We, Indigenous Peoples



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A Compilation of Indigenous Peoples' Declarations



Tebtebba
Indigenous Peoples' International Centre for
Policy Research and Education

We, Indigenous Peoples: A Compilation of Indigenous Peoples' Declarations
Tebtebba Foundation

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Published by
TEBTEBBA FOUNDATION
No. 1 Roman Ayson Road
2600 Baguio City
Philippines
Tel: 63 74 4447703 Tel/Fax: 63 74 4439459
E-mail: tebtebba@tebtebba.org
Website: www.tebtebba.org

Cover design, lay-out and production by Raymond de Chavez

Printed in the Philippines
by Valley Printing Specialist
Baguio City

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PREFACE

Indigenous peoples in many occasions have come up with their collective views and positions on issues directly affecting them. This compilation of indigenous statements and declarations was deemed by us to be important for the reason that such declarations have been results of serious collective thinking and deliberations between indigenous representatives and should, therefore, be disseminated and used more widely. It is a waste if these are not used to further enlighten and educate other indigenous peoples and to inform the work being done at the Permanent Forum on Indigenous Issues and other multilateral processes. Furthermore, these should reach more people and institutions in the broader society to further raise the awareness on indigenous rights and perspectives.

It is important for indigenous peoples to build upon the work done in earlier processes which has led to these declarations and statements which are distillations of the thinking and debates done. As they say, "we should not reinvent the wheel." There are many issues that have not yet been adequately deliberated and debated among indigenous peoples. More efforts should be spent in covering other grounds instead of repeating what were done in earlier processes. If there is a need to revisit what has been said on specific issues because there are changes in the context then the new thinking will be based upon what evolved earlier.

Many of these declarations can contribute on further elaborating indigenous positions around the mandated areas of the United Nations Permanent Forum on In-

digenous Issues, which are culture, economic development, education, environment, health, and human rights. It is our hope that when indigenous representatives are engaging with the various UN and other multilateral processes, they will be guided by these declarations.

This compilation is not complete as we are sure there are other declarations which we do not know of or have missed. It should be considered as a work in progress. We hope this can also be a mobilizing tool, to mobilize indigenous peoples to send other declarations which should be included here. We encourage those who have come across other declarations to please send this to our email: tebtebba@tebtebba.org so we can include them in the next volume.

We apologize to our Spanish and French speaking colleagues for not having the translations of some of the declarations. We are aware that some groups have translated some of these into other languages. So we also encourage them to send to us these translations which could, likewise, be included in the subsequent volume.

We warmly thank and acknowledge the efforts of all those who took part in the various events and processes where these declarations and statements emerged from and we hope this compilation will be further enriched.

Victoria Tauli-Corpuz
Executive Director

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ECONOMIC AND SOCIAL DEVELOPMENT

THE INTERNATIONAL CANCUN DECLARATION OF INDIGENOUS PEOPLES

5th WTO Ministerial Conference - Cancun, Quintana Roo, Mexico, 12 September 2003

We, the international representatives of Indigenous Peoples gathered here during the 5th WTO Ministerial Conference in Cancun, Mexico from 10-14 September 2003 wish to extend our thanks to the Indigenous Peoples of Mexico, particularly the Mayan Indigenous Peoples of Quintana Roo, for welcoming us.

We share the concerns of our Indigenous brothers and sisters, as expressed in the Congreso Nacional Indigena Declaration of Cancun. We join our voices to this CNI Declaration and its conclusions and recommendations.

We wish to especially recognize and honor the sacrifice of our Korean brother, Mr. Lee-Kyung-Hae, made here in Cancun. His act of self-immolation was a dignified cultural expression profoundly reflecting the daily reality of the effects of Globalization and liberalized trade on peasants and Indigenous Peoples throughout the world.

We have come to Cancun to address critical issues and negative impacts of the WTO Trade Negotiations on our families, communities and nations.

With the creation of the World Trade Organization (WTO) and with the continuing imposition of the structural adjustment policies of the World Bank and International Monetary Fund, our situation, as Indigenous Peoples, has turned from bad to worse. Corporations are given more rights and privileges at the expense of our rights. Our right to self-determination, which is to freely determine our political status and pursue our own economic, social and cultural development, and our rights to our territories and

resources, to our indigenous knowledge, cultures and identities are grossly violated. Some of the prime examples of the adverse impacts of the WTO Agreements on us are the following:

- Loss of livelihoods of hundreds of thousands of indigenous peasants in Mexico who are producing corn because of the dumping of artificially cheap, highly subsidized corn from the USA and tens of thousands of indigenous vegetable producers in the Cordillera region of the Philippines because of dumping of vegetables. The contamination of traditional indigenous corn in Mexico by genetically-modified-corn is a very serious problem for Indigenous Peoples. All these are due to the liberalization of trade in agriculture and the deregulation of laws which protect domestic producers and crops required by the WTO Agreement on Agriculture (AOA). The structural adjustment policies of the World Bank and the International Monetary Fund are the foundations for liberalization, privatization and deregulation. High export subsidies and domestic support provided to rich agribusiness corporations and rich farmers in the United Statesthe European Union have also made this possible.

- The increasing impoverishment of indigenous and hilltribe farmers engaged in coffee production in Guatemala, Mexico, Colombia, Vietnam, etc. because of the drop in commodity prices of coffee.

- The increasing conflicts between transnational mining, gas and oil corporations and Indigenous Peoples in the Philippines, Indonesia, Papua New Guinea, India, Ecuador, Guyana, Venezuela, Colombia, Nigeria, Chad-Cameroon, USA, Russia, Venezuela, among others, and the militarization and environmental devastation in these communities

due to the operations of these extractive industries. The facilitation of the entry of such corporations are made possible because of liberalization of investment laws pushed by the TRIMS (Trade-Related Investment Measures) Agreement and WB-IMF conditionalities, regional trade agreements like NAFTA and bilateral investment agreements.

- The militarization of Indigenous Peoples' lands and territories, and the many cases of assassination and arbitrary arrests and detention of indigenous activists and leaders and people who are supporting them, as well as the criminalization of Indigenous Peoples' resistance, all significantly increased.

- The upsurge in infrastructure development, particularly of mega hydroelectric dams, oil and gas pipelines, roads in Indigenous Peoples territories to provide support to operations of extractive industries, logging corporations, and export processing zones. The infrastructure development, for instance, under Plan Panama has destroyed ceremonial and sacred sites of Indigenous Peoples in the six States of Southern Mexico and in Guatemala.

- The patenting of medicinal plants and seeds nurtured and used by Indigenous Peoples, like the *quinoa, ayahuasca*, Mexican yellow bean, *maca, sangre de drago*, *hoodia* , yew plant, etc. Such biopiracy and patenting of life-forms is facilitated by the TRIPS Agreement.

- Soaring prices of pharmaceutical products and inaccessibility of cheaper drugs for diseases like tuberculosis, malaria, AIDS which are diseases in Indigenous Peoples communities and decreasing public health services in these communities.

- Privatization of basic public services such as water and energy in several countries which has spurred massive general strikes and protests such as those led by Indigenous Peoples in Bolivia. The General Agreement on Services (GATS) whose coverage is being expanded to include environmental services (sanitation, nature and landscape protection), financial services, tourism, among others, allowed for this.

- The undermining of international instruments, constitutional provisions, and national laws and policies which protect our rights.

All these developments are alarming. This global situation has undermined self-sufficient economies of Indigenous Peoples leading to food insecurity, worsening poverty and loss of land, culture and identity. We, Indigenous Peoples' representatives, present in Cancun during the event of the Fifth Ministerial Meeting of the WTO, are asking the governments to do the following:

1. Recognize and protect our territorial and resource rights and our right to self-determination. The human-rights framework should underpin trade, investment, development and anti-poverty policies and programmes. Investment liberalization rules like the TRIMS Agreement, conditionalities by the WB and IMF which push countries to liberalize their investment laws, regional trade agreements and bilateral investment agreements which give more protection and rights to corporations than to Indigenous Peoples should be changed. Many of these facilitate the displacement of Indigenous Peoples and the appropriation of our lands, waters, resources and knowledge. Indigenous peoples who have been displaced from their lands because of militarization, infrastructure projects, extractive industries, export processing zones and other development schemes should be repatriated back to their lands or should be justly compensated. International

human rights and environmental standards should be upheld by governments and should guide the way trade agreements are formulated and implemented. The free and prior informed consent of Indigenous Peoples should be obtained before any project is brought into their communities. Article 8jand 10c of the Convention of Biological Diversity that protect traditional knowledge and indigenous systems and practices of land use and land tenure should be the framework for WTO Agreements. Governments should support the immediate adoption of the UN Draft Declaration on the Rights of Indigenous Peoples that will help ensure the recognition and protection of our rights.

2. Stop patenting of life forms and other intellectual property rights over biological resources and indigenous knowledge. Ensure that we, Indigenous Peoples, retain our rights to have control over our seeds, medicinal plants and indigenous knowledge. We call for an explicit statement for the banning of patents on life-forms in the TRIPS Agreement. We also demand that the patent rights, patent applications and claims of corporations, individuals or governments over indigenous medicinal plants, seeds, and knowledge and even over Indigenous Peoples' human genetic materials should be withdrawn. Biopiracy should be stopped and the free and prior informed consent of Indigenous Peoples should be obtained before access to their resources is granted. The issue of protection of indigenous knowledge should not be dealt with by the WTO TRIPs Agreement because its basic assumptions contradict the concepts, values and ethics underpinning indigenous knowledge systems. This can be best protected under the United Nations and we therefore, urge the UN Permanent Forum on Indigenous Issues to convene a technical meeting to explore how the UN can address the issue of protection of indigenous knowledge.

3. Ensure Indigenous Peoples' basic right to health. The right of countries to take measures to protect public health and promote access to medicines should take precedence

over their obligations to protect intellectual property right of corporations. The patent protection asked by pharmaceutical and biotechnology corporations should be limited in order to protect public health and safety and ensure production and easy access to cheap essential medicines. Health is a basic human right and Indigenous Peoples should enjoy this right. Governments should be allowed to use the flexibilities allowed in the TRIPS Agreement which are reflected in the Doha TRIPS and Public Health Declaration. An amendment to TRIPS should be done to simplify and clarify the procedures for compulsory licensing and parallel importation and to remove the unnecessary obstacles to the import and export of medicines needed to provide affordable medicines to the poor.

4.No new issues should be negotiated in this 5th Ministerial Conference. We support the position of some developing countries to stop the launching of a new round or to expand the WTO by negotiating on new issues such as investments, competition, transparency in government procurement and trade facilitation. The WTO should not pursue any negotiation on investment and should change its existing investment rules which provide excessive rights to corporations and allow for their unregulated behavior. Those rules which prevent governments from pursuing rights-based development and environmentally-sustainable policies should be abandoned.

5. Prevent the expansion of the GATS Agreement and amend the existing agreement to stop the privatization and liberalization of health, education, water, energy, and environmental services. The liberalization and privatization of services in environmental services (e.g. parks and landscape services), the commercialization of indigenous cultures and the increasing monopoly control of the tourism industry in the hands of international and national travel and tour agencies should be stopped. We must be allowed to be the managers of protected areas, parks, forests and waters found in our territories. We should be able to continue practicing our own indigenous natural

management practices in forests, water, biodiversity and ecosystem management.

6. Stop the negotiations on agriculture which will push for further import liberalization of agricultural products. Drastically end the export and domestic subsidies of the US and the EU for their agribusiness corporations and rich farmers. States must take decisive measures to promote and protect food sovereignty and food security, and stop the dumping and smuggling of artificially cheap and highly subsidized agricultural products from the US, EU, Canada, Australia and New Zealand. Ensure the right of indigenous farmers to sustain their indigenous agricultural systems and to plant and reproduce their traditional seeds. States must not include indigenous agriculture systems in the scope of international trade rules. The rights of Indigenous Peoples to their traditional livelihoods and to food should be recognized and protected, thus trade and investment rules which undermine these rights should be repealed or appropriately amended.

7. End the militarization of Indigenous Peoples' communities and stop the criminalization of protest and resistance actions of Indigenous Peoples against destructive industries, projects and programs. There should be meaningful and effective investigation of the many cases of assassinations, arbitrary arrests and detentions, rapes committed against Indigenous Peoples and their supporters. Justice should be accorded to the victims and their families, and the perpetrators punished for their crimes.

8. Support and strengthen the sustainable trading systems which have existed for centuries between the Indigenous Peoples of the Americas. Trade routes between the various Indigenous Peoples within the Americas (USA, Canada, Mexico have been existing for centuries and trading between them is still practiced, Militarization of borders and other destructive practices have greatly limited their scale and utility for Indigenous Peoples. Trade between Indigenous Peoples should be sustained and promoted.

The ministers at this Fifth Ministerial meeting of the WTO have the responsibility to represent not only commercial interests but all of the people of their States, including Indigenous Peoples. Existing human rights, environmental, social and cultural conventions and covenants developed within the United Nations system continue to be the States' legal if not moral obligation. All international law including human rights law binds them.

Indigenous peoples are the subjects of many of these covenants and conventions and their jurisprudence. Our rights cannot be ignored, nor can their observance be diminished or compromised by trade agreements and regimes. We as Indigenous Peoples have the right to participate as peoples and actors in our own development, consistent with our own vision and tradition. Our free and informed consent, free of fraud or manipulation, must be secured through our own traditional means of decision-making. State sponsored development cannot just be imposed upon us. Our rights as peoples to our lands and territories and natural resources must be recognized, respected and observed. Our survival as peoples depends upon it.

Signed by indigenous organizations , NGOs and advocates. Partial list of signatories includes:

Asian Indigenous Women's Network
Cordillera Peoples Alliance Philippines
Indigenous Environmental Network
Indigenous Initiative for Peace
Indigenous Women's Network
International Indian Treaty Council
Na Koa Ikaika Kalahui Hawaii
Tebtebba Foundation

INDIGENOUS PEOPLES' SEATTLE DECLARATION

on the occasion of the Third Ministerial Meeting of the World Trade Organization
November 30 - December 3, 1999

We, the Indigenous Peoples from various regions of the world, have come to Seattle to express our great concern over how the World Trade Organization is destroying Mother Earth and the cultural and biological diversity of which we are a part.

Trade liberalization and export-oriented development, which are the overriding principles and policies pushed by the WTO, are creating the most adverse impacts on the lives of Indigenous Peoples. Our inherent right to self-determination, our sovereignty as nations, and treaties and other constructive agreements which Indigenous nations and Peoples have negotiated with other nation-states, are undermined by most of the WTO Agreements. The disproportionate impact of these Agreements on our communities, whether through environmental degradation or the militarization and violence that often accompanies development projects, is serious and therefore should be addressed immediately.

The WTO Agreement on Agriculture (AOA), which promotes export competition and import liberalization, has allowed the entry of cheap agricultural products into our communities. It is causing the destruction of ecologically rational and sustainable agricultural practices of Indigenous Peoples.

Food security and the production of traditional food crops have been seriously compromised. Incidents of diabetes, cancers, and hypertension have significantly increased among Indigenous Peoples because of the scarcity of

traditional foods and the dumping of junk food into our communities.

Small-scale farm production is giving way to commercial cash-crop plantations further concentrating ancestral lands into the hands of few agri-corporations and landlords. This has led to the dislocation of scores of people from our communities who then migrate to nearby cities and become the urban homeless and jobless.

The WTO Forests Products Agreement promotes free trade in forest products. By eliminating developed country tariffs on wood products by the year 2000, and developing country tariffs by 2003, the Agreement will result in the deforestation of many of the world's ecosystems in which Indigenous Peoples live.

Mining laws in many countries are being changed to allow free entry of foreign mining corporations, to enable them to buy and own mineral lands, and to freely displace Indigenous Peoples from their ancestral territories. These large-scale commercial mining and oil extraction activities continue to degrade our lands and fragile ecosystems, and pollute the soil, water, and air in our communities.

The appropriation of our lands and resources and the aggressive promotion of consumerist and individualistic Western culture continue to destroy traditional lifestyles and cultures. The result is not only environmental degradation but also ill health, alienation, and high levels of stress manifested in high rates of alcoholism and suicides.

The theft and patenting of our biogenetic resources is facilitated by the TRIPs (Trade-Related Aspects of Intellectual Property Rights) of the WTO. Some plants which Indigenous Peoples have discovered, cultivated, and used for food, medicine, and for sacred rituals are already patented in the United States, Japan, and Europe. A few examples of these are ayahuasca, quinoa, and sangre de drago in forests of South America; kava in the Pacific; turmeric and bitter melon in Asia. Our access and control

over our biological diversity and control over our traditional knowledge and intellectual heritage are threatened by the TRIPs Agreement.

Article 27.3b of the TRIPs Agreement allows the patenting of life-forms and makes an artificial distinction between plants, animals, and micro-organisms. The distinction between "essentially biological" and "non-biological" and "microbiological" processes is also erroneous. As far as we are concerned all these are life-forms and life-creating processes which are sacred and which should not become the subject of private property ownership.

Finally, the liberalization of investments and the service sectors, which is pushed by the General Agreement of Services (GATS), reinforces the domination and monopoly control of foreign corporations over strategic parts of the economy. The World Bank and the International Monetary Fund impose conditionalities of liberalization, deregulation and privatization on countries caught in the debt trap. These conditionalities are reinforced further by the WTO.

In light of the adverse impacts and consequences of the WTO Agreements identified above, we, Indigenous Peoples present the following demands:

We urgently call for a social and environmental justice analysis which will look into the Agreements' cumulative effects on Indigenous Peoples. Indigenous Peoples should be equal participants in establishing the criteria and indicators for these analyses so that they take into consideration spiritual as well as cultural aspects.

A review of the Agreements should be done to address all of the inequities and imbalances which adversely affect Indigenous Peoples. The proposals to address some of these are as follows:

1. For the Agreement on Agriculture

a. It should not include in its coverage small-scale farmers who are mainly engaged in production for domestic use and sale in the local markets.

b. It should ensure the recognition and protection of rights of Indigenous Peoples to their territories and their resources, as well as their rights to continue practicing their indigenous sustainable agriculture and resource management practices and traditional livelihoods.

c. It should ensure the food security and the capacity of Indigenous Peoples to produce, consume and trade their traditional foods.

2. With regard to the liberalization of services and investments we recommend the following:

a. It must stop unsustainable mining, commercial planting of monocrops, dam construction, oil exploration, land conversion to golf clubs, logging, and other activities which destroy Indigenous Peoples' lands and violate the rights of indigenous peoples' to their territories and resources.

b. The right of Indigenous Peoples to their traditional lifestyles, cultural norms and values should likewise be recognized and protected.

c. The liberalization of services, especially in the areas of health, should not be allowed if it will prevent Indigenous Peoples from having access to free, culturally appropriate as well as quality health services.

d. The liberalization of finance services which makes the world a global casino should be regulated.

3. On the TRIPs Agreement, the proposals are as follows:

a. Article 27.3b should be amended to categorically disallow the patenting of life-forms. It should clearly prohibit the patenting of micro-organisms, plants, animals, including all their parts, whether they are genes, gene sequences, cells, cell lines, proteins, or seeds.

b. It should also prohibit the patenting of natural processes, whether these are biological or microbiological, involving the use of plants, animals and micro-organisms and their parts in producing variations of plants, animals and micro-organisms.

c. It should ensure the exploration and development of alternative forms of protection outside of the dominant western intellectual property rights regime. Such alternatives must protect the knowledge and innovations and practices in agriculture, health care, and conservation of biodiversity, and should build upon indigenous methods and customary laws protecting knowledge, heritage and biological resources.

d. It should ensure that the protection offered to indigenous and traditional knowledge, innovation and practices is consistent with the Convention on Biological Diversity (i.e., Articles 8j, 10c, 17.2, and 18.4) and the International Undertaking on Plant Genetic Resources.

e. It should allow for the right of Indigenous Peoples and farmers to continue their traditional practices of saving, sharing and exchanging seeds, and cultivating, harvesting and using medicinal plants.

f. It should prohibit scientific researchers and corporations from appropriating and patenting indigenous seeds, medicinal plants, and related knowledge about these life-forms. The principles of prior informed consent and right of veto by Indigenous Peoples should be respected.

If the earlier proposals cannot be ensured, we call for the removal of the Agreement on Agriculture, the Forest Products Agreements and the TRIPs Agreement from the WTO.

We call on the member-states of the WTO not to allow for another round whilst the review and rectification of the implementation of existing agreements has not been done. We reject the proposals for an investment treaty, competition, accelerated industrial tariffs, government procurement, and the creation of a working group on biotechnology.

We urge the WTO to reform itself to become democratic, transparent and accountable. If it fails to do this we call for the abolition of the WTO.

We urge the member nation-states of the WTO to endorse the adoption by the UN General Assembly of the current text of the UN Declaration on the Rights of Indigenous Peoples and the ratification of ILO Convention l69.

We call on the peoples' organizations and NGOs to support this "Indigenous Peoples' Seattle Declaration" and to promote it among their members.

e believe that the whole philosophy underpinning the WTO Agreements and the principles and policies it promotes contradict our core values, spirituality and worldviews, as well as our concepts and practices of development, trade and environmental protection. Therefore, we challenge the WTO to redefine its principles and practices toward a "sustainable communities" paradigm, and to recognize and allow for the continuation of other worldviews and models of development.

Indigenous peoples, undoubtedly, are the ones most adversely affected by globalization and by the WTO Agreements. However, we believe that it is also us who can offer viable alternatives to the dominant economic growth, export-oriented development model. Our sustainable lifestyles and cultures, traditional knowledge, cosmologies, spirituality, values of collectivity, reciprocity, respect and reverence for Mother Earth, are crucial in the search for a transformed society where justice, equity, and sustainability will prevail.

Declaration by the Indigenous Peoples' Caucus convened and sponsored by the Indigenous Environmental Network, Seventh Generation Fund in alliance with the Tebtebba (Indigenous Peoples' Network for Policy Research and Education), International Indian Treaty Council, Indigenous Peoples Council on Biocolonialism and the Abya Yala Fund.

Partial List of signatories include:

Nilo Cayuqueo, Abya Yala Fund, USA

Victoria Tauli-Corpuz, Tebtebba, Indigenous Peoples International Centre for Policy Research and Education, Philippines

Tom Goldtooth, Indigenous Environmental Network, USA/ Canada

Antonio Gonzales, International Indian Treaty Council, International

Margarita Gutierrez, Social Commission for The Development of The Nanhu, Mexico

Debra Harry, Indigenous Peoples Council on Biocolonialism, USA

Clemencia Herrera Nemarayema, National Indigena Organization of Colombia, South America

Chief Johnny Jackson, Klickitat Band of Yakama, Elder Committee of Indigenous Environmental Network, USA/ Canada

Carol Kalafatic, International Indian Treaty Council, nternational

Dune Lankard, Eyak Alaska Preservation Council, USA

Chief Arthur Manual, Interior Alliance of First Nations, Canada

Alvin Manitopyes, Cree Strong Heart Environmental and Wellness Society, Canada

Jim Main Sr., Gros Ventre White Clay Society, USA

Jose Matos, Indigenous Alliance Without Borders, USA/Mexico

Esther Nahgahnub, Anishinabeg Treaty 1854 Committee, USA

Chris Peters, Seventh Generation Fund, USA

Priscilla Settee, Indigenous Women's Network, USA/Canada

Taita Stanley, Movimiento de la Juventad Kuna, Panama

Chaz Wheelock, Great Lakes Regional Indigenous Environmental Network, USA/Canada

Clemente Ibe Wilson, Movimiento de la Juventad Kuna, Panama

STATEMENT OF THE INDIGENOUS PEOPLES INTERFAITH DIALOGUE ON GLOBALISATION AND TOURISM

Chiang Rai, Thailand, January 14 - 18, 2002

We, the delegates at the Indigenous Peoples Interfaith Dialogue on Globalisation and Tourism in Chiang Rai, Thailand, coming from Bangladesh, Bolivia, India, Indonesia, Malaysia, Myanmar (Burma), Nepal, Philippines, Taiwan and Thailand shared our collective experiences, and deliberated on the consequences of tourism under the strong influence of globalization on Indigenous Communities.

The Penang, Malaysia meeting on 'Mission Perspectives on Tourism' (2001) and other indigenous dialogues are reaffirmed by the need for intervening and influencing international processes such as International Year of Ecotourism 2002 (IYE-2002), United Nations Commission on Sustainable Development (UNCSD), Convention on Biological Diversity (CBD) and World Trade Organisation/ General Agreement on Trade in Services (WTO/GATS) negotiations, since we have a vital stake in changing the world order. The response to these global processes will emerge from a clearer understanding and recognition of the strong ethical and spiritual dimensions and survival spirit of Indigenous Peoples in the changing world.

The purpose of this interfaith dialogue was therefore to link the debate on the problems of globalisation and tourism with the lives of Indigenous Peoples. The paradigm of market driven liberalization and globalisation is lop sided and denies the pluralities of the peoples' lives, which have always valued sustainability of development. We felt that two international processes were important: the CBD (article 8j) and the decision to implement the IYE-2002. Both these

events have not given due consideration and space to the manner in which indigenous peoples process their discussions and participation of all their affiliates and groups around the world. Therefore this meeting feels that their participation has not been considered in the processes underway.

International financial institutions such as Asian Development Bank (ADB), World Bank, International Monetary Fund (IMF) as well as intergovernmental bodies like the WTO have taken positions on issues concerning indigenous peoples that have far-reaching consequences for their survival. These events and policies are likely to be ratified by the countries where indigenous peoples are struggling for recognition and the affirmation of their rights.

We feel that there is a need for a united position, which carries all the peoples and their movements against the ramifications of these policies, together to contribute to the creation of a just and equal world. The basis of this common understanding should reflect the view that the primary rights holders of our lands, resources and ecological wealth are the Indigenous Peoples.

The Secretariat of the CBD has rushed through, without due consultation, to circulate a draft of global guidelines for activities related to sustainable tourism and biodiversity. The process has been questioned by Indigenous Peoples' Organizations and Non Governmental Organisations (NGOs). Whereas these guidelines have serious implications for the lives and livelihoods of indigenous peoples, they have not been given the time or the platform to present their considered opinion on the guidelines. In fact they have questioned the need for global guidelines since their life worlds are distinct and their cultures diverse.

The meeting calls for an immediate reconsideration and review of the global guidelines pending the informed participation and deliberation by Indigenous Peoples and their organisations. For this purpose this meeting has

suggested that a plan of action be developed to ensure that these guidelines are not presented to the CBD Conference of Parties (COP) in April without the substantive participation by Indigenous Peoples and advocates.

There are two drafts in circulation. One is the official draft circulated by the secretariat of the CBD. The other is a revised draft by NGOs at a workshop in Delhi. We would like all concerned to look at these drafts and send in their amendments to United Nations Environment Programme (UNEP) and the CBD secretariat so that wider discussion and concerns can be represented in a transparent and democratic manner.

We demand that the CBD consider our amendments to the Drafts mentioned above for which adequate time and space be given to our views on the issue of guidelines which will be binding on us through our governments. Unless we are given this time, we will not consider these guidelines to be a part of the stakeholder process that has been established through the UNCSD process.

The World Council of Churches (WCC), Ecumenical Coalition on Third World Tourism (ECTWT) and other fraternal networks can project this issue in their consultations to take the participatory process further. They could support regional and sub-regional workshops to ensure that all parties respect the dignity, right to life, and protection of fundamental rights of Indigenous Peoples.

Similarly, the IYE-2002 is being launched on January 28 in (New York). We view this as a hasty process and since the basic principle of transparency in decision making was not observed, we feel that our critique of ecotourism as a form of commercial tourism reinforcing the process of dispossession of indigenous peoples by destroying their life systems has been disregarded. This meeting calls for non-cooperation with the IYE. To convey our decision we are sending this statement as a strong protest to the UNEP and informing them of our reasons for non-cooperation.

We believe that further work needs to be done by our organizations to demystify the belief in the sustainability of ecotourism and its economic benefits. We feel that it is important for Indigenous Peoples to articulate their own experience with tourism and reflect on its impacts and meaning. We also feel that it is necessary to point out the vulnerability of the tourism industry and evaluate the impacts of the Asian Financial Crisis and "9/11" on the future of tourism in the developing world.

We are also concerned with the increase in the number of protected areas and the expansion of tourism into other natural and rural areas and communities which has played a role in the displacement of Indigenous Peoples. We see the IYE-2002 initiative as part of the dispossession process through increased privatisation and globalisation. We demand that all opening up of new areas and any unfinished projects in the name of IYE-2002 be stopped.

Tourism in the context of globalisation brings in market competition, appropriates lands and resources of indigenous communities, and forces Indigenous Peoples to become showcases and "human museum exhibits." Indigenous Peoples are becoming increasingly vulnerable to exploitation by bioprospectors and biopirates, where traditional wisdom and knowledge and natural resources have been expropriated for business interests.

We affirm the a priori rights of Indigenous Peoples to their traditional lands, territories, and resources, the integrity of which has been sustained by generations through their traditional way of life in harmony with nature.

We uphold that the traditional values and very fabric of Indigenous Peoples systems, which include social, cultural, resource management, belief, education, agricultural, technological, political, judicial, health, and economic systems, can contribute alternatives to our current human, economic and environmental crises.

We recognize the strong ethical and spiritual dimensions, and the survival spirit of indigenous peoples in the changing world.

The modern tourism industry leaves limited choices to indigenous communities to reject it. They are trapped by the powerful corporate interests at work, the lure of economic incentives, and the perception that it will enable the preservation of indigenous cultures and traditions.

Indigenous Peoples have come to realize that much have been lost while gaining little under the process of globalization and expansion of tourism. The representatives of Indigenous Peoples organizations and movements, participating in this meeting urge to strive for regaining indigenous peoples rights as understood by their communities and as recognized under existing international rights covenants, conventions, and laws.

The representatives of indigenous communities have expressed their determination to implement the following plans and strategies to uphold their rights in the face of mounting challenges of commercial tourism:

1. Informal education for the community and incorporation of indigenous knowledge systems into the curriculum of formal schooling as a way of passing down the traditional wisdom and values will be given the top priority.

2. More active global networking among indigenous organizations and supporting groups, strong indigenous rights advocacy and campaigns in the United Nations system, and other international organizations and bodies will be promoted.

3. Recognising the importance of sharing of information, newsletters, email groups and other forms of communication will be launched. Exchanges amongst indigenous leaders at the grass-root level will be encouraged. News on traditional events in indigenous communities will be circulated among this collective. Local level workshops, seminars and

community training on tourism will be organized to provide alternative perspectives on tourism and cultural exchanges.

4. Understanding the diverse political systems within which Indigenous Peoples organizations negotiate their struggles, the collective would adopt flexible strategies in its campaigns. In this context, we urge Asian Governments to recognize the land rights, human rights and right to citizenship of indigenous peoples as integral to the democratization process.

5. It is important for indigenous peoples to articulate their own experience with tourism and reflect on its impacts and meaning. It is this view that should form the basis for future action. WCC (World Council of Churches), ECTWT (Ecumenical Coalition on Third World Tourism/ECOT-Ecumenical Coalition on Tourism) and other international organisations can provide for such regional studies by Indigenous Peoples.

Conference of the Ecumenical Coalition of Third World Tourism (ECTWT)/ECOT (Ecumenical Coalition on Tourism)"Indigenous Peoples Interfaith Dialogue on Globalisation and Tourism," Chiang Rai,Thailand: January 14 - 18, 2002.

DECLARATION AND POSITION OF INDIGENOUS PEOPLES TO THE MEETING OF THE APEC TRADE MINISTERS

Chile, 4 - 5 June, 2004

Honourable Ministers of Trade of the Member Economies of APEC, meeting in Mapuche territory – Wallmapuche:

APEC, the Asia-Pacific Economic Cooperation created in 1989 as a forum to advance economic cooperation, free trade and investments in the region and which 21 countries have joined, pretends to benefit and improve the living conditions of all citizens in the member countries.

In this regard, we, indigenous peoples and organizations with ancestral rights in these member countries of APEC would like to present some fundamental concerns which affect our future and call your attention to the following recommendations and specific demands of the peoples concerned.

1. We, the indigenous peoples of the countries which form APEC have suffered from the negative impacts of the development of free trade and the accelerated economic cooperation in the context of the so-called globaliyation in various forms; the criteria which guide the agreements of free trade do not take into account nor respect our human rights; we underline, that we are holders of ancestral rights; in the frame of these agreements, we are not consulted nor do we participate in the taking of decisions which have an immediate impact on our lives and collective rights.

2. Therefore, we urge that you recognize our human rights as indigenous peoples as they are enshrined in the Draft United Nations Declaration on the Rights of Indigenous Peoples, such as there are the rights to land, territory and self-determination, expressed in Article 3: "Indigenous

peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development," as well as in the Draft Declaration on the rights of indigenous peoples of the Organization of American States. In this respect, our right to self-determination as peoples and our territorial rights must be recognized and respected in any decision or acitivity which is taken or taking place in our territories and which affect our ways and conditions of live as indigenous peoples.

3. In particular, we would like to call your attention on Articles 6 and 7 of the ILO Convention Nr. 169 which establish that indigenous peoples and communities affected by a development project or proposal must be consulted in a broad and transparent way and they must participate in the decision-making and at every step of the project or proposal. We believe that this internationally recognized principle and right is not taken into account in the APEC agreements.

4. With regard to our natural resources and traditional knowledge and the rights associated, we would like to draw your attention on the Convention on Biological Diversity which states in Article 8(j) that " the knowledge, innovations and practices of indigenous and local communities" must be respected, preserved and maintained. Furthermore, Article 10 (c) of the same Convention calls for the protection and continuation of the customary use of biological resources, in accordance with traditional cultural practices.

5. We are calling on the members of APEC to recognize the elemental norms of the human rights of indigenous peoples; particularly those countries which have not ratified ILO Convention 169 and which furthermore do not have a policy on/with indigenous peoples.

6. We stress to the members of APEC that the lack of the right to full and effective participation of indigenous peoples, is contrary to democracy and does not provide security in peaceful co-existence.

NO TO PATENTING OF LIFE!

Indigenous Peoples' Statement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the WTO Agreement

We, indigenous peoples from around the world, believe that nobody can own what exists in nature except nature herself. A human being cannot own its own mother. Humankind is part of Mother Nature, we have created nothing and so we can in no way claim to be owners of what does not belong to us. But time and again, western legal property regimes have been imposed on us, contradicting our own cosmologies and values.

We view with regret and anxiety how, Article 27.3b of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO) Agreements will further denigrate and undermine our rights to our cultural and intellectual heritage, our plant, animal, and even human genetic resources and discriminate against our indigenous ways of thinking and behaving. This Article makes an artificial distinction between plants, animals, and micro-organisms and between (essentially biological) and (microbiological processes) for making plants and animals. As far as we are concerned all these are life forms and life creating processes which are sacred and which should not become the subject of proprietary ownership.

We know that intellectual property rights as defined in the TRIPS Agreement are monopoly rights given to individual or legal persons (e.g. transnational corporations) who can prove that the inventions or innovations they made are novel, involve an innovative step and are capable of industrial application. The application of this form of property rights over living things as if they are mechanical or industrial inventions is inappropriate. Indigenous

knowledge and cultural heritage are collectively and accretionally evolved through generations. Thus, no single person can claim invention or discovery of medicinal plants, seeds or other living things.

The inherent conflict between these two knowledge systems and the manner in which they are protected and used will cause further disintegration of our communal values and practices. It can also lead to infighting between indigenous communities over who has ownership over a particular knowledge or innovation. Furthermore, it goes against the very essence of indigenous spirituality which regards all creation as sacred.

We are aware of the various implications of the TRIPS Agreement on our lives as indigenous peoples. It will lead to the appropriation of our traditional medicinal plants and seeds and our indigenous knowledge on health, agriculture and biodiversity conservation. It will undermine food security, since the diversity and agricultural production on which our communities depend would be eroded and would be controlled by individual, private and foreign interests. In addition, the TRIPS Agreement will substantially weaken our access to and control over genetic and biological resources; plunder our resources and territories; and contribute to the deterioration of our quality of life.

In the review of the Article 27.3 (b) of the TRIPS Agreement, therefore, our proposals are as follows:

This Article should be amended to categorically disallow the patenting of life forms. Thus, the revised Article 27.3b should clearly prohibit the patenting of plants and animals including all their parts, meaning, genes, gene sequences, cells, proteins, seeds, etc. It should also prohibit the patenting of natural processes involving the use of plants, animals and other living organisms and their parts and processes used in producing variations of plants, animals, and micro-organisms.

The provision for the protection of plant varieties by either a patent, a sui generis system, or a combination of both should amended and elaborated further: It should:

- Disallow the use of patents to protect plant varieties. Ensure that the sui generis system which may be created will protect the knowledge and innovations and practices in farming, agriculture, health and medical care, and conservation of biodiversity of indigenous peoples and farmers.
- Build upon the indigenous methods and customary laws protecting knowledge and heritage and biological resources.
- Ensure that the protection offered to the indigenous and traditional innovation, knowledge, and practices are consistent with the Convention of Biological Diversity (i.e. Articles 8j, 10c, 17.2, and 18.4) and the International Undertaking on Plant Genetic Resources.
- Allow for the right of indigenous peoples and farmers to continue their traditional practices of saving, sharing, and exchanging seeds; and harvesting, cultivating, and using medicinal plants.
- Prevent the appropriation, theft, and piracy of indigenous seeds, medicinal plants, and the knowledge around the use of these by researchers, academic institutions, and corporations, etc. Integrate the principle and practice of prior informed consent, which means that the consent of indigenous peoplesÝ as communities or as collectivities should be obtained before any research or collection of plants will be undertaken. The right of indigenous peoples to veto any bioprospecting activity should be guaranteed. Mechanisms to enforce prior informed consent should be installed.

- Prevent the destruction and conversion of indigenous peoples' lands which are rich in biodiversity through projects like mines, monocrop commercial plantations, dams, etc. and recognize the rights of indigenous peoples to these lands and territories.

We urge the WTO Member-States to put the amendment of the TRIPS Agreement as a priority item in agenda of the forthcoming WTO Ministerial Conference in Seattle. The implementation of the TRIPS Agreement in its present form will have devastating social and environmental consequences which will be irreversible. It is an imperative, therefore, that this Agreement be amended to prohibit the patenting of lifeforms and the piracy of indigenous peoples knowledge and resources.

We also call on all the WTO Member-States to work for the extension of the deadline of the implementation of Article 27.3b of TRIPS to the year 2006, five years after the completion of the review of this has been done.

Finally, we reiterate our commitment to sustain our struggle to have our rights to our intellectual and cultural heritage and our lands and resources promoted and protected. We call on the WTO to become an instrument in promoting our rights instead of enacting and imposing Agreements which are violative or undermining our rights as distinct peoples.

Signed at the United Nations, Geneva, Switzerland, on 25 July 1999.

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[1] Article 27.3.b. of the TRIPS Agreement says:

3. Members may also exclude from patentability... b) plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and micro-biological processes. However, members shall provide for the protection of plant varieties either by patents or an effective sui generis system or by any combination thereof. The provisions of this paragraph shall be reviewed four years after the date of entry into force of the WTO Agreement.

KIMBERLEY DECLARATION

International Indigenous Peoples Summit on Sustainable Development Khoi-San Territory Kimberley, South Africa 20 - 23 August 2002

We, the Indigenous Peoples, walk to the future in the footprints of our ancestors (Kari-Oca Declaration, Brazil, 30 May 1992)

We the Indigenous Peoples of the World assembled here reaffirm the Kari-Oca Declaration and the Indigenous Peoples' Earth Charter.

We again reaffirm our previous declarations on human and environmental sustainability.*

Since 1992 the ecosystems of the earth have been compounding in change. We are in crisis. We are in an accelerating spiral of climate change that will not abide unsustainable greed.

Today we reaffirm our relationship to Mother Earth and our responsibility to coming generations to uphold peace, equity and justice. We continue to pursue the commitments made at Earth Summit as reflected in this political declaration and the accompanying plan of action. The commitments which were made to Indigenous Peoples in Agenda 21, including our full and effective participation, have not been implemented due to the lack of political will.

As peoples, we reaffirm our rights to self-determination and to own, control and manage our ancestral lands and territories, waters and other resources. Our lands and territories are at the core of our existence - we are the land and the land is us; we have a distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation

and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management.

We have the right to determine and establish priorities and strategies for our self-development and for the use of our lands, territories and other resources. We demand that free, prior and informed consent must be the principle of approving or rejecting any project or activity affecting our lands, territories and other resources.

We are the original peoples tied to the land by our umbilical cords and the dust of our ancestors. Our special places are sacred and demand the highest respect. Disturbing the remains of our families and elders is desecration of the greatest magnitude and constitutes a grave violation of our human rights. We call for the full and immediate repatriation of all Khoi-San human remains currently held in museums and other institutions throughout the world, as well as all the human remains of all other Indigenous Peoples. We maintain the rights to our sacred and ceremonial sites and ancestral remains, including access to burial, archaeological and historic sites.

The national, regional and international acceptance and recognition of Indigenous Peoples is central to the achievement of human and environmental sustainability. Our traditional knowledge systems must be respected, promoted and protected; our collective intellectual property rights must be guaranteed and ensured. Our traditional knowledge is not in the public domain; it is collective, cultural and intellectual property protected under our customary law. Unauthorized use and misappropriation of traditional knowledge is theft.

Economic globalization constitutes one of the main obstacles for the recognition of the rights of Indigenous Peoples. Transnational corporations and industrialized countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade

Organization and other bodies which reduce the rights enshrined in national constitutions and in international conventions and agreements. Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, evicting us from our lands and creating immense levels of poverty and disease.

We are deeply concerned that the activities of multinational mining corporations on Indigenous lands have led to the loss and desecration of our lands, as exemplified here on Khoi-San territory. These activities have caused immense health problems, interfered with access to, and occupation of our sacred sites, destroyed and depleted Mother Earth, and undermined our cultures.

Indigenous Peoples, our lands and territories are not objects of tourism development. We have rights and responsibilities towards our lands and territories. We are responsible to defend our lands, territories and indigenous peoples against tourism exploitation by governments, development agencies, private enterprises, NGOs, and individuals.

Recognizing the vital role that pastoralism and hunting-gathering play in the livelihoods of many Indigenous Peoples, we urge governments to recognize, accept, support and invest in pastoralism and hunting-gathering as viable and sustainable economic systems.

We reaffirm the rights of our peoples, nations and communities, our women, men, elders and youth to physical, mental, social, and spiritual well-being.

We are determined to ensure the equal participation of all Indigenous Peoples throughout the world in all aspects of planning for a sustainable future with the inclusion of women, men, elders and youth. Equal access to resources is required to achieve this participation.

We urge the United Nations to promote respect for 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 respect such treaties, agreements and other constructive arrangements.

Language is the voice of our ancestors from the beginning of time. The preservation, securing and development of our languages is a matter of extreme urgency. Language is part of the soul of our nations, our being and the pathway to the future.

In case of the establishment of partnerships in order to achieve human and environmental sustainability, these partnerships must be established according to the following principles: our rights to the land and to self-determination; honesty, transparency and good faith; free, prior and informed consent; respect and recognition of our cultures, languages and spiritual beliefs.

We welcome the establishment of the United Nations Permanent Forum on Indigenous Issues and urge the UN to secure all the necessary political, institutional and financial support so that it can function effectively according to its mandate as contained in ECOSOC Resolution E/2000/22. We support the continuation of the United Nations Working Group on Indigenous Populations based on the importance of its mandate to set international standards on the rights of Indigenous Peoples.

We call for a World Conference on Indigenous Peoples and Sustainable Development as a culmination of the United Nations International Decade for the World's Indigenous Peoples (1995-2004) and as a concrete follow-up to the World Summit on Sustainable Development.

We continue to meet in the spirit of unity inspired by the Khoi-San people and their hospitality. We reaffirm our mutual solidarity as Indigenous Peoples of the world in our struggle for social and environmental justice.

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*Including the Draft Declaration on the Rights of Indigenous

Peoples; the Charter of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests; the Mataatua Declaration; the Santa Cruz Declaration on Intellectual Property; the Leticia Declaration of Indigenous Peoples and Other Forest Dependent Peoples on the Sustainable Use and Management of All Types of Forests; the Charter of Indigenous Peoples of the Arctic and the Far East Siberia; the Bali Indigenous Peoples Political Declaration; and, the Declaration of the Indigenous Peoples of Eastern Africa in the Regional WSSD Preparatory Meeting.

INDIGENOUS PEOPLES' DECLARATION

Speaking Out: Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples
Indigenous Preparatory Meeting
Brussels, Belgium, 16 - 17 June 2002

Recognizing the growing international recognition of the need for a full, equitable and direct role of indigenous peoples in the development process, including in the resolutions and decisions of the European Parliament, the Council of the European Union and the European Commission;

Recalling the European Commission's *Working Document* of 11 May 1998, the Council of the European Union's *Resolution* of 30 November 1998 and the *Report from the Commission to the Council: Review of Progress of Working with Indigenous Peoples* of 11 June 2002;

Encouraged by the acknowledgement in the aforesaid Working Document and Resolution of the right of indigenous peoples to self development and *Prior Informed Consent,* including their right to object to projects affecting their lands, territories and the resources their on, which draw upon the inherent right of self-determination of all peoples, including indigenous peoples;

Emphasizing the importance of the clear recognition of the indigenous peoples' land and territorial rights and their capacity for their sustainable resource-use knowledge, practices and usages diversity;

Reaffirming our commitment to the goals of the International Decade of the World's Indigenous Peoples, including the adoption of the UN Declaration on Rights of the indigenous peoples within the period of the Decade;

Recalling the responsibilities of the International Community to ensure the economic, social and cultural well-being of indigenous peoples, and their enjoyment of the fruits of sustainable development and their full and free participation in all aspects of society;

Encouraged by the European Community's growing role in including indigenous peoples' issues in its policy dialogue with partner countries of development cooperation on such vital matters as their identity, culture, political, social and economical development;

Emphasizing the importance of all relevant international, regional and national agreements, treaties and other constructive arrangements in relation to the rights of indigenous peoples and the need to observe and implement such agreements, treaties and other constructive arrangements;

Recalling the European Council's Resolution on the need for the adoption of comprehensive policy on indigenous peoples and deeming it to be vital to take forward the process as recommended in the Working document;

We, the representatives of different organizations and institutions of indigenous peoples meeting before the conference on *Speaking Out: Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples* meeting in Brussels, on 16 and 17 June, 2002 adopt this declaration and make the following recommendations to the European Union, the Council of the European Union and the European Commission:

Dialogue, policy and mainstreaming:

1. To adopt a comprehensive policy on indigenous peoples, which applies to indigenous peoples in all parts of the world, based upon existing and emerging standards of international law with regard to the rights of indigenous peoples.

2. To enable the holding of regular policy dialogues between the European Community and indigenous peoples.

3. To institutionalize the process of dialogue between the European Community and indigenous peoples to enable an ongoing, direct and substantive dialogue.

4. To mainstream indigenous peoples' issues into the European Union's policies, practices and work methods.

5. To involve indigenous peoples in a periodic review of the European Union policy on Indigenous Peoples and its implementation.

6. To provide financial and political support to the functioning of the UN Permanent Forum on Indigenous issues.

7. To distinguish indigenous peoples and their institutions and organizations from NGOs and other members of civil society.

8. To regularly include indigenous peoples' issues in the policy dialogue between the European Union and its partner countries of development cooperation.

9. To encourage Member States of the European Union to give priority to indigenous peoples' issues in furthering the goals of the UN International Decade for the World's Indigenous Peoples.

Projects:

10. To ensure that indigenous are able to fully participate at all stages of the project cycle, from design, planning, implementation, monitoring and evaluation of European Commission-funded projects affecting their lands, territories and the resources thereon.

11. To prevent indigenous peoples from being subjected to being exploitatively treated as mere objects of scientific research and folkloric studies.

12. To recognize and respect the ancestral land and cultural rights of indigenous peoples in projects on indigenous peoples' lands and territories.

13. To simplify funding procedures of the European Commission to enable indigenous peoples to obtain adequate funding from the Union for the protection and promotion of human rights and for development activities.

14. To allocate specially earmarked funds to European Union country delegations to be allocated for indigenous peoples' projects.

15. To take appropriate measures to raise the capacities of the European Commission and the country delegations of the European Union and with regard to indigenous peoples' issues.

INDIGENOUS PEOPLES' PLAN OF IMPLEMENTATION ON SUSTAINABLE DEVELOPMENT

Johannesburg, South Africa
2 September 2002

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.

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 per cent 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 per cent 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.

02 September 2002

DECLARACIÓN DE KIMBERLEY

Cumbre Internacional de los Pueblos Indígenas
sobre Desarrollo Sostenible
Territorio Khoi-San
Kimberley, Sudáfrica, 20 - 23 de agosto de 2000

Nosotros, los Pueblos Indígenas, caminamos hacia el futuro sobre las huellas de nuestros ancestros (Preámbulo de la Declaración de Kari-oca, Brasil 30 de Mayo de 1992)

Nosotros, los Pueblos Indígenas del Mundo aquí reunidos reafirmamos la Declaración de Kari-Oca y la Carta de la Tierra de los Pueblos Indígenas.

Desde 1992, los ecosistemas de la Tierra están siendo arrasados por el cambio. Estamos en medio de una crisis. Estamos en una espiral acelerada de cambio climático que no resistirá la codicia insostenible.

Hoy reafirmamos nuestra relación con la Madre Tierra y nuestra responsabilidad con las generaciones futuras de mantener la paz, la equidad y la justicia. Ratificamos nuestras declaraciones previas sobre sostenibilidad humana y ambiental.* Continuamos insistiendo en los compromisos que se hicieron en la Cumbre de la Tierra, como queda reflejado en esta Declaración Política y en el Plan de Acción que la acompaña. Los compromisos adquiridos con los Pueblos Indígenas en la Agenda 21, incluida nuestra participación plena y efectiva, no han sido llevados a la práctica debido a la falta de voluntad política de los estados.

Como Pueblos Indígenas, reafirmamos nuestro derecho a la autodeterminación, a poseer, controlar y manejar nuestras tierras y territorios ancestrales, aguas y otros recursos. Nuestras tierras y territorios son la base de nuestra existencia - somos la tierra y la tierra es nosotros; tenemos una relación

especial, espiritual y material con nuestras tierras y territorios, que están íntimamente unidos a nuestra supervivencia, y a la preservación y mayor desarrollo de nuestros sistemas de conocimiento y nuestras culturas, a la conservación y uso sostenible de la biodiversidad y al manejo de los ecosistemas.

Tenemos derecho a definir y establecer prioridades y estrategias para nuestro autodesarrollo y el uso de nuestras tierras, territorios y otros recursos. Exigimos que nuestro libre consentimiento fundamentado previo sea el principio de la aprobación o negación de cualquier proyecto o actividad que afecte a nuestras tierras, territorios y otros recursos.

Nosotros somos los pueblos originarios ligados a la tierra por nuestros cordones umbilicales y los restos de nuestros antepasados. Nuestros lugares especiales son sagrados y exigimos el mayor respeto. Perturbar los restos de nuestras familias y ancianos es una profanación de gran magnitud y constituye una grave violación de nuestros derechos humanos. Pedimos la repatriación total e inmediata de todos los restos humanos de los Khoi-San actualmente conservados en museos y otras instituciones en todo el mundo, al igual que los restos humanos de todos los demás Pueblos Indígenas. Mantenemos el derecho sobre nuestros lugares sagrados y ceremoniales y sobre nuestros restos ancestrales, incluido el de acceso a los lugares sagrados, arqueológicos e históricos.

El reconocimiento y la aceptación nacional, regional e internacional de los Pueblos Indígenas es fundamental para conseguir la sostenibilidad humana y ambiental. Nuestros sistemas de conocimiento deben ser respetados, promovidos y protegidos, y deben garantizarse y asegurarse nuestros derechos colectivos de propiedad intelectual. Nuestro conocimiento no es del dominio público, es propiedad cultural e intelectual colectiva, protegido bajo nuestro derecho consuetudinario. El uso no autorizado y la apropiación indebida del conocimiento son una usurpación.

La globalización económica constituye uno de los principales obstáculos para el reconocimiento de los derechos de los Pueblos Indígenas. Las corporaciones internacionales y los países industrializados imponen su agenda global a las negociaciones y acuerdos del sistema de las Naciones Unidas, el Banco Mundial, el Fondo Monetario Internacional, la Organización Mundial del Comercio y a otros organismos, limitando los derechos consagrados en las constituciones nacionales y en los Convenios y acuerdos internacionales. La extracción insostenible, la recolección, los modelos de producción y consumo han llevado al cambio climático, la contaminación generalizada y la destrucción del medio ambiente, expulsándonos de nuestras tierras, con el resultado de enormes niveles de pobreza y enfermedad.

Nos preocupa seriamente que las actividades de las corporaciones mineras multinacionales hayan provocado la pérdida y la profanación de nuestras tierras y territorios, como ha sucedido en el territorio Khoi-San. Estas actividades han causado enormes problemas de salud, han interferido en el acceso a, y la ocupación de, nuestros lugares sagrados, han destruido y agotado a la Madre Tierra y minado nuestras culturas.

Los pueblos indígenas y nuestras tierras y territorios, no somos objetos del desarrollo turístico. Tenemos derechos y responsabilidades a nuestras tierras y territorios. Somos responsables por defender nuestras tierras, territorios y pueblos indígenas contra la explotación turística por gobiernos, agencias de desarrollo, la empresa privada, las ONGs y los particulares.

Reconociendo el papel esencial que el pastoreo, la caza y la recolección desempeñan en la subsistencia de numerosos Pueblos Indígenas, exigimos a los gobiernos que reconozcan, acepten, apoyen e inviertan en el pastoreo, la caza y la recolección como sistemas económicos viables y sostenibles.

Reafirmamos el derecho de nuestros pueblos, naciones y comunidades, nuestras mujeres, hombres, ancianos y jóvenes al bienestar físico, mental, social y espiritual.

Estamos decididos a asegurar la participación igualitaria de todos los Pueblos Indígenas del mundo en todos los aspectos de la planificación para un futuro sostenible, incluyendo a las mujeres, hombres, ancianos y jóvenes. El acceso igualitario a los recursos es un requisito para conseguir dicha participación.

Pedimos a las Naciones Unidas que promuevan el respeto al reconocimiento, la observancia y el cumplimiento de los tratados, acuerdos y otros arreglos constructivos establecidos entre los Pueblos Indígenas y los Estados, o sus sucesores, de acuerdo con su espíritu e intención originales, y que hagan que los Estados honren y respeten esos tratados, acuerdos y arreglos constructivos.

El idioma ha sido la voz de nuestros ancestros desde el comienzo de los tiempos. Preservar, asegurar y desarrollar nuestros idiomas es extremadamente urgente. El idioma es parte del alma de nuestras naciones, de nuestro ser, es el camino hacia el futuro.

En caso del establecimiento de asociaciones para conseguir la sostenibilidad humana y ambiental, éstas deben ser fundamentadas en los siguientes principios: nuestros derechos a la tierra y a la autodeterminación; honestidad, transparencia y buena fé; libre consentimiento fundamentado previo; respeto y reconocimiento de nuestras culturas, idiomas y creencias espirituales.

Damos la bienvenida al establecimiento del Foro Permanente sobre las Cuestiones Indígenas y pedimos a las Naciones Unidas que aseguren todo el apoyo político, financiero e institucional necesario para que pueda funcionar de forma efectiva de acuerdo con su mandato, tal y como se contiene en la Resolución E/2000/22 del Consejo Económico y Social. Apoyamos la continuidad del Grupo de Trabajo de las Naciones Unidas sobre Poblaciones Indígenas, basándonos en la importancia de su mandato para establecer normativas internacionales sobre los derechos de los Pueblos Indígenas.

Solicitamos la realización de una Conferencia Mundial sobre Pueblos Indígenas y Desarrollo Sostenible como culminación del Decenio Internacional de las Naciones Unidas para los Pueblos Indígenas (1995-2004) y como una forma concreta de seguimiento de la Cumbre Mundial de Desarrollo Sostenible.

Continuamos reuniéndonos en el espíritu de unidad inspirado por el pueblo Khoi-San y su hospitalidad. Reafirmamos nuestra solidaridad mutua como Pueblos Indígenas del mundo en nuestra lucha por la justicia social y ambiental.

*Incluyendo el Proyecto de Declaración de las Naciones Unidas los Derechos de los Pueblos Indígenas, la Carta de la Alianza Mundial de los Pueblos Indígenas y Tribales de los Bosques Tropicales, la Declaración de Mataatua y la Declaración de Santa Cruz sobre propiedad intelectual, la Declaración de Leticia de los Pueblos Indígenas y otros pueblos dependientes de los bosques sobre el uso sostenible y manejo de todos los tipos de bosques, la Carta de los Pueblos Indígenas del Artico y de la Lejana Siberia Oriental, la Declaración Política de Bali de los Pueblos Indígenas y la Declaración de los Pueblos Indígenas de África Oriental en la reunión preparatoria regional de la CMDS.

CULTURE

THE MATAATUA DECLARATION ON CULTURAL AND INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES

First International Conference on the Cultural & Intellectual Property Rights of Indigenous Peoples
Whakatana, Aotearoa, New Zealand, 12 - 18 June 1993

In recognition that 1993 is the United Nations International Year for the World's Indigenous Peoples:

The Nine Tribes of Mataatua in the Bay of Plenty Region of Aotearoa New Zealand convened the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples. (12-18 June 1993, Whakatane).

Over 150 delegates from fourteen countries attended, including indigenous representatives from Ainu (Japan), Australia, Cook Islands, Fiji, India, Panama, Peru, Philippines, Surinam, USA, and Aotearoa.

The Conference met over six days to consider a range of significant issues, including; the value of indigenous knowledge, biodiversity and biotechnology, customary environmental management, arts, music, language and other physical and spiritual cultural forms. On the final day, the following Declaration was passed by the Plenary.

Preamble

Recognising that 1993 is the United Nations International Year for the World's Indigenous Peoples;

Reaffirming the undertaking of United Nations Member States to:

> *Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.*

(United Nations Conference on Environmental Development; UNCED Agenda 21 [26.4b]);

Noting the Working principles that emerged from the United Nations Technical Conference on Indigenous Peoples and the Environment in Santiago. Chile from 18 - 22 May 1992 (E/CN.4/Sub. 2/1992131);

Endorsing the recommendations on Culture and Science from the World Conference of Indigenous Peoples on Territory, Environment and Development Kari-Oca, Brazil, 25 - 30 May 1992;

Declare that Indigenous Peoples of the world have the right to self determination and in exercising that right must be recognised as the exclusive owners Of their cultural and intellectual property;

Acknowledge that Indigenous Peoples have a commonality of experiences relating to the exploitation of their cultural and intellectual property;

Affirm that the knowledge of the Indigenous Peoples of the world is of benefit to ail humanity;

Recognise that Indigenous Peoples are capable of managing their traditional knowledge themselves, but are willing to offer it to all humanity provided their fundamental rights to define and control this knowledge are protected by the international community;

Insist that the first beneficiaries of indigenous knowledge (cultural and intellectual property rights) must be the direct indigenous descendants of such knowledge;

Declare that all forms of discrimination and exploitation of indigenous peoples, indigenous knowledge and indigenous cultural and intellectual property rights must cease.

1. Recommendations to Indigenous Peoples

In the development of policies and practices, indigenous peoples should:

1.1 Define for themselves their own intellectual and cultural property.

1.2 Note that existing protection mechanisms are insufficient for the protection of Indigenous Peoples Intellectual and Cultural Property Rights.

1.3 Develop a code of ethics which external users must observe when recording (visual, audio, written) their traditional and customary knowledge.

1.4 Prioritise the establishment of indigenous education, research and training centres to promote their knowledge of customary environmental and cultural practices.

1.5 Reacquire traditional indigenous lands for the purpose of promoting customary agricultural production.

1.6 Develop and maintain their traditional practices and sanctions for the protection, preservation and revitalization of their traditional intellectual and cultural properties.

1.7 Assess existing legislation with respect to the protection of antiquities.

1.8 Establish an appropriate body with appropriate mechanisms to:

a. preserve and monitor the commercialism or otherwise of indigenous cultural properties in the public domain

b. generally advise and encourage indigenous peoples to take steps protect their cultural heritage

c. allow a mandatory consultative process with respect to any new legislation affecting indigenous peoples cultural and intellectual property rights.

1.9 Establish international indigenous information centres and networks.

1.10 Convene a Second International Conference (Hui) on the Cultural and intellectual Property Rights of Indigenous Peoples to be hosted by the Coordinating Body for the

Indigenous Peoples Organisations of the Amazon Basin (COICA).

2. Recommendations to States, National and International Agencies

In the development of policies and practices, States, National and International Agencies must:

2.1 Recognise that indigenous peoples are the guardians of their customary knowledge and have the right to protect and control dissemination of that knowledge.

2.2 Recognise that indigenous peoples also have the right to create new knowledge based on cultural traditions.

2.3 Note that existing protection mechanisms are insufficient for the protection of Indigenous Peoples Cultural and Intellectual Property Rights.

2.4 Accept that the cultural and intellectual property rights of indigenous peoples are vested with those who created them.

2.5 Develop in full co-operation with indigenous peoples an additional cultural and intellectual property rights regime incorporating the following:

- collective (as well as individual) ownership and origin;
- retroactive coverage of historical as well as contemporary works;
- protection against debasement of culturally significant items;
- cooperative rather than competitive framework;
- first beneficiaries to be the direct descendants of the traditional guardians of that knowledge;
- multi-generational coverage span.

Biodiversity and Customary Environmental Management

2.6 Indigenous flora and fauna is inextricably bound to the territories of indigenous communities and any property right claims must recognise their traditional guardianship.

2.7 Commercialization of any traditional plants and medicines of Indigenous Peoples, must be managed by the indigenous peoples who have inherited such knowledge.

2.8 A moratorium on any further commercialisation of indigenous medicinal plants and human genetic materials must be declared until indigenous communities have developed appropriate protection mechanisms.

2.9 Companies, institutions both governmental and private must not undertake experiments or commercialisation of any biogenetic resources without the consent of the appropriate indigenous peoples.

2.10 Prioritise settlement of any outstanding land and natural resources claims of indigenous peoples for the purpose of promoting customary, agricultural and marine production.

2.11 Ensure current scientific environmental research is strengthened by increasing the involvement of indigenous communities and of customary environmental knowledge.

Cultural Objects

2.12 All human remains and burial objects of indigenous peoples held by museums and other institutions must be returned to their traditional areas in a culturally appropriate manner.

2.13 Museums and other institutions must provide, to the country and indigenous peoples concerned, an inventory of any indigenous cultural objects still held in their possession.

2.14 Indigenous cultural objects held in museums and other institutions must be offered back to their traditional owners.

3. Recommendations to the United Nations

In respect for the rights of indigenous peoples, the United Nations should:

3.1 Ensure the process of participation of indigenous peoples in United Nations fora is strengthened so their views are fairly represented.

3.2 Incorporate the Mataatua Declaration in its entirety in the United Nations Study on Cultural and Intellectual Property of Indigenous Peoples.

3.3 Monitor and take action against any States whose persistent policies and activities damage the cultural and intellectual property rights of indigenous peoples.

3.4 Ensure that indigenous peoples actively contribute to the way in which indigenous cultures are incorporated into the 1995 United Nations International Year of Culture.

3.5 Call for an immediate halt to the ongoing 'Human Genome Diversity Project' (HUGO) until its moral, ethical, socio-economic, physical and political implications have been thoroughly discussed, understood and approved by indigenous peoples.

4. Conclusion

4.1 The United Nations, International and National Agencies and States must provide additional funding to indigenous communities in order to implement these recommendations.

COROBICI DECLARATION[1]

Drafting Committee
Indigenous Preparatory Meeting
Expert Meeting on Traditional
Forest-Related Knowledge
San Jose, Costa Rica, 6 - 7 December 2004

Preamble

1. We the Indigenous Peoples gathered here in San Jose, Costa Rica, reaffirm the principles contained in the Kari Oca Declaration, the Leticia Declaration, the Kimberley Declaration and Indigenous Peoples Plan of Implementation for Sustainable Development and the Wendake Plan of Action. Through a range of actions such as community defense of forests, national consultations, documentation of case studies, and the application of indigenous knowledge, indigenous peoples are contributing to sustainable forest management and protection.

2. Indigenous peoples provide concrete solutions to many of the issues facing humanity today and by strengthening indigenous peoples' roles through effective participation in areas such as forest management and sustainable development, indigenous peoples can contribute significantly to a sustainable future for all of humanity.

3. We are shocked at the accelerated deterioration of our lands, territories, forests, water and subsoil and at the continuing violation of our rights. Free access to and use of our lands, forests and waters is forbidden to us. The titling of our lands is postponed in order to favor third parties. Protected areas, oil, timber, fishing concessions and forest plantations are created that overlap with our lands, resulting in the eviction of and restrictions for our peoples. Leaders and communities defending their forests are imprisoned and

[1]Indigenous leader of the Huetar people of Costa Rica

arbitrarily harassed. Our fight for our rights is criminalized and our territories are militarized. The increasing number of these cases and the lack of legal redress is alarming, as the leaders and experts attending the meeting have pointed out.

4. We express our deep concern about the attitude of the United Nations bodies in treating traditional knowledge in a fragmented manner, without recognition of its holistic nature and its indissoluble unity with our collective rights as peoples.

5. We are concerned that national and international processes related to free trade agreements between states foster the usurpation and degradation of our forests, lands and territories, as well as biopiracy and uncontrolled access to genetic resources in our forests, lands and territories.

6. The greatest obstacles for the implementation of international standards and mechanisms related to the human rights and fundamental freedoms of indigenous peoples are the lack of political will of nation states, unfair and discriminatory laws, and the lack of sufficient funds and resources to allow the autonomous development and full participation of indigenous peoples in all processes.

7. Traditional Forest Related Knowledge (TFRK) of indigenous peoples is intrinsically interlinked with our life. It cannot be separated from our interrelationship to our territories. We emphasize the unique spiritual values, world views and cosmologies of indigenous peoples, all of which are interconnected to the sacred web of life and enrich the cultural diversity of all humanity. There is no knowledge without peoples or territories.

8. Traditional Forest Related Knowledge of indigenous peoples is not a commodity. It cannot be extracted, documented and traded. It is linked to our intergenerational cultural development, survival, beliefs, spirituality and medicinal systems. It is inseparable from our lands and

territories. Its use is confined to persons with the appropriate authority to use it in accordance with our customary laws.

9. Our traditional knowledge is much more than simply the knowledge of certain plants or animals. It is intimately linked to the spiritual world, to ecosystems, and to the biological diversity within our lands and territories and it transcends national boundaries. Fragmented misappropriation of this knowledge constitutes a deep violation of the integrity of our lives, territories and autonomous development.

In view of the above, we once more demand the recognition of the following principles in all forest policies and issues related to TFRK:

General Principles:

1. Indigenous peoples have the right to self-determination. We have legal and juridical systems based on our collective rights to our territories and natural resources, including subsoil resources.

2. The application of the principle of free and prior informed consent is fundamental in any decision which could affect our territories, lands, forests and development planning.

3. The issue of traditional knowledge must be regarded in a holistic manner, inseparable from our rights as peoples.

4. We are the owners and custodians of indigenous knowledge, and the ones to decide upon the nature of its use and application, and the conditions under which it can accessed or not. Indigenous peoples are opposed to a use of traditional knowledge which violates the spirituality and cosmovision associated with traditional knowledge.

5. We endorse a rights-based approach as the most appropriate way of dealing with the theme of forests and traditional knowledge, and also with efforts to eradicate poverty. Such an approach recognizes both the collective and individual rights of indigenous peoples, which include our rights to self-determination, our rights to the use and

control of our natural resources, to our cultural heritage, to our self-development, to our languages and our traditional ways of life and livelihood.

6. Indigenous peoples have the right to a development that is appropriate and suitable for us, on our own terms and conditions, and at our own pace and tempo, managed and guided by our own leaders, institutions and processes. The right to use our forests, water and subsoil which we have protected and sustainably used over the centuries, in ways that we find appropriate, including contemporary innovative systems of forest use and forest management, is part of our right to development.

7. We emphasize the need to strengthen the major role of indigenous women in the preservation and transmission of indigenous knowledge. The role of elders and spiritual guides as owners and transmitters of traditional knowledge to the younger generations must also be recognized.

STATEMENT OF INDIGENOUS PEOPLS ON THE PROTECTION OF INDIGENOUS KNOWLEDGE

Agenda Item 4(e): Culture
Third Session, UN Permanent Forum on Indigenous Issues
New York, 10-21 May 2004

The following are our recommendations for the Permanent Forum in relation to the discussions on the protection of Indigenous knowledge in the CBD, and other UN agencies such as WIPO and UNESCO.

I. Recommendations

A. Permanent Forum

1. The PF to advise WIPO and the CBD that these forums are not the appropriate forums for the development of international regimes or instruments for the protection of genetic resources, traditional knowledge and folklore. The appropriate place for these discussions would be under the auspices of the Sub-Commission on Human Rights, such as the Working Group on Indigenous Populations.

2. The PF should serve as the appropriate coordinating body to collect the processes and outputs of the various UN agencies that are discussing mechanisms for the protection of Indigenous knowledge, including WIPO, CBD, and UNESCO among others:

3. The PF analyze these aforementioned UN agencies processes and outputs relating to the protection of Indigenous knowledge to ensure consistency with existing human rights standards for the protection of Indigenous peoples' rights.

4. The PF participate in the Ad-Hoc Working Group on Access & Benefit Sharing, the Ad-Hoc Working Group on

Article 8(j) and Related Provisions, especially in relation to its work on sui generis protection of traditional knowledge, the WIPO Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

5. The PF designate "Indigenous Knowledge" as the 2005 theme of the PF to bring attention to the need for protection of Indigenous peoples` rights to free prior and informed consent regarding the use of their Indigenous knowledge, innovations, and practices, both traditional and contemporary, and including cultural expressions, artforms, and related to the utilization of genetic resources.

6. We urge the PF on Indigenous Issues to work to promote the adoption of the Draft Declaration on the Rights of Indigenous Peoples.

B. Convention on Biological Diversity

7. The Convention on Biological Diversity's Ad-Hoc Open Ended Working Group on Article 8(j) must be urged to advance their mandate to develop mechanisms for the effective sui generis systems of protection based on customary laws of Indigenous peoples. Particularly in light of the Conference of the Parties of the CBD decision to increase the pace in the elaboration and implementation of a proposed international regime on access and benefit sharing.

8. We request the CBD to facilitate the full and effective participation, including funding, of Indigenous peoples' and the PF in the work of the Ad-Hoc Working Group on Access & Benefit Sharing and the Ad-Hoc Working Group on Article 8(j) and Related Provisions.

C. UN Agencies

9. We request that UN Agencies, such as WIPO and UNESCO, be urged to advance the exploration of non-intellectual property approaches and tools for the protection of indigenous knowledge in consultation with Indigenous

peoples, including recognition of Indigenous peoples' customary laws and traditional methods of protection.

10. We request WIPO to facilitate the full and effective participation, including funding, of Indigenous peoples and the PF in the work of the WIPO Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

II. Discussion

Indigenous knowledge is the foundation of Indigenous cultures. This knowledge permeates every aspect of our lives and is expressed in both tangible and intangible forms. Indigenous knowledge reflects the wisdom of our Ancestors, and we have a responsibility to protect and perpetuate this knowledge for the benefit of our future generations.

Indigenous peoples are greatly concerned over the application of intellectual property rights over genetic resources and traditional knowledge. We continue to maintain and protect biologically diverse ecosystems for the collective good. We hold knowledge about our environments that is potentially valuable to bioprospectors or others seeking to profit from our knowledge and exploit our resources. For instance, a Hagahai man from Papua New Guinea had his DNA patented by a federal agency of the United States government in 1994. The Amazonian Indigenous peoples were unsuccessful in their struggle to overturn a patent granted to a US researcher for their sacred medicinal plant, the Ayahuasca.

We know the current proliferation of debate regarding the protection of traditional knowledge and genetic resources that is taking place in various UN fora is centered on mechanisms for exploitation, not protection. These discussions focus on the use of Western Intellectual Property Rights to be used as the mechanisms for the protection of Indigenous knowledge. These mechanisms are not only inadequate, but dangerous.

Indigenous peoples who have participated in the CBD, WIPO, and other UN processes, have consistently asserted our proprietary, inherent, and inalienable rights over our traditional knowledge and biological resources. Those who wish to impose intellectual property rights over our traditional knowledge and resources, if successful, will transform our knowledge and resources into individually owned, alienable commodities, subject to IPR protection for a short period of time. For instance, patents typically are granted for 20 years. Western property law, and in particular, intellectual property rights, are contradictory to the customary laws of Indigenous peoples to safeguard and protect our traditional knowledge.

Current proposals that offer Indigenous peoples benefit sharing arrangements simply coerce Indigenous peoples into participation in the economic exploitation of their knowledge and resources without realizing the legal implications in doing so. No nation should be forced to market their cultural patrimony, yet that is precisely what current discussions suggest with regard to Indigenous peoples.

Access and benefit sharing arrangements have become the paramount agenda in international fora. In particular, the current efforts to elaborate an "international regime on access and benefit sharing" taking place in the CBD's Ad Hoc Working Group on Access and Benefit Sharing will facilitate the exploitation of traditional knowledge and genetic resources, all in the name of sustainable development.

Discussions taking place in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) suggests that current or modified forms of intellectual property rights can be used to protect traditional knowledge. It has been proposed that Indigenous peoples document their knowledge in registries or databases in order to establish proof of prior art for patent applications. In fact, WIPO is facilitating access to member states' collection and databases

of Indigenous knowledge. In Indigenous territories, the primary means of protection and transmission of biodiversity-related traditional knowledge continues to be through customary laws, traditional practices, and oral histories. Traditional knowledge is dynamic, not static and cannot simply be documented and "fixed in a tangible form" to meet intellectual property law requirements. Community patents or marks proposed by WIPO are not appropriate forms of protection either because they provide only short-term protections for the sole purpose of commercialization.

It has further been asserted that Indigenous knowledge already publicly released is within the "public domain", which means free and open access by all. Indigenous peoples have asserted that with respect to Indigenous knowledge that is already documented or in registers or databases, this knowledge is NOT in the public domain, and Indigenous peoples retain all rights over the ownership and use of this knowledge. Similarly, any Indigenous knowledge acquired without prior and informed consent is not in the public domain, and all rights remain with the affected Indigenous peoples. Mechanisms are necessary for the repatriation of Indigenous knowledge and genetic resources that have been illegally appropriated. Indigenous knowledge and genetic resources should be classified as inalienable cultural heritage which is not subject to the laws relevant to public domain.

WIPO's toolkit purporting to offer States model laws for integration into national legislation to protect cultural expressions and artforms is inadequate and inappropriate in many aspects. For example, these model laws propose creating "competent national authorities", in effect designating States as the gatekeepers for the use of Indigenous knowledge. The only competent decision makers regarding the protection and use of Indigenous knowledge are the Indigenous peoples themselves.

There is urgent need to halt the misuse and misappropriation of traditional knowledge and associated biological resources, innovations and practices. Indigenous peoples are seeking international standards and mechanisms that ensure equity,

justice, and respect for our collective rights. We recognize that our traditional knowledge constitutes the collective heritage and patrimony of our peoples, and the genetic material contained within the flora and fauna around us constitutes our sustenance. Thus, we are refusing to place economic value on these things for the exploitation by others.

We urge the Permanent Forum to help defend the fundamental rights of self-determination of Indigenous peoples and our right to grant and deny access to our traditional knowledge and associated biological resources and territories.

We ask the Permanent Forum to intervene in the various UN fora to ensure that truly sui generis systems of protection of Indigenous peoples are protected. These sui generis sytems are based on our customary laws and traditional practices. Our existing protection systems are legitimate on their own right and any new mechanisms for protection, preservation and maintenance of traditional knowledge and associated biological resources must respect and be complementary to such existing systems and not undermine or replace them.

Agreeing Organizations:

Indigenous Peoples' Council on Biocolonialism (IPCB)
Na Koa Ikaika O Ka Lahui Hawai'i
Asian Indigenous Peoples' Pact (AIPP) Foundation
Association of Indigenous Village Leaders in Suriname (VIDS)
International Indian Treaty Council (IITC)
Indigenous Youth Caucus
Rapa Nui Parliament
The Traditional Circle of Indian Elders and Youth
Call of the Earth (COE)
Concerned Women for Peace for Sudan
African Indigenous Women's Organization
Indigenous Information Network
Kamakakuokalani Center for Hawaiian Studies
Ka Lahui Hawaii

EDUCATION

THE COOLANGATTA STATEMENT

On Indigenous Peoples' Rights in Education
World Indigenous Peoples' Conference on Education
Hilo, Hawai'i, August 6, 1999

Preamble

The Coolangatta Statement represents a collective voice of Indigenous peoples from around the world who support fundamental principles considered vital to achieving reform and transformation of education for Indigenous peoples.

The need for such an instrument is self-evident. Over the last 30 years, Indigenous peoples throughout the world have argued that they have been denied equity in non-Indigenous education systems which has failed to provide educational services that nurture the whole Indigenous person inclusive of scholarship, culture and spirituality.

Most all Indigenous peoples, and in particular, those who have suffered the impact and effects of colonization, have struggled to access education that acknowledges, respects and promotes the right of Indigenous peoples to be indigenous—a right that embraces Indigenous peoples' language, culture, traditions, and spirituality. This includes the right to self-determination.

This Statement speaks to the inherent rights of Indigenous peoples as declared in Article 27 of the International Covenant on Civil and Political Rights: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, and to profess and practice their own religion, and to use their own language.

As an instrument which derives its vision and strength from Indigenous Nations and peoples, the Coolangatta Statement on Indigenous Peoples' Rights in Education is and will remain a living document which addresses the educational rights of Indigenous peoples now and into the future.

I. Indigenous Education: A Global Overview

1.1 There exists a proliferation of international charters, conventions and other instruments that recognize the basic human rights of all peoples, amongst which is the right to education. Some of these instruments have been analyzed in the preparation of this statement. These include:

- Universal Declaration of Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Declaration on the Elimination of all Forms of Racial Discrimination;
- Discrimination (Employment & Occupation) Convention;
- Convention Against Discrimination in Education;
- Working Group on Indigenous Populations - Draft Declaration on Indigenous Rights;
- Kari-Oca Indigenous Peoples Earth Charter.

1.2 Indigenous peoples acknowledge that select principles and articles from international human rights instruments provide some basis for recognizing the rights of Indigenous peoples to education.

1.2.1 For example, Article 26 of the United Nations Declaration of Human Rights states:

> i. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made

generally available and higher education shall be equally accessible to all on the basis of merit.

ii. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nation for the maintenance of peace.

iii. Parents have a prior right to choose the kind of education that shall be given to their children.

1.2.2 Article 27 of the International Covenant on Civil and Political Rights further states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, and to profess and practice their own religion, and to use their own language.

1.3 Although the capacity for such instruments provides some basis for recognizing rights of Indigenous peoples, the 1999 WIPCE asserts that such instruments are limited in their capacity to recognize and protect the rights of Indigenous peoples. Human rights, by definition, are inalienable, inviolable and innate. The freedom to enjoy and indeed celebrate these rights has been, and continues to be, denied and obstructed for Indigenous peoples throughout the world.

Specific limitations include the extent to which these instruments:

- Protect the right of Indigenous peoples to equal access to education systems;
- Ensure that Indigenous parents have a prior right to choose the kind of education that shall be given to their children;

- Promote the right of Indigenous peoples to enjoy their own cultures in community with other members of their group;
- Provide conditions that are conducive to the use and maintenance of Indigenous languages.

1.3.1 Historically, Indigenous peoples have insisted upon the right of access to education. Invariably the nature, and consequently the outcome, of this education has been constructed through and measured by non-Indigenous standards, values and philosophies. Ultimately the purpose of this education has been to assimilate Indigenous peoples into non-Indigenous cultures and societies.

Volumes of studies, research and reports dealing with Indigenous peoples in non-Indigenous educational systems paint a familiar picture of failure and despair. When measured in non-Indigenous terms, the educational outcomes of Indigenous peoples are still far below that of non-Indigenous peoples. This fact exists not because Indigenous peoples are less intelligent, but because educational theories and practices are developed and controlled by non-Indigenous peoples. Thus, in more recent times, due to the involvement of Indigenous peoples, research shows that failure is indeed present, but that this failure is that of the system, not of Indigenous peoples.

In this context the so-called "dropout rates and failures" of Indigenous peoples within non-Indigenous educational systems must be viewed for what they really are—rejection rates.

1.3.2 The rights of Indigenous peoples to access education—even when these rights are recognized in treaties and other instruments—are often interpreted to read that Indigenous peoples only want access to non-Indigenous education. Presumably it is considered that the core of Indigenous cultural values, standards and wisdom is abandoned or withering in the wilderness of Indigenous societies.

Yet, Indigenous peoples across the world are demanding and, in some cases, achieving the establishment of systems of education which reflect, respect and embrace Indigenous cultural values, philosophies and ideologies—the same values, philosophies and ideologies which shaped, nurtured and sustained Indigenous peoples for tens of thousands of years.

One of the greatest challenges confronting Indigenous peoples in the final year of the twentieth century is how to promote, protect and nurture Indigenous cultures in an ever-changing modern society. This is of particular concern for Indigenous peoples who are forced into cities and away from their homelands.

1.4 It is of concern to the 1999 WIPCE that many international instruments have a limited capacity to recognize the most fundamental human right of Indigenous peoples — the right to be Indigenous. The right to be Indigenous involves the freedom of Indigenous peoples themselves to determine who is Indigenous; what it means to be Indigenous; and, how education relates to Indigenous cultures.

1.4.1 Recently a number of international documents prepared in response to the limited capacity of international human rights instruments recognize and protect the right of Indigenous peoples to be Indigenous. The 1999 WIPCE acknowledges and supports such documents, which include the Draft Declaration on the Rights of Indigenous Peoples and the Kari-Oca Indigenous Peoples' Earth Charter.

1.4.2 The Draft Declaration on the Rights of Indigenous Peoples, as revised by the members of the Working Group on Indigenous Populations in July 1993, asserts:

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political statutes and freely pursue their economic, social and cultural development. (Article 3)

Indigenous peoples have the right to participate fully, if they so wish, in the political, economic, social and cultural life of

the state, while maintaining their distinct political, economical, social and cultural characteristics, as well as their legal systems.(Article 4)

The draft declaration goes on to add:

Indigenous peoples have the right to all levels and forms of education. They also have the right to establish and control their educational systems and institutions providing education in their own language. (Article 14)

Indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information. States shall take effective measures, in consultation with Indigenous peoples, in eliminating prejudice and to promote tolerance, understanding and good relations. (Article 15)

1.4.3 The Kari-Oca Declaration entitled "Indigenous Peoples' Earth Charter" (formulated in Brazil in May 1993) includes the following statements on Indigenous education: Indigenous peoples should have the right to their own knowledge, languages and culturally appropriate education, including bicultural and bilingual education. Through recognizing both formal and informal ways the participation of family and community is guaranteed. Indigenous peoples must have the necessary resources and control over their own education systems. Elders must be recognized and respected as teachers of the young people. Indigenous wisdom must be recognized and encouraged.

The use of existing Indigenous languages is our right. These languages must be protected.

At local, national, and international levels, governments must commit funds to new and existing resources to education and training for Indigenous peoples to achieve their sustainable development, to contribute and to participate in sustainable and equitable development at all levels. Particular attention should be given to Indigenous women, children and youth.

The United Nations should promote research into Indigenous knowledge and develop a network of Indigenous sciences. As creators and carriers of civilizations which have given and continue to share knowledge, experience and values with humanity, we require that our right to intellectual and cultural properties be guaranteed and that the mechanism for each implementation be in favor of our people and studies in depth be implemented.

1.5 Evident from recent international documents on the Rights of Indigenous peoples, the right to be indigenous is an essential prerequisite to developing and maintaining culturally appropriate and sustainable education for Indigenous peoples.

Also evident, the educational struggles of Indigenous peoples of the world involve more than the struggle for access to and participation in both non-Indigenous education systems and culturally appropriate education. The educational struggles of Indigenous peoples are fundamentally and unequivocally concerned with the right of Indigenous peoples to be indigenous.

1.6 Youth and the young have a special place and responsibility in the struggle to nurture and protect Indigenous cultures. It is to them that truth and wisdom is bequeathed. When Indigenous youth and the young are separated from their cultural base and communities, Indigenous cultures and peoples are threatened with cultural extinction.

1.6.1 The forced removal of Indigenous children from their families and communities was a favored policy and practice of colonial powers throughout the world. The pain and emotional scars that are the legacy of this insidious form of cultural genocide continues to torment many of today's Indigenous peoples.

1.6.2 Acknowledging and respecting their role and responsibilities, delegates from the World Indigenous Youth Conference held in Darwin, Australia in July 1993, declared:

- We, Indigenous youth, believe we must maintain our right to self-determination. Our people have the right to decide our own forms of government, the use of our lands, to one day raise and educate our children in our own cultural identities without interference.

- We, Indigenous youth must have the freedom to learn our true histories. We make a call to our elders to open the way for us to learn about our heritages—to help us reclaim our past, so that we may claim our future.

- We, Indigenous youth, recognize our languages as an important link to maintaining our cultures. Indigenous languages must be maintained at a local level.

1.7 The 1999 WIPCE recognizes an existence of a commonality of purpose and desire amongst the Indigenous peoples of the world for education. It further recognizes that this commonality involves a shared belief that education must be scholarly and empowering whilst at the same time the processes of education must be embedded in Indigenous culture and wisdom.

1.7.1. Meaningful, empowering and culturally sustainable education for Indigenous peoples will be possible only when Indigenous peoples have the control (a fundamental right) and the resources (an inarguable responsibility of States/ governments) to develop educational theories, curriculum and practices that are indigenous and are able to determine the environment within which this education can best occur.

1.7.2 Indigenous self-determination involves choice and diversity. If an Indigenous person chooses to access an Indigenous education system, then this is a choice, which must be respected. If an Indigenous person chooses to access non-Indigenous education, than this choice must also be respected. If an Indigenous person chooses to access both non-Indigenous and Indigenous systems of education, then

this choice too must be respected. Not to do so is in itself a violation of a basic human right.

II. Rights in Indigenous Education

2.1 The right to be Indigenous is the most fundamental and important of all Human Rights.

2.2 The right to be Indigenous is a precursor to self-determination. The right to self-determination and the achievement of other inherent rights and freedoms for Indigenous peoples is inextricably connected to the physical and spiritual phenomenon of what most call "the earth." The sense of connectedness and belonging to Mother Earth is similar to the special bonds that unite parent and child. As a child's hopes and securities, aspirations and comforts are fundamental to its relationships with its parents, so too are Indigenous peoples' hopes and securities, aspirations and comforts fundamental in their relationship to Mother Earth.

2.2.1 Non-Indigenous peoples and their representative governments must accept this parent relationship with Mother Earth that characterizes Indigenous cultures. This relationship enables Indigenous peoples to negotiate, use and maintain the land, and to build and rebuild the social structures needed for cultural survival.

2.2.2 There are no single, simple or common answers to the question of Indigenous self-determination. Only Indigenous peoples who are spiritually focused and land-based.

2.2.3 The provision and application of material and political responses by Nation States to the right of Indigenous peoples to self-determination, governance and control over Indigenous life and futures must cease.

2.2.4 Self-determination in Indigenous education embodies the right of Indigenous people:

- To control/govern Indigenous education systems;

- To establish schools and other learning facilities that recognize, respect and promote Indigenous values, philosophies and ideologies;
- To develop and implement culturally inclusive curricula;
- To utilize the essential wisdom of Indigenous elders in the education process;
- To establish the criterion for educational evaluation and assessment;
- To define and identify standards for the gifted and talented;
- To promote the use of Indigenous languages in education;
- To establish the parameters and ethics within which Indigenous education research should be conducted;
- To design and deliver culturally appropriate and sensitive teacher training programs;
- To participate in teacher certification and selection;
- To develop criterion for the registration and operation of schools and other learning facilities; and,
- To choose the nature and scope of education without prejudice.

2.3 Indigenous peoples have strong feelings and thoughts about landforms, the very basis of their cultural identity. Land gives life to language and culture.

2.3.1 Indigenous languages in all forms are legitimate and valid means of communication for Indigenous peoples.

2.3.2 Language is a social construct; it is a blueprint for thought, behavior, social and cultural interaction and self-expression.

2.3.3 Language is the medium for transmitting culture from the past to the present and into the future. Acknowledging that many Indigenous languages have been destroyed, the 1999 WIPCE asserts that Indigenous languages are the best way to teach Indigenous knowledge and values.

2.3.4 Languages are the foundations for the liberation of thoughts that provide direction for social, political and economic change and development.

2.3.5 The survival and revival of Indigenous languages is imperative for the protection, transmission, maintenance and preservation of Indigenous knowledge, cultural values, and wisdom.

2.4 Pedagogy is the interrelationship between learning styles and teaching methods. There are pedagogical principles shared by all Indigenous peoples, but there are also those that are characteristic to the specific cultures, languages, environment and circumstances of Indigenous peoples across the world. Indigenous peoples and cultures are not homogenous.

2.4.1 Indigenous pedagogical principles are holistic, connected, valid, cultural, value-based, thematic and experiential. They promote and reward cooperative learning and the unified co-operation of learner and teacher in a single educational enterprise. They describe who teaches, as well as, how and when teaching occurs. Indigenous pedagogical principles, unlike western paradigms, recognize the important role of non-verbal communication in the learning-teaching process.

2.4.2 Indigenous learning is clothed in the medium of spirituality. Notions of well being/wellness and ethos are important in the process of learning.

2.4.3 The teacher is a facilitator of learning, one who promotes achievement and success. In this context culturally appropriate environments are employed to reinforce knowledge being imparted to the learner, reaffirming the learner's significant place in the world.

2.4.4 The involvement of community in all pedagogical processes is valued.

2.5 Indigenous peoples at the local level must determine how and to what degree non-Indigenous peoples are involved in Indigenous education. Once this role is determined it is the responsibility of non-Indigenous peoples to respect and adhere to the wishes of the local community.

2.5.1 Non-Indigenous peoples come from a different cultural background. Since Indigenous education is centered in Indigenous culture, non-Indigenous people must only be involved in the process of achieving educational objectives as determined by Indigenous peoples. Non-Indigenous peoples should not involve themselves in the processes of Indigenous decision-making.

2.5.2 Non-Indigenous peoples through the various levels of government and bureaucracy have an over-riding responsibility to accept and uphold the educational rights of Indigenous peoples and to know that these rights and freedoms are non-negotiable.

III. Conclusions

3.1 Indigenous peoples throughout the world survive policies and practices ranging from extermination and genocide to protection and assimilation. Perhaps more than any other feat, survival is the greatest of all Indigenous peoples' achievements.

3.2 Indigenous peoples have the right to be Indigenous. They cannot exist as images and reflections of a non-Indigenous society.

3.3 Indigenous education, as a medium for both personal development and intellectual empowerment, is critical for the continuance and celebration of Indigenous cultures.

3.4 To be Indigenous is both a privilege and a birthright. It is therefore the responsibility of all Indigenous peoples to ensure that their respective cultures, philosophies and ideologies remain strong and continue to grow.

3.5 We, the Indigenous peoples of the world, assert our inherent right to self-determination in all matters. Self-determination is about making informed choices and decisions and creating appropriate structures for the transmission of culture, knowledge and wisdom for the benefit of each of our respective cultures. Education for our communities and each individual is central to the preservation of our cultures and for the development of the skills and expertise we need in order to be a vital part of the twenty-first century.

HUMAN RIGHTS

BAGUIO DECLARATION OF THE SECOND ASIAN INDIGENOUS WOMEN'S CONFERENCE

Baguio City, Philippines, 8 March 2004

We, the participants of the 2nd Asian Indigenous Women's Conference, affirm our vital role in advancing the struggles of indigenous and tribal peoples of Asia for social and ecological justice, self-determination and peace. We celebrate our diversity and our solidarity as vibrant movements working to renew our historic identities at this critical time.

At the turn of the 21st century, the unfettered forces of neo-liberal globalisation, statist militarism and development aggression are violating our inherent rights and fundamental freedoms and threatening our very survival as distinct peoples. As indigenous peoples and as women, we suffer multiple burdens, underpinned by racial, cultural, religious and gender discrimination.

Today, as we celebrate International Women's Day, on the closing year of the UN Decade for Indigenous Peoples, we take stock of our situation as women, and as indigenous peoples, and commit ourselves to the fullest exercise of our rights towards self-determination, non-discrimination and equality for all peoples of the world.

At this conference, we bear testimony to the following problems and issues:

Globalisation and the Exploitation and Theft of Indigenous Peoples' Lands, Waters, Forests and Resources

- Globalisation is accelerating the alienation, privatisation, commercialisation and theft of community forests, lands, waters and traditional medicinal plants causing impoverishment and generating ill health for our peoples.

- The violation of indigenous peoples' prior rights to ancestral territories, lands, waters and resources, including the requirement to obtain our free, prior and informed consent to all programmes and projects affecting our lives and welfare is causing community strife and conflicts. Free and prior informed consent should include the full and effective participation of indigenous women in the decision-making process. Violations of customary use rights, particularly women's access to and control over natural resources, have been especially undermined.

- Indigenous peoples are gradually being estranged from our lands, mountains, waters and forests which are sources of wisdom and means of survival. Our knowledge of biodiversity and natural resource management is systematically exploited, appropriated or eroded. Piracy of indigenous arts, crafts and medicines is rampant and is facilitated by patents and other western intellectual property rights.

- The cash economy has eroded indigenous women's independence as self-reliant food producers, healers, artisans and spiritualists, transforming us into vulnerable lowly paid workers, urban poor and tourist attractions in the market economy.

- Indigenous peoples, particularly women, are not given our just share of the benefits arising from the sustainable use of surface and sub-surface resources, including waters and forests on indigenous territories.

- Corporate mining has resulted in the displacement of indigenous communities as well as in soil erosion and contamination, water and air pollution, serious health problems, impoverishment and social conflict.

- Illegal logging, private concessions, monoculture plantations and agribusiness ventures are depriving indigenous peoples of lands and livelihoods and seriously eroding our rights.

- National Parks and Protected Areas have displaced indigenous communities, expropriating our lands and denying access to the natural resources critical for our livelihoods and survival. Indigenous women have been disproportionately affected.

- Current forms of tourism make indigenous peoples and women objects of curiosity, display and commercialisation. Prostitution has increased, alongside the inducement to commercialise indigenous cultural heritages. Tourism is breeding cash dependence, especially on children.

- Large dams have serious impacts on the lives, livelihoods, cultures and spiritual existence of indigenous and tribal peoples, who have suffered disproportionately from their negative impacts, while often being excluded from sharing in any benefits. In the Philippines, almost all the larger dams built or proposed are on the lands of indigenous peoples. In India 40 to 50 per cent of those displaced by development projects were tribal peoples, who account for just 8 per cent of the nation's one billion people.

- Forced displacement of indigenous peoples from our ancestral lands is a major cause of impoverishment and threatens our very survival as indigenous peoples. Indigenous women and children are the most seriously harmed.

Militarization and Violence

- Indigenous women and children in Asia likewise suffer the brunt of militarization perpetrated by state forces, including vigilante groups and private

armies of companies. Indigenous communities targeted for development aggression are also targets of militarization.

- Rape continues to be used as a weapon of war by the military to humiliate and attack indigenous communities. Girls and even older women and children are not spared. Courtship and marriage with indigenous women is used to gain acceptance in indigenous communities; however soldiers often abandon local women and children upon transfer to other destinations.

- Military rule and the establishment of military detachments in our communities have curtailed our movement and economic activities, the entry of food supplies and basic social services and even disrupted the education of our children.

- The military has facilitated the occupation of indigenous territories by non-indigenous settlers, a form of assimilation which breeds conflicts between indigenous and non-indigenous communities.

- Compounding militarization is the war on terror and the passage of national policies or laws restricting the exercise of democratic rights and freedoms of the indigenous women and communities. Our organizations are regarded by the state to be engaged in terrorist activities. Women leaders suffer persecution and our elders are criminalized for asserting customary practices in defense of our land and resources.

- The Burmese military regime has perpetrated extreme violence against ethnic communities including forced labour, forced relocations, torture and murder. Indigenous women suffer from rapes and sexual violence, including the trafficking of women and forced prostitution.

- The report on the Philippines by Prof. Rodolfo Stavenhagen, the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples, underlines the continuing militarization of indigenous territories in furtherance of development aggression, particularly the extractive industries. Intensified militarization has resulted in family and community disintegration, human rights violations and hardship.

Violation of the Right to Citizenship of the Tribal Peoples of Thailand

- The right to citizenship of the tribal peoples of Thailand has not been guaranteed by the government; with applicants facing long delays in the processing of documents. Without citizenship, indigenous and tribal peoples are denied their most fundamental rights and entitlements, including access to education and other public services, land and property rights, and social mobility. Under these conditions, indigenous women are rendered extremely vulnerable and marginalised. Urgent government action is needed to redress this situation.

Political Misrepresentation

- Governments have engaged in political misrepresentation of indigenous peoples through the creation of government-controlled structures, the promotion of false and beholden indigenous leaders and deceitful manipulation. Indigenous Peoples' right to free, prior and informed consent has likewise been manipulated and abused.

Lack of access to Basic Social Services

- Indigenous women in many countries face many barriers to the access of education, healthcare and

sanitation, and other basic services and are excluded from decision-making on programmes to meet these needs and entitlements.

- Women are marginalised by cultures of patriarchy and violence, which confine women to the domestic sphere.

Outmigration and Loss of Traditional Livelihoods

- Recent extreme climate events and changes in Mongolia have devastated nomadic livestock herding, thus deepening rural poverty and lack of access to basic social services, and accelerating migration to urban centres. The continued survival of traditional livelihoods and cultures is under threat with the rapid transition to market and urban lifestyles.

Physical and Sexual Violence Against Women

- Poverty, which has been exacerbated by globalisation policies, is increasing the vulnerability of indigenous women to violence, both sexual and physical. In search of jobs, many indigenous women are trafficked to other parts of the country, or even across borders and are eventually pushed to prostitution.

- At the same time, indigenous women living in urban centres become victims of wife battering by their husbands, who finding themselves jobless are unable to support their families, become irritable or addicted to drugs and alcohol. Uprooted from the communities, indigenous women who migrate lose the protection afforded by customary laws.

Weakening of Women's Role

- The loss of lands, waters and forests is deepening the poverty of indigenous women while increasing their domestic loads and subsistence

responsibilities. We now have to work harder and longer to feed and nurture our families. Many women have become increasingly dependent on their husbands as the primary wage-earners, who have more employment opportunities and higher salaries in the market system. Thus indigenous women's status and power decline, weakening their influence and participation in decision-making.

- The incorporation of indigenous peoples in the cash economy has eroded self-reliant subsistence activities and women's role in production, economy and community life.

- Changes in the traditional social, cultural and political institutions and practices have led to a loss of practices, rules and codes of behaviour which have long been instruments in ensuring gender-sensitive structures. The introduction of western education and religion, and the imposition of alien leadership structures have undermined the role of our indigenous women spiritual leaders and healers, who have provided moral and spiritual guidance through generations, and who were often part of decision-making structures in our communities.

- The declaration of Nepal as a Hindu State has meant the promulgation of laws, rules and regulations (including the Constitution) based on Hindu values including cultural norms which consider women as inferior and impure. The government policy of Hinduisation undermines the egalitarianism of traditional indigenous societies of Nepal and downgrades the status of indigenous women.

We also agree on the following actions and commitments:

Recognition of Indigenous Peoples Rights to Self-Determination

- To work in unity with indigenous women and peoples in Asia and the world for the recognition of our rights to self-determination.

Policy and Administrative Reform

- We will actively engage in policy advocacy and reform in all political arenas, and at all levels, to gain full respect and recognition of the rights of indigenous peoples, including indigenous women to self-determination and for social and ecological justice and peace.
- We will work for an end to racial, cultural, religious and gender discrimination, and all its manifestations in public policy and practices.
- We will work for the amendment of constitutional provisions and conflicting laws to make these consistent with the internationally recognised rights of indigenous peoples. Customary laws should likewise be recognised in national and international legislation.

Citizenship Rights

- We uphold that all indigenous women and men are entitled to be free and equal to all others in terms of dignity and rights. Every indigenous person has the right to belong to a nationality, and to enjoy legal status and to be granted citizenship of the country where they live, if they so wish.

Renewal and Revitalization of Traditional Cultures, Customary Laws, Social Values and Practices

- We accept the challenge and responsibility to address cultural renewal and revitalization to promote gender-sensitive values and structures within our communities. We note with concern that some modern changes in our traditional social, cultural and political institutions and practices have

led to a loss of values and codes of behaviour which uphold gender-sensitive structures and roles, while accepting our responsibility to change other customary laws and practices which oppress indigenous women. We will speak up against abusive treatment of indigenous women in the name of custom and tradition.

- We will work to unify and educate women, children and youth in our communities about our cultures and identity as the basis of our struggles and rights to land, territory and resources.
- We will work with our traditional institutions to raise the respect, recognition and status of indigenous women who are knowledgeable about traditional resource management, biodiversity conservation, food security and the health system.
- We will strive towards working with our traditional leaders and institutions to ensure that women are not disinherited from family properties nor used to propagate social status through bride-price or dowry.
- We will revitalise traditional support systems against domestic violence and work towards removing prejudice and negative perceptions of indigenous peoples and women, which undermine our pride and self-confidence.

Campaigns against Development Aggression and Militarization

- We will conduct campaigns against development aggression and militarization and for the defense of our lands, resources and cultures from destruction and assimilation.
- We demand proper rehabilitation and compensation for lands and waters despoiled by destructive development projects.

- We demand the pull-out of military troops, checkpoints and detachments in our territories.
- We demand justice and accountability for criminal offenses perpetrated by the Armed Forces and paramilitary groups and to indemnify victims of political repressions and sexual violence.
- We will expose and oppose repressive and undemocratic anti-terrorism bills.
- We demand protection from transmigration and resettlement of outside settlers on indigenous peoples' territories.
- We demand a share of all benefits taken from our lands, waters and territories.

Peace-building and Conflict Resolution

- We do not see ourselves as simply victims, we are survivors of our struggles against militarization and for peace-building. We participate in peace-making efforts in support of our peoples.
- We recognise and respect indigenous women's contributions to peace building and conflict resolution. We will engender indigenous conflict resolution and peace-building processes and ensure the full and effective participation of indigenous women in peace processes and accords entered into by our people and communities.
- We call for increased international pressure on the Burmese military regime to stop its military offensives in territories of indigenous peoples and violent crimes against indigenous women.

Appropriate Social Services

- We will promote education in indigenous mother-tongue languages and the transmission of

indigenous cultures.

- We call upon governments to implement their international commitments on education, with due regard for the special needs for education of indigenous children.
- We will promote and develop indigenous healing practices, such as the use of herbal medicines, and work for the effective protection of indigenous knowledge from piracy and patenting.
- Awareness programmes must be carried out to change the mindset of communities and the government to address the special needs of indigenous peoples.

Recommendations to the Indigenous Peoples' Movement and Organisations

We will continue to strengthen our organisations' solidarity linkages, build our awareness and sustain our campaigns against development aggression, militarization and ethnocide at national, regional and international levels.

Research and Documentation

- Conduct specific studies on the impact of conflicts on women and children, and the role of indigenous women in conflict resolution, peace building and sustainable development.
- Intensify research activities by indigenous peoples on our priority issues and concerns.

Empowerment of Indigenous Women for Leadership

- Empower indigenous women to exercise our life skills in health, education and decision-making and to play our important roles in our families, communities and the indigenous peoples' movement.

- Carry out gender-sensitivity programmes within indigenous organisations and communities.
- Strengthen indigenous women's participation in all aspects of leadership and governance. Special meetings, leadership training as well as other training courses and exposure programmes should be organised.
- In terms of participation, a quota for women should be allocated, and when projects or meetings are going on, nursery facilities should be provided.
- Women will be encouraged to take up decision-making positions, after gaining the necessary confidence.
- The role and perception of women should not follow stereotypes and women who are qualified and experienced should be selected as leaders.

08 March 2004
Baguio City, Philippines

Signed by 100 indigenous women participants from the following twelve (12) Asian countries:

Malaysia
Mongolia
Indonesia
Bangladesh
India
China
Taiwan
Philippines
Thailand
Nepal
Burma
Kyrgyztan

KARI-OCA DECLARATION

Brazil, May 30, 1992

We, the Indigenous Peoples, walk to the future in the footprints of our ancestors.

From the smallest to the largest living being, from the four directions, from the air, the land and the mountains. The creator has placed us. The Indigenous peoples upon our Mother the earth.

The footprints of our ancestors are permanently etched upon the lands of our peoples.

We, the Indigenous peoples, maintain our inherent rights to self-determination. We have always had the right to decide our own forms of government, to use our own laws, to raise and educate our children, to our own cultural identity without interference.

We continue to maintain our rights as peoples despite centuries of deprivation, assimilation and genocide.

We maintain our inalienable rights to our lands and territories, to all our resources — above and below — and to our waters. We assert our ongoing responsibility to pass these onto the future generations.

We cannot be removed from our lands. We, the Indigenous peoples are, connected by the circle of life to our lands and environments.

We, the Indigenous peoples, walk to the future in the footprints of our ancestors.

Signed at Kari-oca, Brazil on the 30th Day of May, 1992

BEIJING DECLARATION OF INDIGENOUS WOMEN

Beijing, China, 7 September 1995

1. The Earth is our mother. From her we get our life, and our ability to live. It is our responsibility to care for our mother and in caring for our mother, we care for ourselves. Women, all females, are the manifestation of Mother Earth in human form.

2. We, the daughters of Mother Earth, the indigenous women present at the NGO Forum of the UN Fourth World Conference on Women in Beijing, have come together to collectively decide what we can do to bring about a world which we would like our children and our children's children to live in. We acknowledge and build upon earlier declarations which evolved from earlier meetings and conferences, like the 1990 Declaration of the Second International Indigenous Women's Conference, the Kari-Oca Declaration of l992, and those of various regional conferences of indigenous women, and the consultations and conferences done in preparation for this Beijing conference.

3. This declaration is drafted in recognition of the existence of the UN Declaration of the International Decade of the World's Indigenous Peoples, the Draft Declaration on the Rights of the Indigenous Peoples, the Convention on the Elimination of All Forms of Discrimination Against Women, the Nairobi Forward Looking Strategies for the Advancement of Women, Agenda 21 and the Rio Declaration on Environment and Development, the Cairo Declaration, and the Copenhagen Social Summit Declaration. While we agree with most of the provisions of ILO Convention 169, we cannot fully endorse a Convention which remains silent on the use of nation-states of military force to remove indigenous peoples from their lands.

4. We stand in unity behind this "1995 Beijing Declaration of Indigenous Women" which is the fruit of our collective efforts to understand the world and our situation as indigenous women, critique the Draft Platform for Action, and articulate our demands to the international community, the governments, and the NGOs.

5. We, the women of the original peoples of the world, have struggled actively to defend our rights to self-determination and to our territories which have been invaded and colonised by powerful nations and interests. We have been and are continuing to suffer from multiple oppression; as indigenous peoples, as citizens of colonised and neo-colonial countries, as women, and as members of the poorer classes of society. In spite of this, we have been and continue to protect, transmit, and develop our indigenous cosmovision, our science and technologies, our arts and culture, and our indigenous socio-political and economic systems, which are in harmony with the natural laws of Mother Earth. We still retain the ethical and aesthetic values, the knowledge and philosophy, the spirituality, which conserves and nurtures Mother Earth. We are persisting in our struggles for self-determination and for our rights to our territories. This has been shown in our tenacity and capacity to withstand and survive the colonisation happening in our lands in the last 500 years.

6. The "New World Order" which is engineered by those who have abused and raped Mother Earth, colonised, marginalised, and discriminated against us, is being imposed on us viciously. This is recolonisation coming under the name of globalisation and trade liberalisation. The forces behind this are the rich industrialised nation-states, their transnational corporations, financial institutions which they control like the World Bank, the International Monetary Fund, and the World Trade Organisation (WTO). They will cooperate and compete among themselves to the last frontiers of the world's natural resources located in our lands and waters.

7. The Final Agreement of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) and the establishment of the WTO has created new instruments for the appropriation and privatisation of our community intellectual rights through the introduction of the trade-related intellectual property rights (TRIPs). This facilitates and legitimises the piracy of our biological, cultural, and intellectual resources and heritage by transnational corporations. Our indigenous values and practice of sharing knowledge among ourselves, and mutual exchange will become things of the past because we are being forced to play by the rules of the market.

8. Bio-prospecting, which is nothing but the alienation of our invaluable intellectual and cultural heritage through scientific collection missions and ethnobotanical research, is another feature of recolonisation. After colonising our lands and appropriating our natural resources, they are now appropriating our human genetic resources, through the Human Genetic Diversity Project. Their bid for the patenting of life forms is the ultimate colonisation and commodification of everything we hold sacred. It won't matter any more that we will disappear because we will be "immortalised" as "isolates of historic interest" by the Human Genetic Diversity Project.

9. It is an imperative for us, as Indigenous Peoples, to stand in their way, because it means more ethnocide and genocide for us. It will lead to the disappearance of the diverse biological and cultural resources in this world which we have sustained. It will cause the further erosion and destruction of our indigenous knowledge, spirituality, and culture. It will exacerbate the conflicts occurring on our lands and communities and our displacement from our ancestral territories.

Critique of the Beijing Draft Platform for Action

10. The Beijing Draft Platform for Action, unfortunately, is not critical at all of the "New World Order." It does present a comprehensive list of issues confronting women and an

even longer list of actions which governments, the UN and its agencies, multilateral financing institutions, and NGOs should do. It identifies "the persistent and increasing burden of poverty" as the number one critical concern. It acknowledges that "most of the goals of the Nairobi Forward Looking Strategies ... have not been achieved." It also acknowledged that "in the past decade the number of women living in poverty has increased disproportionately to the number of men..."

11. However, it does not acknowledge that this poverty is caused by the same powerful nations and interests who have colonised us and are continuing to recolonise, homogenise, and impose their economic growth development model and monocultures on us. It does not present a coherent analysis of why is it that the goals of "equality, development, and peace," become more elusive to women each day in spite of three UN conferences on women since l975. While it refers to structural adjustment programmes (SAPs), it only talks about mitigating its negative impacts, not questioning the basic framework undergirding SAPs. It even underscores the importance of trade liberalisation and access to open, and dynamic markets, which to us, pose the biggest threat to our rights to our territories, resources, intellectual and cultural heritage.

12. The clear bias of the New World Order for big industries, big agribusiness corporations, etc., has meant the decimation of traditional livelihood and economic activities of indigenous peoples like hunting, food gathering and harvesting, reindeer herding, subsistence agriculture, fishing, small handicraft businesses, etc. The non-economic activities of indigenous women have been ignored and rendered invisible, although these sustain the existence of indigenous peoples. Our dispossession from our territorial land and water base, upon which our existence and identity depends, must be addressed as a key problem. The Platform is very vague on this.

13. The critical areas of concern it has identified are also critical for indigenous women. While it correctly identifies

unequal access to education and health as areas of concern, it does not question the basic Western orientation of the prevailing education and health systems. It does not reflect the fact that these systems have perpetuated the discrimination against indigenous peoples. It also does not acknowledge the role of Western media, education, and religion, in eroding the cultural diversity which exists among indigenous peoples. These Western systems hasten ethnocide. It does not give proper recognition and importance to indigenous health care systems and the role of its practitioners.

14. The violence and sexual trafficking of indigenous women and the increasing numbers of indigenous women becoming labour exports, has been aggravated by the perpetuation of an economic growth development model which is export-oriented, import-dependent, and mired in foreign debt. Military operations conducted on indigenous peoples' lands use rape, sexual-slavery, and sexual trafficking of indigenous women, to further subjugate indigenous peoples. The development of tourism to attract foreign capital has also led to the commodification of indigenous women and the dramatic increase in the incidence of HIV/AIDS. This reality is not addressed by the Platform. Domestic violence and the increasing suicide rates among indigenous women, especially those who are in highly industrialised countries, are caused by psychological alienation and assimilationist policies characteristic of these countries.

15. While it talks about the effects of persecution and armed conflict, it does not acknowledge that many of these armed conflicts are occurring on indigenous peoples' lands. These armed conflicts are the result of the aggressive actions of transnational corporations and governments to appropriate the remaining resources on indigenous peoples' territories despite the assertion of indigenous peoples to their right to control these resources. It does not recognise that the resolution of armed conflict especially those happening on indigenous peoples' lands, lies in the recognition of our rights to self-determination and to our lands and waters.

The phrase "internally displaced" in the text is bracketed, when in fact, this is the reality for many indigenous peoples all over the world.

16. Its recommended "strategic objectives" and actions focus on ensuring women's equal access and full participation in decision-making, equal status, equal pay, and in integrating and mainstreaming gender perspectives and analysis. These objectives are hollow and meaningless if the inequality between nations, races, classes, and genders, are not challenged at the same time. Equal pay and equal status in the so-called First World is made possible because of the perpetuation of a development model which is not only unsustainable but causes the increasing violation of the human rights of women, indigenous peoples, and nations elsewhere. The Platform's overemphasis on gender discrimination and gender equality depoliticises the issues confronting indigenous women.

Indigenous Women's Proposals and Demands

17. Within the context of our understanding of our situation and our critique of the "New World Order" and of the Beijing Draft Platform for Action, we present the following demands:

Recognise and Respect our Right to Self-Determination

18. That all governments and international non-governmental and governmental organisations recognise the right of indigenous peoples to self-determination, and enshrine the historical, political, social, cultural, economic, and religious rights of the indigenous peoples in their constitutions and legal systems.

19. That the governments ratify and implement the ILO Convention 169 only after thorough consultations with indigenous peoples.

20. That the 1994 Final Draft Declaration on the Rights of Indigenous Peoples be adopted and ratified by governments without any revisions and reservations. That the full

participation of indigenous peoples in the open-ended working group of the Commission on Human Rights to further elaborate on the draft will be ensured.

21. That the "s" in term indigenous peoples be put in all United Nations documents, declarations, and conventions. That, hereafter, we will not be referred to as ethnic minorities or cultural communities but as indigenous peoples.

Recognise and Respect our Right to our Territories, and Right to Development, Education, Health

22. We demand that the international community and governments recognise and respect our rights to our territories. This includes our right to decide what to do with our lands and territories and to develop in an integrated, sustainable way, according to our own cosmovision.

23. We urge the governments who are opening up our territories to foreign investors especially to mining corporations, to respect these rights. Full disclosure of development projects and investments to be put into our territories should be done. We should be fully involved in making decisions on these matters. Indigenous peoples' lands which have been ravaged by mining corporations, or which have become dumping sites of toxic, radioactive and hazardous wastes, should be rehabilitated by the corporations or the governments which allowed this devastation.

24. That the governments, international organisations and NGOs assume their responsibility to alter their policies and allocate resources for the intercultural and bilingual educational system and the development of indigenous health care systems according to our cultural principles and cosmovision. That books, audio and video materials, etc. be screened and purged of discriminatory, racist, and sexist, content.

25. That the governments implement realistic policies which will solve the problem of illiteracy among indigenous and peasant women, providing them access to intercultural and

bilingual education which respects indigenous cosmologies, promotes non-sexist formative education which puts women and men in touch with the land.

26. That the governments and international community implement health policies which guarantee accessible, appropriate, affordable and quality services for indigenous peoples and which respect and promote the reproductive health of indigenous women. That budget allocations to health and other social services be increased to at least 20 per cent of the national budget and that a significant amount of this goes to indigenous peoples' communities.

27. That the indigenous health care systems and practices of indigenous peoples be accorded the proper recognition and respect and the roles of indigenous health practitioners and healers be further enhanced.

28. That the dumping of hazardous drugs, chemicals and contraceptives on indigenous peoples communities be stopped. We demand that coercive family planning services, like mass sterilisation of indigenous women, coercive abortion programmes, be stopped. That population policies like transmigration be condemned and halted.

29. We demand that uranium mining taking place in our lands and nuclear testing in our territories and waters be stopped. If no uranium mining is done then there will be no nuclear weapons, nuclear reactors, and nuclear accidents.

Stop Human Rights Violations and Violence against Indigenous Women

30. That the United Nations create the necessary mechanisms to monitor the indigenous peoples' situation especially those facing the threat of extinction and human rights violations and to stop these ethnocidal and genocidal practices.

31. Call on all the Media and Communication Systems to realise that Indigenous Women refuse to continue to be treated and considered as exotic, decorative, sexual objects, or study- objects, but instead to be recognised as human

beings with their own thinking and feeling capabilities and abilities for personal development, spiritually, intellectually and materially.

32. Demand for an investigation of the reported cases of sexual slavery and the rape of indigenous women by the military men happening in areas of armed conflict, such as those within Karen territories in Burma, Chittagong Hill Tracts in Bangladesh, etc. The perpetrators should be persecuted and the survivors be provided justice and rehabilitation services.

33. Demand for an investigation of the forcible mass sterilisation and anti-fertility programmes done among indigenous women. Identify which international and national agencies are responsible for these and make them accountable.

34. That all acts of discrimination against Indigenous Women be considered and punished as a crime.

35. That the governments create juridical and social instruments adequate to protect women from domestic and state violence.

36. That indigenous customary laws and justice systems which are supportive of women victims of violence be recognised and reinforced. That indigenous laws, customs, and traditions which are discriminatory to women be eradicated.

37. That all internally displaced indigenous peoples be allowed to return to their own communities and the necessary rehabilitation and support services be provided to them.

Recognise and Respect our Rights to our Intellectual and Cultural Heritage and our Rights to Control theBiological Diversity in our Territories

38. We demand that our inalienable rights to our intellectual and cultural heritage be recognised and respected. We will

resist all processes seeking to destroy this heritage and alienate our resources and knowledge from us.

39. We demand that the Western concept and practice of intellectual property rights as defined by the TRIPs in GATT, not be applied to indigenous peoples' communities and territories. We demand that the World Trade Organisation recognise our intellectual and cultural rights and not allow the domain of private intellectual rights and corporate monopolies to violate these.

40. We call for a stop to the patenting of all life forms. This to us, is the ultimate commodification of life which we hold sacred.

41. We demand that the Human Genetic Diversity Project be condemned and stopped. Those responsible for this project should be asked to make an accounting of all the genetic collections they have taken from indigenous peoples and have these returned to the owners of these genes. The applications for patents to these genetic materials should be stopped and no applications, thereafter, should be accepted and processed. Indigenous peoples should be invited to participate in the ongoing discussions in UNESCO on the bioethics of the Human Genome.

42. We demand that governments at the local, regional, and national levels, recognise our intellectual community rights and support us in our defence of these rights, an obligation which they have undertaken as Parties to the Biodiversity Convention.

43. We will continue to freely use our biodiversity for meeting our local needs, while ensuring that the biodiversity base of our local economies will not be eroded. We will revitalise and rejuvenate our biological and cultural heritage and continue to be the guardians and custodians of our knowledge and biodiversity.

Ensure Political Participation of Indigenous Women and Enhance their Capabilities and Access to Resources

44. We demand equal political participation in the indigenous and modern structures of socio-political structures and systems at all levels.

45. We will dialogue with non-indigenous women's organisations and formations to implement a realistic plan of solidarity with the us.

46. We ask that NGOs that work with Indigenous Women be guided by principles of mutual respect and promote the full participation of Indigenous Women in action and in articulating issues regarding Indigenous Women and Indigenous Peoples.

47. Call on the funding agencies and donor agencies that support and promote women's organisations and programmes, to share space and financial resources in order to promote the development of Indigenous Women.

48. We will work towards reinforcing our own organisations, enhancing communications between us, and gain the space that is rightfully ours, as members of specific identities (nations and cultures) within the Decade of Indigenous Peoples and other institutions that represent governmental and non-governmental organisations.

49. We will work towards the holding of an International Conference of Indigenous Women which will be held as part of the celebration of the International Decade of the World's Indigenous Peoples.

50. We offer our sincere thanks to the Chinese Organising Committee and the Chinese people for their efforts in hosting and providing hospitality to us.

Approved and Signed on 7 September 1995 at the Indigenous Women's Tent, Huairou, Beijing, China.

INDIGENOUS PEOPLES' MILLENIUM CONFERENCE STATEMENT

Panamá City, Panamá, 7 - 11 May 2001

We, the Indigenous Peoples of all regions of the World - Arctic/Europe, Africa, Asia, North America, Central and South America and Caribbean, Pacific, and the Former USSR/Eastern Europe attending the Indigenous Peoples' Millennium Conference in Panamá City from May 7 to May 11, 2001:

Note with satisfaction the active presence of all of the regions of the world at this Conference and our progress in understanding each other's realities. Whether we identify ourselves as Indigenous, Aboriginal, Tribal, Autonomous, First Nations, Native Peoples, First Peoples or, by other terms, it gives us great pride, hope and satisfaction that as Peoples we can, together, work ardently for the recognition of our rights and the preservation and restoration of our values, cultural identities and way of life.

Have discussed several topics of great concern to us. Among these were:

- The UN International Decade for the World's Indigenous Peoples;
- The upcoming UN World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance;
- The UN Draft Declaration on the Rights of Indigenous Peoples;
- The Permanent Forum on Indigenous Issues;

- The UN Studies on Treaties, Land and the Cultural Heritage of Indigenous Peoples;
- Indigenous Peoples and economic colonization and globalization, in particular in the context of the TRIPS, WTO, IMF, WIPO, CBD, the Framework Convention on Climate Change, the World Bank and Agenda 21;
- The OAS process;
- ILO and UN Specialized Agencies; and
- Conflict Resolution, human rights instruments and complaint procedures.

As a result of these discussions, we have formed a global consensus in the following areas;

I. With regard to previous statements:

Endorse the following statements of Indigenous Peoples, their representatives and organizations, made in preparation for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa, August 31-September 7, 2001:

Community Consultation on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Kampala, Uganda, April 30 - May 3, 2001;

Indigenous Peoples and Racism Conference: Regional meeting of Indigenous Peoples of Australia, New Zealand, Hawaii and the United States, held in Sydney, Australia, February 20 - 22, 2001;

Declaration of Indigenous Peoples of the Americas, in Santiago the Chile December 5 - 7, 2000;

The Abokobi Declaration, in Ghana, April 7 - 10, 2001;

The Kidal Declaration, in Kidal, Mali, January 8 - 13, 2001.

II. With regard to Indigenous Peoples, the right of self-determination, the right to land and territories including submerged lands, waters and natural resources:

Call upon States to finally recognize that Indigenous Peoples are "Peoples," with the full meaning that attaches to that term under international law. As Indigenous representatives have stated repeatedly, throughout the years, it is inconsistent to distinguish between the human rights of Indigenous Peoples and other peoples. This has the purpose or effect of nullifying and impairing all the human rights of Indigenous Peoples. It is therefore racist and constitutes race-based discrimination. It is an affront to our human dignity;

Reiterate that among the human rights violated is the fundamental right of self-determination. We hold it self-evident that as "Peoples", Indigenous Peoples have the same right of self-determination as all other peoples of the world;

Reiterate further that it is time that States recognize the unique spiritual relationship between Indigenous Peoples and our lands and territories, including submerged lands, waters and natural resources, and that the right to these resources is inseparably linked to our right of self-determination;

With regard to our ancestral lands, call upon the world community to recognize and adequately address a new form of racism, that of environmental racism. The world community must immediately prevent the ruination of Indigenous lands and waters, including rising sea levels due to ozone depletion, the depletion of our natural resources, submerged lands and waters, through the prevention of so-called development schemes and unsustainable practices such as over fishing, mining, deforestation, the dumping of contaminated waste, and other land use practices that do not respect but do discriminate against our way of life;

III. With regard to Indigenous Peoples' cultural heritage and identity, genetic resources, traditional knowledge, expressions of folklore and other such resources:

Recognize that the extension of colonialism, in all its expressions, continues to divest Indigenous Peoples of our ancestral lands and territories, traditional knowledge, of our cultural and intellectual heritage, spiritual practices and our way of life. This is the cause of the loss and ruination of our identities and our cultures and, even now, extends to the loss of our plant, animal and human genetic resources;

Hold it self-evident that all rights to Indigenous Peoples' cultural heritage, genetic resources, traditional knowledge and expressions of folklore are inherently ours;

Recognize the paramount impact that international agreements and institutions, such as the CBD, TRIPS, WTO, IMF, WIPO, UNCTAD, the Convention on Climate Change, the World Bank and Agenda 21 have on the lives of Indigenous Peoples. It is therefore fundamental that Indigenous Peoples are given full and effective participation in all the work carried out within such institutions. We urge States and financial institutions to provide funds and other resources to facilitate the participation of Indigenous Peoples in these fora;

Recognize further the need to inform and educate members of Indigenous communities about the CBD, TRIPS, WTO, IMF, WIPO, the World Bank, UNCTAD, Agenda 21 and other international agreements and institutions and the processes relating to them. This so that whatever decisions Indigenous communities decide to take with regard to their genetic resources, traditional knowledge, folklore or other related matters, are made with their free and prior informed consent;

Express great concern about the World Bank's current revisions of Operational Directive 4.20 on Indigenous Peoples and recommend the following:

- that the World Bank's Operation and Evaluation Department conduct and complete an open and participatory review of Bank implementation of Operational Directive 4.20 as a foundation for

drafting its Operational Directives, Bank Practices and Sourcebook;

- that national and regional workshops be organized by the World Bank as part of its implementation review and revision process; and
- that the World Bank uphold international standards on human rights including providing for the free and prior informed consent of Indigenous Peoples to all World Bank programmes and projects affecting Indigenous Peoples;

Concerned that the activities of regional financial institutions and trade agreements, such as inter alia the Asian Development Bank, has resulted in the marginalization and impoverishment of Indigenous Peoples, we call on these institutions to:

- ensure that any project or programme that is carried out in Indigenous lands and territories is undertaken only with the full and prior informed consent, and with the full and effective participation, of the peoples concerned, and if such consent is not achieved, that these institutions withdraw from such areas;
- respect and promote Indigenous Peoples' rights; and,
- guarantee that these institutions' policies and programmes are given greater transparency.

Oppose the World Trade Organization Agreements that violate the rights and well-being of Indigenous Peoples, particularly the Agreements on Agriculture and Trade-Related Intellectual Property Rights (TRIPS). These illegitimate agreements undermine our diverse economics and cultural heritage;

Call for a moratorium on any further trade negotiations and agreements, subject to a review and revision of all existing

agreements to meet the requirements for equity and sustainability;

Stand united with broad sections of civil society in condemning the undemocratic, inequitable and non-transparent character of the World Trade Organization;

Call on states to engage with organizations representing Indigenous Peoples within their land and territories, to explore alternative mechanisms for protecting the collective heritage, cultural identity, genetic resources, traditional knowledge and folklore of Indigenous Peoples;

IV. With regard to international environmental processes:

Urge Indigenous Peoples and their organizations to participate in international environmental processes including inter alia: the Convention on Biological Diversity, the Framework Convention on Climate Change, the Ramsar Convention on Wetlands, the Convention to Combat Desertification and the United Nations Forum on Forests;

Call for the active participation of Indigenous Peoples and their organizations in the World Conference on Sustainable Development (Rio + 10) to be realized in Johannesburg, South Africa, in September 2002, as well as in the preparatory activities at the local, national, sub-regional and international levels;

Noting that the General Assembly Resolution on Rio + 10 "encourages effective contributions from and the active participation of all major groups as identified in Agenda 21, at all stages of the preparatory process," and "stresses that the preparatory meetings and the 2002 summit itself should be transparent and provide for ... contributions and active participation of major groups," we call upon governments and international agencies to:

- Review progress in the realization of the objectives and activities set out in Agenda 21 and in related instruments and processes with respect to

Indigenous Peoples on the local, national, sub-regional, regional and international levels;

- Guarantee the full and effective participation of Indigenous Peoples in the preparation of national reports and the review of such reports;
- Guarantee the full and effective participation of Indigenous Peoples in the sub-regional and regional preparatory processes;
- Guarantee the full and effective participation of Indigenous Peoples in the preparatory committee meetings of the World Summit on Sustainable Development;
- Support the inclusion of Indigenous Peoples as a major theme of the Rio + 10 summit as a contribution to review the United Nations International Decade of Indigenous Peoples and the proposed World Conference on Indigenous Peoples in 2004; and
- Guarantee the full and effective participation of Indigenous Peoples within the World Summit on Sustainable Development through the trust fund and other appropriate financial instruments.

V. With regard to the Permanent Forum on Indigenous Issues:

Welcome the establishment of the Permanent Forum on Indigenous Issues as a subsidiary body of the Economic and Social Council (ECOSOC);

Endorse the Regional Division adopted by the Indigenous Caucus in Geneva on November 26, 2000, during the 6th Session of the Open Ended Inter-Sessional Working Group on the Draft UN Declaration on the Rights of Indigenous Peoples, for the nomination of Indigenous members of the Permanent Forum. These regions are Arctic/Europe, Africa, Asia, North America, Central/South America and

Caribbean, Pacific, Former USSR and Eastern Europe and an additional seat to rotate between the three regions Asia, Africa and Central/South America and the Caribbean. The first additional seat will go to the region Central/South America and Caribbean;

Aware of the request of the UN Secretary General to the Office of the High Commissioner for Human Rights to take the role of lead agency for the establishment of the Permanent Forum, reiterate that the lack of a separate Secretariat for the Permanent Forum will seriously hamper the fulfillment of the mandate of the Permanent Forum;

Request the UN Secretary General to ensure that preference be given to Indigenous Peoples' candidates in the staffing of the Secretariat as a promotion of "the integration and coordination of activities relating to Indigenous issues within the UN system."

VI. Other important points:

Recommend a comprehensive review of the UN International Decade of the World's Indigenous Peoples;

Call upon States - in consultation with Indigenous Peoples - to support in any way appropriate and necessary the work of the Special Rapporteur on Indigenous Issues, including providing the Special Rapporteur with adequate funding;

Urge States to commit themselves more strongly to the UN Voluntary Fund and increase their contributions thereto, in order to allow Indigenous representatives to participate effectively in all UN conferences and meetings of concern to them;

Call for a World Conference on Indigenous Peoples, to be held at the end of the UN International Decade for the World's Indigenous Peoples in the year 2004;

VII. With regard to international conventions and declarations:

Call on the Parties to the Framework Convention on Climate Change to ensure and guarantee the full and effective participation of Indigenous Peoples within that process as has occurred in the Working Group on article 8(j) of the Convention on Biological Diversity;

Urge States, where Indigenous Peoples so request, that have not yet ratified ILO Convention No. 169 on Indigenous and Tribal Peoples to do so. States that have already ratified the ILO Convention No. 169 should work with Indigenous Peoples to implement and adhere to the principles and concepts of this Convention. States should further facilitate and ensure the participation of Indigenous Peoples in the ILO;

Recommend strongly the immediate adoption of the Draft UN Declaration on the Rights of Indigenous Peoples, approved by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in Resolution 1994/45. Where applicable, we further urge States and their regional State organizations to adopt the principles of the Draft UN Declaration on the Rights of Indigenous Peoples in applicable regional declarations on the rights of Indigenous Peoples.

BRINGING INDIGENOUS PERSPECTIVES TO THE INTERNATIONAL ARENA: An Indigenous Women's Conference

International Indigenous Women's Forum Declaration
February 26 - 27, March 12, 2005

We, the women of the International Indigenous Women's Forum, have come together in New York on February 26 and 27 and March 12, 2005, for a three-day conference beginning just prior to the 49th Session of the United Nations Commission on the Status of Women, in which we will take part. Our purpose in gathering is to strengthen our skills, strategies and advocacy work on behalf of ourselves, our Peoples, our communities and Women's human rights globally.

We note that there have been qualitative and quantitative advances, but today, 10 years after the Fourth UN World Conference on Women in Beijing; half-way through the decade devoted to the achievement of the Millennium

Development Goals, Indigenous Women continue to face a crisis stemming from: unbridled and escalating militarism, gender-based violence which includes

rape and trafficking of women within our own communities and as a tactic of armed conflicts; and macro-economic policies that disregard collective

rights and deny us our livelihoods and basic services, including safe potable water, health care and culturally appropriate education and institutions.

We call on our governments to reaffirm and fully implement the Beijing Platform for Action (BPfA) on the occasion of the Ten-Year Review and Appraisal of implementation of the BPfA and to commit to stronger action to advance Indigenous Women's human rights at this critical juncture.

We note with disappointment that the process of full recognition of Indigenous Peoples rights has taken a slow process; we urge governments to adopt the United Nations Declaration on the Rights of Indigenous Peoples.

Indigenous Peoples Rights are Indigenous Women Rights

We affirm that Indigenous Peoples have fought for centuries against genocide, displacement, militarization, colonization and forced assimilation, preserving our cultures, identities, languages and ways of life as distinct Peoples.

We recognize that the colonial and neoliberal policies directed at Indigenous Peoples has left Indigenous Communities among the poorest in the world, alienated from political decision-making processes, disenfranchised by national governments, and subjected to grave and pervasive human rights violations. In addition, the protection and promotion of individual human rights remains key for Indigenous Women, including the right and fundamental freedom to live free from violence.

We maintain that the advancement of Indigenous Women's human rights is inextricably linked to the struggle to protect, respect and fulfill both the rights of our Peoples as a whole and our rights as women within our communities and at the national and international level. We recommend, in keeping with the third report of the UN Permanent Forum on Indigenous Issues, that Indigenous Women's issues be mainstreamed throughout the United Nations system.

We note that impoverishment, gender, ethnical and racial discrimination causes an increase in Indigenous Women's risks of becoming ill and being denied medical treatment. We call on governments to meet their obligations to ensure access to high quality, culturally appropriate health services, including full-spectrum, reproductive and sexual health services. We call on governments to undertake a concerted global response to the AIDS pandemic and to pursue strategies for prevention and universal treatment of diseases disproportionately impacting marginalized communities.

We affirm the centrality of individual and collective rights, including sovereignty and self-determination, to the fulfillment of Indigenous Peoples' human rights and the preservation of Indigenous Peoples' natural resources and territories.

We affirm the adoption of a resolution by the United Nations Commission on Human Rights for a second Decade of Indigenous Peoples. In order to ensure that adequate attention is paid to Indigenous Women's human rights, we recommend that in the implementation of the resolution there should be a special focus on Indigenous Women.

Sustainable Development

We affirm that Indigenous Peoples are united by our lands, natural resources, and traditional knowledge which are the foundations of Indigenous Wealth, Strength, Identity, and Culture.

We recognize that, traditionally, Indigenous Women have played an integral role in preserving our cultural heritages, are important producers of food in our communities and the custodians of biodiversity for many of the world's ecosystems. We are practitioners of medicine, pharmacology, botany, nutrition, and the keepers of agricultural technology that sustains the polycultures critical to maintaining biodiversity. Moreover, Indigenous Women are the custodians and have the right to be titleholders to land.

We affirm that, in addition to being the stewards of our lands, environmental, technical, scientific, and custodian of our cultural and spiritual knowledge, Indigenous Women are the primary transmitters of this knowledge to younger generations.

We therefore affirm that Indigenous Women are knowledgeable about the struggle against poverty in our communities and creating strategies for sustainable development in our communities and beyond.

We therefore recommend that Indigenous Women's expertise be reflected in all national and international development strategies and that Indigenous Women, in consultation with their communities and organizations, be part of the formulation and decision-making processes of sustainable development initiatives.

Collective Rights, Indigenous Resources and Economic Justice

We recall that Indigenous Peoples extensive knowledge of the plants and animals on our lands, has historically been developed, shared and used collectively, and has been systematically robbed most recently via international trade rules like the World Trade Organization's TRIPS (Trade-Related Aspects of Intellectual Property Rights), which fail to recognize collective intellectual property rights and facilitate the piracy of Indigenous Peoples' knowledge by individuals and corporations.

We recognize that a wasteful and short-sighted pursuit of profit at the expense of nature has contributed to global climate change, an issue which literally threatens the Earth, with particular implications for Indigenous Communities. We note that deforestation, desertification, flooding, melting of sea ice, land erosion, pollution, and the toxic contamination of lands and waters are robbing Indigenous Peoples of our way of life, identity and wealth.

The Millennium Development Goals

We recognize the importance of the MDGs as a tool for advancing strategies for sustainable development and women's human rights. We call on all governments to uphold their commitments to realizing these goals, with an emphasis on Indigenous Women's full participation.

We endorse the indicator for Goals 1 and 3 ("the elimination of gender disparity in primary and secondary school education"). However, we recall that the Western paradigm of schooling has impoverished Indigenous Peoples

culturally, spiritually and economically. We therefore hold that the needs of our Peoples be addressed in educational policies for meeting this goal.

We further contend that Goal 3 (gender equality) cannot be met with a singular focus on girls' education. We echo the demands of our sisters throughout the global women's movement for an expansion of Goal 3 to address: reproductive and sexual health and rights, violence against women, women's labor and property rights, and the reduction of women's work burden by guaranteeing access to resources such as technology, sanitation, water, housing, electricity and transportation.

International Indigenous Women's Forum Declaration, New York, 27 of February, 2005

DECLARATION OF ATITLÁN, GUATEMALA

Indigenous Peoples' Consultation on the Right to Food: A Global ConsultationAtitlán, Sololá, Guatemala April 17 - 19, 2002

We, representatives and traditional authorities of Indigenous Peoples, Nations, and organizations from 28 countries, gathered from all regions of the world, including farmers, hunters, gatherers, fishers, herders, and pastoralists, met in Panajachel, Sololá, at Lake Atitlán, Guatemala, on April 17-19, 2001, with the following objectives:

1. To learn about the hardships faced by Indigenous Peoples in food-related matters.

2. To define common elements among Indigenous Peoples:

- To propose them to the States so that the States will implement the Right to Food in accordance with the aspirations of Indigenous Peoples; and,
- To strengthen ties of cooperation among Indigenous Peoples.

3. To formulate a strategy based on the vision of Indigenous Peoples, with the objective of making proposals to the States and to the international community in order to overcome hardships in matters of Food Security and Food Sovereignty.

We extend our deep appreciation to the Indigenous Peoples of Guatemala, particularly the Maya Kaqchikel People for their hospitality and generosity in hosting the various delegations attending this consultation.

We are aware that in Guatemala, a situation exists of misery, extreme poverty, and death by starvation, day by day, of men, women, and children. This is reflected in the report from the First Indigenous Peoples' National Conference on

the Right to Food, held on April 5, 2002, in Guatemala City, which includes the following facts: that in a period of 2 weeks 41 persons died of starvation; that in 44 per cent of Guatemala's territory, people are living in extreme poverty and at high risk of death from starvation; the following Departments of Guatemala are listed in order of their degree of extreme poverty: San Marcos 86.66 per cent, Totonicapán 85.62 per cent, Quiché 86.66 per cent, Huehuetenango 77.85 per cent, Alta Verapaz 76.40 per cent, Sololá 76.36 per cent, Jalapa 72.59 per cent, Jutiapa 63.88 per cent; Santa Rosa 62.07 per cent, and Quetzaltenango 60.67 per cent.

We find the above-described situation to be troubling and, indeed, deplorable as it reflects the reality of many Indigenous Peoples worldwide, and a risk exists that many others could face the same problem.

We recognize that as Indigenous Peoples, we face a higher risk of suffering the consequences of Food Insecurity. We underscore, for example, that the World Bank in its study on "Indigenous Peoples and Poverty," identifies our Peoples as the poorest of the poor.

The diverse Indigenous Peoples participating in this International Consultation have exchanged points of view, experiences and realities, and are alarmed by the growing food insecurity, starvation and malnutrition, which is a collective reality faced by our Peoples.

Declaration:

IN AGREEMENT that the content of the Right to Food of Indigenous Peoples is a collective right based on our special spiritual relationship with Mother Earth, our lands and territories, environment, and natural resources that provide our traditional nutrition; underscoring that the means of subsistence of Indigenous Peoples nourishes our cultures, languages, social life, worldview, and especially our relationship with Mother Earth; emphasizing that the denial of the Right to Food for Indigenous Peoples not only denies us our physical survival, but also denies us our social

organization, our cultures, traditions, languages, spirituality, sovereignty, and total identity; it is a denial of our collective indigenous existence;

TAKING INTO ACCOUNT that the right to development is a collective right of Peoples as well as of individuals, and that the Right to Food forms a part of the development process, creating conditions for the enjoyment of all human rights, fundamental freedoms and well-being;

REMINDED that the Plan of Action and the Declaration of the World Food Summit (1996) stated that Food Security means "the access of all people to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life;"

REMINDED that Food Sovereignty is the right of Peoples to define their own policies and strategies for the sustainable production, distribution, and consumption of food, with respect for their own cultures and their own systems of managing natural resources and rural areas, and is considered to be a precondition for Food Security;

CONSIDERING that Article 5 of the Declaration on the Right to Development (1986) states that "the refusal to recognize the fundamental right of Peoples to self-determination," as a fundamental injustice against which the States should take resolute steps;

KEEPING IN MIND that Article 1 in Common of the International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social, and Cultural Rights recognizes that all peoples, by virtue of the right to Self-Determination, may establish and implement their own economic, social, and cultural development, and their own development strategies, based on their own vision, and that "*in no case may a people be deprived of its own means of subsistence;*"

RECOGNIZING that for Indigenous Peoples, the rights to land, water, and territory, as well as the right to self-

determination, are essential for the full realization of our Food Security and Food Sovereignty;

NOTING that the States parties to the First World Food Summit, in its Declaration and Plan of Action, Commitment I, Objective 1.1 (d) made a commitment to recognize and support Indigenous Peoples and their communities in their pursuit of economic and social development, with full respect for their identity, traditions, forms of social organization and cultural values; also noting that the States parties made a commitment to reduce by one half the total number of human beings suffering from hunger and malnutrition by the year 2015, we regret that for Indigenous Peoples hunger and malnutrition have not been sufficiently reduced, and that suffering from starvation and malnutrition is increasing;

Having consulted and analyzed the situation faced by Indigenous Peoples from various parts of the world with respect to Food Security, Food Sovereignty and other aspects related to the life and the development of Indigenous Peoples, we identified the following obstacles to our Food Security and Food Sovereignty:

Obstacles to our Food Security and Food Sovereignty:

1. The implementation and domination of globalization and free trade, which act without limits nor morality in the theft of our lands, territories, and other resources necessary for our Food Security and Food Sovereignty;

2. The imposition of industrial models by the governments, particularly in the form of industrialized mono-agriculture, that causes an erosion of genetic diversity and the resulting loss of our seeds, species and breeds of animals. This only impoverishes our lands, generating a growing emigration of members of our communities to urban areas in search of employment that does not exist. In addition, the adoption of alien market systems imposes foods on us that do not nourish, but instead cause diseases and problems of all sorts for our health and problems in the physical development of our children;

3. The extension of intellectual property rights in favor of multinational corporations that has increased bio-piracy and the illicit appropriation of our biological diversity and traditional knowledge; and the introduction of genetically altered food, which is causing the loss of our traditional foods, of our health, of our relationship with Mother Earth, of our traditional plants and medicines, and of our very cultures;

4. The growing imposition of the use of pesticides and chemical fertilizers that poison Mother Earth, the communities that work The Earth, and the food resources on which Indigenous Peoples depend worldwide, affecting food production and hence nutrition and health, and increasing morbidity and mortality rates, in particular for our women and children;

5. The imposition of unsustainable projects by governments and private companies in our territories without consultation or prior informed consent, and without taking into account the rights and values of the Indigenous Peoples affected;

6. The policies and demands of international financial institutions such as the International Monetary Fund (IMF), the World Bank, the Inter-American Development Bank (IDB), and their structural adjustment programs;

7. Militarization and repression in Indigenous territories, in particular Plan Colombia and the fumigation of indigenous crops that is now expanding as policy into other countries of the region;

8. National policies that impose inadequate and exclusionary models and practices, which in turn result in the loss of our lands, territories and collective indigenous identity, generating increased food insecurity;

We therefore RESOLVE:

On the international level:

1. TO CALL for the immediate adoption of the original text of the Draft Declaration on the Rights of Indigenous Peoples, currently being discussed at the United Nations.

2. TO CALL on all States to ratify the Convention on the Elimination of Persistent Organic Pollutants and the Kyoto Protocol on Climate Change.

3. TO CALL upon States to ratify and implement ILO Convention 169, despite its limitations, as a step towards the full recognition of the rights of Indigenous Peoples.

4. TO RECOMMEND to the World Food Summit: five years later, to the World Summit on Sustainable Development, to the Pan-American Seed Seminar, and to other upcoming conferences on genetically modified organisms, that full recognition must be given to the rights of Indigenous Peoples to Food Security and Food Sovereignty, and that the obstacles limiting access to the necessary resources for our existence as Peoples must be eliminated.

5. TO RECOMMEND that the World Food Summit: 5 Years Later, the World Summit on Sustainable Development, and the States parties insist that international trade and financing entities recognize, respect, and observe human, economic, social, and cultural rights, particularly the rights of Indigenous Peoples.

6. TO RECOMMEND that the World Summit on Sustainable Development and the States parties prioritize as fundamental the Rights to Food, Health, and Education, from the perspective of the values and worldviews of the Indigenous Peoples, in the development process.

7. TO RECOMMEND that the United Nations Commission on Sustainable Development and the Food and Agriculture Organization (FAO):

a. Support the campaigns carried out by Indigenous Peoples to inform our communities regarding our Right

to Food, our Right to Development, and our Social, Cultural, Economic,and Political Rights;

b. Support our own systems and networks designed to improve the dissemination of the results of our research and existing information on the impacts of toxics, chemicals,genetic engineering, etc.;

c. Regularly inform Indigenous Peoples' organizations and traditional authorities involved in the issue of food in all countries, utilizing the media that are most accessible to all the communities in appropriate languages.

8. TO RECOMMEND that the FAO establish an open-ended working group so that Indigenous Peoples may consult in the development and implementation of policies that affect Food Security and Food Sovereignty of Indigenous Peoples.

9. TO DEMAND the elimination of development policies imposed by States that run counter to the life and to the philosophy, worldviews, principles, and inherent rights of the collectivities of Indigenous Peoples in the different regions of the world.

10. TO DEMAND that water not be privatized, as it is a sacred element for Indigenous Peoples, essential to our agriculture and to the maintenance of our Food Security and Food Sovereignty.

11. TO DEMAND an end to the policies of theft and usurpation of our lands, territories and natural resources, which are necessary for the enjoyment of our right to adequate nutrition. We also demand an end to the accelerated destruction of the environment.

2. TO DEMAND an end to the appropriation of Indigenous Peoples' knowledge, practices, and innovations as well as the appropriation of our genetic resources. We demand furthermore, a prohibition against the patenting of all forms of life and a prohibition against perverse technologies such as "Terminator" technology.

13. TO DEMAND that governments and multinational corporations inform Indigenous Peoples, in a full, truthful and comprehensible manner, and in the appropriate languages, regarding the production, use, transport, and exportation of pollutants that affect the food systems, environment and health of Indigenous Peoples.

14. TO DEMAND that the governments prohibit the production and application of pesticides, chemical fertilizers, and other substances considered dangerous for human health, particularly those that are already banned in other countries.

15. TO DEMAND the full participation of Indigenous Peoples in the development of mechanisms for equitable land distribution, land tenure, and control over the natural resources necessary for our Food Security and Food Sovereignty, without putting at risk the ownership of land and other resources held by Indigenous Peoples.

16. TO DEMAND that the laws, institutions and public policies of the States recognize and support Indigenous Peoples' systems in agricultural production, fishing, hunting, gathering, herding, pastoral practices (herders), as well as our own economic and political practices.

17. TO DEMAND that the protection of traditional knowledge be carried out in accordance with the worldviews, values, needs and traditional legal systems of Indigenous Peoples.

18. TO DEMAND respect for the spirituality and traditional religions of Indigenous Peoples as an essential part of the development and exercise of our rights, particularly the ceremonial practices related to our knowledge regarding crops, production, Food Security and Food Sovereignty.

WE COMMIT:

On a local/community level:

1. To revitalize the Worldviews of Indigenous Peoples.

2. To initiate a process of de-colonization within our communities, which includes culturally relevant education.

3. To strengthen our traditional food production systems, and family and community economies.

4. To provide families and communities with information regarding the benefits of consuming traditional foods.

5. To provide information regarding the health risks associated with consuming alien or non-traditional foods, including foods produced with chemicals and genetically modified food products.

On a National and Regional Level:

1. To create networks for communication, information, capacity building, and coordination among Indigenous Peoples regarding Food Security and Food Sovereignty.

2. To strengthen cooperation and solidarity on national and regional levels to fortify political, cultural, social, and economic ties and unity among Indigenous Peoples and Nations.

3. To create networks of solidarity among producers and consumers of traditional products.

4. To pursue constructive ties with Civil Society.

5. To create our own development programs in order to achieve Self Determination for our peoples and avoid the dependencies imposed by international financial institutions such as the IDB, the US Agency for International Development (USAID), and the World Bank, among others.

6. To promote autonomous Indigenous processes directed toward the development of systems for the protection of the practice of our knowledge and innovations that reflect our values, priorities, needs, and worldviews.

7. To make the issues of Food Security and Food Sovereignty known at national and international levels through nationally and regionally organized and representative

processes, so as to address these issues based on Indigenous Peoples own forms of thinking, feeling, and acting.

8. To disseminate the results of this consultation and the Declaration of Atitlán at the World Summits, and to other international, national and regional agencies and mechanisms, as well as to our own communities, organizations, Indigenous Peoples and to Civil Society.

9. To develop an Indigenous Peoples' Comprehensive Plan of Action regarding Food Security and Food Sovereignty.

Conclusion:

The participants in this Consultation REQUEST that the International Indian Treaty Council, IITC, establish and coordinate a mechanism for the dissemination of information and other aspects of follow-up for the recommendations and decisions of this Consultation.

WE REQUEST THAT the Permanent Forum on Indigenous Issues accept this Declaration and propose to the World Summits and agencies of the United Nations System that they incorporate it into their respective plans of action and policies.

Iximulew, job' Imox, Oxi' Kej[1] *Panajachel, Sololá, Guatemala, April 19, 2002.*

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[1]Ixim Ulew in the Maya Kaqchikel language means Solid Earth, granulated Earth, the Earth of the Jungles and of trees that resemble corn. Job' in the K'iche language means five; Imox, is a day on the Sacred Mayan calendar. This day addresses the qualities of instability, surprise, irrationality, and creation in emotion.

IIYC DECLARATION

International Indigenous Youth Conference 2002
Building Solidarity Among Indigenous Youth In Asserting Indigenous Peoples Rights Amidst Globalization
Baguio City, Philippines, April 17 - 26,2002

Having met in Baguio City, Philippines, from 17-26 April 2002, We the 83 participants of the International Indigenous Youth Conference, representatives of Indigenous Peoples and Organisations from Burma, India, Indonesia, Philippines, Thailand, Bolivia, Ecuador, Panama, Finland, Norway, Russia, Australia, Fiji Islands, New Zealand/ Aotearoa, Solomon Islands, Canada and the United States of America;

Expressing deep appreciation to the Cordillera Peoples Alliance Youth Center for hosting this International Indigenous Youth Conference;

Recall and Affirm the United Nations Declaration on the Rights of Indigenous Peoples adopted by the Sub-Commission on the Promotion and Protection of Human Rights;

Affirm the decision of the Commission on Human Rights in its 56th session that recommended to ECOSOC the establishment of a Permanent forum on Indigenous issues;

Affirm the consensus resolution ER/RES/2000/22 adopted by ECOSOC on July 28th 2001 establishing the Permanent forum on Indigenous issues;

Acknowledge the diversity of Indigenous Peoples represented and across the world;

Having shared experiences and ideas through dialogue and Indigenous protocol;

Express concern towards the lack of contribution and active and full participation of Indigenous youth in providing timely advice towards meeting their needs and aspirations from the global and local conditions they experience;

Understand as members of the community identify the decisions made for, upon Indigenous youth, a part thereof, impact and inform our roles as future Indigenous leaders;

Recognize and Assert that we have an important role in participating in Indigenous decision making as youth;

Having identified the concerns of building solidarity among Indigenous youth in asserting Indigenous Peoples Rights Amidst Globalization;

We united adopt and declare the following resolutions to the members of the Permanent Forum on Indigenous issues, in association with the annexed General IIYC Declaration, to be considered at the 1st Session, May 13-24 2002 in New York.

Resolutions

1. We recommend to ECOSOC to establish an Indigenous monitoring body for the purpose of maintaining, respecting and asserting the right of Indigenous Peoples for the free, prior and informed consent for activities and interactions with and in their local communities.

2. We demand from the Permanent Forum to publicly disseminate and actively ensure that all the information, decisions and knowledge, reach all Indigenous Peoples and communities, taking into account the diverse language, resources and geographical locations.

3. We recommend from the Permanent Forum to recommend the active and full participation of Indigenous Peoples on all of the process and activities relating to the protection and sustainable development of the environment.

4. We demand the Permanent Forum to call upon member states of the United Nations, the complete and immediate

withdrawal of all military forces occupying Indigenous Peoples territories.

5. We call for the Permanent Forum to demand immediate adoption of the United Nations Declaration on the Rights of Indigenous Peoples by all organs of United Nations, especially by General Assembly, in its original text, adopted by the Sub-Commission on Protection and Promotion of Human Rights.

6. We recommend the Permanent Forum to establish a special rapportour to consult with, meet, and commission a study on the issues, concerns and aspirations of Indigenous Youth.

7. We demand the Permanent Forum to support and ensure the full and active participation of Indigenous youth at the Permanent Forum and all United Nations activities. Furthermore, we demand the Permanent Forum recommend to United Nations inter-agencies and foundations, greater equitable access and opportunity to financial aid to achieve their goal.

8. We recommend the Permanent Forum ensures the full and active participation of Indigenous Peoples and Indigenous Organizations at the Forum, taking into account the participation criteria established by Working Group on Indigenous Populations.

DECLARATION OF INDIGENOUS OF PEOPLES OF THE WESTERN HEMISPHERE REGARDING THE HUMAN GENOME DIVERSITY PROJECT

Phoenix, Arizona, February 19, 1995

We are the original peoples of the Western hemisphere of the continents of North, Central, and South America. Our principles are based upon our profound belief in the sacredness of all Creation, both animate and inanimate. We live in a reciprocal relationship with all life in this divine and natural order.

Our responsibility as Indigenous Peoples is to insure the continuity of the natural order of all life is maintained for generations to come.

We have a responsibility to speak for all life forms and to defend the integrity of the natural order.

In carrying out these responsibilities we insure that all life in its natural process and diversity continues in a reciprocal relationship with us.

We hold precious all life in its natural form. The harmonious progress of the natural order in the environment shapes and defines healthy genetic diversity.

The principle of harmony requires that we do not violate the principles of Creation by manipulating and changing the natural order.

Given that our natural relationship has been interfered with by foreign or non-indigenous external forces in a long history of destruction we have never abandoned those responsibilities.

In the long history of destruction which has accompanied western colonization we have come to realize that the agenda

of the non indigenous forces has been to appropriate and manipulate the natural order for the purposes of profit, power, and control.

To negate the complexity of any life form by isolating and reducing it to its minute parts, western science and technologies diminished its identity as a precious and unique life form, and alters its relationship to the natural order.

Genetic technologies which manipulate and change the fundamental core and identity of any life form is an absolute violation of these principles, and creates the potential for unpredictable and therefore dangerous consequence.

Therefore, we the Indigenous Peoples and Organizations participating in this meeting from North, Central, and South America reject all programs involving genetic technology.

We particularly oppose the Human Genome Diversity Project which intends to collect and make available our genetic materials which may be used for commercial, scientific, and military purposes.

We oppose the patenting of all natural genetic materials. We hold that life cannot be bought, owned, sold, discovered, or patented, even in its smallest form.

We denounce and identify the instruments of intellectual property rights, patent law, and apparatus of informed consent as tools of legalized western deception and theft.

We denounce all instruments of economic apparatus such as NAFTA, GATT, and the World Trade Organization (WTO) which continue to exploit people and natural resources to profit powerful corporations, assisted by governments and military forces of developed countries.

We demand that scientific endeavors and resources be prioritized to support and improve social, economic, and environmental conditions of Indigenous peoples in the environments, thereby improving health conditions and raising the overall quality of life.

We reaffirm that Indigenous peoples have the fundamental rights to deny access to, refuse to participate in, or to allow removal or appropriation by external scientific projects of any genetic materials.

We demand the Human Genome Diversity Project and any other such scientific projects cease any attempts to seduce or coerce participation in their project through promises of benefits and financial gain in order to obtain consent and participation of Indigenous peoples.

We demand an immediate moratorium on collections and/or patenting of genetic materials from Indigenous persons and communities by any scientific project, health organization, governments, independent agencies, or individual researchers.

We demand that nation-state governments and their departments do not participate, fund, or provide any assistance to the Human Genome Diversity Project or any related programs or seek to hold patents or otherwise benefit from the genetic materials taken from indigenous peoples.

We call on religious communities, human rights, social justice and environmental organizations, funding agencies, all individuals, and institutions refuse to participate, fund, or provide other assistance to the Human Genome Diversity Project and any related programs.

We extend our support and solidarity to all those who are resisting these efforts, or are seeking the repatriation of genetic materials already taken or removed from their control.

We urge the international community and the United Nations to participate with Indigenous peoples in developing international policies and conventions which protect all life forms from genetic manipulation and destruction.

We call on our brothers and sisters of the Indigenous nations around the world and concerned peoples in the international

community to stand up and unite in our efforts to protect the natural diversity and integrity of all life.

The support of all humans in this Declaration would protect the sacredness of all life, the natural order, and would provide a healthy future for generations to come. As declared by participating organizations in Phoenix, Arizona on February 19, 1995

Signed by indigenous peoples' organizations. Partial list of signatories include:

Amazanga Institute, Provincia de Pastaza, Ecuador

Asocicion Kunas Unidos Pro Napguana, Panama

Coordinadora de Mujeres Indigenas de Bolivia, La Pas, Bolivia

CONIC Consortium, Albuquerque, New Mexico

Council of Athabaskan Tribal Governments, Stevens Village, Alaska

En'owkin Center. Penticton, British Columbia, Canada

Independent Traditional Seminole Nation of Florida, Immokalle, Florida

Indigenous Environmental Network, National Office, Bemidji, Minnesota

Indigenous Environmental Network, Oklahoma Region, Tulsa, Oklahoma

Indigenous People's Alliance, Phoenix, Arizona

Indigenous Peoples Support Network, London, Ontario, Canada

Indigenous WomenÕs Network, Lake Elmo, Minnesota; Ponsford, Minnesota; Boulder, Colorado

Inter-Ethnic Association of the Peruvian Rain Forest (AIDESEP), Peru

International Indian Treaty Council, San Francisco, California

South and Meso American Information Center (SAIIC). Oakland, California

WE WILL KEEP THE PAST NOT BEHIND US BUT IN FRONT OF US!

Manila Declaration of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples
Manila, Philippines, December 6 - 8, 2002

We have gathered here in Manila from 6 to 8 December 2000 to share:

- Who we are and why we persist in asserting our idenities and rights as indigenous peoples;
- Stories of the situations of conflict in our lands and the struggles we are waging;
- Stories of how we are building peace among ourselves and with others and the lessons we learned;
- Our definitions of conflict, peace, justice, and sustainable development;
- Our visions of a future where justice and lasting peace will reign in our territories and our tasks of building this future.

We are 90 indigenous persons coming from all corners of the world: from Greenland, Siberia, and Eastern Europe, from South America, Central America , and North America, from Southern , Central, Western and Eastern Africa, from the Middle East, from South and Southeast Asia, Australia, Aotearoa, and the Pacific.

We looked at our past and saw that the roots of the conflicts in our lands are found:

- firstly, in our common histories of external and internal colonization and

- secondly, in the continuing process of dispossession from our territories and resources; our identities, languages, cultures, and knowledge;
- thirdly, the historic and ongoing denial of the right of indigenous peoples to self-determination.

We have been told that the ways of the colonizer are better and superior; that we cannot govern ourselves and that we cannot be self-determining. We have been and are being forcibly integrated and constructed in systems which continue to be shaped by the same, if less overt, racism that underpinned colonization. The powers-that-be say that globalization is an inevitable reality which we should accept, even if it leads to the further appropriation and destruction of our territories and resources, privatization of our waters, the commodification of our human genetic materials, and legitimization of the patenting of life.

Our ancestors and we have resisted and continue to resist these moves which undermine our dignity and rights as indigenous peoples.

When we seek redress for the grave injustices that still confront us, we utilize agencies of international and domestic law but continue to reclaim and revalidate our indigenous ways of resolving dispute both internally and externally.

In doing so we accept that while the concept of justice may be universal the processes by which it is achieved and the values which underpin its understanding are culturally defined. However, experience has taught us that colonization has also sought to universalize the western processes of achieving justice and resolving conflict so that we are constantly forced to turn away from our own institutions and operate within those of western legal paradigms.

This conference accepts the challenge to honor our ancestors by adapting those institutions which they have left us to restore justice to our lives today.

At the same time this conference seeks support from non-indigenous partners to work with us to ensure that state and international institutions are more willing to acknowledge the validity of indigenous processes and systems and to work to ensure their recognition and their growth. We have in this conference 25 representatives of NGOs, United Nations bodies, and the donor community whom we are enjoining to be part of our journey.

The conference also acknowledges that in revalidating the traditions and institutions of our ancestors it is also necessary that we, ourselves, honestly deal with those ancient practices which may have led to the oppression of indigenous women and children. However, the conference also stresses that the transformation of indigenous traditions and systems must be defined and controlled by indigenous peoples, simply because our right to deal with the legacy of our own cultures is part of the right to self-determination.

Indeed, the underlying focus of this conference was a reaffirmation of the sentiments expressed in Article 3 of the Draft Declaration on the Rights of Indigenous Peoples, namely:

> *Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

In pursuit of this right, peace building in each country means we must weave together the threads of equality, justice, participatory democracy and recognition and respect for the rights of all peoples and cultures; peace building implies establishing intercultural and other relationships which facilitate peaceful coexistence within a framework of plurality and mutual respect.

It means that when others speak of respect for political, economic, social and cultural rights of indigenous and original peoples, they need to respect our forms of organizations and institutions, our spirituality and

cosmovision; they need to respect our mechanisms and methods of conflict resolution.

It also means that sustainable development must be nurtured by historical, cultural and biological diversity because this is the basis of creating justice and equality among peoples. It must include as a fundamental premise the equality of rights and opportunities for both women and men. It must promote the unrestricted participation of all in democratic processes.

The conference affirms that the right to self-determination of indigenous peoples necessarily requires that indigenous peoples reclaim the space and secure the respect needed to resolve conflict, build peace and develop the treasures of Mother Earth in a sustainable way that both reflects ancient traditions and the right of indigenous peoples to develop in the ways that they feel are appropriate.

This includes the right to create new systems and institutions of peace-making that are sourced in indigenous values and that co-exist with existing bodies such as the International Court of Justice and similar regional bodies.

Such institutions could include independent indigenous peoples tribunals, commissions of inquiry that are recognized as legitimate organs in any process of conflict resolution. The conference has agreed that:

1. An "Independent International Commission of Indigenous Peoples for Mediation and Conflict Resolution" be organized not later than the year 2002. The mission of this body will be to promote and defend the rights of indigenous peoples and to expose and denounce aggression and abuses of the rights of indigenous peoples in different parts of the world.

2. That an Indigenous Peoples Global Network for Research will be created which will help support and strengthen the capacities of indigenous peoples to undertake research and documentation and disseminate information as widely as possible.

3. Indigenous global, regional, and local networks need to be further strengthened and created for collaboration in education, campaign and policy advocacy.

4. Indigenous peoples networks should build partnerships with media, academe, civil society organizations, NGOs and others to promote public understanding of the issues facing indigenous peoples and to further peace-building and solidarity.

The conference recognizes the need for such independent indigenous institutions as a further recognition and re-affirmation of our right to self-determination. Indeed this conference declares its support for other statements by indigenous peoples that we continue to exist as self determining peoples in spite of the centuries of denial of our rights and our human worth. The conference further commits to support the following calls and recommendations and proposals arising from the regional and thematic workshop groups and resolutions adopted in the plenary sessions.

1. Uphold the dignity of indigenous peoples and promote and defend their rights.

The subordination of indigenous peoples under colonialism and economic globalization fuels the current ecological and social crises. The restoration of balanced relationships within nature and society requires valuing diversity and respect for indigenous peoples.

- Indigenous peoples organizations must continue and intensify education and training on the rights of indigenous peoples and their need to rediscover dignity in their own cultures, language, ways of living, worldviews and value systems. These efforts should be directed to indigenous peoples themselves, as well a non-indigenous entities including states and NGOs.

- States should respect and recognize indigenous peoples practices, values and principles with regard

to their land, resources, and culture, and recognize indigenous land and property systems.

- States should repeal and/or amend discriminatory laws and constitutional provisions.
- States should reform the educational system, such that it reflects the views and values of indigenous peoples, promotes respect , tolerance and acceptance of cultural differences. Education should become a conduit for cultural survival. Education should help strengthen the community by instilling pride and generating a shared commitment to improve their situation.
- States should grant indigenous peoples control over social plans, education and health programs that are implemented in their communities.
- Indigenous peoples should use the upcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance as a stepping stone for further dialogue with other survivors of racism and discrimination, with States, and society at large.
- Indigenous peoples call on the World Conference Against Racism to ensure the participation of indigenous peoples and to support the regional and international parallel meetings organized by them to consolidate their recommendations for the World Conference.

2. Respect and actualize the rights of indigenous peoples to self-determination.

Self-determination is the inherent birthright of all peoples, from which other freedoms flow. This fundamental human right of all peoples, including indigenous peoples, is recognized in the basic International Human Rights Covenants. The continued denial and violation of indigenous

peoples right to self-determination is the root cause of many conflicts faced by indigenous peoples.

- Call for the adoption of the UN Draft Declaration on the Rights of Indigenous Peoples by the UN Commission on Human Rights and the UN General Assembly before the end of the International Decade of World's Indigenous Peoples in the year 2004.

- States and the international community should recognize and respect the various forms of self-determination which would include, among others, autonomy, secession or federalism, recognition of indigenous socio-political and juridical systems, etc. as viable solutions for pluricultural and pluriethnic societies.

- States should dismantle existing repressive bodies and institutions and those who have committed genocide and ethnocide against indigenous peoples should be brought to court.

- States should ensure that indigenous peoples are fully consulted and involved in decision making regarding appropriate mechanisms, structures, and measures when refugees are hosted in their territories.

- More widespread consultations and in-depth research on how the problem of refugees and settlers in indigenous peoples territories can be resolved should be undertaken. Indigenous peoples, refugees, NGOs, the donor community and UN bodies should be involved in these consultations.

- States should stop transmigration programs that encourage non-indigenous people to move into indigenous peoples territories. The World Bank and the donor community should make social impact assessments of their support for such programs and

should be central in developing solutions and providing redress for the victims of such programs.

- States, the donor community, the UN bodies, should provide economic support to indigenous peoples nations, communities and organizations, without conditionalities.

- States, NGOs and international bodies are called to recognize traditional structures of governance and to provide technical, political, and financial support to strengthen these.

- The United Nations should establish the Permanent Forum for Indigenous Issues before the end of the year 2001. It should provide support to indigenous peoples choosing their representatives to the Permanent Forum. It should ensure that the secretariat for this body will be composed mainly of indigenous peoples.

- The United Nations and the donor community should uphold the right of indigenous peoples to development and their right to define the processes and forms of development appropriate for their circumstances. The international community and society-at-large should recognize and support indigenous peoples perspectives and practices on development especially those which are not consistent with the mainstream development paradigm of the globalized market economy.

3. Defend and Protect indigenous peoples right to their territories and resources.

Development aggression - the violation of basic human rights in the development process, continues to be a central problem for indigenous peoples. It is often the immediate manifestation of the underlying conflicts experienced by indigenous peoples and communities with states and in relationships with dominant economic, political, and social

structures and institutions. The territories and resources of indigenous peoples are being exploited at an increasing rate - leading to the destruction of the environment, marginalization of indigenous peoples, and denial of their basic means for subsistence and sustenance as distinct peoples and cultures. In this light we present the following recommendations:

- States, corporations, the banks, and the donor community should seek the full, free, and prior informed consent of indigenous peoples on all projects affecting their territories, resources, and culture.
- States should repeal or reform unjust mining policies and laws and build the capacity of indigenous peoples to regulate and monitor the production, processing, and sale of resources (e.g. diamonds in Sierra Leone) in respect of indigenous peoples rights and to prevent conflict.
- Indigenous peoples should make a data base of corporations which are involved in the exploitation of resources in indigenous peoples' territories and their environmental and social impacts and share this as widely as possible.
- Call for a moratorium on new applications for large-scale extraction activities and land acquisition in indigenous peoples' territories.
- Demand that existing permits of MNCs to exploit resources of indigenous peoples be cancelled or withdrawn, and an indemnification paid for damages that have occurred.
- Indigenous peoples should sustain their initiatives to monitor the impact of globalization. International bodies which are the key players in globalization should be monitored. Some of these are:

a. the World Trade Organization, especially its Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the Agreement on Agriculture (AOA), and Trade-Related Investment Measures.

b. the international financial institutions, like the World Bank, Regional Banks,and the International Monetary Fund.

c. other intergovernmental bodies like the European Union, European Commission, Organization for Economic Cooperation and Development (OECD), the Organization of American States, and other similar bodies.

d. Regional trade agreements like Mercosur, APEC, etc.3.7. Indigenous peoples should strategize concrete ways to appropriately respond to the forces and processes of globalization.

- Indigenous peoples should promote and strengthen the "No to Patenting of Life" campaign of indigenous peoples organizations and NGOs and use the "Indigenous Peoples' Seattle Declaration" as a tool for raising awareness on globalization.3.9. Indigenous peoples to recommend the inclusion of a clause against patenting of life forms in the Draft Declaration on the Rights of Indigenous Peoples.

- Indigenous peoples and States should ensure that Article 8j of the Convention on Biological Diversity which deals with the protection of traditional knowledge of indigenous peoples in the conservation of biological diversity is implemented. Full and prior informed consent of indigenous peoples should be obtained before any bioprospecting takes place in their territories.

- Monitoring bodies in the local, regional and national level which will consist of indigenous peoples

organizations, NGOs, and academia should be set up to monitor biopiracy, patenting of biological resources, and the collection of indigenous peoples genetic materials through the Human Genome Diversity Project and other similar endeavours.

- States, indigenous peoples, broader society, and the international community must respect and nurture indigenous knowledge. They should understand what it is, how it evolves in response to changing living conditions and how it can be combined with appropriate modern knowledge particularly in biodiversity conservation, health promotion, agriculture, and cultural development.

4. Work for a just and lasting peace in indigenous peoples territories.

In recent decades, open conflicts between "non-state" groups, such as the indigenous peoples versus states has increased both in frequency and ferocity. According to one source, at least 80 times since WWII such conflicts has escalated into war, and over 200 such groups have organized themselves at one time or another to defend their collective interests versus governments, transnational/multinational corporations and other groups.

Only a quarter to a third of modern civil wars (including anti-colonial wars) have found their way to negotiation. About two-thirds of internal conflicts have ended in the surrender or elimination of one of the parties involved. Since the roots of these conflicts have not been addressed the possibilities of re-emergence remain. In the meantime, negotiated peace accords are not being implemented to the favor of indigenous peoples and some ongoing peace negotiations have been stalled. Recommendations for the realization for just and lasting peace in indigenous peoples' territories are as follows:

States should respect and faithfully implement the peace accords with indigenous peoples and other armed groups,

should resume stalled peace talks and overcome the setbacks in some ongoing peace negotiations. We call on states to do the following:

a. Implement fully the Chittagong Hill Tracts Accord of 1997 between the Parbatya Chattagram Jana Samhati Samiti (PCJSS) and the Government of Bangladesh.

b. Implement fully the 1996 Guatemala Agreement on a Firm and Lasting Peace between the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the Government of Guatemala, particularly the Agreement on the Identity and Rights of Indigenous Peoples.

c. Implement and reinvigorate the San Andres Accord between the EZLN (Zapatistas) and the Government of Mexico.

d. Resume the stalled peace negotiations between the National Democratic Front-Communist Party of the Philippines-New Peoples' Army (NDF-CPP-NPA) and the Government of the Philippines.

e. Resume the peace negotiations between the Moro Islamic Liberation Front (MILF) and the Government of the Philippines.

f. Overcome the setbacks in the ongoing peace talks between the National Socialist Council of Nagaland and the Government of India

- Indigenous peoples should participate fully in peace processes and these processes should ensure the participation of chiefs, elders, women, community and religious leaders, youth. The broad participation of all peoples and sectors of society should be ensured in the peace-building process. The inclusion of the right people in the decision-making processes from the lowest to the highest political level can constitute a significant contribution to peace building.

- Indigenous peoples systems, methods and practices on peacebuilding and conflict resolution should be further developed and used by indigenous peoples, themselves. These should be supported by States, the donor community and international bodies. These indigenous capacities to prevent, resolve and transform conflicts should be developed from the local level upwards.

- In order to strengthen peace-building capacities of indigenous peoples , conflicts should be carefully analysed to examine their root causes and the political economy of their prolongation.

- Skills training on how to negotiate at the local, national, regional, and international levels should be sensitive to indigenous practices and should be made available for indigenous peoples.

- States should create conditions for peace negotiations to take place, i.e.,

  a. agreeable to all parties;

  b. based on genuine desire for peace, good faith, openness, flexibility, and mutual respect;

  c. consensus building, common platforms, and creating mechanisms for dialogue;

  d. not based on divide and rule tactics and not solely based on the agenda of states for the surrender of arms.

- International bodies such as the UN should be enjoined to participate in peace-building processes in indigenous peoples territories through, facilitation, moderation, conciliation, mediation and arbitration. This participation should be based on the free and informed decision by the indigenous peoples through their legitimate representatives and authorities.

- Establish mechanisms that will ensure transparency and accountability of peace negotiators or representatives to their constituents. This should be ensured before and during peace negotiations and during the post-conflict reconstruction period. Indigenous persons and other negotiators who occupy government structures as a result of the peace accords should maintain a high sense of accountability to their constituents. Broad consultations and dialogue on how the peace accords are being implemented should be established.

5. Recognize and respect the rights of indigenous women and enhance their roles in peacebuilding and conflict resolution. Engender the conflict-resolution and peace-building processes.

Indigenous women have played key roles in peacebuilding in their communities.Yet they have not been given due recognition in the conflict resolution processes. Indigenous women are not adequately represented in peace negotiations in all levels. At best, they are seen as auxiliaries in conflict, and are portrayed as passive victims and silent spectators of conflict. When conflicts lead to violent confrontations, women, lacking support mechanisms women face the brunt of repression and therefore become a vulnerable sector.

- Create an awareness among indigenous peoples and the public at large on the importance of recognizing the role played by indigenous women in conflict resolution and peace-building. Document the peace-building efforts done by indigenous women in different parts of the world and share this as widely as possible.

- Promote effective participation by women at all levels and stages of peacemaking processes, particularly at the planning, negotiation and decision-making stages. Negotiating parties should

include a fair number of women in the negotiating panels.

- Peace accords should emphasize the obligations set up by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and ensure reporting to the CEDAW Committee. The Beijing Platform for Action and the results of the Beijing Plus 5 Review should inform the participation of indigenous women in peace processes.

- Encourage and support women to seek decision-making positions and build mechanisms which will enable women to have access to such positions whether in the traditional or modern governance systems. Post conflict structures which are set up should ensure that there are women included not only on the lower levels but in the highest decision-making bodies.

- Provide training, technical and financial assistance to women to build further their capacity to effectively participate in conflict resolution and peace-building efforts in their own regions.

- Encourage indigenous women to use the media to highlight their suffering during wars and violent conflicts and their perspectives and recommendations on how to bring about peace and development in their territories.

- Encourage indigenous women to forge networks and linkages with other women's organizations and networks at all levels in their respective region and internationally.

- Organize women into committees of housekeepers, federation of women, women' unions, etc. and mobilize them to play key roles in peace and development processes

- Mobilize women in the struggles alongside men and even with children in pursuit of their demands as women and as indigenous peoples.
- Work towards solving the double burden of women so they can have more time to participate in the public domain.
- International agencies, NGOs, indigenous peoples, the donor community should include gender in their analysis of conflict and peace-building processes and in the assessments done on the economic, social, political and cultural situation pre and post-conflict.

6. Enhance the capacities of indigenous peoples to undertake research to allow for the broader articulation of indigenous perspectives and worldviews, and to strengthen indigenous peoples' systems and institutions for peace-building and sustainable development.

Indigenous peoples have been the objects of scrutiny - the researched, not the researchers. They have been represented more as the hapless victims or fierce warriors and less of pro-active agents of peace processes. Some academic studies used constructs and frameworks which are not relevant to the lives of indigenous peoples. Many of these were rarely translated into policy recommendations and used in advocacy campaigns. It is an imperative therefore that indigenous peoples define their own research agenda and undertake studies which they can use to strengthen their initiatives to bring about peace, resolve and transform conflicts, and bring about sustainable development.

- Conduct more in-depth case and comparative studies on peace accords, with emphasis on the following sub-topics:

  a. Forms and range of indigenous peoples' struggles, what strategies have succeeded, what has failed;

  b. Different kinds of frameworks and efforts forged

between indigenous peoples and states, and what kinds of compromises were entered into;

c. Various parties involved in conflict resolution;

d. Reasons, factors and conditions leading to the success or failure of peace accords;

e. The role of multilateral organizations, donor community, international financial institutions, as causative, fuelling and/or resolving conflicts;

f. Assessment on the impact of armed conflicts on indigenous peoples with particular emphasis on women and children.

- Take stock of indigenous peoples land and resources: their current status, how they are appropriated and protected. These problems were identified as major source of conflict in indigenous peoples' territories. The following are some of the related topics/issues:

  a. The status of land rights in countries- i.e. map out the boundaries of indigenous territories (such as living space, communal agricultural and fallow lands for shifting cultivation, and burial, spirit and collection forest);

  b. The social and ecological impact of resource-exploitation by large-scale development projects on indigenous peoples;

  c. Data base of corporations which are involved in the exploitation of resources in indigenous peoples' territories and their environmental and social impacts;

  d. Inventory of indigenous peoples' struggles, campaign and advocacy resources, organizations and networks;

  e. Indigenous knowledge: what it is, how it evolves in response to changing living conditions and how

it can be combined with appropriate modern knowledge particularly in biodiversity conservation;

f. Successful methodologies employed by indigenous peoples in protecting their indigenous knowledge and cultural heritage.

- Conduct specific studies on the role of indigenous women on conflict resolution, peace-building and sustainable development.

  a. Actual and potential roles of indigenous women in conflict resolution and peace-building;

  b. Gender analysis of peace accords and other peace processes;

  c. Differences in the perspectives and methods of indigenous men and women;

  d. Gender roles in conflict and conflict resolution.

7. Strengthen networks and alliances between indigenous peoples, help strengthen their capacities to promote indigenous peoples rights, and help create networks where there are none.

There are many networks built by indigenous peoples among themselves from the local, regional, and international levels. These are borne out of the desire to strengthen the voice of indigenous peoples so that they will have a greater impact in making the world recognize and defend indigenous peoples rights. The conference, however, recognized that in relation to the issue of peace-building, conflict resolution, and sustainable development, there are additional networks which could be established to complement the existing ones. Linkages with NGOs, international agencies, and the donor community should also be enhanced to create the broadest support for indigenous peoples.

- Create an Indigenous Peoples' Global Network for

Research. The main objective of this body will be to help build the capacities of indigenous peoples for research and policy advocacy. This network will promote indigenous peoples methodologies and frameworks on research.

- Create an Independent International Commission of Indigenous Peoples for Mediation and Conflict Resolution. The mission of this body will be the promotion and defense of indigenous peoples' rights. With the help of the Research Network mentioned above, it will document the aggression, conflicts and abuses committed against indigenous peoples and explore ways in which redress of these injustices will take place.

- Develop meaningful and equal partnerships with other NGOs, intergovernmental bodies, donor community and independent experts on the basis of mutual respect.

- Develop a mechanism for information dissemination, coordination, and for quick reaction to urgent alerts from indigenous peoples. Create a website which will be used for this purpose.

- Endeavour to bring indigenous peoples' issues and concerns to the mainstream media at the local, regional, and international levels.

The dream and vision of indigenous peoples for a just and lasting peace and for sustainable development to reign in their territories can be realized. What is needed is for others to share this dream and work in partnership with indigenous peoples to make it a reality. Let this Manila Declaration be a guiding light for this journey.

Organized and convened by Tebtebba Foundation (Indigenous Peoples' International Centre For Policy Research and Education) in Metro Manila, Philippines on December 6 - 8, 2000

YEAR OF INDIGENOUS PEOPLES: STATEMENT OF INDIGENOUS NATIONS, PEOPLES AND ORGANIZATIONS

New York, December 9, 1992

Gucumatz, Condor, Father Sun, Eagle, Anahuac, Mother Earth

INVOKING the spirits of our ancestors and acting in our tradition of resistance in the defense of Mother Earth,

ASSERTING our fundamental and historical rights.

ASSERTING all the millions of brothers and sisters who have sacrificed their lives in defense of our millennial culture; in the name of the more than 300 million Indigenous people who inhabit the Earth, and the efforts over years of work by indigenous peoples and NGOs, we, the members of the Indigenous nations and organizations, gathered In New York City, from the 8th to the 10th of December 1992,

Consider:

I. That all Indigenous peoples have the right to self-determination as expounded in the principles of the Universal Declaration of the Rights of indigenous Peoples. Accordingly, Indigenous peoples have the right to determine all matters relating to our political, economic, social, spiritual and cultural affairs. We call for the immediate adoption of the above declaration.

II. The struggle for our territorial rights is common to all Indigenous nations and peoples, and this right is persistently denied by governments and dominant societies.

III. Economic development practices of Nation States are destroying the natural resources which have been protected within Indigenous territories. As a consequence, the survival of all species is threatened.

IV. The Indigenous peoples' contribution to the social, intellectual and cultural diversity of the world, particularly to the ecology and harmony of Mother Earth must be valued and supported by nation states and international agencies.

V. The human rights of Indigenous peoples to our culture, identity, religions and languages are inalienable. These rights continue to be sacrificed in the programs, policies and budgets of the nation states and international agencies.

VI. While democracy is heralded by dominant societies, what this means to Indigenous peoples is repression, genocide, and misery in the Americas and in the rest of the world. As an example, the process by which the dialogue for peace is taking place in Central and South America, there is no direct participation by Indigenous organizations and nations in spite of the fact that Indigenous peoples are directly affected by the conditions of the wars.

VII. Governments continue to desecrate and appropriate religious and sacred places and objects, depriving Indigenous nations around the world of their basic spiritual ways of life.

THEREFORE: The International Year of the World's Indigenous Peoples, 1993, must not be merely celebrations or paternalistic declarations, but rather, the resolution of the above requires that the United Nations and its member states take the following actions:

1 . Recognize Indigenous rights to Indigenous territories, including the recovery and demarcation of such territories.

2. Recognize, honor, and document under international law all treaties, compacts, accords and other formal agreements concluded with Indigenous peoples of the world. Additionally the Study on Indigenous Treaties delegated to the Human Rights Commission must be given priority attention by the United Nations and its member states.

3. Recognize and honor Indigenous forms of government when such governments are practiced according to traditional laws and customs.

4. Promote and strengthen Indigenous intellectual and cultural property rights under International law and principles. Additionally, the study on intellectual and cultural property rights undertaken by the United Nations commission on Human Rights should be given top priority.

5. Consult with indigenous organizations and nations regarding the ratification of Covenant 169 of the International Labor Organization.

6. Provide legal assistance and technical training to the Indigenous organizations and nations.

7. Promote and strengthen Indigenous education, culture, art, religion, philosophies, literature and sciences of Indigenous nations.

8. Return historic places and sacred sites and objects to the Indigenous nations to whom they belong.

9. Demonstrate sincere connnitment to the new partnership with Indigenous peoples by making adequate financial resources available to implement actions presented herein. Furthermore, make significant donations to the Voluntary Fund so that future projects be realized, and assure that the indigenous peoples have direct input into the management of said fund.

10. That the United Nations Secretary General and its specialized agencies, commissions and programs to convene special consultations with Indigenous peoples of the world at the most local level practical.

11. That the Secretary general of the United Nations immediately create a specific Indigenous program to be administered and executed with direct participation of Indigenous organizations.

Written in the City of New York, December 9, 1992.

This statement was prepared and approved by representatives of the Indigenous peoples of the world present at the planning meetings held in New York for two days prior to the UN's Inauguration of the Year of the Worlds Indigenous Peoples .

SECOND INTERNATIONAL INDIGENOUS WOMEN'S CONFERENCE

Samiland, Norway, August 5 - 9, 1990

We heard the testimony of our Indigenous sisters on issues related to the global environmental crisis, the effects of exploitation of our ancestral territories and natural resources on our lives as women, the impacts of militarization and nuclearization, and the presence of foreign military bases in our lands and seas. We tried to understand how powerful nations and governments have imposed state laws on us which have institutionalized discrimination and repression and have facilitated the rape of our lands.

We were also made aware that patriarchal systems have been imposed on us by such oppressive structures to further divide our people and to assure the continued domination by these powerful nations and multinational corporations.

We are alarmed by the continuing number of Indigenous women and children being victimized by military operations in the guise of antiCommunism, as shared with us by our sisters in Central and South America and in Asia. The number of Indigenous women being raped, sexually abused, tortured, arbitrarily arrested, savaged, and becoming widows, has been increasing since the United States government launched its low-intensity warfare strategy on the various South and Central American and Asian nations which have national liberation movements.

The rapid degradation of the environment in our ancestral homelands has caused irreparable damage to our lives and lands. We grieve over what has happened to Mother Earth, and we share the pain of our sisters who have been victimized by racist policies, who have been dehumanized by militarization, who have become ''commodified" because

of tourism and the debt crisis, and thosewho have to suffer incurable diseases, carry toxins in their breast milk, and give birth to deformed or mutilated babies because of nuclear radiation and toxic waste dumping.

Forming an International Network

We are strengthened by our sisters who refuse to be immobilized in spite of these dehumanizing situations. We are inspired by the courage, steadfastness, determination, and commitment of many of our Indigenous sisters to continue working for a transformed society where oppression of Indigenous women because of race, class, gender, and nationality will no longer exist.

We believe that the formation of an international network of Indigenous women will help to further our struggles to be liberated from all forms of oppression, but this network should always ensure that Indigenous women from the grassroots level are always represented in decision making bodies and general assemblies which this network will have.

We accept our responsibility for sharing what has transpired in this conference with the rest of our sisters who are not here with us, and we will strive to continue expanding the linkages between ourselves, within the region, and in the world.

We affirm our commitment to persist in empowering ourselves through sustained education work, setting up of more Indigenous women's organizations, and working out development and action programs which are sensitive and responsive to the needs and demands of the majority.

We are in solidarity with our sisters from the Americas who are going to celebrate 500 years of resistance against colonialism, and we look forward to joining with them in their celebration.

We declare:

The rights of the world's Indigenous people to self-government and self-determination to be inherent and

inalienable rights, the assertion and pursuit of which must be acknowledged and respected by the industrialized nations of the world.

Colonialism and imperialism and the practices associated with these governmental policies, including militarism, tourism, and industrialization, to be genocidal practices which threaten the existence of the Indigenous peoples of the world.

Goals of the International Council of Indigenous Women

It will be our purpose to work towards the establishment of an International Council of Indigenous Women which would accomplish the following goals:

1. To provide for all Indigenous women a forum to share cultural, political, and spiritual experiences with each other and with the entire world;

2. To establish a network of communications or a system of interchange of cultural, political, and spiritual experiences between Indigenous women the world over;

3. To support the demands of Indigenous women based upon their right to self-determination;

4. To inform Indigenous women about their human rights and other fundamental liberties that are guaranteed by the U.N. and various governments, and to work so that rights that have still not been recognized are guaranteed;

5. To stimulate and support Indigenous women in their work to organic and establish networks of communication that serve to channel their concerns and demands, whether through women's organizations or mixed groups;

6. To actively participate in discussions within the Indigenous people's movements, the women's movements, and other relevant movements, in order to articulate, promote, and project women's issues in the broadest way possible;

7. To establish a relationship with international bodies such as the U.N., and national organizations such as parliaments and congresses, in order to pressure them to respond to questions concerning Indigenous women;

8. To forge networks of cooperation between Indigenous people's organizations and other non-governmental organizations that are interested in offering their support and direct cooperation to the Council.

DECLARATION OF THE GLOBAL FORUM OF INDIGENOUS PEOPLES AND THE INFORMATION SOCIETY

Geneva, 11 December 2003

Introduction

We, representatives of Indigenous peoples, nations and tribes of the World, assembled in Geneva from 8-11 December 2003 for the Global Forum of Indigenous peoples, nations and tribes and the Information Society. The Global Forum is an official meeting for the first phase of the World Summit on the Information Society and is facilitated by the United Nations Permanent Forum on Indigenous Issues.

As the representatives of Indigenous peoples, nations and tribes, Nations, and Tribes and recognizing the full diversity of Indigenous peoples, nations and tribes, who live in both, urban, rural and remote settings, we declare the following fundamental principals for building the information society that is inclusive of our cultural diversity and indigenous information communications styles and respects our rights in forming partnerships in action. All the following statements apply to Indigenous peoples, nations and tribes, our Elders, women, men, youth and children, in order that States abide by and respect them.

The Information Society is the result of a global revolution in the fields of economics, technology and social development. Its primary aspects are knowledge, information, communication and access to services and products. These elements of the Information Society, by their very nature are reflective of the political and economic status of the dominant society. This global revolution has had and continues to have a profound and deep impact on the cultures and communities of the world's Indigenous peoples, nations and tribes, most of whom continue to live

in extreme poverty without basic provision for food, water, shelter, electricity and other basic infrastructure.

At the heart of our vision of the Information Society is respect for the dignity and human rights of Indigenous peoples, nations and tribes, which must be affirmed, if the economic, information and digital divide which separates technology rich nations and the private sector from the most marginalized peoples of society including Indigenous peoples, nations and tribes, is to be bridged.

In this context, Information and Communication Technology (ICT) should be used to support and encourage cultural diversity and to preserve and promote the language, distinct identities and traditional knowledge of Indigenous peoples, nations and tribes in a manner which they determine best advances these goals. The evolution of the information and communication societies must be founded on the respect and promotion of the rights of Indigenous peoples, nations and tribes and our distinctive and diverse cultures, as outlined in international conventions. We have fundamental and collective rights to protect, preserve and strengthen our own languages, cultures and identities.

The prerequisite for the inclusion of Indigenous peoples, nations and tribes in the Information Society is the provision of adequate infrastructure in States for tele-communications, radio, television, the internet and ICT providers, with the free, prior and informed consent of Indigenous peoples, nations and tribes concerned. This requires access to basic community infrastructure such as electricity and energy sources. It is the desire of Indigenous peoples, nations and tribes that the provision of infrastructure and energy by achieved in sustainable ways and the use of alternative technologies should be investigated to ensure the environment is protected. States should take immediate action to address the needs of all Indigenous peoples, nations and tribes in their countries and should support developing nations and countries in transition, in their effort to provide ICT infrastructure.

Some Indigenous peoples, nations and tribes have made strides in bridging the information divide with the assistance of state and private sector support and financial subsidies. Our achievements demonstrate that equitable partnerships between Indigenous peoples, nations and tribes and others can be attained. These indigenous approaches and programs are resources, which can be transmitted to others through indigenous to indigenous training projects in order to meet the need of the vast majority of Indigenous peoples, nations and tribes, who have a critical need for culturally appropriate capacity building programmes. Capacity building programmes should begin at the grassroots level and should ensure gender equity.

Human Rights

We declare that our participation in building and implementing the information society must be based on our right to self-determination, and honour and respect of the spirit and intent of Treaties. Towards this end, we ask that States consider the rapid adoption of the Draft Declaration on the Rights of Indigenous peoples, nations and tribes, which we regard as minimal standards for the achievement of equity and social justice.

We declare that the protection and preservation of our indigenous languages and development of our traditional knowledge cannot be separated from our right to maintain and strengthen our distinctive spiritual and material relationship with our lands, territories, resources, air, inland waters and coastal seas. Access to ICT should not replace indigenous/traditional ways of knowing. Indigenous peoples, nations and tribes have a right and cultural obligation to preserve and transmit our ways of life, which includes our ways of knowing, to younger generations.

We declare that our cultural protocols, traditions, customary law and natures law, especially concerning sacred information and knowledge, must be respected. Arrangements for equitable benefit sharing must be based on our free, prior and informed consent.

We declare our desire to work collectively with others in the Information Society to create an ethical code and standards for best practices, which will be inclusive of our cultural values.

Education and Culture

We have the right to fully access and participate in decision-making processes (at all levels) concerning State Education (and the use of modern technologies). We also have the right to establish and control our own education systems based on our cultural methods, in our own languages and to plan and control our ICT application, as we see fit. We have the right to establish and control ICT training and application in indigenous educational systems, based on our own cultural methods of teaching and learning (of wisdom and cultural knowledge), in our own languages. We need to be key members and an integral part of the ICT capacity building for our communities.

We call on States, civil society and the private sector to partner with Indigenous peoples, nations and tribes, nations and tribes, to provide the needed resources for the development and implementation of "indigenous-to-indigenous" training projects, including "elders-and-youth" initiatives. This process will allow for the building of local capacity and expertise, and for programs that will be self sustaining.

We are entitled to culturally appropriate forms of distance learning as a complement to our methods of oral, personal, and intergenerational learning that are an integral part of indigenous learning and the transmission of language and culture.

To ensure equitable access to the Global Information Society, we need to develop our own approaches in the utilization of ICT that can be adapted to our own patterns and protocols of communication.

We are entitled to education and capacity building methods that are rooted in our languages, cultures and traditional

knowledge that are fundamental in validating and affirming indigenous self-esteem and identity.

To promote mechanisms that enable Indigenous peoples, nations and tribes to realize culturally adaptive applications to the ICT best practices and technology need to be shared among various Indigenous peoples, nations and tribes. In order to do so, regional, national and international meetings and workshops have to be held to exchange information about educational projects between indigenous individuals, groups and peoples.

Social and Economic Development

We have the right to determine and develop priorities and strategies for exercising our right to development. All development measures including those relating to the implementation of the Information Society, must be controlled by the Indigenous peoples, nations and tribes concerned and carried out in equal partnership with them. Participation, negotiation, and free, prior and informed consent of Indigenous peoples, nations and tribes must be recognized as key elements of any development process.

We have the right to establish and control our own Information Communication and Technology (ICT), further developing our fundamental right to social and economic progress.

We have the right to participate in all manner of media and Information Communication Technology in mainstream ICT systems, nationally and internationally, in order to further strengthen our social and economic development strategies.

We have the right to appropriate capacity-building and support in developing a sounder financial base, in order to keep up with technological developments and to build partnerships and networks.

Health

Technology can assist in meeting our dire need for primary health care. It is a vehicle to success in achieving the

Millennium Development Goals relating to infant mortality and maternal health care. Technology can also support preventative health education and through Tel-med applications, provide services over vast geographic distances. Information technology should be used to promote and protect our traditional healing practices as well as to improve our access to mainstream health services. This potential can only be realized through collective efforts and equitable partnerships between Indigenous peoples, nations and tribes, States, civil society and the private sector. This is considered a high priority.

Indigenous Cultural Property (includes Traditional Knowledge and Indigenous Intellectual Property and the Media)

We are the owners and guardians of the Traditional Ancestral Knowledge of our cultures that have been transmitted through aeons by our oral traditions and ceremonial cultural practices. Existing intellectual property regimes that favour individual property rights within the public domain are insufficient for the protection of indigenous intellectual property, which is the collective inheritance of Indigenous peoples, nations and tribes and the legacy of future generations.

Indigenous peoples, nations and tribes have the right to both fully explore existing legal regimes and to develop *sui generis* legal systems, in order to safeguard traditional knowledge and to ensure protection of sacred and/or secret content. This right encompasses the wealth of traditional knowledge, including but not limited to ethno-botanical and genetic applications of traditional knowledge and traditional knowledge systems relating to medicinal and agricultural practices.

An indigenous media agency should be established, in cooperation with relevant United Nations organizations, to advise on legal protection and dissemination of information on indigenous political, cultural and economic situations; and stories, articles, videos, images, and products of

indigenous peoples, nations and tribes, utilized for commercial purposes, through all forms of media, including print. Furthermore, relevant United Nations agencies, coordinated by the Permanent Forum of Indigenous Issues, should in cooperation with Indigenous peoples, nations and tribes, elaborate a code of ethics regarding mainstream media researching or reporting on indigenous communities.

An internationally recognized indigenous products symbol should be encouraged and supported by States, in order to protect Indigenous peoples, nations and tribes intellectual property, for all ICT innovations belonging to Indigenous peoples, nations and tribes either individually or collectively.

The United Nations and Member States should promote mechanisms to ensure the effective protection of the collective knowledge, innovations, and practice of the Indigenous peoples, nations and tribes, linked to cultural and biological diversity.

Environment

The environment is a concern for us all. ICTs, including radio and video, provide excellent opportunities to showcase and educate about the natural beauty and diversity in which we live and can further our efforts to protect our lands and territories. Indigenous peoples are interested in producing multi-media education materials to assist in environmental education.

Indigenous and non-Indigenous peoples, nations and tribes share the responsibility of protecting the environment and to live in sustainable ways. ICTs should be used to promote sustainable forms of living for the benefit of our whole planet.

There should be no construction of ICT equipment on Indigenous territories without the free, prior and informed consent of the indigenous peoples.

Environmental and cultural impact assessments on indigenous territories (lands, waterways, airspace, seas and

oceans) must be carried out with the effective participation of the indigenous people/s before any ITC construction takes place.

ICT construction, whether on lands, waterways, airspace or in the oceans, should not proceed if there are concerns of negative environmental or cultural impacts.

Our Road to Tunis

To assure the meaningful participation of Indigenous peoples, nations and tribes in Tunis in 2005 and in all preparatory conferences leading up to Tunis, the following recommendations need to be implemented:

The Tunis Global Forum of Indigenous peoples and the Information Society (GFIPIS) should be convened at the same site of the Tunis WSIS and should precede the WSIS by four (4) days. Registrations for the GFIPIS should include access to WSIS.

Indigenous members of the Permanent Forum on Indigenous Issues, in coordination with regional indigenous organizations, should be included in 2004 during the planning of the Tunis WSIS.

Travel and per diem grants for lodging and support for Indigenous peoples, nations and tribes should be funded by States and private sector and provided within sufficient time to allow proper planning and participation. Contributions should be sent to the Permanent Forum, which should ensure equal allocation among the indigenous regions taking into account gender, age and geographic equity.

A broad based effort should be made to inform Indigenous peoples, nations and tribes about the dates, location and all relevant matters of the Tunis regional preparatory conferences in early 2004. Email announcements should also be distributed to all participants of the annual sessions of the United Nations Permanent Forum on indigenous Issues.

PLAN OF ACTION OF THE GLOBAL FORUM OF INDIGENOUS PEOPLES AND THE INFORMATION SOCIETY

Geneva, 11 December 2003

Following are suggested courses of action to improve indigenous connectivity and equitable access to the new information society, on the Road to Tunis in 2005.

Economical and Social Development:

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Ensure regular and sustained support for isolated indigenous communities, so they can maintain connectivity.
- Build partnerships that are crucial for the establishment and sustainability of community connectivity, especially through funding/ resourcing and training.
- Promote cooperation among those who have access to new technologies and those who do not.
- Ensure that Indigenous peoples who have access to new technologies can share their skills in such areas as advertising (for trade of indigenous communities) with those who do not.
- Ensure ICTs are made available to communities on the basis of equity and are accessibility to all.
- Recognize the potential of the Internet for indigenous peoples to promote their own culture and history beyond economic profit.

- Explore possibility for an indigenous satellite.
- Assist Indigenous communities to explore and develop technologies themselves.
- Explore e-commerce applications which are very important for indigenous enterprises in assisting them to develop a needs analysis, a business plan, and develop partnerships and plan how to sustain their e-commerce projects.
- Establish a worldwide indigenous association of indigenous organizations and businesses that have made the leap to connectivity, so that they can assist and make this technology available to indigenous communities who are not yet connected.
- Raise awareness about the necessity of satellites to accomplish any form of communication in remote areas;
- Promote radio/wireless as cheaper and better strategies for small communities.
- Raise awareness of appropriate technologies for the local situation and such issues as the use of landlines, which are very expensive but work better in large communities.
- Fund capacity building in communication projects for indigenous communities, prioritizing access by youth, women and Elders.
- Access to information for indigenous women and indigenous youth and projects for capacity building.
- Assist indigenous peoples to decide what ICTs they need and assess what education is needed to have access to the knowledge of this new technology.
- Develop computer software in indigenous languages that allow indigenous peoples to write in their own

languages and to expand the use of computers in communities where indigenous languages are still in common use.

- Properly resource indigenous peoples to allow their full participation in the information society.

Culture and Education

Indigenous peoples are interested in building partnerships with other Indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Assist indigenous media in transmitting information (through print, audio and video) without excessive cost.
- Adapt information technologies to the needs of indigenous communities.
- Assist indigenous peoples to publicize their realities, recognizing that indigenous peoples should decide what should be published and what should not.
- Develop and promote ICT projects that motivate all young learners (including indigenous youth) to understand other cultures and also to take part in the preservation of their own cultures.
- Promote education and capacity building about information technology to ensure that indigenous peoples can utilize it effectively and appropriately.
- Ensure that relevant UN bodies including the UNPFII, WIPO, and UNESCO should work together on these issues to ensure that these issues (that are cross-cutting) are adequately addressed, recognizing that no single UN body has a mandate that allows for the comprehensive addressing of these issues. Such a partnership should encourage complimentary in addressing these issues.

- Produce a secure database portal of Indigenous languages written and oral.
- Create educational programs, where indigenous students can be trained to improve their technical skills.
- Assist indigenous peoples to develop our own strategies of communications.

Environment

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Ensure that ICTs, including satellite dishes, should not be placed on indigenous lands or territories unless the free, prior and informed consent of the Indigenous Peoples of those territories have been secured.
- Establish procedures concerning the placement of ICT equipment on Indigenous peoples lands that require widespread advertisement and notification, to ensure that the Indigenous Peoples belonging to those territories are fully informed and that their free and prior informed consent is obtained prior to any work commencing.
- Ensure that indigenous peoples fully participate in environmental and cultural impact assessments on their indigenous territories (lands, waterways, airspace, seas and oceans) before any ITC construction takes place and that construction relating to ICTs whether on land or in the seas should not be undertaken where there is a negative environmental or cultural impact.

Health

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Develop and implement indigenous specific health strategies at both community-level, regional, national and international levels.
- Ensure that High tech health care enhances and build on traditional ways of healing.
- Allow indigenous peoples, through their indigenous evolutionary processes to find their own uses for modern technologies, through capacity building and learning about its potential.
- Work with indigenous communities, to assist them in identifying what improvements are needed firstly in their health care, before they can identify how technology can help in other areas.
- Ensure that (recognizing the under-resourcing of indigenous health in many countries) moneys saved through high tech health delivery are redirected back into other indigenous health areas.

Human Rights

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Acknowledge that this Global Forum of Indigenous Peoples and the Information Society - Programme of Action is built on the previous precedents of World Conferences, noting the unqualified use of the term indigenous peoples in the Johannesburg Declaration and the relevant recommendations made at the World Conference against Racism,

Racial Discrimination, Xenophobia and Related Intolerance.

- Recognized that Indigenous peoples were identified as vulnerable groups by the World Conference against Racism, Racial Discrimination Xenophobia and Related Intolerance, and as peoples, suffer multiple forms of discrimination. In particular, indigenous women were at the intersectionality of race and gender discrimination. Therefore, particular attention should be given to the negative uses of modern technologies to promote and proliferate racial hatred, discrimination, gender bias and stereotyping. As the World Conference recommended, special measures should be adopted to address discrimination against indigenous peoples.

- Develop special measures to include marginalized segments of society including Indigenous peoples, and to ensure that they are not further marginalized by the information society.

- Ensure that the right to freedom of speech is exercised without any discrimination.

- Develop a code of conduct for the use of the information society, encouraging respect and promotion of cultural diversity.

Traditional Knowledge

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

- Ensure that international organizations, including WIPO and other bodies, dealing with issues of relevance to Indigenous peoples and the information society, develop effective participation mechanisms

to allow full and effective participation of indigenous peoples, including travel grants for regional representatives to participate in relevant meetings.

- Assist Indigenous Peoples in exploring *sui generis* legislation to protect their collective intellectual property rights.
- Raise awareness with UNESCO that it needs to consider more effective protection mechanisms for cultural heritage.
- Promote to the theme of Traditional Knowledge protection with the United Nations Permanent Forum on Indigenous Issues as their special theme for their 2005 session.

DECLARATION OF THE FIRST INDIGENOUS WOMEN'S SUMMIT OF THE AMERICAS

Oaxaca, Mexico
November 30 - December 4, 2002

We, the participants of the First Indigenous Women's Summit of the Americas, gathered in the city of Oaxaca, Mexico from the 30th of November to the 4th of December 2002, in an effort to share our experiences and formulate proposals on the topics of Human Rights and Indigenous Peoples Rights, Empowerment and political participation of indigenous women; spirituality, education and culture; development and globalization and gender from an Indigenous women's perspective present the following declaration:

Accepting, that Indigenous Peoples have an inherent right to sovereignty, self-determination and autonomy, which includes the right to freely determine our political status and pursue our economic, social and cultural development, and our individual and collective rights to land, territories, natural resources, biodiversity and intellectual property;

Demanding, that Indigenous women be full participants in the struggles and processes in constituting the development of our nations and cultures dependant upon equality between women and men in decision-making at all levels, including the experiences, values, principles and knowledge of our elders and the enthusiasm of our youth;

Considering, that Indigenous women continue to live under conditions of great discrimination, racism, extreme poverty, exclusion and lack of access to power, reflected in the inequalities in labor markets and access to fair wages between Indigenous women and men, between Indigenous women and non-Indigenous women, as well as in the fact

that Indigenous communities in most cases have limited access to market economies, raw materials, resources and knowledge;

Recognizing, that the richness of our Peoples has its origins in the transmission of values through community education, in which women have played a central role as midwives, counselors and spiritual guides, allowing the transmission of our traditional values and teachings, which are crucial to the development of health models in keeping with our cultures and traditions; at the same time we recognize the improvement in bilingual, intercultural education, with the contribution and effort of the Indigenous Peoples;

Affirming, that education for Indigenous women is critical to our collective development, understanding the need to promote intercultural education in our own languages and with our own cosmovision, through a process that is ongoing and responsive to changing needs, to provide tools to continue to face the challenges of life, recognizing that Mother Earth is our first teacher, she teaches us to live with her, take care of her and protect her;

Affirming, that in order to ensure the full and effective participation of Indigenous women, we must take control of the development of alternative solutions to our problems, including raising the consciousness of men, which in many cases represents the first barrier to full participation faced by Indigenous women;

Affirming, that Indigenous women currently face multiple forms of discrimination that stop us from developing our full capacity and potential, and therefore the full enjoyment of our individual and collective rights as Peoples;

Recognizing, that Indigenous Peoples working in various political, economic, social and cultural spheres often encounter problems incorporating a gender perspective into their ongoing workplans and policies, resulting in the undermining of the input of Indigenous women in Indigenous organizations;

Recognizing, that Indigenous women have gained a voice in international forums in the last few years where we have clearly stated our demands, however this has not resulted in an improvement in the situation we face in our realities, particularly the situation faced by Indigenous Women. Recognizing that gains in international instruments have not resulted in the improvement of the lives of Indigenous women in their communities, because the policies have been written from a Western perspective;

Affirming, an increase in violence, trafficking, and forced prostitution of Indigenous women and children in the Americas, in part caused by increasing militarization and armed conflict, and the implementation of laws against terrorism, resulting in internal and external displacement of peoples, increased levels of poverty and human rights violations, particularly violence against Indigenous women;

Affirming, that a gender perspective for Indigenous women refers to the power differential between women and men, a perspective that provides an equilibrium between women and men that ensures equality amongst Indigenous Peoples, an inclusive attitude, a pluricultural and diverse view, and the exercise of our individual and collective rights.

Adopted in the City of Oaxaca, December 4, 2002

DECLARATION, KUNA YALA ON THE HUMAN GENOME DIVERSITY PROJECT (HGDP)

Ukupseni, Kuna Yala, 12 - 13 November 1997

The Indigenous peoples' organizations gathered in the community of Ukupseni, Kuna Yala, with regard to the Human Genome Diversity Project (HGDP), declare:

Considering that for Indigenous Peoples, life constitutes a set of elements forming a small universe with relationships and inseparable harmonic dependencies, and after giving careful consideration to the Human Genome Diversity Project and other independent investigations on the human genome, we conclude:

a. That this research and other research projects on Indigenous peoples genome go against human life and, in particular, violate the genetic integrity of Indigenous Peoples and their values.

b. The process of genetic collection, based on deception and exploitation of poverty and mariginalization, violates fundamental human rights and collective rights, often with the consent of governments.

c. This research is an act of piracy and theft, and consists of an assault against Indigenous Peoples.

d. We consider that all funding for this research constitutes an assault against humanity and an open violation of Indigenous Peoples rights.

e. Having evidence that intense research already has been carried out and continues to be done in our communities, we demand the immediate suspension of these activities and the repatriation of all genetic collections, original genetic material, isolated cell lines, and the data obtained in this research.

f. We request that the international scientific community condemn any research that has been carried out contrary to recognized human values and moral principles, and that violates the international codes of ethics described in the Nuremberg Code and the World Medical Association Declaration of Helsinki.

g. We condemn all attempts to commercialize genetic material, or genetic cell lines of human beings, and in particular those of Indigenous Peoples.

h. We reject the use of existing mechanisms in the legalization of intellectual property and patent systems use of existing mechanisms including intellectual property rights and patents to legalize the appropriation of knowledge and genetic material, whatever their source, and especially that which comes from our communities.

i. For us, the concept of "individual consent" is a violation of our cultural norms and ignores our collective rights.

j. Indigenous peoples do not oppose development and use of new technologies provided they do not violate our harmonic relationships, principles of solidarity, and universally recognized fundamental rights.

k. We also condemn the active participation of some universities and NGO's who, in complicity with large transnationals, attempt to violate the spiritual, material and political integrity of Indigenous Peoples.

The Indigenous Peoples gathered in Ukupseni, Kuna Yala declare that our millennial existence has been based on the principles of respect, solidarity and harmony with the natural elements. In this context, our declaration is a contribution to all of humanity.

Organizations and Indigenous nations present in the Workshop on the "Human Genome Diversity Project," Ukupseni, Kuna Yala, 12-13 November 1997.

STATEMENT ON THE WORLD CONFERENCE AGAINST RACISM OF THE INDIGENOUS PEOPLES' MILLENNIUM CONFERENCE

Panama City, 7 - 11 May 2001

We, the Indigenous Peoples of all regions of the world including the Artic, Africa, Russia, the Americas, Europe, Asia and the Pacific attending the Indigenous Peoples' Millennium Conference in Panama City, Panama, 7 - 11 May 2001, have examined and endorse the following statements from Indigenous Peoples, their representatives and organizations, made in preparation for the World Conference Against Racism, to be held in Durban South Africa:

> Community Consultation on Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Kampala, Uganda 30 April - 3 May 2001.
> Indigenous Peoples and Racism Conference: Regional meeting of Indigenous Peoples of Australia, New Zealand, Hawaii an the United States held in Sydney, Australia 20 - 22 February 2001.
> Declaration of Indigenous Peoples of the Americas in Santiago de Chile 5 - 7 December 2000.
> The Abokobi Declaration in Ghana 7 - 10 April, 2001.
> The Kidal Declaration in Kidal, Mali 8 - 13 January 2001

We believe that these declarations form a consensus of the hopes and aspirations of the Indigenous Peoples of the world, and we emphasize their call for the end of racial discrimination against Indigenous Peoples in all its forms.

We note particularly the Declaration of the Indigenous Peoples of the Americas Declaration, and its finding that racial discrimination, xenophobia and related forms of

intolerance are characteristics of dominant western ideology and are reflected in the relationship western society has maintained with the Indigenous Peoples of the world, constituting a historical problem with deep roots in colonialism and the enslavement of entire peoples, a problem that continues to this very day, denying Indigenous Peoples their right of Self-Determination.

We also note that racism, racial discrimination, xenophobia and related intolerance are characteristics of dominant societies all over the world and are the main sources of all forms and manifestations of colonization, denying Indigenous Peoples the right of Self-Determination.

We recognize that colonialism in all its expressions continues to rob us of our ancestral knowledge, cultural and spiritual practices, of our economies and way of life of our Peoples, as well as our cultural and intellectual heritage which forms a part of our spirituality. It is the cause of the loss and ruination of our sacred places, the loss of our traditional health practices and traditional knowledge, and even now extends to the loss of our plant, animal and human genetic resources.

We also call upon the States to comply with their sacred trust and to guarantee the right of decolonization and Self-Determination to all Indigenous Peoples in non-self governing territories.

We find it is finally time to deal fairly and in good faith with Indigenous Peoples. We call upon the States to recognize that Indigenous Peoples are "Peoples" as within the full meaning that attaches to that term under international law. We condemn the continued denial of the recognition of Indigenous Peoples as having the rights of all other Peoples. We consider the continued denial of this recognition a act of racial discrimination by the States within the United Nations itself, as this refusal is a distinction based on race or ethnic origin which has the purpose of nullifying or impairing all other human rights of Indigenous Peoples.

Unless the World Conference Against Racism recognizes the following principles with regard to Indigenous Peoples, it cannot hope to address the racial discrimination practiced against Indigenous Peoples or fashion any realistic solutions to end the practice:

1. Indigenous Peoples are Peoples within the full meaning of international law.

2. Indigenous Peoples have the right of Self-Determination to the same extent as all other peoples of the world.

3. The World Conference Against Racism must reiterate the principles established by in the first two World Conferences to Combat Racism, recognizing the special physical and spiritual relationship between Indigenous Peoples and our lands and territories, and stressing that our lands and natural resources should not be taken from us.

4. In all measures to be taken by States that may affect Indigenous Peoples, consultation in good faith must be undertaken by the State with the Indigenous Peoples affected and such measures not implemented without our free and informed consent.

5. The World Conference Against Racism must call upon the States to end the militarization of Indigenous Peoples' lands and territories and the forced relocation of Indigenous Peoples. The grave situation of the militarization of indigenous lands and territories, and resultant gross and massive violation of our civil, political, economic, social and cultural rights must end. Indemnification for damages and material losses during Indigenous Peoples forced displacement should be made.

6. Religious intolerance toward Indigenous spiritual practice has been a fundamental instrument in the subjugation of Indigenous Peoples, since the beginning of colonialism. The World Conference must recognize the persistent evil of religious intolerance toward Indigenous spiritual practice and belief and make concrete proposals to end this widespread and persistent related xenophobia.

7. The World Conference Against Racism must recognize and address the new and deadly form of racial discrimination, including institutionalized racism, that of environmental racism, and the ruination of our lands, waters and our environment by the implementation of development schemes and unsustainable practices such as mining, deforestation, the dumping of contaminated waste, and other land use practices that do not respect and discriminate against our spiritual beliefs and life ways, our economies and means of subsistence, our right to health, our very lives and our existence, and our future generations.

INDIGENOUS PEOPLES EARTH CHARTER

Kari-oca Conference
Kari-oca, Brazil, May 25 - 30, 1992

Human Rights and International Law

1. We demand the right to life.

2. International Law must deal with the collective human rights of Indigenous Peoples. (Please note for the purposes of this Declaration and this statement, any use of the term "Indigenous Peoples" also includes tribal peoples.)

3. There are many international instruments which deal with the rights of individuals but there are no Declarations to recognize collective human rights, therefore, we urge governments to support the United Nations Work Group on Indigenous Peoples' (UNWGIP) Universal Declaration of Indigenous rights, which is presently in draft form.

4. There exist many examples of genocide against Indigenous Peoples, therefore, the Convention Against Genocide must be changed to include the genocide of Indigenous Peoples.

5. The United Nations should be able to send Indigenous Peoples' representatives, in a peace-keeping capacity, into Indigenous territories where conflicts arise. This would be done at the request and consent of the Indigenous Peoples concerned.

6. The concept of terra nullus must be eliminated from International Law usage. Many state governments have used internal domestic laws to deny us ownership of our own lands. These illegal acts should be condemned by the world.

7. Where small numbers of Indigenous Peoples are residing within state boundaries, so-called democratic countries have

denied Indigenous Peoples the right of consent about their future, using the notion of majority rule to decide the future of Indigenous Peoples. Indigenous Peoples' right of consent to projects in their own areas must be recognized.

8. We must promote the term "Indigenous Peoples" at all forums. The use of the term "Indigenous Peoples" must be without qualification.

9. We urge governments to ratify International Labour Organisation (ILO) Convention 169 to guarantee an international legal instrument for Indigenous Peoples. (Note Group 2 only)

10. Indigenous Peoples' distinct and separate rights within their own territories must be recognized.

11. We assert our right to free passage through state imposed political boundaries dividing our traditional territories. Adequate mechanisms must be established to secure this right.

12. The colonial systems have tried to dominate and assimilate our peoples. However, our peoples remain distinct despite this pressure.

13. Our Indigenous governments and legal systems must be recognized by the United Nations, state governments and international legal instruments.

14. Our right to self-determination must be recognized.

15. We must be free from population transfer.

16. We maintain our right to our traditional way of life.

17. We maintain our right to our spiritual way of life.

18. We maintain the right to be free from pressures from multinational (transnational) corporations upon our lives and lands. All multinational (transnational) corporations which are encroaching upon Indigenous lands should be reported to the United Nations Transnational office.

19. We must be free from racism.

20. We maintain the right to decide the direction of our communities.

21. The United Nations should have a special procedure to deal with issues arising from violations of Indigenous Treaties.

22. Treaties signed between Indigenous Peoples and non-Indigenous Peoples must be accepted as Treaties under International Law.

23. The United Nations must exercise the right to impose sanctions against governments that violate the rights of Indigenous Peoples.

24. We urge the United Nations to include the issue of Indigenous Peoples in the agenda of the World Conference of Human Rights to be held in 1993. The work, done so far by the United Nations Inter-American Commission of Human Rights and the Inter-American Institute of Human Rights should be taken into consideration.

25. Indigenous Peoples should have the right to their own knowledge, language, and culturally appropriate education, including bicultural and bilingual education. Through recognizing both formal and informal ways, the participation of family and community is guaranteed.

26. Our health rights must include the recognition and respect of traditional knowledge held by Indigenous healers. This knowledge, including our traditional medicines and their preventive and spiritual healing power, must be recognized and protected against exploitation.

27. The World Court must extend its powers to include complaints by Indigenous Peoples.

28. There must be a monitoring system from this conference to oversee the return of delegates to their territories. The delegates should be free to attend and participate in international Indigenous conferences.

29. Indigenous women's rights must be respected. Women must be included in all local, national, regional and international organizations.

30. The above mentioned historical rights of Indigenous Peoples must be guaranteed in national legislations.

Lands and Territories

31. Indigenous Peoples were placed upon our Mother, the Earth, by the Creator. We belong to the land. We cannot be separated from our lands and territories

32. Our territories are living totalities in permanent vital relation between human beings and nature. Their possession produced the development of our culture. Our territorial property should be inalienable, unceasable and not denied title. Legal, economic and technical backup are needed to guarantee this.

33. Indigenous Peoples' inalienable rights to land and resources confirm that we have always had ownership over our traditional territories. We demand that this be respected.

34. We assert our rights to demarcate our traditional territories. The definition of territory includes space (air), land and sea. We must promote a traditional analysis of traditional land rights in all our territories.

35. Where Indigenous territories have been degraded, resources must be made available to restore them. The recuperation of those affected territories is the duty of the respective jurisdiction in all nation states which cannot be delayed. Within this process of recuperation the compensation for the historical ecological debt must be taken into account. Nation states must revise in depth the agrarian, mining and forestry policies.

36. Indigenous Peoples reject the assertion of non-Indigenous laws onto our lands. States cannot unilaterally extend their jurisdiction over our lands and territories. The concept of terra nullus should be forever erased from the law books of states.

37. We, are Indigenous Peoples, must never alienate our lands. We must always maintain control over the land for future generations.

38. If a non-Indigenous government, individual or corporation wants to use our lands, then there must be a formal agreement which sets out the terms and conditions. Indigenous Peoples maintain the right to be compensated for the use of their lands and resources.

39. Traditional Indigenous territorial boundaries, including the waters, must be respected.

40. There must be some control placed upon environmental groups who are lobbying to protect our territories and the species within those territories. In many instances, environmental groups are more concerned about animals than human beings. We call for Indigenous Peoples to determine guidelines prior to allowing environmental groups into their territories.

41. Parks must not be created at the expense of Indigenous Peoples. There is no way to separate Indigenous Peoples from their lands.

42. Indigenous Peoples must not be removed from their lands in order to make it available to settlers or other forms of economic activity on their lands.

43. In many instances, the numbers of Indigenous Peoples have been decreasing due to encroachment by non-Indigenous peoples.

44. Indigenous Peoples should encourage their peoples to cultivate their own traditional forms of products rather than to use imported exotic crops which do not benefit local peoples.

45. Toxic wastes must not be deposited in our areas. Indigenous Peoples must realize that chemicals, pesticides and hazardous wastes do not benefit the peoples.

46. Traditional areas must be protected against present and future forms of environmental degradation.

47. There must be a cessation of all uses of nuclear material.

48. Mining of products for nuclear production must cease.

49. Indigenous lands must not be used for the testing or dumping of nuclear products.

50. Population transfer policies by state governments in our territories are causing hardship. Traditional lands are lost and traditional livelihoods are being destroyed.

51. Our lands are being used by state governments to obtain funds from the World Bank, the International Monetary Fund, the Asian-Pacific Development Bank, and other institutions which have led to the loss of our lands and territories.

52. In many countries our lands are being used for military purposes. This is an unacceptable use of the lands.

53. The colonizer governments have changed the names of our traditional and sacred areas. Our children learn these foreign names and start to lose their identity. In addition, the changing of the name of a place diminishes respect for the spirits which reside in those areas.

54. Our forests are not being used for their intended purposes. The forests are being used to make money.

55. Traditional activities, such as making pottery, are being destroyed by the importation of industrial goods. This impoverishes the local peoples.

Biodiversity and Conservation

56. The vital circles are in a continuous interrelation in such a way that the change of one of its elements affects the whole.

57. Climatic changes affect Indigenous Peoples and all humanity. In addition, ecological systems and their rhythms are affected which contribute to the deterioration of our quality of life and increase our dependency.

58. The forests are being destroyed in the name of development and economical gains without considering the destruction of ecological balance. These activities do not benefit human beings, animals, birds and fish. The logging concessions and incentives to the timber, cattle and mining industries affecting the ecosystems and the natural resources should be cancelled.

59. We value the efforts of protection of the biodiversity but we reject to be included as part of an inert diversity which pretends to be maintained for scientific and folkloric purposes.

60. The Indigenous Peoples strategies should be kept in a reference framework for the formulation and application of national policies on environment and diversity.

Development Strategies

61. Indigenous Peoples must consent for all projects in our territories. Prior to consent being obtained, the people must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against the Indigenous Peoples. The person or persons who violate this should be tried in a world tribunal within the control of Indigenous Peoples set for such a purpose. This could be similar to the trials held after World War II.

62. We have the right to our own development strategies based on our cultural practices with a transparent, efficient and viable management, and with economical and ecological viability.

63. Our development and life strategies are obstructed by the interests of the governments and big companies and by the neo-liberal policies. Our strategies have, as fundamental condition, the existence of international relationships based on justice, equity and solidarity between the human beings and the nations.

64. Any development strategy should prioritize the elimination of poverty, the climatic guarantee, the sustainable

manageability of natural resources, the continuity of democratic societies and the respect of cultural differences.

65. The global environmental facility should assign, at best, 20 per cent for Indigenous Peoples' strategies and programs of environmental emergency, improvement of life quality, protection of natural resources and rehabilitation of ecosystems. This proposal in the case of South America and the Caribbean, should be concrete in the Indigenous Development Fund as a pilot experience in order to be extended to the Indigenous Peoples of other regions and continents.

66. The concept of development has meant the destruction of our lands. We reject the current definition of development as being useful to our peoples. Our cultures are not static and we keep our identity through a permanent recreation of our life conditions; but all of this is obstructed in the name of so called developments.

67. Recognizing Indigenous Peoples' harmonious relationship with nature, Indigenous sustainable development models, development strategies and cultural values must be respected as distinct and vital sources of knowledge.

68. Indigenous Peoples have been here since the time before time began. We have come directly from the Creator. We have lived and kept the earth as it was on the first day. Peoples who do not belong to the land must go out from the lands because those things (so called "development" on the land) are against the laws of the creator.

69(a). In order for Indigenous Peoples to assume control, management and administration of their territories, development projects must be based on the principles of self-determination and self-management. (b) Indigenous Peoples must be self-reliant.

70. If we are going to grow crops, these crops must feed the people. It is not appropriate that the lands be used to grow crops that do not benefit the peoples. (a). Regarding

Indigenous policies, state governments must cease attempts of assimilation and integration. (b). Indigenous Peoples must consent to all projects in their territories. Prior to consent being obtained, the Peoples must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against Indigenous Peoples. The person or persons responsible should be tried before a world tribunal, with a balance of Indigenous Peoples, set up for such a purpose. This could be similar to the trials held after the Second World War.

71. We must never use the term "land claims." It is the non-Indigenous peoples who do not have any land. All the land is our land. It is non-Indigenous Peoples who are making claims to our lands. We are not making claims to our lands.

72. There should be a monitoring body within the United Nations to monitor all the land disputes around the world prior to development.

73. There should be a United Nations Conference on the topic of "Indigenous Lands and Development."

74. Non-Indigenous Peoples have come to our lands and resources to benefit themselves. And to the impoverishment of our peoples. Indigenous Peoples are victims of development. In many cases Indigenous Peoples are exterminated in the name of a development program. There are numerous examples of such occurrences.

75. Development that occurs on Indigenous lands, without the consent of Indigenous Peoples, must be stopped.

76. Development which is occurring on Indigenous lands is usually decided without local consultation by those who are unfamiliar with local conditions and needs.

77. The eurocentric notion of ownership is destroying our peoples. We must return to our own view of the world, of the land and of development. The issue cannot be separated from Indigenous People's rights.

78. There are many different types of so-called development: road construction, communication facilities such as electricity, telephones. These allow developers easier access to the areas, but the effects of such industrialization destroy the lands.

79. There is a worldwide move to remove Indigenous Peoples from their lands and place them in villages. The relocation from the traditional territories is done to facilitate development.

80. It is not appropriate for governments or agencies to move into our territories and to tell our people what is needed.

81. In many instances, the state governments have created artificial entities such as "District Council" in the name of the state government in order to deceive the international community. These artificial entities are then consulted about development in the area. The state governments then claim that Indigenous Peoples were consulted about the project. These lies must be exposed to the international community.

82. There must be an effective network to disseminate material and information between Indigenous Peoples. This is necessary to keep informed about the problems of other Indigenous Peoples.

83. Indigenous Peoples should form and direct their own environmental network.

Culture, Science and Intellectual Property

84. We feel the Earth as if we are within our Mother. When the Earth is sick, and polluted, human health is impossible. To heal ourselves we must heal the planet, and to heal the planet, we must heal ourselves.

85. We must being to heal from the grass roots level and work towards the international level.

86. The destruction of the culture has always been considered an internal, domestic problem within national states. The

United Nations must set up a tribunal to review the cultural destruction of Indigenous Peoples.

87. We need to have foreign observers come into our Indigenous territories to oversee national state elections to prevent corruption.

88. The human remains and artifacts of Indigenous Peoples must be returned to their original peoples.

89. Our sacred and ceremonial sites should be protected and considered as the patrimony of Indigenous Peoples and humanity. The establishment of a set of legal and operational instruments at both national and international levels would guarantee this.

90. The use of existing Indigenous languages is our right. These languages must be protected.

91. States that have outlawed Indigenous languages and their alphabets should be censored by the United Nations.

92. We must not allow tourism to diminish our culture. Tourists come into the communities and view the people as if Indigenous Peoples were part of a zoo. Indigenous Peoples have the right to allow or disallow tourism within their areas.

93. Indigenous Peoples must have the necessary resources and control over their education systems.

94. Elders must be recognized and respected as teachers of young people.

95. Indigenous wisdom must be recognized and encouraged.

96. The traditional knowledge of herbs and plants must be protected and passed on to future generations.

97. Traditions cannot be separated from land, territory or science.

98. Traditional knowledge has enabled Indigenous Peoples to survive.

99. The usurping of traditional medicines and knowledge from Indigenous Peoples should be considered a crime against peoples.

100. Material culture is being used by the non-Indigenous to gain access to our lands and resources, thus destroying our cultures.

101. Most of the media at this conference were only interested in the pictures which will be sold for profit. This is another case of exploitation of Indigenous Peoples. This does not advance the cause of Indigenous Peoples.

102. As creators and carriers of civilizations which have given and continue to share knowledge, experience and values with humanity, we require that our right to intellectual and cultural properties by guaranteed and that the mechanism for each implementation be in favour of our peoples, and studied in depth and implemented.

103. We should list the suspect museums and institutions that have misused our cultural and intellectual properties.

104. The protection, norms and mechanisms of artistic and artisan creation of our peoples must be established and implemented in order to avoid plunder, plagiarism, undue exposure and use.

105. When Indigenous Peoples leave their communities, they should make every effort to return to the community.

106. In many instances, our songs, dances and ceremonies have been viewed as the only aspects of our lives. In some instances we have been asked to change a ceremony or a song to suit the occasion. This is racism.

107. At local, national and international levels, governments must commit funds to new and existing resources to education and training for Indigenous Peoples, to achieve their sustainable development, to contribute and to participate in sustainable and equitable development at all level. Particular attention should be given to Indigenous women, children and youth.

108. All kinds of folkloric discrimination must be stopped and forbidden.

109. The United Nations should promote research into Indigenous knowledge and develop a network of Indigenous sciences.

DECLARATION OF INDIGENOUS PEOPLES OF THE WORLD

Declaration #141 of the 192 Global ForuM
Rio de Janeiro, Brazil, June 7,1992

We the Indigenous Peoples of the world, manifest our concern at this moment, when people from the whole planet are gathered here in Rio to discuss the direction of our lives, our planet Mother Earth and the future of our children and grandchildren. We manifest our concern because our voices, the voices of traditional peoples, are not being heard.

At this moment, the governments of the rich nations are discussing how to exert even more control over the less favored nations. The global community of colonial states has been meeting with each other as First, Second and Third World powers. All are recognized members of the United Nations. The Indigenous Nations are primarily considered Fourth World and are excluded. The Intent of the Earth Summit is to address the necessity of developing intergovernmental agreements and policies that shall move the global community of states into a sustainable yield relationship with the natural earth's resources and biospheres. All states should bind themselves to these agreements to protect the natural environment.

However, throughout this process, the Indigenous Nations have been totally excluded from the formal proceedings, except In very narrow occasions In which the appearances have been more window dressing than respect for the sovereignty of Indigenous Nations.

Indigenous Nations are in agreement. Our exclusion is colonial racism in all its institutional forms. The "State" governments that are significant participants In the Earth Summit process are the most powerful colonial governments

in possession of Indigenous Lands, natural resources, territories and populations. To exclude Indigenous Nations helps assure those States' control of what they mutually classify as "domestic affairs." Their domestic policies, programs and governmental relationships with Indigenous Peoples result in our destruction. Statistics of the highest infant mortality, shortest life expectancy, poorest health, highest poverty and so on, are reflections of the Injustices against Indigenous Peoples by State governments and societies enriched by the illegal takings and thievery.

Indigenous Peoples demand:

- our territory and lands be protected from external invasion and exploitation;
- our air, water and lands must remain free from pollution, poison and other contaminants;
- our individual human rights and freedoms are protected;
- our rights to self-governance is guaranteed;
- our rights to self-determination protected;
- our traditional, ceremonial and spiritual sovereignty;
- our right to control and govern over all foreign persons that shall enter our territory;
- our sovereignty over our language and culture;
- our sovereign control over all economic development of our land, resources, territory and peoples;
- our protection of all our sacred sites and objects; the freedom from being downwind of environmentally damaging, or poisoning activities

of foreign Individuals or corporations that impact the quality of air, water and lands;

- our forests be protected as we Indigenous Peoples have always protected our forests, the animals we hunt, our fish, our mountains and our PAJES (spiritual leaders) who live in the sacred places amidst our forests;

- that treaties, paid for by our people in land and blood, be honored by those nations which have prospered by these agreements.

HOWEVER, AND MOST IMPORTANTLY, Indigenous Nations want the integrity of our sovereignty respected. The Great Spirit has endowed the Indigenous Nations with the same rights as other member societies of the global community. The world must hear us. Not only have Indigenous Peoples been treated in token ways, but deliberate external influences have operated to divide us form one another. This "divide and conquer" ploy has come form many United Nation leaders.

We should like to tell you this moment that our Indigenous spiritual leaden an watching over and observing how your spirit moves. We ask respect for the depths of the earth, home of the fierce spirits which guarantee the protection of all the people and life forms of the planet.

We know this Earth Summit will sign the Fundamental Principles governing the destiny for the future (Agenda 21). We, Indigenous Peoples of the world, desire that this document be decisive in respecting the life of all the forest and Indigenous Peoples of the world.

The Indians present at the Earth Summit were forced to express their views In this alternative Global Forum, as they were not allowed to completely participate in the official conference.

LA DECLARACIÓN DE KARI-OCA

Kari-Oca, Brasil el 30 de mayo de 1992

Nosotros, los pueblos indígenas, caminamos en el futuro en las huellas de nuestros antepasados.

Del mayor al menor ser viviente de las cuatro direcciones, del aire, el agua, la tierra, y las montanas, el creador nos ha puesto a nosotros, los pueblos indigenas en nuestra Madre, la Tierra.

Las huellas de nuestros antepasados están permanentemente grabadas en las tierras de nuestros pueblos.

Nosotros, los pueblos indígenas, mantenemos nuestros derechos inherentes a la auto determinación.

Siempre hemos tenido el derecho a decidir nuestras propias formas de gobierno, usar nuestras propias leyes, criar y educar nuestros hijos, a nuestra propia identidad cultural sin interferencias.

Continuamos manteniendo nuestros derechos como pueblos a pesar de siglos de privacion, asimilación y genocidio.

Mantenemos nuestros derechos inalienables a nuestras tierras y territorios, a todos nuestros recursos encima y debajo de la tierra y a nuestras aguas. Afirmamos nuestra continua responsabilidad de pasar estos derechos a generaciones futuras.

No podemos ser desalojados de nuestras tierras. Nosotros, los pueblos indígenas estamos unidos por el círculo de la vida a nuestras tierras y a nuestro medio ambiente.

Nosotros, los pueblos indígenas, caminamos en el futuro en las huellas de nuestros antepasados.

Firman todos los indigenas representados de los cinco continentes presentes en esta Conferencia Mundial de los Pueblos Indigenas.

DECLARACIÓN DE ATITLÁN, GUATEMALA

Consulta de los Pueblos Indígenas sobre el Derecho a la Alimentación: Una Consulta Global
Atitlán, Sololá, Guatemala, April 17 - 19, 2002

Nosotros, los representantes y autoridades de Pueblos, Naciones y organizaciones de los Pueblos Indígenas provenientes de 28 países de todas las regiones del mundo y diversos sectores de los mismos, como agricultores, cazadores, recolectores, pescadores, de pastoreo y otros, nos hemos reunido en Panajachel, Sololá, alrededor del Lago de Atitlán, en Guatemala, con el objetivo de:

1. Conocer las dificultades que enfrentan los Pueblos Indígenas en materia alimentaria.

2. Definir elementos comunes entre los Pueblos Indígenas:

- Plantear ante los Estados para hacer cumplir el Derecho a la Alimentación conforme a las aspiraciones de dichos Pueblos; y,
- Fortalecer enlaces de cooperación entre los Pueblos Indígenas.

3. Formular una estrategia desde la visión de los Pueblos Indígenas, con el fin de hacer propuestas a los Estados y a la comunidad internacional para superar las dificultades encontradas en Seguridad y Soberanía Alimentaria.

Agradecemos a los Pueblos Indígenas de Guatemala, en particular, al Pueblo Maya Kaqchikel por su hospitalidad y generosidad de albergar a las diferentes delegaciones presentes en este Cónclave.

Habiendo conocido que en Guatemala existe una situación de miseria, pobreza extrema, además de los muertos por hambre que día a día sufren niños, hombres y mujeres,

realidad que se refleja en la memoria del Primer Encuentro Nacional Indigena sobre Seguridad Alimentaria realizada el 5 de abril del año 2002, en la ciudad de Guatemala, que presenta algunos datos como los siguientes: que en un período de 2 semanas murieron 41 personas por hambre; el 44% del territorio nacional se considera de miserable y de alto riesgo de morir por hambruna; apareciendo en orden de extrema pobreza los siguientes departamentos: San Marcos 86.66%, Totonicapán 85.62%, Quiché 86.66%, Huehuetenango 77.85%, Alta Verapaz 76.40%, Sololá 76.36%, Jalapa 72.59%, Jutiapa 63.88%; Santa Rosa 62.07% y Quetzaltenango 60.67%.

La situación descrita anteriormente nos preocupa y la deploramos ya que refleja la realidad de muchos de los Pueblos Indígenas a nivel mundial y el riesgo que muchos otros puedan padecer el mismo problema.

Reconocemos que como Pueblos Indígenas, estamos en mayor riesgo de sufrir las consecuencias de la Inseguridad Alimentaria. Subrayamos, por ejemplo, que el Banco Mundial en su estudio sobre "Pueblos Indígenas y Pobreza," identifican a nuestros Pueblos como los más pobres entre los pobres.

Los diversos Pueblos Indígenas participantes en esta Consulta Internacional hemos intercambiado puntos de vista, experencias y realidades. Alarmados de la creciente inseguridad alimentaria, hambruna y desnutrición lo que es una realidad colectiva de nuestros pueblos,

Declaramos:

ACORDAMOS que el contenido del derecho a la alimentación de los Pueblos Indígenas es colectivo y basado en nuestra relación especial espiritual con la Madre Tierra, nuestras tierras y territorios, medio ambiente y recursos naturales que proveen nuestra alimentación tradicional. Subrayando que las medidas de subsistencia de los Pueblos Indígenas nutren nuestras culturas, idiomas, vida social, cosmovisión y especialmente nuestra relación con la Madre

Tierra. Enfatizando que la negativa del derecho a la alimentación de los Pueblos Indígenas es la negativa, no solo de nuestra sobrevivencia física, sino también la negativa de nuestra organización social, nuestras culturas, tradiciones, idiomas, espiritualidad, soberanía e identidad total. Es la negativa de nuestra existencia colectiva indígena.

TOMAMOS EN CUENTA que el derecho al desarrollo es un derecho colectivo de pueblos así como de individuos, y que el derecho a la alimentación forma parte del proceso de desarrollo con lo cual se crean las condiciones para el goce de todos los derechos humanos, las libertades fundamentales y el bienestar.

RECORDAMOS que el Plan de Acción y la Declaración de la Cumbre Mundial sobre la Alimentación (1996) declaró que "la seguridad alimentaria significa el acceso para todas las personas a alimentos suficientes, sanos y nutritivos para satisfacer sus necesidades de dieta y preferencias alimentarias para vivir una vida activa y saludable."

RECORDAMOS que la Soberanía Alimentaria es el derecho de los Pueblos de definir sus propias políticas y estrategias para la producción, distribución y consumo sustentable de alimentos, respetando sus propias culturas y sus propios sistemas de manejo de recursos naturales y áreas rurales. La Soberanía Alimentaria se considera como una precondición de la Seguridad Alimentaria.

CONSIDERAMOS que el artículo 5 de la Declaración sobre el Derecho al Desarrollo (1986) define como una injusticia fundamental contra el cual los Estados deben tomar medidas enérgicas "la negativa a reconocer el derecho fundamental de los Pueblos a la libre determinación."

TENEMOS EN CUENTA que el Artículo 1 en Común del Pacto Internacional sobre Derechos Civiles y Políticos, así como el Pacto Internacional sobre Derechos Económicos, Sociales y Culturales reconocen que todos los Pueblos en virtud del derecho a la Libre Determinación, pueden establecer e implementar su propio desarrollo económico,

social y cultural, y sus propias estrategias al desarrollo, en base a su propia visión. Además, "en ningún caso podrá privarse a un Pueblo de sus propias medidas de subsistencia."

RECONOCEMOS que para los Pueblos Indígenas los derechos a la tierra, agua y territorio, igual como el derecho a la libre determinación, son imprescindibles para la plena realización de nuestra Seguridad y Soberanía Alimentaria.

SEÑALAMOS que los Estados partes de la Primera Cumbre Mundial sobre la Alimentación, en su Declaración y Plan de Acción, Compromiso I, Objetivo 1.1 (d) se comprometen a reconocer y apoyar a los Pueblos Indígenas y sus comunidades en la búsqueda de su desarrollo económico y social con pleno respeto de su identidad, tradiciones, formas de organización social y valores culturales. También notamos que los Estados partes se comprometieron a reducir a la mitad el número total de seres humanos que sufren hambre y desnutrición hacia el año 2015. Lamentamos que estas situaciones no se han reducido suficientemente, y que para los Pueblos Indígenas ha ido en crecimiento el sufrimiento de la hambruna y desnutrición.

Habiendo consultado y analizado la situación que viven los Pueblos Indígenas de diversas partes del mundo en la situación de Seguridad y Soberanía Alimentaria y otros aspectos relacionados con la vida y el desarrollo de dichos pueblos, se identificaron los siguientes obstáculos a nuestra Seguridad y Soberanía Alimentaria:

Obstáculos a nuestra seguridad y soberanía alimentaria

1. La implementación y dominación de la globalización y libre comercio, que actúa sin límite ni moral en el despojo de nuestras tierras, territorios y otros recursos necesarios para nuestra Seguridad y Soberanía Alimentaria.

2. La imposición de los modelos industriales por parte de los gobiernos, particularmente en la agricultura industrializada de monocultivos que causan la erosión de la diversidad genética y la consecuente pérdida de nuestras

semillas, especies y razas de animales que solo empobrecen nuestras tierras, generando la emigración creciente de miembros de nuestras comunidades a las urbes en busca de trabajo que no existe, y la adopción de modelos ajenos de mercados que nos imponen alimentos que no nos nutren, sino que nos causan enfermedades y todo tipo de problemas de salud y desarrollo físico de nuestros niños.

3. La extensión de los derechos de propiedad intelectual a favor de las corporaciones transnacionales ha incrementado la biopiratería y la apropiación ilícita de nuestra diversidad biológica y conocimientos tradicionales, así como la introducción de transgénicos que nos están causando la pérdida de nuestros alimentos tradicionales, de nuestra salud, de nuestra relación con la Madre Tierra, plantas y medicinas tradicionales y de nuestras propias culturas.

4. La imposición creciente del uso de pesticidas y abonos químicos que envenenan a la Madre Tierra, las comunidades que la trabajan y los recursos de alimentación del que dependen los Pueblos Indígenas en todas partes del mundo, afecta la producción alimentaria y por ende la nutrición y la salud, la cual incide en la morbilidad y mortalidad, en particular de nuestras mujeres y niños.

5. La imposición de proyectos estatales no sustentables y de empresas privadas que se llevan a cabo en nuestros territorios sin consulta ni consentimiento previo, y que no toman en cuenta los derechos y valores de los pueblos indígenas afectados.

6. Las políticas y exigencias de los organismos financieros internacionales tales como el Fondo Monetario Internacional (FMI), el Banco Mundial (BM), y el Banco Inter-Americano de Desarrollo (BID), y sus programas de reajuste estructural.

7. La militarización y represión en territorios indígenas, en particular el Plan Colombia y la fumigación de cultivos indígenas que se está expandiendo como política en otros países de la región.

8. Las políticas nacionales que imponen modelos y prácticas que resultan ser inadecuadas y excluyentes. Estos modelos y prácticas resultan en la pérdida de nuestras tierras y territorios, así como de nuestra identidad colectiva Indígena, generando más inseguridad alimentaria.

Por lo anterior, RESOLVEMOS:

A nivel internacional:

1. HACER UN LLAMADO a la adopción inmediata del Proyecto Declaración sobre los Derechos de los Pueblos Indígenas en su texto original que se discute en Naciones Unidas.

2. HACER UN LLAMADO a todos los Estados para la ratificación del Convenio sobre la Eliminación de Tóxicos Orgánicos Persistentes y los Protocolos de Kyoto sobre Cambio Climático.

3. HACER UN LLAMADO que los gobiernos ratifiquen e implementen el Convenio 169 de la OIT, a pesar de sus límites, como un paso hacia el reconocimiento pleno de los derechos de los Pueblos Indígenas.

4. RECOMENDAR a la Cumbre Mundial sobre Alimentación: 5 Años Después, a la Cumbre Mundial sobre el Desarrollo Sostenible, y a la Reunión Panamericana de Semillas y Seminario Mundial de Transgénicos, el pleno reconocimiento de los derechos a la Seguridad y Soberanía Alimentaria de los Pueblos Indígenas, y la eliminación de los obstáculos que limitan el acceso a los recursos necesarios para nuestra existencia como Pueblos.

5. RECOMENDAR que la Cumbre Mundial sobre Alimentación: 5 Años Después, la Cumbre Mundial sobre el Desarrollo Sostenible, y los Estados partes, insistan ante las instancias internacionales de comercio y financiamiento que reconozcan, respeten y cumplan con los derechos humanos, económicos, sociales y culturales, particularmente con los derechos de los Pueblos Indígenas.

6. RECOMENDAR que la Cumbre Mundial sobre el Desarrollo Sostenible y los Estados partes prioricen como fundamental el derecho a la alimentación, la salud y la educación desde el punto de vista de los valores y cosmovisión de los Pueblos Indígenas, en el proceso de desarrollo.

7. RECOMENDAR que la Comisión sobre Desarrollo Sostenible de las Naciones Unidas y la Organización de las Naciones Unidas para la Agricultura y la Alimentacion (FAO):

- Apoyen a las campañas elaboradas por los Pueblos Indígenas para informar a nuestras comunidades sobre nuestros Derechos a la Alimentación, al Desarrollo y nuestros Derechos Sociales, Culturales, Económicos y Políticos;
- Apoyen a nuestros propios sistemas y redes diseñados para mejorar la diseminación de los resultados de nuestras investigaciones, y de información existente sobre impactos de los tóxicos, químicos, manipulación genética, etc.
- Informen períodicamente a las organizaciones y autoridades indígenas involucradas en el tema alimentario en todos los países, utilizando los medios más accesibles a todas las comunidades, aplicando los idiomas apropiados.

8. RECOMENDAR que la FAO establezca un grupo de trabajo abierto para que los Pueblos Indígenas puedan consultar la elaboración e implementación de políticas que afecten la Seguridad y Soberanía Alimentaria de los mismos.

9. EXIGIR la eliminación de las políticas de desarrollo impuestas por los Estados en contra de la vida, filosofía, cosmovisión, principios y derechos inherentes a las colectividades de los Pueblos Indígenas en las diferentes regiones del mundo.

10. EXIGIR la no privatización del agua, el cual es un elemento sagrado para los Pueblos Indígenas, esencial en la agricultura y para mantener nuestra Seguridad y Soberanía Alimentaria.

11. EXIGIR el cese de las políticas de despojo y usurpación de nuestras tierras y territorios, así como de nuestros recursos naturales, necesarios para el goce de nuestro derecho a una adecuada alimentación. Además exigimos detener la destrucción acelerada del medio ambiente.

12. EXIGIR el cese de apropiación de los conocimientos, prácticas y sistemas de innovación de los Pueblos Indígenas y de los recursos genéticos asociados, además exigimos la prohibición de los patentes sobre toda forma de vida y de tecnologías perversas como el "Terminador."

13. EXIGIR que los gobiernos y corporaciones transnacionales informen verídicamente a los Pueblos Indígenas, de forma comprensivo en sus idiomas apropiados, sobre la producción, uso, transporte y exportación de contaminantes que afectan a los sistemas alimentarios, medio ambientales y salud de los Pueblos Indígenas.

14. EXIGIR que los gobiernos prohiban la producción y aplicación de pesticidas, abonos químicos, y otras substancias consideradas peligrosas para la salud humana, particularmente los que ya están prohibidas en otros países.

15. EXIGIR la participación plena de los Pueblos Indígenas en el desarrollo de mecanismos para la distribución y tenencia equitativa de la tierra y control de los recursos naturales necesarios para nuestra Seguridad y Soberanía Alimentaria, sin poner en riesgo la pérdida de la tenencia de la tierra y otros recursos de los Pueblos Indígenas.

16. EXIGIR que las legislaciones, instituciones y políticas públicas de los Estados reconozcan y apoyen los sistemas de los Pueblos Indígenas, como los de producción agrícola, pesca, caza, recolección, prácticas de pastoreo y crianza de

animales, al igual que nuestras propias prácticas económicas y políticas.

17. EXIGIR que la protección de los conocimientos tradicionales se haga de acuerdo a la cosmovisión, valores y necesidades de los Pueblos Indígenas y que consideren nuestras leyes consuetudinarios.

18. EXIGIR el respeto a la espiritualidad y la religión tradicional de los Pueblos Indígenas, como parte esencial para el desarrollo y ejercicio de nuestros derechos, particularmente la ritualidad que tiene relación con los conocimientos sobre los cultivos, producción, Seguridad y Soberanía Alimentaria.

Nos comprometemos:

A nivel local/comunitario:

1. Revitalizar las Cosmovisiónes de los Pueblos Indígenas;

2. Iniciar un proceso de descolonización a lo interno de nuestras comunidades incluyendo la educación con pertinencia cultural;

3. Fortalecer los sistemas tradicionales de producción de nuestros alimentos y la economía familiar y comunitaria;

4. Proveer a las familias y comunidades información sobre el beneficio del consumo de los alimentos tradicionales;

5. Proveer información sobre los riesgos a la salud de consumir alimentos ajenos o no tradicionales, incluso los producidos con químicos y los alimentos transgénicos.

A Nivel Nacional y Regional:

1. Crear redes de comunicación, información, capacitación y coordinación entre nuestros Pueblos Indígenas sobre la Soberanía y Seguridad Alimentaria;

2. Fortalecer la cooperación y solidaridad a nivel nacional y regional, para reivindicar los lazos políticos, culturales, sociales y económicos, y la unidad entre los Pueblos y Naciones Indígenas;

3. Crear redes de solidaridad entre productores y consumidores de productos tradicionales;

4. Buscar enlaces constructivos con la sociedad civil;

5. Elaborar programas de desarrollo propios para alcanzar la Libre Determinación de nuestros pueblos y evitar dependencias impuestas por las agencias financieras internacionales como: BID, USAID, BM, entre otros;

6. Promover procesos indígenas autónomos dirigidos al desarrollo de sistemas de protección de los conocimientos prácticos y sistemas de innovación que reflejen sus valores, prioridades, necesidades y cosmovisiones;

7. Nacionalizar e internacionalizar la problemática de la Seguridad y Soberanía Alimentaria, en forma organizada y representativa a nivel nacional y regional para su tratamiento desde su propia forma de pensar, sentir y actuar de los Pueblos Indígenas;

8. Difundir los resultados de esta consulta y la Declaración de Atitlán en las Cumbres Mundiales, otras instancias y mecanismos internacionales, nacionales y regionales. También hacerlo en nuestras comunidades, organizaciones, Pueblos Indígenas y a la Sociedad Civil;

9. Desarrollar un Plan de Acción Global de los Pueblos Indígenas sobre Seguridad y Soberanía Alimentaria.

Por ultimo:

Los participantes en esta Consulta SOLICITAMOS que el Consejo Internacional de Tratados Indios, CITI, establezca y coordine un mecanismo para la diseminación de información y otros aspectos de seguimiento a las recomendaciones y decisiones de este Cónclave.

SOLICITAMOS al Foro Permanente sobre Asuntos Indígenas, que acepte y proponga esta declaración ante las Cumbres Mundiales e instancias del Sistema de las Naciones Unidas para que sean incorporadas en los planes de acción y políticas respectivas.

Iximulew, job' Imox, Oxi' Kej[1]

Panajachel, Sololá, Guatemala, 19 de abril de 2002.

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[1] Ixim Ulew en el idioma Maya Kaqchikel significa Tierra Sólida, Tierra granulada, la Tierra de la Selvas y de los árboles tipo maíz. Job' en Idioma K'iche significa cinco; Imox, es un día del calendario Sagrado Maya. Este día rige la cualidad de inestabilidad, sorpresa, locura, creación entre la emoción.

HEALTH

WORLD WOMEN'S CONGRESS FOR A HEALTHY PLANET

International Indigenous Women's Caucus
Miami, Florida, November 8-12, 1991

As Indigenous people, our lives are intertwined with the natural world. Our creation stories tell of our emergence in traditional homelands, which continue to nurture and give meaning to our lives. We are inseparable from the lands in which we as peoples were created.

We view our responsibilities to care for the earth as our mother. As Indigenous peoples, we are witnessing the destruction of our sacred Mother Earth. She is being raped as the forests are clear-cut, gouged in the search for minerals, and poisoned by radioactive and chemical waste as we as her children are being destroyed in the ruthless search to seize her precious gifts for human consumption. The suffering and pain of Mother Earth is felt by us as if it were our own. She is being destroyed, as we are being destroyed, at a rate in which it is impossible for healing and renewal.

As Indigenous peoples, we have lived in our traditional homelands for tens of thousands of years in harmony and balance with all of the natural world. We believe that all living things were given life by the Creator, and as such we are all co-equal beings sharing the gifts of our sacred Mother Earth. We are dependent upon her for our sustenance, interdependent upon one another for the fulfillment of our lives, and interconnected with each other spiritually and physically.

As human beings, it is our responsibility to care for each other and all living things with the same love that the Creator showed in giving us life. We were born into the world to evolve as fully living, caring, and compassionate beings and to share these gifts with all living things. The Creator gave

us natural laws to instruct us in the way in which we must live upon the earth so as to live in harmony and balance with all of life, taking only what is required for our survival and acknowledging these many gifts of life which were given so that we may live.

A Path to the Future

Today we face the destruction of the human spirit and the consequent destruction of the natural world. In human beings' search to fulfill physical and material desires, we are sacrificing the earth and the natural world peoples. In order to cease this destruction, it is incumbent upon all human beings to:

1. Recognize that all human actions, laws, and policies must be informed by an ethic based upon adherence to the laws of the natural world that govern creation and which are embodied in the spiritual traditions of Indigenous peoples.

2. Include a long-range perspective in our ethic that ensures a positive impact on the next generations of all living things.

3. Recognize that honoring and protecting the diversity of life must include not only the plant and animal world but also the diversity of peoples and the spirituality, cultures, and ways of life inherent within.

4. Recognize that all of life is sacred, co-equal, and entitled to existence apart from any relationship to human beings.

5. Protect the rights of Indigenous peoples to our homelands and ways of life to ensure our continuation as peoples living in the manner in which we were instructed by the Creator.

6. Reflect the love of the Creator in our lives, and in our daily thoughts, feelings, words, and actions be mindful of our impact upon all living things and make clear choices that support life rather than destroy it.

The true challenge of human beings is to place our full attention upon ways in which we can live upon Mother Earth in a manner consistent with natural law and in peace, harmony, and balance with all living things.

ENVIRONMENT

INDIGENOUS PEOPLES' DECLARATION ON EXTRACTIVE INDUSTRIES

Oxford, United Kingdom
15 April 2003

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:

- Violation of our basic human rights, such as killings, repression and the assassination of our leaders.
- The invasion of our territories and lands and the usurpation of our resources.
- By denying us rights or control over our lands, including subsurface resources our communities and cultures are, literally, undermined.
- Many of our communities have been forced to relocate from their lands and ended up seriously impoverished and disoriented.
- Extractive industries are not transparent, withholding important information relevant to decisions affecting us.

- 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.
- Consent has been engineered through bribery, threats, moral corruption and intimidation.
- 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.
- Indigenous women have in particular suffered the imposition of mining culture and cash based economies.
- 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 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

THE INDIGENOUS PEOPLES' DECLARATION TO THE WORLD PARKS CONGRESS

Durban, South Africa, 6 - 7 September 2003

Preamble

We, the Indigenous Peoples united here in Durban, South Africa, at the Indigenous Peoples' Preparatory Conference for the World Parks Congress, held 6 to 7 September 2003, would especially like to thank our Indigenous hosts, the Khoi and the San Peoples of South Africa for welcoming us to their territory;

Recalling the international community's commitment made at Rio and Johannesburg, on Indigenous Peoples vital role in sustainable development and environmental conservation, we reaffirm our vision of a respectful relationship by all peoples towards Mother Earth and our commitment to practice this respect in our terrestrial, coastal/marine and freshwater domains. Our respect for nature must not be limited to protected areas, but must encompass the earth;

Taking into account the special relationship we have with our lands, territories and the resources therein, we reaffirm our holistic vision which strongly binds biodiversity and cultural identity and unites a people with its territory;

Affirming that Indigenous Peoples are rights-holders, not merely stakeholders;

Remembering that internationally recognized Indigenous Peoples' rights have been systematically violated in protected areas, including the right to life;

Recognizing that Indigenous Peoples' knowledge, practices and areas of conservation, as well as systems of resource

management pre-date the imposition of Western and alien concepts of protected areas. The latter result in the loss of Indigenous territories, impoverishment and the degradation of nature;

Drawing attention to the fact that the current global economic model contradicts the aims of conservation and preservation of nature;

Highlighting the fact that all states have international obligations to promote Indigenous Peoples' rights and that although some states have made advances in national legislation, there is still insufficient application of these norms at the national level;

Acknowledging IUCN's positive efforts in advancing the recognition of the rights of Indigenous Peoples, including the adoption of World Conservation Congress Resolution 1.53 *Indigenous Peoples and Protected Areas* (Montreal, Canada 1996), we nevertheless call attention to the lack of implementation of these policies;

We therefore declare the following:

1. We reassert Indigenous Peoples' inherent right to self-determination.

2. We Indigenous Peoples are rights-holders and not merely stakeholders.

3. We call special attention to the severe problem of the forced expulsion and systematic exclusion of Indigenous Peoples from their lands and territories in the creation of protected areas in Africa, as well as in other parts of the world. We thus call for an immediate halt to these practices which result in the destruction of their livelihood and condemn this form of cultural genocide.

4. The ancestral and customary rights of Indigenous Peoples to their lands, territories, and natural resources must be recognized, respected and protected. In cases where our lands have been expropriated to create protected areas, these must be restituted to us and rapid, just, fair and significant

compensation, agreed upon in a fully transparent, participatory and culturally appropriate manner, must be provided.

5. We categorically reject any protected area and conservation policy which promotes the discrimination, exclusion and/or expulsion of Indigenous Peoples from their territories and their impoverishment.

6. In the light of these experiences, we call upon the World Parks Congress to uphold civil, political, economic, social and cultural rights in all protected area policies, programmes, projects and activities. Indigenous Peoples and local communities' best practices at the grassroots level prove that rights-based approaches to sustainable development and natural conservation are the way forward.

7. We urge the World Parks Congress to call for the immediate adoption of the United Nations Draft Declaration on the Rights of Indigenous Peoples within the present International Decade for the World's Indigenous Peoples.

8. When protected areas are to be established, the free, prior and informed consent of the Indigenous Peoples concerned must be obtained, an appropriate social and cultural impact assessment must be carried out and, most importantly, the Indigenous Peoples must at all times reserve the right to say "no."

9. In existing protected areas, created on Indigenous Peoples' territories, the World Parks Congress should support the rapid establishment of a legal framework to ensure culturally appropriate, full and effective participation of the Indigenous Peoples concerned in all aspects of the administration and management processes of protected areas.

10. Neither Indigenous Peoples, nor our lands and territories are objects of tourism development. If tourism is to benefit us it must be under our full control.

11. We call upon the World Parks Congress and IUCN to uphold and strengthen IUCN Amman Congress (Jordan, 2000) Recommendation 2.82 *Protection and conservation of biological diversity of protected areas of the negative impacts of mining and exploration* and to prohibit extractive industries in and around protected areas and to halt planned and existing extractive activities in and around World Heritage Sites.

12. The World Parks Congress must recognize the cultural integrity of Indigenous Peoples and ensure the integration of traditional collective management systems as a basis for the management of protected areas.

13. We call upon this global gathering to recognize that through the protection and promotion of Indigenous Peoples' rights and through recognizing and integrating our dynamic and holistic visions, we are securing not only our future, but the future of humanity and social and environmental justice for all.

September 6 - 7, 2003

INDIGENOUS PEOPLES' KYOTO WATER DECLARATION

3rd World Water Forum,
Kyoto, Japan, March 18, 2003

Relationship to Water

1. We, the Indigenous Peoples from all parts of the world assembled here, reaffirm our relationship to Mother Earth and responsibility to future generations to raise our voices in solidarity to speak for the protection of water. We were placed in a sacred manner on this earth, each in our own sacred and traditional lands and territories to care for all of creation and to care for water.

2. We recognize, honor and respect water as sacred and sustains all life. Our traditional knowledge, laws and ways of life teach us to be responsible in caring for this sacred gift that connects all life.

3. Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water. We stand united to follow and implement our knowledge and traditional laws and exercise our right of self-determination to preserve water, and to preserve life.

Conditions of Our Waters

4. The ecosystems of the world have been compounding in change and in crisis. In our generation we see that our waters are being polluted with chemicals, pesticides, sewage, disease, radioactive contamination and ocean dumping from

mining to shipping wastes. We see our waters being depleted or converted into destructive uses through the diversion and damming of water systems, mining and mineral extraction, mining of groundwater and aquifer for industrial and commercial purposes, and unsustainable economic, resource and recreational development, as well as the transformation of excessive amounts of water into energy. In the tropical southern and northern forest regions, deforestation has resulted in soil erosion and thermal contamination of our water.

5. The burning of oil, gas, and coal, known collectively as fossil fuels is the primary source of human-induced climate change. Climate change, if not halted, will result in increased frequency and severity of storms, floods, drought and water shortage. Globally, climate change is worsening desertification. It is polluting and drying up the subterranean and water sources, and is causing the extinction of precious flora and fauna. Many countries in Africa have been suffering from unprecedented droughts. The most vulnerable communities to climate change are Indigenous Peoples and impoverished local communities occupying marginal rural and urban environments. Small island communities are threatened with becoming submerged by rising oceans.

6. We see our waters increasingly governed by imposed economic, foreign and colonial domination, as well as trade agreements and commercial practices that disconnect us as peoples from the ecosystem. Water is being treated as a commodity and as a property interest that can be bought, sold and traded in global and domestic market-based systems. These imposed and inhumane practices do not respect that all life is sacred, that water is sacred.

7. When water is disrespected, misused and poorly managed, we see the life threatening impacts on all of creation. We know that our right of self-determination and sovereignty, our traditional knowledge, and practices to protect the water are being disregarded violated and disrespected.

8. Throughout Indigenous territories worldwide, we witness the increasing pollution and scarcity of fresh waters and the lack of access that we and other life forms such as the land, forests, animals, birds, plants, marine life, and air have to our waters, including oceans. In these times of scarcity, we see governments creating commercial interests in water that lead to inequities in distribution and prevent our access to the life giving nature of water.

Right to Water and Self Determination

9. We Indigenous Peoples have the right to self-determination. By virtue of that right we have the right to freely exercise full authority and control of our natural resources including water. We also refer to our right of permanent sovereignty over our natural resources, including water.

10. Self-determination for Indigenous Peoples includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference.

11. Self-determination includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our water sources, without interference.

12. International law recognizes the rights of Indigenous Peoples to:

- Self-determination
- Ownership, control and management of our traditional territories, lands and natural resources
- Exercise our customary law
- Represent ourselves through our own institutions
- Require free prior and informed consent to developments on our land
- Control and share in the benefits of the use of, our traditional knowledge.

13. Member States of the United Nations and international trade organizations, international and regional financial institutions and international agencies of economic cooperation are legally and morally obligated to respect and observe these and other related collective human rights and fundamental freedoms. Despite international and universal recognition of our role as caretakers of Mother Earth, our rights to recover, administer, protect and develop our territories, natural resources and water systems are systematically denied and misrepresented by governmental and international and domestic commercial interests. Our rights to conserve, recreate and transmit the totality of our cultural heritage to future generations, our human right to exist as Peoples is increasingly and alarmingly restricted, unduly impaired or totally denied.

14. Indigenous Peoples interests on water and customary uses must be recognized by governments, ensuring that Indigenous rights are enshrined in national legislation and policy. Such rights cover both water quantity and quality and extend to water as part of a healthy environment and to its cultural and spiritual values. Indigenous interests and rights must be respected by international agreements on trade and investment, and all plans for new water uses and allocations.

Traditional Knowledge

15. Our traditional practices are dynamically regulated systems. They are based on natural and spiritual laws, ensuring sustainable use through traditional resource conservation. Long-tenured and place-based traditional knowledge of the environment is extremely valuable, and has been proven to be valid and effective. Our traditional knowledge developed over the millennia should not be compromised by an over-reliance on relatively recent and narrowly defined western reductionist scientific methods and standards. We support the implementation of strong measures to allow the full and equal participation of Indigenous Peoples to share our experiences, knowledge

and concerns. The indiscriminate and narrow application of modern scientific tools and technologies has contributed to the loss and degradation of water.

Consultation

16. To recover and retain our connection to our waters, we have the right to make decisions about waters at all levels. Governments, corporations and intergovernmental organizations must, under international human rights standards require Indigenous Peoples free prior and informed consent and consultation by cultural appropriate means in all decision-making activities and all matters that may have affect. These consultations must be carried out with deep mutual respect, meaning there must be no fraud, manipulation, and duress nor guarantee that agreement will be reached on the specific project or measure. Consultations include:

a. To conduct the consultations under the communities own systems and mechanisms;

b. The means of Indigenous Peoples to fully participate in such consultations; and;

c. Indigenous Peoples exercise of both their local and traditional decision-making processes, including the direct participation of their spiritual and ceremonial authorities, individual members and community authorities as well as traditional practitioners of subsistence and cultural ways in the consultation process and the expression of consent for the particular project or measure;

d. Respect for the right to say no.

e. Ethical guidelines for a transparent and specific outcome.

Plan of Action

17. We endorse and reiterate the "Kimberley Declaration and the Indigenous Peoples' Plan of Implementation on Sustainable Development" which was agreed upon in Johannesburg during the World Summit on Sustainable Development in September 2002.

18. We resolve to sustain our ancestral and historical relationships with and assert our inherent and inalienable rights to our lands and waters.

19. We resolve to maintain, strengthen and support Indigenous Peoples' movements, struggles and campaigns on water and enhance the role of Indigenous elders, women and youth to protect water.

20. We seek to establish a Working Group of Indigenous Peoples on Water, which will facilitate linkages between Indigenous Peoples and provide technical and legal assistance to Indigenous communities who need such support in their struggles for the right to land and water. We will encourage the creation of similar working groups at the local, national and regional levels.

21. We challenge the dominant paradigm, policies, and programs on water development, which includes among others; government ownership of water, construction of large water infrastructures; corporatization; the privatization and commodification of water; the use of water as a tradeable commodity; and the liberalization of trade in water services, which do not recognize the rights of Indigenous Peoples to water.

22. We strongly support the recommendations of the World Commission on Dams (WCD) on water and energy development. These include the WCD report's core values, strategic priorities, the "rights and risks framework" and the use of multi-criteria assessment tools for strategic options assessment and project selection. Its rights-based development framework, including the recognition of the rights of Indigenous Peoples in water development is a major contribution to decision-making frameworks for sustainable development.

23. We call on the governments, multilateral organizations, academic institutions and think tanks to stop promoting and subsidizing the institutionalization and implementation of these anti-people and anti-nature policies and programs.

24. We demand a stop to mining, logging, energy and tourism projects that drain and pollute our waters and territories.

25. We demand that the World Bank, the International Monetary Fund (IMF), regional banks like the Asian Development Bank, African Development Bank, Inter-American Development Bank, stop the imposition of water privatization or 'full cost recovery' as a condition for new loans and renewal of loans of developing countries.

26. We ask the European Union to stop championing the liberalization of water services in the General Agreement on Services (GATS) of the World Trade Organization (WTO). This is not consistent with the European Commission's policy on Indigenous Peoples and development. We will not support any policy or proposal coming from the WTO or regional trade agreements like the NAFTA (North American Free Trade Agreement, Free Trade Area of the Americas (FTAA), on water privatization and liberalization and we commit ourselves to fight against such agreements and proposals.

27. We resolve to replicate and transfer our traditional knowledge and practices on the sustainable use of water to our children and the future generations.

28. We encourage the broader society to support and learn from our water management practices for the sake of the conservation of water all over the world.

29. We call on the States to comply with their human rights obligations and commitments to legally binding international instruments to which they are signatories to, including but not limited to, such as the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, International Convention on the Elimination of all Forms of Racial Discrimination; as well as their obligations to conventions on the environment, such as the Convention on Biological Diversity, Climate Convention, and Convention to Combat Desertification.

30. We insist that the human rights obligations of States must be complied with and respected by their international trade organizations. These legally binding human rights and environmental obligations do not stop at the door of the WTO and other regional and bilateral trade agreements.

31. We resolve to use all political, technical and legal mechanisms on the domestic and international level, so that the States, as well as transnational corporations and international financial institutions will be held accountable for their actions or inactions that threaten the integrity of water, our land and our peoples.

32. We call on the States to respect the spirit of Article 8j of the Convention on Biological Diversity as it relates to the conservation of traditional knowledge on conservation of ecosystems and we demand that the Trade Related Aspects of the Intellectual Property Rights (TRIPS) Agreement be taken out of the World Trade Organization (WTO) Agreements as this violates our right to our traditional knowledge.

33. We call upon the States to fulfill the mandates of the United Nations Framework Convention on Climate Change (UNFCCC) and to ratify the Kyoto Protocol. We call for the end of State financial subsidies to fossil fuel production and processing and for aggressive reduction of greenhouse gas emissions calling attention to the United Nations Intergovernmental Panel on Climate Change (IPCC) that reported an immediate 60% reduction of CO2 is needed to stabilize global warming.

34. We will ensure that international and domestic systems of restoration and compensation be put in place to restore the integrity of water and ecosystems.

UNITED OUTCRY AGAINST MINING GREENWASH

Indigenous peoples, mine-affected local communities and major organisations of civil society decried today the partnership forged by the World Conservation Union (IUCN) and the International Council on Mining and Metals (ICMM) as a cynical greenwash of the mining industry.

"It's a contradiction for the ICMM, whose mining industry members have systematically engaged in the rape of the Mother Earth to have suddenly changed heart to implement best management practices to protect biodiversity. By nature of its technology, mining is unsustainable. The mining industry has a poor record of community accountability and in many parts of the world is socially unacceptable", said Tom Goldtooth of the Indigenous Environmental Network.

Mining has left a legacy of impoverished communities and environmental despoliation. "Entering a partnership on Mining and Biodiversity with the World Conservation Union, while marginalizing indigenous peoples and local communities, who are most severely impacted, is a gross cynicism and non-accountability on the part of these global organisations," said Joji Cariño of Tebtebba Foundation, the Indigenous Peoples International Centre for Policy-Research and Education.

A global coalition of indigenous peoples' organisations, mine-affected communities and civil society organisations called today for:

- A moratorium on mining activities until governments and corporations respect indigenous

peoples' rights to self-determination and to free, prior and informed consent to all forms of mining;

- Down-sizing of the mining industry;
- A stop to environmentally damaging mining practices such as bulk and strip-mining; the use of cyanide heap leach open-pit mining; and sub-marine tailings disposal;
- Reparations to affected communities and restitution for past damages; and,
- A Convention on Corporate Accountability covering the mining, energy and chemical industries.

Supported by over 200 indigenous organizations, NGOs and advocates, October 2002. Partial list of signatories includes:

African Indigenous Women's Organisation: Lucy Mulenkei

Indigenous Information Network: Lucy Mulenkei

Asian Indigenous Women's Network: Victoria Tauli-Corpuz

International Indian Treaty Council: Antonio Gonzales

Indigenous Women's Network: Priscilla Settee

Third World Network: Abdulai Dimarani

Friends of the Earth: Gabriel Ducca-Rivas

Oilwatch: Elizabeth Bravo

Amigransa

Inuit Circumpolar Conference: Carl Christian Olsen

Aliansi Masyakarat Adat Nusantara (AMAN): Den Upa Rombeyaluk

Indigenous Mining Campaign Project: Sayokla Kindness

Asian Indigenous Peoples Pact: Jannie Lasimbang

Tebtebba: Victoria Tauli-Corpuz

Cordillera Peoples Alliance, Philippines: Joan Carling

WENDAKE ACTION PLAN

From Indigenous Peoples' Forest Forum
Huron-Wendat Territory, Province of Quebec
September 2003
Official Event of the XII World Forestry Congress

We, Indigenous Peoples, from different parts of the world, participants of this Indigenous Peoples' Forest Forum, held on the territory of the Huron-Wendat, in conjunction with the XII World Forestry Congress, September 2003, in the province of Quebec, Canada, re-affirm the multitude of declarations made by Indigenous Peoples so many times since the Earth Summit was celebrated in Rio de Janeiro, Brazil in 1992 and demand that they be acknowledged and implemented.

As was stated in Kari-Oca (1992), Leticia (1996), Kimberley (2002), Cancun (2003) and Durban (2003), we re-affirm our inherent right over our territories, lands and resources. True sustainable development cannot be achieved without full recognition of and respect for our rights as Indigenous peoples and without recognition for and strengthening of our systems of integrated natural resource management. We re-affirm that there is an intimate connection between biodiversity and cultural diversity.

We have developed this action plan based on all our past declarations. This plan also takes into account the progressive elements of other standards, principles, proposals for action and work programs developed and adopted through various international forest related processes and instruments, which deal inter alia with our rights to territories, lands and resources, our right to own and control resources, the obligation to guarantee our meaningful participation in the management of forests, the need to secure our consent, and the equitable sharing of the

benefits from the development and use of those resources. It is now time for action.

Since time immemorial, we have respected and looked after our territories, lands and resources. Our survival and the survival of natural ecosystems depends on the recognition of this fact and effective action to respect our rights as Indigenous Peoples. The time for this action is now.

We present this Wendake Action Plan and our previous declarations to this XII World Forestry Congress and urge Nation States, inter-governmental organizations, specialized agencies, international financial institutions and non-governmental organizations to implement the recommendations and demands they contain as a matter of priority.

The Most Important Action Items:

That the United Nations and its bodies and specialized agencies, Nation States, international and regional inter-governmental organizations and international multi-lateral agencies recognize and guarantee Indigenous Peoples' right to self-determination, including the right to govern the use of natural resources and maintain the integrity of our cultures and ecosystems in accordance with our respective worldviews.

The UN should encourage Nation States to ratify international agreements and conventions which affirm Indigenous Peoples' rights.

Nation States and inter-governmental organizations must fulfill their respective obligations to recognize, comply with and implement international agreements and treaties, which address Indigenous Peoples' rights.

Action Needed On:

1. Indigenous Rights

- Indigenous rights must be addressed in forest policy at all levels.

- We urge Nation States and intergovernmental organizations to establish mechanisms, with the effective participation of Indigenous Peoples, to assess performance on governmental and inter-governmental commitments and obligations to uphold and respect Indigenous Peoples' rights.

- The UN, in consultation with the UN Permanent Forum on Indigenous Issues, will recommend to Nation States that they develop, in conjunction with Indigenous Peoples, more effective means to monitor and verify the participation of Indigenous Peoples in forest policy making and sustainable forest management.

- The UN and its specialized agencies and other international multi-lateral and bi-lateral agencies must provide financial support so that Indigenous Peoples can access legal and technical services to assist us to defend and realise our rights in our countries.

2. Rights to Resources

- Nation States shall make restitution and pay compensation for past infringement of Indigenous Peoples' rights and the loss of use of forests and guarantee against any further infringements.

- Nation States shall guarantee the legal recognition and demarcation of Indigenous Peoples' lands and territories based on the full participation of Indigenous Peoples.

- Nation States with the full participation of Indigenous Peoples will develop mechanisms to ensure the equitable distribution of resources.

- Nation States must recognize and respect the intangibility of the territories of Indigenous Peoples who live in voluntary isolation.

3. Consent, Capacity and Meaningful Participation

- Nation States must take transparent measures to guarantee that the free, prior, full and informed consent of Indigenous Peoples is obtained before implementing any decisions or activities that may affect their traditional territories and lands.
- Nation States will work with Indigenous Peoples to develop specific mechanisms that guarantee the full participation of Indigenous Peoples in the process of formulating public policy on forest and land management, protection and development.
- The appropriate bodies such as the UN, Nation States, and international multi-lateral organizations will work with Indigenous Peoples to develop institutional and legal mechanisms that reinforce our own models of community based integrated forest management.
- The UN, Nation States, international multi-lateral organizations and members of the Collaborative Partnership on Forests (CPF) will provide adequate funding to support Indigenous Peoples' initiatives to develop their capacity to manage forests in accordance with their own traditions and priorities.

4. Traditional Forest Related Knowledge and Cultural Rights

- The UN, with the UN Permanent Forum on Indigenous Peoples and inter-governmental agencies will recommend to the Nation States, a framework to promote and protect traditional knowledge, including traditional forest related knowledge.
- Nation States will develop legislation with Indigenous Peoples, which recognizes, and facilitates the protection and use of traditional knowledge by Indigenous Peoples in forest

management planning, conservation and development. Such legislation will contain measures to combat biopiracy and the improper use of our traditional knowledge.

5. Economic Instruments and Trade Agreements

- Nation States, the World Trade Organization, International Monetary Fund, and the World Bank together with Indigenous Peoples must review and evaluate all new and existing trade related instruments or policies to determine the extent to which they infringe on our rights and threaten our livelihoods.
- Nation States, international multi-lateral organizations must abandon all existing and proposed economic and trade related instruments or policies which infringe or threaten to infringe on our rights.
- The UN and Nation States and international multi-lateral organizations will develop, with Indigenous Peoples, mechanisms to compensate for the provision of environmental services.
- The UN and Nation States and international multi-lateral organizations will provide resources and appropriate processes to support our efforts to fully participate in international trade discussions on issues that affect us.

6. Capital Investment and Transfer of Technology

- Nation States and international multi-lateral organizations will implement development programs which give Indigenous Peoples access to financial and technological resources required to facilitate the strengthening of our local forest management systems.

Concluding Remark

Nation States must stop taking the resources from our territories and lands and must stop using our issues to promote their national goals in the international arena without ensuring that they have fulfilled their commitments at home.

We urge Nation States, inter-governmental organizations, the UN, the Organization of American States, the European Union, specialized agencies such as United Nations Education Social Cultural Organization, Food and Agriculture Organization, World Intellectual Property Organization, World Trade Organization and financial agencies such as the Inter-America Development Bank, World Bank, among other international entities, to adopt these actions as part of their policies and programs and meet the demands of Indigenous Peoples.

MANUKAN DECLARATION OF THE INDIGENOUS WOMEN'S BIODIVERSITY NETWORK

Manukan, Sabah, Malaysia
4 - 5 February, 2004

Preamble

We, the Indigenous women, who have come together in Manukan, Sabah to prepare for the deliberations of the 7th Conference of the Parties (COP 7) to the UN Convention on Biological Diversity February 9-20, 2004 in Kuala Lumpur, Malaysia, issue this declaration on behalf of our respective organizations, communities and Nations.

We note with alarm that since the beginning of the Convention on Biodiversity, there continues to be a decline in the world's biological diversity. We also note the increase in corporate control of biological resources, and a proliferation of policies that facilitate biotechnological development of resources taken from our territories.

Indigenous women play a major role in environmental conservation and preservation and have done so throughout our histories. We are the holders of Indigenous knowledge and have primary responsibility to protect and perpetuate this knowledge. Our weaving art, music, songs, our dress, knowledge of agriculture, hunting and fishing, are examples of some contributions to the world. We are the children of Mother Earth, and to her we are indebted. Our ceremonies recognize her and we return our children's placentas to her. She also holds the remains of our ancestors.

Indigenous women continue to affirm our cultures, histories, views of creation and ancestry, our views of life and the world, and ways of being. These life-ways are essential to the continued perpetuation, promotion, and development

of the world's biodiversity.Indigenous women ensure the health of our Peoples and environments. We maintain a reciprocal relationship with Mother Earth, as she sustains our lives. Indigenous Peoples have developed our own health systems, and Indigenous women are the fundamental conservers of the diversity of medicinal plants, so frequently used from the moment of our conception

Indigenous women stand firmly upon our rights to self-determination. Our rights to self-determination are fundamental to the freedom to carry out our responsibilities in accordance with our cultural values and customary laws. We also note the importance of work still to be done by States to honor treaty obligations made with Indigenous peoples. Many treaties contain specific obligations for States to guarantee Indigenous rights to protect the flora, fauna, lands, foreshore, fisheries, seas and lakes.

As Indigenous women, our priority is to protect our rights over our traditional knowledge and biological resources, which must be preserved and protected for future generations. Any decisions regarding the use and protection of our traditional knowledge and biological resources must respect the rights of Indigenous peoples. We bring to your attention these key areas of concern:

Indigenous Women as Knowledge Holders

Indigenous women are holders of environmental, spiritual and cultural knowledge, wisdom and experiences that play an integral role in the transfer of this knowledge, wisdom and experience to younger generations.

Our traditional Indigenous knowledge systems long predate Western systems of education or property rights regimes, and have a right to exist free from external interference and in their own integrity.

Non-Indigenous education systems are negatively impacting Indigenous knowledge and lifeways. Indigenous peoples have a right to protect, develop and perpetuate their own educational systems that are consistent with their cultural

and spiritual values as an integral aspect of self-determination.

As Indigenous women, we recognize that these languages are fast disappearing and this threatens the maintenance and continuance of our knowledge. We urge governments to support our efforts to maintain the use of our languages through culturally-based and appropriate educational systems.

Indigenous women oppose the imposition of databases and registries of Indigenous knowledge as mechanisms required for the protection of Indigenous knowledge.

Indigenous Women and Biodiversity

Indigenous knowledge systems and the diversity of life within our territories are collective resources under our direct control and administration.

Indigenous women play a key role in the protection and maintenance of the biodiversity in diverse ecosystems including forests, dry and sub-humid, inland waters, marine and coastal, mountains regions. Our lifeways, our artistic expressions, are dependant on and the bounty of the land. Any erosion of biodiversity can irreversibly impact our cultural heritage.

Medicinal knowledge of Indigenous women is widespread and in their vast expertise, they are our widwives, spiritual leaders, healers, herbalists, botanists and pharmacists. Their knowledge, use and control of these medicinal plants must be protected from external research and commercialization efforts.

We oppose technologies and policies such as the Intellectual Property Rights (IPR) regimes that violate Indigenous Peoples' rights to maintain our traditional knowledge, practices, seeds and other food related genetic resources.

We are opposed to the introduction of genetically engineered life-forms, and genetic use restriction technologies (GURTs)

which pose serious negative impacts to Indigenous peoples food security, health, environment, and livelihoods.

Indigenous Women and Health

Indigenous women acknowledge that the womb is every person's first environment and that the state of the health of this sacred environment is intrinsically related to and dependent on the health of the waterways, air, earth, plants and animals.

The poor health status of Indigenous women is intimately linked to their access to traditional medicines, practices and the health of ecosystems. For example, in the Arctic region, Indigenous women's milk has the highest levels of PCBs and mercury in the world due to the trans-boundary travel of persistent organic pollutants and their bioaccumulation and magnification in the food chain.

Indigenous women are also the primary food producers for their communities and environmental pollutants threaten food security, cultures and life-ways.

We recognize that Indigenous knowledge has greatly contributed to food security and many medicines used in the world. We oppose any efforts for external parties to commercialize and benefit from the enclosure of our knowledge and resources.

Indigenous Women and Industrialization

Industrial projects including, but not limited to, mining, logging, hydroelectric projects, nuclear power and waste, toxic dumping, agri-business expansion, commercial fisheries, tourism development and war devastate our lands, destroy our economies, and threaten our survival within our territories.

Power in the government in many countries is largely concentrated in the hands of the industry lobby so they have an opportunity and advantage to make decisions about environmental problems. We need instruments to ensure the participation of Indigenous peoples in the decision-

making processes related to industrial developments and environmental policy.

Indigenous Women and Protected Areas

Indigenous communities have been and continue to be expelled from their lands and to be victimized by the despoilment of their lands and sacred sites, on the pretext of the establishment of protected areas and national parks. We demand that our rights be restored and that these acts, which violate our human rights and the rights of women, cease immediately. We also call for adequate compensation for all the past wrongs inflicted by the establishment of protected areas.

Indigenous Women and Trade and Globalization

Indigenous women strongly oppose the appropriation and commodification of their knowledge, ceremonies, songs, dances, rituals, designs, medicines and intellectual property. Any acquisition, use or commercial application of Indigenous women's intellectual, cultural and spiritual property must be in accordance with their prior informed consent and customary laws.

Intellectual property regimes must be prevented from asserting patents, copyright, or trademark monopolies for products, data, or processes derived or originating from the biodiversity or knowledge of Indigenous peoples.

We affirm that natural life processes and prior art and knowledge are clearly outside the parameters of IPR protection and therefore eliminate IPR protections over any genes, isolated genes, or other natural properties or processes, for any life forms, or knowledge derived from Indigenous knowledge.

The advancement of free trade policies through international and regional free trade agreements, state laws, and policies is allowing an increase in the exploitation of Indigenous peoples knowledge and resources.

We oppose the trade policies that impose the Western legal frameworks upon us and fail to recognize our rights to maintain and implement our systems of management based upon customary law.

Indigenous Women and Conflict and Militarization

Indigenous women have been severely affected by colonialism, armed conflict, displacement and enforced removal from their communities, discriminatory laws, lack of laws or lack of enforcement of laws.

In regions where conflict is rife, Indigenous women are the first victims of the destruction of biodiversity. Dependant on and linked to their lands, but displaced as a result of war, they are unable to provide for the needs of their families. We therefore call upon the international community to support our call for immediate peaceful resolution of conflicts.

We recall previous declarations, conventions, and decisions that affirm the rights of Indigenous peoples to the full and effective participation in international fora that impact our lives:

Recalling the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

Recalling decision VI/10, Article 8(j) and related provisions "emphasizing the need for dialogue with representatives of indigenous and local communities, particularly women for the conservation and sustainable use of biological diversity within the framework of the Convention."

Noting …"the vital role of Indigenous Peoples in sustainable development" as affirmed by the political declaration of the World Summit on Sustainable Development, Johannesburg, 2002 in paragraph 25; and,

Affirming other international instruments and mechanisms that ensure our participation and contribution within the discussions, such as:

> The Rio de Janeiro Declaration on the Environment and Development (in particular Principle 22), the Agenda 21 (in particular Chapters 11 and 26); the Convention on Biological Diversity (in particular Article 8 (j) and related provisions); the Convention on Elimination of All Forms of Racial Discrimination; the Statement on Forest Principles and IPF/IF/UNFF; Convention 169 of the ILO on Indigenous and Tribal Peoples, among others;

Further recognizing, that at the close of the UN Decade on Indigenous Peoples, some progress and gains have been achieved, however, much still needs to be done.

Recommendations

We, therefore, call upon the Conference of the Parties to include the following recommendations in the final decisions of the COP7, as follows:

We encourage the development of instruments that prevent the expropriation and commercialization of our knowledge and biological resources.

Affirm that natural processes and prior art and knowledge are clearly outside the parameters of IPR protection and therefore eliminate IPR protections over any genes, isolated genes, or other natural properties or processes, for any life forms, or knowledge derived from Indigenous knowledge.

Parties must declare an immediate moratorium on the development, cultivation, and use of genetically modified seeds, plants, fish and other organisms.

Request the Parties reaffirm paragraph 23 of its decision V/5, in light of the continued lack of data on the potential negative impacts on Indigenous Peoples and in line with the precautionary approach.

Parties ensure Indigenous women are free to implement their own practices and institutions to ensure food sovereignty.

Scientific research, and any bioprospecting activity, conducted without the full consultation and prior informed consent of the impacted Indigenous populations must be halted and be handled in a comprehensive and protective manner.

States take immediate action to urgently work to stop the introduction of alien or invasive species which threaten the health of our traditional territories and food sources.

With the knowledge that contaminated ecosystems threaten the very survival of our Peoples, Indigenous women strongly request that governments ratify and implement the Stockholm Convention on Persistent Organic Pollutants.

States ensure decisions protect and promote the development of sui generis systems based upon customary law.

States ensure intellectual property rights regimes are not imposed upon Indigenous knowledge, biodiversity, and customary management systems.

Ensure that any benefit sharing regime protects the rights of Indigenous peoples to prior informed consent as principle parties when their knowledge or resources are impacted, and further protect their rights to deny access and refuse participation.

Parties must insure national legislation reflect and be consistent with the standards established by the CBD.

Decisions must recognize and reflect the intrinsic link between Indigenous knowledge and biodiversity.

The Secretariat, in its outreach and capacity building activities, should specifically target the full and effective participation of Indigenous women.

All decisions must recognize and protect the fundamental premise that Indigenous peoples are rights holders with

proprietary, inherent, and inalienable rights to our traditional knowledge and biological resources.

Respectfully submitted by the following participants:

African Indigenous Womens Network (Kenya)
Asia Indigenous Peoples Pact
Asociaciòn Napguana (Panama)
Asociaciòn Regional Aborigen del Dikes (Costa Rica)
Canadian Indigenous Biodiversity Network (Canada)
Centro de Estudios Multidisciplinerios (Bolivia)
Concerned Women Action for Peace (Sudan)
Hadzabe Survival Council (Tanzania)
Ilaratak Lorkomerey (Tanzania)
Indigenous Peoples Council on Biocolonialism (US)
Indigenous Peoples' Secretariat on the CBD (Canada)
Nga Wahine Tiaki O Te Ao (Aotearoa)
Na Koa Ikaika O Ka Lahui Hawai'i (Hawaii)
National Aboriginal Health Organization (Canada)
Onissons-nous Pour la Promotion de Batwa/Uniproba
Programme D'Integration and de Developpent on Pouple Pygmee ou Piop_Kiyuss
Tebtebba Foundation (Phillipines)

INDIGENOUS PEOPLES DECLARATION ON MINING

Mining and Indigenous Peoples Consultation
London, England, 6 - 16 May 1996

We, the representatives of the Indigenous Peoples organizations, communities and nations from Peru, Bolivia, Brazil, Venezuela, Panama, Costa Rica, Mexico, Colombia, Guyana, French Guayana, Suriname, in Central and South America; from the United States of America and Canada of North America; from Australia, Fiji, India, the Philippines, Papua New Guinea and Irian Jaya of Asia and South Pacific; from Namibia and Ghana of Africa; and from Samiland, the Russian Federation, and Greenland of the Arctic;

Convened together for the Consultation on Mining and Indigenous Peoples on May 6-16 1996 in London, England, after deep sharing and analysis of each others' situation through democratic discussion we are convinced that we as Indigenous Peoples have the inherent right to self-determination; the inalienable right to land and resources; the right to self-governance; the right to be respected as distinct peoples with our own social organization, customs and traditions, and the fundamental right to life and survival;

We are **alarmed** at how our inherent and fundamental rights as Indigenous Peoples are systematically trampled upon, disregarded and violated by the dominant world neo-liberal economy through their transnational corporations in the name of greed and profit;

We are further alarmed that these transnational corporations make use of international funding institutions such as the International Monetary Fund, World Bank and Regional Funding Institutions and even the United Nations, to

impose, coerce and deceive sovereign nations for their policies and programs. International organizations such as GATT and the World Trade Organization, and their imposition of Structural Adjustment Programs and privatization result in furthering the national oppression and exploitation of Indigenous Peoples;

We recognize from our universal experience that the worldwide transnational mining industry works in complicity with our national governments to aggressively enter into our territories, to take our lands and territories and exploit our natural resources, bringing about permanent damage to the air, land, forests and waters, displacing and killing indigenous peoples, resulting in ethnocide and genocide;

We are UNITED in the knowledge that there is nothing that justifies the destruction of our air, our forests, our waters, our lands and territories, or the destruction of our lives and identities as peoples, and that there is no development that can be constructed with the blood and death of our peoples and the destruction of Mother Earth;

We are INSPIRED by the wisdom and knowledge of our people and our heroic ancestors' tradition of the defense and protection of our lands and territories and the assertion of our rights, existence and identity;

We are CONSCIOUS of the need to unite and strengthen our mutual support in the struggle to achieve full recognition and realization of our right to self-determination;

We struggle for our survival and in defense of our lives, our lands and territories, our own traditional forms of development and our own socio-economic, cultural and political well-being as Indigenous Peoples;

We therefore condemn in the strongest terms the transnational mining companies, armed with international and national organizations, and multi-lateral agreements, with the complicity of the states and their national laws, their denial of our existence, their land-grabbing, their

continued destruction of our land and territories and our air and our environment, their exploitation of our resources, and the continuing decimation of our peoples.

We therefore unanimously conclude:

1. To continue strengthening our organizations, communities, and nations so that we can be stronger to defend and assert our rights to self-determination;

2. To broaden the support of the Indigenous Peoples struggle for self-determination by linking it with the struggles of other oppressed groups, sectors or classes within each others countries and throughout the world;

3.To demand recognition of our right to life and our right to survive as Indigenous Peoples , and condemn the violations of our inherent and fundamental rights;

4. To demand recognition of Indigenous Peoples inalienable rights to our lands and territories and our waters, including surface and subsurface resources in accordance with, and respect for, Indigenous Peoples traditional forms of collective ownership and control;

5. To demand that Indigenous Peoples be consulted with, and full and comprehensive information be provided in a timely manner, when mining activities are being considered for sites located on Indigenous Peoples lands. That the free and informed consent of Indigenous Peoples be obtained before any mining development can occur on Indigenous Peoples lands;

6. To support adoption of the United nations draft declaration on the rights of Indigenous Peoples as drafted by the UN Working Group on Indigenous Peoples, without any substantive change or amendment;

7. To create an alliance among Indigenous Peoples in defense of the Mother Earth and our human rights and fundamental freedoms beginning with the participants of this conference, in order to continue our efforts against mining and its destructive effects on our communities;

8. To evaluate situations, plan solutions, and carry out actions in defense of our lands and territories, air, forests, waterways, coastal waters and other sources of life within our territories, in conjunction with other cultural, environmental, religious and other organizations with common interests in solidarity with indigenous peoples and their aspirations;

9. To support the Declaration of Beijing on Indigenous Women written and adopted at the IV World Conference of the United Nations on Women held in September 1995; in particular, to condemn the violations of human rights of Indigenous Women committed by mining companies and governments and to demand an investigation of violations on women's rights through the trafficking and trading of women, and acts of discrimination against women, and further that these be considered and punished as crimes;

10. To demand the health and well-being of our children and to condemn the violation, exploitation and exposure to contamination created by mining efforts; further, to demand a healthy and safe environment for our children especially in those communities where mining activities occur;

11. To propose our united action in opposing and resisting the strategy of the world globalization of the economy, and the world wide exploitation of workers, as these polices produce the concentration of wealth and power against our peoples and convert the indigenous mine worker into subordinate and disposable element;

To demand labor policies that integrally meet the indigenous workers' needs and rights that dignify his or her role as craftsman and creator of wealth and well-being.

THE QUITO DECLARATION

Recommendations of Indigenous Peoples and Organizations on the Process of the Framework Convention on Climate Change
Quito, Ecuador, May 4 - 6, 2000

1. That Agenda 21 in chapter 26 recognizes Indigenous Peoples as a Major Group with the right to participate fully in all the national and international processes on sustainable development.

2. That Indigenous Peoples historically have fulfilled and continue to fulfill an important role in the conservation of forests, biological diversity, and the maintenance of natural ecosystems. That, presently Indigenous Peoples, as well as the environment and the climate are threatened by destructive commercial and extractive activities, such as mining, logging, emission of greenhouse gases, excessive consumption, etc.

3. That distinct Declarations, Agendas and International Conventions such as the Draft Declaration on the Rights of Indigenous Peoples, Convention 169 of the ILO, the Rio de Janeiro Declaration, the Convention on Biodiversity and instruments of the United Nations System including the Sustainable Development Commission, the Human Rights Commission, the Inter-Governmental Panel and Forum on Forests recognize the fundamental rights of Indigenous Peoples as well as the role that these peoples play in the conservation and sustainable use of Nature including biodiversity and the forests.

4. That the1992 United Nations Framework Convention on Climate Change, as well as the Kyoto Protocol have been negotiated without the participation of the Indigenous Peoples and Organizations and do not take into account our rights.

5. That the Convention and the Kyoto Protocol and the proposal for a Clean Development Mechanism (CDM) may have a tremendous impact on our life, survival, cultures, spirituality and on the lands and territories that Indigenous Peoples inhabit and use.

6. Taking into consideration the intervention of the representative from COICA and the Climate Alliance at the conference of the parties in COP 4 and the resolution of the Indigenous Organizations in the International Workshop on International Policies on Climate and Indigenous Peoples held in Geneva in 1999 regarding the need for adequate participation of Indigenous Peoples both in the conferences of the parties as well as in the meetings.

7. That the Indigenous Peoples are convinced that our effective and equal participation can contribute substantially to a constructive dialogue for achieving Sustainable Development as it relates to Climate Change and the recognition of our rights.

Therefore:

The representatives of the Indigenous organizations convened in Quito, Ecuador:

Resolve

1. That the Convention and the Parties recognize that Indigenous Peoples historically have fulfilled and continue to fulfill an important role in the conservation of forests, biological diversity, and the maintenance of natural ecosystems.

2. To request that the Secretary of the Framework Convention of the Climate Change (UNFCCC) take the necessary steps to guarantee the adequate participation of Indigenous Peoples in the Conference of the Parties, (COP 6), as well as in the meetings prior to the conference and subsequent meetings.

3. To request that the Secretary of the UNFCCC facilitate the direct accreditation of the representatives of the Indigenous Organizations.

4. To request that the Secretariat include in the agenda of COP 6, an item on the impact of the mechanisms stipulated in the Convention, among them the CDM, and that we are allowed to offer for consideration our principles and points of view, such as the principle of prior and informed free consent, the due respect for our territorial rights and all the other rights of our peoples.

5. To establish a mechanism of coordination among Indigenous Peoples and Organizations which allows us to participate in an informed fashion in the meetings and processes prior to COP 6, both on the national and international level and to draft our contributions and recommendations, with an emphasis on the Clean Development Mechanism, that will be presented in these meetings and processes.

6. To urge governments to include representatives of the Indigenous Peoples in their delegations to the preparatory meetings and COP 6.

7. To urge the Non-Governmental Organizations like the Amazon Alliance, the Climate Alliance, the Climate Action Network and other non-governmental organizations to support the initiatives of the Indigenous organizations.

Signed: Representatives of Indigenous Organizations and Local Communities, Quito, Ecuador, May 4 - 6, 2000. Partial list of signatories includes:

Asociación de la Nacionalidad Zapara de la Provincia de Pastaza del Ecuador (ANAZPPA) Puyo, Ecuador
Central Indígena del Bajo Paraguá (CIBAPA) Santa Cruz de la Sierra, Bolivia
Centro de Asistencia Legal Popular (CEALP) El Dorado, Panamá

THE LYON DECLARATION

First International Forum of Indigenous Peoples on Climate Change
Lyon, France, September 8, 2000

Introduction

We, the Indigenous Peoples, have historically played an active role in the conservation of eco-systems crucial to the prevention of climate change such as forests, wetlands and coastal and marine areas. Long ago, our sciences foretold of the severe impacts of Western "development" models based on indiscriminate clear-cutting, oil exploitation, mining, carbon-emitting industries, permanent organic pollutants and the insatiable consumption of the industrialized countries. Today, these unsustainable models threaten the very life of Mother Earth and the lives of all of us who are her children.

The scientists of Western society have dismissed us as sentimental and superstitious and accused us of being an obstacle to development. Paradoxically, those that previously turned deaf ears to our warnings, now are dismayed because their own model of "development' endangers our Mother Earth.

At long last, the international community has been forced to recognize that climate change threatens the very survival of humanity. Despite the recognition of our role in preventing global warming, when it comes time to sign international conventions like the United Nations Framework Convention on Climate Change, once again, our right to participate in national and international discussions that directly affect our Peoples and territories is denied.

Our active opposition to oil exploration, logging and mining helps prevent the accelerated deterioration of the climate.

Nonetheless, our territories have been handed over to national and multinational corporations which exploit our natural resources in an indiscriminate and unsustainable fashion.

Any decision or action that the Conference of Parties of the United Nations Framework Convention on Climate Change (UNFCCC) or recommendations to other organs must include our full and effective participation. Our efforts to maintain the integrity of Mother Earth has been recognized by the United Nations and our participation includes and established by:

> The Working Group on Indigenous Populations under the Subcomission of Prevention of Discrimination and the Protection of Minorities of the UN; The Working Group on Indigenous Populations under the Subcommission of Prevention of Discrimination and the Protection of Minorities of the UN; The Working Group on the Draft Declaration of Indigenous Peoples of the Commission on Human Rights of the UN; The Working Group on Article 8 (j) and Connex Articles of the Convention on Biological Diversity which includes, among other issues, systems of traditional knowledge; the recognition of traditional knowledge systems in the Intergovernmental Dialogue on Forests (including the Panel, Intergovernmental Forum and the United Nations Forum on Forests); The Permanent Forum on Indigenous Affairs to be established by ECOSOC in the United Nations; the recognition of the Indigenous indigenous as Major Groups in Agenda 21, chapter 26, and the Rio Declaration; the International Labor Organizations Convention 169 on Indigenuos and Tribal Peoples in independent countries; the elaboration of policies of the European Union, the United Nations Development (UNDP) and the World Bank guidelines on Indigenous Peoples.

Before the signing of the Kyoto Protocol, we had already made concrete political contributions to mitigating climate change. For example, Indigenous Peoples of the Amazon

forged a mutually beneficial alliance with European Cities in joint program of the Climate Alliance, the Coordinator of Indigenous Organizations of the Amazon Basin (COICA) and the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests.

Key positions of Indigenous Peoples present at the UNFCCC 13th Session of Subsidiary Bodies Meeting are as follows:

Sinks

Our intrinsic relation with Mother Earth obliges us to oppose the inclusion of sinks in the Clean Development Mechanism (CDM) because it reduces our sacred land and territories to mere carbon sequestration which is contrary to our cosmovision and philosophy of life. Sinks in the CDM would constitute a worldwide strategy for expropriating our lands and territories and violating our fundamental rights that would culminate in a new form of colonialism. Sinks in the CDM would not help to reduce GHG emissions, rather it would provide industrialized countries with a ploy to avoid reducing their emissions at source.

Clean Development Mechanism

The Clean Development Mechanism (CDM) established by the Kyoto Protocol offers both negative and positive possibilities. The CDM will not be a solution to global warming if it diffuses or obfuscates the responsibility of industrialized countries to reduce their GHG. It must not be used to allow Annex I countries to continue poisoning the environment. Sinksin the CDM pose the threat of invasion and lost of our land and territories by establishing new regimes for protected areas and privatization. We emphatically oppose the inclusion of sinks, plantations, nuclear power, megahydroelectric and coal. Furthermore, we oppose the development of a carbon market that would broaden the scope of globalization. However, we do support the Positive List including the development of alternative energies that foster sustainable development.

Public Participation

Indigenous Peoples demand that the principles of transparency, prior informed consultation and consent, independent third party verification and monitoring, benefit sharing, risk reduction, appeals mechanism and compensation be guaranteed. Furthermore, we emphasize the need for these principles to be applied in culturally and linguistically appropriate manners.

LULUCF

Land use, land use change and forestry (LULUCF) in the Protocol has profound consequences for our lands and territories since it does not recognize the land rights nor customary land use of Indigenous Peoples. The definitions of afforestation, reforestation and deforestation must not contribute to the destruction of our native eco-systems, forests, lands, territories nor to the violation of our collective and individual rights.

A broad definition of "additional activities" would permit Annex I countries to meet the most of their emissions reduction targets with LULUCF and continue with "business as usual" which would not mitigate climate change at all. We reject granting carbon credits for "additional activities."

Adaptation Fund

We enthusiastically support the creation and funding of the Adaptation Fund. Since we sadly foresee that our Peoples will continue to suffer the adverse impacts of climate change, we demand our inclusion as beneficiaries of such a Fund. Monies for this Fund should be garnered from punitive fines for the failure of Annex I countries to meet their emissions reduction targets or for inaccurate carbon accounting or national inventories.

AIJ Pilot Phase

We deem it necessary that the UNFCCC support the need of Indigenous Peoples to conduct our own independent

critique and evaluation of AIJ projects and their impacts and ramifications for the rights and lands of our Peoples.

Articles 5, 7 & 8

We propose that our Peoples and experts be included in the assessment and analysis of climate change in Annex I countries provided for in Articles 5, 7 & 8.

Capacity Building

Since our Peoples are on the frontlines of the adverse impacts of climate change, we must be included in the UNFCCC capacity building initiatives and propose that special, specific capacity building be undertaken for Indigenous Peoples. Such capacity building would fortify our ability to exercise our right to full participation in the climate change negotiations.

Compliance

We call for the cancellation of carbon credits and punitive fines if Annex I countries fail to meet their emission reduction targets or submit inaccurate Carbon accounting or inventories.

Given these considerations, we recommend:

1. That the Conference of Parties VI recognize the fundamental role of Indigenous Peoples and their organizations in climate change prevention and environmental conservation and accredit Indigenous Peoples with special status in all the organs, activities and COPs of the UNFCCC.

2. That COP 6 approve the creation of a Working Group of Indigenous Peoples on Climate Change, as well as, recognizing the Forum of Indigenous People on Climate Change. Furthermore that COP 6 provide the necessary support including full effective participation in all levels of discussion, decision-making and implementation, as well as ensuring that the necessary funding be provided to guarantee said participation and to strengthen its capacity;

3. That the UNFCCC and its processes establish relations with other spaces and processes that affect Indigenous Peoples, including the Commission on Human Rights, ECOSOC, the pending Permanent Forum of Indigenous Peoples, the International Labor Organization, the Convention on Biodiversity and the Intergovernmental Forum on Forests among others.

4. That the UNFCCC and its Secretariat create, provide and distribute information on the negotiations and process for Indigenous Peoples to further foster our participation, positions adoption and contributions;

5. That the decisions on the implementation of the Kyoto Protocol include provisions that recognize and establish all the fundamental rights of Indigenous Peoples.

6. That the Subsidiary Bodies recommend that COP 6 refrain from adopting guidelines for the CDM until substantial debate and discussions including Indigenous Peoples occurs.

We, the Indigenous Peoples, consider that the concerns and recommendations expressed in this declaration will help the peoples of the world to reduce climate change and contribute to sustainable development.

Signed by the Indigenous Peoples and local community representatives present at the United Nations Framework Convention on Climate Change Subsidiary Bodies meetings in Lyon, France, September 8, 2000.

DECLARATION OF INDIGENOUS PEOPLES ON CLIMATE CHANGE

Second International Indigenous Forum on Climate Change
The Hague, November 11 - 12, 2000

I. Preamble

We, the Indigenous Peoples of our Mother Earth, as partners with in the United Nations Family, have collectively developed our rights, responsibilities and aspirations in international law and formal declarations, including the U.N. Draft Declaration on Indigenous Peoples Rights. In the light and spirit of these instruments we welcome this opportunity to participate in the UNFCC -Process, for the recognition, promotion and protection of our rights. As the Delegates of Indigenous Peoples and organisations convened on the occasion of the Sixth Conference of the Parties of the Framework Convention on Climate Change in the Second International Indigenous Forum on Climate Change at the Hague from November 11th to the 12th, 2000, we affirm the Albuquerque Declaration, the Quito Declaration, Lyon Declaration and Position Paper of the First Forum of the Indigenous Peoples on Climatic Change. Furthermore, we address the Parties and other participants at this Conference to share the conclusions of our Forum:

II. Considerations

1. Earth is our Mother. Our special relationship with Earth as stewards, as holders of indigenous knowledge cannot be set aside. Our special relation with her has allowed us to develop for millenia a particular knowledge of the environment that is the foundation of our lifestyles, institutions, spirituality and world view. Therefore, in our philosophies, the Earth is not a commodity, but a sacred space that the Creator has entrusted to us to care for her, this home where all beings live.

2. Our traditional knowledge on sustainable use, conservation and protection of our territories has allowed us to maintain our ecosystems in equilibrium. This role has been recognised at the Earth Summit and is and has been our contribution to the planet's economy and sustainability for the benefit present and future generations.

3. Our cultures, and the territories under our stewardship, are now the last ecological mechanisms remaining in the struggle against climate devastation. All Peoples of the Earth truly owe a debt to Indigenous Peoples for the beneficial role our traditional subsistence economies play in the maintenance of planet's ecology.

4. Over twenty international instruments affirm, promote or suggest the rights of Indigenous Peoples to full and direct participation without discrimination in the development of national and international policies that have the potential to impact upon us. However, while instruments such as the ILO Convention covers a wide range of Indigenous Peoples rights, such as labor issues, land rights, social and economic rights, cultural rights, political representation and self-governance, they fail to adequately protect our concerns with regard to the destruction of the Earth's climate.

5. We reaffirm our ancestral rights to self-determination and our right to decide without any outside interference on issues directly or indirectly related to our lands and territories, that include terrestrial and marine ecosystems and that are among the most diverse and particularly fragile on the planet.

6. There have been advances in the legal-philosophical debate for the recognition of our collective rights. Furthermore, we think that there have been regional and national advances on this matter, but unfortunately, grave and systematic human rights violations and violations of the fundamental liberties of the Indigenous Peoples persist.

7. Climate change is a reality and is affecting hundreds of millions of our peoples and our territories, resulting in famine, extreme poverty, disease, loss of basic resources in

our traditional habitats and provoking involuntary displacements of our peoples as environmental refugees. The causes of climate change are the production and consumption patterns in industrialised countries and are therefore, the primary responsibility of these countries. The policies of developing countries and economies in transition that promote coal and uranium mining, logging, nuclear and large hydro electric power station and oil and gas extraction and transportation contribute to climate change and the destruction of our territories.

8. We are profoundly concerned that current discussions within the Framework Convention on Climate Change, as well as the practical implementation of the Kyoto Protocol do not recognise our right to adequate participation. These policies and mechanisms exclude us as participants, deny our contributions, and marginalize our Peoples. These policies and mechanisms will permit developed countries to avoid their responsibility to reduce emissions at source, promote the expansion of global capital, and deepen our marginalization.

9. We are also profoundly concerned that the measures to mitigate climate change currently being negotiated are based on a worldview of territory that reduces forests, lands, seas and sacred sites to only their carbon absorption capacity. This world view and its practices adversely affect the lives of Indigenous Peoples and violate our fundamental rights and liberties, particularly, our right to recuperate, maintain, control and administer our territories which are consecrated and established in instruments of the United Nations.

10. We reject the inclusion of carbon sinks within the CDM and disagree with the definition of carbon sinks as stated in the Kyoto Protocol. We, as Indigenous Peoples, manage the "natural carbon sinks" in our territories according to our world view and their integral use is a right that our people have and exercise according to our local and specific needs. We do not accept that forests are valued only for their carbon sequestration capacity.

11. We are profoundly concerned that the current proposed definitions of afforestation, deforestation, and reforestation pose a threat to the traditional uses of Indigenous Peoples of their lands and territories. We demand that these definitions be in accord with the already accepted definitions in other international conventions, specifically the Convention on Biological Diversity.

12. Concepts, practices, and measures, such as plantations, carbon sinks and tradeable emissions, will result in projects which adversely impact upon our natural, sensitive and fragile eco-systems, contaminating our soils, forests and waters. In the past, even well intentioned development policies and projects have resulted in disastrous social and ecological consequences. In this case, the concepts, policies and measures being negotiated do not consider the best interests of Indigenous Peoples. Consequently, we cannot accept any concepts,projects or programmes that ravage our territories or deny, limit, or restrict our fundamental rights and freedom.

III. Recommendations

1.We propose that COP guarantees the fullest and most effective participation of Indigenous Peoples in all activities related to the FCCC through:

a. notation of this Declaration;

b. accreditation of Indigenous Peoples with special status in the decision-making processes in the Conference of the Parties, meetings of the Subsidiary Bodies, as well as at all activities carried out within the Convention;

c. establishment of an ad-hoc, open-ended working group on Indigenous Peoples and climate change with the broad participation of Indigenous Peoples;

d. creation of a Division on Indigenous Peoples within the Convention's Secretariat;

e. inclusion of a permanent agenda item on Indigenous Peoples in the permanent agenda of the COP and its

subsidiary bodies and all activities that they organise;

f. meaningful consultation between the FCCC and the CBD, the proposed Permanent Forum on Indigenous Issues, and other bodies dealing with Indigenous issues;

g. inclusion of Indigenous Peoples in the IPCC, Executive Board of the CDM, expert review teams and the compliance committee.

2.We propose that COP establish appropriate programs of capacity building, formation and diffusion of the Convention and the Kyoto Protocol and its activities with the participation of the representative Indigenous organisations.

3.We propose that COP support access for Indigenous Peoples as equal partners at every level of decision-making including needs assessments, case studies, and national and international policy-making activities concerning climate change impacts, causes and solutions.

4.We propose that to ensure the non intervention of oil, gas, nuclear and large hydro-electric power station, logging and mining companies, in their exploitation of natural resources in Indigenous territories, COP support Indigenous Peoples in our permanent struggle to defend the environment through such actions as:

a. establishment of a moratorium on these activities in pristine areas and the promotion of locally appropriate, renewable, and efficient energy solutions;

b. imposition of legally binding obligations to restore all areas already affected by such activites, with the participation of Indigenous Peoples; and,

c. creation of a fund for use by Indigenous Peoples to address the potential and actual impacts of development and climate change in the short and long term in a manner compatible with our traditional and customary cultures and lifestyles.

The Hague on the 15th of November, 2000

THE BONN DECLARATION

Third International Forum of Indigenous Peoples and Local Communities on Climate Change
Bonn, Germany, July 14 - 15, 2001

Preamble

We, the delegates of Indigenous Peoples and Local Communities and indigenous organisations in the Third International Forum of Indigenous Peoples and Local Communities on Climate Change convened in Bonn on July 14th and 15th, 2001 for the second session of the sixth Conference of Parties to the United Nations Framework Convention on Climate Change (COP6B); reaffirm the Alburquerque Delaration, Quito Declaration, the Lyon Declaration of the First International Forum of Indigenous Peoples and Local Communities on Climate Change, and the Hague Declaration of the Second Forum.

We have historically and continue to play a fundamental role in the conservation and protection of the forests, biological diversity and the maintenance of ecosystems crucial for the prevention of severe climatic change. Long ago, our elders and our sciences foretold of the severe impacts of Western "development" models based on indiscriminate logging, oil exploitation, mining, carbon-emitting industries, persistent organic pollutants and the insatiable consumption patterns of the industrialized countries. Today, these unsustainable models threaten the very life of Mother Earth and the lives of all of us who are her children.

We denounce the fact that neither the UNFCCC nor the Kyoto Protocol recognizes the existence or the contributions of Indigenous Peoples. Furthermore, the debates under these instruments have not considered the suggestions and

proposals of the Indigenous Peoples nor have the appropriate mechanisms to guarantee our participation in all the debates that directly concern the Indigenous Peoples been established.

In this declaration, we address the Parties and other participants of this Conference to present the conclusions of our Forum.

Considerations

Indigenous Peoples, as part of the international community, have the right to self-determination over our lives, our territories and our resources. Self-determination includes, inter alia, the right to possess, control, and administer our territories. Furthermore, self-determination also includes the right to real, full and effective participation; the right to be consulted in all matters that concern us; the right to prior and informed consent and the right to veto, and that our opinions and decisions are respected.

The discussions under the UNFCCC and the Kyoto Protocol have totally excluded the indigenous peoples to the extent that neither recognizes the right of indigenous peoples to full and effective participation and to contribute to discussions and debates. This contrasts with other international processes which assure our participation and contribution within discussions.

The particular and specific rights we are demanding are consecrated in the international arena in other international instruments of equal importance to the UNFCCC, including:

> The Rio de Janiero Declaration on the Environment and Development (in particular, principle 22); The Program of Action on Sustainable Development (in particular, chapters 11 and 26); The Convention on Biological Diversity (in particular, articles 8 (j) and related provisions; The Convention on the Elimination of All Forms of Racial Discrimination; The Statement on Forest Principles; Convention 169 of the ILO on Indigenous and Tribal Peoples; and other additonal

instruments, principles and programs of the United Nations and its specialized agencies.

The concepts, practices and measures that have been proposed as solutions to the problem of climate change, such as plantations, sinks and the carbon market, among others, will result in projects with negative and adverse effects on Indigenous Peoples, our territories and our ecosystems, and in violations of our rights as Indigenous Peoples.

We openly oppose the measures to mitigate climate change under discussion that are based essentially on a mercantilist and utilitarian vision of the forests, seas, territories and resources of Indigenous Peoples, which are being exclusively valued for their capacity to absorb CO2 and produce oxygen, and which negate our traditional cultural practices and spiritual values.

We, Indigenous Peoples reject the inclusion of sinks in the Clean Development Mechanism and the definition of sinks contemplated under the Kyoto Protocol and we oppose that the forests are considered solely for their carbon sequestration capacity.

We register our disagreement with proposals surrounding definitions including Afforestation, Deforestation and Reforestation proposed in the context of the UNFCCC. We express our grave concern that the UNFCCC ignores the concept of conservation, the importance of biodiversity, and the fundamental role of Indigenous Peoples in the management of our territories, forests and other ecosystems.

Based on these considerations, Indigenous Peoples will not accept, under any conditions, agreements or guidelines that limit, deny or violate these previously recognized rights.

Call To Action

1. We call upon the Conference of the Parties to: recognize the fundamental role of Indigenous Peoples and their organizations in the conservation of the environment and the prevention and mitigation of climate change;

establish - in consultation with indigenous organizations a Special Status for the representative organizations of Indigenous Peoples to participate in the Conference of Parties, the Subsidiary Body and other activities; authorize the creation, regulate the functioning and approve the pertinent provisions for an Ad-Hoc Inter-Sessional Working Group on Indigenous Peoples of the UNFCCC.

On this basis we recommend that the Conference of Parties adopts a decision to finance workshops for delegates of indigenous peoples and organizations to develop a concrete proposal in these areas.

2. We have the obligation to inform the international community about our grave concern regarding the social, cultural, economic and security threats posed by climate change to Indigenous Peoples and Local Communities living in small island states. Given the extreme urgency of the need for adaptation activities in small island states, we urge that an Adaptation Fund be immediately established and activated with the full participation of Indigenous Peoples and Local Communities, even if the Kyoto Protocol is not ratified.

Conclusions

We, the representatives of the Indigenous Peoples and Local Communities who participated in the Third International Forum of Indigenous Peoples and Local Communities on Climate Change are profoundly convinced of the sacred character of Mother Earth. We also continue to be gravely concerned about the effects of climate change in our territories.

We reiterate our decision to continue contributing to the debates of the UNFCCC. We demand a full compliance of said instrument and at the same time we demand full participation in all the debates.

We are convinced that our philosophies and traditional practices are the most appropriate for the management of the ecosystems of our territories. Finally, we are also

particularly concerned about the emergence of "biocolonialism" and "environmental racism" that Indigenous Peoples and Local Communities of the world continually confront.

The damage caused by climate change exacerbates existing concerns and inequities, and constitutes a matter of environmental and climate justice. The issue confronting humanity today is one of justice.

The UNFCCC and the Kyoto Protocol were developed to address climate change without the participation of Indigenous Peoples and Local Communities and constitute a shameful ethical and moral precedent for the future of humanity.

Document approved in Bonn on Monday the 15th of July 2001. Partial list of signatories include:

Antonio Jacanamijoy Tisoy, Columbia
Coordinating Body for the Indigenous Peoples Organizations of the Amazon Basin (COICA)

Parshu Ram Tamang, Nepal
International Alliance of Indigenous and Tribal Peoples of the Tropical Forests

Johnson Cerda, Ecuador
Amazon Alliance

Raymond de Chavez, Philippines
Tebtebba Foundation

Patrina Dumaru, Fiji
Pacific Concerns Resource Centre

Marcial Arias Garcia, Panama
Foundation for the Promotion of Indigenous Knowledge
Napguana Association

Héctor Huertas González, Panama
Center for Popular Legal Assistance (CEALP)

STATEMENT OF THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CAUCUS

7th Session of the Conference of the Parties
UNFCCC
Marrakech, Kingdom of Morocco
October 29 to November 9, 2001

We, the representatives of Indigenous Peoples and Local Communities present at the Seventh Conference of the Parties (COP7) of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol (KP) held in Marrakech, Kingdom of Morocco, taking into account our Declarations of Lyon, The Hague and Bonn, convey the following proposals on the matters that directly concern our peoples and communities:

1. Indigenous Peoples represent approximately 350 million people in the world. For our Indigenous Peoples who live in the most fragile and vulnerable ecosystems of the world, Mother Earth is sacred and must be honored, protected and loved. This particular relationship has allowed us to conserve biodiversity for the survival of the present and future generations. Our territories and natural and spiritual resources are the fundamental basis for our physical and cultural existence. In our territories, we establish our sacred relationship with Mother Earth.

2. Diverse instruments of positive international law and some normative processes recognize our particular and specific collective rights of Indigenous Peoples and Communities. We should be full beneficiaries of these already established rights. However, despite being guardians of Mother Earth, in practice, our rights to recover, administer and develop our territories and natural resources are denied. Furthermore, this denial hinders, limits and/or restricts our rights to conserve, recreate, project and transmit the totality of our cultural heritages to future generations, thus, constituting a grave violation of our right to exist as

peoples.

3. The interrelation of the philosophy, principles and provisions of the international instruments born almost a decade ago, at and after the World Conference on Development and Environment (Rio de Janeiro, 1992), for us is self-evident. These instruments were drafted in accordance with the noble objectives of the UN Charter. The existing linkages amongst the UNFCCC, the Convention on Biological Diversity and the Convention to Combat Desertification and key chapters of the Program of Action of the World Summit on Development and Environment (Agenda 21), are crucial for climate change mitigation, as well as for the recognition of the provisions related to the respect and defense of the particular and specific rights of Indigenous Peoples and Local Communities. COP7 offers a historic opportunity for implementing this interrelation.

4. Unfortunately, as it now stands, neither the UNFCCC nor the Kyoto Protocol take into account the sacred nature of the Earth nor do they include the particular and specific rights of Indigenous Peoples. Furthermore, neither the COPs nor the Subsidiary Body meetings have included an agenda item on Indigenous Peoples. These omissions exist despite the Third Assessment Report of the IPCC (TAR-IPCC) that points out that Indigenous Peoples directly suffer the adverse effects of climate change, and despite the fact that some climate change mitigation strategies could threaten the survival of our peoples and communities. The inclusion of carbon sinks in the Clean Development Mechanism (CDM) will constitute a dangerous tool for the expropriation of our lands and territories and culminate in a new form of colonialism. No development mechanism can be clean, from our point of view, if it does not guarantee the rights of Indigenous Peoples including the right to free, prior informed consent of indigenous and local communities and the respect of our cultures, practices, sciences and knowledge. Nonetheless, we resolve to continue contributing with our knowledge of nature conservation and

management to prevent and mitigate the effects of climate change.

5. To correct this inconsistency, we need an adequate space and special status in the structure of the UNFCCC. Taking into account all of the above and what we have stated and proposed at previous COPs, on behalf of our peoples and communities we request that COP7:

a. Recognize the particularity and specificity of Indigenous Peoples in relation to climate change and grant Indigenous Peoples Special Status.

b. Create an Ad Hoc Open-Ended Inter-sessional Working Group on Indigenous Peoples and Local Communities and Climate Change whose objectives will be to study and propose timely, effective and adequate solutions to respond to the urgent situations caused by climate change that Indigenous Peoples and Local Communities face. This Working Group will provide an adequate mechanism for the imperative full and effective participation of Indigenous Peoples and Local Communities in the discussions, debates and programs of the UNFCCC; it will also be an apt space for channeling the contributions of our peoples and communities to climate change mitigation, and for exchanging viewpoints and experiences with the Parties of the Convention.

c. Decide to include in the UNFCCC Report for the World Summit on Sustainable Development (Rio +10) requested by the United Nations General Assembly (Decision A/55/199), the situation of Indigenous Peoples as a priority criteria for the evaluation of the achievement of sustainable development, duly taking into account Agenda 21, specifically Chapter 26 and 20 on the participation of Indigenous Peoples and Local Communities respectively.

d. Decide to include in the agenda of the COPs and its Subsidiary Body meetings an agenda item on

Indigenous Peoples and Local Communities and Climate Change.

Approved by the below signatories in Marrakech on November 5, 2001.

Habaye Ag Mohamed, Mauritania, Tin-Hinan

Raymond de Chavez,Tebtebba Foundation, Philippines,

Mario Ibarra, Switzerland

International Indian Treaty CouncilHéctor Huertas González, Panama, Center for Popular Legal Assistance (CEALP), Focal Point Indigenous Peoples of Mesoamerica

Gueisa Duran, Bolivia, Coordinating Body for the Indigenous Peoples Organizations of the Amazon Basin (COICA)

Lucy Mulenkei, Kenya, Indigenous Information Network, African Indigenous Women Organization

Meryam Demnati, Morocco, Association of Indigenous Women

Tom B.K.Goldtooth, USA, Indigenous Environment Network (IEN)

Mohamed Bouchdoug, Morocco, Association of Amazighe Cultural Exchange (AMREC)

Khadija Ridaoui, Morocco, Association of Amazighe Cultural Exchange (AMREC)

DECLARATION OF THE INDIGENOUS PEOPLES ATTENDING THE COP 10, UNFCCC

Buenos Aires, Argentina
December 6 - 17, 2004

We, the Indigenous Peoples attending the UNFCCC 10th session of the Conference of the Parties (COP10), have united today in the ancestral territory of the Argentinean Indigenous tribal peoples. As Indigenous peoples, globally, of the South and North, we make the following statements.

1. We recognize the great strides accomplished during the past 10 years by the United Nations Framework Convention on Climate Change that entered into force in March 1994. The accomplishments and challenges in the global fight against climate change is reported in the UNFCCC secretariat publication, "The First Ten Years."

2. We acknowledge within the secretariat publication in Chapter 7, the commitment by the UNFCCC to include NGOs and public participation. Chapter 7 mentions Agenda 21 action plan of the United Nations Conference on Environment and Development emphasized the need for widespread public participation and the UNFCCC reiterates this in Article 4, calling on all parties to cooperate in the education, training and awareness raising that would help people assess the issues and participate full in decision making – whether through governments, community organizations or NGOs.

3. Article 6 of the Convention expands upon this by calling on all Parties to promote and facilitate these activities at the national, regional, and sub-regional levels and, where appropriate, through relevant international bodies. In 2002 the Conference of the Parties, in setting out the work program on Article 6, called for the widest possible

participation in climate change negotiations and greater involvement of youth.

4. We acknowledge that Indigenous peoples have formally participated within the UNFCCC COP and its bodies since 1998 and acknowledge all previous Indigenous peoples declarations related to the COP and Subsidiary Bodies.

5. We reaffirm previous Indigenous declarations submitted to the UNFCCC Parties of the Convention calling for the creation of an Intersessional Ad hoc Working Group on Indigenous Peoples and Climate Change.

6. We reaffirm the need for the creation of this Working Group would provide the necessary mechanism to insure for the full and effective participation of Indigenous peoples in the UNFCCC and would further ensure the necessary funding for effective participation and strengthen its capacity.

7. For many years we have presented our voice to be given a space for full, direct and active participation within the official discussions of the COP Indigenous peoples have a lot to contribute and discuss with the Parties of the Convention and to our human brothers and sisters of the world before the climate related natural disasters become irreversible. All of this needs to be done with our full, informed and prior consent.

8. We are disappointed that neither approval nor response has come from the UNFCCC or the Secretariat on our request for the creation of this Working Group.

9. We reaffirm the vulnerability of our Indigenous Peoples to the impacts of climate change to our way of life, cultural practices, our sacred places and our already shrunken lands and territories. The ecosystems of the earth have been compounding in change. We are in crisis. We are in an accelerating spiral of climate change increasingly getting worse due to the conditions that industry, multinationals and governments impose upon our communities and the world.

10. As observers to the COP 10, we are hearing from the states the same old arguments being discussed on how to alleviate and mitigate the climate disasters that affect all humanity. These arguments do not address the mounting costs of adapting to climate changes within our Indigenous communities, exemplified by the Indigenous peoples of the Arctic region whose lands are literally melting before their eyes.

11. We consider this planet our Mother Earth where all humanity is born and nurtured. It is time that we looked to each other and that we listen to each other, recognizing and valuing the cultural and human qualities within each of us. Because all of this, we ask for an immediate answer to the following:

a. Why our previous requests to for the creation of an Intersessional Ad hoc Working Group on Indigenous Peoples and Climate Change that would provide a mechanism for us to actively participate in the UNFCCC were not listened to, are we not part of this planet?

b. Will this request be taken into account at this meeting or the next meeting of the COP?

Let it be acknowledged:

12. Agenda 21, Chapter 26, recognizes Indigenous People as a major group with the right to participate at all national and international policy and implementation meetings on sustainable development.

13. Nation states signed declarations, treaties and conventions, like the ILO Convention 169 making provisions for Indigenous peoples. At the same time the United Nation Human Rights Commission, Intergovernmental Foro, Convention on Biological Diversity, other UN systems and protocols, recognize our fundamental rights and the important role that the indigenous people play in nature conservation are on the increase.

14. Recognize Part V, Article 19 and Article 20 of the Draft Declaration on the Rights of Indigenous Populations that reads as follows:

> Article 19
>
> Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
>
> Article 20
>
> Indigenous peoples have the right to participate fully, if they choose so, through procedures determined by them, in devising legislative or administrative measures that may affect them.
>
> States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.

We also recommend the following:

We request the urgent need to continue to raise awareness about the impact of climate change and approaches of climate mitigation and adaptation measures on Indigenous peoples and request a High-Level Segment on "Indigenous Peoples and Climate Change" be held during the 11th session of the Conference of the Parties. Panelists on this High-Level Segment shall include representatives of the UN Permanent Forum on Indigenous Issues.

We thank those Countries, which are recognized for their clarity of vision, equanimity and ethics on these issues, who have supported the position that historically our Peoples have, and we ask that they support this position.

DECLARATION OF THE INDIGENOUS PEOPLES AT THE INTERNATIONAL CONFERENCE FOR RENEWABLE ENERGIES

Bonn, June 1 - 4, 2004

Honourable Representatives of States and other participants of the Conference:

We, Indigenous Peoples, represent a population of more than 350 million world-wide and our territories constitute the most diverse ecological systems, which contribute immensely to our survival and that of mankind. As such, high consumption of fossil-fuel energy and subsequent climate change directly affect our livelihood.

We, Indigenous Peoples are extremely concerned and disappointed by our exclusion from the conference and the denial of full and effective participation as Indigenous Peoples at all levels. This marginalization is contradictory to the international instruments which are stipulated in the UNCED Conference of Rio 1992 and other international processes such as the Johannesburg Summit, where we have been recognized as a significant sector with the right to fully participate in national and international environmental talks and other decision making processes. We therefore call upon the Conference Secretariat to include us, Indigenous Peoples, as a stakeholder group in the conference, and to further grant us the delegates status.

We, Indigenous Peoples, are following the initiatives by States in promoting renewable energies, as an alternative to fossil energy technologies, which are responsible for the violation of our human rights and the deterioration of our environment. As such, we welcome the initiatives to embrace renewable energies provided that they are also beneficial to the Indigenous Peoples and that our rights are fully respected.

We want to remind the industrialized countries that they are responsible for 75 percent of the world's greenhouse gas emissions, and that these countries have the political, economical and moral responsibility in relation to developing countries, and especially to Indigenous Peoples, to mitigate the adverse effects of climate change, to respect human rights and promote sustainable development.

Within the framework of the Political Declaration and the International Action Programme of the Conference, we would like to express our views for consideration:

- Indigenous Peoples, as a major group have the right to participate in the conference process and subsequent events, according to internationally recognized standards, which are included in the Agenda 21, the Conventions on Biological Diversity and Climate Change and various other international processes.

- Industrialized countries must carry to completion obligatory reductions in their high consumption of fossil fuels, which mainly contribute to global warming.

- Countries must ensure that the promotion of renewable energies do not lead to a wider spread of poverty among Indigenous Peoples, and a new way of colonization of their territories.

- States promoting renewable energies must respect the rights of the Indigenous Peoples as contained in the ILO Convention 169 of Indigenous Peoples, the international environmental and human rights instruments and the UN Draft Declaration of the rights of Indigenous Peoples, especially the free and prior informed consent.

- Indigenous Peoples wish to re-emphasize that our cultures, our cosmovision and ways of life, are closely linked to our survival and the development

of our peoples and therefore the adoption of renewable energies' technology should not in any way alter our life-styles.

- In case renewable energy projects are being undertaken within the territories of Indigenous Peoples, free and prior informed consent must be obtained, a cultural and environmental impact assessment carried out and the benefits from the project fairly shared.

Bonn, 1st June, 2004

DECLARACIÓN DE KYOTO DE LOS PUEBLOS INDÍGENAS SOBRE EL AGUA

Tercer Foro Mundial del Agua
Kyoto, Japón, 18 de Marzo 2003

Nuestra relación con el agua

1. Nosotros, los Pueblos Indígenas de todas las partes del mundo, reunidos aquí, reafirmamos nuestra relación con la Madre Tierra y nuestra responsabilidad, ante las generaciones futuras, de levantar nuestras voces en solidaridad y proclamar la necesidad de proteger el agua. Nos han puesto en este mundo, a cada uno en su propia tierra y territorio tradicional sagrado, para cuidar toda la creación y el agua.

2. Reconocemos, honramos y respetamos el agua como un elemento sagrado que sostiene toda la vida. Nuestros conocimientos, leyes y formas de vida tradicionales nos enseñan a ser responsables, cuidando este obsequio sagrado que conecta toda la vida.

3. La relación que tenemos con nuestras tierras, territorios y el agua constituye la base física, cultural y espiritual de nuestra existencia. Esta relación con nuestra Madre Tierra nos obliga a conservar nuestra agua dulce y mares para la supervivencia de las generaciones del presente y del futuro. Asumimos nuestro rol como guardianes, con derechos y responsabilidades, que defienden y garantizan la protección, disponibilidad y pureza del agua. Nos unimos para respetar e implementar nuestros conocimientos y leyes tradicionales; y ejercer nuestro derecho a la libre determinación para preservar el agua y la vida.

Condición de nuestras aguas

4. Los ecosistemas del mundo sufren cambios y crisis cada vez más alarmantes. Nuestra generación es testigo de la

contaminación de nuestras aguas con productos químicos, plaguicidas, deshechos biológicos, enfermedades, elementos radioactivos y el vertimiento al mar de desechos de actividades mineras y de los barcos. Advertimos, asimismo, el agotamiento del agua y la conversión y utilización de este elemento con fines destructivos, mediante el desvío de sistemas de agua, la construcción de represas, la minería y extracción de minerales y la explotación de aguas subterráneas y de los mantos acuíferos para objetivos industriales y comerciales. Observamos un desarrollo económico insostenible de los recursos y de la industria turística, así como la transformación de cantidades excesivas de agua en energía. En las regiones de bosque tropical del sur y del norte, la deforestación ha provocado la erosión del suelo y la contaminación termal de nuestras aguas.

5. La quema del petróleo, gas y carbón, que se conocen colectivamente como combustibles fósiles, es la fuente principal de los cambios climáticos provocados por el ser humano. Si no cesan los cambios climáticos, provocarán un aumento en la frecuencia y severidad de las tempestades, inundaciones, sequías y carencia del agua. Mundialmente, los cambios climáticos agudizan la desertificación, provocan la contaminación y desaparición de aguas subterráneas y fuentes de agua y causan la extinción de la flora y fauna, cuyo valor es incalculable. Muchos países en África sufren sequías sin precedente. Las comunidades más vulnerables a los cambios climáticos son los Pueblos Indígenas y las comunidades locales pobres que habiten en ambientes marginales rurales y urbanos. Las comunidades de las islas pequeñas enfrentan una amenaza de ser sumergidas por el incremento del nivel de los océanos.

6. Nuestras aguas son regidas, cada vez más, por una dominación económica impuesta, extranjera y colonial, y por acuerdos de comercio y prácticas comerciales que nos desconectan, como pueblos, del ecosistema. Se está definiendo el agua como una mercancía y elemento de propiedad que se puede comprar, vender y comercializar en los mercados nacionales e internacionales. Estas prácticas

impuestas e inhumanas no respetan el hecho de que toda la vida es sagrada y que el agua es sagrada.

7. La falta de respeto para el agua, su utilización indebida y su manejo incorrecto, afecta y amenaza toda la creación. Sabemos que se está haciendo caso omiso, violando y menospreciando nuestro derecho a la libre determinación, nuestra soberanía, nuestros conocimientos tradicionales y nuestras prácticas de protección al agua.

8. En todos los territorios indígenas del mundo, somos testigos de la contaminación y escasez cada vez más alarmante de las aguas dulces. Nosotros y otras formas de vida, entre ellas la tierra, los bosques, los animales, los pájaros, la vida marina y el aire, estamos perdiendo acceso aceleradamente a nuestras aguas y mares, incluso a los mares. En estos momentos de escasez, vemos que los gobiernos crean un interés comercial en el agua, lo cual provoca inequidades en su distribución e impiden nuestro acceso a este elemento que da la vida.

El derecho al agua y a la libre determinación

9. Nosotros, los Pueblos Indígenas tenemos el derecho a la libre determinación. En virtud de lo mismo, tenemos el derecho al libre ejercicio de la plena autoridad y control sobre nuestros recursos naturales, lo que incluye el agua. También nos referimos a nuestro derecho a la soberanía permanente en relación con todos estos recursos naturales.

10. La libre determinación para los Pueblos Indígenas significa el derecho de controlar nuestras instituciones, territorios, recursos, estructuras sociales y culturas, sin ninguna dominación o interferencia externa.

11. La libre determinación incluye la práctica de nuestras relaciones culturales y espirituales con el agua y el ejercicio de nuestra autoridad de gobernar, usar, gestionar, regular, recuperar, conservar, mejorar y renovar nuestras fuentes de agua, sin interferencia.

12. De acuerdo con el derecho internacional, se reconoce que los Pueblos Indígenas tienen el derecho a:

- La libre determinación;
- La propiedad, control y gestión de nuestros territorios y tierras tradicionales y recursos naturales;
- El ejercicio de nuestro derecho consuetudinario;
- Representarnos a través de nuestras propias instituciones;
- Que se requiere el consentimiento previo, libre e informado al desarrollo en nuestras tierras
- A controlar nuestros conocimientos tradicionales y participar en los beneficios de su uso.

13. Los Estados miembros de las Naciones Unidas, las organizaciones internacionales de comercio, las instituciones de financiamiento internacionales y regionales y las agencias internacionales de cooperación económica tienen una obligación legal y moral de respetar y cumplir estos y otros derechos humanos colectivos conexos y libertades fundamentales. A pesar del reconocimiento internacional y universal de nuestro papel como guardianes de la Madre Tierra, los gobiernos y los intereses comerciales a nivel nacional e internacional están negando y tergiversando sistemáticamente nuestros derechos a recuperar, administrar, proteger y desarrollar nuestros territorios, recursos naturales y sistemas acuáticos. Nuestros derechos a conservar, recrear y transmitir la totalidad de nuestro patrimonio cultural a las generaciones futuras y nuestro derecho humano de existir como Pueblos son cada vez más restringidos de manera alarmante, impedidos indebidamente o negados en su totalidad.

14. Los intereses de los Pueblos Indígenas sobre el agua y sus usos consuetudinarios tienen que ser reconocidos por los gobiernos, garantizando que los derechos indígenas al agua se incluyan en las leyes y políticas nacionales en materia

del agua. Estos derechos cubren tanto la cantidad y la calidad del agua y se extienden al agua como un elemento que forma parte de un ambiente sano, con valor cultural y espiritual. Los intereses y derechos indígenas tienen que ser respectados en los convenios internacionales sobre el comercio y la inversión y en todos los planes para los nuevos usos y asignaciones del agua.

Conocimientos tradicionales

15. Nuestras prácticas tradicionales son sistemas dinámicamente reglamentados. Se basan en leyes naturales y espirituales que garantizan el uso sustentable, mediante un esquema tradicional de conservación de los recursos. Estos conocimientos milenarios sobre el medio ambiente, enraizados en el lugar de su aplicación, son altamente valiosos; su validez y efectividad se han comprobado. No deberemos permitir que los conocimientos tradicionales milenarios se debiliten por una dependencia excesiva en los métodos y normas científicas occidentales, que son relativamente nuevos, estrechas en su definición y reduccionistas. Apoyamos la implementación de medidas efectivas que permiten la plena participación, en igualdad de condiciones, de los Pueblos Indígenas, para que podamos compartir nuestras experiencias, conocimientos e inquietudes. La aplicación indiscriminada y con visión estrecha de las herramientas científicas y tecnologías modernas ha contribuido a la pérdida y deterioro del agua.

Consultas

16. Para que recuperemos y mantengamos la relación con nuestras aguas, debemos tener el derecho a tomar decisiones acerca del agua, en cada nivel. Conforme a las normas internacionales de derechos humanos, los gobiernos, las corporaciones y las organizaciones intergubernamentales están obligados a consultar y actuar conforme al consentimiento previo, libre e informado de los Pueblos Indígenas, de una manera culturalmente apropiada en cualquier actividad de toma de decisiones y asunto que les pueda concernir. Estas consultas deben llevarse a cabo con

un profundo respeto mutuo, lo que significa que no puede haber ningún fraude, manipulación o coacción, y tampoco se puede obligar a la celebración de un acuerdo sobre el proyecto o medida específica. Las consultas incluyen:

a. Que se realicen bajo los sistemas y mecanismos propios de las comunidades;

b. Que los Pueblos Indígenas tengan los medios necesarios para poder participar plenamente en estas consultas y;

c. Que los Pueblos Indígenas puedan seguir sus procesos locales y tradicionales en la toma de las decisiones, lo que incluye la participación directa de sus autoridades espirituales y ceremoniales, los miembros individuales y autoridades comunitarias como así también las personas que ponen en práctica las formas de subsistencia y cultura tradicional, en el proceso de la consulta y en la expresión de su consentimiento para el proyecto o medida en particular;

d. Respeto al derecho de decir no;

e. Pautas éticas para un resultado transparente y específico.

Plan de Acción

17. Reafirmamos la "Declaración de Kimberly y el Plan de Implementación de los Pueblos Indígenas sobre el Desarrollo Sostenible" que se acordó en Johannesburgo durante la Cumbre Mundial sobre el Desarrollo Sostenible en septiembre del 2002.

18. Resolvemos mantener nuestras relaciones ancestrales e históricas con nuestras tierras y aguas, afirmando nuestros derechos inherentes e inalienables sobre las mismas.

19. Resolvemos que mantendremos, fortaleceremos y apoyaremos los movimientos, luchas y campañas de los Pueblos Indígenas sobre el agua, realzando el papel de los

ancianos, mujeres y juventud indígena para la protección del agua.

20. Procuraremos establecer un Grupo de Trabajo de los Pueblos Indígenas sobre el Agua, que facilitará la creación de vínculos entre los Pueblos Indígenas, proporcionando asistencia técnica y jurídica a las comunidades indígenas que necesiten este tipo de apoyo en sus luchas para el derecho a la tierra y al agua. Alentaremos la creación de otros grupos de trabajo similares al nivel local, nacional y regional.

21. Refutamos la validez del modelo, las políticas y los programas dominantes para el desarrollo del agua, lo que incluye, entre otros elementos, la propiedad estatal del agua; la construcción de grandes obras de infraestructura relacionadas con el agua; la propiedad del agua por instancias gubernamentales locales, la privatización del agua y su conversión en una mercancía; el uso del agua como una mercancía sujeta al comercio; la liberalización del comercio para los servicios de agua, que no reconocen los derechos de los Pueblos Indígenas al agua.

22. Apoyamos resueltamente las recomendaciones de la Comisión Mundial de Represas sobre de desarrollo del agua y de la energía. Estas recomendaciones incluyen los valores centrales del informe de esta Comisión, sus prioridades estratégicas, su "marco de derechos y riesgos" y el uso de herramientas de evaluación en base a criterios múltiples para la evaluación de opciones estratégicas y la selección de proyectos. Su marco de desarrollo en base a los derechos, lo que incluye el reconocimiento de los derechos de los pueblos indígenas en el desarrollo del agua, es un gran aporte a los marcos para la toma de decisiones en relación con el desarrollo sostenible.

23. Hacemos un llamado a los gobiernos, organizaciones multilaterales, las instituciones académicas y las "centros de investigación y análisis de política pública" ("think tanks", en inglés)" para que dejen de promover y subvencionar la institucionalización e implementación de estas políticas y

programas que están en desacuerdo con las necesidades de los seres humanos y de la naturaleza.

24. Exigimos un alto a los proyectos de minería, explotación de madera, energía y turismo, que agotan y contaminan nuestras aguas y territorios.

25. Exigimos que el Banco Mundial, el Fondo Monetario Internacional (FMI) y los bancos regionales como el Banco de Desarrollo Asiático, el Banco de Desarrollo Africano, el Banco Interamericano de Desarrollo, dejen de imponer la privatización del agua o "la recuperación total de costos" como una condición para los nuevos préstamos a los países en vías de desarrollo o para la renovación de los mismos.

26. Pedimos que la Unión Europea deje de promover la liberalización de los servicios de agua en el Acuerdo General sobre el Comercio de Servicios (AGCS) de la Organización Mundial de Comercio (OMC). Esto no es acorde con la política de la Comisión Europea sobre los Pueblos Indígenas y el desarrollo. No apoyaremos ninguna política o propuesta proveniente de la OMC o de los acuerdos regionales de comercio como el TLCAN (Tratado de Libre Comercio de América del Norte), ALCA (Área de Libre Comercio de las Américas), para la privatización y liberalización del agua y nos comprometemos a luchar contra estos acuerdos y propuestas.

27. Resolvemos que transmitiremos nuestros conocimientos y prácticas tradicionales sobre el uso sostenible del agua a nuestros hijos y las generaciones del futuro.

28. Alentamos a la sociedad en general para que apoyen y aprenden de nuestras prácticas de gestión de agua en aras de la conservación del agua en todas partes del mundo.

29. Hacemos un llamado a los Estados para que cumplan con sus obligaciones y compromisos en materia de derechos humanos adquiridos mediante los instrumentos internacionales vinculantes que han firmado, entre ellos el Convenio sobre los Derechos Civiles y Políticos, el Pacto Internacional de Derechos Económicos Sociales y Culturales

(PIDESC) y la Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial, así como sus obligaciones conforme a los convenios en materia ambiental, tales como el Convenio sobre Diversidad Biológica, el Convenio sobre el Clima y el Convenio para Luchar contra la Desertificación.

30. Insistimos que las obligaciones de los Estados en materia de derechos humanos tienen que ser cumplidas y respetadas por sus organizaciones internacionales de comercio. Estos derechos humanos vinculantes y obligaciones ambientales no dejen de existir en el umbral de la OMC o de otros convenios regionales y bilaterales de comercio.

31. Resolvemos que utilizaremos todos los mecanismos políticos, técnicos y jurídicos en los ámbitos nacionales e internacionales para que los Estados, las corporaciones transnacionales y las instituciones financieras internacionales rindan cuentas por sus acciones u omisiones que amenacen la integridad del agua, de nuestras tierras y de nuestros pueblos.

32. Hacemos un llamado a los Estados a que respeten el espíritu del Articulo 8(j) del Convenio sobre Diversidad Biológica en relación con la conservación de los conocimientos tradicionales sobre los ecosistemas y exigimos que en los Acuerdos de la Organización Mundial de Comercio (OMC) se elimine el Acuerdo sobre Aspectos de los Derechos de Propiedad Intelectual relacionados con el Comercio (ADPIC), en tanto que éste viola los derechos que tenemos sobre nuestros conocimientos tradicionales.

33. Instamos a los Estados a que cumplan con los mandatos del Convenio Marco de las Naciones Unidas sobre el Cambio Climático y a que ratifiquen el Protocolo de Kyoto. Hacemos un llamado para la eliminación de subsidios financieros estatales sobre la producción y procesamiento de combustibles fósiles, y para una importante reducción de las emisiones de gases con efecto invernadero. En este sentido, llamamos la atención al informe del Panel Intergubernamental de las Naciones Unidas sobre EL

Cambio Climático, que ha indicado que se necesita reducir de manera inmediata los niveles del CO2 en un 60% para detener el avance del calentamiento global.

34. Resolvemos que aseguraremos que se pongan en marcha sistemas de restauración y compensación internacionales y nacionales con el fin de reestablecer la integridad del agua y de los ecosistemas.