INDIGENOUS PEOPLES' PLAN OF IMPLEMENTATION ON SUSTAINABLE DEVELOPMENT

Johannesburg, South Africa

Introduction

We, the representatives of Indigenous Peoples attending the World Summit on Sustainable Development, have defined this Plan of Implementation for the next decade, based on the Kimberley Declaration, as part of our contribution for achieving human and environmental sustainability in the world.

The Plan of Implementation reflects the heart and mind of Indigenous Peoples as traditional caretakers of Mother Earth who, for many millennia, have developed and refined our sustainable societies.

Cosmovision and Spirituality

- 1. We will direct our energies and organizational strength to consolidate our collective values and principles which spring from the interrelation of the different forms of life in Nature. Therein lies our origin which we reaffirm by practicing our culture and spirituality.
- 2. We will strengthen the role of our elders and wise traditional authorities as the keepers of our traditional wisdom which embodies our spirituality and cosmovision as an alternative to the existing unsustainable cultural models.
- 3. We demand that the concept of cultural damage be incorporated to impact assessments as part of the legal instruments which will safeguard our cultural integrity against energy mega projects, mining, tourism, logging and other unsustainable activities.

Self-Determination and Territory

- 4. We will ensure the recognition, protection and respect for Indigenous Peoples' unqualified right to self-determination, which is the basic precondition to guarantee our ownership, permanent sovereignty, control and management of our lands, territories and natural resources. Any dialogue or partnership with Indigenous Peoples on sustainable development must be based on recognition, protection and respect for this fundamental principle.
- 5. We urge governments to establish specific legal frameworks, recognizing Indigenous Peoples' rights to self-determination, ancestral lands and territories and to adopt the Draft Declaration on the Rights of Indigenous Peoples as approved by the UN Working Group on Indigenous Populations and the UN Sub-Commission on the Protection and Promotion of Human Rights before the end of the United Nations International Decade of the World's Indigenous Peoples.
- 6. We continue to demand recognition of our land tenure systems and customary laws. We

reaffirm our spiritual and cultural connection to our land and territories. We call for an immediate halt to all policies and law reforms that compromise our collective land tenure systems.

- 7. We will share experiences about our use and management systems of natural resources with other Indigenous Peoples, and promote exchanges between our Peoples.
- 8. We, the Indigenous Peoples, will further our global strategy for international policies, to influence and shape governmental programmes.
- 9. We will protect and strengthen our institutions, safeguarding customary laws and practices, which are the bases of sound sustainable management of our environment and territories.
- 10. We assert our rights to demarcate our traditional lands and territories with our full participation, and we request governments to agree on mechanisms with Indigenous Peoples for this purpose, respecting our right to collective ownership.
- 11. We urge governments to initiate a process of restitution of Indigenous Peoples' ancestral lands and territories, as a concrete way of furthering human and environmental sustainability.

Treaties

12. We urge the United Nations to promote the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between Indigenous Peoples and States, or their successors, according to their original spirit and intent, and to have States honor and implement such treaties, agreements and other constructive arrangements.

Children and Youth

- 13. We will nurture an environment of intergenerational support, thereby laying a strong foundation for future generations. We will take the responsibility to pass on our indigenous way of life to safeguard our pride and dignity as peoples.
- 14. We will support and strengthen indigenous youth organizations to be fully empowered with resources to initiate, enable and support continuous communications among indigenous youth to enable them to voice their concerns in the international arena.
- 15. We will continue to promote the participation of indigenous youth in the international, national and local decision making processes pertinent to our peoples.
- 16. We call for immediate measures to stop child labour, child sexual exploitation, child trafficking, child soldiers, execution of minors and all other exploitations and injustices against indigenous children.

Women

17. We reaffirm the rights of Indigenous women and their vital role in human, cultural and

environmental sustainability; and we work towards fair and equitable access to land, resources, education and other social and welfare services. We will take deliberate steps to ensure that indigenous women participate in all levels of governance and leadership both locally, nationally and internationally.

- 18. Violence against indigenous women must be systematically addressed. We call for immediate measures against all forms of sexual exploitation, forced sterilization and trafficking of women.
- 19. We reaffirm the role of indigenous women as custodians of traditional knowledge, culture and the sustainable use of biological diversity.

Sacred Sites

20. We urge States, governments and civil society to work in conjunction with Indigenous Peoples to ensure that Indigenous Peoples' sacred, ceremonial and culturally significant sites and areas are preserved, respected and protected from destructive or exploitative development. We will ensure our peoples' access to our sacred, burial, archeological and historical sites, including the unqualified right to restrict access to those sites.

Food Security

- 21. We will promote the conservation, sustainable use and management of our traditional foods and strengthen our own models, systems and networks of production and trade, urging States to guarantee the integrity of our biological habitats for this purpose.
- 22. We will work against technologies, policies, and legal regimes that violate Indigenous Peoples' rights to maintain our traditional knowledge, practices, seeds and other food related genetic resources.
- 23. We urge governments and international institutions to develop mechanisms to support Indigenous Peoples' own practices and institutions to ensure food sovereignty.
- 24. We call for an immediate moratorium on the development, cultivation and use of genetically modified seeds, plants, fish and other organisms, in order to protect human health, native seeds and other food related genetic resources, governments must declare
- 25. We will strengthen pastoralism, hunting and gathering as viable and sustainable economic systems that ensure food sovereignty, including government recognition, acceptance and support.
- 26. We will urge governments to work with Indigenous Peoples to stop the introduction of alien or invasive species which threaten the health of our traditional territories and food sources.

Indigenous Knowledge and Intellectual Property Rights (IPR)

27. We commit ourselves to safeguard, protect and reaffirm the use of indigenous knowledge

and practices, respecting the spiritual values and dimensions of such knowledge. We will strengthen our own initiatives for disseminating information, research, capacity building and the exchange of experiences on biological and cultural diversity among indigenous peoples.

- 28. We reaffirm and commit ourselves to protect indigenous knowledge systems and the diversity of life within our territories which are collective resources under our direct control and administration. We will work against any IPR regime that attempts to assert patents, copyrights, or trademark monopolies for products, data, or processes derived or originating from our knowledge. Genetic material, isolated genes, life forms or other natural processes must be excluded from IPR regimes.
- 29. We urge States and international organizations to recognize and respect the establishment and development of our own systems for the protection of indigenous knowledge; and to call for the immediate halt of all biopiracy activities.
- 30. We call on States and governments to respect the spirit of Article 8(j) of the Convention on Biological Diversity. We demand the annulment of agreements adopted under the Trade Related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO) that compromise indigenous knowledge.
- 31. We strongly assert our right to full and effective participation in the national and international decision making arenas on biodiversity and traditional knowledge, such as Convention on Biological Diversity (CBD), World Intellectual Property Organization (WIPO), UN Commission on Trade and Development (UNCTAD) and Andean Community of Nations (CAN).

Biodiversity

- 32. We call for the declaration of a moratorium on all activities related to human genetic diversity, specifically involving Indigenous Peoples, including access, sampling, testing, research and experimentation.
- 33. We demand that States establish mechanisms for returning all human, botanical and genome collections, and for providing complete and exact information of any past use of such collections to our peoples.
- 34. We demand the establishment of an international code of ethics on bioprospecting to avoid biopiracy and to ensure the respect of our cultural and intellectual heritage.
- 35. We will continue to participate actively in the full process of the Convention on Biological Diversity, through the International Indigenous Forum on Biodiversity, in order to defend and safeguard the biodiversity of our lands and territories, and we call for the coherence and consistency in the implementation of the different Rio instruments, with other local, national and regional instruments.
- 36. We will oppose biopiracy and the patenting of all life forms.
- 37. We call for constitutional and legislative recognition of our conservation and management

of biodiversity, as inherent to the sovereignty of Indigenous Peoples.

Forests and Protected Areas

- 38. We demand that all legislation, policies or work programs on forests and protected areas guarantee and rigorously respect our lands and territories, rights, needs and benefits and recognize our full rights to control and manage our forests.
- 39. We will defend the cultural values and material integrity of our forests, promoting adequate policies for this defense, specifically we call for the declaration of a moratorium on any harmful economic activity, as well as on the granting of concessions for oil and timber exploitation or mining.
- 40. With regards to protected areas established on indigenous lands and territories, including wetlands, coasts and seas, States must transfer the territorial control, including the jurisdiction, administration and management over these areas to Indigenous Peoples.

Mining

- 41. We demand the declaration of a moratorium on mining activities until governments and corporations recognize and respect our fundamental rights to self-determination and to free, prior and informed consent on all forms of mining.
- 42. We demand comprehensive and participatory multi-criteria assessment of mining activities, which incorporates environmental, social, cultural and health impact assessments.
- 43. We urge governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for mining activities. Indigenous lands and territories must not be included in the planning zones for mining.

Energy

- 44. We call for the declaration of governmental moratoria on the following activities:
- a. The expansion of and new exploration for the extraction of oil, natural gas and uranium and coal mining within or near indigenous lands and territories, especially in pristine areas and environmentally, socially, culturally and historically sensitive areas.
- b. The construction of large dams. Governments and multilateral institutions should utilize the framework proposed by the World Commission on Dams for an approach to development based on the recognition of rights and the assessment of risk.
- c. New nuclear power plants. We call for a phase-out and decommission of all nuclear power plants.
- d. The transportation and storage of radioactive waste on indigenous peoples' lands and territories. We firmly support the containment and monitoring of waste on-site for the duration of its radioactive life.

- 45. We will support and commit ourselves to promote the use of renewable energy sources to meet the energy needs of our peoples and communities. We will work towards the development of international mechanisms to support capacity building, financial mechanisms and technology transfer for our communities to address renewable clean energy development to promote sustainable development initiatives that embrace traditional knowledge.
- 46. We will demand that, in addition to environmental impact assessments on energy related activities, social, cultural and health impact assessments must be conducted, and we commit ourselves to participate actively in such impact assessments.
- 47. We will urge governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for development energy related activities.
- 48. We will identify Government subsidies of unsustainable forms of energy and demand that such subsidies be phased out under a five year time frame.

Tourism

- 49. We will take responsibility for tourism activities we generate, that these are based on our own development strategies, incorporate the respect for our traditional values, ethics and human rights and conserve our natural and cultural heritage.
- 50. We invite governments to participate in our efforts to develop and apply norms, guidelines and regulations on the development of tourism, based on the principles of respect for our rights, the cultures and the integrity of ecosystems.

Fisheries, Marine and Coastal Resources

- 51. We will maintain and promote our traditional systems for the sustainable harvesting of marine resources.
- 52. We commit ourselves to maintain our marine and freshwater fisheries resources that many of our peoples depend upon, and we will fight against overfishing, waste and toxic dumping, as well as the impact of tourism, which affect the oceans, coasts and inland waters.
- 53. We will develop proposals for the protection and management of national and transboundary coastal areas and their biological resources, and we call on States to incorporate these proposals into legal and policy frameworks.
- 54. We will promote the establishment of new quota regimes on an equal footing with other stakeholders, through national and international negotiations, based on our inalienable historical rights as resource owners and managers.

Water

55. We will demonstrate our power and our common interest to protect water and life, by building water alliances and networks worldwide.

- 56. We call for the creation of an International Regulatory Body to track the trade of water. We oppose and denounce the privatisation of water, as well as the diversion which affects the water resources of our territories.
- 57. We will demand the establishment of systems for restoration and compensation, to reestablish the integrity of water and ecosystems.

Climate Change

- 58. We urge the United States and all other countries which have not done so, to ratify and implement the Kyoto Protocol. We urge all countries to adopt equitable cross-sectoral strategies to halt the destruction of key carbon sequestration ecosystems.
- 59. We demand that the Kyoto Protocol raise the 5.2% carbon dioxide reduction target and implement the recommendation from the UN Intergovernmental Panel on Climate Change (IPCC) that greenhouse gas emissions be immediately reduced by 60% in order to stabilize global temperatures.
- 60. We renew our commitments to our practices and knowledge for minimizing the emission of greenhouse gases, and urge all countries to fulfill their commitments to reduce greenhouse gases emissions.
- 61. We oppose the implementation of carbon sinks and carbon-trading mechanisms in the Clean Development Mechanism (CDM) of the Kyoto Protocol and United Nations Framework Convention on Climate Change.
- 62. We urge the States to promote equitable cross-sectoral sociopolitical processes, based on an ecoregion approach, for the economic mitigation of natural disasters caused by climate change.
- 63. We will give priority to our own scientific and technical initiatives based on our traditional practices, which generate knowledge on production systems which have a minimal greenhouse effect.
- 64. We demand that Indigenous Peoples be accorded Special Status in the United Nations Framework Convention on Climate Change process.
- 65. We demand the creation of an Ad Hoc Open-Ended Inter-Sessional Working Group on Indigenous Peoples and Local Communities and Climate Change with the objective of studying and proposing timely, effective and adequate solutions to respond to the emergency situations caused by climate change affecting Indigenous Peoples and local communities.
- 66. We call upon all governments to implement Climate Impact Assessments which take into account indigenous knowledge systems and observations, as well as the full and equal participation of Indigenous Peoples in all aspects and stages of the assessment.

Health and Toxics

- 67. We will continue to utilize, strengthen and protect our traditional health systems within our communities. Our indigenous health systems, practices and traditional healers must be given due and equitable recognition. Our collective intellectual rights to our traditional medicines must be protected.
- 68. We demand financing and equitable partnerships for our own health programs, projects and initiatives.
- 69. We urge international institutions and governments to participate in the construction of a plural model of public health which validates our traditional knowledge, innovations and practices and healers.
- 70. We will cooperate to urgently establish all necessary measures to control new and resurgent diseases, such as HIV/AIDS, tuberculosis and malaria. Our traditional and customary institutions and laws should be recognized and strengthened to fight against these diseases.
- 71. We demand effective participation in the planning, implementation and monitoring of national and international health policies, programmes and services. We also demand that the national health systems provide treatments and vital medicines that are accessible, free of cost or at an affordable price.
- 72. We urge governments to recognize the particular vulnerability of indigenous children and pregnant and breastfeeding women and take the necessary steps to protect them from being exposed to harmful environmental pollutants and conditions.
- 73. We call for an immediate halt to all polluting activities on indigenous lands and territories and the adoption of mechanisms to contain and monitor existing pollution and its effects on the environment, including the oceans, and human health. We call for the immediate phasing out of leaded gasoline and other toxic substances.
- 74. We demand that industries and governments be accountable for the harms they have already caused to the environment and human health. We demand compensation and reparation for the destruction of the environment, including the oceans, and exposure to toxics.
- 75. We demand that governments expeditiously sign and ratify the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on hazardous chemicals and pesticides; the Basel Convention and its 1995 ban on the export of hazardous wastes from OECD to non-OECD countries and the 1996 Protocol to the London Convention on ocean dumping.

Desertification

76. We call for the full and effective participation of Indigenous Peoples and local communities, especially those of Africa, in the negotiation and implementation process of the

Convention to Combat Desertification. Therefore, we call for the necessary financial resources and equitable mechanisms that will enable us to substantially contribute to this Convention and related activities.

Education, Science, Technology and Communications

- 77. We will revitalize, strengthen and develop our traditional education institutions and systems for learning at all levels.
- 78. We will work towards changing the public and private education systems to recognize and teach the cultural diversity of each country, taking into account the revision of curricula, restoration of historical truth, production of new teaching aids, and introduction of our languages.
- 79. We will promote capacity-building programmes in indigenous as well as non-indigenous societies on our rights and priorities for sustainable development, in order to strengthen the application of policies for cooperation with and amongst Indigenous Peoples.
- 80. We will strengthen our research, planning, conservation, use and management of indigenous lands, territories and natural resources using traditional knowledge and other appropriate technologies that respect our cultures and traditions.
- 81. We will continue strengthening our systems of and networks for information, communications and telecommunications and will request financial resources for these purposes.
- 82. We will promote networks for scientific and technical cooperation between Indigenous Peoples to strengthen our specialized and diversified learning and capacity building.

Security and Conflict Resolution

- 83. We will strengthen the capacity of our own indigenous systems of conflict resolution and reaffirm the role of our leaders and traditional authorities in resolving issues related to security and armed conflict such as rape, torture and all other forms of human rights violations. We will ensure that Indigenous Peoples' communities will not be used against each other to escalate armed conflict.
- 84. We demand the immediate demilitarization in and near indigenous lands and territories and a halt to human rights violations against Indigenous Peoples. We urge States to resolve conflicts according to democratic principles and relevant international and humanitarian laws.
- 85. We urge governments to support the voluntary return of Indigenous Peoples, refugees and internally displaced peoples to their ancestral lands and territories. Rehabilitation efforts should address the specific interests of Indigenous Peoples.

Sustainable Livelihoods

86. We strongly reject all policies, including privatization, liberalization and structural

adjustment programmes which do not recognize and respect Indigenous Peoples' rights. We strongly support the cancellation of the eternal debt of countries of the South which has resulted in adverse impacts on our cultures, lands and territories.

- 87. We urge States and the international community to develop specific instruments for the protection of Indigenous Peoples' natural, cultural, social and technological capital as a repository for our economy and the strengthening of indigenous development.
- 88. We request national governments and the international community to establish a legal framework that validates and enables the functioning of traditional and innovative collective economic models. These economic models should have access to mainstream financial mechanisms, including credit, and should enable trade or barter in goods and services relevant to Indigenous Peoples and our communities.

Corporate Accountability

89. We support the adoption of a legally binding Convention on Corporate Accountability which upholds Indigenous Peoples' rights, including our free prior and informed consent to any activity of States or transnational corporations, which affects our land, territories or communities.

Governance

- 90. We demand Indigenous Peoples' full and effective participation at all stages and levels of decision making in programmes, policy and institutions promoting sustainable development.
- 91. We support the sustainable development models presented by the Arctic Council, which incorporate principles of genuine partnership between States and Indigenous Peoples, ecosystem approaches, collaboration between traditional and scientific knowledge and local, national and regional implementation plans.
- 92. We call for the inclusion of specific indicators of the situation of Indigenous Peoples in the assessment of the implementation of all levels of Agenda 21 and, in particular, of the progress on the implementation of Chapter 26 and 20 on the participation of Indigenous Peoples and Local Communities.
- 93. We demand and support the right to appoint our own governing structures. We reject so called "indigenous authorities" imposed at any level on our territories by the government, and used for implementing development models, whether sustainable or not.

Human Rights

- 94. In accordance with our values, we will take all necessary measures to promote human rights, including human rights education among Indigenous Peoples and within our communities.
- 95. We call for the strengthening of the mandate of the Working Group on Indigenous Peoples under the African Commission on Human and Peoples Rights.

- 96. We will continue to participate in a constructive way in the processes, institutions and bodies of the United Nations and other multilateral organizations dedicated to Indigenous Peoples, such as the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations and the Inter-American Commission on Human Rights of the Organization of American States.
- 97. We urge the United Nations to organize and convene a World Conference on Indigenous Peoples and Sustainable Development in the framework of the International Decade of the Indigenous Peoples of the World (1995-2004).
- 98. We urge the United Nations to declare the Second International Decade of the Indigenous Peoples of the World (2005-2014).
- 99. We urge governments to sign, ratify and implement the International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples, in accordance with the wishes of the Indigenous Peoples in their respective countries.
- 100. We support the UN Permanent Forum on Indigenous Issues as a global focal point for promoting cooperation among States and Indigenous Peoples in the implementation of international policies, commitments and action plans on Indigenous Peoples and sustainable development. We will utilize the UN Permanent Forum on Indigenous Issues to monitor the fulfillment of this plan of implementation.

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