

RAINFOREST FOUNDATION NORWAY HUMAN RIGHTS POLICY

August 2017

1. RAINFOREST FOUNDATION NORWAY'S RIGHTS-BASED APPROACH TO RAINFOREST PROTECTION

Rainforest Foundation Norway (RFN) works to protect the world's rainforests and the human rights of indigenous peoples and other forest-dependent communities in the rainforests.

The human rights situation for indigenous peoples and other forest-dependent communities is in many places critical. Indigenous peoples' situation is characterized by a low degree of income, education, access to basic public services (e.g., clean water, food, shelter and health) and political representation compared to the rest of the population. They are often subject to human rights violations, including discrimination, threats and attacks on their physical integrity. Furthermore, persons working to defend their lands, forests and rivers against land grabbing and other incursions account for half of the human rights defenders that are murdered as a consequence of their work.

RFN envisions a world where the human rights of indigenous and forest-dependent communities are fulfilled. This is why we have adopted a human rights-based approach to rainforest protection.

It is widely recognized that promoting and protecting human rights is crucial for achieving peace, sustainable human development, democracy and security, and that these aspirations and goals are inseparably linked and inter-dependent. RFN regards a human rights-based approach as an essential tool for achieving sustainable development outcomes, because it:

- promotes realization of human rights and helps states to deliver on their human rights commitments;
- increases and strengthens the participation of the local community;
- improves transparency;
- increases accountability;
- reduces vulnerabilities by focusing on the most marginalized and excluded segments of society;

Research, as well as RFN's long-lasting experience in working in rainforest areas with indigenous and forest-dependent communities, show that when fulfilling the rights of those whose lives depend on the forest for their culture and livelihood, forests are more likely to be protected. Indeed, the UN Special Rapporteur on human rights defenders stated in 2016 that protecting environmental human rights defenders is critical to the future of the planet.

2. RAINFOREST FOUNDATION NORWAY'S SCOPE OF WORK REGARDING HUMAN RIGHTS

Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments underlie all of RFN's work, including policy development, advocacy and project management. Our focus lies in the intersection between

human rights and forest protection. Healthy tropical forests are essential for the fulfillment of the basic human rights of their inhabitants, and secure rights to land, natural resources and participation are essential for forest protection. RFN is one of few actors with a two-fold goal, where forest protection and human rights have equal focus. Our added value as an organization lies precisely here: we do not focus mainly on forest protection or human rights, but on a sustainable management of forests that is based on respect for and contributes to the fulfillment of the human rights of the members of local communities.

RFN's rights focus

Indigenous peoples' economic, social and cultural rights as well as their civil and political rights are recognized by the international human rights framework. Moreover, they have been specifically articulated in ILO Convention 169 on Indigenous and Tribal Peoples and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to ensure that the historical inequalities faced by indigenous peoples are addressed and their priorities reflected. In the work of RFN, we focus mainly on two over-arching rights, which are fundamental to the fulfillment of all other human rights for indigenous and forest-dependent peoples. These are the collective rights to self-determination and to lands, territories and resources.

What is most widely implied in the term self-determination is the right to participate in the democratic process of governance and to influence one's future – politically, socially and culturally. Indigenous peoples have the right to determine their own economic, social and cultural development and to manage, for their own benefit, their own natural resources. The duty to consult with indigenous peoples and to obtain their free, prior and informed consent is a crucial element of the right to self-determination.

The right to self-determination is a collective right held by all members of indigenous or tribal communities. While all rights in the UNDRIP are understood to have equal status, the right to self-determination has been described as a "foundational" right, without which the other human rights of indigenous peoples, both collective and individual, cannot be fully enjoyed.

Land and related resource rights are of fundamental importance to indigenous peoples since they constitute the basis of their economic livelihood and are central to their spiritual, cultural and social identity. Indigenous peoples, if deprived of the natural resources pertaining to their lands and territories, may be deprived of meaningful economic and political self-determination and self-development. In many situations, indigenous peoples may also be effectively deprived of their culture and the enjoyment of other human rights because of extreme poverty and lack of access to their means of subsistence.

The objective of RFN's human rights approach is to contribute to the ability of rights-holders to claim their rights and to put pressure on duty-bearers to meet their obligations.

The rights-holders

The rights-holders that RFN focuses on are the members of forest-dependent and/or indigenous communities, whether or not they are formally recognized as indigenous by the laws of their country, whose livelihood depends on the forest and its resources. RFN works for the equal

fulfillment of the rights of all members of such communities, without discrimination based on age, gender, disability or sexual orientation.

RFN also works to empower and enhance the capacity of civil society organizations and local communities in rainforest countries to be effective proponents for the human rights of indigenous peoples and forest dependent communities.

The duty-bearers

International law holds the state as the primary duty-bearer in respecting, protecting and fulfilling the human rights of individuals and groups. However, there is also widespread acknowledgement that non-state actors, such as business enterprises, have a responsibility to respect the human rights of people who are influenced by their activities. RFN aims to hold both states and non-state actors accountable for human rights violations and to make them fulfill their responsibilities regarding the human rights of forest-dependent peoples.

3. RAINFOREST FOUNDATION NORWAY'S RESPONSIBILITY TO RESPECT HUMAN RIGHTS

3.1. Addressing human rights impacts directly linked to RFN's work

RFN works in close partnership with local civil society organizations in rainforest countries. Our partnerships are a matter of mutual obligations and mutual benefits. RFN expects its partners to pursue policies that promote gender equality, respect for human rights and good governance. RFN commits to respect human rights, in the sense that RFN should avoid infringing on the human rights of others and should address adverse human rights impacts with which the organization may be involved.

An actor such as RFN has a duty to consider the human rights of several groups and individuals. This includes those primarily targeted by the projects (such as indigenous and forest-dependent communities), but also groups and individuals within the primary groups who might be affected positively or negatively by the project (such as children, women, elderly, disabled and human rights defenders that may be put at risk). Furthermore, groups and individuals outside the target group (such as communities that have a conflicting claim on the same land and natural resources as the target group) may also be impacted by our projects.

RFN's duty to respect human rights means that in all programs supported by RFN, RFN and/or our partner(s) shall analyze the impact that our work might have on human rights, identify risks and consider appropriate action to mitigate such risks. This process is further described in RFN's human rights guidelines¹, developed specifically for project managers. Furthermore, training in human rights will be included in the capacity building exercises provided to program staff and relevant local partner organizations.

¹ To be developed.

3.2 Addressing human rights impacts not directly linked to RFN's work

RFN may also be an important actor in terms of witnessing and helping those whose rights are violated, even in circumstances where RFN is not directly involved in the violations, or when the violation is in no way linked to RFN's work.

In some communities where RFN supports projects, we may encounter practices that constitute serious violations of the human rights of community members. As follows from the ILO Convention 169, gross violations of human rights cannot be dismissed as "local tradition" or "culture". When such violations of basic human rights are witnessed by RFN staff, the staff member shall report such occurrences to RFN for the organization to consider appropriate action.