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STATEMENT OF JOJI CARINO, TEBTEBBA FOUNDATION TO THE UN WORKING GROUP ON INDIGENOUS POPULATIONS, July 23-27, 2001

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AGENDA ITEM 6: STANDARD-SETTING ACTIVITIES, INCLUDING A REVIEW OF INDIGENOUS PEOPLES' RELATIONSHIP WITH NATURAL RESOURCE, ENERGY AND MINING COMPANIES.

This week, under Agenda 4, the Indigenous Caucus has stated that *FOR INDIGENOUS PEOPLES, SELF-DETERMINATION AND SUSTAINABLE DEVELOPMENT ARE TWO SIDES OF THE SAME COIN*. This was the message of indigenous participants to the 1997 UN General Assembly Special Session (UNGASS) five years after Rio, and this same message will be made again next year during the World Summit for Sustainable Development (Rio +10) to be held September 2002 in Johannesburg, South Africa.

This understanding is echoed in the UNDP Human Development Report 2000 which focuses on human rights as the fundamental framework within which human development must be pursued.

In this regard, I wish to draw the attention of the UNWGIP to several initiatives in global policy-making with strong relevance to indigenous peoples rights and sustainable development focusing on water and energy development.

THE WORLD COMMISSION ON DAMS

These past two years, I have made short statements updating the UNWGIP on the work of the World Commission on Dams on which I served as Commissioner. This year I'm happy to report that in November 2000, the World Commission on Dams (WCD) completed its mandate to carry out an independent global review of the development effectiveness of large dams and to propose criteria and guidelines for water and energy development. Its Final Report entitled *Dams and Development, a New Framework for Decision-Making* breaks new ground in understanding the role of indigenous peoples and other local communities affected by large dams, and by extension, other development projects affecting them. Building on the UN Conventions on Human Rights, the General Assembly Resolution on the Right to Development and the Rio Principles, the WCD proposes that water and energy development decisions should be guided by a "Rights and Risks Approach", whereby all parties whose rights are affected and who carry risks in project development, should be involved in the negotiations and decision-making from the early stages of needs assessment, selection of options, impacts assessment, project development, implementation, monitoring and evaluation and completion of water and energy programmes. Parties whose rights are most affected, and who bear most risk (especially rights at risk) in development programmes and projects are primary stakeholders, have a seat on the table when final decisions are to be made.

Gaining public acceptance is identified as a strategic priority in sustainable water and energy development, and the WCD further recommends that projects affecting indigenous peoples be guided by their free and prior informed consent.

The members of the WCD were drawn from the various interested parties in the large dams debate: governments, industry, affected peoples including indigenous peoples, academics, water managers and NGOs. Its two-year work programme leading to a consensus report, sets a high standard for participatory and inclusive multi-stakeholder policy processes to address highly conflictual issues surrounding sustainable development. The global review of experiences of large dams starkly highlighted the disproportionate impacts that indigenous peoples suffer from development programmes, so long as their human rights, including the right to self-determination are not fully recognised, and so long as they continue to be marginalized in decision-making affecting their lives.

It is therefore disheartening that the World Bank, a joint sponsor with the World Conservation Union (IUCN) to launch the establishment of the WCD and its independent review of large dams, is slow to endorse the WCD recommendations and to include them in Bank policy and practices. In particular, the WCD recommendations regarding indigenous peoples' free and prior informed consent, and the need to make displaced communities better off, by implementing resettlement programmes in a development mode, are not reflected in the Bank's current drafts of its revised of its safeguard policies on indigenous peoples and on resettlement.

Compared to its role in the 1980s in pioneering its Indigenous Peoples Policy, the World Bank's revised Indigenous Peoples Policy 4.10 fails to meet existing international human rights standards on the rights of indigenous peoples, must less emerging best practice in development and indigenous peoples.

This is disappointing, because the World Bank's operational policies play a norm-setting role in relation to indigenous peoples and development.

INDIGENOUS PEOPLES AND GLOBAL PUBLIC POLICY

Today, indigenous peoples are challenged to strengthen our capacities for effective policy advocacy at local, national, regional and international levels in response to rapid globalisation and centralised decision-making by other powerful global actors. This includes strengthening indigenous peoples' full and equal participation in the various global policy processes on economic and financial governance, environment, and sustainable development.

Whereas some global policy processes meaningfully respect indigenous peoples rights, including the right to full and effective participation, there are some initiatives affecting indigenous peoples which cause grave concern.

MINES, MINERALS AND SUSTAINABLE DEVELOPMENT

The Mines, Minerals and Sustainable Development project being implemented by the International Institute on Environment and Development, under the auspices of the

World Business Council for Sustainable Development (WBCSD), has failed to seriously engage indigenous peoples and communities affected by mining operations.

The very first Rio Principle states that "Human beings are the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." To talk of mining and sustainable development, while marginalizing the people who bear the greatest risks and whose rights are most affected, makes the MMSD a seriously flawed undertaking - undermining grassroots efforts to address the threats posed by mining to indigenous peoples' self-determination and sustainable development.

Madame Chairperson, mining is today, the economic activity with the largest impacts on indigenous communities in many parts of the world. Environmental impacts include destruction of watersheds and forests, pollution of rivers, and loss of biodiversity. Social impacts include loss of land and break-up of communities, theft of traditional resources and community impoverishment, human rights violations, desecration of sacred sites, and serious health problems.

It is significant that this year's meeting of the UNWGIP Standard-setting activities, including a review of indigenous peoples' relationship with natural resource, energy and mining companies, and that the OHCHR has organised a side event on the same theme. These meetings within the framework of indigenous peoples, human rights and sustainable development, must fully inform the Oil, Gas and Mining sector review being undertaken by the World Bank group and industry's Global Mining Initiative. Indigenous organisations must ensure that our experiences with mining operations are adequately heard in all international forums on this theme, including in all the major meetings leading to the World Summit on Sustainable Development to be held in Johannesburg, next year.

INDIGENOUS PEOPLES AND THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (RIO+10)

Looking forward to the World Summit on Sustainable Development, indigenous peoples, as a major group identified in Agenda 21, are called upon to participate in the various preparatory activities leading to a successful Summit. A number of multi-stakeholder dialogue segments will be organised as part of the preparatory committee meetings and dialogue starter papers from major groups will be requested in the form of reviews of progress and future action necessary under the relevant major group chapters of Agenda 21.

- (a) A two-day multi-stakeholder dialogue during the Second Preparatory Committee meeting (January 25-February 2, 2001 in New York) will provide an opportunity to representatives of major groups to share their views on the progress achieved;
- (b) Another two-day multi-stakeholder will be organised during the Fourth Preparatory Committee meeting (27 May-7 June 2002 in Indonesia), and will focus on major groups' views on future actions and priorities.
- (c) A short multi-stakeholder event is planned for the Summit. This event will be designed to involve the highest level of representation from

both major groups and Governments. The focus would be for Governments and major groups to exchange and publicly announce the specific commitments they have made for the next phase of work in sustainable development.

As in the meetings of the Commission on Sustainable Development (CSD), major group organisations will have an opportunity to organise various informal side events and briefings to exchange views with Governments. The Rio+10 process provides a real opportunity for indigenous peoples to sum up our local-global experiences about self-determination and sustainable development.

We therefore

recommend that the Office of the High Commissioner on Human Rights organize a Workshop on Indigenous Peoples and Sustainable Development in connection with the World Summit on Sustainable Development, and include this among the activities of the International Decade of the World's Indigenous Peoples.