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Are the participatory rights of indigenous peoples real?

A comparative study of Consultation and Participation
processes for indigenous peoples facing extractive activities
between Norway and Bolivia

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Abstract

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Key words: consultation and participation, participatory rights, indigenous people, extractive activities, self-government, comparative study, multi-case study, Sami, Guaraní, indigenous and tribal peoples convention.

Social work is not just a practice-based profession but is also an academic discipline that aims to promote the empowerment and liberation of people that have been marginalized and have suffered from economic inequality. Indigenous people are an example of a national minority that have historically suffered from marginalization and overrepresentation in overall poverty around the world. The international community has recognized the struggles of indigenous peoples and therefore, they have built in coordination with different countries the Indigenous and Tribal Peoples Convention No. 169, the only international and legally-binding convention that protects indigenous peoples through the recognition of the rights of self-government and the right to be consulted when a decision will affect them directly or indirectly. But how do countries implement these rights in their different context? This is the question I intend to answer throughout this thesis. First, I explore the implementation of international standards through the national policies of two profoundly different countries: Norway and Bolivia using the consultation and participation processes for extractive activities as an example. For this qualitative research I have used a comparative design in the form of a multiple-case study. Through this study it was found that Norway and Bolivia both follow similar national policies but strongly differ in their implementation.

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1. Introduction

1.1. Background of the research

Indigenous and tribal peoples represent a challenge for any welfare state, wealthy or developing. Moreover, indigenous and tribal peoples live in over 70 countries and represent around 370 million people around the world (Feining, 2013). However, while Indigenous and Tribal peoples form 5% of the world population, they represent 15% of the world's poor (Ibid.). Implementation of multicultural policies to protect the rights of national minorities intends to transform this overrepresentation in poverty levels worldwide (Kymlicka, 2007, 2010)

However, extractive activities such as mining and natural gas extraction are most of the time the cornerstone of economic development for many countries. In recent years, there has been an increase in the demand for minerals and metal. Globally, this demand comes mostly from population increase, technological development, and economic growth in highly populated countries in Asia. What is more, almost all consumed goods depend on minerals and metals for their production (Strategy for the Mineral Industry, 2013). Consequently, the presence and extraction of such needed goods is a condition for economic growth (Ibid.).

Furthermore, according to Turedi and Demirbas (2004):

Natural Gas is the fastest growing primary energy source in the International Energy Outlook forecast. Because it is a cleaner fuel than oil or coal, and not as controversial as nuclear power, Natural Gas is expected to be the fuel of choice for many countries in the future (p. 1380).

As mentioned above, extraction of Natural Resources such as Minerals, metals and Natural Gas are crucial for any country to maintain or impulse their economy. However, when these resources are located in the land of national minorities, states need to implement consultation and participation processes to reach agreements along these population in order to respect the right of indigenous peoples for self-governance. Additionally, extractive activities are on the rise in the Arctic region, mostly due to climate change that makes this region more favorable for extractive activities (Hossain & Petrétei, 2017), making this topic a global phenomenon (Greaves, 2018).

What is more, the processes of consultation and participation, according to Feining (2013), are fundamental parts of a democratic government, but they are also parts of inclusive development. It is through the process of consultation and participation that governments aim to achieve economic development through extractive activities while at the same time respect the rights of indigenous peoples. As Zaremborg & Wong (2018) explain about the process of Consultation “PC [Process of Consultation] procedures are participatory mechanisms aimed at including indigenous voices in policymaking regarding extractive projects potentially affecting their territories and traditions” (p. 40). Therefore, consultation is the mechanism for establishing dialogue and facilitating agreements.

This thesis involves comparing two different experiences with the process of consultation and participation for extractive activities, from the perspective of indigenous peoples, located in two different countries: Norway and Bolivia. Even though Norway is a developed country,

located in Scandinavia, and Bolivia is a developing country from south-America, both face the challenge of promoting economic development through extractive activities while preserving indigenous peoples rights and way of living. These two countries are very different, but at the same time share many similarities: Both countries have a high potential for extractive activities in their territory, they both have drawn strategies to promote these activities, and they have both ratified the Indigenous and Tribal Peoples Convention 169 of the International Labour Organization.

This research project starts from these similarities to find out, how two profoundly different countries respond to the necessities of a historically vulnerable group while facing the pressure from economic development. The project first identifies the relevant international conventions, which represent the standard for how consultation and participation processes should operate. Next, it investigates, first through document analysis and then through interviews, whether the political authorities live up to the international standards.

What follows next, in the introduction, is first a brief account of the country context and the relevance of the study to social work (1.2). Thereafter I state the research question and explain the research design (1.3).

In the subsequent chapters, a literature review (chapter 2), the theoretical framework of the thesis (chapter 3) and methodology (chapter 4) follow. Chapter 5 contains a brief description of the cases selected to contextualize the problem, afterwards the findings (chapter 6) before a discussion of these findings (chapter 7) and finally, the conclusion (chapter 8).

1.2. Country context and relevance to social work

Bolivia is a country primarily known for the indigenous and tribal population that represents almost 40 % of the total population (Instituto Nacional de Estadística, 2015) with a number of 4.199.977 people, almost one hundred times more than Norway. The constitution of Bolivia acknowledges 36 different nations of indigenous and tribal peoples. What is more, over the years, this population has been overrepresented in statistics about overall poverty and extreme poverty.

On the other hand, the number of Sami people in Norway is not easy to identify since there is no statistics about ethnicity, nevertheless the population on Sami settlements in Norway to 2018 is of 406.043 total (Statistics Norway, 2018), representing around 8 % of the total population for that year. A common understanding is that there are around 80.000 Sami people in the world, where 50% lives in Norway, and only half of them speak Sami (Store Norske Leksikon, 2019). Therefore, we could say that the population of Sami in Norway represents less than 1% of the total population of the country. One explanation to why the numbers are low, is the implementation through many decades of assimilationist policies, that created laws that banned the Sami language to be taught (Nikel, 2018). These assimilation policies implemented before 1990 have drastically changed, with Norway recognizing Sami rights and implementing different policies in order to respect and preserve their heritage.

This topic is of interest to social work practice as it intends to find out the experience of indigenous peoples, historically a vulnerable group, and their participation in decision-making processes with extractive activities. Moreover, it intends to promote learning of good practices within countries, to benefit indigenous peoples. What is more, the International Federation of

Social Work (2014) defines social work as not just a practice-based profession but also an academic discipline that "...promotes social change and development, social cohesion, and the empowerment and liberation of people." (IFSW, 2014). Consequently, the right of self-government and the implementation of processes of consultation and participation are essential to social work to achieve social cohesion between majorities and minorities within a nation and empower a historically marginalized group. Also, social work principles of social justice, human rights, collective responsibility and respect for diversities are central to this thesis topic, complemented by theories of social sciences, humanities and indigenous knowledge.

Moreover, social work has a history that shows a particular and special interest in making social change. Accordingly, promoting social and economic equality was chosen as the first theme for the Global Agenda presented in 2016 by The International Federation of Social Work. Furthermore, promoting social and economic equality is vital to create a "fair social environment within which people can make their own choices" (Global Agenda, 2016, p.4). This theme has been created to "focus on the major causes that constrain individual opportunity, human development, and care of the earth's ecosystem and keep people in poverty and disadvantage." (Ibid.). The processes of consultation and participation have the objective of promoting social and economic equalities by making it possible for vulnerable groups to participate in decision –making when they are indirectly or directly affected.

1.3 Statement of the problem and research design

This thesis intends to identify the differences between Norway and Bolivia in respect to including and taking into account the rights of self-governance of indigenous peoples concerning extractive activities. Including is understood, in the context of this research project, as the States taking the right of self-governance as part of the policies that protect indigenous peoples against extractive activities. Moreover, taking into account, refers to the States being aware of the right of self-governance of indigenous peoples when policies are being implemented. Furthermore, since the implementation of self-governance is revealed through the appropriate application of the process of consultation and participation to indigenous peoples, consultation and participation will be an essential aspect of this research project.

The research question is:

Do Norway and Bolivia differ concerning including and taking into account the rights of self-governance of indigenous peoples facing extractive activities?

A systematic comparison in order to find out differences and similarities from the processes of consultation and participation, consisted of three main steps. These steps implied for each country, the identification of the relevant institutions (1), policies (2) and typical cases (3).

1) First, institutions that represent indigenous peoples in both countries respectively were identified. Additionally, these institutions should be officially recognized by law. This first step was essential for the research project as it informed the study on an important aspect concerning the possibilities of fulfilling international conventions. Moreover, it contained the information on where the participants for the qualitative interviews should be found. As a result, the answers provided by the participants has a semi-official status of representation of indigenous peoples' experiences in these two cases.

2) Subsequently, the second important step acknowledged for this research project was to identify the policies that compose the legal framework in both countries around indigenous peoples and extractive activities. This legal framework should include, most importantly, the policies that regulates the way the process of consultation and participation are designed for indigenous peoples facing extractive activities. It should also include International Law that affects both countries concerning indigenous peoples right to consultation and participation for extractive activities. These laws provide official information about how the processes should take place and also should describe the responsibilities for the state, extractive enterprises, and indigenous peoples.

3) Finally, in order to identify the most representative cases for each country, it was crucial to identify the cases which might best represent the relationship between indigenous peoples and extractive activities. These cases ideally represent the typical way in which the processes of consultation and participation are being carried in Norway and Bolivia.

After these first steps, the subsequent analysis contains the comparison of the national design of the process of consultation and participation under the light of the international standard. The goal of this comparison is to find out if the processes of consultation and participation for indigenous people have been following International regulations that affect both countries. This comparison has been possible after identifying the legal framework in each country as well as the international legal framework. The interviews have verified whether the processes of consultation and participation, through the perspective of indigenous peoples, fulfilled the standards set by the International conventions signed by both countries.

2. Literature Review

2.1. Introduction

The main ambition of this literature review is to understand the state of the art around the topic of indigenous peoples and extractive activities within the last five years. The importance of extractive activities within the topic of indigenous peoples is explained by Greaves (2018) when he states that the struggles of indigenous peoples against extractive activities and other environmental harmful deeds in their territories, without their consent, defines global indigenous politics at this time.

The studies reviewed show results from Norway, Bolivia, and comparisons made either within Latin American countries, including Bolivia or within the Arctic Region, including Norway. To my knowledge, on this matter there have not been any previous study of comparison between south countries and north countries. Scholars apparently do not present significant contradictions within themselves and seem to agree on major points within the context of their studies. Comparing the literature made it possible to identify significant differences between Bolivia and Norway in the following way. Studies about Norway present a more positive and progressive perception about consultation and participation processes, while Bolivia seems to be trapped in a context of indigenous peoples holding distrust to the government and therefore distrust the processes of consultation and participation.

Scholars present these studies within the areas of international law, sociology, anthropology, and political science. No previous studies have been found coming from the area of social work.

2.2. Impacts of Extractive Activities on Indigenous Peoples

Scholars agree that the impact of extractive activities on indigenous peoples are significant (Greaves, 2018; Horowitz, Keeling, Lévesque, Rodon, Schott, & Thériault, 2018; Hossain & Petrétei, 2017; Josefsen, Søreng, & Selle, 2016; Mazza, 2015). The latter statement is justified on the reasoning that "Modern mineral development entails the large-scale 'disassembly' of local environments to separate target minerals from their geological matrix", according to Horowitz et al. (2018, p. 406)

Indigenous peoples maintain a vital connection to their ancestral lands. Consequently, the impacts on the environment cause indigenous peoples significant adverse effects (Falch, Selle, & Strømsnes, 2016; Heinämäki, 2016; Horowitz et al., 2018; Hossain & Petrétei, 2017; Hughes, 2018;). These negative impacts are causing conflicts between industries, state, and indigenous peoples communities (Horowitz et al., 2018).

2.3. Paradigm Shift

Indigenous peoples show a powerful persistence to change and strengthen their status at the international arena, inspired by the close connection to their ancestral lands. These attempts

have resulted in successful tactics that, according to Heinämäki (2016) has caused a paradigm shift in the status of indigenous peoples at the international level. Consequently, indigenous peoples are no longer seen as objects of protection but serious actors and partners of international debate and policy making.

Furthermore, Heinämäki (2016) explains that this new paradigm has had positive consequences for indigenous peoples:

Indigenous peoples [...] do not enjoy only quite extensive substantive protection, but whose procedural rights, particularly participatory rights, have been developed beyond the participatory rights of other minorities or the general public. (p. 212).

Hence, indigenous peoples enjoy a privileged position among policy making at the international arena, particularly on participatory rights.

2.4. Power relations: How do we understand consultations and participation processes?

Consultation and participation processes are understood as a way for the state to protect and strengthen indigenous peoples rights (Hossain & Petrétei, 2017; Kröger, 2016; Lalander, 2017; Leifsen, Gustafsson, Guzmán-Gallegos & Schilling-Vacaflor, 2017; Schilling-Vacaflor & Eichler, 2017; Urteaga-Crovetto, 2018; Zarembeg & Wong, 2018). These sorts of arrangements make them equal partners in decision-making processes (Hughes, 2018). Therefore, as explained by Leifsen et al. (2017) "...participatory processes will contribute to making environmental governance not only more legitimate and effective, but will also lead to the empowerment of marginalised social groups" (p.1044).

Scholars come to agree that in these processes the State has the role of mediator between transnational companies and indigenous peoples, wherein indigenous peoples come to be the non-dominant group. In Bolivia as in other Andean countries, as explained by Urteaga-Crovetto (2018), the State fails to act as a neutral mediator because of its dependence of extractive activities to sustain or boost their economy and/or social programs (Restrepo & Galeano, 2017; Kröger, 2016), sowing in this manner an environment of distrust. The State encounters itself in an ambiguous role (Powęska, 2017), between the protection of the rights of a historically marginalized population and an hegemonic understandings of well-being and economic growth among their citizens (Greaves, 2018; Leifsen et al., 2017; Powęska, 2017; Schilling- Vacaflor, 2016). As stated by Horowitz et al. (2018), this has to do with the "Resource curse theory" understood as "Economic and socio-political risks inherent to an excessive dependence on extraction and export of natural resources" (p. 407).

Nevertheless, Zarembeg & Wong (2018) point out that consultation processes do help to diminish state repression, as is possible to see more clearly in the case of Norway. Hence, in the case of Norway, scholars show that the situation is quite different as indigenous peoples have reached a high level of participation in decision-making processes through their representative body, the Sami Parliament. Consultation and Participation processes in Norway enjoy an environment of good faith (Broderstad, 2015; Falch, T., Selle, P., & Strømsnes, K., 2016). They count with a formalized participation process in political decision-making that has changed the context for the relationship between the State and the Sami people, proving that the Norwegian political system has a high capacity to incorporate public demands (Falch et al.,

2016). Still, it is found that governments in the Arctic region also fail to acknowledge indigenous peoples as full partners on decision-making processes (Hughes, 2018). To better understand this, Josefsen et al. (2016) explains the lasting effects of assimilationist policies in Norway, and the importance to not underestimate them:

Such long-term consequences can be perceived as an unwillingness to recognize indigenous rights in land and natural resource management, both among parts of the majority as well as among parts of the minority (p. 39)

The latter explanation about the lasting consequences of assimilationist policies can also be understood in the context of Latin American countries.

2.4.1. The biased use of national Law

Another way of spotting power relation in consultation and participation processes is national Law. Scholars explain how the law is used in detriment of indigenous peoples rights (Hossain & Petrétei, 2017; Kröger, 2016; Lalander, 2017; Urteaga-Crovetto, 2018). Furthermore, the law fails to implement traditional knowledge of indigenous peoples (Hossain & Petrétei, 2017) and is interpreted and manipulated in favor of extractive activities. What is more, when the law protect indigenous peoples rights, the State fails to implement the law, describing this as a gap between *de jure* (written law) and *de facto* (implemented law) (Hossain & Petrétei, 2017; Lalander, 2017; Mazza, 2015; Urteaga-Crovetto, 2018). The latter point is also a reality for Arctic regions where the responsibility to consult seems to have been embraced, but there is a gap between the law and the actual implementation (Hughes, 2018; Heinämäki, 2016).

2.4.2. Representation and Compensation

The processes of consultation and participation obtain overall legitimacy through the degree of representation. Representation imply that the participants are recognized both by the government and by indigenous peoples as individuals that share and represent their interests (Horowitz et al., 2018). Without legitimate representation, the processes are not recognized and end up, most commonly, in social conflict as is the case of Bolivia (Schilling-Vacaflor et al., 2017).

Furthermore, according to Schilling-Vacaflor & Eichlar (2017), based on their studies of consultation processes in Bolivia, the State uses division tactics. These division tactics are identified as the process of consultation applied only to small parts of the community in the form of large sums of money and offers of employment, described by the State as compensation. As stated by Horowitz et al. (2018), division inhibits the ability of the community to present a united front. This division does not happen in Norway, as the Sami parliament is a reliable and independent entity created within the state to protect and represent indigenous people (Falch et al., 2016).

Furthermore, for Norway, representation becomes very important as indigenous people have shared for many decades the land conforming ethnically mixed local communities (Josefsen et al., 2016; Ravna, 2016). Therefore, urbanization of indigenous peoples becomes a challenge for the governing system in Norway (Falch et al., 2016).

2.4.3. Consent Vs. Consultation: What is consent without the option to veto?

Many scholars question the validity of these processes without the option of veto as a part of the International convention (Schilling-Vacaflor, 2016; Powęska, 2017; Zarembeg, 2018; Hossain & Petrétai, 2017). Studies made on processes of consultation to indigenous peoples have concluded with the continuation of extractive activities with or without indigenous peoples consent. Powęska (2017) explains that the right to dissent is a fundamental right that is sustained in the option to refuse. Therefore, indigenous people do not have the right to dissent through the processes of consultation. Is because of the lack of possibilities of indigenous peoples to refuse extraction in their territories that scholars conclude that consultations are made after decisions have already been taken (Leifsen et al., 2017).

Many scholars point out to the importance of implementation of Free, Prior and Informed Consent (FPIC) (Falch et al., 2016; Hossain & Petrétai, 2017; Hughes, 2018; Heinamaki, 2016) as described in the United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP). Neither Norway nor Bolivia has implemented consent in the processes of consultation and participation.

What is more, Hughes explains (2018) how power dynamics hinder the goal to reach consent in detriment of indigenous peoples:

When indigenous peoples are at a disadvantage, for example, because of legal, capacity, vulnerability or other factors, the unequal positions of power may result in indigenous peoples placing less emphasis on consensus (p. 24)

2.5. Self-determination, and Self-governance

Self-determination is described by Falch et al. (2016) as a combination of a high level of self-governance and a high level of political integration. Self-governance is understood in this context as the capacity of indigenous peoples to govern on their matters, for example on language and culture. Furthermore, political integration is achieved precisely through consultation and participation processes, where indigenous peoples are taken into account on decision-making. Mazza (2015) explains that:

Self-determination in part looks at the past, that is towards the traditional ways of Aboriginal peoples, but at the same time also looks to the future strategies to allow the survival- in a changing world- of indigenous ethnic groups. (p. 320)

Self-governance are not without costs for the National government: self-determination cannot be understood without land rights. As explained by Broderstad (2015), “Recognition of land rights, rights of ownership, and land use all appear to be a consequence of the state’s recognition of cultural and political rights at the “positive” stage” (p. 16).

Consequently, the recognition of lands, resources, and access to these resources is a central matter to indigenous peoples (Falch et al., 2016; Mazza, 2015; Schilling- Vacaflor, 2016). In addition, Falch et al. (2016) mentions that self-determination raises the topic of secession making it difficult for the state to implement as the term has been politicized in a negative manner (Urteaga-Crovetto, 2018)

The Sami Parliament has been identified by Hughes (2018) on her study about arctic regions, as a form of indigenous self-government and self-determination.

2.6. General concerns

Scholars agree that indigenous peoples need to have a real involvement within extractive activities projects (Hossain & Petrétei, 2017). As stated by Schilling-Vacaflor (2017), there needs to be ownership of the processes of consultation by indigenous peoples. For now, the politics of recognition of indigenous peoples rights in Latin America remain colonial (Schilling-Vacaflor, 2016; Greaves, 2018), denying indigenous peoples the right to make decisions for themselves. Moreover, denying in this manner their right for self-determination and self-governance and therefore attempting to the preservation of their culture.

What is more, scholars have identified growing global pressure to mine (Hossain & Petrétei, 2017). This pressure will be accompanied by transgressive contention from indigenous peoples due to the resistance of the states to protect them against extractive activities (Horowitz et al., 2018; Schilling-Vacaflor, 2016; Greaves, 2018). Therefore, indigenous peoples will only have a genuine chance to participate in decision-making with the legal adoption of Free, Prior and Informed Consent (Heinämäki, 2016), and, as stated by Greaves (2018), through legal actions such as pursuing legal titles over land. Furthermore, it is essential to include long-term monitoring of extractive activities alongside regulation to control devastating effects on the environment and the communities in them (Horowitz et al., 2018)

Hughes (2018) points at the importance of indigenous peoples capacity to hold their states accountable to their responsibility to implement consultation and participation processes within an environment of good faith to guarantee indigenous peoples rights while resolving disputes.

2.7. Research status: A lack of de facto participation

Trough the conclusions formulated by scholars, it can be said that consultation and participation processes show results that come from power relations between transnational companies and indigenous peoples, wherein States become moderators. These results will be, in almost all cases, the continuation of extractive activities with or without indigenous peoples consent. States seem unable to protect indigenous peoples rights when they come across a powerful economic force such as extractive activities.

Moreover, consent is a central piece within the discussion of the protection of indigenous peoples rights against extractive activities. Without the need to reach consent, the processes of consultation and participation lacks equity of the parties. Furthermore, without consent, the processes of consultation and participation becomes superficial as the dominant party need not take it into account. Consequently, the peoples consulted are not able to resist to the proceedings of such activities.

The broader picture painted by previous research appears to be that the participation rights in extractive activities are not quite real. My own study shows how participation rights in extractive activities are a reality within the law and how they differ when they are implemented from the experience of indigenous peoples. Moreover, the study shows many similarities between Norway and Bolivia's policies, and, at the same time, drastic differences in their implementation.

3. Theoretical Framework

Multiculturalism is a new set of ideas within political theory. This term has been mostly used in politics after the Second World War (Kymlicka, 2007; Mills, 2007; Niemi, 2016; Watson, 2000), as a result of "...changes in societies after WWII in favor of human rights and in reaction to racism and ethnic cleansing, represented, for example, by the Holocaust" (Niemi, 2016, p. 517)

In this section, I first give a general outline of the theory of multiculturalism (3.1) before highlighting its account on indigenous peoples (3.2) as well as how the latter spells out in Latin America (3.2.1) and in Europe (3.2.2).

3.1 Multiculturalism

According to Kymlicka (1995, 2007), multiculturalism is a response to the adverse effects of nation-building over national minorities and immigrants. Nation-building has been constructed over the view that social rights are obtained through citizenship. Furthermore, the goal of social rights has been to meet the basic needs of the population and at the same time, create a collective national identity. Exclusion arises because citizenship is built around the notion of a "normal citizen," historically this typical average citizen is a heterosexual, white, male, and without disabilities. Everyone out of this description has gone through exclusion, marginalization, silencing, or assimilation throughout history. The principle behind the "normal citizen" is that "commonality works better," making it easier for the state to create a national identity and therefore loyalty. Kymlicka (1995) argues that the recognition of the "normal citizen" has resulted in a status hierarchy supplementing the economy hierarchy. Not only do minorities suffer from economic inequalities, but also from the fact that their way of life has been presented as inferior.

Multiculturalism as a normative political program aims for policies to acknowledge these historical disadvantages. What is more, multiculturalism intends for policies to implement differentiated rights that will compensate minorities in order to participate and enjoy their rights vis-à-vis the rest of the population. Therefore, differentiated rights are a supplement to universal rights. For example, a policy directed to create programs for underprivileged minorities in order to promote their inclusion in formal education is a way to implement differentiated rights. Differentiated rights are only directed to people acknowledged by the state as unprivileged; they are meant to compensate the lack of opportunities and therefore allow historically excluded minorities from improving their chances (Kymlicka 1995, 2007; Mills, 2007). Nevertheless, Murdock (2016) mentions that multiculturalism should keep on creating awareness and changes in favor of diversity beyond human rights.

In order to implement differentiated rights and identify the need for compensation, multiculturalism speaks of Self-determination and Self-government. Self-determination is understood as the ability for minorities to manage areas exclusively related to their culture, such as language and education. Moreover, self-government has to do with the ability of minorities to maintain their institutions, in their language, represented by people elected from their communities with the knowledge of their values and traditions (Kymlicka, 1995, 2007). Self-government allows minorities to implement self-determination and have a voice within decision-making processes. "Minorities must be allowed to contribute to that debate of what it

is which constitutes the good life and how the state should assist its citizens pursue that goal,” as Watson puts it (2000, p. 45).

What is more, Kymlicka (2007) identifies self-governing as the way of minorities to implement a competing nation-building. Through nation-building, national minorities will have the same tools as the majority to rebuild their societal culture through:

...control over their own language, curriculum of schooling, the language of government employment, the requirements of immigration and naturalization, and the drawing of internal boundaries (Kymlicka, 2007, p. 38).

Nevertheless, self-determination, self-government, and land are the most controversial aspects of multiculturalism, as it raises worries of secession (Falch et al., 2016).

Furthermore, Murdock (2016) brings to light the psychological aspect of multiculturalism. This aspect explains the importance of the acceptance and support for a poly-ethnic composition and the appreciation of this diversity from citizens belonging to the majority and minority. More than policies that acknowledge and compensate differences and nation-building rights, it is crucial that most if not all citizens of a state share the views of multiculturalism. This acceptance is why Murdock (2016) sees multiculturalism as a transformative project, as majorities and minorities need to establish new practices, new relationships, new concepts, and new discourses to promote and sustain differentiated rights.

We can summarize Multiculturalism by quoting Joseph Raz (1994):

...the autonomy of individuals- their ability to make good choices amongst good lives- is intimately tied up with access to their culture, with the prosperity and flourishing of their culture, and with respect accorded their culture by others. Multiculturalism helps ensure this cultural flourishing and mutual respect (p.339).

3.1.1 Multiculturalism and Indigenous Peoples

In the context of indigenous peoples, multiculturalism acknowledges them as part of a national minority within states: Peoples that have been there before colonial times and before the creation of state boundaries. Henceforth, differentiated rights are also meant for indigenous peoples, recognizing that “The histories of indigenous peoples have been marked by discrimination, marginalization, ethnocide or even genocide...” (Feining, 2013, p. 3). Moreover, they have been incorporated into states that are governed by people they regard as foreigners. Nevertheless, they have maintained a collective way of life.

Indigenous peoples, as a national minority, typically look for maintaining their traditional way of life and participate in the modern world on their own terms. The latter requires respect and recognition from the majority to start compensating for centuries of living as second-class citizens. However, mere recognition of claims can be too mild as transformative policies addressing power relations is what might be required. If not, as explained by Joppke (2004), “the winner is asked to recognize the loser, in what amounts to an act of reparation and restitution” (p. 243).

The demands of indigenous peoples are seen by multiculturalism as demands coming from minority groups and have to do with the response to nation-building goals and activities. The states have always tried to generate an identity looking for loyalty; by doing this, they have marginalized and created stigmatization over indigenous peoples. In this way, multiculturalism can be seen as compensation for unfair disadvantages, implying change in power relations, too. Self-governing and land rights help indigenous people enjoy their liberal rights and share of resources (Kymlicka, 2011; Raz, 1994 ; Niemi, 2016).

At the moment, we encounter ourselves with the retreat of multiculturalism in the liberal state, as explained by Joppke (2004). Nevertheless, this retreat does not include all aspects of multiculturalism, but in particular concerns immigrants. As Kymlicka (2005) explains, there is a trend of recognition of national minorities, such as indigenous peoples, mostly with land claims and self-government rights. He argues that this trend is being supplemented by international law.

3.1.1.1 Multiculturalism in Latin America

The influence of multiculturalism on indigenous peoples and national minorities has faced opposition because it waves the flag of self-governance. Self-governance can be understood as a threat to political stability and nation-building. However, Latin America is an exemption to this resistance shown. As argued by Kymlicka (2007), Latin America has recognized indigenous groups as a result of democracy, leaving behind military dictatorships. This recognition has been made through the development of new constitutions that recognize the right for self-governance, land, and customary laws.

Latin American countries have had an open reception to multiculturalism, and this influence has resulted in real reforms, as Kymlicka has noted (2007), Latin American countries include indigenous rights in constitutional changes and reforms. This constitutional reforms in favor of Indigenous Peoples have paved the way to a real recognition of rights and shift of power and are defined as "multicultural constitutionalism." As quoted by Kymlicka (2007), Yashar (2005) argues what most commentator acknowledges:

...the shift to multicultural constitutionalism in Latin America as a positive force, helping to enhance democratic participation amongst previously excluded groups, to reduce the danger of a return to authoritarian rule, to build legitimacy for the process of democratic consolidation, and indeed to serve as a laboratory for innovative experiments in democratic citizenship (p. 251)

According to Watson (2000), Indigenous peoples in Latin America have significant international credibility because of globalization and progress of communication technology, as they "...are not only able to link up with other groups within the country itself but are also active participants in the world-wide campaigns of indigenous peoples" (Watson, 2000, p.11)

3.1.1.2 Multiculturalism in the West

While in Latin American countries the rights of national minorities come as a result of democracy, in the west, the story is different. Niemi (2016) explains that in the last decades of the 20th century "multiculturalism was the dominant policy towards minorities and immigrants in most western countries" (p. 518), nevertheless he acknowledges that multiculturalism has

been debated and even rejected by right-wing political parties. Moreover, multiculturalism came as a result of the west's reaction to the tragic consequences of WWII. Therefore, multiculturalism became "...basis for recognition of minority cultures and rights as a useful set of strategies to combat racism, to protect minorities of all types, and to create proper relations between different cultural communities" (Niemi, 2016, p. 518). However, Joppke (2004) is probably right in pointing at an overall retreat from multiculturalism in the west, which, as Kymlicka (2015) underlines, does not include the politics on indigenous peoples and national minorities in the same way as on immigrant policies.

Kymlicka (2007) puts an essential emphasis on the fact that accommodating national minorities happened, in the west, after the development of state institutions. Furthermore, institutions that already functioned with "well-established traditions of constitutional limitations on government, the rule of law, independent judiciary, professional bureaucracy and police, a democratic political culture, and a prosperous market economy" (Kymlicka, 2007, p. 254).

According to Niemi (2016), within indigenous peoples in the West, Sami people in Norway became the first to be officially recognized as indigenous peoples and henceforth experienced a breakthrough of multicultural policy. What is more, this recognition leads to the creation of a new policy that included affirmative action and institution building through the Sami Parliament.

Overall, many countries now try to keep up with the influence of Multiculturalism as a theory that can cover a wide range of policies that are destined for minorities to get recognition, support or accommodation (Kymlicka, 2007). Latin-America have been open to the political program of multiculturalism as a part of its overall democratization. In Europe, multiculturalism generally has faced a retreat. However, the multiculturalism of indigenous people, represents an opposing trend as these groups have received increased recognition.

Multiculturalism promotes to position minority groups on more equal grounds and reduce their vulnerability to the majority or larger groups. Niemi (2016) defines multiculturalism as "...both a descriptive term for culturally diverse societies and a prescriptive term for official policies promoting such societies" (p. 517). Multiculturalism, as a political theory, is a set of policies directed to minorities at large to compensate their historical exclusion for them to fully participate in modern liberal democracies as equal participants (Falch et al., 2016; Kymlicka, 2007; Watson, 2000).

4. Methodology

In this chapter, I summarize the research method used throughout this thesis. I First describe the professional motives (4.1), followed by the comparative design (4.2), area of study and methods of data collection (4.3), and Data processing (4.4). I finish this chapter with ethical considerations (4.5) and limitations (4.6).

4.1. Professional motives

This research project was born from a long-lasting interest on indigenous peoples experiences in Bolivia, and the learning of the existence of Sami people in Norway. Furthermore, I learned that both countries, being extremely different, had ratified the same International instrument for the protection of indigenous peoples rights. Norway being a country characterized by its stability, differs from Bolivia where conflicts have been intense. Against this backdrop, it became fascinating to me to research on how these two countries implemented the same International instrument and how this implementation was perceived by indigenous peoples. Because Indigenous peoples have been marginalized throughout history, this thesis intends to contribute to other efforts being made to give voice to indigenous peoples all over the world.

4.2. A comparative design: multiple-case study

This thesis has a comparative design in the form of a multiple-case study. The selection of cases is made on the basis that each of them represents an extreme type. Consequently, the case of Norway represents the situation of indigenous peoples in Scandinavia and Bolivia in Latin-America. Furthermore, a comparative design was chosen because a comparison of two or more cases allows the researcher to position themselves better to establish the circumstances in which theory will or will not hold (Bryman, 2012). What is more, the comparative design has the capacity to make the distinctive characteristics of each case act as boosters for theoretical reflections about contrasting findings (ibid.). Therefore, the distinctive characteristics of each country will help develop a deeper understanding of the situation of self-governance rights within different contexts.

As stated in the introductory remarks, the overall research question is:

- Do Norway and Bolivia differ concerning including and taking into account the rights of self-governance of indigenous peoples facing extractive activities?

As it can be seen in the general question, the polarizing position of extractive activities and indigenous peoples rights have provided the specific topic to be researched and analyzed to answer the general question. Complementary to this topic, the process of consultation and participation will be assessed in both countries, as a process acknowledged to have been created for the benefit of indigenous peoples for the protection of their rights.

Moreover, in order to answer the research question with a comparative design, it is important to study both cases with the same methods (Bryman, 2012) and to establish the same areas of

analysis to be able to compare them (Ragin, 2014). Hence, the areas to be analyzed to answer the general question are expressed in secondary question as follows:

- Representation: Which are the institutions that represent indigenous and tribal peoples?
- Policies: What are the policies that constitute the legal framework in Bolivia and Norway for indigenous peoples and extractive activities?
- Convention No. 169: Has the process of consultation to indigenous peoples been in concordance with the Convention 169 of the International Labour Organization?

Furthermore, the epistemological position followed is critical realism. Therefore, the intention of this research is to find the generative structures that shape the results of the processes of consultation and how they operate (Bryman, 2012). Moreover, the ontological position will be constructionist as it allows the researcher to understand that consultation to indigenous peoples is a social phenomenon that changes over time, as a result of different factors such as awareness, social agreements, politics, etc (Ibid.).

4.2.1. Case selection

As explained by Bryman (2012), selection should be done in a way that the case selection will reflect the research questions, these cases should be pertinent to the topic. It is important for this research project that the cases are both pertinent to the topic but also typical for each country.

The first type of selection being done is according to context. I chose two contrasting contexts, a country from Scandinavia, considered a developed country, and a country from Latin America considered as a developing country. The criteria used in the case selection was to identify countries with a highly dependent relationship with extractive industries, and natural resources present in the territories of the most vulnerable communities: indigenous and tribal peoples. Moreover, the cases chosen for each country came from recognized areas of conflict between indigenous people and extractive industries.

I identified the specific cases within Norway and Bolivia in the following way. First, I read information on approved Environmental Licenses in Norway and Bolivia to select the cases. The reason for this first approach is based on the idea that Environmental Licenses are given to extractive industries after processes of consultation have taken place.

Next, I conducted a literature review based on scientific journals available to me as a student from the University of Stavanger through the library. Particularly important for this research has been the Journal of Extractive Industries and Society of ELSEVIER. In the case of Bolivia, many cases seemed to be relevant, but those most representative where: Itika Guasu, Charagua Norte, Alto Parapeti, Takovo Mora, Aguarague National Park, Huanuni, Mutún, Tacana, Indigenous Territory, and National Park Isiboro Secure and National Reserve of Flora and Fauna Tariquia.

In Norway, the cases that came up as a result of the research process were only two: Kvalsund Kommune and Kautokeino Kommune. Furthermore, the literature review has been of the last 10 years for the selection of the cases, and of the last 5 years to establish the state of the art. Literature older than ten years has been excluded, additionally, it has also been excluded scientific work whose results are not in English.

The case chosen is Takovo Mora with Guarani people in Bolivia. The reason for the selection of Takovo Mora is that this region has been most consulted since Guarani people have within their territory 83% of the natural gas reserves of the country (Schilling-Vacaflor, 2014). Furthermore, the cases chosen for Norway are Kvalsund Kommune and Kautokeino Kommune with Sami people, since they represent the only two consultation processes to indigenous peoples in Norway.

4.3. Area of Study, method of data collection and document analysis

This research project has taken place in two different settings. Kautokeino Kommune and Kvalsund Kommune in the Finnmark State in Norway and Takovo Mora region in the city of Santa Cruz in Bolivia.

Two complementary methods will be used to collect data for this research project: Document Analysis and Qualitative interviews.

The method of document analysis served to identify the relevant political and legal regulation in each country. The laws analyzed regulated indigenous peoples matters, especially consultation and participation in extractive activities.

The documents fulfilled the requirements mentioned as follows: First, laws and policies that are found about the topic in the literature review, are revised, always in comparison with ILO convention No. 169. Secondly, laws and policies that are mentioned by the experts interviewed will also be revised.

The document analysis will provide with the first phase of comparison at the policy level.

4.3.1. Semi- structured qualitative interviews

The qualitative interviewing method provided a focus on the view and personal experience of the interviewees and allowed flexibility to get detailed answers. With this method is possible to adjust the focus previously established by following up on the interviewee's answers and interests (Bryman, 2012).

The specific form of the qualitative interviews was semi-structured interviews. The reason to choose semi-structured interviewing is to have cross-case comparability. In order to compare two cases from two different countries, it was imperative to have identical methods, in this case, the same questions. Semi-structured interviews, as mentioned by Alan Bryman (2012), come with an interview guide that provides a list of question or topics to be addressed during the interview and the procedure to introduce these questions and follow up on the answers. In this way, I can assure that the same questions are asked in both countries and the same language or wording is used from the interviewer to the interviewee. Nevertheless, the guide does not lose the particularity of qualitative interview and still allows to add follow questions following on the interviewee answers and also to allow them flexibility in the way they answer.

Finally, because of the factor of distance in both countries, the interviews were carried through a surrogate face to face in the case of Bolivia, and via phone and email in the case of Norway. These methods were implemented by adapting to the requirements made by the interviewees, in Bolivia participants felt more comfortable by being interviewed face to face, while in Norway, due to restrictions of time the interview took place via phone and was later complemented by the participant via email. Furthermore, the same questions that were being asked in Bolivia were sent via email to the participant in Norway and they were all answered in due time. Moreover, an interview guide is presented in Appendix 1.

4.3.1.1. Participants

Four participants were selected to be interviewed for this project. One main criterion selecting people for interviews was that they had participated in consultation and participation processes in the case of Kvalsund Kommune or Kautokeino Kommune in Norway or in Takovo Mora region in Bolivia. The second criterion of selection of participants was their status of participation in these processes. Consequently, the interviewees had been a representative of indigenous peoples or advisors for indigenous peoples in the process of consultation.

One person has been interviewed in the case of Norway, while three were interviewed for the case of Bolivia. The interview in Norway was made via telephone and email while, in the case of Bolivia, interviews were made through a surrogate.

In the case of Norway, the person interviewed was recruited through the Sami Parliament who was appointed as an expert within the institution for all matters related to consultation and participation processes in the municipalities of Kvalsund and Kautokeino, the first contact was made by phone and further answers were given via email. The interview of only one person in Norway was considered sufficient since the informant was appointed through the Sami Parliament as an expert, and also because the expert provided to the researcher with the literature on the case so that the interview generally provided the complementary information needed. Nevertheless, many attempts to include Sami people representatives where made via phone calls and email with no results.

People interviewed in Bolivia were recruited through the Non-governmental Organization CEJIS¹ (Center for legal studies and social research) that is particularly committed to indigenous peoples, this was made through the phone in a first phase and further on face to face. Due to the request for face to face interviews made by the participants, interviews were made through surrogates. Moreover, due to the request of indigenous peoples representatives to be interviewed in their communities, indigenous social communicators were responsible to interview them, following the interview guide.

4.3.1.2. NSD: Norwegian Center for Data Protection

Since the interviews aimed to guarantee that participants are official representatives and/or advisors of indigenous peoples, name and background were requested. Furthermore, for the

¹ Centro de Estudios Jurídicos e Investigación Social

purpose of recording and quoting their answer a special permission process had to be followed with the Norwegian Center for Data Protection.

The first step in this phase was to upload NSD requirements. The process of approval or rejection of the NSD is about three weeks, which makes it necessary for the researcher to go through this process with due time. The proposal was uploaded to NSD during February and the approval was accomplished by the following month.

The information letter addressed to all participants, requested by the NSD under data protection regulations is found in Appendix III and IV.

Finally, it is important to state that the participant from Norway preferred not to be quoted. Therefore, the participant from Norway is referred to in the document as "Norwegian informant". Moreover, all interviewees from Bolivia accepted NSD requirements with the respective consent.

4.3.1.3. Interview Process

First, the NSD letter of information was read and signed by participants before starting with the interview, with the exception of the participant in Norway who read the information letter but did not consent to be quoted. Secondly, a special question was designed to know the background of the participants to be chosen as official representatives or advisors during the consultation and participation processes in each setting to guarantee that they meet the criteria to be considered as advisor or representatives for indigenous peoples.

Interviews were made in two different languages. English was used to communicate with the expert from Norway and Spanish was used for the interviews performed in Bolivia.

4.4. Data processing

The data collected with document analysis and qualitative interviews were analyzed through the lens of multiculturalism as a theoretical framework and thematic analysis as a strategy for qualitative data analysis. In this manner, documents and interviews were scrutinized to look for the ways the data revealed or not self-government and differentiated rights for indigenous peoples as a vulnerable national minority facing extractive activities. Moreover, the data was organized in central themes and subthemes to assess how Norway and Bolivia designed policies and implemented them according to international standards.

What is more, the themes and subthemes were built after a thorough reading and rereading of the documents and interviews (Bryman, 2012). This themes and subthemes provided with a matrix that summarizes the most important aspects identified to comply with international standards in the topic of participation rights of indigenous peoples, this matrix is used in chapter 6 of findings and analysis. Finally, the themes and subthemes are based on policy-related material. The latter was understood as the use of policy concepts as a springboard for themes (Bryman, 2012).

In the first phase, I identified the regulations for consultation and participation processes stated by the Indigenous and Tribal Peoples Convention No. 169. Afterward, the national policies were identified by looking for policies and regulations for indigenous peoples, consultation and participation processes and extractive activities. In a second phase, after the documents were identified, they were read thoroughly to clearly understand the framework in which consultation and participation processes are implemented for indigenous peoples facing extractive activities. Moreover, I looked for similarities or differences between national policies and the regulations for consultation and participation stated by the international convention No. 169. The comparison between international standards and national policies was made through three main articles of convention No. 169 that were made into themes, these articles were article 6, 7 and 15. On a third phase, the policies were read a second time to classify the articles within the themes provided by the international standards. Finally, the documents were read again to summarize the way they abide by the international norm for indigenous peoples in case of extractive activities.

In the case of the data collected through the interviews, a similar procedure was followed. First, the interviews made through a surrogate in Bolivia were transcribed in Spanish, in order to prevent the loss of important data in translation. Later on, the transcriptions were read thoroughly and double checked to avoid mistakes and keep the transcriptions as faithful as possible to the answers given by the participants. In a third step, the answers given by the participants were classified within the themes identified in the international convention, as mentioned before the themes come from articles 6, 7 and 15 of convention no. 169. Finally, the answers given by email were downloaded in order to highlight the answers looking for the same themes. In this manner, the answers given by the participant were a way to analyze if national policies were implemented according to international standards and with satisfaction from indigenous peoples.

4.5. Ethical considerations

The present research entails many different ethical considerations especially because the topic is related to indigenous and tribal peoples. Alan Bryman (2012) highlights the importance of understanding the context where the data has been produced and gathered. When it comes to indigenous and tribal peoples, it is particularly important to take a very open mind and critical position to be able to see the point of view and experience through the participant's eyes.

During interviews, it was particularly important for the researcher to meet the conditions stated by the participants, such as interviews performed in their communities and face to face. Also, it was important for the interview to be clear and concise for the respect of their schedules.

Mohanty (1988) brings light to the fact that most research has been produced under the eyes of the western world. And even though I do not consider myself a western world national, it has been important to, following Mohanty, that I acknowledged my position as an outsider for indigenous and tribal peoples. Furthermore, it was important to acknowledge myself as a person with potential prejudices and a political position, in order to not let my own subjectivity, affect the findings of the research.

What is more, Pittaway et al, (2010) also highlight the importance of considering the participant as more than just sources of data, highlighting how important it is to give the due respect to the stories that will be told to the researcher. In the logic of anti-oppressive social work, it is crucial

to know that all researchers possess a responsibility to share the stories in the best possible way. In order to achieve this, it is important to share as widely as possible the purpose, aim, and content of the research with participants and try to think, beforehand, of the power relations, consent, confidentiality if needed, trust and the harm that could be done to participants and the people they represent. This particular aspect was covered with the information letter approved to the Norwegian Center of Data Protection.

All interpretations of the answers provided by the respondents are supported by direct quotations coming from them. Moreover, the transcript from their interviews is at their disposal.

4.6. Limitations

Many logistical and practical limitations were present throughout this thesis project that could have resulted in the loss of relevant data, these limitations are listed as follows:

- Because of the short time appointed for this research study, it was not possible to travel in order to make face to face interviews or contact and gather more participants. This was not possible in the case of Bolivia nor in the case of Norway.
- The use of surrogates for the interviews constrained the scope of the study since the interview process was highly dependent on the surrogate implementing the interview guide and following their own instincts to collect the data.
- This research study is focused on the perspective of indigenous peoples. Therefore, there is a limitation regarding the view of government officials who are in charge of the implementation of these processes.
- The language used to gather information from Norway was a second language for both participant and interviewer. In the case of Bolivia, the language used was Spanish, the native language for both participants and interviewers. Nonetheless, the analysis of the data provided in Spanish was transcribed in the same language and later on translated to English, in order to minimize the loss of relevant data. Furthermore, is important to highlight that in the case of indigenous peoples fewer data would be lost if it were possible to gather the information in the indigenous language (Sami and Guaraní respectively).

The methodology used is not free of limitations, some of them were identified and are listed following guidelines from Bryman (2012):

- Qualitative research is too subjective: it is said that when it comes to qualitative research the findings depend on the researcher views of what is important and their personal feeling on the topic and the people they interview. Nevertheless, this research project intended to overcome this limitation by organizing the data following international regulations provided by the International Labour Organization that has been ratified by the two countries compared.

- Difficulty to replicate: most times qualitative research does not follow standard procedures, this aspect makes it hard to replicate. The present thesis has intended to overcome this limitation by providing a matrix that summarizes international regulations. In this manner, any country that has ratified the Indigenous and Tribal Peoples Convention No. 169 is legally-bonded to the same regulations as those used by the present thesis project.

- Problems of Generalization: Qualitative research has been criticized for not being representative of a population. In this research project, it is not possible to generalize the findings to all cases of indigenous peoples facing extractive activities across the world. Nevertheless, it provides with an analysis of international standards and two different attempts to implement international standards in national policies. Even though the findings cannot be generalized, the analysis through the themes provided by international standards should apply for all countries that have ratified convention No. 169. Furthermore, the choice of participants was made taking into account people that have been appointed as official representatives or advisors for indigenous peoples. In this manner, their answers have a strong representation of the population of Sami people in Norway and Guaraní people in Bolivia. What is more, the cases were selected with the criteria of the most typical cases for each country, particularly Norway holds a strong power of generalization as the cases selected were the only ones in this country. While in the case of Bolivia, the case selected is the region that holds 83% of extractive activities and the indigenous population most consulted in the country for these activities.

5. Cases

5.1. Norway: Finnmark county, Kvalsund and Kautokeino Municipality

The first aspect of interest of the selection of these two cases for Norway is the Location, of both municipalities, in Finnmark County. Finnmark county is the largest area with fewest inhabitants in Norway. This county is located in the extreme northeastern part of Norway, also situated in Sami territory. The Norwegian Parliament has recognized Finnmark as a special enterprise zone since 1990 (Finnmark Fylkeskommune, 2019)

According to the Finnmark Act (2005) mentioned by Nygaard (2015), Finnmark is the only county in which Sami people are entitled to consultation and land rights. In Addition, the Finnmark Act was developed in order to fulfill the requirements of Convention 169 of the International Labour Organization after Norway had ratified it in 1990.

Moreover, Kvalsund and Kautokeino Municipalities are chosen because the extractive activity that affects Sami territory in Finnmark County the most is mining, and according to Nygaard (2015), Kvalsund and Kautokeino are the only mining projects in over 30 years that are developing in this County. All mining activities ceased in these municipalities after 1970 and 1990 (Nygaard, 2015), and have resurged with two projects around 2010: Nussir SA in Kvalsund and Arctic Gold AS in Kautokeino. In addition, both cases, more currently Kvalsund, have been national news because of the approval for extraction activities. In the latter case, this approval by the government is given in discontent of Sami parliament. Moreover, the growing interest of the Norwegian government to stimulate mining projects respecting the rights of indigenous people since 2013 is focused on this region.

5.2. Bolivia: Chaco region, Takovo Mora Captaincy

Both the Areas of the Amazon and the Chaco in Bolivia are the areas of most interest for extractive activities, especially of Natural Gas, Bolivia's richest source of natural resource, also the areas where 34 out of 36 indigenous peoples live (CEDIB, 2015).

According to Almut Schilling-Vacaflor (2014), 83% of gas reserves in Bolivia are found under Guaraní communities' territory. Even though Guaraní people represent only 1% of the total population of Bolivia for 2012 (INE, 2012), they are the indigenous people nation most consulted for extractive activities "Some Guaraní entities (capitanías) such as Itika Guasu, Charagua Norte, Alto Parapeti and Takovo Mora have been consulted several times" (Schilling-Vacaflor, 2014, p. 506)

Takovo Mora is a region located in the Chaco of Bolivia in the city of Santa Cruz. This is the territory of the nation of Guaraníes with around 10000 indigenous people. According to the Documentation and Information Center of Bolivia (CEDIB), since the process of nationalization² that Bolivia went through during the year 2005, the Bolivian company Yacimientos Petrolíferos Bolivianos or YPFB was refunded (Bolivian Oilfields). This process affected the contracts many indigenous territories had with previous private companies that

² Defined as a process in which a state recovers or gains the control of an industry or company and becomes the owner

affect 75% of the total of indigenous territories. But it was Takovo Mora the most affected with 5 different contracts made only for their territory. In the year 2016, the Community Association Takovo Mora informed the National Institution “Defensoría del Pueblo” (Peoples Defense) about breach of rights made by the government in the use of police force instead of following up with the right to process of consultation before extractive activities start. This right is not only recognized by the convention 169 previously mentioned, what is more, is recognized by the Plurinational State of Bolivia constitution.

Parallel to the discontent with extractive activities of indigenous peoples of Takovo Mora, four supreme decrees were developed by the Bolivian government that allows and accelerate extractive activities in their territory.

To sum up, we can see how two different countries have similarities. Both Norway and Bolivia have in their territory an important amount of natural resources. But not only do both countries are rich on natural resources, but they also have in their diverse population the existence of indigenous peoples. Moreover, both natural resources and indigenous peoples coexist in the same territory in both countries. In the case of Norway, Sami people have been living in territories rich of minerals and metals, while in Bolivia the Guaraní nation has under their land important resources of Natural Gas.

Furthermore, both Norway and Bolivia have established specific policies to address processes of consultation and participation to indigenous peoples for extractive activities. In addition, these processes of consultation and participation have been already implemented on several different occasions in both countries.

For the interest of this research project, both Norway and Bolivia give out similar cases to implement the comparative method with a case-oriented approach.

6. Findings and Analysis

The following analysis consist of three phases, each following the preceding steps. First, in 5.1, I identify the core documents in the international arena, signed by both Norway and Bolivia. Moreover, the first step of the analysis highlights the core articles and regulations which make up a standard for the subsequent analytic process.

Second, through document analysis of the main legal regulations in Norway and Bolivia, I investigate whether the national law regulations fulfill the international standard.

Additionally, in the third and final analytic step, I interview core informants that have participated and still participate on the consultation processes that are being implemented in the areas of interes, on recent cases involving indigenous people in conflicts with commercial interests.

I start off presenting Convention No. 169, which is a legally-binding international law protecting the right of self-governance of indigenous peoples with regulations for the process of consultation and participation, especially for extractive activities in indigenous peoples territory. Because both Norway and Bolivia have ratified the mentioned Convention, the implementation of convention No. 169 will provide a framework to analyze how these countries differ to include and take into account the rights of self-governance of indigenous peoples concerning extractive activities.

In this chapter, I present the central elements of Convention no. 169 that provide with regulations to Norway and Bolivia to implement the process of consultation and participation to indigenous peoples on extractive activities in their territories.

6.1. Indigenous and Tribal Peoples Convention No. 169 of the International Labour Organization (ILO)

In this part, I present a summary of the meaning and goals of convention No. 169. Subsequently, I identify the articles of the Convention that regulate consultation and participation processes to indigenous peoples and extractive activities.

The International Labor Organization (ILO) first became concerned with Indigenous peoples matters in the 1950s. Around this time it became clear to the ILO that the precarious labor conditions of Indigenous peoples had to do with deep-rooted injustices and prejudices. It also became clear for the ILO that these injustices and prejudices where associated with broader issues such as identity, language, culture, customs, and land (Feining, 2013). As a result of this concern, the ILO developed the first Convention of Indigenous and Tribal Populations No. 107 in 1957.

There are two main reasons for the development of the Indigenous and Tribal Peoples Convention No. 169; these reasons are stated in the official document produced in 1989. The first reason is, to remove the assimilationist perspective of the previous Indigenous and Tribal Populations Convention of 1957. Also, the second reason is the acknowledgment made by the International Community of the aspirations of Indigenous and Tribal Peoples to exercise control, in the States, they live in over their affairs. These affairs include their institutions,

economic development, and ways of life to cultivate their identities, languages, and religions (Indigenous and Tribal Peoples Convention, 1989). The latter is self-governance.

The Principles of Consultation and Participation come to be the cornerstones of the Convention, according to Feinig (2013). These principles are constructed to give back to Indigenous and Tribal peoples control over their affairs after a long period of assimilation policies. What is more, is through consultation and participation that indigenous peoples can be able to exercise their right to self-governance.

The legal status of Convention No. 169 is as a legally-binding international treaty. The Convention becomes legally-binding to the states that have ratified it. Ratification is understood in this context as a sovereign and voluntary decision of a State. Twenty-two member states have ratified the Convention, affecting over 50 million indigenous peoples (Feining, 2013). One of the first countries to ratify this Convention was Norway in 1990. Also, Bolivia had also ratified this Convention in the following year in 1991. Convention No. 169 sets itself apart from other treaties, such as the United Nations Declaration on the Rights of Indigenous Peoples, because of this critical aspect of being legally binding.

6.1.1. Process of Consultation and Participation according to article 6, 7 and 15 of the Indigenous and Tribal Peoples Convention No. 169

The processes of Consultation and Participation in Convention No. 169 are meant to be applied for the protection of Indigenous Peoples. In this frame, who are indigenous peoples?

Even though there is no universal definition of Indigenous Peoples (Feining, 2013), the ILO convention No. 169 recognizes Indigenous Peoples as the descendant of the populations which inhabited the country at the time of conquest or colonization or at the time of the establishment of state boundaries. In addition, they retain and distinguish all or some of their own social, economic, cultural, and political institutions. The latter aspect to identify indigenous peoples can be understood as the criteria of Historical continuity and Territorial connection (Henriksen, 2008). According to Feinig (2013), these are the objective criteria to identify Indigenous and Tribal Peoples. Furthermore, self-identification is appointed as an important criterion for identifying Indigenous and Tribal Peoples (Indigenous and Tribal Peoples Convention, 1989, §1). According to Feinig (2013), this is the subjective criteria.

The states that have ratified the Convention must implement it in both law and practice and also guarantee the processes of consultation and participation of indigenous peoples to avoid exploitative relationships and conflicts (Feining, 2013)

According to the ILO Convention No. 169, the states must develop coordinated and systematic actions with the participation of indigenous peoples to protect their rights and guarantee respect for their integrity (Indigenous and Tribal Peoples Convention, 1989, §2). This coordination should be done by developing special measures, with freely-expressed wishes of the peoples concerned, to safeguard the persons, institutions, property, labor, cultures, and environment (Indigenous and Tribal Peoples Convention, 1989, §4). Consequently, participation and consultation processes must be developed in coordination between the State and Indigenous

Peoples, with their freely- expressed wishes, what is more, to protect their rights and respect their integrity.

Consultation and participation processes are regulated by the international convention No. 169 mainly through article 6 and supplemented by article 7 and 15 for the specific area of indigenous peoples rights vis-à-vis extractive activities. Consultation and participation processes apply whenever consideration is being given to legislative or administrative measures which may affect them directly and must have the goal to achieve agreement or consent (Indigenous and Tribal Peoples Convention, 1989, §6). Furthermore, the process should be done through appropriate procedures undertaken in good faith and in a way that is appropriate to the circumstances (Indigenous and Tribal Peoples Convention, 1989, §6). According to Feining (2013), appropriate procedures are those which include a climate of mutual trust, the guarantee that indigenous peoples have in their possession all the relevant information and that they can understand it fully, and finally a procedure with sufficient time for indigenous peoples to make their decision-making processes. “This means making a real effort to understand how indigenous peoples' cultures and traditional decision-making processes function and adapting the form and timing of consultation to these” (Feining, 2013, p. 15). Besides, consultation should be done through their representative institutions (Indigenous and Tribal Peoples Convention, 1989, §6). Feining (2013) states that the representatives should come as a result of a process that has been carried out by indigenous peoples themselves.

Article 6 is supplemented by article 7 of Convention No. 169. Article 7 states that indigenous peoples have the right to decide their own priorities for the process of development. The reason is that the Convention acknowledges that this process of development affects their lives, beliefs, institutions, and spiritual well-being, as well as the lands they occupy or use. Also, indigenous peoples have the rights to exercise control, to a possible extent, over their economic, social and cultural development, participate in all stages of plans and programs for national and regional development that may affect them directly. These stages are formulation, implementation, and evaluation (Indigenous and Tribal Peoples Convention, 1989, §7).

Article 15 is supplementary to article 6 when indigenous peoples are consulted for extractive activities specifically. The reason is because, article 15 states that the rights of Indigenous and Tribal peoples to the natural resources on their lands should be specially safeguarded. These rights include participation in the use, management, and conservation of the resources. Additionally, when the State retains the ownership of mineral or sub-surface resources, the government should establish procedures of consultation to Indigenous and Tribal peoples to determine if and to what degree their interest should be prejudiced. It is important to highlight that these processes of consultation should take place before undertaking or permitting any programs for exploration or exploitation (Indigenous and Tribal Peoples Convention, 1989, §15).

In the subsequent chapters, I scrutinize how Norway and Bolivia have implemented Convention no. 169 through their national policies, according to the following chart.

Table 1: Consultation and participation processes according to article 6, 7 and 15 of indigenous and Tribal peoples convention No. 169	
Theme	Subtheme
Consultation and participation process is activated whenever consideration is being made on legislative or administrative measures that may affect indigenous peoples directly (§6)	Indigenous peoples must participate in all stages of the process: formulation, implementation, and evaluation (§7)
	Consultation and participation process must be implemented before any activity of exploration or exploitation is approved (§15)
Appropriate Measures (§6)	Goal to achieve agreement or consent
	Mutual trust
	Relevant and comprehensible information
	Sufficient Time
	Made through Representative institutions

6.2. Document Analysis

To analyze the Norwegian and Bolivian cases under the light of the ILO-convention, I first compare the definition of indigenous peoples made by each country with the definition found in convention No. 169. Then, I will identify national policies that constitute the legal framework that intends to follow up with the mandates of Convention no. 169 related to indigenous peoples and extractive activities. This is done according to the chart previously presented.

Both countries have developed policies in coordination with indigenous peoples to implement convention No. 169, abiding with articles 2 and 4 of Convention No. 169. The focus of this chapter will be to see how Norway and Bolivia differ or not in complying correctly with article 6, 7, and 15 of Convention No. 169.

6.2.1. Indigenous Peoples according to Article 1 of the Indigenous and Tribal Peoples Convention No. 169

Norway. Sami people in Norway are identified following an objective and a subjective criterion, the same way as Convention No. 169. Nevertheless, the objective criterion in Norway adds two specifications, language and registration. Sami people are those with Sami as their domestic language, or those who have or have had a parent or grandparent with Sami as their domestic language, or those who are the child of a person registered in the Sami electoral registry (Sami Act, 1989, §2-6). Moreover, the subjective criterion is precisely the same as Convention No. 169, as it identifies indigenous peoples through self-identification.

Bolivia Indigenous peoples in Bolivia are identified through a mix of the objective and subjective criteria of Convention No. 169. They are any human collectivity that shares cultural identity, language, historical tradition, institutions, territoriality, and cosmovision

whose existence comes before the Spanish colonial invasion (Constitución del Estado Plurinacional de Bolivia³, 2009, §30).

6.2.2. Process of Consultation and Participation according to Article 6, 7 and 15 of Indigenous and Tribal Peoples Convention No. 169

About the processes of consultation and participation to indigenous peoples stated in Article 6, 7, and 15 of Convention no. 169. I will analyze how Norway and Bolivia have implemented these articles through their national legal regulations.

Norway. Norway acknowledges that consultation processes apply whenever Sami interests are affected directly. Furthermore, identifies the Sami people must be consulted when consideration is being given to decisions on legislation, regulation, administrative decisions and guidelines (Procedures for consultation between State authorities and the Sami Parliament, 2005, §2; Planning and Building Act, 2008, §5-2) as stated in Article 6 of Convention No. 169. In addition to convention No. 169, Norway recognizes the right of the Sami parliament to decide on their own initiative about matters that may affect them directly and comment on them, the same for the district board of reindeer herders (Sami Act, 1989, §2-1; Minerals Act, 2009, §17).

About representation, Norway acknowledges two different entities that must be consulted on Sami matters, and these are the Sami Parliament and the district board of Reindeer herders (Sami Act, 1989, §1-2; Reindeer Husbandry Act, 2007, §71).

Moreover, Norway recognizes the goal to achieve agreement, as stated on convention No. 169 and adds that the process should go on as long as a possibility of agreement exists (Procedures for consultation between State authorities and the Sami Parliament, 2005, §1, §6). Consent is not mentioned throughout the policies that were analyzed, except for the Planning and Building Act that states the necessity for the municipalities consent as they have the right to veto. However, this not a right of the Sami parliament or district board of reindeer herders specifically (Planning and Building Act, 2008, §12-11). Nevertheless, the Sami parliament informs the State if further consultations shall be required (Procedures for consultation between State authorities and the Sami Parliament, 2005, §6). Moreover, the Sami parliament retains the right to refuse to special mining permits an appeal to decisions made by the Ministry about mining and building (Minerals Act, 2009, §17; Planning and Building Act, 2005, §1-9). Furthermore, appeals made by the Sami Parliament to the king have a suspensive effect (Minerals Act, 2009, §17).

Finally, about appropriate measures, Norway recognizes that the information must be given previously to any decision and must include the objectives of the plan, main contents, effects, and the impact assessments results. A copy of this information must be available to everyone to familiarize themselves with it previously to a formal consultation (Planning and Building Act, 2008, § 4-1, §5-1). What is more, these procedures in Norway must be done in an environment of good faith. Furthermore, the peoples concerned should be informed in time and be given the sufficient time to enable all parties to carry out genuine and effective consultations and political consideration of all the proposals made through the consultation process (Procedures for consultation between State authorities and the Sami Parliament, 2005, §6).

³ State Constitution of The Plurinational State Of Bolivia

Also, the Sami Parliament should be part of the planning of the program and be informed throughout all stages of the process (Planning and Building Act, 2005, §3-2; Procedures for consultation between State authorities and the Sami Parliament, 2005, §3). As stated by article 6 and 7 of Convention No. 169, Norwegian national policies include the Sami parliament in all levels of decision making.

Bolivia. In the case of Bolivia, article 6 of Convention No. 169 is recognized as one of the bases for the creation of the Supreme Decree No. 29033 for Consultation and participation regulations for hydrocarbon activities. Furthermore, article 6 is taken into account, especially for the appropriate measures and the need for representative institutions. Consequently, consultations in Bolivia are made anytime that a legislative or administrative decision may affect indigenous peoples directly. Furthermore, these consultations must be held in good faith and in a manner that is appropriate to the circumstances, to reach an agreement about the proposed measures (Decreto⁴ 29033, 2007, p.1). Besides, Bolivia states that the process of consultation and participation will be applied in a manner that is timely, mandatory and in good faith (Decreto 29033, 2007, §3).

Moreover, the process of consultation and participation should respect and guarantee the exercise and validity of fundamental rights, specifically those regarding the right of indigenous peoples to be consulted and informed in a previous and timely manner.

Moreover, this information should be accurate, enough, necessary, and following the linguistic characteristics of the indigenous peoples concerned. What is more, the content of the information must include content, scope, projections, and possible social, economic, or environmental impacts. Additionally, the process should be made manifest, public and with free and timely access to the information (Decreto 29033, 2007, §4, §7).

About representation, Bolivia recognizes that consultations will be made to indigenous peoples representative bodies, regardless of their type of organization at the national, departmental and regional level, respecting their territoriality, uses, and customs. Also, Bolivia states that any consultation made to one person or a sector is considered null, as individuals or small groups are not considered to be representative (Ley⁵ 3058, 2004, §118; Decreto 29033, 2007, §6).

What is more, Bolivia recognizes through its legal regulations certain aspects of the process, such as a preliminary phase and an execution phase. The local representative bodies in coordination with the regional, departmental, and national levels are in charge of the internal coordination to present a written proposal about the attainment of the process of consultation and participation. In addition, this proposal entails a methodological plan, place, and schedule alongside the community activities, workshops, meetings, and assemblies to be held. This proposal also entails the specific advisory required by indigenous peoples for their participation to be adequate (Decreto 29033, 2007, §11). A critical characteristic of these procedures is that indigenous peoples have the option to design the process of consultation and also require specialized advisors.

In Bolivia, the decisions that come as a result of the process of consultation and participation will be adopted altogether between the competent authority and the representative bodies of indigenous peoples. Moreover, these decisions must be respected and considered as fundamental bases for the execution of the extractive activity (Decreto 29033, 2007, §7). Also,

⁴ Decree

⁵ Law

a validation agreement will be signed with the previous acceptance and express authorization of indigenous peoples concerned. This document will have the positions, observations, suggestions, complementation, and recommendations given by the peoples concerned (Decreto 29033, 2007, §12, §13). Nevertheless, the aspect of consent is not present in the legal documents.

Contradictory, Bolivia presented significant modifications to the Law of Consultation and participation regulations for hydrocarbon activities. These modifications were made through supreme decree No. 2298 in 2015. This decree reduces the time for the process of consultation and participation to a maximum of 45 days (Decreto Supremo⁶ 2298, 2015, §2-II). Furthermore, it states that the process continues with just the assistance of indigenous peoples on meetings, without been binding agreement or consent of any kind (Decreto Supremo 2298, 2015, §3-I). In addition, this decree takes away the primary participation of indigenous peoples as designers of the process of consultation and participation. According to the new decree, the process of consultation and participation is designed in coordination with the competent authority, in case an agreement cannot be made in 3 meetings, the competent authority will define it (Supreme Decreto Supremo 2298, 2015, § 1 & §2). What is more, the supreme decree states that when processes of consultation and participation have not been carried out the competent authority will issue an administrative resolution stating that all efforts have been made to develop and conclude a consultation and participation process (Decreto Supremo 2298, 2015, §3-III). After this resolution, the competent authority can define how the extractive activity will proceed.

We can summarize that national policies of each country implement convention 169 in the following manner, as shown in the chart:

⁶ Supreme Decree

Table 2: Consultation and participation processes according to article 6, 7 and 15 of indigenous and Tribal peoples convention No. 169				
Theme	Subtheme	Norway	Bolivia	
			Before 2015	2015-2019
Consultation and participation process is activated whenever consideration is being made on legislative or administrative measures that may affect indigenous peoples directly (§6)	Indigenous peoples must participate in all stages of the process: formulation, implementation, and evaluation (§7)	✓	✓	✗
	Consultation and participation process must be implemented before any activity of exploration or exploitation is approved (§15)	✓	✓	✗
Appropriate Measures (§6)	Goal to achieve agreement	✓	✓	✗
	Goal to achieve consent	✗	✗	✗
	Mutual trust	✓	✓	✓
	Relevant and comprehensible information	✓	✓	✓
	Sufficient Time	✓	✓	✗
	Representative institutions	✓	✓	✓

In this part, I have found that both countries implement the content of Article 6, 7, and 15 of Convention No. 169 entirely through their respective normative. Appropriate measures are implemented through national policies in both countries, with emphasis made on the accuracy and previous manner of information and the goal to reach an agreement. Furthermore, indigenous peoples must participate in all stages of the process and be consulted in a previous and timely manner in both countries, meaning that consultation and participation processes must be done before a decision is made about exploration or exploitation of extractive activities.

Nevertheless, the only aspect that is not mentioned is consent. This means that indigenous peoples do not have the option to reject an extractive activity. However, this is possible to do for the municipality in the case of Norway.

However, in 2015 a change occurred affecting the preceding analysis. In 2015, national policies took a turn which implied reducing the time for the process of consultation and participation and stating that when indigenous peoples do not wish to participate the competent authority can freely decide on how and when the extractive activity will proceed. Moreover, new national

policies in Bolivia also permit for the competent authority to not have a consultation and participation process.

Finally, I have found that Norway has two representative bodies for indigenous peoples while Bolivia, even though it recognizes representative authorities depending on their traditional structures, does not identify any particular entity. Therefore, Bolivia does not identify, in the legal documents, that was revised, how representative entities for indigenous peoples will be identified. The latter signifies a problem since a consultation can be considered null when the people being consulted do not represent satisfactorily.

6.3. Interviews

In this section, I will identify the result of the implementation of national policies through the eyes of indigenous peoples representatives and advisors in Norway and Bolivia. The experiences of the interviewees as actual participants of processes of consultation and participation in Norway and Bolivia will provide with information about the actual State of the right of self-governance in these two countries.

The information is organized and analyzed through thematic analysis, with the themes raised from Convention no. 169

Norway In Norway, the expert interviewed confirmed that indigenous peoples are identified through the Sami Act and participate in the consultation and participation processes through the Sami Parliament. Furthermore, consultation and participation processes are activated whenever a legislative or administrative decision is being considered. Moreover, the expert confirms that the Sami Parliament decides when to participate, all in accordance with the Procedures for consultation between State authorities and the Sami Parliament of 2015. He states that:

The Sámi Parliament is a representative body for the Sámi people and decides mostly ourselves if we want to be consulted in measures affecting Sámi's directly in accordance to procedures for consultations (Norwegian informant, Q1).

What is more, the expert confirms that the process is made in an environment of mutual trust and sufficient time. Nevertheless, even though the information is relevant and understandable,

...the Sámi Parliament criticizes the state for not making a broader socio-economic assessment (Norwegian informant, Q3b).

In addition, the goal to reach agreement or consent is not clearly instituted in the process:

For such individual decisions; there is always a chance for pre-occupied political positions (Norwegian informant, Q3e).

Moreover, in Norway is confirmed that consultations are made before any extractive activity starts, as is shown with the examples of the municipalities of Kautokeino.

There has not been consultations on the plans for mineral activities in Kautokeino since the municipality has stopped the plan before impact assessment was launched (Norwegian informant, Q3).

The expert that has been interviewed stated that even though the Minerals Act and Pollution Act do not require consent from the municipality, the final decision is made through the Planning and Building Act.

Even though the expert did not identify the need to make changes to the consultation and participation process, he states that Sami people were not satisfied by the result of this process in the municipality of Kvalsund. The reason is that.

We have different opinions on the consequences of the projects for Sámi culture and industry specially assessed against what the state can allow for United Nations Covenant on civil and political rights article 27 (Q5a).

The article mentioned by the expert states that:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (United Nations Covenant on civil and political rights, 1976, §27).

The expert identified this same article as the one that the State of Norway needs to apply to show respect for Sami territory. What is more, the expert identified article 27 as the subject of most discussion within consultation processes about projects, such as mining:

Where does the line go for what the state can allow?" (Norwegian informant, Q7a).

The expert believed indigenous peoples of Norway have power in the decision-making process but not the decisive power.

Also, in Norway, the expert consulted confirmed that representation is given through the Sami Parliament and reindeer herders as stated in national policies. Nevertheless, the expert explained that for the Sami Parliament is easier to coordinate with the government. Reality is different for Reindeer herders as they do not have the same capacities to coordinate as the Sami Parliament, however, the Sami Parliament tries to help reindeer herders with coordination as they believe Reindeer Herders are the most affected with mining projects in the municipality of Kvalsund.

Moreover, for Norway to show that they respect and honor the connection between indigenous peoples and their traditional territories, "Laws has to be changed" according to the informant. What is more he stated that:

It happened for the county of Finnmark in 2005 through the Finnmark act; we still wait for follow-ups for the rest of the Sámi territories (Norwegian informant, Q8).

All national policies regarding the process of consultation and participation to Sami people are restricted to the area of Finnmark State. The Sami Parliament still intends that the State of Norway recognizes similar differentiated rights for regions outside of the Finnmark State.

Finally, the expert does not have any particular view on the role of extractive activities in development for the territories of Sami and thinks the development of the region is a "Question of political perceptions and discussions" (Q9)

In Bolivia, Guaraní people have representation through their own electoral bodies, with region elected "captains" who represent the people living in the same community. In addition, they also have their own institution at an international, national and departmental level; this is the Assembly of the Guaraní People (APG⁷).

Bolivia. About the processes of consultation and participation, all people interviewed for Bolivia agreed that there had not been any process of consultation and participation in Takovo Mora. What is more, Celso Padilla the current president of International APG and Captain of Takovo Mora states that:

...the Guaraní Nation we have 159 consultation processes [...] but all those processes have been post consultation, a Free Previous, and Informed consultation has never been done (Q1a).

This means that indigenous peoples do not participate in all stages of the process, neither are the consultation and participation process made before the extractive activity commences but after.

Moreover, the goal to reach agreement or consent does not exist since in Bolivia the consultation and participation process is made after the extractive activities have already started in indigenous peoples territory. As advisor, Leonardo Tamburini states:

The consultation is taken by the states as a validation mechanism for decisions adopted beforehand (Q3b).

In addition, ex guarani authority and current representative for Guaraní people before the UN Alfonso Guzmán, states that even in this second moment of the consultation the information was not understandable and the processes has been done in a climate of distrust:

...there was susceptibility, there was distrust, and even the materials were not appropriate, adequate, as the norm says (Q3a).

Moreover, the information is provided in technical language and not in the native tongue. Furthermore, the lack of trust is highlighted by all people interviewed. Celso Padilla adds a pressure factor to this mix:

There was always a post-consultation, because once they have hired the companies they just try to consult, but under pressure and rigged and vicious (Q3b).

⁷ Asociación del Pueblo Guaraní

Also, the people interviewed explain that in the case of Takovo Mora, the government eluded the process of consultation and participation by creating land titles for private individuals that never existed. This increases distrust between state and indigenous peoples communities and representatives.

In Bolivia, people interviewed State that all decrees created after 2015 about extractive activities on indigenous peoples territories are unconstitutional. Consequently, they ask for decree 29033 to be respected alongside what is stated in the constitution and international law in order for indigenous peoples to implement their right for self-determination and self-government:

...most of those norms and decrees are harmful, they are very harmful to the indigenous peoples, it takes away the right, is above the same ... state constitution that has been approved in 2009" (Celso Padilla, Q4).

What is more, people interviewed believe that the processes of consultation and participation just need to be implemented according to the laws "...is the best law in Latin America" (Celso Padilla, Q4).

Furthermore, in Bolivia, experts believe that indigenous people will have power in decision-making processes if the law is implemented correctly.

Finally, indigenous peoples representatives believe that it might be best for indigenous peoples communities for extractive activities to stop permanently. Because, they live from a communitarian economy and extractive activities do not provide anything for the development of their region:

...we see that it will be an affectation, a destruction in the territory, then there would be no sense of result for the people, it would not make profit, but we can say with what they do, let's say you cannot recover, there is no price" (Alfonso Guzman, Q10)

I can summarize the findings in the chart as follows:

Table 3: Consultation and participation processes according to article 6, 7 and 15 of indigenous and Tribal peoples convention No. 169					
Theme	Subtheme	Norway		Bolivia	
		According to national policies	According to Interviews	According to national policies 2015-2019	According to interviews
Consultation and participation process is activated whenever consideration is being made on legislative or administrative measures that may affect indigenous peoples directly (§6)	Indigenous peoples must participate in all stages of the process: formulation, implementation, and evaluation (§7)	✓	✓	✗	✗
	Consultation and participation process must be implemented before any activity of exploration or exploitation is approved (§15)	✓	✓	✗	✗
Appropriate Measures (§6)	Goal to achieve agreement	✓	?	✗	✗
	Goal to achieve consent	✗	?	✗	✗
	Mutual trust	✓	✓	✓	✗
	Relevant and comprehensible information	✓	✓	✓	✗
	Time	✓	✓	✗	✗
	Representative institutions	✓	✓	✓	✗

Summing up the findings, I found through interviews that Sami people in Norway confirmed almost everything that is stated by law except for the goal to reach agreement or consent. In Norway, indigenous peoples speak of the need to agree, between the State and Sami people, on what the meaning of "enjoyment of their own culture" entails. Moreover, this is a matter of permanent discussion within every process of consultation and participation. Also, the Sami Parliament also looks for the expansion of land rights for Sami people beyond the Finnmark State. In addition, one significant finding of the interviews in Norway is to clarify that these rights are restricted to the area of the Finnmark State and not throughout Norway where Sami people reside.

Finally, it is found through the interviews that Reindeer Herders have issues when it comes to coordinate with the State, as they do not have the same capacities as the Sami Parliament.

In Bolivia, I have found that the policies that affect the processes of consultation and participation after 2015 are considered unconstitutional by Guarani people, and indigenous peoples demand the proper implementation of international law as Convention no. 169, the constitution and decree 29033. Furthermore, even before 2015, the processes of consultation and participation were not adequately implemented. Guarani people in Bolivia are consulted after extractive activities have already started.

Furthermore, indigenous peoples question the influence of extractive activities on the development of Bolivia and of their own regions as they considered these activities to be harmful to the environment that provides for them.

7. Discussion

It can be said that, before 2015, both Norway and Bolivia have implemented multicultural policies through their national legislation. Additionally, both countries have acknowledged, as multiculturalism has, that indigenous peoples have suffered from exclusion, marginalization, and assimilation in history. For this reason, national policies from both countries have had the intention of acknowledging indigenous peoples rights to self-government in order to make amends and protect the rights and dignity of their national minorities.

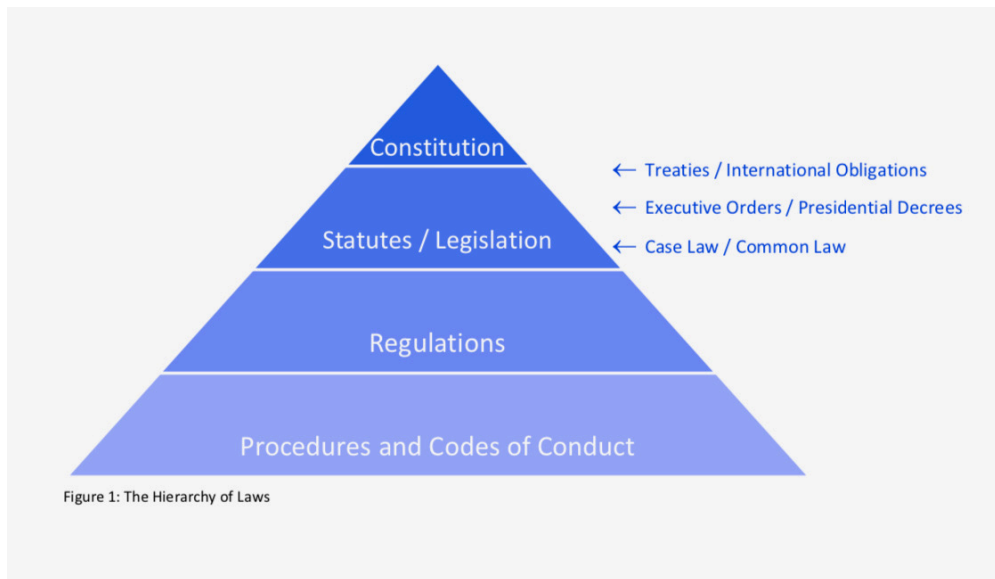
Through national policies, both countries, before 2015, have implemented multiculturalism's notion of differentiated rights for the benefit of indigenous peoples. Nevertheless, after 2015 Norway and Bolivia part ways. In Norway, there has been a progressive increase in awareness and changes for Sami people since 1989. Moreover, the right of self-government is progressively being fulfilled through the creation of Sami peoples' own institution, the Sami parliament. Also, the Sami parliament areas of impact keep growing with the pass of time. Furthermore, it has been found, through the interviews, that the Sami Parliament is in a constant process of discussing with the State the meaning of the right " ...to enjoy their own culture, to profess and practice their own religion, or to use their own language." (United Nations Covenant on civil and political rights, 1976, §27). In addition, because they regard the environment of consultation and participation as an ambient of mutual trust, it can be said that Murdock's (2016) psychological aspect of multiculturalism is maturing within the Norwegian context. The latter statement is made because is shown that the State of Norway and Sami Parliament are on a transformative project, constructing new practices, new relationships, new concepts, and new discourses to sustain the differentiated rights granted to indigenous peoples.

What is more, this is proven through the discussions, between the Sami Parliament and the government, around the meaning of the right "...to enjoy their own culture, to profess and practice their own religion, or to use their own language." (United Nations Covenant on civil and political rights, 1976, §27) and the development of national policies in benefit of self-government rights for Sami people as the Sami Act (1989) and the Finnmark State Act (2005). Nevertheless, it is important to highlight that the Sami Parliament still fights for the expansion of the Finnmark State Act of 2005 to other ancestral territories. Since the policy is from 2005, it is still yet to be seen if this is as far as the Norwegian government will go, restricting self-government rights of Sami people to one particular area in Norway or expanding their rights to other ancestral territories.

On the other hand, Bolivia shows that multiculturalism is implemented only on the written law before 2015 since interviews point out that the process of consultation and participation have never been adequately implemented. After 2015, four decrees have been passed by the government that constringes differentiated rights of indigenous peoples alongside self-government. One of these decrees modifies the cornerstones of the decree No. 29033 about the processes of consultation and participation for hydrocarbon activities, Decree No. 2298 reduces the time for consultation and requirements to fulfill the "law." Additionally, these modifications go as far as not requiring for the process of consultation and participation to be accomplished, as the competent authority may just state that they have tried. Furthermore, the other three decrees affect not only guaraní people but all indigenous peoples as it allows the construction of poli-conducts for transportation of gas without consultation with decree No. 2368, extraction in protected national reservoirs has been approved with decree No. 2366, and the

implementation of a 1% limit for monetary compensation to indigenous peoples for the use of land through decree No. 2195.

What is more, indigenous peoples have identified these decrees as unconstitutional given the fact that the constitution recognizes self-governance and the process of consultation according to the international indigenous and tribal peoples convention No. 169. According to Clegg, Ellena, Ennis & Vickery (2016) laws have a hierarchy, where the constitution becomes the highest in the hierarchy; this is graphically shown in the figure below. Consequently, the decrees are unconstitutional, and they cannot legally be used to contradict the constitution or further policies based on it.



(From Clegg et al., 2016, p. 2)

Moreover, "Respect for the hierarchy of laws is fundamental to the rule of law, as it dictates how the different levels of law will apply in practice" (Clegg et al., 2016, p. 1), this means that Bolivia's State may not be accountable to the law. This latter statement is supported on the finding provided by the participants, since all of them state that the process of consultation and participation had never being implemented according to the international standards nor according to the constitution. What is more, all participants specifically identify the four decrees previously mentioned as unconstitutional and created in detriment of indigenous peoples rights.

We can argue that Norway and Bolivia broadly differ in respect to including and taking into account the rights of self-governance of indigenous peoples on extractive activities. However, how can we explain these substantial differences from countries with such similar national policies? Moreover, how can we explain the creation of such thorough laws recognizing indigenous peoples rights, in the case of Bolivia, if they are so easily broken? Furthermore, how can Norway satisfactorily implement these policies?

One way to explain this is as stated by Tuastad & Nogales (2017) that:

...while Bolivia has only recently started on the path to democratic, economic and social development, Norway has been among those countries with favorable conditions to evolve well-functioning democratic accountability systems (p. 6).

This difference is also highlighted by Kymlicka (2007) referring to the path of multiculturalism of Latin America in contrast to the West.

What is more, Tuastad & Crespo demonstrates through the data provided by the Worldwide Governance Indicators that Bolivia and Norway notably differ on the rule of law "...for which Bolivia has a particularly low score" (p. 9). Also, Bolivia and Norway also differ on state capacity, where the state capacity of Bolivia is particularly low in comparison to Norway to implement effective national policies. Henceforth, the low score on the rule of law in Bolivia may be the explanation for the unsuccessful implementation of national policies in benefit of indigenous peoples against extractive activities, in combination with "...an excuse dependence on extraction and export of natural resources" (Horowitz, 2018, p. 407).

It can be hypothesized that the lack of the rule of law in Bolivia and, in comparison, the strength of the same indicator in Norway can explain the differences of indigenous peoples experiences throughout the processes of implementation of the right of self-government through consultation and participation processes. Because, as explained by Hughes (2018) is important for indigenous peoples to hold the state accountable:

The ability for indigenous peoples to hold entities accountable for meaningful consultation and engagement and to have access to a fair and transparent process for resolving disputes about indigenous relations is an essential aspect of ensuring indigenous rights (p. 27)

Still, there is a supplementary explanation to why Bolivia constructed international recognized policies in benefit of indigenous peoples without the possibility to implement them. This explanation is ethnopopulism. Ethnopopulism is, as explained by Madrid (2008), "...inclusive ethnically based parties that adopt classical populist electoral strategies" (p. 475). According to Madrid (2008), Bolivia is a country with a low ethnic polarization and where half of the population speaks an indigenous language (INE, 2001). Therefore, the strategy of ethnopopulism in Bolivia is understood as an ethnic discourse, highly directed to indigenous groups, that is not exclusive to others. The possibility for an ethnic discourse to include other ethnically-mixed populations is the mentioned low ethnic polarization. This inclusive discourse comes from populism, since is the intention of populism to include all citizens as one. The main components of populism are the denouncement of traditional parties and elites and a "...highly redistributive, nationalist, and state interventionist agenda" (Madrid, 2008, p. 481). This is translated in the Bolivian context with the reformulation of the constitution and laws in favor of indigenous peoples, intending to respond to popular demands, and at the same time nationalization of the gas sector for the benefit of all population through highly redistributive measures with the implementation of different policies that have created programs of conditioned transference in benefit of education, health, and also old-age pension. What is more, the mentioned redistributive measures depend on the income of extractive activities. The current government chosen in 2005 has had great results, mostly in poverty reduction, along the passing years with the implementation of these redistributive programs.

This explanation can be thought to be pointless since populism is recognized by the tendency to retribute to the voters by taking their demands into account in policy making (De La Torre, 2013), and Guaraní people are part of the biggest block of supporters of the current government, known as the first indigenous government in Latin America (Ibid.). The retribution to indigenous peoples and other historically marginalized sectors was made through the constitutional changes, creation of new laws and eventually in 2007 the creation of decree No.

29033 that recognized the rights of indigenous peoples to be consulted. But, even though Guaraní people are indigenous peoples and therefore Bolivia's State will have a goal to retribute to them for their vote, is essential to point out that indigenous peoples are mostly represented by Quechua and Aymaras that together represent 46% of the total population of the country, while Guaraní people are a fraction of 1,2% with the rest 34 indigenous peoples nation. Therefore, Guaraní people do not represent a sector that has popular demands, on the contrary, their position against extractive activities has been pointed as going against popular benefit. Popular benefit in Bolivia is understood as maintaining redistributive programs.

IT could be hypothesized that Bolivia's government is implementing their state interventionist agenda to get resources from extractive activities to ensure redistributive policies that benefit the majority of the population while neglecting a minority that holds in their territory 83% of natural resources. Nevertheless, there is a need of more research to support this statement.

It is possible to recognize in both countries what Joppke (2004) identifies as a recognition made by the winner to the loser because both countries progression to the goal of self-government depends on the State's political intention.

8. Conclusions

This research project was able to identify that Norway and Bolivia vastly differ in respect to include and take into account the right of self-governance of indigenous peoples with respect to extractive activities.

The comparative design implemented has allowed the researcher to achieve a greater understanding of indigenous peoples right of self-governance, as it has created further awareness of the importance of the proper implementation of national policies for the protection of rights. Furthermore, the importance of the state to be accountable to national policies and international standards. This research project not only provides with awareness of the topic of indigenous peoples as a vulnerable group that is still marginalized, but it also provides with a theoretical model explanation on the differences of two highly different countries, proving that the implementation of international law, without rule of law or state capacity, is superficial. As is proven with the example of the case from Bolivia where Ethnopolitism complemented by a low rule of law results in total disregard of the constitution and international law. And, in addition, it can be also hypothesized that a low state capacity to diversify the economy away from extractive activities has resulted in a regressive position towards indigenous peoples of the lowlands of Bolivia.

Based on the findings of this research project it can be recommended that in the case of Bolivia the state works on the possibilities to diversify the economy, in order to maintain the redistributive programs without such a strong dependence to extractive activities, since they do not provide with sustainable economy. Moreover, the unanswered demands of Guaraní people in Bolivia are being complemented by other indigenous regions in the country, and bigger awareness to preservation of nature by the majority of the population. The latter statements may result in conflict between the major population and the state.

From this research other topics of interest can be followed, such as: the recognition of indigenous peoples rights in Norway outside of Finnmark state and the abilities of reindeer herders to coordinate with the state in future matters that affects their way of life. Furthermore, this research thesis topic provides with need of more research of the real impact of international policies in independent states. It is not only interesting but also important to provide with more findings about the real meaning of international standards and power to make states accountable to their citizens, specially vulnerable populations.

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Annex I

Interview guide in English

The first step for the interviews is to appropriately inform participants of the goals of the thesis project. This is done by reading the information letter elaborated under NSD requirements (Annex III)

Secondly, make sure you have access to a good-quality recorder and that you are in a quiet and private setting. Furthermore, questions may be read to the participants or they may read for themselves, depending on their comfort. Moreover, it is important that participants feel free to elaborate, be sure that the participant has nothing more to add to the question in order to move on to the next. Silence is suggested as a technique to show interviewees that they have time to add or amplify their answer.

Finally, if the informant wishes to add with further experiences or answers to other question is ok. It is important to be flexible, allowing participants to follow their train of thought and answer as they wish. Do not hurry or be too strict with the order of questions.

The questions are as followed:

INTERVIEW QUESTIONS

The interview starts with faces-sheet information (Bryman, 2012) to contextualize the participants answers. What is more, the first questions allow the interview to have an introduction to the topic:

1. How were you chosen to become a representative in this process?
2. Who is considered to belong to the Sami people?

These two questions have the intention to contextualize the participants answers and give a first understanding of indigenous peoples origins.

The second set of questions are follow-up questions related specifically to the process of consultation and participation:

3. How would you describe the processes of consultation in (Kvalsund, Kautokeino)?
 - a. Has the process of consultation been done within a climate of mutual trust?
 - b. Did you have all relevant information available before the process began?
 - c. Was the information understandable?
 - d. Was the process of consultation and participation made with sufficient time for Sami representatives to make decisions?
 - e. Do you think the process of consultation looked for reaching agreement or consent?
 - f. Where were you consulted before any exploration or exploitation activity started?

Finally, the interview ends with a set of ending questions looking for suggestions to improve, if needed, the process and provide further information of unclear matters:

4. What would you change in the process of consultation?

5. Where you satisfied with the results of the process of consultation?
 - a. If not, how would you have been satisfied with?
6. Do you think indigenous peoples have power in the decision making around extractive activities?
7. What does it mean to you “respect of indigenous territory” in relation to extractive activities?
 - a. Does this happen with the processes of consultation?
8. How would your government show you that they respect and honor the connection between indigenous peoples and their historic territories?
9. What is economic development for your region?
10. What do you think is the role of extractive activities for the development of your region?

Annex II

Interview guide in Spanish

El primer paso para las entrevistas es informar adecuadamente a los participantes de los objetivos del proyecto de tesis. Para tal objetivo primero se lea la carta de información elaborada según los requisitos de NSD (Anexo IV)

En segundo lugar, asegúrese de tener acceso a una grabadora de buena calidad y de que la entrevista se realice en un entorno tranquilo y privado. Además, las preguntas pueden ser leídas a los participantes o pueden leer por sí mismos, acorde a la comodidad del entrevistado. De igual manera, es importante que los participantes se sientan libres de elaborar sus respuestas, asegúrese de que el participante no tenga nada más que agregar a la pregunta para pasar a la siguiente. Se sugiere el silencio como una técnica para mostrar a los entrevistados que tienen tiempo para agregar o ampliar su respuesta.

Finalmente, si el informante desea agregar con más experiencias o respuestas a otra pregunta está bien. Es importante ser flexible, permitiendo a los participantes seguir su línea de pensamiento y responder como lo deseen. No se apresure o sea estricto con el orden de las preguntas.

Las preguntas son como sigue a continuación:

PREGUNTAS DE ENTREVISTA

La entrevista comienza con preguntas de introducción sobre los entrevistados (Bryman, 2012) para contextualizar las respuestas de los participantes:

1. ¿Cómo fue usted seleccionado/a como representante para participar en este proceso?
2. ¿Quiénes son considerados como pertenecientes al Pueblo Guaraní?

Estas dos preguntas tienen la intención de contextualizar las respuestas de los participantes y dar una primera comprensión de los orígenes de los pueblos indígenas.

El segundo conjunto de preguntas son de seguimiento relacionadas específicamente con el proceso de consulta y participación:

3. ¿Cómo describiría los procesos de consulta en Takovo Mora?
 - a. ¿Fue el proceso realizado dentro de un clima de confianza mutua?
 - b. ¿Tenía en su poder toda la información relevante?
 - c. ¿Era la información comprensible?
 - d. ¿Fue el proceso realizado con suficiente tiempo como para que los representantes del pueblo Guaraní tomaran decisiones?
 - e. ¿Cree usted que el proceso de consulta y participación buscaba llegar a un acuerdo o consentimiento?
 - f. ¿la consulta fue realizada previamente al inicio de actividades de exploración o explotación?

Finalmente, la entrevista termina con un conjunto de preguntas finales que buscan sugerencias para mejorar el proceso de consulta y participación, si es que fuera necesario, y proporcionar información adicional sobre asuntos que generarn polarización entre indígenas y estado:

4. ¿Qué cambiarías en el proceso de consulta?
5. ¿Fueron los resultados del proceso de consulta satisfactorios para el Pueblo Guaraní?
 - a. Si no, ¿Qué podría haberse hecho para alcanzar conseguir la satisfacción del pueblo Guaraní?
6. ¿Crees que los pueblos indígenas tienen poder en la toma de decisiones en torno a las actividades extractivas?
7. ¿Qué significa para usted “respeto del territorio indígena” en relación con las actividades extractivas?
 - a. ¿Sucede esto con los procesos de consulta?
8. ¿Cómo le mostraría el gobierno boliviano que respetan y honran la conexión entre los pueblos indígenas y sus territorios ancestrales?
9. ¿Qué es el desarrollo económico para su región?
10. ¿Cuál cree que es el papel de las actividades extractivas para el desarrollo de su región?

Annex III

NSD information letter in English

Would you like to participate in the research project "Comparison between the processes of consultation and participation to indigenous peoples on Extractive activities in Norway and Bolivia"?

This is a question for you to participate in a research project where the purpose is to identify similarities and differences between the processes of consultation and participation to indigenous peoples about extractive activities, such as mining and natural gas extraction. The project is focused on indigenous peoples perspective from Norway and Bolivia. In this letter, we give you information about the goals of the project and what your participation will mean.

Research Questions

This research project is a Master Thesis for the *Erasmus Mundus International Master in Social Work with Families and Children*.

The research question to be analysed through the project are:

Principal Question

Do Norway and Bolivia differ in respect to including and taking into account the rights of self-governance of indigenous peoples with respect to extractive activities?

Secondary Questions

- Which are the institutions that represent indigenous peoples?
- What are the policies that constitute the legal framework in Bolivia and Norway for indigenous peoples and extractive activities?
- In the case of Kvalsund and Kautokeino Municipalities, Has the process of consultation to indigenous peoples been in concordance with the Convention 169 of the International Labour Organization?
- In the case of Takovo Mora, Has the process of consultation to indigenous peoples been in concordance with the Convention 169 of the International Labour Organization?
- Do the agreements show the right of self-governance of indigenous peoples?
- Have the agreements been made with the content of indigenous peoples?

Organization Responsible for the project

The University of Stavanger, Department of Social Sciences supervise and are responsible for this project.

Reason why we choose you

You have been selected because you participate or have participated, as officially appointed representative for indigenous people, advisor or participant, in the processes of consultation and participation to indigenous peoples (Sami or Guarani) for extractive activities in the municipality of... (Kvalsund, Kautokeino or Takovo Mora). For this reason, your answer will be considered as representative of your official position and will be used for the development of the Master Thesis.

Interview

The participation consists of a Personal Interview that will take 45 to 60 min. I will take audio recording and notes during the interview. The reason why it will be recorded is for accuracy for citing or quoting your answers.

Voluntary participation

Your participation in the project is voluntary. If you choose to participate, you may at any time withdraw your consent without giving any reason. All information about you will then be anonymized. It will have no negative consequences for you if you do not want to participate or later choose to withdraw.

Privacy

We will only use the information about you for the purposes we have told about in this letter, your information will only be used with your consent. Your name and background will only be used to identify you as an official representation for indigenous peoples in your community (Sami or Guarani), advisor or participant in the processes of consultation and participation. Any other personal information that could be recorded that does not serve this purpose will not be used in the research project.

Bolivia (Extra)

In the case of Bolivia, the data will be collected by: Irvick Jose De La Fuente Jeria with ID: 825091.

What happens to the information after the end of the research project?

The recordings will be saved until the end of June of 2019. After this time, they will be permanently deleted. The transcript of the recordings will be part of the Master Thesis and will be sent to you through your institution for self-keeping.

Your rights

As long as you can be identified in the data material, you are entitled to:

- knowing which personal information will be used about you
- delete unwanted personal information
- get a copy of the transcript of the interview

- send a complaint to the Data Protection Officer or the Data Inspectorate about the processing of your personal data.

On behalf of The University of Stavanger, Department of Social Sciences, NSD-Norwegian Center for Research Data AS has considered that the processing of personal data in this project is in accordance with the privacy policy.

Where can I find out more?

If you have any questions about the study or would like to exercise your rights, please contact:

- The university of Stavanger, Department of Social Sciences, Professor Svein Erik Tuastad by email (svein.tuastad@uis.no)

- NSD - Norwegian Center for Research Data AS, by email (personverntjenester@nsd.no) or telephone: 55 58 21 17.

With best regards,

Annex IV

NSD information letter in Spanish

¿Te gustaría participar en el proyecto de investigación "Comparación entre los procesos de consulta y participación de los pueblos indígenas sobre las actividades extractivas en Noruega y Bolivia?"

Esta es una pregunta para que usted participe en un proyecto de investigación cuyo objetivo es identificar similitudes y diferencias entre los procesos de consulta y participación de los pueblos indígenas sobre actividades extractivas, como la extracción de gas natural y la extracción de minerales. El proyecto se enfoca en la perspectiva de los pueblos indígenas de Noruega y Bolivia. En esta carta le brindamos información sobre los objetivos del proyecto y lo que significará su participación.

Preguntas de investigación

Este proyecto de investigación es una tesis de maestría para el Máster Internacional Erasmus Mundus en Trabajo Social con Familias y Niños.

Las preguntas de investigación a analizar a través del proyecto son:

Pregunta principal

¿Difieren Noruega y Bolivia en cuanto a incluir y tener en cuenta los derechos de autogobierno de los pueblos indígenas con respecto a las actividades extractivas? **Preguntas secundarias**

- ¿Cuáles son las instituciones que representan a los pueblos indígenas?
- ¿Cuáles son las políticas que constituyen el marco legal en Bolivia y Noruega para los pueblos indígenas y las actividades extractivas?
- En el caso de los municipios de Kvalsund y Kautokeino, ¿el proceso de consulta a los pueblos indígenas se encuentra en concordancia con el Convenio 169 de la Organización Internacional del Trabajo?
- En el caso de Takovo Mora, ¿el proceso de consulta a los pueblos indígenas ha estado en concordancia con el Convenio 169 de la Organización Internacional del Trabajo?
- ¿Muestran los acuerdos el derecho de autogobierno de los pueblos indígenas?
- ¿Se los acuerdos en satisfacción de los pueblos indígenas?

Organización responsable del proyecto.

La Universidad de Stavanger, Departamento de Ciencias Sociales supervisa y es responsable de este proyecto.

Por lo que fue seleccionado

Usted ha sido seleccionado porque participó o ha participado, como representante oficial designado para los pueblos indígenas, asesor o participante, en los procesos de consulta y

participación del pueblo Guaraní para actividades extractivas en Takovo Mora. Por este motivo, su respuesta se considerará representativa de su puesto oficial y se utilizará para el desarrollo de la tesis de maestría.

Entrevista

La participación consiste en una entrevista personal que durará entre 45 y 60 minutos. Tomaré grabaciones de audio y notas durante la entrevista. La razón por la que se grabará es la precisión para citar sus respuestas.

Participación voluntaria

Su participación en el proyecto es voluntaria. Si decide participar, puede retirar su consentimiento en cualquier momento sin dar ninguna razón. Toda la información sobre usted será anonimizada si retira su consentimiento. No tendrá consecuencias negativas para usted si no desea participar o más tarde decide retirarse.

Privacidad

Solo utilizaremos la información sobre usted para los fines que hemos mencionado en esta carta, su información solo se utilizará con su consentimiento. Su nombre y antecedentes solo se utilizarán para identificarlo como una representante oficial de los pueblos indígenas en su comunidad, asesor o participante en los procesos de consulta y participación. Cualquier otra información personal que pueda ser registrada que no sirva para este propósito no será utilizada en el proyecto de investigación.

Bolivia (Extra)

En el caso de Bolivia, la entrevista será realizada por: (nombre del entrevistador y carnet de identidad)

¿Qué sucede con la información después de finalizar el proyecto de investigación?

Las grabaciones se guardarán hasta finales de junio de 2019. Después de este tiempo se eliminarán permanentemente. La transcripción de las grabaciones formará parte de la tesis de maestría y se le enviará a través de su institución para que la guarde.

Tus derechos

Siempre que pueda ser identificado en el material de las transcripciones, tiene derecho a:

- saber qué información personal se utilizará sobre usted
- borrar información personal no deseada
- Obtener una copia de la transcripción de la entrevista.
- envíe una queja al Oficial de Protección de Datos o al Inspector de Datos sobre el procesamiento de sus datos personales.

En nombre de la Universidad de Stavanger, Departamento de Ciencias Sociales, NSD-Centro Noruego de Datos de Investigación AS ha considerado que el procesamiento de datos personales en este proyecto está de acuerdo con la política de privacidad.

¿Dónde puedo encontrar más información?

Si tiene alguna pregunta sobre el estudio o desea ejercer sus derechos, comuníquese con:

- La universidad de Stavanger, Departamento de Ciencias Sociales, Profesor Svein Erik Tuastad por correo electrónico (svein.tuastad@uis.no)
- NSD: Centro Noruego de Datos de Investigación AS, por correo electrónico (personverntjenester@nsd.no) o por teléfono: 55 58 21 17.

Con los mejores deseos,