami Parliament of Norway
Raustøl Arne Kjell	Digni
Rinda Cornelie	Friendship North/South
Sandvik Carina	University of Tromsø
Saugestad Sidsel	University of Tromsø



Schancke Selfors Finn Arne	University of Tromsø
Sciaba John Richard	Interpreter
Selfors Aike	University of Tromsø
Shavrina Olga	University of Tromsø
Silwal Hari Prasad	University of Tromsø
Skaiaa Marianne	Digni
Solberg Kristin	University of Tromsø
Solstad Gry Asp	The Ministry of the Environment
Somby Silja	Interpreter
Stepien Adam	Northern Institute for Environmental and Minority Law, Arctic Centre, Finland
Stormoen Elizabeth	Norad
Tanabe Yoko	University of Tromsø
Tvedten Tarjei	University of Tromsø
Uzawa Kanako	Association of Rera (Ainu group in Japan)
Vasara Johan	The Sami Parliament of Norway
Wang Xin	Yunnan University
Weines Jørn	University of Tromsø
Wessendorf Kathrin	IWGIA
West Sandra	Riddu Ridđu
Wilken Ivonne	University of Tromsø
Zhou Yong	University of Oslo