

**Permanent Forum on Indigenous Issues  
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Item 6 of the Provisional Agenda**



**INDIGENOUS PEOPLES' CAUCUS ON SUSTAINABLE DEVELOPMENT JOINT STATEMENT  
ON ECONOMIC AND SOCIAL DEVELOPMENT<sup>1</sup>**

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Thank you Mr. Chairperson for this opportunity to contribute on this agenda item, economic and social development. This is a joint statement of various indigenous peoples' organizations who have been following up the processes of the Commission on Sustainable Development. For lack of time I would not enumerate these organizations but these are acknowledged in this text.

Before I go into the substance of our contribution, on behalf of Tebtebba Foundation, I would like to make a correction on the submission we made which is document E/C/19/2003/NGO/2. The last sentence of paragraph 5 states that there was no member of the Permanent Forum present at the Kimberly Summit. This was a mistake as Mr. Antonio Jacanamijoy was present at Kimberly so I personally would like to apologize to him and assure him that we will make the necessary corrections.

Issues around economic and social development are some of the most complex issues which confront indigenous peoples. The dominant model of economic and social development which is presently represented by the globalization thrusts of trade and finance liberalization, privatization of basic social services and harmonization of intellectual property rights has brought about disastrous impacts on indigenous peoples.

The recently concluded 11<sup>th</sup> Session of the Commission on Sustainable Development has "Reaffirmed that poverty eradication, changing unsustainable patterns of production and consumption, and protecting and managing the natural resources base of economic and social development are overarching objectives of, and essential requirements for sustainable development". The agreed Multi-Year Programme of Work of the CSD considered these as the cross-cutting issues and water, sanitation and human settlements are the main thematic clusters for 2004/2005. Indigenous peoples recommended that human rights and cultural diversity should be included as cross-cutting issues but these were not brought into the final document.

We also linked this to the Millennium Development Goals. We made our proposals on how these goals should be tailor-fitted to become more adapted and appropriate for indigenous peoples. Many of these recommendations were based on the Kimberly Declaration and the Indigenous Peoples' Implementation Plan of Action for Sustainable Development. We are submitting officially these documents to the members and the secretariat of the Permanent Forum. I will not go into a discussion on this because of time considerations but I would like to invite everybody to attend the side-event on the "Follow up to WSSD" which will be held here in this room on Friday, 16 May at 1:15-2:45 p.m. where further elaboration of this issue will be elaborated.

Mr. Chairperson, there are many things to say under this item but I would focus on three points. The first is on extractive industries, secondly on globalization and trade and finance liberalization and thirdly on the proposals for increasing resources for indigenous peoples' development such as the Grants Facility for Indigenous Peoples announced by the World Bank yesterday.

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## **I. Indigenous peoples and Extractive Industries**

Extractive industries have come into indigenous peoples' territories supposedly to bring about development, economic growth and to reduce poverty. However, the presence of extractive industries has not brought about development nor has it reduced poverty among most indigenous peoples. Tebtebba Foundation, along with the Forest Peoples' Program co-organized a project where indigenous researchers did case studies on the impact of extractive industries in several communities in 7 countries. These were done in Colombia, Peru, Indonesia, Papua New Guinea, Siberia in Russia, Chad-Cameroon and in the Philippines. This project was done as an independent parallel effort to the World Bank Extractive Industries Review project. The purpose of the WB-EIR is to assess whether, and under what circumstances can extractive industries contribute to poverty alleviation and sustainable development.

These case studies were presented last month in a consultation workshop held in Oxford, UK last month and I am appending the "Indigenous Peoples' Declaration on Extractive Industries" which came out of this. All these case studies show that extractive industries have and are undermining the very survival of indigenous peoples. These have caused massive dislocation, human rights violations, and militarization of indigenous peoples' territories, not to mention irreparable environmental degradation. Many conflict situations in indigenous peoples lands are caused by extractive industries. The Declaration says " Mines, oil and gas developments have ruined our basic means of subsistence, torn up our lands, polluted our soils and waters, divided our communities and poisoned the hopes of our future generations. They increase prostitution, gambling, alcoholism, drugs and divorce due to rapid changes in the local economy".

The Declaration contains a set of recommendations but I just would like to highlight a few and add

- ◆ **1. We call for a moratorium on further mining, oil and gas projects that may affect us until our human rights are secure. Existing concessions should be frozen. There should no further funding by international financial institutions such as the World Bank, no new extractive industry initiatives by governments, and no new investments by companies until respect for the rights of indigenous peoples is assured. The right of indigenous peoples to say no to these projects should be respected.**
- ◆ **2. We also recommend a discussion on this theme at the upcoming meeting of the United Nations Permanent Forum on Indigenous Issues. We call on the Permanent Forum to insist on respect for our human rights by companies, investors, governments and development agencies involved in the extractive industries. The Permanent Forum must promote understanding of the negative impacts of the extractive industries on the economic, cultural, social and spiritual well-being of indigenous peoples. Appropriate safeguard policies should be implemented to protect indigenous peoples.**
- ◆ **3. The World Bank, as part of the United Nations family, should report to the Forum on how it proposes to amend its policy on indigenous peoples, in conformity with international law and the recognition of indigenous rights.**
- ◆ **4. We also propose that further discussions on this theme of 'Indigenous Peoples, Human Rights and Extractive Industries' are held at the UN Working Group on Indigenous Populations (UNWGIP) with a view to developing new standards on this matter, in conformity with the Working Group's mandate.**

I would also like to bring your attention to the 2003 reports presented by Rodolfo Stavenhagen, the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. These are contained in E/CN.4/2003/90, E/CN.4/2003/90/Add.1-3. Since his theme for this year is on the impact of large-scale development projects on indigenous peoples he was able to gather rich data on this and he came up with recommendations which should be considered seriously by the Permanent Forum. His main recommendation are:

- **5. that "human rights of indigenous peoples and communities must be considered of the utmost**

- **priority when development projects are undertaken in indigenous areas” .**
- **6. He further recommended that “ International organizations such as development banks and United Nations agencies in the field at all times be ready to support indigenous peoples and communities in making human rights the primary focus of development cooperation involving major development projects in indigenous areas.**

## **2. Indigenous Peoples' and the WTO**

During the whole process of WSSD which culminated in Johannesburg, indigenous peoples repeatedly stated that globalization is one of the main reasons for the non-implementation of the programs on sustainable development as contained in Agenda 21. My colleague, Joji Carino, yesterday in her statement talked about the WTO, the Doha Development Round and the concern over the privatization of essential social services through the General Agreement on the Trade of Services (GATS) of the WTO. We all know that while we are here in the UN talking about indigenous peoples rights and our right to self-determination, and how UN agencies and member-states can coordinate and integrate their programs dealing with indigenous issues, negotiations are going on at the WTO which can further undermine the good recommendations we are presenting here. The WTO is not a specialized agency of the UN and therefore cannot be covered by the mandate of the Permanent Forum. The WTO is today, the most powerful multilateral organization and its legally binding rules have tremendous impacts on the economic and social development of countries and indigenous communities.

Developing countries have presented numerous cases of how possibilities for them to able to shape their own development , trade and finance policies are very much undermined because of WTO Agreements and obligations which they have to implement lest they be brought to the dispute panel mechanism of the WTO. If this is the case for developing country governments what would it be for indigenous peoples? Mr. Chairperson, we know the answer to this. The aggressive entry of extractive industries into indigenous peoples territories is facilitated further by the liberalization of investment agreements like the laws on mining, gas and oil exploration, which do not respect the rights of indigenous peoples to their lands and resources. The World Bank and the IMF, unfortunately has helped the WTO in deregulating laws of many countries to allow for more liberalized investment regimes.

The Agreement on Agriculture has led to the dumping of highly subsidized, artificially cheap agriculture commodities in the developing world and this had led to the destruction of traditional livelihoods of indigenous peoples. In my own country, the Philippines when cheap corn was dumped livelihoods of indigenous peoples in the south were destroyed. Just recently, thousands of vegetable farmers in my region let their vegetables rot in their gardens because they cannot compete with cheap vegetables coming from neighboring countries.

Privatization of water has led many indigenous peoples to go on general strike because this undermined their control over water which they consider as sacred and as a common good. This was seen in Bolivia and in various countries in Latin America and Asia. At the Kyoto World Water Forum, the indigenous peoples came up with their declaration where they clearly said that they are against the privatization of water.

I can go on and on but with these examples the message we would like to bring is that the WTO and the World Bank and the IMF are the most powerful multilateral organizations which influence how economic and social development will take place in our communities. And yet our power to be able to change their policies and programmes is very limited.

- **7. In this light we recommend that the Permanent Forum explores the possibility of inviting the WTO to attend its sessions and present reports on how they are addressing indigenous peoples issues.**
- **8. We further recommend that UN agencies, member-states and indigenous peoples make their own investigation on how the WTO affects the economic and social development of indigenous peoples and recommendations on what to do about these should be presented.**

### **3. Indigenous Peoples and additional resources for economic and social development**

Yesterday the World Bank announced its Grants Facility for Indigenous Peoples. While this should be applauded because its aim is to provide funding for development projects for indigenous peoples, I cannot help but raise some concerns on this.

First of all, as many interventions of indigenous peoples not only here but in other forums have shown, the record of the World Bank in so far as respecting our rights to our lands and resources and our right to self-determination leaves much to be desired. Millions of dollars have been spent in projects which has caused the displacement of millions of indigenous peoples and destruction of our lands. Compensation for these have yet to be seen. A small grant cannot erase the injustices and the wrongs which have been done to indigenous peoples in the name of economic growth and development.

Secondly, we are concerned that the WB is raising money from governments for this facility. If there is money from governments to use for indigenous peoples we suggest that this goes directly to the Permanent Forum or other UN agencies, instead of the World Bank. The World Bank is already a rich and powerful body and decision making within is on a one dollar-one vote basis so it might not be the best institution to manage money to be used by indigenous peoples. While decisions for this fund will be with an Advisory Committee composed of indigenous peoples, decisions for the big projects which undermine indigenous peoples' rights rest with the most powerful countries. Furthermore, its framework is still for liberalization, privatization, deregulation and globalized markets which contradicts the paradigms of indigenous peoples for their self-development.

Thirdly, we would like to know what conditionalities or strings are attached when indigenous peoples avail of this grant.

The indigenous peoples' caucus for sustainable development would like to discuss further the implications of the facility and come up with additional recommendations later.

Thank you very much Mr. Chairperson

### **Indigenous Peoples' Declaration on Extractive Industries**

#### **Preamble:**

Our futures as indigenous peoples are threatened in many ways by developments in the extractive industries. Our ancestral lands- the tundra, drylands, small islands, forests and mountains - which are also important and critical ecosystems have been invaded by oil, gas, and mining developments which are undermining our very survival. Expansion and intensification of the extractive industries, alongside economic liberalisation, free trade aggression, extravagant consumption and globalisation are frightening signals of unsustainable greed.

Urgent actions must be taken by all, to stop and reverse the social and ecological injustice arising from the violations of our rights as indigenous peoples.

We, indigenous peoples welcome the initiative of the World Bank to carry out an extractive industries review. We note that the purpose of this review is to assess whether, and under what circumstances, the extractive industries can contribute to poverty alleviation and sustainable development.

We note that 'sustainable development' is founded on three pillars which should be given equal weight if such development is to be equitable namely environmental, economic and human rights. We note that this issue has already been addressed by the Kimberley Declaration of Indigenous Peoples to the World Summit on Sustainable Development and by the Roundtable between the World Bank and Indigenous Peoples held

in Washington in October 2002. We also draw attention to the findings of the Workshop on Indigenous Peoples, Human Rights and the Extractive Industries organised by the Office of the High Commissioner for Human Rights in Geneva in December 2001.

We, indigenous peoples, reject the myth of 'sustainable mining': we have not experienced mining as a contribution to 'sustainable development' by any reasonable definition. Our experience shows that exploration and exploitation of minerals, coal, oil, and gas bring us serious social and environmental problems, so widespread and injurious that we cannot describe such development as 'sustainable'. Indeed, rather than contributing to poverty alleviation, we find that the extractive industries are creating poverty and social divisions in our communities, and showing disrespect for our culture and customary laws.

#### **Key Concerns:**

Our experience of mining, oil and gas development has been one of:

- 1 Violation of our basic human rights, such as killings, repression and the assassination of our leaders;
- 2 The invasion of our territories and lands and the usurpation of our resources.
- 3 By denying us rights or control over our lands, including subsurface resources our communities and cultures are, literally, undermined.
- 4 Many of our communities have been forced to relocate from their lands and ended up seriously impoverished and disoriented.
- 5 Extractive industries are not transparent, withholding important information relevant to decisions affecting us.
- 6 Consultation with our communities has been minimal and wholly inadequate measures have been taken to inform us of the consequences of these schemes before they have been embarked on.
- 7 Consent has been engineered through bribery, threats, moral corruption and intimidation.
- 8 Mines, oil and gas developments have ruined our basic means of subsistence, torn up our lands, polluted our soils and waters, divided our communities and poisoned the hopes of our future generations. They increase prostitution, gambling, alcoholism, drugs and divorce due to rapid changes in the local economy.
- 9 Indigenous women have in particular suffered the imposition of mining culture and cash based economies.
- 10 Extractive industries are unwilling to implement resource sharing with indigenous peoples on a fair and equal basis.

These problems reflect and compound our situation as indigenous peoples. Our peoples are discriminated against. Those who violate our rights do so with impunity. Corruption and bad governance compound our legal and political marginalization. We find that the extractive industries worsen our situation, create greater divisions between rich and poor and escalate violence and repression in our areas.

#### **Recommendations:**

In view of this experience and in line with precautionary principles,

- ◆ We call for a moratorium on further mining, oil and gas projects that may affect us until our human rights are secure. Existing concessions should be frozen. There should be no further funding by international financial institutions such as the World Bank, no new extractive industry initiatives by governments, and no new investments by companies until respect for the rights of indigenous peoples is assured.
- ◆ Destructive practices such as riverine tailings disposal, submarine tailings disposal and open pit mining should be banned.
- ◆ Moreover, before new investments and projects are embarked on, we demand - as a show of good faith - that governments, companies and development agencies make good the damages and losses caused

by past projects which have despoiled our lands and fragmented our communities. Compensation for damages encompasses not only remuneration for economic losses but also reparations for the social, cultural environmental and spiritual losses we have endured. Measures should be taken to rehabilitate degraded environments, farmlands, forests and landscapes and to restitute our lands and territories taken from us. Promises and commitments made to our communities must be honoured. Appropriate mechanisms must be established to address these outstanding problems with the full participation of the affected peoples and communities.

- ◆ Once and if, these conditions are met, we call for a change in all future mining, oil and gas development. All future extractive industries development must uphold indigenous peoples' rights.
- ◆ Equally, international development agencies must require borrower countries and private sector clients to uphold human rights in line with their international obligations. The international financial institutions and development agencies, such as the World Bank, must themselves observe international law and be bound by it in legally accountable ways.
- ◆ By human rights, we refer to our rights established under international law. We hold our rights to be inherent and indivisible and seek recognition not only of our full social, cultural and economic rights but also our civil and political rights. Respect for all our rights is essential if 'good governance' is to have any meaning for us.
- ◆ In particular we call for recognition of our collective right as peoples, to self-determination, including a secure and full measure of self-governance and control over our territories, organisations and cultural development.
- ◆ We demand respect for our rights to our territories, lands and natural resources and that under no circumstances should we be forcibly removed from our lands. All proposed developments affecting our lands should be subject to our free, prior and informed consent as expressed through our own representative institutions, which should be afforded legal personality. The right to free, prior informed consent should not be construed as a 'veto' on development but includes the right of indigenous peoples to say 'no' to projects that we consider injurious to us as peoples. The right must be made effective through the provision of adequate information and implies a permanent process of negotiation between indigenous peoples and developers. Mechanisms for redress of grievances, arbitration and judicial review are required.
- ◆ Education and capacity building is needed to allow us to be trained and informed so we can participate effectively and make decisions in our own right.
- ◆ Before projects are embarked on, such problems as marginalisation, insecure land rights, and lack of citizenship papers must be addressed. Indigenous Peoples' Development Plans (IPDPs) must be formulated with the affected communities and Indigenous peoples should control mechanisms for the delivery of project benefits.
- ◆ Voluntary standards are not enough: there is a need for mandatory standards and binding mechanisms. Binding negotiated agreements between indigenous peoples, governments, companies and the World Bank are needed which can be invoked in the courts if other means of redress and dispute resolution fail. Formal policies and appeals procedures should be developed to ensure accountability for loan operations, official aid, development programmes and projects. These accountability measures should be formulated with indigenous peoples with a view to securing our rights throughout the strategic planning and project cycles.
- ◆ Independent oversight mechanisms, which are credible and accessible to indigenous peoples, must be established to ensure the compliance by all parties with agreed commitments and obligations.

- ◆ Companies seeking to invest in mining, oil and gas ventures on our lands should also be obliged to take out bonds as guarantees of reparations, in the case of damages to our material and immaterial properties and values, sacred sites and biological diversity.
- ◆ We recognise that many mining, oil and gas investments have their origins in national, regional and international policy agreements, which often facilitate relaxation of laws, fiscal reforms, encouragement of foreign investment and accelerated processes for handing out concessions to extractive industries. International agencies, such as the World Bank, promote such changes through adjustment and programmatic lending, through technical assistance interventions, country assistance strategies and sectoral reforms. Our experience is that often these policy and legal reforms ignore, override or even violate our constitutional rights and our rights and freedoms set out in national and international laws. Often the impacts of these developments on indigenous peoples are ignored during national planning.
- ◆ We demand our right to equal and effective participation in these planning processes and that they take full account of our rights. Given the country-wide embrace of these national strategies, we demand that the agencies such as the World Bank give equal attention to the application of existing laws and regulations which uphold our rights in policy and country dialogues and financial agreements. Development agencies should give priority to securing our rights and ensuring they are effectively implemented before facilitating access to our lands by private sector corporations such as extractive industries. Mining laws which deny our rights should be revised and replaced.
- ◆ The World Bank must encourage member states to fulfil their obligations under international human rights law and existing national legislation on indigenous peoples' rights. Consistent with the call for "Partnership into Action" by the UN Decade for Indigenous People, we call for equal participation by indigenous peoples in the formulation of general Country Assistance Strategies and particularly in Indigenous Peoples Development Plans.
- ◆ Poverty alleviation must start from indigenous peoples' own definitions and indicators of poverty, and particularly address the exclusion and lack of access to decision-making at all levels. Rather than being merely lack of money and resources, poverty is also defined by power deficits and absence of access to decision-making and management processes. Social and ecological inequalities and injustice breed and perpetuate the impoverishment of indigenous peoples.
- ◆ Independent and participatory environmental, social and cultural assessments must be carried out prior to the start of projects, and our ways of life respected throughout the project cycle, with due recognition and respect for matrilineal systems and women's social position.
- ◆ As indigenous peoples, we do not reject development but we demand that our development be determined ourselves according to our own priorities. Sustainable development for indigenous peoples is secured through the exercise of our human rights, and enjoying the respect and solidarity of all peoples. We are thus empowered to make our contributions and to play our vital role in sustainable development.

#### **A Call for Action and Solidarity**

We call on the international community and regional bodies, governments, the private sector, civil society and all indigenous peoples to join their voices to this Indigenous Peoples Declaration on the Extractive Industries.

We call on the World Bank's Extractive Industries Review to uphold our recommendations and to carry through their implementation in the World Bank Group's policies, programmes, projects and processes.

We also recommend a discussion on this theme at the upcoming meeting of the United Nations Permanent Forum on Indigenous Issues. We call on the Permanent Forum to insist on respect for our human rights by

companies, investors, governments and development agencies involved in the extractive industries. The Permanent Forum must promote understanding of the negative impacts of the extractive industries on the economic, cultural, social and spiritual well-being of indigenous peoples and appropriate safeguard policies. The World Bank, as part of the United Nations family, should report to the Forum on how it proposes to amend its policy on indigenous peoples, in conformity with international law and the recognition of indigenous rights.

We also propose that further discussions on this theme of 'Indigenous Peoples, Human Rights and Extractive Industries' are held at the UN Working Group on Indigenous Populations (UNWGIP) with a view to developing new standards on this matter, in conformity with the Working Group's mandate.

We call for democratic national processes to review strategies and policies for the extractive industries towards a reorientation to secure sustainable development.

We enjoin all indigenous peoples to unite in solidarity to address the global threats posed by the extractive industries.

15 April 2003  
Oxford, United Kingdom