



Tebtebba

Indigenous Peoples' International Centre for Policy Research and Education
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NGO in Special Consultative Status with the Economic and Social Council of the UN

CONCEPT PAPER:

INTERNATIONAL CONFERENCE ON INDIGENOUS PEOPLES AND EXTRACTIVE INDUSTRIES

1. BACKGROUND

1.1. Indigenous peoples' territories in almost all parts of the world are richly endowed with minerals, metals, oil and gas. This endowment, however, has become a curse to many indigenous peoples because this has attracted and continues to attract extractive industry corporations to their territories. The activities of these corporations have led to the worst forms of environmental degradation, human rights violations and land dispossession. Environmental degradation comes in the form of erosion of biological diversity, pollution of soil, air and water, and destruction of whole ecological systems, among others. Human rights violations range from violations of indigenous peoples right to self-determination (which includes the right to determine one's economic, social and cultural development), rights to lands, territories and resources, displacement, violations of the most basic civil and political rights (arbitrary arrests and detention, torture, killings, etc.), etc.

1.2. Consequently, their cultural diversity has also been grossly eroded because of the destruction of biological diversity and lands upon which these cultures are based and the influx of lowland populations whose numbers overwhelm the indigenous populations. Since modernization and industrialization is the main framework of States and extractive industries, inevitably these destroy and undermine the traditional livelihoods of indigenous peoples and their sustainable use of their natural resources and ecosystems. Corporations enter into indigenous peoples territories with the promise of development by providing jobs, infrastructure building and payment of governmental taxes but there still exists a situation of dire poverty in many communities. Conflicts between indigenous peoples and the State and extractive industry corporations developed and some continue to exist till now.

1.3. In May 6-16, 1996, a "Mining and Indigenous Peoples Consultation " was held in London and this came up with the "Indigenous Peoples' Declaration on Mining" which reiterated that indigenous peoples should be empowered to make decisions whether mining should take place in their communities or not. It has also pinpointed hot spots where high profile conflicts are happening between indigenous peoples' communities and corporations.

1.4. Almost 13 years have passed since this conference was held and it is high time to convene another international conference to see whether the situation has changed for the better or has become worse and discuss what needs to be done further. There have been several complaints and cases related to extractive industries filed by indigenous peoples and their support networks against extractive corporations and States in courts of various countries and at various intergovernmental bodies like the Committee on the Elimination of Racial Discrimination and the Inter-American Court of Human Rights. The results of these actions and lessons can be shared with

each other. In the meantime, the UN Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly in 13 September 2007 after more than 20 years of working on it. This latest addition to international human rights law provides another instrument which indigenous peoples should use to push for their rights in relation to extractive industries.

1.5. Since the First Session of the UN Permanent Forum in 2002, in every session reports from indigenous peoples are presented on how foreign, local and state owned extractive industries corporations have caused environmental degradation, cultural ethnocide and gross human rights violations against them. At the 7th Session of the Forum which was held from April 22-May 2, 2008, a recommendation was adopted which aims to respond to this issue. Paragraph 72 of the Permanent Forum's Report of the 7th Session (E/2008/43) states:

The Permanent Forum decides to authorize a three-day international expert group workshop on indigenous peoples' rights, corporate accountability and the extractive industries, and requests that the results of the meeting be reported to the Forum at its eighth session, in 2009. the report of that workshop can feed into the eighteenth and nineteenth sessions of the Commission on Sustainable Development, which will address the themes of mining, chemicals, waste management and sustainable consumption and production patterns, and contribute to the review by the eighteenth session of the Commission.

1.6. Some indigenous peoples' representatives agreed that this provides a good opportunity to hold an international conference on this issue which can be held back to back with this International Expert Group Workshop. It is with this backdrop, therefore, that the “International Conference on Indigenous Peoples and Extractive Industries and Indigenous Peoples” was planned with the following objectives.

2. OBJECTIVES

2.1. To examine the social, cultural, economic and environmental impacts of extractive industries (oil, gas and mineral extraction) on indigenous peoples and impacts on biological diversity and to analyze how the rights of indigenous peoples as contained in the UN Declaration on the Rights of Indigenous Peoples are respected or violated.

2.2. To share the various responses and actions taken by indigenous peoples and their allies towards extractive industries, successes and weaknesses and the lessons learned from these.

2.3. To make recommendations to States, the UN Permanent Forum on Indigenous Issues, the Inter-Agency Support Group for Indigenous Peoples and other multilateral bodies on the roles they can play in ensuring that the extractive industries adhere to international standards on human rights of indigenous peoples and standards of corporate accountability.

2.3. To establish a plan and a continuing mechanism for coordination and solidarity amongst indigenous peoples affected by extractive industries.

3. DATES AND VENUE

DATES:	Arrival :	March 22, 2009
	Conference Proper:	March 23-25, 2009
	Departure:	March 26, 2009

VENUE: The Legend Villas

60 Pioneer corner Madison Streets
Philippines
Telephone: 632- 702-2700 to 04
Fax: 632-6389255 to 56
Website: www.legendhotels.com.ph

4. CONTACT DETAILS

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5. PAPER PRESENTATIONS

We are requesting participants to select three panels, according to priority, where they would like to present. The following are the list of panels according to themes where participants are expected to share. The Research Desk of Tebtebba will get in touch with you regarding the Guidelines of the presentation:

- PANEL 1: Socio-economic, environmental, human rights and cultural impacts of oil, gas and mineral extraction on indigenous peoples including the responses taken by them. Evaluation of effectivity of responses, strengths and weaknesses and lessons learned. [Local, regional to global; nature, extent and effectivity of mass campaigns, lessons learned, alliances with other sectors, use of existing mechanisms and procedures of the UN (e.g. Treaty Bodies, Special Rapporteurs, etc.) and other multilateral bodies, e.g. European Commission, IFIs (safeguard policies, inspection panels, etc.) OECD guidelines on Multinational Enterprise, Extractive Industries Transparency Initiative, etc.
- PANEL 2: Experiences on how free, prior and informed consent has been obtained before entry of extractive industries corporations into indigenous territories. (how it was obtained, nature of agreements reached, payment of royalties and how these are used and/or distributed, impacts on indigenous governance systems)
- PANEL 3: Conflict situations in indigenous peoples' territories related to operations of extractive industries. Role played by the State in these conflicts, means and methods of conflict resolution used and lessons learned.

PANEL 4: Differential impacts of extractive industry corporations on indigenous women. Responses and needs.

PANEL 5: Analysis of roles played by bilateral donors, foreign embassies, UN bodies, programmes and agencies and other multilateral financial and trade institutions, instruments and agreements (e.g. Regional Free Trade Agreements, WTO, WB, ADB, IADB, financial instruments, institutions in relation to extractive industries,etc.)

PANEL 6: Good practices on how extractive industry corporations have respected indigenous peoples' rights and labour rights, ensured sharing of benefits, and use of environmentally sustainable technologies and practices.

For those who are interested to do a paper presentation, please coordinate with the Research Desk personnel of Tebtebba:

Leah Enkiwe-Abayao: leah@tebtebba.org

Helen Magata: len@tebtebba.org

6. SCHOLARSHIPS

We will be sponsoring some representatives of indigenous organizations or communities to participate in the conference. This includes payment of transportation costs, meals and other related expenses (visa processing, taxis, etc.).