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Discussion-Opinion-Editorial



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Investor, Developer, Miner, Local People, Settler, Public, and Government: Everybody profits from Minerals, Oil, and Gas; only the Indigenous people suffer and feel the loss. The Profiteering Community Must Change - Part 1

"…we carry our homes in our hearts. Can you do that if you were forced to leave? Do I have the right to mourn for a place that has never been mine?": Finno-Sámi poet Áillohaš

Abstract

There is one community in the so-called civilized population, anywhere in the world, who are treated disproportionately in terms of their property, rights, language, culture and habitat. One aspect of the indigenous communities is often not brought out in the discussions. That is, they are the most sustainable communities on earth. More than 20 million people in the world are displaced annually due to various crises and the majority of them are indigenous communities. Their rights are not respected, their voices are not heard and their cultures are often discounted. These treatments are widespread. In discussions about the treatment they face, human rights and justice are closely related, as human rights are the foundation of a just society, and justice is a fundamental building block of sustainable peace. Human rights are the same for everyone, regardless of background, location, or beliefs. They include the right to life, freedom of speech, freedom of religion, and the right to a fair trial. This article brings out at the end a summary of the struggle the Sami tribes are facing in Sweden and Noway. In the next part of this article, we will see that such treatments ,even worse, are prevalent all over the world..

Keywords: *Indigenous Communities, Kiruna, Loss, Minerals, Oil and Gas, Sami*



Figurative Abstract. People from the Mura tribe are pictured at a deforested area in unmarked Indigenous lands inside the Amazon rainforest near Humaita, Brazil
(https://www.ncronline.org/earthbeat/politics/indigenous-peoples-lives-depend-their-lands-threats-are-growing-worldwide)

1.0 The Gross Neglect

One aspect of indigenous communities is often not brought out in the discussions. That is, they are the most sustainable communities on earth. What they take, by their living and cultural life, they return in whole to the earth- a feat no other community or society in the world can claim. Their subsistent living is a model for other societies to adopt. Their traditional timeless knowledge is invaluable to societies, trying to preach sustainability. Development has already dramatically altered their communities and societies. They are struggling to keep among other things their languages, homes, culture, rituals, beliefs and well-being. In all societies they are neglected, looked down upon and side-casted. Studies on them are far and in between.

2.0 Of Human Rights and Justice

No discussion on doing justice is complete without bringing the context of universal and fundamental human rights. Human rights and justice are closely related, as human rights are the foundation of a just society, and justice is a fundamental building block of sustainable peace. Human rights are the same for everyone, regardless of background, location, or beliefs. They include the right to life, freedom of speech, freedom of religion, and the right to a fair trial. The rule of law is the mechanism that turns human rights from a principle into a reality. It requires that legal processes, institutions, and norms are consistent with human rights. Access to justice is a critical part of achieving human rights.Justice is a fundamental building block of sustainable peace in countries that are in conflict or post-conflict. The document that we can take shelter in is The Universal Declaration of Human Rights (UDHR,1948) which is considered a milestone document in the history of human rights[1] (also see Figure 1). The provisions for the protection of indigenous communities are marked bold. And it is said in the form of articles:

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or other status.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to her/him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of her/his rights and obligations and of any criminal charge against her/him.

Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which she/he has had all the guarantees necessary for her/his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with her/his privacy, family, home or correspondence, nor to attacks upon her/his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including her/his own, and to return to her/his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality. No one shall be arbitrarily deprived of her/his nationality nor denied the right to change her/his nationality.

Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights

as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of her/his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change her/his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest her/his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

Everyone has the right to freedom of peaceful assembly and association.No one may be compelled to belong to an association.

Article 21

Everyone has the right to take part in the government of her/his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in her/his or her country.The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for her/his dignity and the free development of her/his personality.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and her/his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of her/his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

Everyone has the right to a standard of living adequate for the health and well-being of herself/himself and of her/his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond her/his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

Everyone has duties to the community in which alone the free and full development of her/his personality is possible. Such rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

3.0 Displacement and Disenfranchisement

In the past decade (2011–2020), each year, an estimated 20 million people were forcibly displaced by development projects. A disproportionate share of displaced people are Indigenous[2] and they protest (Figure 2). Acknowledging that indigenous peoples have disproportionately suffered from displacement by land acquisition for industrialization, agriculture, conservation and tourism, their rights to land and resources have become increasingly recognized in international conventions, such as the International Labor Organization Convention (International Labour Organization (ILO)), the Rio Convention on Environment and Development 1992 and ultimately the United Nations Declaration on the Rights of Indigenous Peoples 2007. Major development and financing institutions have moreover adopted relatively encompassing definitions of what constitutes displacement. For instance, according to the World Bank, displaced persons are not only those people who



Figure 1. Universal Declaration of human rights, and the fundamental rights as per the Indian constitution.



Figure 2. Protest by indigenous community against land grab in a state of India[3].

have involuntary lost their land (and associated shelter, assets and livelihoods), but also people who suffer from restricted access to land and resources. Significantly, Free, Prior and Informed Consent (FPIC) has become a key requirement for projects that risk causing displacement. FPIC is the internationally recognized right of indigenous populations to be fully informed, prior to its start, on the foreseen negative impacts and potential benefits of any intervention on their lands, livelihoods and social and natural environment; and to give or deny the consent for these activities to those proposing them without manipulation or force. In short, it is the right of indigenous peoples to be fully, and freely involved in decision-making processes on activities that may displace them (UN OCHA 2004; UN Citation 2007). Nonetheless, displacement continues to be among the most significant threats faced by indigenous peoples around the world (UN Citation, 2009). Hunter-gatherers, in particular, are vulnerable to displacement because of the economic and political fragility of their lifestyle, which is inherently dependent on local ecosystems and starkly contrasts with the highly structured and politically organized nation-states with whom they negotiate their access to and control over land. Moreover, widespread prejudice against foraging people, and a lack of recognized leadership which is characteristic of egalitarian hunter-gatherers, impede their representation and advocacy for tenurial security[3,4].

4.0 Climate Justice

Indigenous communities around the world are facing some of the most severe climate impacts. Indigneous communities are not only reliant on their surrounding ecosystems for their lives and livelihoods; their identities are also deeply interwoven with the land and water. As a result, Indigenous Peoples are leading efforts in climate change mitigation and adaptation across the globe. Climate justice is a concept that aims to address the inequitable impacts of climate change and the need to protect vulnerable communities. At its simplest, conceptions of climate justice can be grouped along the following two lines: procedural justice, which emphasizes fair, transparent and inclusive decision making, and. distributive justice, which places the emphasis on who bears the costs of both climate change and the actions taken to address it. Some aspects of climate justice include[5]:

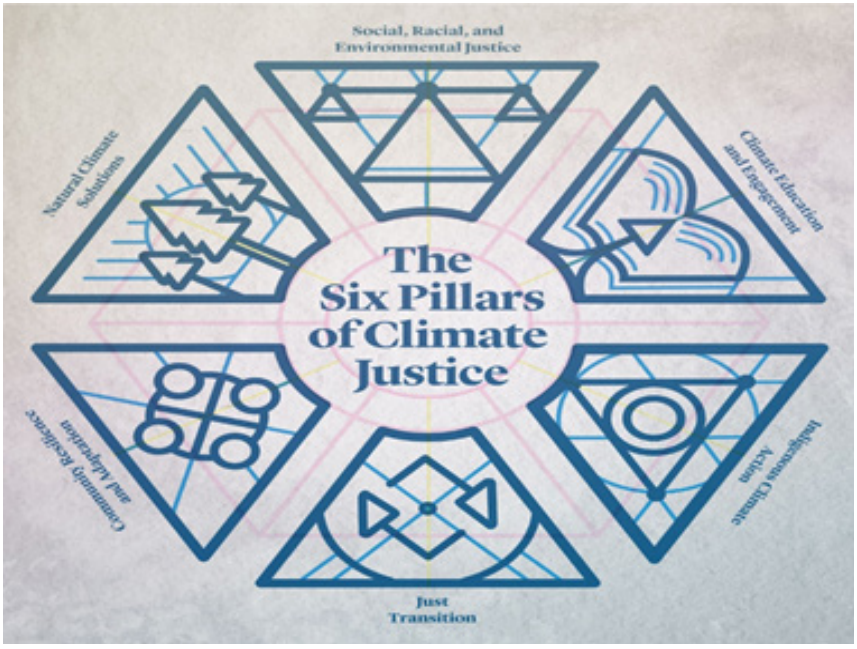


Figure 3. The six pillars of climate justice[5].

1. Equity: Climate justice aims to ensure that the impacts of climate change are felt equally across the world.
2. Human rights: Climate justice principles include respecting and protecting human rights.
3. Development: Climate justice principles include supporting the right to development.
4. Benefits and burdens: Climate justice principles include sharing the benefits and burdens of climate change equitably.
5. Decision-making: Climate justice principles include ensuring that decisions about climate change are transparent, accountable, and participatory.
6. Gender equality: Climate justice principles include highlighting gender equality and equity.
7. Health: Health is a core element of climate justice.
8. Environmental justice: Climate justice is part of environmental justice, which is a social movement that aims to address environmental injustice. Environmental justice works to ensure that communities and lawmakers respond to climate change equitably.
9. Social inequalities: Climate change is a justice issue because its causes are driven by social inequalities. Most marginalized communities and nations use less fossil fuel-based energy, but still feel the impacts of climate change.

The above can be pictorially represented by the Figure 3.

5.0 Kiruna, Mining and Reindeer

On January 12th, 2023, LKAB, a government-owned Swedish mining company, announced the discovery of the largest deposit of rare earth elements in Europe. This finding represents a turning point for the production of energy in Europe, as they are often used in the production of electric cars and wind turbines and are therefore essential for the green transition. "But they're important in virtually every other high-tech sector too, such as nuclear, medicine and energy production." said the geologist Erik Jonsson in an interview. The Swedish minister for industry and energy, Ebba Busch, highlights the importance of this discovery: "there is great potential for Europe to lead the green transition. We can cut emissions and boost competition at the same time," she adds[6].

The deposit was discovered in the area of Kiruna, in the region of Lapland. The city already owns some records: it hosts the largest iron mine in the world, it is the northernmost city in Sweden, and it is about to



Figure 4. The LKAB mine in Kiruna (Image Credits: Alexanderstock23 / Shutterstock.com).



Figure 6. The future of Venture Capital.

be moved 3 km to the east in the world's most radical relocation project (Figure 4). Kiruna is a main city in Swedish Lapland, an area where Swedish, Finnish and Sami cultures meet. Sami are the only indigenous people living within the borders of the EU. They inhabit the Sápmi region, which includes part of Sweden, Norway, Finland and Russia. The name Kiruna itself has its roots in the Sami culture: Kiruna comes from the Sami word giron, which means snow grouse[6].

Before the mine, Kiruna was officially founded in 1900, the area was already inhabited by the Sami population, and archaeological findings traced the presence of people in Kiruna back to 6.000 years ago. The first Swedish settlement was established in 1647 when the first iron

mine opened. In 1888, a train track to transport iron ore from Luleå (Sweden) to Narvik (Norway), passing through Kiruna, was built. Since then, the city has seen its population grow up to 23.000, shielded from the wind by its beating heart: the mine mountain Kiirunavaara. But the expansion of the mine is now endangering the city. A giant iron-ore body is located under Kiruna, and there is no way to reach it without putting the city at risk. Therefore, a solution was found: the city of Kiruna had to move.

The chosen location for the new Kiruna is 3 km to the east, where a new city centre is currently under construction and where about 6.000 people will find their new homes (Figure 5). Other buildings, such as the emblematic church, are going to be moved, either dismantled and rebuilt, or literally transported from the old to the new city centre. The church in particular, is a meaningful landmark. Opened in 1912, it was voted the most beautiful building in Sweden in 2001 and, exactly like the city of Kiruna itself, takes its origin from the Sami culture (Figure 6). The church has almost no religious symbols, and it was built to be a place for the whole community to gather. The building of the church was entirely paid for by LKAB, and Hjalmar Lundbohm explicitly asked the architect to draw a church that resembled a Sami hut (lavvú). But despite this homage paid to the Sami population, the existence of the mine that allowed the birth and growth of Kiruna has always been a threat to the Sami. These Arctic lands have been essential for the survival of the Sami culture for centuries—and they still are. The Sami have a particularly strong connection to the surrounding nature and reindeer-herding, an activity that is nowadays threatened by climate change and, according to the Sami, a failure by the Swedish government to respect their rights. The main source of food for reindeer is lichens, which have become rarer and rarer due to human influence. The fragmentation of land caused by the exploitation of territories does the rest. Stefan Mikaelsson, the deputy chair of the board of the Sami parliament, explained the problematic situation to the Observer: "We have the railroad and we also have the mining business and now the movement of the city centre. It is more and more difficult to continue with the movement of reindeers"[6] (Figure 7).

In 2020, the UN Committee on the Elimination of Racial Discrimination (CERD) accused the Swedish law of discriminating against the Sami because of a concession to a mining project inside a Sami plot of land reserved for reindeer herding. Furthermore, Sweden didn't ratify the Indigenous and Tribal Peoples Convention from 1989, a major international binding convention concerning indigenous people's rights. The Sami community has seen its rights being disregarded since the beginning of Swedish interest in the North, and now that Kiruna has



Figure 6. The church of Kiruna which was inspired by the Sami culture (Image Credits: Jaromir Vanek / Shutterstock.com).



Figure 7. A Sami reindeer herding farm (Image Credits: Eugenia Maestrini).

become a crucial site for the green energy transition in Europe, the situation is surely not going to improve[6].
For more on the Sami tribe and their crisis, please see:

https://www.youtube.com/watch?v=U05UpBLElZc

https://www.youtube.com/watch?v=4Y3xkshhwLM

https://www.youtube.com/watch?v=SnZeE1Km5jk

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(To be continued in Part-2)