# **Indigenous Peoples Advisory Forum**

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to the Aluminium Stewardship Initiative



## We are

looking to widen the network of indigenous peoples' communities and organisations involved in an independent advisory forum (governed by indigenous peoples), which advises an aluminium certification system, the ASI. More information about the ASI and about the Indigenous Peoples Advisory Forum is in this document, and please get in touch with any additional questions or interest in being involved.

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### - Why is this important

for indigenous peoples impacted by Bauxite mining or the Aluminium supply chain?

The Performance Standard that underpins the Aluminium Stewardship Initiative recognizes the rights of indigenous peoples in very straightforward and unambiguous language. It seeks to uphold the rights of indigenous peoples as outlined in the UN Declaration on the Rights of Indigenous Peoples. This is a high standard for an certification body to set and to seek to achieve.

At the same time, indigenous peoples around the world are impacted by the mining of bauxite, refining and smelting of aluminium (including by the construction of roads and energy supply like hydro-electricity from dams).

The ASI Indigenous Peoples Advisory Forum (IPAF) provides a forum for indigenous peoples to speak directly to, and have direct influence on, companies across the Aluminium supply chain. Current members of the ASI include companies involved in mining, in conversion and production, and in product development and sales. The ASI also has human rights and environmental NGOs as members, who support tracking the impact of aluminium in these areas as well.

Bauxite conveyor belt, 22km long, in the tribal villages of Odisha region, in India.

### —— What is the ASI? ——

The Aluminium Stewardship Initiative, or ASI, is a standards and certification body that oversees standards for the production, recycling and trading of aluminium which aims to ensure that aluminium is produced, recycled and traded to high social and environmental standards.

The ASI was established in 2015 and has a Secretariat based in Australia, Europe and Canada, which oversees the development and use of two standards: the Performance Standard, and the Chain of Custody Standard.

Social and environmental conditions for ASI certification are primarily found in the Performance Standard, a document negotiated between 2012 and 2017, and within this Standard there are two Criteria of particular concern to indigenous peoples, Criterion 9.3 and Criterion 9.4.

**9.3 Indigenous Peoples.** The shall implement Policies andprocesses to ensure respect for the economic, socail and cultural and environmental rights and interrests of Indigenous Peoples, consistent with international standards, including IOL Convention 169 and UN Declaration on the Rights of Indigenous peoples.

This criterion aplies where the presence of Indigenous Peoples or their lands, territories and resources is identified.

**9.4 Free, Prior, and Informed Consent (FPIC).** Where new projects may have significant impects on the Indigenous peoples associated culturally with and living on the relevant lands, the shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

In addition to these two criteria, other environmental and social principles and criteria in the Standard relate to the rights and interests of indigenous peoples and have the potential to significantly improve outcomes for indigenous peoples affected by the aluminium supply chain.

For more information on the ASI, see https://aluminium-stewardship.org/

#### What is

the Indigenous Peoples Advisory Forum?

In 2015, a group of indigenous peoples' organisations, representatives and supporters met in Chiang Mai, Thailand, to review the content of the proposed ASI Performance Standard, indicators to measure whether companies are meeting the Standard and possible governance of the Standard. This expert group meeting advised the ASI that an Indigenous Peoples Advisory Group be established to support the implementation of elements of the Performance Standard that directly impact on indigenous peoples.

#### ● Timeline of the creation of IPAF ●



The ASI Board approved this proposal, and in 2016, a group of indigenous organisations met in Kuantan, Malaysia, to prepare a 'terms of reference' for the proposed independent advisory body. The resulting Terms of Reference were proposed back to the ASI Board. In late 2016, the ASI Board approved the Terms of Reference within the ASI Governance Handbook, a by-law to the ASI Constitution, and included the Indigenous Peoples Advisory Forum in the governance of the ASI (see the annex at the end of this document for the full Terms of Reference).

#### ● ASI Governance Framework diagram ●





#### What does the IPAF do? -

The IPAF has a number of functions.

- The IPAF elects two of its members to serve on the Standards Committee, the part of the ASI that develops the core standards, and oversees the development of implementation guidance
- The IPAF will provide an advisory function for complaints impacting on indigenous peoples when complaints involving indigenous peoples are received
- The IPAF meets annually to discuss issues relevant for indigenous peoples related to the aluminium supply chain, and to undertake research and documentation as decided by the Forum members.

# Who can be

members of the Forum?

The IPAF network is open to any indigenous person, people or organisation impacted by any part of the aluminium supply chain based on interest to be engaged and commitment to provide input based on experience to the IPAF. The aluminium supply chain includes bauxite mining and processing (refining, smelting, etc.), and trading, recycling and consumer products. It also includes impacts from infrastructure developed solely or mainly to support aluminium production, including hydroelectric plants or other energy generation infrastructure feeding the refining process.

Members of the Forum will be regionally self-selected from within the Network of engaged organisations and communities in order to ensure geographical representation of various regions with a maximum number of 15 members. Gender balance, and representation of youth and elders and persons with disability will also be taken into account (see the annex at the end of this document for the full Composition of the Forum).

The heart of Niyamgiri mountain range where the Dongria Konds live.

#### What is

expected from members of the Forum?

Members of the Forum are expected to provide time and expertise to

- Review documents of the ASI relevant to indigenous peoples and coordinate collective inputs of the Network on those documents;
- Attend in-person and Skype meetings of ASI to provide comments of the IPAF as its representatives;
- Advise ASI in development and implementation of its Standards for certification in compliance with respect for the rights and interests of indigenous peoples; and
- Undertake other tasks as discussed and decided in the annual meetings and other deliberations of IPAF.

Annual IPAF meetings are held with participation of at least 15 members of the IPAF in dates and place as decided within the IPAF network. IPAF members are mainly voluntary and part-time representatives with some resources available for their time and work.

#### **Annex:**

Composition of the Forum & Terms of Reference

The following sections on 'Composition of the Forum' and 'Terms of Reference' are part of the ASI by-law establishing the Forum (the ASI Governance Handbook):

#### Composition of the Forum

- 1. The Indigenous Peoples Advisory Forum (IPAF) Network is open to any indigenous person or organisation and support groups and individuals to apply, based on interest to be engaged and commitment to provide input based on experience.
- 2. The Indigenous Peoples Advisory Forum Members will be regionally self-selected from within the Network of engaged organisations and communities.
- 3. Members will serve on the Forum for a term of four (4) years, and may extend this term if mutually agreed at a Forum meeting for an additional term.
- 4. Selection criteria for the IPAF Members will be based on:
  - In-depth knowledge of indigenous peoples' rights, life-ways and issues at the local, national and regional level
  - Must be an indigenous person with integrity and credibility, from the region being represented on the Forum
  - Members must be endorsed by his/her communities, traditional institutions and/or organizations
  - Level of experience with bauxite mining, refining and/or smelting issues and familiarity with the ASI (or commitment to build familiarity)
  - Gender balance, and representation of youth and elders and persons with disability will be taken into account
  - Representation from affected communities will be ensured

- Geographical representation will be ensured according to the relevant regions within the UN regional process (Africa, Asia, Central and South America and the Caribbean, Central and Eastern Europe, Arctic, Russian Federation, Central Asia and Transcaucasia, North America and Pacific-relevance to be checked). Number of representatives will be according to relevance and extent of aluminium production, with a maximum number of 15. Alternate representatives will be identified.
- Consideration will also be given to ensuring that countries with bauxite reserves and mining activities, and those with refineries and smelters, are both represented, as well as countries that have both
- Having the time and the commitment to attend meetings, report back to and collect feedback from their respective regions, and perform other tasks as defined in the Terms of Reference.



#### Terms of Reference of the Forum

- 1. The IPAF will be independent from the ASI with its own protocols and rules of procedure.
- 2. The IPAF Members will hold least one face-to-face ordinary meeting annually, with the potential for a second meeting in the case of urgent attention needed to a particular issue (and if ASI has resources available). ASI will provide resources for the annual meetings and translation needs of the IPAF.
- 3. Two designated IPAF Members shall be the IPAF representatives on the ASI Standards Committee to ensure that indigenous peoples' rights, concerns, and recommendations are taken into account.
- 4. The IPAF representatives on the Standards Committee shall meet directly with the ASI Board at least once a year, usually at the ASI AGM. This will be an opportunity to report on and discuss issues raised to the Board's attention during the course of the year, issues raised during the IPAF meeting, and general concerns and recommendations from indigenous peoples.
- 5. The IPAF shall provide advice and recommendations during the development of ASI documents as they relate to indigenous peoples.
- 6. The IPAF shall review, reflect on and provide recommendations for improvement or change to ASI's governance arrangements.
- 7. The IPAF will recommend processes for participatory monitoring of compliance of ASI Standards that can directly involve indigenous peoples and participate in ASI's oversight procedures for certification and accreditation processes.
- 8. The IPAF's engagement with the ASI Complaints Mechanism shall include:
  - a. Acting as a resource on ASI Certification and non-conformance with ASI Standards relating to indigenous peoples;
  - b. Being informed of complaints related to the rights and interests of indigenous peoples;
  - c. Nominating indigenous rights experts to serve on Complaints Mechanism panels convened to respond to such complaints;
  - d. Participating in ASI's oversight procedures for the Complaints Mechanism.

- 9. The IPAF may request additional resources from the ASI for specifically identified needs, including commissioning specific research into issues raised by indigenous peoples<sup>1</sup> which ASI may contribute to if resources are available.
- 10. The IPAF will be responsible for regular expansion and targeting of un-represented areas or regions to ensure that membership adequately represents indigenous peoples from territories impacted by the primary aluminium supply chain.
- 11. The IPAF may create sub-committees or working groups of people within the Forum to deal with specific issues raised and brought to the IPAF's attention and may designate representatives to thematic ASI working groups.
- 12. All members of the IPAF will be responsible for providing reports back to the communities and organisations they represent and will be responsible for gathering feedback and inputs from indigenous peoples in their respective regions.
- 13. If a member of the IPAF is unable to fulfil their function during their term a replacement may be proposed by regional members of the wider network between Forum meetings.



<sup>1</sup> For example, issues faced by indigenous peoples, e.g. best practice in rehabilitation processes involving or controlled by indigenous peoples, health conditions caused by smelting, environmental issues

