

Ethnic Minorities Working Group Meeting

Time: 10 June, 2005

Venue: NGO Resource Centre

Draft Minutes

Participants

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| Cao Ho Thu Thuy | CGFED |
| Dao Thi Mai Hoa | COHED |
| Dau Quoc Anh | ECO-ECO |
| Isabeau Vilandr  | CIDA |
| Luong Thi Tinh | COHED |
| Miho Kawasaki | AMDA |
| Nguyen Lam Giang | Helvetas |
| Nguyen Khac Hung | JVC |
| Nguyen Thuy Linh | FRD |
| Nguyen Tri Dzung | Oxfam GB |
| Pham Thi Ngan | Caritas Swi |
| Phan Thu Ha | VUFO-NGO Resource Centre |
| To To Tam | EMWG |

Apologies

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| Dinh Phuong Thao | SCUK |
| Graham Adutt | Caritas Switzerland |
| Marc Wetz | EED |
| Nguyen Thanh Ha | Oxfam HK |
| Pham Anh Minh | EED |
| And some other EMWG members | |

Agenda of the meeting

1. Introduction

- Introduction of Mr. Isabeau Vilandr , the Field Project Manager of the Legal Reform Assistance Project, sponsored by The Canadian International Development Agency (CIDA), who would make presentation for the working group.

- Participants of the meeting in turn introduce oneself to another.

2. Presentation made by Mr. Isabeau Vilandr 

2.1. Presentation

Topic of the presentation: *“The protection of cultural diversity and cultural industries in the context of WTO accession; reflection on protection of the Ethnic Minorities heritage, what are the instruments available”*

In his presentation, Isabeau described the context of the study and the context of VN when engaging WTO. He made some analysis on what has been done in other countries when they join the WTO and the possible impacts of WTO accession on Vietnam ethnic minority groups. In his speech, Isabeau also mentioned some challenges and risks that indigenous people may face, and at the same time raised the issues of how to balance these risks and the benefit that IP could get. The meaning of culture and cultural diversity were identified, which led to some available instruments to protect ethnic minority culture.

(For more details of the presentation, please go to the EMWG website at http://www.ngocentre.org.vn/default.asp?page=forum_and_working_groups/ethnic_minorities → EMWG News, events and forum → EMWG meetings → Isabeau Vilandre presentation or send a request letter to EMWG at emwg@netnam.vn, we will send you the presentation in PowerPoint file)

2.2. Questions and Answers

Questions:

1. Can you distinguish between protection and preservation? Some documents from Government state that we should “preserve” cultural heritage instead of using the word “protect”?
2. How to preserve indigenous knowledge of EM, especially the knowledge that concerns to the protection of genetic resources (e.g. plants, seeds)?
3. What is the most important thing that indigenous people should do to preserve their heritage?
4. Accession to WTO is like a process of globalization in which Vietnam has to compete in the international trade arena. In that context, ethnic minorities may have disadvantages and loose in the competition. What do you think about this?
5. Indigenous knowledge is always used and made advantage of by both the insider and outsider of the community without taking into consideration their intellectual property rights. In fact, this knowledge should be used to benefit people in its own community, not the outsiders. So how to protect indigenous property rights?
6. Ethnic minorities are vulnerable in the current and future market. What do you/your project suggest that the Vietnam government do to deal with this concern? Do you know any project that has been done to help this?
7. What is the role/responsibility of NGOs in helping IP to protect their culture in the process of VN’s accession into WTO?

Answers

1. Let’s talk about the notion of preservation and protection. Preservation only deals with securing, not surviving whereas protection means the ability to maintain and

ability to benefit. In terms of ethnic minorities, protection focuses on the ability of indigenous people to protect themselves and interact with the changes of the living environment, and the ability to make choices of what they will do with the changes of the future.

2. (&3&5) For a long time, IP use their knowledge, which has been passing down through generations, in their daily life. And when some outsiders come to the community and discover this knowledge, they take it for granted that the knowledge belongs to them and make full advantage of the knowledge for their own sake. That would be disadvantageous for indigenous people. Intellectual property rights for IP are now widely discussed by many people. Indigenous property rights should be recognized and voiced by indigenous people and should be reflected in national laws.
4. It is true that when Vietnam accesses into WTO, ethnic minorities would face more challenges and the chance of getting benefits will be smaller than that of the majority Kinh. We should think of effective measures to minimize these challenges.
6. In fact, Vietnam is not the first country in the region that is going to join WTO. Before Vietnam, some neighbouring countries like China and Thai Lan, which also have many ethnic minority groups, were preparing this and they faced the same issues relating to culture protection. Although those countries haven't solved the problems yet, at least they have taken some measures to regulate the situation of WTO accession to protect the majority and minority cultures. WTO accession happens at all aspects of life; in all sectors and at all levels, not ethnic minorities only. Our project provides Vietnam with those learning lessons from neighbouring countries and suggest legal framework to protect Vietnam's cultural heritage.
7. NGOs can help in a number of ways, such as having dialogues taken place in a constructive way; providing information or lessons learned about the strong points and weaknesses of the process; building instruments to protect IK; helping IP to voice out their needs, etc.

3. Discussion on future agenda of EMWG: issues of concern and expectation from members

3.1. Issues of concern and expectation from members:

- There should be a strong leadership for the group and all core members should be very active. If necessary, more organizations can be invited to join the core group. Once EMWG has strong a strong leadership, it can create more activities and build up its prestige and at the same time advertise itself to have more members.
- It seems that there is an imbalance between INGOs and Vietnam NGOs. To some VN NGOs, EMWG is only for INGOs. Many Vietnam organizations want to carry out

projects but without the help of INGOs it would be difficult to do that. Besides, can Vietnam NGOs participate in decision making in EMWG's plans and activities?

- It seems that all members have to depend on the Core group for information and activities. Can EMWG have any means so that members can have direct links with one another without depending on Core? This is because even core group can change its members and interest so that the Core should provide its members favourable conditions to work together even when core remains silent or inactive.

- For each meeting of EMWG, the agenda should leave around 10 minutes for members to update their activities so that if anyone is interested in any activities, they can contact to each other during the break to get more information. This is because though we may have a database for members, by the time the database finishes, some information may have become out-dated.

- EMWG should have detailed description of each organization member (activities, sites of projects, etc.) so that members can understand one another more.

- When acquiring information for the database, EMWG should ask for contact person so that he/she can follow the activities of the group.

- In terms of sending questionnaire online to Vietnam NGOs, it would be difficult to get responses because they don't have the habit to answer the questionnaire and they may neglect it.

- Can EMWG can provide its members the frame of strategic or action plan of the whole group so that members can have an overview of the activities and give some ideas/suggestions.

- EMWG should have some other activities instead of just meeting with presentations and idea sharing.

- Whether EMWG can provide fund or seek some source of fund for its members to have some training?

- EMWG can support its members to do research. What does it mean by support, financial support or just facilitate?

- Can EMWG have a place for members to access resources (hard copies and website ones) – a place with computers and publications for example? This is due to the limited resources of Vietnam NGOs. Some Vietnam NGO offices have only one computer and all the staff have to share that one, which restricts the use of the Internet to get information.

3.2. Feedback from EMWG Core-group

1. EMWG is a working group for all interested organizations and agencies, both Vietnam and international. It functions under the umbrella of the VUFO-NGO

Resource Centre and therefore more international organisations may know about it. But EMWG is trying to invite Vietnam organizations (government and non-government) and agencies to join the group. The cooperation between international and Vietnam organisations will make EMWG stronger and make it possible to achieve its goals and objectives.

(For more description of EMWG, please go to EMWG website at: http://www.ngocentre.org.vn/default.asp?page=forum_and_working_groups/ethnic_minorities → What is EMWG? → Terms of Reference)

2. EMWG is updating their database of agencies working with ethnic minorities in Vietnam. This revised version will be compiled and sent via email to all participating agencies and then will be pasted onto the new EMWG website at: http://www.ngocentre.org.vn/default.asp?page=forum_and_working_groups/ethnic_minorities. It is hoped that as many agencies as possible - non-government and government, Vietnamese and International - will complete this information. When the database is updated, members can find out more information of one another such as who is working with which ethnic group(s) in which sector(s) and which location(s). Besides the database, EMWG secretariat also try their best to post as much information of members, activities, research, etc. relating to EM as possible on the above website. The meetings, database and website can provide a forum for organizations to exchange ideas and lessons learned on how to improve development policy and practice for the benefits of ethnic minority
3. EMWG is currently revising its short-term and long-term action plans. When the revision finishes, the new versions will be sent to members to get feedback.
4. EMWG does not have funds for training and research but it can provide information on courses for interested members to enroll in or provide information on documents/done research that members may find it useful for their own research. At the same time, EMWG functions as a bridge to connect donors and members such as to provide information on donors and create a place for members to meet donors to exchange their information.
5. In terms of accessing to the Internet to get information, the NGO Resource Centre can provide a place with some available computers for EMWG members to come and connect to the Internet.