Contents

Opening: Rector of the University of Tromsø: JARLE AARBAKKE .............................................. 7
Opening: Chair of the Forum: SIDSEL SAUGESTAD ................................................................. 9
Opening: Conference Organizer, Dept. of Research & Development UiT: HÅKON FOTTLAND .... 11

Advancing the Declaration on the Rights of Indigenous Peoples through true partnership;
New UN initiatives on the rights of indigenous peoples
ANTTI KORKEAKIVI, Chief, Indigenous Peoples and Minorities Section, OHCHR ................. 15

Reaching beyond the pretty words? The Sami and Development Cooperation
AILI KESKITALO, Chair, Norwegian Sami Association (NSR) .............................................. 19

Civil society – a reorientation
SOLBJØRG SJØVEIAN, Senior advisor, Norad ................................................................. 23

Protection of Minority and Indigenous Language
MARIA LUNDBERG, Norwegian Centre for Human Rights, University of Oslo
(This presentation is not available. A background of this report can be found in the 2010 Forum Conference Report.)

The role of indigenous peoples in rights-based sustainable rainforest management
SIRI DAMMAN, Policy Advisor, Rainforest Foundation ......................................................... 27

Intercultural bilingual education in Bolivia and SAIH
ALBERTO VALIENTE THORESEN, Program Advisor – SAIH, Bolivia ................................. 29

Is new good, or is new a burden?
EGIL OLLI, President, the Sámediggi ................................................................. 33

Indigenous peoples’ issues in complaint cases, recent experiences
JAN ERIK KORSSJØEN, Member of the Panel of Experts, National Contact Point
Norway for the OECD Guidelines for Multinational Enterprises ......................................... 37

Guatemala: The ILO convention 169 and consultations with indigenous communities
GEORGES MIDRÉ, Professor, University of Tromsø ......................................................... 43
The Rights of Indigenous Peoples –
The cooperation between Denmark and Bolivia (2005-2009). Findings of a recent report
DIANA VINDING, Board member, IWGIA ................................................................. 47

Indigenous interests in Norwegian forest and climate initiatives: How to ensure that assistance reaches its targets
ARVINN GADGIL, Political Adviser, Ministry of Foreign Affairs, Norway (Oral presentation) ........ 53

Summing Up: HÅKON FOTTLAND, Conference Organizer, Dept. of Research & Development UiT .... 59
Summing Up: Chair of the Forum: SIDSIEL SAUGESTAD .............................................. 61

Competence building on Indigenous Peoples’ Rights in management of development assistance
Faculty of Law, UiT: Web-based course: JUR-3605 Indigenous Peoples’ Rights.
Presentation by Associate Professor Ánde SOMBY ......................................................... 63

Posters .................................................................................................................. 65

Program ............................................................................................................. 73
Participants ....................................................................................................... 75
Stakes replacing rights – New Pathways for Indigenous Peoples in Development Cooperation?

Preface
This is the report for the 12th annual Forum for Development Cooperation with Indigenous Peoples, which took place the 12th and 13th of October 2011 at the University of Tromsø, Norway. This year’s conference topic addressed the impact of new policy principles for Indigenous peoples and explored possible new agendas for Indigenous peoples as stakeholders. Speakers for the 2011 conference include academics, and representatives of Indigenous organizations and the Norwegian government, and NGO’s.

The Centre for Sámi Studies is the coordinating institution of the Forum for Development Cooperation with Indigenous Peoples. It was established in the year 2000 to provide a meeting place for academics, representatives of Indigenous organizations, NGO’s, students and others interested in Indigenous issues. The Forum receives financial support from NORAD (Norwegian Agency for Development Cooperation).

The Forum board 2011 consists of the following: Sidsel Saugestad (Chair) Bjørg Evjen, Georges Midré, and Svein Jentoft from the University of Tromsø; Magne Ove Varsi, Gáldu (Resource Centre for the Rights of Indigenous Peoples); Geir Tommy Pedersen, Saami Council; Siri Damman Rainforest Foundation; Øyvind Eggen, NUPI (Norwegian Institute of International Affairs) and Espen Wæhle, IWGIA (International Work Group for Indigenous Affairs). Deputy members of the board include Tone Bleie, Ingrid Hovda Lien and Håkon Fottland, all of the University of Tromsø. Terje Lilleeng, of the Centre for Sámi Studies, is the administrative coordinator. This report includes both manuscripts and summaries of the conference presentations.

Håkon Fottland had the main responsibility for formulation of the conference topic and the preparations for the conference.

Shanley Swanson has transcribed and edited the presentations.

Bjørn Hatteng designed the poster that is used as the front page and this report.

Forum conference reports, as well as news and updates about Indigenous issues and upcoming events can be found on the website: http://uit.no/sesam/forum

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Photos: Arnstein Johnskarø, Centre for sami studies, University of Tromsø
Opening

Rector of the University of Tromsø: Jarle Aarbakke

Welcome to the 12th Annual Forum Conference. It is a good event and I truly enjoy it. When I say I enjoy the Forum Conference, it is because I truly feel that this conference is important. We are now in 2011 and it is the 300 year anniversary since the birth of the great Russian scientist Lomonosov, it is the 150 year anniversary on the 10th of October of the birth of the great scientist humanitarian and spokesman Fridtjof Nansen, and as some of also know, it is 100 years on the 14th of December since Roald Amundsen was the first human being to reach the South Pole. Why do I mention this? It is also the year that gives us the opportunity to reflect on courage, obviously what Lomonosov did; when he was 19 he walked from the district of Arkhangelsk to Moscow to be a student. He came from a peasant, farming, fishing village and obviously what he did was courageous. We all know that our polar explorers, Nansen and Amundsen could have never done what they did without courage. Our big neighbor Russia also in 2011, has signed a last border in the sea, as of the 7th if July 2011, and as you all remember, the border on land is from 1826 and as you also probably remember, the last time there was a war between Russia and Norwegians was in 1326.

Why do I say this? It is because your neighbors are always there and it is important to have a good relationship with them, especially during times when there is an increased interest from the rest of the world in exploring natural resources on common ground. The common ground is the Arctic. I think indigenous people in the Arctic have a great advantage compared to some other regions, due to the fact that the Arctic Council, sitting around the table, had eight foreign ministers from Russia, Canada, America and the Nordic countries, and also representatives from indigenous peoples. There are also a number of observers, not sitting at the table but sitting in the audience, and there is an increasing number of nations voting to be observers. In May, the Arctic Council decided that the permanent secretariat will not be in one of the capitals, not in Moscow, Oslo, Stockholm, or in Washington D.C. but in the tiny city of Tromsø. Why is that? That is because there is a lot of competence, not the least in this university, but also because of Norway’s institutions of the Arctic and High North areas. I went to the meeting opened by the Prime Minister Putin two weeks ago in Arkhangelsk about commemoration in the Arctic. Obviously everybody has to be a part of this, and everybody has to be there to tell others what are our stakes, what are our interests, how can we contribute and how do we elaborate?

A few words about transport in the Arctic Sea: there are a lot of challenges that can only be met with close international collaboration, for instance in weather forecast, in satellite data to enhance secure navigation and so forth. I think this is totally worthwhile, and a poignant example of how governments, nations, and indigenous peoples have to collaborate in order to achieve human goals for the whole of mankind. It is because we are talking about resources, for instance, energy, which in the end should be available to all the billions of people on the earth.

It is a pleasure to officially open this Forum Conference 2011: *Stakes Replacing Rights? New Pathways for Indigenous People in Development Cooperation*. I wish you a fruitful conference and a wonderful stay at probably one of the best places on earth. Welcome.
A warm welcome to our visiting speakers who have travelled from Geneva, Copenhagen, Karasjok, Kautokeino, and Oslo. An equally warm welcomes to other conference participants, and a special welcome to our international Master's students.

I welcome you on behalf of the Forum for Development Cooperation with Indigenous Peoples. We - the Forum – have a very broad mandate from the Ministry of Foreign Affairs:

To provide a meeting place for civil society organisations, indigenous organizations, researchers and those part of public administration that are concerned with Norwegian engagement with indigenous issues in the South.

The most important part of this work has been this annual international conference. Activists, academics, and administrators meet to discuss a specific topic, but also to compare notes and exchange experiences. The topics that we have debated over the years are in their own right important, dealing with education, modernisation, urbanization, climatic changes, conflicts and peacemaking.

They have also contributed to a scrutiny of national and regional development and the process in the UN system, highlighted in the topic of last year’s conference: Indigenous peoples participation on policy making: Ideals, realities and possibilities. We are approaching the same topic in this year’s conference from a different angle.

The organizers of this conference sit on a Forum Advisory Board that is composed of staff from the University of Tromsø, and representatives from Gáldu (The Resource Centre for the Rights of Indigenous Peoples), The Saami Council, The Rainforest Foundation, the Norwegian Institute for International Affairs (NUPI), and the International Working Group for International Affairs (IWGIA) with an executive based here in Tromsø.

We consider the very existence of this Forum as an expression of a significant breakthrough in Norwegian engagement in indigenous issues, as this is expressed both in emerging international law, and in the increasing participation of indigenous peoples in national and transnational fora.

In this respect we consider the guidelines for Norwegian efforts to strengthen support for Indigenous Peoples in development cooperation (MFA 2004) also as guidelines for activities initiated by this Forum. Central to these guidelines is the intention of learning from experiences in Norwegian-Saami relations. A challenge in majority–minority relations is expressed neatly in a title for one of the talks coming soon: “Reaching beyond the pretty words?”

Through our outreach activities and conferences we have sought to interpret, debate, and critically assess how development cooperation may assist indigenous peoples. The conferences have also brought up numerous suggestions for how such cooperation may be improved. A constant theme has been that Norwegian policies as well as international declarations provide excellent points of departures. However the challenges lie in implementation.
In terms of politics we may perhaps stop for a moment and ask ourselves if success on one level has now become part of the problem? Is there a sense that with the Declaration on the Rights of Indigenous Peoples, the job is done? That improvement will come?

If that is the case, it is more important than ever that the critical engagement and values that the Forum stands for will be upheld, by all of the different organisations and interests that are represented in this audience today.

Some practical information: You may have noted several changes in the programme over the last few weeks: Ms. Myrna Cunningham Kain, leader of the United Nations Forum for Indigenous Issues was at one stage proudly announced as one of our key speakers. She later had to send her regrets, but she also sends her greetings and best wishes for this occasion.

The University had a prestigious setup for the appointment of two honorary doctors which was fitted into our programme – this event has been postponed and a special thanks to three colleagues who will speak under the ‘Forum Update’ heading on short notice. We also regret that Mr. Elifuraha Laltaika, Indigenous Peoples’ Representative on the UN REDD Programme Policy Board has become ill and is unable to join us.

This is all the more reason to be grateful to those of you who have made it to this conference. Our point of departure is a question: can it be that documents like the Paris Agenda and the UN Declaration – and the processes and attitudes they represent - signify different approaches to how indigenous peoples’ rights are handled, both in principle and in practice?

I give the floor to Håkon Fottland who has been the main person responsible for the arrangement of this conference. He will provide further introduction to the conference theme.
Opening

Conference Organizer, Dept. of Research & Development UiT: Håkon Fottland

Two important international declarations were agreed upon during the first decade of this millennium:
1) Paris Declaration on Aid Effectiveness¹.
2) United Nations Declaration on the Rights of Indigenous Peoples - UNDRIP²

Both of them were the results of decades of international and national political negotiations, discussions, agreements, and descriptions of need. Still, the Declarations are nothing more than milestones and points of departure for new processes, practices, and activities on the ground.

In the Forum for Development Cooperation with Indigenous Peoples³, and the Forum Conference 2011, we have chosen to highlight the processes surrounding these two Declarations in order to discuss how current and mainstream policies and practice on development cooperation interacts with current and mainstream policies and practice on indigenous peoples rights.

Why? Because many of the end results on the ground of both processes impact upon how indigenous peoples may develop their livelihoods, have access to resources, follow traditions, and express culture.

About rights
The key issue of the Declaration on the Rights of Indigenous Peoples is the affirmation that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such. The introduction further clarifies why the United Nations found it necessary to make a Declaration in order to improve practice and reality in this field.

Indigenous peoples must be respected for their political, economic and social structures, for their cultures, spiritual traditions, histories and philosophies, and in particular for their rights to lands, territories and resources. Indigenous peoples carry a special responsibility for maintaining parts of the global heritage. The declaration establishes the principle of Free, Prior and Informed Consent, as the key tool for indigenous peoples when deciding what is to the best for their development. They have a right to decide on their own development. Rights have no immediate link to finance and money. Rights are abstract in nature and need to be translated into activities on the ground. They can be challenged in lengthy and costly legal procedures, or ignored until becoming irrelevant.

About stakes
We have used the ‘Paris-agenda’ as a common term for the processes and activities around the Paris Declaration on aid effectiveness. This is not only referring to the OECD-backed international High Level Fora on Aid Effectiveness in Rome, Paris Accra, and coming up in Busan next month. Numerous moves take place at many levels and by many actors, including the Norwegian Auditor General.

The Paris-agenda focuses on the effectiveness of aid for the receiving partners. Partners are here countries, and in most connections one will use the term development cooperation instead of aid. Mainly, the
Paris-agenda has created a push for closer integration of bi- and multilateral development cooperation with recipient public sectors, both in terms of policy and management systems. Such joint and mainstream initiatives tend to be bigger.

International initiatives on climate and forests follow the increased focus on large-scale, coordinated, multi donor initiatives for development, as do the use of development banks and specific funds for promoting development through private sector companies.

The Paris Declaration was drafted to address the Millennium Development Goals and lists the reduction of poverty and inequality as primary targets. Activities implemented in line with the Paris Declaration should thus aim to address all poor to give them same opportunities as everybody else. Stakeholder’s involvement and effectiveness are key elements of the Paris-agenda. Being accepted as a stakeholder, however, gives no guarantees for being paid attention to.

Aid and development cooperation is about finance and money. All countries have firm and well-established regulations for handling money. Donors have zero tolerance for irregularities in handling funds. If someone receives unfair treatment according to national or international regulations, either positively or negatively, then money stops at once.

About special standards
An evaluation of the Paris declaration[4] prepared for the High Level Forum in Busan next month recommends that the receiving partners must be able to freely follow their decisions and routines in managing aid. This recommendation is in reference to demanding and elaborate work-programmes for aid at the international level making national management less effective.

Another recommendation is that the aid-reform should be extended to all forms of development cooperation. This is a reaction to initiatives like climate change financing and others not falling under the framework of the Paris Declaration. In general, the evaluation highlights that effectiveness of international aid will be achieved at the level of the receiving partner country.

A sub-report to this evaluation on Sweden’s implementation of the Paris Declaration has some comments on risks and problems worth mentioning. It is stated as a problem that Sweden supports and even promotes special initiatives in areas of democracy and environment etc., without consulting the partner country. It also mentions the risk that broad Swedish thematic priorities like democracy and human rights could become an incentive to create targeted projects.

We know the thrust of Swedish development policies. This report indicates, however, that attempts to address certain standards on human rights issues in development cooperation are regarded as having a negative impact on aid effectiveness. We know also that indigenous people’s rights is a contested issue in many partner countries.

Combining stakes and rights?
Clearly there are many differences between the approaches to development promoted by these two declarations. Put bluntly, indigenous peoples may face a choice between rallying behind abstract rights to define their development on one side, or on the other, defining themselves as poor and equal stakeholders to get more direct and effective access to concrete activities (money), for the same purpose.

This may be an impossible choice; nobody wants to be poor neither to be regarded as poor. Also, all poor put great effort into maintaining rights, dignity, culture, traditions and identity. Are we able to pay attention to this in a setting where reduction of poverty and inequality is king, and special standards are risky?

Ways of exercising rights
REDD - Reducing Emissions from Deforestation and forest Degradation is a keyword for nearly 10 % of the proposed Norwegian state budget for development cooperation in 2012. The focus and the measuring of results for REDD are related to forests more than people. Still, most forests are inhabited by indigenous peoples. Not all REDD-initiatives pay sufficient attention to this fact and we can follow various campaigns which have been staged by stakeholders.

An interesting editorial in the journal Global Environmental Change[5] (2010) discuss forest peoples’ rights and rights claims in the aftermath of the climate-summit in Copenhagen and with special reference to REDD-plus initiatives. REDD-plus is a special funding scheme supporting forest management in developing countries, basically attempting to keep forests standing.

The editorial observed three active approaches to handling rights and rights claims:

- Tenure rights; the transfer or return of tenure rights to forest peoples as a strategy to overcome people’s exclusion from forest management over time.
- Indigenous peoples rights; promoting rights through the use of UNDRIP with political, economic and cultural self-determination as the centre focuses.
- Human rights; the pertinence of human rights for local forest people, referring to a minimum level of participation in political decision making, access to justice, etc.

Based on these three current approaches, the editorial goes on to suggest three principles to be followed by future REDD-plus initiatives:

- Participation by forest peoples in political decision making regarding their own affairs and conduct of local affairs in ways that involve communities.
- Equitable distribution of forest benefits.
- Recognition of particular identities, experiences, culture, visions of desirable lifestyles, etc.

The editorial makes no specific reference to UNDRIP. One does, however, recognise a condition for progress:

Only when transnational definitions, national law and local claims match to a sufficient degree, will shared and robust understandings of rights emerge.

- which leads them to the conclude that:

Recognition to forests peoples’ rights is a challenge for the global climate agenda.

Norwegian development cooperation
Norway has been an active promoter of several of the major changes in aid under the Paris-agenda during recent years. Initiatives on climate and rainforests have been launched; energy initiatives are forthcoming.

The proposed Norwegian state budget for development cooperation in 2012 aims at maintaining the 1 % level of Gross National Income. This large amount, nearly 28 billion kroner, is managed through many channels and by many actors. Scrutiny by the Norwegian Auditor General to ensure proper management uses the Paris Declaration as a criterion.
How can we, in our development cooperation, in our solidarity work, and in relations of many kinds where we meet indigenous peoples, balance between the right to be different and the right to be equal? How can we follow the intentions and the demands of the two declarations to secure good practice on the ground? Are there ways of exercising rights and of effectiveness in practice that may lead us forward?

I am looking very much forward to the presentations, discussions and the afterthought that the coming hours will bring us at this conference. I sincerely hope that you may all contribute with your experiences and learn to the benefit of coming generations.

Endnotes
1 http://www.oecd.org/document/32/0,3746,en_2649_3236398_46582624_1_1_1_1,00.html
2 http://www.un.org/esa/socdev/unpfii/
3 http://uit.no/sesam/forum
4 http://www.oecd.org/document/60/0,3746,en_21571361_34047972_38242748_1_1_1_1,00.html
I would like to start by thanking the organizers - the University of Tromsø and the Forum for Development with Indigenous Peoples - for convening this conference and for inviting OHCHR to take part. The topic of the forum conference is both topical and important.

Moreover, the venue for our discussions is more than appropriate. In the international fora, voices from Norway - whether they represent the authorities, the Sami Parliament, academic and research institutions such as Tromsø University and Galdu - have often been instrumental in advancing the rights of indigenous peoples. Experts from Norway have also been key players in the launch of prominent UN mechanisms devoted to indigenous peoples’ issues, ranging from Asbjørn Eide as the first Chair of the UN Working Group to John Henriksen as the first Chair of the Expert Mechanism on the Rights of Indigenous Peoples. This annual forum is yet another manifestation of the seriousness with which you approach indigenous peoples’ issues in Norway, always practical and looking for true impact.

Age of indigenous peoples rights

Given that the rights of indigenous peoples are a key priority for OHCHR, you would not be surprised that I was at first a bit taken a back by the subtitle of the conference: “Stakes Replacing Rights.” But I was reassured when I noticed that it is followed by an all-important question mark. In my comments I will try to demonstrate that we must, assertively and jointly, answer “no” to that question. Indeed, we need not only to maintain and protect, but reinforce and strengthen, the human rights based approach to indigenous issues and related policies in the field of development assistance and other areas.

When I refer to human rights it of course includes both individual rights – such as non-discrimination - and collective rights of indigenous peoples, including the right to self-determination and other collective rights contained in the UN Declaration on the Rights of Indigenous Peoples.

Indeed, after decades, or, to be more precise, centuries, of neglect, the age of indigenous peoples’ rights is now. This implies not only statements and promises, but also concrete action. At the international level, the collective excitement around the adoption of the UN Declaration of the Rights of Indigenous Peoples has been more than warranted, but now this excitement must be translated into concrete work, concrete steps to turn those principles into reality. Next year we will mark the 5th anniversary of the adoption, and,
while we have seen some promising new laws and practices, all too often, indigenous peoples have seen little progress in their everyday life.

With the recent endorsement of the Declaration by the United States, all four countries that voted against the Declaration in 2007 have now changed their position, and there is not a single country in the world that officially opposes the Declaration. We now have to build on this unique consensus around a tool that can yield concrete results for indigenous peoples who are not only stakeholders but also rights holders in the development of our societies.

Alignment - with accountability
This being said, I do not want to overstate consensus around the importance of the Declaration and its principles. We all know that in many countries – including in some countries that have praised the Declaration in international fora – indigenous peoples’ rights and concerns figure, at best, as a secondary issue in the national development policies and projects, and that these policies and projects have often been put together with little or no input from indigenous peoples. In many contexts, national priorities tend to echo concerns of the dominant population, and the argument that protecting the rights of indigenous peoples, and others frequently marginalized, is a good thing for the entire society might be accepted in principle but it does not always have an impact on the actual policies.

This brings me to the issue of aligning development aid with the partners’ national policies and other principles contained in the Paris Declaration on Aid Effectiveness, which relates to the key theme of this forum. As indicated in the background note, many evaluations and reviews have expressed concerns for how the attention to indigenous peoples’ rights is safeguarded in the implementation of these principles. This issue has been raised also by UN experts dealing with indigenous peoples, notably the Human Rights Council’s Expert Mechanism on the Rights of Indigenous Peoples, which in its first study to the Human Rights Council, devoted to the right to education, noted that the Paris Declaration on Aid Effectiveness poses a challenge and that, “support for indigenous peoples can even be omitted if participation in government structures or in decision-making is weak, or if indigenous peoples have little political leverage or are absent in the Government’s overall strategy. Measures must be taken to address such deficiencies using a rights-based approach and to include requirements such as governance, inclusiveness, transparency and quality with respect to education.”

Similar concerns have been brought up elsewhere, notably regarding how the principle of alignment will affect indigenous peoples, who are often marginalized in national decision-making.

Such a critical debate on the impact of recent developments in the global aid architecture on indigenous peoples is to be welcomed. At the same time, I would like to stress that while the principle of aligning might indeed prompt challenges for sustained, targeted, support to indigenous peoples’ rights in a number of contexts, it is also important to keep in mind that this is not the only principle contained in the Paris Declaration. One of them is the principle of accountability, which is highlighted in the Paris Declaration and further elaborated on in the subsequent Accra Agenda for Action, which broadened the understanding of accountability by putting stronger emphasis on transparency and accountability towards citizens and on the role of parliaments and civil society. This means, of course, also accountability towards indigenous peoples.

Furthermore, in the Accra Declaration both donors and developing countries agreed that national development policies – on which donors commit to align their support – must be consistent with international commitments on human rights. Commitment to respect human rights contains a commitment to comply with rights of indigenous peoples, which brings us back to the Declaration and its standards on the right of indigenous peoples to participate in decision-making and the obligation of the authorities to seek the free, prior and informed consent of indigenous peoples. So the alignment principle is not a blank check or an excuse to ignore the principles of the Declaration. While there is indeed a link between the new aid architecture and human rights commitments, its implementation requires continuous monitoring with input from everyone concerned from local to international levels, from aid specific monitoring to more general human rights monitoring. In this context, the findings of international human rights mechanisms, ranging from the Human Rights Council’s Universal Period Review and to the Special Rapporteur on indigenous peoples and human rights treaty bodies, can of great use and should be utilized.

Declaration as a guide for UN action
While the main responsibility for the implementation of the Declaration on the Rights of Indigenous Peoples lies with the national governments, other actors have also commitments to fulfill. This includes the United Nations. Indeed, the Declaration itself states in its articles 41 and 42 that the UN entities are to contribute to the full realization of the provisions of the Declaration “through mobilization, inter alia, of financial cooperation and technical assistance,” and that the UN shall “promote respect for and full application of the Declaration.”

In the OHCHR this responsibility is taken very seriously, and the work both on the Declaration and its implementation is one of our priorities, both in Geneva and in the various field presences we have founded in almost 60 countries. In addition to developing our ongoing activities – ranging from capacity building through our indigenous fellowship programmes to supporting mechanisms dealing with the rights of indigenous peoples and indigenous participation in them– we have launched new initiatives, together with our partners. I would like to highlight, in particular, our new UN Indigenous Peoples’ Partnership Initiative (UNIPP), which we launched together with ILO, UNDP, UNICEF and UNFPA – with strong support from the UN Permanent Forum on Indigenous Issues.

UNIPP was created to support implementation of the Declaration, the ILO Convention 169, and other key standards on indigenous peoples. In designing this new mechanism, we have tried to avoid business as usual and to address several pitfalls that often hurt the effectiveness of international support for indigenous peoples. Let me mention three of them:

1) Eliminate over-emphasis on headquarters action. Indigenous rights do not advance through remote control and we need concrete work on the ground. Therefore, UNIPP will focus on work at the country level, with our field presences playing a key role in the design and implementation of the programmes. Headquarters will help to ensure consistency and provide guidance.

2) Eliminate undue fragmentation, a goal also reflected in the Paris Declaration. Instead of different UN agencies going solo, the UNIPP will involve us joining forces, working as one UN, closely with the authorities, indigenous peoples and others concerned. The Declaration is enabling this as it is our common, shared framework for joint action.

3) Eliminate exclusion of indigenous peoples in decision-making process. It is imperative that we ‘practise what we preach’ and ensure indigenous participation in our own decision-making. UNIPP’s policy board is composed and co-chaired by indigenous experts and representatives of UN agencies and country-specific programmes and projects will be accepted only on condition they ensure indigenous participation in all stages of the process.

The UNIPP Policy Board will meet to review the first proposals in two weeks and we look forward to sharing first concrete results stemming from this initiative very soon.

I wanted to highlight UNIPP, as it is one promising new channel for targeted support to indigenous peoples that donors might wish to explore in the context of the current aid architecture. Indeed, that was one of
the recommendations that resulted from a recent review of the strategy for the Danish support to indigenous peoples, and Denmark has since pledged substantial support to the Multi Donor Trust Fund that funds the activities under UNIPP. This being said, it is clear that UNIPP is not the only channel meriting support, and indeed it is important that direct support to civil society and indigenous organizations and other key actors is also maintained. Even within the UN there is indigenous work – including in the area of monitoring - that does not lend itself to joint work and still merits strong support.

Ladies and gentlemen, I would like to conclude by stressing again the importance of our shared commitment to full implementation of the Declaration on the Rights of Indigenous Peoples. We all - whether we work in development, human rights monitoring, academia, civil society or other areas - can help to move its principles from paper to practice. The Declaration is our shared tool. Let us use it.

Thank you for your attention.
Reaching beyond the pretty words? The Sami and Development Cooperation

Aili Keskitalo, Chair, Norwegian Sami Association (NSR)

Oappat ja vieljat, buorit olbmot – Indigenous brothers and sisters, dear friends:

I am taking the floor as a representative of a Sami organization: I am the chair of Norwegian Sami Association, and I am also a member of the Sami Parliament. I would like to share with you some thoughts on the role of Sami organizations and Sami politicians when it comes to development cooperation. I think there is some potential here that has not been fulfilled, that could be beneficial to indigenous peoples and to those who aim to contribute to developing indigenous communities.

The organization I am chairing participates in international cooperation as members of the Sami Council, a non-governmental organization with consultative status in the United Nations Economic and Social Council, and as a permanent participant in the Arctic council. This work brings us into frequent contact with other indigenous peoples, particularly the indigenous peoples of the Arctic. We are frequently contacted by other indigenous organizations or individuals seeking political support in their struggle for human rights and the protection of their livelihoods. This has also been my experience in the case of the Sami Parliament, which is also frequently in contact with other indigenous peoples and organizations.

Our organization has, on many occasions, assisted other indigenous organizations in voicing their opinions to Norwegian authorities and media. Sometimes we feel a need to validate the claims of an organization or of individuals, and we use our network with other indigenous organizations to make sure that the organizations we sometimes support are truly indigenous organizations. This is a way of working that is often very ad-hoc, and depends on coincident and momentary capacity.

Tomorrow, for instance, representatives of the Mapuche people in Chile are visiting Oslo, in an effort to get international support in their struggle for human rights. They are meeting with several Norwegian organizations, and would also like to meet with the Sami Parliament, but it is not yet clear if this will be possible. They would also like to meet with our organization, and hopefully they will. One of the obvious challenges in being a minority people, are that there are not so many of us as we would like there to be. Our human capacity, or lack of, is often our biggest challenge. To us it is often a question as to how to use our limited capacity effectively, especially when it comes to international cooperation.

My interest in the subject of this conference, development cooperation and indigenous peoples, goes back to 2006. NUPI, the Norwegian Institute of Foreign Policy, published a report on whether Norwegian development funding reached indigenous peoples as they were intended to. The results of the report were not encouraging, in fact less than 30 % of funding granted to indigenous projects did in fact wholly or partially reach indigenous purposes. At that time in 2007 I was the President of the Sami Parliament, and the Sami Parliament was discussing with the Ministry of Foreign Affairs how we could improve these results. It would be enlightening to know whether these results have improved five years later, and whether the Sami
Parliament has been able to influence the policies of Norwegian development cooperation when it comes to indigenous peoples. I expect we will hear something about this from other contributors in this conference.

I think one of the true common experiences we indigenous peoples have all over the world is the experience of being colonized. Whether we live in the Arctic or in the Pacific, in the Amazon or the Kalahari, this experience has consequences for our understanding of ourselves and our views of the world. I do not believe in development without emancipation and empowerment. I do not believe in an indigenous future without fate control for indigenous peoples. I believe in capacity and competence building, and in the need for indigenous peoples to organize themselves, to define their own needs, and to voice their opinions on development. There have been some changes since 2007 when it comes to indigenous peoples, (as the former speaker, Mr. Korkeakivi stressed) and the UN Declaration of the Rights of Indigenous Peoples might be the most important change. Do we dare to hope that it represents a shift of paradigm in the international political discourse?

A Sami woman I respect very much commented after reading the UN Declaration: “Who wrote this thing? It is beautiful! It is like a poem!” I was proud to know that the wording in the Declaration was a joint effort between indigenous peoples and states in partnership. Beautiful words indeed! But how are we to make the pretty words a reality? How are we to reach beyond them, into a future where indigenous peoples do have control over their fate?

Indigenous peoples are among the most vulnerable and marginalized in the world, and at the same time we are so rich in culture, traditional knowledge, and spirituality. We are among the first to suffer the consequences of our common global challenges, like climate change, and our homelands are targeted by the extracting industries. These are global challenges, and to meet them we need global solutions, like the efforts of the UN system and other international organizations. It is also important to remember that the efforts of the UN system can be seriously challenged.

This week the Norwegian Prime Minister, Jens Stoltenberg, and the Minister of Environment and International Development, Eirik Solheim, together launched their new international energy and climate initiative: Energy For All, which aims to finance energy access to the poor in developing countries. This fits nicely with the ambitions of access to clean energy of the UN Secretary General Ban Ki-moon, and the link Initiative: Energy For All, which aims to finance energy access to the poor in developing countries. This fits nicely with the ambitions of access to clean energy of the UN Secretary General Ban Ki-moon, and the link between poverty and lack of energy supply is obvious.

However, what the industrialized world likes to call “clean energy” is not always so sparkling clean. It can be tainted with the suffering of indigenous groups that may be forced to relocate, such as in the Belo Monte case in the Amazon.

It is a harsh reality when indigenous homelands are stolen in the name of environmentally correct development. We could call it a new form of colonization, a ‘green colonization’, and it happens not only in developing countries. This is also a challenge in the Nordic countries, as planned windmill plants and power lines eat into reindeer herding districts.

This happens in the name of the environment and the global climate, and without the free, prior, informed consent of indigenous peoples. Let us hope that this new effort to give poor people in developing countries access to energy is implemented according to the pretty words in the UN Declaration of the Rights of Indigenous Peoples.

For us, the Sami people, it also a question of how we can contribute to the efforts of promoting indigenous peoples. What can the Sami do to reach beyond the pretty words? There are some windows of possibilities. Do we Sami have a role or some kind of responsibility as an indigenous people ourselves? I do believe there is a strong sense of the need to show solidarity in Sami organizations and political communities.

The Sami, at least in the Nordic countries, are privileged when it comes to living conditions and democratic participation. We could and we should use some of this capacity to contribute to secure the future of other indigenous peoples.

The Conference program refers to "pathways. Some of the pathways the Sami can utilize are quite familiar territory, and some might lead us into unknown land. I can see at least four pathways we could follow:

The first pathway leads us to international cooperation. As I said earlier in this address, this is familiar territory for us as we have been working internationally with promoting indigenous rights since at least the early seventies. This work has made us able to contribute to developing the international instruments like the ILO Convention Number 169, and the UNDRIP, in partnership with the states that we live in. This way we can promote indigenous rights worldwide as well as at home, and this may be an efficient way to use our resources and capacity.

There is also a second pathway that is quite familiar. Our partnership with Norwegian authorities and our right to consult with them through the Sami Parliament opens the gates to influence Norwegian development policies. We also know that the Norwegian oil fund invests worldwide, and that these investments are supposed to meet certain ethical standards. We should make sure that these standards are harmonized with the principles in the UNDRIP. Companies that are fully or partially state-owned should, according to Norwegian government policy, operate within internationally acknowledged human rights standards. This might not always be the case; there might be big gaps between words and reality.

There is a third pathway that we have walked sometimes, but we are not yet familiar with. It is the pathway that leads to big money. A huge threat to indigenous peoples worldwide is the industrialization of their homelands by big multinational corporations. Some of these can be partly Norwegian-owned. Many of them are sensitive to public opinion, and most of them have some kind of Corporate Social Responsibility policy and an ethical board that can be approached. We have examples of how the Sami Council managed to temporarily stop logging in the Nellim-area in northern Finland, by approaching the ethical board of the company that was using the timber for their paper production. This was done in cooperation with Greenpeace. This pathway, however, might be a successful but also quite resource-intensive for Sami NGOs.

The fourth pathway should not to be forgotten. There are Sami hands-on development cooperation projects, like the Mama Sara Foundation, where Samis raise money within Sami communities to promote education through building of schools for Maasai children in Tanzania. This has been possible because of the enthusiasm and work of some dedicated individuals, and because the Sami communities trust them, and of course because of the network and knowledge of local partners in the Arusha area. For reasons unknown to me it has not been possible to get Norad funding for this “hands-on” project.

The Sami are involved in work along all of these mentioned pathways. But, as other indigenous peoples do, we struggle with capacity and competence. We do not have the hands and the heads that we need to take control over our own future, and this is why I think our work of solidarity is somewhat fragmented and not institutionalized. Our trust lies in the hands of some very dedicated individuals. We do like the pretty word “solidarity”, but struggle to reach beyond it. Our limitations, besides capacity and resources, represent valid information about the struggles of other indigenous peoples. Without this information we cannot do much, whichever pathway we choose.

This brings me to my concluding remarks. There might be some new pathways in development cooperation, because of the development of international law, and more understanding and recognition when it comes to the rights of indigenous peoples. There might be room for possibilities. However, these concepts of partnership between indigenous peoples, big corporations, and multinational authorities, will never be
true partnerships, and consultations will never be true consultations unless indigenous peoples themselves are organized and have the competence and capacity to voice their opinions. These so-called “partnerships” will be seriously flawed by the imbalance in resources and competence. There are several examples on how corporations prefer to deal with individuals or smaller groups instead of representative organizations. This is why I believe emancipation among indigenous peoples themselves is the only way to reach beyond the pretty words and into a indigenous future.

Giitū. Thank you.
Civil society – a reorientation

Solbjørg Sjøveian, Senior advisor, Norad

It is a pleasure for me to speak at the 2011 Forum Conference, and thank you to the Forum for Development Cooperation with Indigenous Peoples for the invitation to participate in the conference and to say something about Norwegian development cooperation in a changing environment. I would like to clarify a term that will appear throughout my speech: ‘civil society’. Norad defines civil society as an arena which is separate from the family and the government and the market. Basically, it's a setting in which individuals come together to advance common use, interests, and agendas, for themselves and also on behalf of others. In other words, indigenous peoples’ organizations are also a part of the civil society.

Support to Indigenous Peoples
Norway has for many years supported initiatives and programs promoting indigenous peoples’ rights and improving indigenous peoples’ living conditions. This includes programs implemented by Norwegian civil society organizations (CSOs), Norwegian indigenous peoples’ organizations, international organizations, Norwegian embassies, UN organizations and multilateral organizations. Part of the Norwegian effort is also channeled directly to indigenous peoples’ organizations in the South.

The amount of funds designated to, or partially designated to, indigenous peoples through Norwegian NGOs have increased in recent years. Some major recipients are: Digni (formerly Bistandsnemda), Norwegian Refugee Council, Norwegian Church Aid, Norwegian People’s Aid, Redd Barna, Regnskogsfondet (Rainforest Foundation), SAIH and the Stromme Foundation. The main sectors supported are good governance in accordance with human rights and democratic participation, and lately funds have also been going toward climate and forest issues.

Indigenous peoples integrated in Norwegian development cooperation
The guidelines for Norwegian efforts to strengthen the work with indigenous peoples in development cooperation from 2004, express a desire and intention to strengthen the overall approach of the Norwegian efforts regarding indigenous peoples and to a greater extent contribute to integrating indigenous peoples’ affairs in other parts of the Norwegian development efforts. One example of the latter is the integration of indigenous peoples’ issues in the government’s climate and forest initiative. Political advisor Arvinn Gadgil, from the Ministry of Foreign Affairs, will talk more about indigenous interest in the Norwegian forest and climate initiatives tomorrow.

The civil society and CSOs
CSOs are still an important channel for rights-based assistance. In 2009, Norad introduced six guiding principles for supporting civil society. Central themes include democratization; the inherent value of civil
society and its value as a development actor; factors that promote development; results; and anti-corruption. The principles strengthen the demand for documenting added value of the cooperation between Norwegian actors and their southern partners. A key goal is to enable southern civil society actors to take the lead in these partnerships.

CSOs have a particular role in constituting sister organizations and interest groups in developing countries and in strengthening local spokespersons in the areas of the environment, human rights, freedom of media and anti-corruption, for example. CSOs are also important service providers that contribute towards achieving basic rights to life, health, education and community participation. Sami organizations and academia have had extensive liaison with other indigenous peoples in the world for a long time and have gained significant expertise. This competence can be, and in some instances have shown to be, valuable in providing assistance to indigenous peoples. It is expected that CSOs should be more than service providers and should capitalize on the possibilities for extended effects created through capacity building and change of attitudes.

At the same time as Norwegian CSOs are becoming more and more professionalized, we also acknowledge that it is difficult to measure whether these Norwegian CSOs contribute significantly to the strengthening of civil society in poor countries by partnering with local organizations. Many local partners give the impression that it is difficult to separate Norwegian organizations roles as donors, partners, and actors with their own agenda. Some claim that foreign organizations, including Norwegian CSOs, have a tendency to dominate the local civil society organizations and their agendas. With this in mind it is important that Norwegian development organizations assess the effectiveness of their own work and their role within an overall development agenda within the countries they work. It is also necessary to strengthen the focus on collaboration with legitimate and representative partners that work in line with a broad sector of interests and agendas that are of concern to various groups in developing countries, also including indigenous peoples groups. It is also decisive that representatives for civil society in poor countries have the opportunity to participate fully.

In the last strategy of 2010, Norad gave priority to quality and results in Norwegian development cooperation. This work will continue with undiminished strength towards 2015. We need to do more of what works and discontinue what does not work.

Role and achieved results of Forum for Development Cooperation with Indigenous Peoples

Norad has supported this forum for ten years and we need to look back and ask the question: What have we actually achieved and has the Forum fulfilled its objectives? The Forum for Development Cooperation with Indigenous Peoples was established as a round-table conference and its main intended function was to be a professional meeting point for NGOs, indigenous peoples’ organizations, research organizations, and the parts of the government administration involved in issues regarding indigenous peoples. A goal was to ensure that indigenous peoples’ issues were high on the agenda for Norwegian development organizations.

To what extent has the Forum contributed to indigenous peoples being on the agenda for Norwegian CSOs? How is the participation and engagement among members? Is the Forum relevant for its members?

Another pressing issue is the changing scope of action and the Forum’s response to this. What is the changing scope of action? The central point in the global economy is moving south and eastwards. Global growth arises to a larger extent from growth in developing countries. Patterns of commerce are changing. Goods and services are to a larger degree moving within the southern hemisphere. The growing economies increase their market share in the world markets. Seven of the ten fastest growing economies in the world are in Africa. China has had a strong growth as an investor, lender and donor in African countries. Access to natural resources and access to growing markets are important motives of power.

Yet, the economical growth has contributed to greater inequalities between and within countries. Economical growth is no guarantee for fair development and poverty eradication. Changes in the flow of capital, changes in climate and violent conflicts, make the fight against poverty more challenging.

Similarly, the development industry is becoming more and more south-oriented. We see a more self-conscious recipient that increasingly can choose between more donors. What will it take for them to choose Norway as the preferred partner? It is positive to observe a stronger ownership and less aid dependency among our partners.

Yet the values and the goals of development cooperation are challenged. Many collaborating partners are more concerned about “good enough governing systems” than “good governing systems” and may choose donors that are satisfied with “good enough”.

Norad has responded to the changing scope of action by:

- directing our resources towards the new areas of commitment
- increasing focus on efficiency, quality and results

The question is: How does the Forum and its members respond to the changing scope of action? Can, and if so, how can the Forum and its members influence the new development framework? For instance, Norway will play an important role in the Busan process (the follow-up of Paris and Accra). What will the Forum and its members contribute? Likewise, how could the Forum and its members contribute to White Papers?

The Forum has expressed a concern about new policy principles and its impact for indigenous peoples. What exactly are the concerns and contrasts that the Forum sees in the new principles? How should and what is the relevant arena for the Forum and its members to respond to this? With this in mind, an imperative question is: which role the Forum should have in the future.

I do not have the answer to this - the indigenous peoples’ networks and organizations must contribute towards this response.
The role of indigenous peoples in rights-based sustainable rainforest management

Siri Damman, Policy Advisor, Rainforest Foundation

My presentation seeks to provide some arguments for the support of indigenous peoples in rainforest countries. I will also explain how the Rainforest Foundation works to support indigenous peoples in rainforest countries. We have for the past 21 years worked for the protection of rainforests and also for the strengthening of forest based indigenous peoples and communities. We see these two topics as mutually reinforcing.

Sustainable Forest Management
The rights based approach describes approaches based in and contributing to the implementation of human rights, including indigenous peoples’ rights. Sustainable rainforest management is defined as management that contributes to economically, socially and environmentally sustainable development and also development which is economically sustainable for the people depending on the rainforest. Forests can be managed differently by different stakeholders and we also try to influence these strategies to make them rights-based. Governments are the main managers of rainforests; 75% of all rainforest lands are governed by governments – either as state lands or parks. Indigenous territories and local communities manage about 11-12% of rainforest land.

The Rainforest Foundation works primarily in areas located across the equator. In order to secure land rights and the rights to territories and resources of indigenous peoples it is important to establish an acknowledgement of land rights of these groups, and also in order to get entitlement to these territories acknowledged, there is a need for the mapping of these areas, which should be participatory. We have a lot of experience in using GPS to map territories and in dealing with overlapping claims to land. Indigenous peoples and forest communities campaign for the legal recognition of their territories and if for some reason their territories are encroached upon, in some countries where the laws are strong, we support them in using the legal system to go to court against countries and governments if their land rights are not respected.

It is very encouraging to see that researchers are now looking into the way that forests are managed due to climate issues. The role of rainforests is great in altering climate change – standing forests will contribute
to climate change. It has been shown now that the forest managed by indigenous peoples are equally, and in some cases, more effective, in maintaining the forests and the forest cover than parks and other protected areas. Areas that are not protected: lands managed by states and lands managed by companies are not at all effective.

**Indigenous Land Protection**

In a study from the Brazilian Amazon, it has been shown that rainforests are often affected by forest fires, including the land that is managed in the forms of uninhabited national parks, or inhabited reserves, indigenous lands and areas. They say that all of these places are protected, but indigenous areas are usually placed closer to the frontier, in places where the threats to deforestation are higher, and they are able to protect their areas as well as the parks are able to protect their areas, although these parks are usually located in more remote areas further away from deforestation and burning areas which don’t have the same push for exploitation. We find this very encouraging.

We see in the countries where we work, and in particular Latin America and Brazil, that indigenous peoples who have secure land rights are actually able to protect their areas against other actors that want to exploit their lands. In Sarawak, Borneo in Malaysia, the Penans are actually blocking roads to stop companies from coming into their areas several times a year.

These maps show a very good illustration of how rainforests are protected through indigenous territories. The first picture is from 1994 and shows the Xingú territory, in Brazil. The Xingú delta is the whole green area within the pink lines and the red spots are the places that have been deforested, while the green represents forested areas. You see the same area 10 years later in the second drawing, and the Xingú territory managed by indigenous peoples is still green while the area around this is almost totally deforested. It is obvious that this group is actually protecting against the expansion of agriculture and other activities.

A problem that the people who depend on rainforests often experience is how to secure their land groups in a good way. To a large extent they manage on rainforest resources, but at the same time they need money for various purposes. It is an ongoing struggle to find ways for local people to stay in rainforest areas, to have a good life there and to secure livelihoods in those areas. We have some examples and experiences, mostly with management plans made by local communities and indigenous peoples themselves, on how they will form an economically sustainable life in those forested areas.

I will stop there, thank you.
The concept of inter-culturality might sound very similar to other concepts that are used here, but the truth is that this concept has an academic tradition that is very different than many of the other concepts used in Europe and North America. It has its origins in bicultural education in North America and has spread south to Latin America. There have been different forms of this sort of education; of course we’re all familiar with the concept of assimilation, or education for tolerance – which isn’t exactly like assimilation, in which oppressive cultural frames eat up the smaller ones, but everyone is told to accept everyone else, without actually doing anything concrete, to avoid the disappearance of cultural minorities. And then, of course, we have the other perspective, which implies organization and active participation to preserve plurality.

Biculturalism or interculturalism?
The notion of biculturalism, which developed in North America in the late sixties, describes ways, in which the different, smaller cultures should be integrated or assimilated into the ones accepted as normal, and/or larger ones. This concept made its way to Latin America, especially through Mexico, where it influenced different countries such as Colombia. Some Venezuelan researchers responded to this perspective, at international forums, in which biculturalism was discussed. These researchers saw many problems with the notion of biculturalism, and the suggestion of interculturalism was made. They also felt there were problems with the notion of culture itself. Therefore they talked instead about cultural frames of reference for society as a whole. Society is organized by these cultural frames of reference, which are in themselves, socially constructed realities. In this sense, it isn’t individuals who have a culture, but societies, which operate through particular cultural frames of reference. Therefore, this is not an individualistic notion. The role of individuals in this perspective is to choose how to relate to, update and navigate through these cultural frames of reference, through selective insertion. This is what is known as interculturality.

Another particular aspect to the concept of interculturalism is the critical aspect, because the intercultural perspective also focuses on power relationships. It doesn’t assume that the different cultural frames of reference have equal relationships to each other. Here we see, for example, the distinction between interculturalism and the notion of multiculturalism, which is more common in North America and Europe. The
concept of multiculturalism has often taken the form of cultural co-existence, which does not imply transformations of power relationships between cultural frames of reference. When defining multiculturalism one does not have to take into account neo-colonialism and cultural imperialism, whereas these are central notions of interculturalism in Latin America. Of course, I’m saying that you don’t necessarily find these concepts when discussing multiculturalism; you can find them of course, but they are not essential as they are in the interculturalist tradition in Latin America. Interculturalism becomes a type of liberation from these oppressive perspectives and power relations, between the cultural frames. However, there are many interpretations of the notion of interculturalism as well. Likewise, there are different types of intercultural education, and without dwelling so much on these types, we can say that the basic typology can be defined by power relations: that is to say, if the educational projects come from a top-down approach, or a bottom-up approach. We see how this is applied in many different Latin American countries. Very often a solution has been intercultural education for the groups that deviate from the cultural reference points which are regarded as normal, combined with bilingual education. In the best case scenarios, there can also be intercultural education projects for the rest of society as well, meaning those included in these parts of society, who largely choose to insert themselves in the cultural frames of reference which are regarded as normal.

Intercultural Education

There are several questions concerning which of these is the best type of approach. Bolivia is often presented as a case of bottom-up approach intercultural education, and this consideration is closely related to political relations which have a long history in the country. One of the central moments in Bolivian history was a manifesto in 1973, prepared by academic students from La Paz and El Alto, as well as Aymara and Quechua indigenous leaders. After this, we see much more participation from indigenous people from Bolivia in the political institutions, and how they start influencing education and making demands to reform the educational system. Another important moment was the creation of the political party MAS, in 1997, of which the current president is a member. This is strongly tied to the manifesto in 1973, which demanded a lot of changes, but also said that if these changes were to come about, they should do so by direct involvement with indigenous peoples, in political institutions, with real representation of indigenous people. There have been several conflicts, like the Water War and the Gas War, that lead to really deep transformations in Bolivian society. One of the biggest transformations, of course, was the re-transformation of the Bolivian State through a new Constitution, which was finally approved in 2009. This Constitution opened the way for reforms in other areas as well, including the new Law of Autonomy and Decentralization, and the new Law of Education. The Law of Autonomy and Decentralization introduces innovative legal notions, which challenge the traditional understanding of nationality and sovereignty. The Law of Education introduces intra- and intercultural, multilingual and productive education, and it also enacts decolonization as an educational goal. There is actually a Vice-Ministry of Decolonization, under the Ministry of Culture. As you can see, these notions are strongly related to the concept of interculturality, which I have described.

This should also serve to illustrate, that this is not just a public or state enterprise; there are many organizations that are working with these issues in some way, including the Norwegian Students’ and Academics’ International Assistance Fund (SAIH, for its initials in Norwegian), who cooperates with some projects in the field of bilingual and inter-cultural education, within the framework of the programs that the organization supports in Bolivia. The projects are related to higher education of indigenous youth in EIB in Cochabamba, and the social and political participation of indigenous youth in their own education, through the creation and development of indigenous education councils. At the same time, there is another partner organization of SAIH, in the area of Lake Titicaca in Escoma, in the highlands of Bolivia, which offers programs in continuing or furthering education of teachers in intercultural and bilingual education. These are people who have already graduated as teachers, and are furthering their education within the topic of intercultural bilingual education.

Thank you.
Is new good, or is new a burden?

Egil Olli, President, the Sámediggi

On behalf of the Sami Parliament in Norway, I thank you for the invitation to this year’s Forum Conference 2011 for the Forum for Cooperation with Indigenous Peoples. First, I want to emphasize that the Sami Parliament works and strives to influence the authorities to meet the minimum standards of the UN Declaration as the basis for indigenous rights. The UN General Assembly recognizes that if indigenous knowledge, culture and traditional methods are accepted, it will lead to equitable development and satisfactory management of our environment.

Indigenous peoples’ ability to influence and help to decide about our own future must be the basis for all development policies in indigenous areas. One of the main goals of the Sami Parliament in relation to self-determination is that indigenous peoples should have the ability and resources to determine their own development and that through international laws will be able to safeguard their own interests. This also affects the relationships that indigenous peoples have with development aid policy; they should be allowed to take new paths for themselves. The heading for this section is “Pathways; Old and New.” On the basis of this, I’ve called my speech “Is new good, or is new a burden?”

Indigenous peoples and poverty

The Sami Parliament has from the beginning emphasized that indigenous peoples must be able to influence their own everyday lives. Of course this applies also when making use of international assistance programs. Poverty and related burdens affects all the world’s indigenous peoples very strongly, and when this damage has occurred, partiality does not. Unfortunately, we have clear data showing that indigenous peoples are particularly vulnerable to poverty. Over 300 million people in the world belong to indigenous groups. As much as 90% of Guatemala’s indigenous people live in poverty, and in Mexico about 80% of the country’s indigenous people live under the poverty line.

We see that indigenous peoples and national minorities are linked to poverty for many reasons. This is explained both by historical events and lack of democracy in recent times. For many minorities, it has been impossible to develop their communities on their own terms because they often do not have the same structures that large majority societies are built on. These structures have yet to be developed today in many indigenous societies, and it poses a challenge especially for aid organizations wishing to assist with development.

The Paris Declaration, which was adopted in 2005, and whose main idea is to employ the communities’ own structures with offers of assistance to the people, especially challenges the knowledge and understanding of indigenous peoples’ situations. Evaluations of the Declaration show that the earlier methods used in development assistance continue to be applied, instead of taking into account local structures, and thereby they do not always reach the people who were supposed to be helped. In this context, it becomes even more
difficult to pay attention to indigenous peoples. How do we reach out with assistance to indigenous peoples when they are not aware of belonging to, or not even included in the structures thought that the assistance should be provided through?

Development, for good or a burden?

It is yet unclear how the UN Declaration on the Millennium Development Goals can be ensured, and exactly how it can improve indigenous life. A good and effective development policy requires solid knowledge of the people in question. Building expertise and capacity is perhaps the most important measure in the adaptation of development programs, especially if one can see and benefit from new opportunities. One of the main challenges is that indigenous peoples are often invisible in international arenas. They are marginalized, living outside the service areas of society, statistics and structures. They live outside of the areas that information sources and structural development programs often work within. In other contexts they live scattered within the majority society, cities, and even then in hiding, and in the worst cases, as an anonymous group. This challenges the aid workers to consciously search for and reach out to indigenous groups. Unfortunately, in a larger perspective, it is not known that such programs will be prioritized, or that the basis of the numbers covers the assistance needs.

UNDP is doing a good job utilizing their expertise and knowledge of indigenous peoples’ situations. The basis for earlier development policy was that the poor and impoverished communities should be civilized by Western methods, in order to be as similar as possible to Western society. To some extent this was a good idea that has benefited indigenous peoples, but I am glad that this idea no longer works as the basis for today's development policy. The second challenge in terms of development among indigenous peoples' is understanding indigenous peoples' world of ideas. Assessment of poverty occurs primarily by means of monetary targets. It is not easy to measure the value of the land that has given livelihood to indigenous peoples through traditional knowledge in cash. The trend must be that indigenous people have realistic potential to influence, and they must have a willingness to take new paths in terms of changes ways of subsistence. Is it always the case that national developments give us a picture of indigenous peoples’ development? Furthermore, is it always the case that economic development in the world or in certain countries is the same development that indigenous communities want?

We have learned that development policy is often understood as a renewal policy, either through major social reforms, or through industrial development projects, which are thought to benefit society, or in the saddest cases benefit only companies who see merit in indigenous areas. Economic development, whose main goal is to reduce poverty, often requires intervention in indigenous peoples’ traditional territories. Uncultivated areas, lakes, rivers and seas have always provided livelihood, and when these areas become impoverished, indigenous peoples, through depopulation programs or coercion and threats, must seek new means of subsistence. Indigenous people have little say regarding the land area’s cultural value when there is talk about new jobs or wider community needs, although the Sami Parliament does not always reach the central authorities for their needs in the development of the Sami community. The power structures governing authorities often protect, do not necessarily need to be changed as long as the democratic rules are followed and as long as there are constructive ways in which the majority society can better interact with indigenous peoples.

To strengthen the indigenous voice, the Sami Parliament will arrange a preparatory conference for indigenous peoples in 2013 in Alta, Norway, in conjunction with the UN World Conference, to be held in 2014. It is important that indigenous people are well prepared and that they as much as possible, have a common voice to promote their views at the World Conference. The Sami Parliament, as an acting indigenous Parliament, and Norway with their capabilities, will be present at the Conference, showing that indigenous issues are important to us and that we take their needs seriously. With this background, the Sami Parliament can serve as an example for other indigenous communities when it comes to the promotion of indigenous peoples, based on their own circumstances and needs.

My challenge to aid agencies and countries that are responsible regarding the fight against poverty, is that they take into account indigenous peoples’ needs at all levels, both at the national level when it comes to design of overall plans and strategies, but also locally when action plans are implemented. UN Secretary General Ban Ki-Moon said in his opening speech for this year’s Permanent Forum for Indigenous Peoples that many indigenous people have disappeared or almost disappeared from the world map. This means we all have a responsibility to ensure that everything is changing for the better, in a just and orderly manner.

With these words I thank you for your attention!
Indigenous peoples’ issues in complaint cases, recent experiences

Jan Erik Korssjøen, Member of the Panel of Experts, National Contact Point Norway for the OECD Guidelines for Multinational Enterprises

Thank you. I am a retired business executive and since my retirement three years ago I’ve gotten involved in the Contact Point and also in Plan Norway. Throughout my career I’ve been a strong supporter in value-based management and it is a pleasure to continue working on value issues.

OECD Guidelines

Yesterday there was a question about concrete results relating to work with indigenous peoples and in my presentation I would like to present our small contribution to that subject. I will start with a little bit about the background for the OECD Guidelines. The idea here is that there are a tremendous amount of international enterprises that do business around the world, and OECD has worked out a set of Guidelines that these companies should work in accordance with. The aims of the Guidelines are to minimize the negative effects of globalization and to create a level playing field for corporate responsibility. If you are going international, reading these Guidelines gives you a good indication of what the expectations are wherever you are planning to start your business. The Guidelines are relevant to the 42 OECD member countries, and as you can see by this map, there are also many other countries around the world that have relationships with OECD and who will be affected by the way we are conducting these principles.

The OECD Guidelines are a set of voluntary principles and standards and therefore these Guidelines are not legally binding. However, OECD member governments and a number of non-OECD members are obliged to encouraging multinational enterprises, operating in and from their territories, to observe the Guidelines wherever they operate, while taking into account the particular circumstances of each host country. The Guidelines are based on the following international treaties: the ILO Conventions, the Universal Declaration of Human Rights, the UN Declaration on Environment and Development and the UN Guiding Principles for Business and those of the human rights special representative, John Ruggie.

There are a number of voluntary initiatives in the field of corporate social responsibility (CSR). The OECD Guidelines have four special features:
1) They are binding for the 42 countries that have adopted them.
2) They cover the whole spectrum of CSR issues.
3) They are supported by the business community (Business Advisory Committee to the OECD), the trade union movement (Trade Union Advisory Committee to the OECD) and civil society (OECD Watch, where i.e. the Norwegian umbrella organisation Forum for Environment and Development is represented).
4) They have a system for dealing with complaints

The OECD first adopted its Guidelines for Multinational Enterprises in 1976. The previous review of the Guidelines was in 2000. A new update of the Guidelines was adopted by all the member states at the OECD ministerial meeting in Paris on the 25th of May this year. There have been six changes made to the Guidelines and those which are particularly relevant for indigenous peoples (IPs) are: the creation of a new chapter on human rights, and the adoption of due diligence - risk analysis and impact assessments on CSR issues.

In general the OECD Guidelines address 10 different subject areas, and in this list you can see those which I think are the most relevant for indigenous peoples, highlighted in red:

- General principles & supply chain responsibility
- Disclosure
- Human Rights
- Employment (labor rights)
- Environment
- Combating Bribery
- Consumer Interests
- Science & Technology
- Competition
- Taxation

In regards to Human Rights, there is now Chapter IV – an entirely new chapter in the Guidelines. Human Rights were previously covered in a general manner. The entire chapter is relevant for IPs rights. Important highlights emphasize that states have a duty to protect and realize HR, and that enterprises should respect HR and seek ways to prevent or mitigate HR adverse impacts through due diligence and remediation processes.

There is also a chapter about Worker’s Rights, and of course the important issues here are the freedom to form unions, and no child labor. During the updating of the Guidelines in May, this chapter was strengthened. Indigenous peoples’ rights are specifically mentioned in paragraph 5 in the commentaries: Enterprises should recruit an adequate workforce share locally (…), and are also encouraged to invest in training and lifelong learning for vulnerable groups, such as indigenous peoples (women, youth, low-skilled, disabled, migrants, older workers…) Three weeks ago I visited a First Nations group in Canada, where we discussed issues like this as I am on the board of a company that is among the largest employer of first nations in Canada.

The NCPs also deal with issues relating to the environment, including protection of the environment, public health and safety concerns and the training of employees on environmental, health and safety issues. One type of projects the Plan has is working in Zimbabwe is the installation and maintenance of wells to provide good drinking water. When I went there, it was nice to see that wherever you went and whatever project we were involved in, there was a relatively large committee of local people working for the projects in each particular village. It was very interesting to see how they were working and how they worked with us in Plan.

The rights of indigenous peoples are not explicitly defined in the Guidelines but they are mentioned in the 2011 version, and businesses are recommended to follow international standards where indigenous peoples’ rights are protected. The core international standard is the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP). We also refer to Norwegian CSR White Paper on Corporate Responsibility (2008-09).

National OECD Contact Points

There are 42 National Contact Points (NCPs) in the world, and the governments adhering to the Guidelines have committed to implement them and encourage their use. In addition, each of the adhering countries have committed to establish National Contact Points that promote the Guidelines and act as a forum to promote their use. The adhering Governments will also participate in appropriate review and consultation procedures to address issues concerning interpretation of the Guidelines as the world changes and the business along with it. As previously mentioned, there are 42 NCPs established, as well as some relationship countries (Brazil, Argentina, Peru, Morocco, Egypt, Romania, Lithuania and Latvia) who have acting NCPs.

The Norwegian Contact Point consists of four independent experts, including myself, and a secretariat which consists of two very hard-working women, one lawyer and one political scientist, who handle cases on a day to day basis. The Contact Point acts in kind of a board manner in how we deal with cases. Specific instances that we typically handle are complaints made by NGO’s and trade unions. The majority of complaints that NCPs handle deal with labour issues and environmental issues. So far, the number of the cases dealt with in Norway are only six, of which, two of the six are relevant to indigenous peoples. These are the two that we, as the new Contact Point, have been involved in. One comment that was made yesterday was that the NGO’s don’t have the capacity to promote their cases, and one of the services that we can offer as a Contact Point is that we, after we receive the complaint, will be the ones to do the fact-finding and make the judgements relevant to the complaint. Also, there is a legal obligation in the Norwegian Public Administration Act, Section 11, to provide guidance to parties. So there are resources here for organizations with relatively limited capacity to get the help that they need to handle their complaint, which I think is a very important issue.

As said before, the NCP has no judicial power, as the Guidelines provide voluntary principles and standards for responsible business conduct consistent with applicable laws and internationally recognised standards. However, the countries adhering to the Guidelines have made a binding commitment to implement them in accordance with the decision of the OECD Council on the OECD Guidelines for Multinational Enterprises. Furthermore, matters covered by the Guidelines may also be the subject of national law and international commitments.

Concrete examples – Cermaq Case

I thought I would speak about some specific cases that we have been working with lately. One regards fish farming in Chile and Canada. This relates to the company Cermaq and I must mention that I am on the board of Cermaq, so I’ve not been part of the handling of the case due to impartiality issues. But I have seen the case handled both by the Contact Point and by the company and board of Cermaq, so I have a pretty good feeling for how this case was dealt with.
To sum up, the new OECD Guidelines have strengthened the rights of indigenous peoples, not to the extent that some would like, but it is a step in the right direction. The NCPs act as representatives of the member nations of the 42 countries that have committed to the guidelines. We have concrete cases which have contributed to change in not only behavior, but attitudes, which are important, because a lot of this has to do with attitudes. In case you did not know about possibility to file complaints against unethical behavior of Norwegian enterprises, you can file a case with the Norwegian NCP. We welcome more cases.

Friends of the Earth - Norway and the ForUM for Environment filed a complaint against Cermaq in 2009, claiming the company had acted in violation of the OECD Guidelines. The complaint was comprehensive and covered a number of issues, including inadequate consultation with indigenous peoples in Chile (Mapuches) and Canada (First Nations), as well as labour rights regarding freedom to form unions, and claiming that some pregnant women were fired, and some complaints about environmental issues, which related to salmon escape and the spread of lice. Cermaq rejected these claims. The case was first handled by the former NCP Norway, led by the Ministry of Foreign Affairs, and then formally accepted by the new NCP – including me – in March 2011. In July 2011 after mediation by the Head of the Norwegian NCP, the parties agreed on a Joint Statement on the foundation for sustainable aquaculture.

The case lasted quite some time, and the present Contact Point is quite proud to say that although we were formed in March of this year, we have been able to come to a solution in that short time. We came to this conclusion through mediation conducted by Head of the NCP, dean and professor Hans Petter Graver at the University of Oslo, and the parties reached a joint agreement that they both signed and released to the public. The joint statement describes, amongst others, how Cermaq will operate according to the precautionary principle. They will also respect indigenous peoples’ rights, they will respect human rights, labour rights and reporting on sustainability. Some allegations regarding labor issues were not found to be relevant. The main conclusions revealed that the main complaints were taken seriously by both parties, and even if we don't have a situation where we can apply law, the risk of lost goodwill for the company was a strong incentive to try to reach a solution. I know that both the Contact Point and the company used a lot of resources in justifying their positions and what they had done. I think all parties learned a lot from the process. The awareness of CSR issues has increased within the Cermaq board and management. I know this for a fact because during the case, Cermaq has taken very active steps, such as releasing a sustainability report every year and have totally changed their behavior relative to society. There is an increased understanding and respect for Cermaq’s corporate values and commitment to sustainable agriculture among NGO's, who were those to bring the complaint in the first place. Cermaq has actually committed beyond the OECD Guidelines, by accepting to apply UNDRIP, which is not a requirement as per the Guidelines.

Concrete Examples – Mindoro Island
The second case we are dealing with regards a Norwegian company that wants to mine in the Philippines. The Norwegian Contact Point received a complaint against the mining company Intex from the NGO Future In Our Hands (FIVH) on the 26th of January, 2009. The complaint concerns a nickel mining project on Mindoro Island in the Philippines. Lack of proper consultations with indigenous peoples and insufficient information about environmental risks are among the allegations.

Key issues are whether the company has demonstrated sufficient understanding of the particular risks that this mining project poses to the vulnerable environment and indigenous peoples. Eight indigenous tribes have lived on Mindoro since time immemorial. Many of these are illiterate, politically and economically marginalised, and dependent on their traditional ways. Some of the indigenous peoples are in favour of the mining project and some are against.

This case has not been completed, it is work in progress. The Norwegian National Contact Point has commissioned two social anthropologists to gather facts on Mindoro to establish a basis for the NCP’s examination of the case. We took over the case on the 1st of March this year and hope to conclude the case within some months. Again, in a six month span, we have worked with two cases that address indigenous peoples’ issues.
The Guatemalan government ratified the ILO convention in 1996. This took place the same year as the signing of a comprehensive peace agreement, ending a long and devastating civil war in the country. There has been some contention as to the relation between Convention and the Guatemalan Constitution, but last year, 14 years after its ratification, the Constitutional Court of Guatemala ruled that the Convention should have constitutional status in the country. About half of the Guatemalan population is of Mayan descent, and one important corollary of acknowledging the Convention's legal status in the country is that the Guatemalan state accepts its duty to consult with indigenous people before approving activities that have an impact on their living conditions, as well as when laws and regulations are introduced that might affect their interests.

Industrial Projects and Mayan Response
The activities of several industrial projects and their impact on Mayan communities have for years been sources of serious conflicts between the indigenous populations and the companies involved. One example is the extraction of gold in the San Marcos province in the Western Highlands. The company in question – a Canadian multinational industrial group named Goldcorp, with shareholders all over the world, including the Norwegian and Swedish pension funds - has been accused of ignoring the rights and welfare of the indigenous populations affected by the mining. As noted by the Inter-American Commission on Human Rights as well as the UN Special Rapporteur for indigenous peoples’ rights, the mining violates several of the provisions of the ILO Convention 169. The Mayan villages in the vicinity of the mines have organized a number of consultations where an overwhelming majority of the people have voted against the mining due to well documented levels of pollution of drinking water, high levels of health problems and diseases, as well as other kinds of negative impacts on the environment. These consultations, however, are not recognized by the government as binding in any way, and opponents to the mines have been intimidated, threatened, jailed, and even murdered.

The financial benefits for the state and the communities are minimal since the mining companies are obliged by Guatemalan law to pay only 1 percent of their income as royalty to Guatemala, of which half of the amount goes to the communities where the mining takes place.¹

¹ The Guatemalan Mining Law (Decreto 48-97 del Congreso) obliges a mining company to pay to the State of Guatemala 1 % of their income as royalty, divided as 0.5% to the municipality where the mining takes place and 0.5 % to the central government. In addition the company pays an income tax (impuesto sobre la renta). During the first 5 years of operation the Mina Marling of Goldcorp paid a total of 900 million Quetzales in taxes and royalties which corresponds to about 10% of its gross incomes. El Periodico Oct 10 2011. http://elperiodico.com.gt/es/20110127/economia/189655/
Consultation with Indigenous Peoples

The Guatemalan government has recognized the need for establishing consultation mechanisms with the Mayan populations, and was, perhaps, embarrassed by the criticism voiced by the Human Rights organizations and the critical evaluations from international entities like the ILO and UN. The Guatemalan Congress received a law proposal in 2009 that outlined relevant procedures for consultations. It was approved by the standing committee on indigenous issues, but was blocked by the majority in the Congress and was never debated in the plenary sessions. At the same time the government looked to other countries in order to find workable examples on how to proceed with consultations, examples that could also be relevant for Guatemala.

The former Guatemalan deputy minister for foreign relations, Lars Pira, who also had been an ambassador to Norway, was well acquainted with the experiences the Sami population had with consultations with the Norwegian government. Of special interest were the procedures on an agreement for consultations signed by the Sami Parliament and the Norwegian government in 2005. With the support from the Norwegian government, the Guatemalan and Mayan authorities, Lars Pira proposed a seminar where these experiences were presented and debated. This meeting took place in Antigua, Guatemala in June 2010. Ministers and deputy ministers from several government branches in Guatemala participated, as well as a number of civil servants from governmental offices that are concerned with human rights and indigenous issues. Several Sami institutions participated, including the Sami Parliament and Galdu, the Sami Resource Center for the Rights of Indigenous Peoples. The Norwegian delegation also included civil servants from several ministries.

The Sami-Norwegian experiences for consultations based on the agreement from 2005 have proved to be constructive in many respects for both parties. There are regular meetings and the consultations, aiming to proceed “in good faith” as stipulated by the ILO Convention, have contributed to reach a consensus on a number of questions. On issues concerning Sami language and other matters related to the protection and development of Sami culture, the consultations mechanisms seem to have had a number of advantages for both parties. There have been some serious disagreements, in particular when economic interests of the majority Norwegian population have been involved. However, the procedures regulating how the consultations should be carried out have functioned in a very positive way.

In February of 2011, the Guatemalan Ministry of Labour and Social Security issued a proposal for a statute concerning the mechanisms for consulting with the indigenous populations. It refers explicitly to the provisions of the ILO Convention 169. In the introduction the proposal is presented as a result of the joint and thorough efforts of the ILO, the UN Special Rapporteur of Indigenous Rights, James Anaya, as well as Guatemalan lawyers acting as government consultants.

Proposal for Consultation and Mayan Response

Since the indigenous population in Guatemala is numerous, geographically separated, and culturally heterogeneous, the government has argued that it has been difficult to deal with entities that were representative of the interests of the indigenous populations. There is nothing similar to the Sami Parliament in Guatemala. The proposal tries to resolve this difficulty by establishing a new set of institutions – called the ‘consulting commissions’ – with members from the affected indigenous peoples and the government.

The proposal has been met with overwhelming resistance. An umbrella organization for the Mayas, Waqib Kej, totally rejected the proposal. The organization argued that it represents an attack on the traditional institutions for performing consultations in the Mayan communities. They contend that the real objective of the government is to pave the way for multinationals and give them a free hand to exploit minerals and other natural resources on indigenous lands. On April 5th of this year, protesters in the Quiché province occupied a municipal center to voice their opposition to the proposal, and they blocked the roads leading to the municipality. A number of other indigenous individuals and organizations joined the protesters. At the same time four of the most prestigious research centres in the country issued a joint letter to the authorities recommending that the proposal be withdrawn. According to the letter the way the proposal was framed and presented could be viewed as a support to the multinational corporations that oppress the Mayan people. In their opinion the mechanisms for performing the consultations represent a clear setback in relation to what the indigenous populations had already achieved, in spite of the racist and excluding character of the state of Guatemala. The letter also argued that the proposal is contrary both to the spirit of the Guatemalan Constitutions as well as the ILO Convention 169.

There are good reasons that the Mayas of Guatemala in general seem to have limited confidence in how the government addresses their needs and rights. This is illustrated when reviewing the comments to the proposal from the UN Special Rapporteur of Indigenous Rights. In its introduction the proposal from the government pretends to have the support of Anaya while in fact he had a number of serious objections to it. In a letter to Ricardo Cajas Mejía, an indigenous leader and former (2003) director of the Presidential Commission against Racism and Discrimination, the Special Rapporteur explains that he has read and commented in writing on the third version of the proposals for the consultations procedures. Since then he also had a number of contacts with the government concerning the same issues, outlining his critical position. In his opinion, the proposal has a number of limitations and omissions regarding the essential contents of the state’s obligation to consult the indigenous peoples in accordance with ILO Convention 169, as well as with the UN Declaration on the Rights of Indigenous Peoples, and other international legal instruments to which Guatemala is a party. In particular he pointed to the fact that the Mayan population had had no influence on the making of the proposal itself. He also reiterated that his opinion had been clearly exposed during his contacts with the Guatemalan government.

The opponents to the government’s proposal also obtained the support from other international bodies, including members of the EU Parliament. In a letter dated June 7th 2011 to the vice-president of the European Commission, Baroness Ashton, 39 members of the European Parliament requested that the Commission take actions to ensure that the Guatemalan government “follow up on legislative initiatives regulating consultations, when the creation of such initiatives includes the active participation and support of those indigenous peoples who will be subject to the proposed regulations […]”.

At the same time the tension inside Guatemala became high between those in the government who supported the initiative and the opponents. According to The Social Observatory of Latin America (supported by SIDA and NORAD) indigenous employees in the Guatemalan government who had been working on the proposal tried to bring Cajas Mejía and several other Mayan leaders to court accusing them of defamation, coercion, threats, slander etc. all punishable under Guatemalan law. How these proceedings in the courts are developing is not known at present.

Apart from criticizing the content of the proposal, the opposition also argued that the time allowed for suggesting changes and presenting comments was far too limited – only 30 days from the date the proposal was published on the web page of the Ministry of Labour and Social Welfare. This is a site that is hardly the most read by the Guatemalan people – be they indigenous or not, and in particular not by people in indigenous communities. However, the time schedule was extended, allowing for comments until the end of May. At the end of the day the proposal disappeared from the web page of the Ministry and also from the Guatemalan public. Since then the discussion about how the government should consult with the indigenous populations drowned in the campaigns prior to the general elections which took place in September. The second part of the presidential election will take place on November 6th. There is no reason to expect
new initiatives from the government regarding consultations until the new administration is installed. In the meantime, the controversial industrial projects continue to operate, without previous, informed, consent of the indigenous peoples in the affected areas.
The Rights of Indigenous Peoples –
The cooperation between Denmark and Bolivia (2005–2009). Findings of a recent report

Diana Vinding, Board member, IWGIA

It is a great pleasure for me to be here as a representative from the International Working Group on Indigenous Affairs (IWGIA) and have the opportunity to give a small presentation on the bilateral cooperation between Denmark and Bolivia from 2005-2009. My presentation is based on the systematization report elaborated by my IWGIA colleague, Alejandro Parellada and an independent consultant, Ms. Ana Cecilia Betancur in 2010.

My presentation will fall in three parts and will include:

• A short overview of the cooperation: background, components, stakeholders, implementation and main results
• Assessment of the cooperation in the light of the Paris Declaration and lessons learned
• Possibilities for future involvement

Overview

Denmark initiated its support to the recognition and application of indigenous peoples’ rights in 1995, first as a pilot project and subsequently as a sector program Indigenous Peoples, Decentralization and Popular Participation which ran from 1998 to 2004. This first phase was a very complex program with six indigenous components and it was therefore decided that further Danish cooperation would continue in the form of two different but complementary programs, one of which is the program to be presented here.

Phase II was initiated in 2005. The support to the Rights of Indigenous Peoples in Bolivia was framed within the guidelines of the Danish cooperation, which are poverty reduction, promotion of human rights, governance and democracy, environment and diversity, gender equality and support to indigenous peoples.
It was furthermore characterized by having a sector focus, as indigenous peoples at the time could be considered as a “sector” because of the growing attention given by the Bolivian government towards indigenous peoples in terms of specific legislation, policies and institutions. The program was to focus on rights, which implied working simultaneously at different levels with policies, institutional frameworks, direct support and specific activities, and it would use a two-pronged strategy, lending support to and working with government institutions on the one hand and indigenous and civil society organizations on the other.

The program concentrated on three specific but interrelated areas:

1) Mainstreaming of the indigenous rights in public policies,
2) Regulation and titling of Indigenous Community Lands (TCO) and
3) Indigenous Territorial Management (GTI).

The implementation of the program was initiated at a time of social mobilization, and political turbulence, and was all along characterized by the institutional weakness of the state, staff turnover, etc. In late 2005, with the election of the first indigenous president, Evo Morales (December 2005), the program had to adopt an entirely new approach since indigenous rights were now to be integrated into public policies. This had implications for the Program since the first component was transferred from the Ministry of Indigenous Affairs to the Ministry of the Presidency and the other components to the Ministry of Lands. Some of the components’ objectives also had to be re-adapted to the new political realities.

As for the two-pronged strategy, it was somewhat challenged since the public enthusiasm generated by the election of Evo Morales made it difficult to establish a clear differentiation between government institutions on one side and civil society and indigenous organizations on the other.

The program’s beneficiaries were the indigenous peoples of the lowlands in the northeast and eastern part of the country, and the highlands or Andean region in the western part. These peoples represent some 60% (approximately six million) of Bolivia’s total population of 10 million. They are a very diverse population group: they live in different environments, speak their own languages and have their own traditions; and they also have different worldviews and cultures, partly as a result of their different histories of colonization and contacts with the state.

The indigenous peoples of the highlands represent 90% of the indigenous population, or some 5.5 million. They belong to two main language groups, the Quechua and the Aymara. It is only since the mid-1980s that these people have begun to recognize themselves as indigenous and reinstate their traditional authori-

1 TCO: Tierras Comunitarias de Origen.
2 GTI: Gestión Territorial Indígena.

1 In October 2011, hundreds of indigenous people protesting the construction of a road in Bolivia’s Amazon basin region were marching toward the capital, La Paz.
In some cases, GTI projects have become part of the municipal budget, thereby ensuring their sustainability. The basis for getting government support to develop social infrastructure (education, health and roads). In urgent TCO demands have been included into municipal and departmental plans. These plans have been a woman in the Constituent Assembly). The interactions with state institutions have been improved and as well as technical strengthening has been achieved through training and the implementation of projects. The execution of communal plans, inter-communal development plans and management plans. Organizational and technical consolidation and control have been achieved through the formulation and execution of communal plans, inter-communal development plans and management plans. Organizational as well as technical strengthening has been achieved through training and the implementation of projects. Specific efforts have led to the participation of women at all levels (one lowland TCO was represented by a woman in the Constituent Assembly). The interactions with state institutions have been improved and urgent TCO demands have been included into municipal and departmental plans. These plans have been the basis for getting government support to develop social infrastructure (education, health and roads). In some cases, GTI projects have become part of the municipal budget, thereby ensuring their sustainability. Following up on the Danida funding, the Bolivian government has used a percentage of the hydrocarbon taxes to create the Indigenous Development Fund, whose distribution remains the responsibility of the organizations themselves.

The Paris Declaration and the Program

How does the cooperation between Denmark and Bolivia look in the light of the Paris Declaration and the Accra Agenda for Action?

Denmark has been, to a large extent, at the forefront when it comes to decentralizing its development cooperation to local missions and providing sector budget support. Its cooperation with Bolivia has thus reflected many of the Paris Declaration’s principles of state centered and demand driven support. Some of the principles of the Declaration have been followed:

Country ownership: Especially after 2005, leadership was definitely exercised by Bolivia and as we have seen, the program followed and adapted to the country’s new priorities, development policies and plans. Training and the provision of technical support at all levels – from ministries to TCOs – have had high priority.

Alignment: National procurement and financial systems were used. The use of local human resources was promoted and no parallel project implementation units were established. Danish aid has been predictable and untied.

Civil society: the program’s engagement with civil society has been a priority. The Program’s two-pronged strategy has allowed indigenous and civil society organizations to play a very prominent role.

Harmonization: Coordination with other donor institutions has been less prominent with a few exceptions (SIDA contributed to capacity building in INRA). This is due to the fact that the Program chose to work with controversial issues and in direct cooperation with the Bolivian state. When it comes to the regulation and titling of TCOs, e.g., the main financial contributor has been Danida.

But the Program’s success was ensured thanks to other factors independent of the Paris Declaration. They were, among others, the following:

The importance of a conducive context: The Danish Cooperation was initiated at a time where the situation of indigenous peoples had become a major concern, and despite social unrest, political instability, etc., it is fair to say that the national Bolivian context was conducive to improving that situation. Relatively strong indigenous organizations and committed support NGO were also a favorable factor.

Political commitment: Denmark has shown political commitment to the indigenous cause. And the commitment of the new Evo Morales government undoubtedly contributed in a major way to the fulfillment of some of the program’s objectives.

Several elements in the Danish cooperation have been crucial and commendable:

Flexibility: the program has had to adapt to multiple obstacles and changes: high staff turnover, the transfer of the program components to new ministries, new negotiation partners, etc.; and the major political changes which came in the aftermath of the 2005 elections and introduced important readjustments to the program.

The willingness to address controversial issues: it has been stated that without the cooperation of Denmark, the Regulation and Titling Process would most probably not even have been implemented – and in any case would not have achieved the general results seen up to now.

The willingness to address controversial issues: it has been stated that without the cooperation of Denmark, the Regulation and Titling Process would most probably not even have been implemented – and in any case would not have achieved the general results seen up to now.
The importance of having a two-pronged strategy: the role of the indigenous organizations and not least the contribution made by their support entities (CEJIS, ISALP, etc.) should not be underestimated.

The importance of adapting program strategies and methodologies to local realities: Especially in relation to land claims and territorial management, where the Lowlands and the Highlands present major differences, the obstacles encountered called for different approaches and strategies (e.g., regarding conflict resolution).

While the program to a large extent has been successful, some issues remain unsolved and may generate potential conflicts.

One issue is the skewed repartition of land in the Lowlands: the 60 TCO titles cover each in average 125,000 ha of land. This land is rich in natural resources, but benefits a relatively small part of Bolivia’s indigenous population. In the Highlands, the 117 issued titles cover each in average 32,500 ha of arid and degraded land, with few natural resources and are supposed to provide for a much larger indigenous population. This has increased the contradictions between organizations and peasant groups in the Highlands and the indigenous peoples of the lowlands. The same actors who, a few years ago, stood united in the change of political control in Bolivia. Some sectors close to the government thus promote the revision of the TCOs in order to use some of their lands for settling (highland) peasants.

Another issue is that of collective titling vs. individual titling. Some sectors close to the Bolivian government promote individual property rights, advocating that collective titling is obstructing economic transactions and access to credits necessary for generating development.

Future involvements

Let me finish by saying a few words on the possibilities for future donor involvement in Bolivia.

Compared with 2005–2009, the context has changed. Let me mention three new developments: (1) it is no longer possible to take a sector approach to indigenous peoples; (2) the Bolivian government wants to disengage itself from development aid and is in general more in favor of “business-to-business” approaches; infrastructure rather than human rights; and (3) the government sees itself as being part of civil society (since it came to power thanks to indigenous organizations and many civil society organizations) and is therefore critical of support given directly to NGOs.

However, there is still need for strengthening the rights of indigenous peoples in Bolivia. One might add that the government too needs capacity building in order to deal with the many challenges it is facing.

A future bi-lateral involvement, committed to the support of indigenous rights, should therefore be within sectors that are highly relevant for indigenous peoples, as for instance environment and biodiversity, REDD, afforestation, climate changes and adaptation strategies, etc. One possibility would be to address water/soil management issues in the Highlands. This would solve not only serious environmental problems but also address the issue of out-migration which is one of the major causes of conflicts between the Lowlands and the Highlands indigenous peoples. Another possible involvement would be to strengthen the TCOs in the Lowlands and their natural resource management efforts. Yet another could be to study how indigenous peoples in certain parts of Bolivia have traditionally adapted to climate changes. There exist very interesting experiences of adaptation strategies to be collected within this field of indigenous knowledge, which might point to innovative solution models.

In all cases, it is important that potential donors look beyond the traditional sectors such as health, education, which already have the attention of most donors. It is important that they are ready to take risks!
Indigenous interests in Norwegian forest and climate initiatives: How to ensure that assistance reaches its targets

Arvinn Gadgil, Political Adviser, Ministry of Foreign Affairs, Norway
(Oral presentation)

Aid and Development
Aid is not a big flow of money: today the total development budget of all donors is not more than 120 billion dollars, and Norway's share of that is less than 4%. That means that we need to use our money in the best ways possible, the most efficient way, and obviously there are many different ways of doing so. To put it into perspective 120 billion dollars is really very little when compared to, for example, the amount of money that disappears from developing countries through illegal capital flows, which is around 800 billion dollars a year. Keep this in mind: development cooperation is small money; big money is trade, investment and corruption, and organized crime. Those of you that follow the development cooperation debate will now that the field is characterized by theories falling in and out of fashion. In the 70's there were large infrastructure projects, and in the 80's there was the privatization and marketization of the development agenda, in the 90's there was the basic human needs agenda, putting human beings at the center of the agenda, and also around that time obviously, indigenous peoples' issues started to come up on the agenda with the ILO Convention of 1989. The 90's were about basic human needs and now the issues are more centered around climate change, inclusive growth, and green economics.

Now clearly, this is also the direction in which the Norwegian government is moving. We recently launched a White Paper that some of you may know about, on development and environment, and it rests on four pillars of action. The first is that we, as a country, are going to be drivers of a new way of thinking in economic development, we are going to use our capacity economically and diplomatically to build bridges between ourselves, other countries, both developing and developed, and financial institutions and multilateral organizations. Our second pillar is the intensified focus on green growth, green economics, and for us that means renewable green energy. The third pillar is the issue of eco-systems services, which is the idea that we need to start paying for the services that our ecosystems are providing for us. Part of this pillar is our forest initiative, which some of you know about. The fourth pillar is about climate adaptation: how do we make developing countries ready for the inevitable change in climate?

Clearly, today's environment and development agenda is hitting the indigenous peoples' rights agenda straight in the face, to put it bluntly. There is a general need to put indigenous people's rights in the middle of this momentum of development policy. This is why the forum is important and why similar forums in multilateral organizations are important. The questions today are very relevant: are there any conflicts be-
tween the Paris and Accra agendas and indigenous rights issues? To brag about Norway a little bit, we were the first country to ratify the ILO Convention on indigenous peoples’ rights, we also were one of the first to push forward the idea of a permanent forum, and the Declaration of Indigenous Rights. We need critics of course, but if you ask anyone outside of Norwegian politics, the Norwegian agenda has been very focused on indigenous peoples. What has brought debate is whether or not the idea of mainstreaming indigenous peoples’ rights is a good one. When people say we don’t focus on indigenous peoples’ rights I think a little bit of it comes from the fact that we don’t reserve a chapter in our budget on indigenous peoples’ rights, we try to include it in different parts of the budget.

The new aid perspective represents really a development cooperation that focuses on environment and development. Let me move directly on to the second pillar, which is the forest initiative, and which is what I’ve been asked to talk about. Some of you know about the Norwegian Forest Initiative. It is probably the most important climate emissions policy action ever put into action. It is more efficient than any kind of policy action that has been done anywhere, in any country. One third of our globe is covered in forests, which means that it is the largest carbon storage on the planet. About one sixth of all emissions in the world come from forest degradation, and it is a fact that in the Congo, for example, around 50 million people live off of forests directly. Ninety percent of the poorest people in the world live directly or very closely off of the services that forests provide and of course that includes indigenous peoples as well. There are 370 million indigenous peoples in the world in roughly 70 countries, and the majority of those have their livelihoods closely connected to the forests.

There is a clear implication that this is not only an issue for indigenous people, or for these separate countries. It is an issue for us, living in Norway or wherever you live, that these forests are being taken care of. So we’ve launched a huge program, of about 3 billion Norwegian kroners a year, it will be that much in 2013, which works around the principal of REDD. Just to put the magnitude of this project into perspective, our deal with Indonesia which was assigned last year, if completed to plan, and we will spend one billion U.S. dollars on it, but it will be amounting to emission cuts which is 25 times the total emissions of Norway. This is just one program, for one billion dollars. Now there is clearly a link between people and forests that we need to explore more, but we have put the issue at the forefront of our forest initiative and it is something that the Samediggi has been deeply involved in, but there is clearly room for improvement and I think this forum is a place where improvement can be inspired. It is a big project and the problem with big projects is that they can become a bit challenging to manage. We’ve come to that point now, when the activity is so high, that there is a danger that we are not able to properly focus our attention on rights issues. But we are trying our best, every day, and I think it is our most important contribution to indigenous rights – if we manage to properly integrate the rights perspective into our forest initiative.

REDD: Phases and Challenges

Now, let me talk a little more about REDD. For those of you that know it, there are three phases of REDD. There is one readiness phase, which is the planning phase, in which you involve stakeholders and people that are going to be included and are concerned about the projects that you are implementing. There is a first payment phase, which is a phase in which people who actually live in or off forests are benefitting from money geared towards decreasing deforestation. ‘Then, at the end, there is something called the results based financial mechanism, which is where the donors and the recipient country come together and look at the graph has deforestation gone down or has it gone up? If deforestation has gone down, there is an equation telling you exactly how much that country is going to get- it is called ‘result-based financing.’ This is a very new way of thinking about development cooperation and it is quite groundbreaking, but it is also difficult and complicated.

One of our major challenges is that obviously many of the countries that we collaborate with haven’t ratified the ILO Convention 169. I think there are 22 countries that have ratified the Convention so far. For example, Indonesia hasn’t ratified the convention. So a fundamental question for us is: should we not go into collaboration with Indonesia when they haven’t ratified the ILO Convention? Should we not take the benefit of cutting 25 times Norwegian’s emissions because they haven’t ratified the ILO Convention? I’m not saying that it is a rhetorical question; it is a valid question and one that we need to answer. It goes for many other countries; only 22 countries are ratified, so as we expand this program this issue is going to be more and more relevant.

There is another underlying issue, and that is the problem of the initial response to forest issues, which sometimes includes indigenous issues and sometimes doesn’t. An example is when France arranged a forest meeting in May of 2010 and they didn’t invite any representatives of indigenous peoples. We had a conference in June 2010, which was much larger and much more successful, where we included indigenous peoples. This is generally a problem. It is strange to me that the French, for example, can just ‘forget’ indigenous peoples, when clearly it is not only right to include them, but it is necessary to include them to get these projects to work. These are people who know how to gain sustainable livelihoods from forests, and our experience is that whenever we’ve worked closely with indigenous groups it’s worked a lot better. So there is no use spending time on a debate on whether it is right or wrong to include indigenous groups, it is really the thing that works. It works and helps reach the prime objective of the forest initiative. That is the answer and we need to include indigenous groups all the way, in all of these phases of REDD.

Energy and Indigenous Peoples

I will now move on to the third part, which addresses the issue of energy. Some of you may have noticed that we had a big conference in Oslo this week, put together quite quickly, with little time to prepare, but once again it just proves how in demand the idea of clean energy for developing countries is. Several ministers and multilaterals were there. To just look at the numbers again, there are about 2.7 billion people who cook their food from coal or wood, which is of course connected to the forest issue. Women and girls spend one fourth of their waking hours a day collecting this fuel. They are working in the kitchen than from malaria, which is the most deadly disease there is today. So there are more people dying from malaria than from malaria, which is the most deadly disease there is today. So there are more people dying from malaria than from being stung by a malaria mosquito. About 1.5 billion people in the world have never seen electricity in their houses. We know quite a bit about this now, as the UN is doing research on the connection between the Millennium Development Goals and the energy access, which is very, very clear. Energy access has a direct and dramatic influence on the MDGs. On Tuesday we launched a new energy and climate initiative from Norway. The initiative is in the starting phases and it will be interesting to see how it evolves, but there are some key ideas. First of all, we are going to build it around the experience of the Forest Initiative. We will work along the same lines and phases: the readiness phase, the first reimbursement phase and then a result-based financial mechanism. What made the forest initiative work was the partnership way of thinking, indigenous peoples, recipient and donor countries and multilaterals making plans together. The energy issue is just as important to do in this way, because the sums that we are talking about are so much larger than those in the forest issue. I started by saying that development cooperation money is small. We need private and commercial money- not necessarily only private companies, also commercial investment funds.
So my challenge to experts like you is, ‘how do we design this energy initiative in ways that properly includes indigenous rights?’ It is more difficult than in the forest issue because in the energy sphere you have to involve private actors, and we are in much less of a position to demand the inclusion of indigenous rights and participation in all stages of the decision and investment process. What we need to find are effective mechanisms that ensure participation. As we talked about today, how do we get through the beautiful language and reach the practical application?

The energy issue could be even more dramatic for indigenous peoples because of the dramatic effects it has on land-use. Land heritage and traditional ways of dealing with land could be facing challenges in the face of energy development. However, we need energy development, and if you ask anyone, including indigenous peoples, they will tell you that energy development is one of the most important things in their lives. We can’t ignore this. It is an issue full of dilemmas but we can’t ignore it. We need to understand that there is a need for energy, but we also need to find the practical mechanisms to include issues of indigenous rights into the agenda.

The Shape of Aid

Now, a little bit about the shape of aid. These two new initiatives are somewhat symptomatic of what is happening in the development world. They rely on large programs, geared toward environment and development issues, bringing untraditional actors, like the private sector and what we call development finance institutions, such as Norfund in Norway, and they use completely different logics when compared to traditional development projects, such as paying for a school to be built, and here you are supposed to pay after the school is built. So the idea is different and the way it works will be completely different and there are some obvious challenges connected to it.

The first challenge when it comes to indigenous rights is that we are completely dependent on the national government in the country where we are working. Their own commitment to indigenous rights. When we tell them that we will release a certain amount of money to them if they manage to decrease deforestation or build this much power, then that will probably be their main focus. By having that sort of incentive structure we can contribute to a much quicker destruction of indigenous peoples’ livelihoods. How we are going to prevent that from happening is a key question that we are asking ourselves every day. Another part of it is that the whole idea of national governments being in the driver’s seat is new, and when you talk to old-time development practitioners they don’t like the thought of it at all. However, I believe this is the only way to go forward; to actually make these governments accountable and to put the power to change things in their hands. What this new shape of aid is doing, is actually making it more difficult in some ways to change the equation of power locally. Finally, this is about who has the power to define the right to land. One idea on how to solve this problem is to put more money into certain civil society organizations, but that doesn’t always work. Civil society organizations have patron-client relationships as well, and they will put some peoples’ needs over other peoples’ needs. It is an extremely difficult and challenging issue.

There is another feature of this new shape of development aid, and it is the move away from conditionality. There was a trend in the NGO movement which predicted that all aid should be unconditional, that there shouldn’t be conditions of macro-economic stability or employment or inflation rate on aid. What we see now is a push for a new kind of conditionality, a good conditionality and one that improves indigenous peoples’ rights, human rights and the rights to assembly and so on. There is clearly a conflict there because on one hand NGOs are talking about canceling conditions to put these developing countries in the driver’s seat; now there is a swing back towards more and more conditions. My personal belief is that we need conditions, but we need to have them in a way that is practical and which speaks to the political logic of leaders in cooperation countries.

Partnerships, Development and Politics

Now I’ll draw to a close, but one last thing: the issue of partnerships. As I told you, the Forest Initiative is based around the idea that you build partnerships, the Energy Initiative is going to be the same, and we will base it around the idea of partnerships. When it comes to indigenous peoples there are very few examples like Norway where we actually have an elected Parliament for indigenous peoples. So the key issue when you have these big national problems is who you actually talk to. Who do you invite into these partnerships? This is a very, very political question, as you may guess. I don’t think there is an easy answer to it, but this is one of the questions that we must answer in this new shape of development cooperation.

There were also comments yesterday about the oil fund, and clearly it is a huge issue. Do we invest this much money into Indonesia while at the same time we know that the oil fund is investing in companies that are converting forests into palm oil plantations on a large scale? The way that we are organizing and managing the oil fund is such that we can’t really tell the oil fund not to do it. My party and I are very against this way of organizing it; we would want a more activist way of thinking about the oil fund. We are trying every day to change it, but it doesn’t really make the difference yet. It is clearly an issue about coherence in Norway’s policy towards development and developing countries. There are more than enough reasons to continue pressing on that point.

Finally, I just want to stress that politicians are easy to understand. The first thing is that to raise an issue we need conflict. We are dependent on conflict, we need people to tell us that we do something wrong in order to have debate and in order to have space to find a political solution. At the same time there is a need to see the rewards policy action. By that I mean that the people engaged in indigenous issues in Norway have not been good enough in recognizing the efforts that are being done by the Norwegian government.

We see something similar on environment policy, when environment NGOs target political parties or political personalities who do their best to further their agenda and make them losers in the process, there is not going to be a reward for taking on environment issues or indigenous issues. There need to be rewards for politicians. The reason I say this is not necessarily only for the Norwegian public, but also for the other countries that we are working in, politicians, they need to see rewards for putting indigenous people’s rights at the center of the agenda. I just recently met the new Peruvian Minister of Foreign Affairs. They have three priorities: employment, climate adaptation and indigenous peoples’ rights. Peru is a terrible example of indigenous peoples’ rights, but this new government is putting this issue high on the agenda and by doing that they are also putting the stakes very high. The risks of failing are clearly there. So the issue is that, how do you as a people, as pressure groups, a civil society and indigenous peoples’ organizations push a government? Pressure, make conflict and at the same time reward politicians so that they can keep on pushing the indigenous rights. I will leave it at that and we can have a discussion.
Some 20 years ago, the Norwegian Church Aid decided to have their Southern partners make an evaluation of the organisation as a whole. The conclusion of that variation was that the activities and the relationships in the South were excellent and in good order. The main recommendation of the evaluation was that more efforts had to be made in Norway in order to inform Norwegians and build understanding in Norway for the excellent work that was carried out. The Norwegian Church Aid was doing nice work, but “nobody” knew it in Norway.

This conference follows the same line. How can we in Norway know about struggle and issues important for peoples elsewhere? How can we make our own opinion about what is going on? How can we engage in political issues? How can we engage in practical activities? And for this conference the issue is how Norwegian development support can be managed to the maximum benefit of indigenous peoples in developing countries.

We have noted that professionalism is in increasingly high demand in the management of Norwegian development support. Big, professional organizations focused on the rhetoric and strict routines of the aid-industry give more predictable and safe channels for “better” results. Smaller organizations more based on voluntary efforts and solidarity work, don’t have the same capacity to fulfil all the bureaucratic demands with the same ease as the big ones. It is important to pay attention to the balance here between the few professional money-based big actors on one side, and the many Norwegians willing to put their own time into solidarity work on the other. Idealistic, voluntary, grassroots organisations are key to building engagement and opinions among the broader Norwegian public, but they are becoming increasingly marginalised in Norwegian development support.

Will the Paris Declaration make it easier to reach the grassroots and make us know better how funds, activities, initiatives, etc. are successful? What kinds of results shall we look for when hardly any reporting takes place? It is, as an example very difficult to highlight and visualise support benefiting indigenous peoples using the OECD-DAC CSR Purpose Codes for reporting. “Indigenous peoples” is simply not a category for reporting. If we want more attention to and better results for indigenous peoples in the Norwegian development support, then we must prepare the tools for it and start using them.

There is a meeting coming up in Busan where the Paris Declaration is to be discussed. The evaluation the Paris Declaration, recently presented by Norad, did bring up the issue of special high standards for human rights being phrased as counterproductive risks and problems for implementation, according to the report on Sweden as a donor. The evaluation team, during discussions in Oslo, said ‘yes that’s a good question’. In fact and as an example, the evaluation report does not mention, nor discuss, relations to the UN Declaration on Indigenous Rights as an important guideline and framework for development. I will thus challenge the MFA-representative here, working at that level, to bring this shortfall to proper attention in Busan.
Stakes replacing rights? You have answered the question in many ways on the span between yes and no. We have seen examples of guidelines that businesses may comply with, somehow, and we have heard about the usefulness of conditionality. We have talked about the initiative to engage and create accountability, and a number of pathways for action have been revealed.

Development support, however, is supposed to reach the grassroots, and we know that grassroots seldom “work” in unified manners. For indigenous peoples this can be a challenge. How can we secure reaching the grassroots without engaging the grassroots?

In Norway the Sami Parliament is a link to indigenous peoples. Most other places we don’t have such well-defined partners available, and those who are available for the professional development support managers may not fit the standard way of negotiating, of talking, of decision-making, etc. Instead of imposing our routines, we need to allow for new ways of collaboration to happen.

There are opportunities for making changes and indigenous peoples know, better than most, the risk of marginalisation that are embedded in mainstreaming, professionalising, delegation of responsibilities and distance between opinion- and decision-makers. This must be addressed in Norwegian development support.

I thank you all for coming.
Summing Up

Chair of the Forum: Sidsel Saugestad

As part of the closing session we will briefly sum up the situation of the Forum. At the opening of this Conference we situated the Forum for Development Cooperation as part of a process moving towards more attention of top indigenous issues, most explicitly stated as Norwegian policy in the Guidelines of 2004, from the Ministry of Foreign Affairs. The Forum has a mandate to provide a meeting place for academics, activists and administrators, and Norad, through its Section for Civil Society has provided funding to different activities. The current situation is that we are at the end of the 3 year funding period, and in order to continue a new application has been submitted.

For this purpose we have been through a process of gathering opinions on Forum activities, particularly the Conference, which came out quite positively. People have found it useful in their work. We met with Norad to sum up the situation, and expressed some concern, particularly that changes in the University environment are affecting the amount of time people can use for this type of volunteer work. We also had a meeting with NGOs in Oslo in May that included an open discussion of alternative forms of organization. A brief summary of this meeting would be that there were no other organizations that wanted to 'pick up the torch', but also an agreement that a meeting place was needed and that it would be good if there was some way Forum activities could continue. Consequently, the University of Tromsø has taken the lead in preparing a new application. We have been working with a network of NGOs which also makes up the Forum Advisory Board and we have received important inputs from colleagues that represent NUI, the Rainforest Foundation, IWGIA, Gáldu (the Information Centre for Indigenous Issues) and the Saami Council. Right now we are in transition, winding up the current period, and based on our experiences we have suggested some changes in this new application, in order to strengthen the network aspect of the activities.

I would like to conclude by pointing out three aspects that I personally feel are important, and that I would hope that NORAD and the Ministry of Foreign Affairs will bear in mind while considering future strategies for strengthening Norwegian development cooperation with indigenous peoples. First, we, and by ‘we’ I mean Norway, need an informed and engaged civil society. The work of the Forum has made a contribution to inform and engage, but this is a responsibility for all of us.

Secondly, networking is needed to formalise initiatives for development cooperation between individuals, organisations and institutions. As an example that is not specifically a Forum matter, I would like to mention the new programme for funding of University cooperation (NORHED) that is now starting up. This is an opportunity for new initiatives, linking academic understandings with indigenous activities in partner countries. Over the years the Forum has provided an arena for exchange of experience from previous (NUFU funded) programmes. Capacity building and the important role of Saami organisations have been touched upon on several occasions. Further discussion of this aspect is needed, particularly as the
strong orientation in Norwegian policy on circumpolar and arctic cooperation may make it more difficult for Saami organizations to engage actively with organisations in the South.

My last point is that development cooperation with indigenous peoples should remain a priority area in Norwegian policy, both in principle, and in practical terms. The idea of mainstreaming, that the relevance of engaging with indigenous issues shall be considered on an embassy level is good, but not enough. The presentations over the last two days have clearly illustrated formal and practical constraints on active engagement. Indigenous issues are still contested, and in many parts of the world dismissed by the power structure. Development cooperation must include a willingness to take risks, and a budget line to follow up. Funding is just a small part of what needs to be done, but, at least from my experience working in Africa, earmarked support to indigenous issues have had a tremendous impact, with learning outcomes far exceeding the money spent.

These are aspects I think we agree on. However, agreement does not give a clear answer on how to follow up. I think this is a responsibility for all of us in our different capacities and on behalf of the organisations that we represent. I can say that on behalf of the University of Tromsø that we will continue our work to promote perspectives that we consider both academically and politically important. We can and will make a contribution, but maybe in different forms than we have been doing up until now.
Competence building on Indigenous Peoples’ Rights in Management of Development Assistance

The session gave an overview and introduction to a web-based course offered by the Faculty of Law; JUR-3605 Indigenous Peoples’ Rights

Masters in Indigenous studies: Contribution to Norwegian competence building.

Seven students gave brief talks on the topics their masters thesis, linked to poster presentations.
Competence building on Indigenous Peoples’ Rights in management of development assistance.

Faculty of Law, UiT: Web-based course: JUR-3605 Indigenous Peoples’ Rights. Presentation by Associate Professor Ánde Somby.

Associate Professor Ánde Somby, who has been teaching the course on Indigenous Peoples’ Rights, gave an introduction and overview of main topics in the course.

The course is administrated by the Faculty of Law, is taught at Masters level and gives 15 credit points (ECTS). It can be taken as a single module for international and exchange students.

The course offers students an overview of the current discussion on indigenous peoples’ rights. The course perspective is that the rights of indigenous peoples depend both on legal principles and rules within international and domestic law, as well as on indigenous peoples’ own law.

The subject covers topics from international law, domestic law - especially in Saami areas - and indigenous peoples’ law, with a focus on indigenous peoples’ right to self-determination and land rights. In addition to providing an overview of different structures and significant legal principles for the rights of indigenous peoples under international law, some different perspectives are emphasised during the course.

The teaching consists of a combination of lectures and seminars, comprising a total of 30 hours. The students are expected to be prepared and active during the seminars in discussing legal approaches to the issues at hand. The students may also be asked to submit papers. Students are expected to study independently in periods of no seminars or lectures.

Assessment methods:
One written home exam (5 days) and one oral exam.

Recommended readings include:
Anaya, S. James: Indigenous peoples in international law, Oxford University Press, 2004
In addition there is a selection of articles available in a compendium
Further information can be found by accessing the University of Tromso’s website at www.uit.no under English taught courses
The curative and political power of aboriginal traditional healing in Canada

Should Aboriginal traditional healing be integrated within conventional clinical settings? Which are the main challenges?

- Which are the main reasons that are guiding some Aboriginal healers in Canada to share the knowledge they keep and defend its official status?
- What do aboriginal users say about this? Which are their main worries and demands when entering in a hospital or other clinical setting?
Gada Democracy:
An African indigenous system of governance; the case of Oromo-Borana of Ethiopia

What are the natures of African indigenous system of governance and extent of their prevalence today?

- Why are traditional values that converge to ‘democracy’ and ‘good governance’ left at peripheries? Why official values could not penetrate to the peripheries, if any?
- Is it possible or necessary to integrate traditional values to modern system of governance and vice versa?

A comparison between Japan and Norway regarding ILO Convention No. 169

- Why have Norway and Japan taken different approaches to ILO Convention No.169?
- Why does the situation of indigenous peoples in Norway and Japan differ so much?
- What role does the implementation of the ILO C169?
- Ratification or not?
Developing Discourse: Indigenous Child Trauma as a Unique Phenomenon

Do indigenous children experience trauma differently than their majority-population peers?

- What can be learned by examining the discourse of service providers on the differences and similarities between trauma in indigenous children and their non-indigenous peers?
- How might these differences be linked to the intergenerational and historical trauma of colonization?
- Does this research promote a message of hope and strength or one of poverty and despair?
- Is there room for future research? If so, who will it benefit?

The voices from community. Constructing indigenous histories: why and how?

Case study: The policy of forced relocations on the Sami people of the Kola Peninsula from 1930-1970s.

- What is the background for the forced relocations of the Kola Sami people from their traditional lands?
- In which ways did the forced relocations affect the Kola Sami people’s way of living?
“At the very heart of this case, [...] the longstanding conflict between two disparate cultures.”

The ‘Lyng’ Supreme Court decision and its impact: a case study on Native American agency in the legal culture of the United States.

- How do issues of power and legitimacy play out in the legal discourse surrounding religious freedom and spiritual landscapes?
- In a postcolonial setting, what kind of space exists for indigenous actors in the courtroom?

Exploring Indigenous Methodology in Archaeological Practice & Cultural Resource Management: The Ram’s Head Medicine Tree.

An indigenous methodological paradigm concerning research on, and management of indigenous TCPs, can contribute to archaeological knowledge and understanding of indigenous peoples within the western scientific research community.

- Are there historical circumstances that have perpetuated a supreme ideology in the methodological foundations of western scientific research, and that have problematized the methodological foundation and an indigenous contribution to archaeological practice & CRM?
- What are the emics of an indigenous methodological paradigm and a western scientific paradigm, considering the research perspective & approach? Preservation v. Analysis and Interpretation?
- Are the laws and practices that regulate indigenous and scientific communities in the practice of archaeology and CRM, adaptable to the ideals of an indigenous methodology?
Program - Forum Conference 2011

Stakes Replacing Rights – New Pathways for Indigenous Peoples in Development Cooperation?

Venue for the Forum conference at University of Tromsø 12-13 October 2011: University Campus, Teorifagbygget, Hus 1, Auditorium 1.

Wednesday 12.10.2011

12:00 – 12:30 Opening
Prof. Jarle Aarbakke, Rector, University of Tromsø
Prof. Sidsel Saugestad, Chair, Forum for Development Cooperation with Indigenous Peoples
Mr. Håkon Fottland, Conference organiser, University of Tromsø

Introduction to the conference theme

Session:

Mr. Antti Korkeakivi, Chief, Indigenous Peoples and Minorities Section, OHCHR, and UNIPP.
Advancing the Declaration on the Rights of Indigenous Peoples through true partnership; New UN initiatives on the rights of indigenous peoples.

Ms. Aili Keskitalo, Norwegian Sami Association
Reaching beyond the pretty words? The Sámi and development cooperation.

Ms. Solbjørg Sjøveian, Norad
Civil Society – a reorientation

Forum update 15:30 – 16:30

Ms. Maria Lundberg, Norwegian Centre for Human Rights, University of Oslo.
Protection of Minority and Indigenous Language.

Ms. Siri Damman, Rainforest Foundation.
The role of indigenous peoples in rights-based sustainable rainforest management.

Mr. Alberto Thoresen, SAIH.
Intercultural bilingual education in Bolivia and SAIH.
Thursday 13.10.2011

Session: Pathways; Old and New  09:00 – 11:00

Mr. Egil Olli
President, The Sámediggi in Norway

Mr. Jan Erik Korssjøen
National Contact Point Norway for the OECD Guidelines for Multinational Enterprises

Indigenous peoples’ issues in complaint cases, recent experiences.

Prof. Georges Midré, University of Tromsø

The collapse in developing Guidelines for FPIC in Guatemala (update)

Workshops, parallel sessions 11.30-13.00


Presentation by Associate Professor Ánde Somby. (House 4, Room 4.213).

Master’s in Indigenous Studies: Contributions to Norwegian competence building. Students, Presentation of relevant subjects. (House 4, Room 4.402).

Networking. Informal encounters at conference venue

Session: An Agenda for Stakeholders; Opportunities for Indigenous Peoples?
14:00 – 16.30

Ms. Diana Vinding, IWGIA


Mr. Arvinn Gadgil, Political Adviser, Ministry of Foreign Affairs, Norway.

Indigenous interests in Norwegian forest and climate initiatives: How to ensure that assistance reaches its targets

Summing up
# Participants

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