

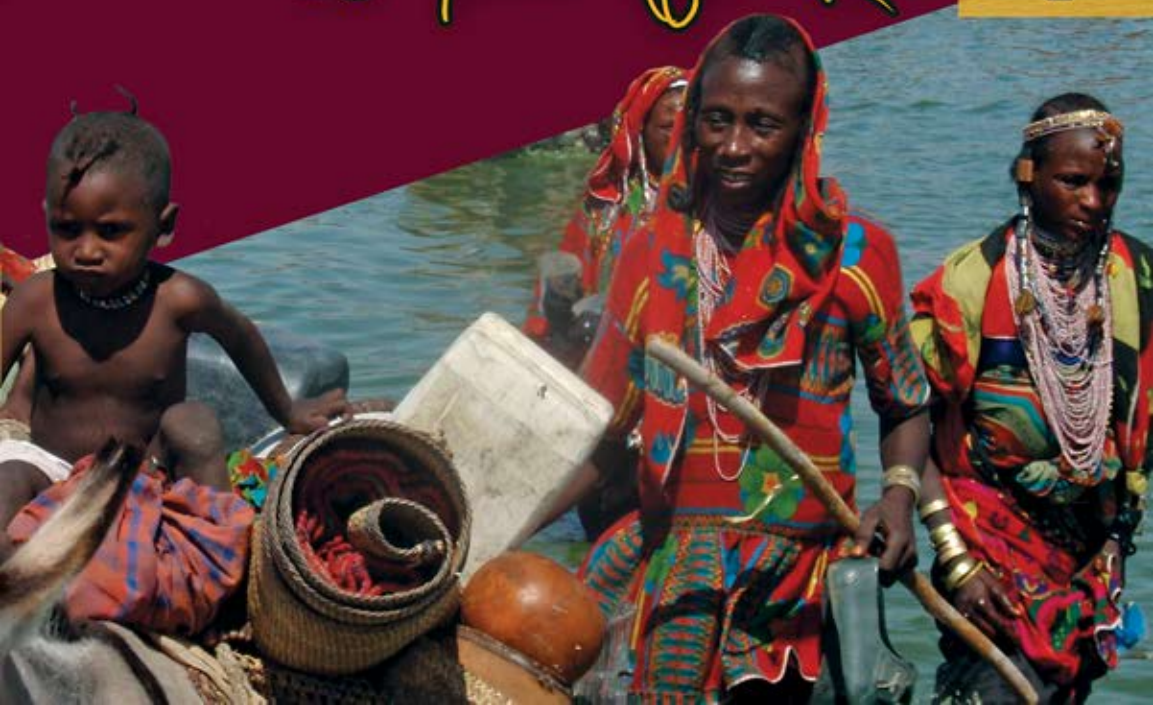


Sustaining and Enhancing Indigenous Peoples' Self-Determined Development

20 Years After Rio

Volume

1



**Sustaining and Enhancing
Indigenous Peoples'
Self-Determined Development:
20 Years After Rio**

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Published by

Tebtebba Foundation

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Cover and Book Design: Paul Michael Nera and

Raymond de Chavez

Lay-out and Production: Paul Michael Nera

Assistants: Marly Cariño and Christian Alexander Villaflo

Cover photo credits: Asia Indigenous Peoples Pact (AIPP)

and Indigenous Information Network (IIN)

Printed by:

Valley Printing Specialist

Baguio City, Philippines

ISBN 978971018615-0

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Published by:



With support from:



And funding support from:



FORD FOUNDATION



Fundación Biodiversidad



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Acknowledgements

Tebtebba wishes to acknowledge the following contributors to this 2-volume publication:

American Indian Treaty Council; Andrea Carmen; Andy Whitmore; Asia Indigenous Peoples Pact; Bartolo Ushigua; Center for Sustainable Development in Mountainous Areas; Cordillera Disaster Response and Development Services; Coordinadora Andina de Organizaciones Indígenas; Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica; Danika Billie Littlechild; Dmitry Berezhkov; Faith Gemmill; Chief Fred Sam; Helen Magata; Hernan Dario Posada Garcés; Hindou Omaraou Ibrahim and Gladman Chibememe; Ibrahim Njobdi and Jeannette Aboah; Indigenous Environmental Network and Indigenous Information Network; International Indian Treaty Council; Jo Ann Guillao; Joji Cariño; Jorge Nahuel; Lucy Mullenkei; Mapuche Confederation of Neuquén; Mirna Cunningham Kain; Mónica Chuji Gualinga; Montañosa Research and Development Center; Murphy Almendaris; Nanta Mpaayei; Native America Olympic Team Foundation; Odilon Candia Huaman; Pasang Sherpa and Pasang Dolma Sherpa; Poline Shulbaeva; Riabatu Yasmine; Santosh Nemban; Saul Vicente Vasquez; Sean Cruz; Soikan Meitiaki; Tirso Gonzales; Vederta Lymin; Victoria Tauli-Corpuz; Viola Waghiti; Waldo L. Muller; Winona LaDuke.

To Joji Cariño, Kathrin Wessendorf, Raymond de Chavez, Tirso Gonzales, and Ma. Elena Regpala who served as editors.

To the International Work Group for Indigenous Affairs, Denmark and Almaciga, Spain for their support.

And to our funders without whom this publication would not have been possible: Ford Foundation, Agencia Española de Cooperación Internacional of Spain, Fundación Biodiversidad, and Evangelischer Entwicklungsdienst of Germany.

1

Indigenous Peoples' Key Messages for Rio +20



INDIGENOUS PEOPLES AT THE RIO +20 CONFERENCE

Joji Cariño
Tebtebba

Honor our Peoples, Honor our Mother

Indigenous peoples are here in Rio to give testimony about the daily battles being fought for the survival of our communities and Earth, our mother.

Drawing strength from our abiding spiritual and our cultural values, we are determined to overcome the extreme disparities of power and wealth, driving the unprecedented losses of humanity's greatest wealth—our biological and cultural diversity.

Our Earth-changing age—the Anthropocene—must bring forth the necessary cultural transformations to address global systemic change by fostering the ethical and moral values needed to nurture and care for the Earth.

Indigenous peoples have a fundamental contribution to make in this struggle for survival.

Deepen Democracy and Fulfill Human Rights

Sustainable development is a common endeavor of governments and all peoples, calling for bold steps to deepen democracy in all areas of governance, and the fulfilment of all human rights, for all. Human rights are necessary safeguards and outcomes of equitable and sustainable development.

A crucial test will be the full implementing the UN Declaration on the Rights of Indigenous Peoples, including respect for our free, prior, informed consent to all policies, programs and projects affecting our lands, territories and resources, and our welfare.

Regulate Extractive Industries and Deliver Corporate Accountability

It is the duty of governments to effectively regulate mining and other extractive industries, which embody the worst examples of unsustainable production and consumption.

Similarly, legally-binding sanctions are needed to make corporations accountable for environmental, social and economic harm. Diverse local economies need to be promoted and protected from predatory investments, which drive social conflicts.

This package of reforms is needed to be deliver on sustainable development post-Rio.



SUBMISSION OF INDIGENOUS PEOPLES FOR THE ZERO DRAFT OF THE OUTCOME DOCUMENT OF THE UNCSD/RIO +20

*Co-organizing Partners for the Indigenous Peoples Major Group:
Tebtebba (Indigenous Peoples' International Centre for Policy Research
and Education), Indigenous Environmental Network (IEN) and
Indigenous Information Network (IIN)¹*

1. Representatives of Indigenous Peoples' communities, organizations and networks from Latin America and the Caribbean, Asia, Africa and North America, gathered together in a Global Preparatory Meeting of Indigenous Peoples on Rio +20 and Kari-Oca 2 last August 22-24, 2011 in Manaus, Amazonia, Brazil. The key objective of this process was to discuss and agree on how Indigenous Peoples will engage and contribute effectively in the preparatory processes and the conference proper of the UN Conference on Sustainable Development/ Rio +20. The participants united on the "Manaus Declaration: Indigenous Peoples In Route To The Rio +20 Conference" and most of the conclusions and recommendations from this are integrated in this submission.

2. At the Earth Summit in Rio de Janeiro in 1992, we, the global Indigenous Peoples' caucus, agreed on the "Karioca Declaration of Indigenous Peoples." The official outcomes

of Rio 92 include the Rio Declaration and Agenda 21, which recognized the vital role of Indigenous Peoples in sustainable development and identified Indigenous Peoples as one of the nine Major Groups. During the World Summit on Sustainable Development (2002) in Johannesburg, South Africa, we gathered again and came up with the Kimberley Declaration and the Indigenous Peoples' Plan of Implementation for Sustainable Development. We used this Plan as the framework in our work around sustainable development up to the present. In Johannesburg, more than 100 Heads of States recognized the "vital role of indigenous peoples in sustainable development." It was the first time that a High Level UN Summit used the phrase "indigenous peoples" in its Outcome Document. This helped us get the phrase "indigenous peoples" to be used by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UNGA in 2007.

3. Twenty years after Rio 92, the Global Indigenous Peoples' Caucus would like to present these five (5) key messages which hopefully will be included in the Zero Draft and the Final Outcome Document of the UN Conference on Sustainable Development.

1st Key Message:

The UN Declaration on the Rights of Indigenous Peoples should be a key international standard and framework for the realization of sustainable development.

4. Almost 20 years have passed since Rio 1992 where the States and Peoples of the world made a firm commitment to the implementation of a new vision for Sustainable Development. However, 20 years later, Indigenous Peoples see that little has changed regarding the fundamental relationship between human societies and the natural world. The ecosystems, biodiversity, as well as Indigenous Peoples who depend on them, are ever more threatened and endangered. Our basic individual and collective human rights, are violated on a daily basis. In the absence of a true implementation of sustainable development and respect for human rights, the world now

confronts a multiple crises. These include, the ecological, economic, social, political, and cultural crises. These are manifested in climatic change; biodiversity erosion; desertification; deglaciation; food, water and energy shortage; a worsening global economic recession; social instability and unresolved conflicts and a crisis of values.

5. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) has been adopted by the UN General Assembly after Rio and Johannesburg. Thus, our first key message is for the Outcome Document of Rio +20 to acknowledge that the UNDRIP should be a key international standard and framework for the global, regional and national implementation of sustainable development, biodiversity conservation and sustainable use, and climate change mitigation and adaptation. The Declaration provides a framework for the full and effective participation of Indigenous Peoples in all stages of the Rio +20 process. It contains six Articles on free, prior and informed consent (FPIC), including the need to obtain this before any development project is brought to indigenous peoples' territories. FPIC is the standard to be applied in the development process affecting indigenous peoples.

6. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits (2010), which was adopted at the 10th Conference of Parties (COP) of the Convention on Biological Diversity, and the Cancun Agreements (2010) of the 16th COP of the UN Framework Convention on Climate Change have noted the adoption of the UNDRIP. Other UN Treaty Bodies like the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Racial Discrimination (CERD) referred to the UNDRIP in some of their General Comments. Judgements and decisions of some Supreme Courts (e.g., Belize, Brazil, etc.) and other intergovernmental bodies (Inter-American Commission on Human Rights) on cases filed by Indigenous Peoples, invoked the UNDRIP to make favorable judgements for the plaintiffs.

7. It is clear that the UNDRIP has evolved to be the minimum international standard which should ensure the dignity and survival of Indigenous Peoples. The effective implementation

of the UNDRIP by UN member-states, by the UN bodies, agencies, programs and funds, by other multilateral bodies and non-state actors including, us, Indigenous Peoples; civil society; and business is crucial to make sustainable development a reality. The human rights-based approach to sustainable development should be affirmed and integrated in the Outcome Document of Rio +20.

2nd Key Message:

The cultural pillar should be included as the 4th pillar of sustainable development.

8. Indigenous Peoples continue to challenge the development model based on resource extraction, exploitation and market-based models, which fails to recognize that we human beings are an integral part of the natural world, and also fails to respect human rights, including the inherent rights of Indigenous Peoples. We challenge this development model which continues to destroy Mother Earth, putting at risk the survival of the entire human family. We believe that our worldviews and respect for natural law, our spiritualities and cultures and our values of reciprocity, harmony with nature, solidarity, collectivity, and caring and sharing are crucial in bringing about a more just, equitable and sustainable world.

9. Our second key message is that Rio +20 must usher in, with a sense of urgency a 4th pillar of sustainable development, which is the Cultural Pillar—the ethical and moral values needed to nurture and care for the Earth. This cultural pillar encompasses the broad cultural and spiritual traditions of humanity, reborn in 21st century values which are addressing contemporary problems. Culture, which includes spirituality, is the missing 4th pillar of sustainable development. Rio +20 must engender a deep love and moral responsibility towards Mother Earth and her intrinsic life-giving values, transcending instrumental conceptions of ecosystem services for human well-being, towards a reverence for the sacredness of life.

10. Sustainable development is social and cultural, as well as economic and environmental. We, Indigenous Peoples, will

maintain the right to define and freely pursue our own vision of development based on our needs, priorities, traditional understandings, and responsibilities, including the cultural and spiritual relationships with the natural world, our ancestral territories and the ecosystems that have sustained us since time immemorial. We also affirm our sacred responsibility to defend the lives and survival of future generations of our Peoples.

3rd Key Message:

Protection and respect for the rights to Indigenous Peoples' to their lands, territories and resources is a precondition for sustainable development.

11. The past 20 years have seen the further entrenchment of deep inequalities and structural imbalances in the macro-economy, including the plunder of indigenous peoples' lands, territories and resources to serve global trade and markets and corporate profit. A prerequisite for promoting diverse local economies, is the security of lands, territories and resources of Indigenous Peoples, which are their basic sources of our wealth, well-being, cultures, and identities. Based on government maps and community participatory mapping, there is a stark overlap of key biodiversity hotspots and forests within Indigenous Peoples' territories, which strongly proves that the remaining conserved biodiversity hotspots and forests are the ones traditionally and sustainably managed for hundreds of years by Indigenous Peoples all over the world. Our third key message is that without the protection and respect for the rights of Indigenous Peoples to their lands, territories and resources, sustainable development cannot be realized.

12. Resource extractive industries—oil, gas and mining, as well as, logging and export-oriented forestry, and chemical-based industrial agriculture—not only lead to the unjust appropriation of Indigenous Peoples' lands, territories and resources but also the transfer wealth away from Indigenous Peoples, while degrading ecosystems and creating poverty. The violation of our rights to our ancestral lands, territories

and resources is one of the main causes of our impoverishment and the non-realization of sustainable development. Beyond income, Indigenous Peoples need secured tenure over their lands, territories and resources, and the enjoyment of all their human rights. Policies and plans on sustainable development must address the underlying causes of poverty and not merely its alleviation.

13. As reiterated in the Manaus Declaration, mining is an activity that produces large amounts of environmental contamination, including greenhouse gasses, and is vastly destructive to natural ecosystems, health and the water and food sources upon which Indigenous Peoples and other communities depend. Therefore, Indigenous Peoples call for a moratorium on mining in fragile and culturally important ecosystems such as forests, deserts, water sources, sacred sites, in fragile Arctic and high mountain ecosystems, and in or near the traditional lands or territories of Indigenous Peoples, who have not given their free, prior and informed consent.

14. There should be no expansion of extractive industries on Indigenous Peoples lands and territories. There should be no landgrabbing with forced displacement of Indigenous Peoples as a result of industrial agriculture and large-scale production of biofuels and other mitigation measures to combat climate change, such as mega hydroelectric dams. Unsustainable development entrenches global and national inequalities, and leads to further impoverishment of the poor. Mining development creates enclaves of unsustainable production and consumption and this is the glaring example of how gross inequalities and impoverishment among Indigenous Peoples, who host such wealth in their territories, are created.

15. The legal protection of the rights of Indigenous Peoples to land, territories, resources, and traditional knowledge should be a prerequisite for development and planning for any and all types of adaptation and mitigation to climate change, environmental conservation (including the creation of “protected areas”), the sustainable use of biodiversity, and measures to combat desertification. In all instances there must be free, prior and informed consent of Indigenous Peoples, and therefore, we encourage States to take steps in this direction.

4th Key Message:

Recognition of the distinct and crucial contribution of traditional knowledge and diverse local economies to poverty eradication and sustainable development and as the cornerstones of green economies.

16. It is without any doubt that Indigenous Peoples have something to offer in the 21st century solutions for survival; and have an important and even central role to play in addressing the problems of poverty eradication, biodiversity loss and climate change within a context of sustainable development. The traditional knowledge, innovations and practices of Indigenous Peoples has ensured the preservation and protection of several ecosystems. Empirical data will show that most of the last remaining ecosystems in the world today which are not fully degraded are found in indigenous peoples' territories. These ecosystems—forests and woodlands; wetlands; drylands; marine and coastal; mountain and polar; inland waters; and islands—are found in indigenous peoples territories. Indigenous Peoples' traditional knowledge and values of reciprocity, harmony with nature, etc.; their customary sustainable use and management of resources; and their resistance against the wanton exploitation and plunder of their territories are the key factors which ensured this.

Biodiversity is a clinical, technical term for this intricate inter-weaving of life that sustains us. We, Indigenous Peoples, say that we are related to this life; thus your 'resources' are our relations. It is all in how you look at it.

Indigenous Peoples have something to offer in this equation for survival. We have the perspective of time. Living in one place for thousands of years has given us an understanding of the complexities of life forces. Our languages are libraries of knowledge that may contain keys to survival, and I use that word advisedly. One of our Elders said a long time ago that there will come a time when we will cease to live and to exist. For the sake of life and our grandchildren, we cannot let that happen in our generation. We have common goals and responsibilities, and I say that you, the leaders of this great hope of the world's people, the United Nations, should be working with us and not against us, for peace. We submit to you that as long as you make war against Etenoha (Mother Earth), there can never be peace.

- Chief Oren Lyons, Faithkeeper,
Onondaga and Seneca Nations, Iroquois Confederacy

17. Diverse local economies and livelihoods such as those found in Indigenous Peoples' territories, which primarily serve local needs and which are underpinned by traditional knowledge, are cornerstones of a green economy. Such local economies are examples of green economies which are integrated within social-ecological production landscapes and systems, promote local livelihoods, ecosystem resilience and community solidarity. For the longest part of human history and development, local economies have provided these multiple values, beyond the generation of profit. Indigenous Peoples' diverse local economies, and self-determined development are critical components of resilient economies and ecosystems. Our fourth key message is that Indigenous Peoples' traditional knowledge and values are distinct and special contributions to 21st century global transformation and this knowledge, together with their diverse local economies, are the cornerstones of green economies.

The Dayak People of West Kalimantan in Indonesia practice a community-based integrated natural resource management called the *dahas*. This local wisdom of protecting and conserving nature and resources has sustained them long before the state of Indonesia.² This concept shows how they settle within the area and conduct agricultural activities that are integrated with other economic activities taking account their spiritual relationship with the forest and resources.

The diverse ways by which the Loita Maasai describe the forest show a relationship that is linked to livelihoods and important community traditions and practices. They have developed traditional forest management practices that ensure the sustainability of this important resource. These are reflected in community-adhered to guidelines that prevent livestock grazing during the rainy season, the identification by elders of segregated watering points for various purposes (e.g., for domestic harvesting and for livestock), and the selective utilization of types of trees and other plants. Furthermore, the presence of sacred sites inside the forest has served to regulate the utilization of this resource and its other products.³

In Nicaragua, the way Miskitu people of Kuakuail II community possess a great deal of knowledge about the resources in the forest, and such knowledge is reflected on how they categorize the forest. In Miskitu language, there are three words related to the concept of forest based on its characteristics and use: Unta, Unta Alal and Dus Ailal. These concepts serve to guide the community's management of the forest and the resources found within.⁴

The Amerindians in Guyana have mixed livelihoods involving subsistence and cash-earning activities at present. Customary systems of rotational farming coupled with hunting, fishing and gathering support food security and form the core of traditional ways of life among the Arawak, Carib, Wapichan, Makushi, Patamona, Akawaio, Arekuna, Warau, and Wai Wai peoples. As well as providing the staple crop, bitter cassava, ground provisions, fruits and other foods, traditional multi-cropping supplies families with cultivated spices, fibers, dyes, medicines, and ritual crops like tobacco. In addition to providing vital crops, traditional farming grounds are an important cultural space for transmission of ancestral knowledge and skills. Subsistence farming, hunting, fishing and gathering activities in the hinterland are often underpinned by extensive tenure and customary land use systems along with traditions of sharing, reciprocity and self-help work parties that support indigenous food and livelihood security.⁵

18. Sustainable development requires government policies and regulations, which recognize and reinforce traditional knowledge and which protect local economies and the prior rights of indigenous peoples and local communities from predatory investments. Public policy must prioritize support for building resilient local economies and ecosystems and the self-development efforts of Indigenous Peoples. Indigenous Peoples' population is estimated at 370 million. They constitute around five percent of the total world population, but it is estimated that they make up 15 percent of the world's poor.⁶ The renewed political commitment to sustainable development must be targeted at the poor. Good governance to meet the needs of the poor implies inclusive development, and respect for human rights as the means and outcome of the development process.

5th Key Message:

The Green Economy should support the indigenous peoples' holistic framework to sustainable self-determined development, which integrates approaches that are human rights-based, ecosystem or territorial-based, knowledge-based, intercultural, and gender-sensitive.

19. The proposal of a “green economy,” which is a theme for discussion at Rio +20, has not been clearly defined. Indigenous Peoples are concerned that it will be used by States and corporations to continue the same destructive and exploitative economic growth development model that caused the current global economic, environmental and climate crisis. Indigenous Peoples call on Rio +20 to support their holistic framework and strategy for sustainable development, which integrates principles and approaches that are human rights-based, ecosystem or territorial-based, knowledge-based, intercultural, and gender-sensitive. This is our fifth key message. This holistic framework should integrate the indicators of well-being and sustainability, which are defined by Indigenous Peoples, and should promote sufficiency economy principles and approaches.

20. We further recommend that current “Green Economy” proposals be drafted to emphasize, among others, the following elements: conservation and reduction in resource consumption levels, especially in highly industrialized countries; the importance of decentralized development projects that respect self-determination and traditional knowledge, and support and restore local economies and food systems. The green economy should support decentralized locally-controlled renewable energy programs and projects and a rapid phase-out of all fossil fuels production and use; and respect for and incorporation of Indigenous Peoples' vision of development based on harmony between human societies and nature. Finally, we recommend that all “Green Economy” programs and projects must first and foremost include Indigenous Peoples' full participation in all stages from design, implementation, monitoring, and evaluation. Their free, prior and informed consent should be obtained as well.

21. Indigenous Peoples call on the UN to ensure the full, formal and effective participation of Indigenous Peoples in all processes and activities of the Rio +20 Conference, and its preparatory and follow-up mechanisms. We recommend that there be further and continuing debate, with the full participation and engagement of Indigenous Peoples, regarding the development of new or the strengthening of existing institutional frameworks on sustainable development. Any further development of institutional frameworks should include and recognize the important contributions of Indigenous Peoples based on their traditional knowledge and practices, as well as the key roles of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples. We recommend the creation of formal mechanisms that ensure the participation of Indigenous Peoples in general. In addition, there should be adequate resources provided to ensure the full and effective participation of Indigenous Peoples in any the new or enhanced institutional framework.

22. Further, we recommend that the traditional knowledge being used by indigenous women regarding methods of adaption and mitigation must be respected, promoted and strengthened; and that their roles as leaders and actors in all levels of discussion and decision making regarding sustainable development and well-being for Indigenous Peoples be respected. We further recommend the recognition of the vital contributions and the vision of the future presented by indigenous youth, as those who will experience the long-term results of the decisions being made at the Rio +20 World Conference. We stress the importance of including indigenous and other youth in all stages of the planning and implementation, as well as in designing the final outcomes of Rio +20.

23. Finally, the proposal to upgrade the UN Commission on Sustainable Development to a new Council, similar to the Human Rights Council, may elevate discussions on sustainability within the UN system. It could, however, also have the potential to reduce the space for Indigenous Peoples and other stakeholders to participate and be part of any

negotiation process. The experience with the recent creation of the Human Rights Council from the former Commission on Human Rights confirms the potential for reduced opportunities for participation. This is an issue that requires further discussion and analysis, particularly in relation to the development of guiding principles, taking into consideration the UN Declaration on the Rights of Indigenous Peoples, current indigenous-related UN mechanisms, as well as the role of self-governing bodies and autonomies within indigenous territories.

Endnotes

¹ This report was consolidated by the Indigenous Peoples Major Group, primarily based on the Manaus Declaration, Conclusions and Recommendations: Global Preparatory Meeting of Indigenous Peoples on Rio +20 and Kari-Oca 2 held last August 22-24, 2011 at Manaus, Amazonia, Brazil; and other Indigenous Peoples' regional submissions.

² Case Study report by Institut Dayakologi (ID) and AMAN in cooperation with Tebtebba, 2010.

³ Alanguì, W., 2011 *Indigenous Peoples' Traditional Forest Management as Means for CC Adaptation and Mitigation*.

⁴ Ibid.

⁵ T. Griffiths and L. Anselmo, 2010, *IPs and Sustainable Livelihoods in Guyana: an overview of potential experiences and potential opportunities*. Accessed from <http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/guyanaiplivelihoodsjun10eng.pdf> on 29 October 2011.

⁶ *State of the World's Indigenous Peoples*, 2009, United Nations, New York.

2 Regional Reports of Indigenous Peoples on Sustainable, Self-Determined Development



ASIA'S INDIGENOUS PEOPLES AND SUSTAINABLE DEVELOPMENT

Asia Indigenous Peoples Pact (AIPP)



Background

The Indigenous Peoples in Asia

Indigenous peoples in Asia share common experiences and issues. They have historically been dominated by others either through colonization and/or through nation-state building and subsequent globalization. They are currently marginalized and subordinated economically, politically and culturally, even though they provide the ethnic and cultural diversity that nation-states proudly sell as tourism attraction. On the other hand, indigenous peoples' resource-rich territories, their source of identity and which defines their world view, have been a major source of national revenue that have supported national development, often at the expense

of indigenous lives, lands, and ways of life. Their history of colonization, subjugation and domination has been characterized by violations of their individual and collective rights and denial of fundamental freedoms. Because they are different from the national culture, they are often looked down by the dominant society whose agenda has been to simply assimilate them into the mainstream culture. There is enormous diversity among Asia's indigenous peoples but common to all of them are the strong cultural attachment to and the dependence of their livelihoods on land, forests or the sea, and the natural resources therein.

The unique collective historical connection with, and ownership of their territories, which is continuously been developed and maintained through complex and diverse customary land and resource use management systems, is now threatened by national development priorities and the economic globalization agenda. Although there are special laws which have been passed by some of Asian governments, which already recognize the distinctiveness of indigenous peoples and that their rights need to be protected, these are not sufficient. Indigenous communities continue to suffer from discrimination, dispossession and exploitation. The right to self-determination, self-development and to participate in all matters affecting them are, in the main, denied. Indigenous peoples are seen either as subjects of "development" or dispensable issues of development.

Indigenous peoples are called by many names by governments and outsiders. At the local level, the peoples themselves use the names which their ancestors have given themselves. However, through time, indigenous peoples have been able to link with each other worldwide and create the movement which now claimed the term Indigenous Peoples, with a meaning that is different from that given in dictionaries. Over the past decades, the concept of Indigenous Peoples has evolved beyond the original meaning still found in dictionaries, and it is now well established in international law. It is in this context that indigenous peoples identify themselves and struggle for their individual and collective rights.

The Legal Status of Indigenous Peoples in Asia as Distinct Peoples with Collective Rights

Even with the self-identification of indigenous peoples and their sustained assertion of their distinction from the rest of the national population, many Asian governments continue to deny the recognition of their collective rights under international human rights instruments. The recognition accorded to many indigenous peoples in Asia is more related to their being culturally different from the rest of the population. It does not provide for their rights to their lands, territories and resources, and the right to self-determination. Some of the legally recognized terms are ethnic minorities in Vietnam, ethnic groups in Lao PDR, ethnic nationalities in Myanmar, and *masyarakat adat* in Indonesia.

On the other hand, states with progressive laws relating to indigenous peoples and their rights have unreliable and inconsistent record of implementation. These include India with the legal recognition of the Scheduled Tribes known also as *Adivasi* and the enactment of the Forest Act, the Philippines with the Indigenous Peoples Rights Act (IPRA), Cambodia with the Land Law of 2001, and Nepal in the recognition of Indigenous Nationalities.

The adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007 is a milestone achievement of indigenous peoples across the globe. Indigenous peoples in Asia participated actively in the lobby and negotiations with states for the adoption of the UNDRIP, coupled with their struggles at the local and national levels for the recognition of their identities and collective rights. In spite of this development, many states continue to deny the existence of indigenous peoples in their respective countries. As a result of the refusal of many Asian governments to legally recognize indigenous peoples, the implementation of the UNDRIP in their respective countries is a major challenge. This situation denies protection by the very instrument that governments have jointly developed with indigenous peoples to address the historical discrimination and injustice committed against them. This is a fundamental cause of the worsening marginalization of indigenous peoples across Asia.

Development Indicators: Indigenous Peoples at the Lowest Rung in Human Development

The international standard used to measure the economic and social well-being of the world's population is the Human Development Index (HDI), which is also used as a key indicator of a country's development. These indicators include level of income, literacy, nutrition, and health, among others. Based on the Human Development Index (HDI), It is widely agreed on—and in some cases even vastly documented¹—that indigenous peoples are among the world's most disadvantaged and impoverished groups. However, a major limitation in measuring and depicting indigenous peoples' status is that national statistics are rarely disaggregated by ethnicity. Information on indigenous peoples' situation and marginalization by country as well as an analysis of the core drivers of poverty remains lacking, if not distorted, which also significantly constrains the implementation of policies for the progress of indigenous peoples.² Likewise, many of the indicators are not also appropriate to measure the well-being of indigenous peoples from their own perspectives.

In the following, the data provided are by no means complete but provides key indicators on the level of the marginalization of indigenous peoples in several countries in Asia.³ Some indicators are considered; however, this approach reflects only one possible concept of development—how indigenous peoples define their own development often differs from the notion underlying the Millennium Development Goals. Nevertheless, this data demonstrates the disproportionate level of marginalization of indigenous peoples compared to the national population.

*India*⁴

Scheduled tribes (ST) household samples have lower indicator levels than the national sample as a whole in a survey conducted in 2005.

- Under-five mortality rate for STs is 112 per 1,000 as

- compared to 85 for the national;
- Prevalence of water deprivation rate of 16.9 percent for STs is 2.6 times that of the national;
- Prevalence of stunting among ST children is 25.3 percent compared to the 19.5 national figure; 53 percent are stunted, 29 percent are severely stunted and 55 percent are underweight;
- Literacy among female ST members is 33.6 percent, which is almost half the 58.5 percent rate among males;
- ST female net primary enrollment exceeds male net primary enrollment at 62.1 percent to 55.7 percent;
- In states with high tribal populations (more than 10% of the state's total population), STs exhibited poverty rates that were higher than the national rates in 2004–05.⁵

Nepal

- Among the Hill Janajatis, poverty rate is 43 percent,⁶ but as much as 58 percent of the population from among the Gurung, Rai, Magar, Tamang, and Limbu nationalities are below poverty line, compared to 40 percent at the national level;⁷
- Compared to the Hill Janajati, the Tarai Janajati⁸ have better water deprivation and stunting rates but lower literacy rates in both surveys and lower net primary enrolment rates (30% compared to national average of 54%) in the 2001 survey; the under-five mortality rate was lower than the Hill Janajati sample in 2001, but higher in 2006.

Bangladesh

- In an ethnically-disaggregated 1998 survey,⁹ the Chittagong Hill Tracts (where the Jumma indigenous peoples live) results for all health and education indicators are lower than the national or rural average;
- Water deprivation rates among the sampled house-

hold members in CHT, the territory of indigenous peoples for all groups, is 64.1 percent;

- Female literacy rates are generally comparable to that of the national sample at 56.0 percent with the exception of the sample identify as Garo at 71.6 percent and those identifying as Santal at 29.2 percent;
- Access to primary schools remains difficult for many paras (villages) in the CHT and not all children have enrolled at school. Multilingual education has yet to be realized as schools offer lessons only in Bengali and not in local languages;
- In a study conducted in 2007-2008, 50 percent of indigenous peoples were not getting fair price for their agricultural products, 61.44 percent face discrimination, 49.39 percent complained that they were not getting treatment in public hospitals, 41.86 percent were victims of corruption, 18.67 percent evicted from their ancestors' land, 30.12 percent were not getting educational facilities while 22.89 percent of them were facing threats and violence.¹⁰

Indonesia¹¹

- Poverty is most severe in the remote eastern islands, homeland to many adat or indigenous communities, where 95 percent of people in rural communities are poor.

Laos, Thailand and Vietnam

- The rate of water deprivation ranges from 87.4 percent among the Hmong (2006);
- Female literacy rate of hill tribe girls is approximately two thirds of the national level, and the net primary enrolment rate for hill tribe boys is 42.7 percent, well below the 55.3 percent for girls;
- Worst water deprivation rates—among the Hill Tribe in Thailand, the Kammu and Leu in Laos, and the Hmong, Muong and BaNa peoples in Vietnam;

- Stunting among children is worse among the Hmong in Laos while Thailand's hill tribe exhibits the lowest deprivation rate;
- Poverty and extreme poverty are most common in mountainous regions in Laos, where the majority of ethnic minority peoples live. In upland areas where land for cultivation is substantively less available, the poverty rate is as high as 43 percent, compared with about 28 percent in the lowlands.¹² The poorest groups in the lowlands are those who have been resettled from mountain regions;¹³
- Ethnic women and girls, especially those in the highlands of Laos, are the most vulnerable members of rural communities. Women in ethnic groups comprise 70 percent of the illiterate population and suffer further isolation given that so few of them speak the national language.¹⁴

Philippines

- Among the households in the Cordillera,¹⁵ human development indicator levels vary. The 36 households identifying as Manabo have had a much higher rate of under-five mortality at 96 per 1,000 live births relative to the whole sample at 42 per 1,000 over the preceding 10 years;
- The safe water deprivation rate among these households is also much higher than the national sample average, and literacy and net primary enrolment for both genders is much lower than the national sample;
- Literacy and net primary enrolment rates for the sampled Ibaloi and Kankana-ey are higher than the national sample while lower among those households identifying as Ifugao or Igorot.

Malaysia

- Although indigenous peoples in Malaysia comprise only 10 percent of the Malaysian population, they

comprise more than 40 percent of all poor people in Malaysia.¹⁶ The poorest people in Malaysia are in Sabah, a state whose dominant population is indigenous peoples;

- The poverty incidence in Sabah remains high, at around 25 percent in 2004. Using the international poverty line of US\$2 per day, Malaysia has about seven percent of its inhabitants living with less than \$2 per day; this is lower than comparable countries in the region, such as Thailand with about 11 percent, but at least four times the number for Singapore or Korea.



Asia Indigenous Peoples' Key Issues in Sustainable Development: From Our Common Future to the Future We Want: What Happened in Between?

In Asia, deprivation came in terms of rights—the non-recognition of the right to traditionally- owned and managed land, territories and resources, and to development. The dominant development paradigm has meant the destruction of land. In many cases, the concept of *terra nullius*, Regalian Doctrine or “Doctrine of Discovery” have been used to frame constitutions to deny ownership of ancestral lands and territories. Internal colonization of indigenous peoples by the state is seen through the notion of majority rule and/or national development and security to decide the future of indigenous peoples. There had been a worldwide move to remove indigenous peoples from their lands, forcing them out from their traditional territories in order to facilitate “development.” In several instances, this has led to genocidal proportions.

Forests that have been nourished for centuries and form the material base for indigenous peoples' sustenance have been destroyed in the name of development and environmental conservation but do not actually benefit human beings and animals. The logging concessions and incentives to the

timber, cattle and mining industries have been negatively affecting the ecosystems and the natural resources on which indigenous peoples depend for their survival and identity. Encroachment, exploitation and appropriation of indigenous peoples' lands and resources have led to their impoverishment and hunger. Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, and eviction from lands—creating immense levels of poverty and disease among indigenous peoples.

In the following section, key issues for indigenous peoples are discussed. These are mostly large-scale projects, such as dams, mines or plantations, that impact on the lives of indigenous peoples. This tries to give a sense of the scope of the projects' destructive potential. The issues highlight the outright and systematic violations of indigenous peoples' right to their lands, territories and resources, and consequently, the lack of free, prior and informed consent (FPIC).

Large-scale Dams: Blood Dams

By virtue of the geographic location and the hydro resources of their lands and territories, indigenous peoples in Asia had been sacrificed specially for the post-World War II reconstruction and development drives of the then emerging nation-states, until the current drive to gain “developed nation” status. Development had been equated with economic growth that is dependent on massive energy use; dams remain “cheap” for industrialization and irrigation for cash crop production. Indigenous peoples' lands, resources and livelihoods have been taken away in order that more factories will run, cities will be aglow, homes will have lights. BUT, indigenous peoples have no food, no light, no home, no livelihood, no land, no spirit tree, no sacred grove.

Despite the horrendous human costs of large-scale dams, governments, international financial institutions, banks and business are pushing for the continued construction of such infrastructures. Worse, hydropower is now seen as “clean

energy” to be promoted as part of climate change mitigation. This human rights-blind development paradigm is not clean. The exploitative and oppressive manner in which indigenous peoples and other affected communities have been treated in the building of large-scale dams is, in real terms, deprivation of their right to life.

Currently, many indigenous peoples in Asia are fighting for their lives against government hydropower plants being forcefully built on their rivers. Indigenous peoples in Northeast India are fighting against several dams in several rivers. The Tipaimukh Dam Project proposed to be built in Manipur will directly submerge about 311 sq km of indigenous territory, covering 90 villages with 1,310 families, mostly Zeliangrong and Hmar tribes (some 15,000 of them), and also 27,242 hectares of their forests and cultivable land. Violence has erupted in the Siang District of the state due to the strong opposition of Adi and Galo tribes to the construction of the Lower Siang Hydro Electric Project on the Siang River.¹⁷ Twenty-three of their villages on the banks of the Siang River will be directly affected by the project. Apart from those directly affected, the project will have profound and adverse effects on local ecology, biodiversity and fragile way of life of the state's 20 plus indigenous tribes. There are more than 80 other such projects planned in Arunachal Pradesh State alone. India has declared the Northeast as the “powerhouse of India”¹⁸ with 168 large dams being planned in the region. At least 48 of these are actively under consideration, 149 of them ranked of high viability, besides 900 other mini and micro-hydroelectric dams¹⁹ (Menon et al. 2003). Most victims of development-induced displacement and project affected peoples in India are tribals—about 40 percent of them.²⁰

Along the lower Mekong River, one of the world's longest last stretches of free-flowing rivers, 12 dams are being planned for construction, with some actual preparatory works being done, mostly in Laos. Lao PDR wants to claim the title as the “battery of the Mekong.” Already in the upper Mekong, China has 17-19 dams in operation, under construction or consideration.²¹ Aside from the ecological implications of damming the length of the Mekong River, the

impact of these dams on millions of people who depend on the river is unimaginable. The 2,800 km-long Salween River in Burma, the second longest river in Southeast Asia and so far uninterrupted by large dams, may not deserve that designation anymore. From its headwaters in China, the Salween cleaves Burma and Thailand. Five large-scale dams are being proposed in the Salween of Burma, and 13 in its upper part called the Nu River in China. Apart from hydropower, waters will be diverted to Thailand.²² In Burma, an estimated six million people depend on the Salween for their lives. Along the Burma-Thailand border, at least 13 ethnic nationalities have their homelands along the river.²³

In the State of Sarawak in Malaysia, the Kayans, Kenyahs, Kajangs, Kelabits, Lun Bawangs, Ibans, Penans, Bidayuhs, Kedayans, Trings, and Ukits are demanding immediate resolution of all outstanding issues of importance to people affected by the dams that are already in place or currently under construction. They have learned lessons from the construction of the Batang Ai, Bengoh and Bakun large-scale dams. More importantly, they are demanding that government stop all planned 12 megadams in the state and instead hold a referendum on dam construction.²⁴ The Bakun Hydro Electric Project, Southeast Asia's largest dam, affected 12,000 Kayan, Kenyah, Ukit, and Penan peoples, while 69,00 hectares, including 23,000 hectares of virgin rainforest, were destroyed.²⁵ The Batang Ai Dam, built in 1982, displaced 3,000²⁶ Ibans from 26 longhouses. Government neglect and broken promises, and the hardships faced after the relocation are bitter lessons that are fresh in peoples' memories.

The Himalayas, which is home to all of the world's eight highest mountain peaks, has one of the most glaciated large areas in the world, outside of the North and South Poles. This makes it the repository of huge stocks of water that form the headwaters of some of the largest rivers in Asia—the Brahmaputhra, Indus, Ganga, and Irrawady—and whose basins provide the home of millions of peoples. The hundreds of rivers originating from the Himalayas is then seen as a huge potential in hydroelectric energy generation in the region. Currently, massive plans are underway in Pakistan, India,

Nepal, and Bhutan to build hundreds of dams in the next 20 years, possibly making the Himalayas as the region with the highest concentration of dams in the world. The consequence of the damming of the rivers of the Himalayas will have tremendous human and ecological costs with grave implications for the culture and identity of local peoples, who are often distinct ethnic groups small in numbers.²⁷

Mines: All Mine They Force to Get

Asia, particularly ASEAN,²⁸ is rich in mineral resources and mining is one of the region's fundamental economic sectors. ASEAN claims there is a vast wealth of important industrial ores and precious metals yet to be exploited throughout the ASEAN states and that many important and large mining ventures are in the region. ASEAN claims that exploration and exploitation of the mineral resources in the sub-region have barely begun.

ASEAN as a body and its member countries are intent on making mining development a vital factor in their economic growth. Efforts are being made at the regional level, through the ASEAN Minerals Cooperation Plan 2011-2015, to freely open up this sector by creating a favorable trade investment climate in minerals, and providing a favorable policy environment that aims to see the harmonization of mineral policies among the member countries.

Legislation to ensure the commitment of foreign companies to long term projects is a vital factor in the region's mining development. Some countries have already made changes in their laws and policies to attract investments in this industry. Cambodia's new mining laws have created more certainty for investors and have speeded up the grant of mining permits. Indonesia's 2009 Law on mining of minerals and coal and its supporting framework of regulations are designed to provide investors with the necessary regulatory certainty to stimulate new investment in the sector. Changes to the country's regulatory framework allow mining in some previously protected areas, the decentralization of the grant of mining concessions

to local governments, and a clampdown on unlicensed mining activities. Investment in the Philippines' mining potential has been aided by a court decision confirming the right of foreign companies to retain 100 percent ownership of their investment to exploit the country's mineral resources.

Apart from a favorable investment climate, the region also offers some of the necessary infrastructure. For instance, Malaysia is home to significant refiners and smelters, including Malaysia Smelting Corporation, the world's second largest supplier of tin metal and thus expected to support more mineral extraction. In the Philippines, a potential giant venture will be Sumitomo's \$3 billion nickel ore project in Surigao del Norte, which would be the largest nickel processing plant in the country.²⁹

Of the corporate mines currently operating in indigenous territories in Asia, there had been no free, prior and informed consent obtained before the mines entered the communities. On the other hand, governments have even provided security services to these companies. In Indonesia, the military has been part of the operating expenses of mining corporations as security forces for their operations. In the Philippines, so-called paramilitary "investment defense forces" have been condoned and even given legitimacy. The same is true with Burma/Myanmar.

The large-scale destructive mining operations in indigenous territories have been a curse for many indigenous peoples in Asia. With the entry of large-scale corporate mining, these resources, including their lands, have been taken away from them. Wherever they are, mines have brought about displacement, the destruction of sacred sites, forests and mountains, landslides and subsidence, soil, air and water pollution, depletion of water resources, sedimentation of rivers, deprivation of livelihoods, and lack of sustainable livelihoods of indigenous peoples in the mined-out areas, among other negative impacts. They also brought commercial entertainment culture, commodification of and sexual violence against women.

National Parks/Plantations/Economic Land Concessions/Timber, Pulp and Paper Industries: Objects of Desire

Lands of indigenous peoples have historically been considered “vacant,” “unoccupied,” “sparsely populated,” although these had been heavily forested and surely biodiverse, and are homelands to indigenous peoples. In the name of national patrimony, all lands within national borders are claimed in the name of the state. Because of the vast lands and forest resources in indigenous territories and the sparse populations in these, the governments look at these areas simply as resources to be appropriated, grabbed and exploited. The indigenous peoples who are forest dwellers and forest-dependent are treated as objects that can be moved here and there. Indigenous peoples are seen to have no better use of these resources apart from being the source of their subsistence through “destructive” farming. The state and corporations are supposed to have more sensible use that will contribute to national development and the coffers. The granting of concessions for logging, tree plantations for fast-growing trees—and now biofuels; for national parks, mines, resorts, over farmers and indigenous peoples farmlands and forests has caused massive human rights violations, environmental degradation, food insecurity, and lost opportunities for people-centered and driven sustainable development.

Without their knowledge, indigenous peoples have become squatters in their own lands. Policies and laws on the establishment of national parks and protected areas have caused forced relocation, destruction of livelihood, and arrest of many indigenous villagers living in these areas—some even killed. This has resulted to increased food insecurity and poverty and alienation of indigenous peoples from their lands from which they have developed their lifeways. While the indigenous peoples are driven out of their homelands, these are given out to business to log, to convert into monocrop plantations, or as national parks. Indigenous communities in Thailand, Indonesia, Laos and other Asian countries have experienced being ousted from their forest homes several times

in their lives because of these. The forests they have nurtured now become the objects of desire of the state and corporations.

What is trivialized is the traditional knowledge that has been developed through time that enabled indigenous peoples to habitate such environments and sustainably nurture these resources as they developed unique societies. Discrimination against indigenous peoples in Asia is so rife it is tantamount to killing them off. Their knowledge of and contribution to natural resource management is considered unscientific and they are labeled as “forest destroyers.”

Special Concerns: Sedentarization and Transmigration

Indigenous peoples in Asia face common issues but also have issues that are specific in some countries. Again, because of their vast lands and sparse populations, and thus their dispensability, government see indigenous territories as dumping grounds for excess populations. On the other hand, indigenous peoples are seen as national security risks who have to be hamletted permanently somewhere where they can be monitored under the pretext of providing them access to government services.

Some governments have launched large-scale internal resettlement programs for various purposes, all with severe consequences for indigenous peoples, which all involved population transfer from heavily populated lowland areas to sparsely populated highland indigenous territories. The ignorance of policy makers of the carrying capacity of mountain area, and interpreting population density mechanically by treating these highland indigenous territories as if these were flatlands without no peoples, is Asia's version of *terra nullius*.

Between the 1950s and 1980s, state-sponsored transmigration programs for non-indigenous settlers were implemented by the Government of Vietnam to the Central Highlands; by the Indonesian government to West Papua, Kalimantan and other outer islands; by the Philippine government from Luzon to Mindoro, Palawan and Mindanao; and by the

Bangladesh government to the Chittagong Hill Tracts. All these transmigration programs have resulted to massive loss of land of indigenous communities and had severely altered the demographic composition and the cultural and political landscape of the transmigration areas in favor of the non-indigenous settlers. In several instances, the indigenous peoples were minoritized and the transmigrants became the political and economic powers in the area. These programs have now all been abandoned but the indigenous communities in the affected areas are still suffering badly from the irreversible impacts of transmigration, especially the loss of political power and their economic base.

In the 1960s, Vietnam embarked on programs to address the persistent hunger and poverty among the ethnic minorities, particularly in the upland areas. In its analysis, it identified shifting cultivation, which is a common livelihood source for many indigenous peoples and ethnic minorities not only in Vietnam but also in Asia, as a "primitive manner of production that keeps people in a backward life."³⁰ It thus launched the sedentarization program under Resolution No. 38/CP (1968) that was designed and implemented specifically for ethnic minorities in mountainous areas.³¹ The government is supposed to create the conditions for a sedentary life for these ethnic minorities in new settlements.³² But aside from poverty alleviation, the sedentarization policy also served other agenda: protecting watershed forests allegedly at risk of being destroyed by the highlanders; improving national defense by relocating ethnic minorities from isolated and sensitive border areas to regions under government control; and to assimilate the ethnic minorities into the economic and social life of the dominant society, i.e., the Kinh people.³³ By 1990, after 20 years of implementation of the sedentarization policy, 2.8 million people had been resettled in 26 mountainous areas.³⁴ Although the fixed farming and resettlement programs have achieved significant results in resettling ethnic minorities and reducing poverty, there are issues of note to this program.

The sedentarization program simply removed the ethnic minorities from their traditional forest abodes but converted these forests into plantations, cultivated farms, and new set-

lements for lowland migrants. As a result, much more forests were destroyed, poverty still exists, and the ethnic minorities were forced to integrate into the dominant socio-cultural and economic framework. In the end, it is the in-migrant who benefitted from the schemes.

The Lao government has launched a comprehensive, country-wide resettlement program where almost all of the people affected belong to ethnic minorities. At the beginning of the 1990s, when the program was launched, the Lao government planned to resettle 180,000 households totalling 1.5 million people, of which 60 percent should be resettled before the year 2000. The target has not been achieved and two new resettlement plans have been made with a total of 211,125 people included in the first resettlement plan for 2001 to 2005. Figures on the actual number of people resettled are not available. Forced resettlement is not an official policy but part of the overall “development” program of the Lao government. Through the program the government aims to eradicate shifting cultivation and the production of opium, and it is supposed to provide the resettled people better access to services and the market, and to improve their standard of living, health, food productivity, and food security. However, studies have shown that in most cases the contrary happens. Resettlement programs have led to increased poverty, malnutrition, a higher mortality rate, and a general deterioration in the health of affected villagers. Furthermore, they often have a negative impact on the environment, running counter to another stated objective: the conservation of forests.³⁵ The resettlement of indigenous peoples affected by dams are seen as part of the effort of government to sedentarize the rotational agriculture practitioners as it has not allowed the return of some of the affected communities like those dislocated by the aborted Xe Pian Xe Nam Noi Dam Project.³⁶ Again, the impacts on the way of life of the ethnic minorities have been ethnocidal.

In the world's largest demographic engineering program that was intended mainly to relieve overcrowding, especially in the islands of Java, Bali and Madura, the Indonesian government moved landless farmers and other peoples from the

crowded central islands of Java and Bali to the outer islands of Irian Jaya, Kalimantan, Sumatra, and Sulawesi. Between 1903 and 1990, the Transmigration Program resettled more than 3.6 million people in the outer islands, at government expense.³⁷ Transmigration was a central policy of the Suharto regime. Between 1950 and 1986, 698,200 families (about 3.5 million people) were moved, most of them to Sumatra.³⁸ The program entailed huge financial, social, environmental, and human rights costs.

The World Bank funded this program through seven projects totaling \$560 million. In terms of population decongestion, the program has been declared a failure: the government's then transmigration department acknowledged that transmigration virtually made no dent in the population pressure on Java.³⁹ However, the social and environmental impacts have been irreversible. An impact evaluation conducted by the Operations Evaluation Department of the World Bank concluded that "Transmigration had a major negative and probably irreversible impact on indigenous people, particularly the Kubu Rimba. With the extensive forest clearing now underway in T2⁴⁰ as part of the development of the uncleared areas to oil palm, the Kubu Rimba have been (and are being) displaced."⁴¹ What underpinned the transmigration policy of Indonesia is thinking that the islands were "virtually empty" or "underpopulated," and the notion that indigenous peoples are "backward" and "primitive." The natives are supposed to learn what are considered advanced agricultural techniques from the Javanese newcomers, whose intensive farming methods are generally not suited to the vastly different soils and climatic conditions of the islands. As a matter of fact, one of the effects of the transmigration policy was more deforestation because the transmigrants cleared forests for farming, while the indigenous peoples considered these part of their homes and source of subsistence.

Some indigenous peoples responded militantly to this invasion of their territory as the policy did not get the FPIC of the host communities. Tensions between transmigrants and the local populations grew and became violent in some parts. In late 1996/early 1997 and as late as early 2002, the conflict

between the Dayaks and Madurese migrants on the island of Kalimantan saw hundreds of people killed, including young children, many of them hacked to pieces and decapitated. Hundreds of thousands of Madurese fled their homes. Many are still living in cramped conditions in temporary camps.⁴²

Since the 1970s, successive Bangladeshi governments promoted the migration of Bengalis to the Chittagong Hill Tracts (CHT).⁴³ From 1978 to 1983, the military governments had settled an estimated 500,000 plain settlers by providing inducements in order to make indigenous Jumma peoples a minority in their own land. In 1979, the Rahman regime created a legislative framework through the Settlement Programme to allow the entry and settlement of non-indigenous people from the plain areas of Bangladesh to the CHT. Inducements came in cash and kind with a fixed allocation of land settlement per family through a 60 million taka program. The official rationale for the programme was that there was land to spare in the Hill Tracts to ease the overcrowding in the plains. This misconception of enormous amounts of available land in the CHT was contrary to official information.⁴⁴ The indigenous peoples of the CHT were never included in the decision making, the program formulation or the implementation of the settlement program. They were not informed about the specifics of the proposed plan including the decision to provide the settlers with land allotments. Nor was their consent obtained or their prior claims safeguarded. Although the government claims to have halted the settlement program, unofficial sources indicate that families from the plains continue to relocate to the Hill Tracts.⁴⁵ Almost 60 years ago, the indigenous peoples constituted more than 75 percent of the CHT population, now they are only 47 percent.⁴⁶

Until now, there had been neither solution nor closure to the problems created and exacerbated by this fatal programmes which include displacements, land disputes, deforestation and massive environmental damage, ethnocide and social tensions.



ASEAN and Sustainable Development

Background: The ASEAN and Its Key Components

The Association of Southeast Asian Nations (ASEAN) is a 10-member organization of nation-states, namely: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Burma (Myanmar), Philippines, Singapore, Thailand, and Vietnam. Founded in 1967 by Indonesia, Malaysia, Philippines, Singapore, and Thailand for the purpose of promoting regional peace and stability, acceleration of economic growth, social progress and cultural development, it was only in November 2007 that the member-states finally bound themselves into a legal entity by creating and ratifying the ASEAN Charter.

Throughout the ASEAN's policy framework, sustainable development is depicted as a comprehensive concept. The ASEAN leaders emphasize that economic interests, social concerns and environmental protection are intrinsically interwoven and must be taken into account accordingly. In this sense, the protection of the environment and the sustainable use of natural resources are being described as essential to the long-term economic growth and social development of the ASEAN countries.⁴⁷ Cooperation on sustainable development in terms of this multi-sided concept is guided by various agreements and declarations,⁴⁸ as well as programs and implementation strategies.

Economic Development

Sustained economic growth is considered as the key element of sustainable development. From this perspective, economic development is enabling people to improve their living standards, including adequate access to health and education. Furthermore, economic growth is seen as allowing measures to be taken to preserve and protect the environment

and natural resources, which in turn build the basis for life and permit further economic growth. To facilitate economic growth, a good infrastructure network is considered obligatory, such as highways, telecommunications, power grids, as well as water and gas pipelines. ASEAN Vision 2020 demands for development in the fields of energy, gas and water through the ASEAN Power Grid and the Trans-ASEAN Gas Pipeline and Water Pipeline, as well as the use of alternative energy.⁴⁹

The Reality: Asean Sustainable Development— Economic Growth for Business as Usual

The ASEAN vision and rhetoric of “sustainable development as people-centered” and for “environment protection,” and its ambitious targets for economic growth are full of contradictions. This belies any sincerity and strong commitment of ASEAN states to achieve sustainable development through a comprehensive interlinked economic and human development and environmental protection for the peoples of ASEAN. Its stress of economic growth relies heavily on massive resource extraction and exploitation, capital investment for large infrastructure projects and massive production of goods, among others, that is geared to serve the global market, more than the needs of the peoples of ASEAN. These target projects for economic growth are big business opportunities for profit that will continue to benefit private and business enterprises, corporations and investors. It will exacerbate the economic disempowerment of the majority living in rural communities who are dependent on the resources targeted for exploitation and extraction. As a consequence, it will widen the gap between the rich and the poor. Further, production of goods will mainly serve the needs of the global market based on unequal trade and competition to the detriment of producers and workers. Likewise, sustainable agricultural production for food sufficiency is sacrificed for biofuel plantations and cash crop production for export.

On the other hand, strategic provisions and delivery of the basic social needs of the people such as education and health

services are not prioritized as state responsibilities. ASEAN's claim to be people-centered is highly discredited with their consistent refusal to even engage with civil society in any constructive dialogue. ASEAN remains a closed door for its citizens while the business community is accorded the red carpet in ASEAN's major meetings. Likewise, the full recognition and protection of the rights of indigenous peoples over their lands, territories and resources; land tenure of farmers and tillers; and rights of workers, women, children and migrants, are not provided. Mechanisms for corporate accountability are not also being established. Further, specific policies and measures for environmental protection are not put in place. ASEAN does not have any binding environmental safeguards, and serious environmental issues such as soil, air and water pollution are worsening by the day.

Priority Integration Areas of the Asean Economic Community Likely to Have Adverse Impacts to Indigenous Peoples

Infrastructure Development in the Transport Sector

Infrastructure development is intended to establish an efficient, secure and integrated transport network in order to support and facilitate the ASEAN Free Trade Area, as well as to enhance the attractiveness of the region as a single production, tourism and investment destination. This means completing railway connections⁵⁰ in Cambodia and Vietnam to have a seamless connection between Singapore and China and to broaden the network coverage, by building the spur lines linking Myanmar and Thailand and between Laos and Vietnam.⁵¹ The other priority is the ASEAN Highway Network (AHN) Project, in particular, road construction/improvement of lower class road sections of designated transport routes. There is a dearth of information on the transportation infrastructure that had already been undertaken to make the AHN possible, especially in the remote areas where indigenous peo-

ples live. Nevertheless, the potential impacts of these projects to affected indigenous peoples will include displacements, unfair compensation, loss of livelihoods, and human rights violations, among others.

Energy

Besides infrastructure development, the ASEAN's energy development plan is expected to have a tremendous impact on indigenous peoples' land and territories.

Southeast Asia's hydropower, oil and gas resources are destined to play an increasingly influential role in global energy markets. The aim of the ASEAN energy program is to secure a reliable supply of energy, including biofuel, in order to support and sustain economic growth, greater economic integration and international competitiveness. The Trans-ASEAN energy network consists of the Trans-ASEAN Gas Pipeline and the ASEAN Power Grid (APG). These projects are intended to allow for maximizing the potentials of the region's energy resources.

As has been shown in the section on dams, the rivers in Southeast Asia are being dammed for hydroelectric power generation, some of which are for sale to neighboring countries. In Lao PDR, the buyer is Thailand and in Sarawak, the buyer is supposedly Peninsular Malaysia. These more than 100 large dams are part of the APG. Millions of indigenous peoples along the targeted rivers are directly affected. Although sourced from their territories, indigenous peoples do not enjoy the electricity. Electrification⁵² is still not accessible to the greater majority of populations of the ASEAN, except for Brunei, Malaysia, Singapore, and Thailand. Although 87 percent of households in Vietnam have access to electricity, the power supply is still erratic in the rural areas. Only five percent of Burma's population have access to electricity (as of 2000) and while Lao PDR only serves 38 percent of its population, most of these are in urban or urbanized areas as only eight percent of rural households have electricity. The Philippines is 87.1 percent energized but about 20 percent are

not yet reached. Indonesia is energized at 57 percent but still 90 million do not have access. Most of these unreached areas in Burma, Indonesia, Thailand, Philippines, Laos, and Vietnam are in rural, difficult areas populated mostly by indigenous peoples.⁵³

The renewable energy sources and energy efficiency measures is seen to grow in importance over the next few years, as the region moves to reduce its dependence on energy imports and strives to reduce greenhouse gas emissions. Reduction of greenhouse gas emissions is becoming also a potential investment area. In particular bio-mass, biogas and energy efficiency projects are seen to offer significant profitability. We thus see increasing projects on reforestation, as well as expansion of investments on renewable energy sources in less developed economies such as Cambodia, Myanmar and Lao PDR.

The implications of the ASEAN energy plan of dams, oil and gas projects, pipelines, plantations mean more displacements and more human rights violations. An example for the enormous destructive potential of large-scale oil and gas projects is the Shwe Gas and Burma-China Pipeline project,⁵⁴ one of Burma's largest extractive industry developments. The project primarily involves the extraction and export of natural gas from domestic offshore fields, and the transportation of crude oil via nearly 800 km dual oil and gas pipelines traversing the entire country from the Arakan State coast to the Burma-China border in southwest China. One pipeline will transport extracted gas from the oil wells in Shwe and the other, oil from the Middle East and Africa. All of the extracted gas will be sold to China, while 97 percent of Arakan's population does not have consistent access to electricity. The development of the gas extraction and the coastal infrastructure is well underway, with large areas of land already cleared and concrete foundations already laid. The pipelines will directly affect approximately 15,000 people.

There have already been a number of human rights violations, such as the lack of FPIC from affected communities. The project further raises a number of social and environmental concerns and the potential of serious negative impacts. These include instigating conflict in the ethnic areas as military

offensives are employed to clear project areas after which the military will be left to provide security to the project, potentially increasing human rights violations including rape and sexual violence. Land confiscation, forced eviction and relocation, disruption of local livelihoods, and labor exploitation are already happening. The project runs through several ecologically-sensitive areas across Burma.⁵⁵ There have not been adequate environmental impacts assessments (EIAs) conducted for all of the various project components. The EIAs that have been conducted did not include full community participation nor have the findings ever been made public.

ASEAN and “Green Economy”?

Lately, the term “Green Economy” has found its way into the debate about sustainable development. The United Nations Environment Program (UNEP) defines a green economy as one “that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities.”⁵⁶ Accordingly, the third Earth Summit Rio +20 in 2012 advocates sustainable development based on a “Green Economy.”⁵⁷ In the face of Rio +20, ASEAN is asked to reconsider its dedication to a greener form of sustainability, primarily in order to avoid a development model that is basically focusing on economic growth. So far, ASEAN has included the term “Green Economy” in some of its statements⁵⁸ and has held several conferences on the issue,⁵⁹ reiterating its commitment to cooperate on the concept. However, experts agree that a “Green Economy” initiative requires comprehensive measures as well as structural change.⁶⁰

Finally, ASEAN’s indigenous peoples who remain invisible in the grand plans of ASEAN shall continue to assert the recognition of their collective rights and contributions to sustainable development. ASEAN shall be made to account for the dire consequences of its economic growth plans that violates the rights of its citizens, as well as the accompanying disasters and widespread environmental problems these projects will cause.

Endnotes

¹ Particularly, this is the case in America, New Zealand and Australia, where the marginalization of indigenous people is well documented (Hall, G. and H. Patrinos 2010).

² Both the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the International Labor Organization (ILO) cite the lack of data on development indicators for indigenous peoples as a major hindrance to both their empowerment and poverty reduction. (Tomei 2005).

³ Macdonald 2012.

⁴ Hall and Patrinos 2012.

⁵ Bordia Das and Kapoor Mehta, n.d.

⁶ <http://siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/Resources/Bennett.rev.pdf>.

⁷ Hari Bansh Jha 2012.

⁸ The National Committee on Nationalities recognizes different Janajati groups, which are classified as Hill Janajati who traditionally inhabit the Himalayan mountains and Tarai Janajati who traditionally inhabit the portion of the Indo-Gangetic plains immediately below.

⁹ Referred to in Sen and Hulme at <http://www.endpoverty2015.org/files/MDGsIP-Final-21-Feb.pdf>.

¹⁰ Bangladesh Society for the Enforcement of Human Rights 2012.

¹¹ <http://www.ruralpovertyportal.org/web/guest/country/home/tags/indonesia>.

¹² http://www.undplao.org/whatwedo/Projectdocs/2011/PEI%20Policy%20Briefs/PEI%20brief%2002_2010_PE%20Indicators_english.pdf.

¹³ <http://www.ruralpovertyportal.org/web/guest/country/home/tags/laos>.

¹⁴ Ibid.

¹⁵ For the different groups in the Cordillera, the number of investigated households is quite small, less than 50; cf. (Hall & Patrinos 2012).

¹⁶ World Bank 2010.

¹⁷ <http://www.change.org/petitions/india-respect-the-rights-of-local-indigenous-communities-opposing-lower-siang-hydro-electric-project-in-arunachal-pradesh>.

¹⁸ Bharali 2005.

¹⁹ Ibid.

²⁰ Fernandez 2008.

²¹ Grumbine, Dore and Xu 2012.

²² http://www.salweenwatch.org/images/stories/downloads/publications/salween%20watch_vol%201%20august%202007-1%20final.pdf.

²³ Ibid.

²⁴ <http://www.ens-newswire.com/ens/feb2012/2012-02-19-01.html>.

²⁵ Ibid.

²⁶ “Environmental displacement in Malaysia: The Effects of the Development Process on Rural and Native Communities, Sahabat Alam Malaysia.” <http://pi.library.yorku.ca/ojs/index.php/refuge/article/view/21641>.

²⁷ International Rivers 2008.

²⁸ Source of most of the information in this section is taken from *Investing in ASEAN 2011/2012*. <http://www.aseansec.org/publications/Investing%20in%20ASEAN%2020112012.pdf>.

²⁹ <http://www.aseansec.org/publications/Investing%20in%20ASEAN%2020112012.pdf>.

³⁰ Chinh in <http://rcsd.soc.cmu.ac.th/angiang/data/5/paper.pdf>.

³¹ Government Resolution No. 38/CP of 12 March 1968 officially launched a campaign for shifting cultivators to practice sedentarization and fixed cultivation.

³² N.T. Anh 2005.

³³ Rambo and Jamieson 2003.

³⁴ “Viet Nam: Integrated Rural Development Project in Central Provinces.” <http://www2.adb.org/Documents/IndigenousPeoples/VIE/37097-VIE-IPDF.pdf>.

³⁵ “ASEAN’s Indigenous Peoples.” *AIPP Briefing Paper*. Accessed at http://www.aippnet.org/docs/hr/ASEAN%20BRIEFING%20PAPER_print_Foma.pdf.

³⁶ National Human Development Report Lao PDR. 2001. “Advancing Rural Development.” <http://www.undplao.org/whatwedo/factsheets/humandev/NHDR%20final.pdf>.

³⁷ <http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/4B8B0E01445D8351852567F5005D87B8>.

³⁸ Marr 1990.

³⁹ Ibid.

⁴⁰ T2 refers to the program Transmigration 2 (approved 1979): to resettle about 30,000 families in four sites along the Trans-Sumatra highway; <http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/4B8B0E01445D8351852567F5005D87B8>.

⁴¹ Ibid.

⁴² http://www.bbc.co.uk/radio4/history/tiger_tales/tiger_tales_indonesia.shtml.

⁴³ For more on the land issue in the CHT, go to http://www.iwgia.org/iwgia_files_publications_files/0507_Alienation_of_the_lands_of_IPs_in_the_CHT_of_Bangladesh.pdf.

⁴⁴ Roy 2000.

⁴⁵ Ibid.

⁴⁶ Barkat 2004.

⁴⁷ http://www.arcbc.org.ph/arcbcweb/pdf/vol2no3/08-14_sr_summit_asean.pdf.

⁴⁸ <http://www.aseansec.org/21060.htm>.

⁴⁹ http://www.arcbc.org.ph/arcbcweb/pdf/vol2no3/08-14_sr_summit_asean.pdf; <http://www.aseansec.org/18757.htm>.

⁵⁰ Singapore–Kunming Rail Link (SKRL) sections, as follows: Poipet–Sisophon Railway Link Project (Cambodia); Ho Chi Minh City–Loc Ninh Railway Link Project (Viet Nam); and Spur Lines between Three Pagoda Pass and Thanbyuzayat (Myanmar) and Vientiane–Mu Gia–Tan Ap–Vung Ang (Lao PDR/Viet Nam).

⁵¹ <http://www.aseansec.org/PIS-Transport.pdf>.

⁵² Alexander 2006.

⁵³ Ibid.

⁵⁴ “The Shwe Gas Project and its Impacts on the People of Arakan State and Burma. Accessed April 15, 2012. <http://www.arakanrivers.net/>.

⁵⁵ These sensitive areas include mango swamps, estuaries, small rivers, and a national marine park in Arakan State; as well as the Mizoram–Manipur–Kachin rainforests, Chin Hills–Arakan yoma montane forests, Irrawaddy dry forests, Irrawaddy moist deciduous forests, Northern Indochina subtropical forests, a wildlife sanctuary, and a bird sanctuary as they move across central Burma to Yunnan.

⁵⁶ Additionally, “a green economy is one whose growth in income and employment is driven by public and private investments that reduce carbon emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services.” <http://www.unep.org/greeneconomy/AboutGEI/WhatisGEI/tabid/29784/Default.aspx>.

⁵⁷ <http://www.eurasiareview.com/20022012-rio20-summit-and-asean-towards-a-green-economy-analysis/>.

⁵⁸ Co-chairs’ statement of the 4th ASEAN–UN Summit, Bali, Indonesia. <http://www.aseansec.org/26719.htm>.

⁵⁹ e.g. in Jakarta, March 2011. [http://www.unido.org/index.php?id=7881&tx_ttnews\[tt_news\]=863&cHash=823267235423643859e68119b7e22b28](http://www.unido.org/index.php?id=7881&tx_ttnews[tt_news]=863&cHash=823267235423643859e68119b7e22b28)) or Vietnam (June 2011); http://news.xinhuanet.com/english2010/business/2011-06/29/c_13956160.htm.

⁶⁰ [http://www.unido.org/index.php?id=7881&tx_ttnews\[tt_news\]=863&cHash=823267235423643859e68119b7e22b28](http://www.unido.org/index.php?id=7881&tx_ttnews[tt_news]=863&cHash=823267235423643859e68119b7e22b28).

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NORTH AMERICAN REGION: TREATIES, CULTURAL RIGHTS & FPIC AS A BASIS FOR GOOD RELATIONS & SUSTAINABLE DEVELOPMENT

Danika Billie Littlechild and Andrea Carmen
International Indian Treaty Council (IITC)

Our contribution as Indigenous Peoples is our traditional knowledge about the earth

- Faithkeeper Oren Lyons, Haudenosaunee

Our ancestors spent their lifetime studying, meditating, and living the way of life required to understand those traditions, teachings, and laws in which the treaties are rooted. In their study, they rooted their physical and spiritual beings directly on Mother Earth as a way of establishing a connectedness to the Creator and His Creation. Through that connectedness, they received the conceptual knowledge they required and the capacity to verbalize and describe the many blessings bestowed on them by the Creator. They were meticulous in following the disciplines, processes, and procedures required for such an endeavor.

- Cree Elder Norman Sunchild
Thunderchild First Nation, Treaty 6 Territory¹



The United Nations Declaration on the Rights of Indigenous Peoples

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources...²

On September 13, 2007, history was made when the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples. Only four states voted in opposition, including the U.S. and Canada. In 2010, history was made again. On November 12, 2010, Prime Minister Harper announced that Canada would reverse its position and would now support the Declaration. On December 16, 2010, President Obama announced that the U.S. would become the last of these four countries to change their positions and would now also “lend its support” for the Declaration, although with some notable qualifications.

With these reversals, the Declaration now provides a universally-accepted framework recognizing indigenous peoples’ inherent rights including rights to lands and resources, self-determination, Treaties, cultural rights, development, subsistence, and free, prior and informed consent (FPIC), among others. These rights are fundamental to indigenous peoples’ ability to protect their traditional lands from environmental degradation and practice sustainable development based on their own cultures and traditional understandings.

While welcoming these announcements, indigenous peoples of Canada and the U.S. also expressed strong disagreement with the limitations these states placed on their support. A number of these qualifications called into question the U.S. and Canadian government’s intention to fully recognize and implement many of the key rights contained in the Declaration. References were made to implementation of rights in accordance with existing federal laws and policies. The U.S. stated recognition for “a new and distinct international concept of

self-determination specific to indigenous peoples...” different from the existing right of self-determination in international law as also affirmed in the Declaration. Of particular significance for indigenous peoples’ rights related to sustainable development, cultural and environmental protection was the U.S. attempt to qualify and redefine the Declaration’s strong affirmation of the right to free, prior and informed consent, including in Article 32 regarding Development. The U.S. stated that it interpreted FPIC as “consultation” as already in place in federal policy for “federally recognized tribes.”

The Canadian government also expressed a number of qualifications regarding FPIC.³ Rather than recognizing the historic significance of the Declaration in advancing international law, Canada calls the Declaration “aspirational,” “non-legally binding” and “not reflective of customary international law.” An example of how Canada has translated this support into policy can be found in the *Updated Guidelines for Federal Officials to Fulfill the Duty to Consult* released in March of 2011.⁴ In this new set of federal guidelines, the Minister cited Canada’s *Statement of Support for the United Nations Declaration on the Rights of Indigenous Peoples*, but also went on to explicitly state:

*Canada has concerns with some of the principles in the Declaration and has placed on record its concerns with free, prior and informed consent when interpreted as a veto. As noted in Canada’s Statement of Support, the Declaration is a non-legally binding that does not change Canadian laws. **Therefore, it does not alter the legal duty to consult.** (emphasis added).*

The attempt to re-define the Declaration’s clearly stated rights by the U.S. and Canada have no basis in the actual text of the Declaration or the principles of international human rights standards, which uphold non-discrimination and equal rights. In both the preamble and Article 3, the Declaration defines self-determination, which is inextricably linked in practice to FPIC for indigenous peoples, as consistent with the right as recognized for “All Peoples” in international law.

These are some of the very same qualifications that the U.S. and Canada attempted, unsuccessfully, to include in the actual text of the Declaration during the many years of negotiations in Geneva, which produced this “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” The inherent rights it affirms cannot be limited by narrow interpretations subject to existing federal laws and corporate practices that continue to violate the rights of indigenous peoples, including the imposed development and resource extraction affecting lands, waters, cultures, food sovereignty, health, and ways of life to the extreme detriment of indigenous peoples and the Natural World.

Instead, if implemented in good faith and the spirit of mutual respect and shared responsibility for the survival of future generations, the UN Declaration on the Rights of Indigenous Peoples provides a basis for implementing a new paradigm of development that is culturally and environmentally sustainable based on partnership. It provides an opportunity to move away from the failing models which have brought about the current planetary crisis of climate change, contamination and destruction of biological diversity, and consider a rights and culturally-based approach to development at Rio +20 and beyond.

Following are some of the contributions to this dialogue of particular importance to indigenous peoples of North America. While it is beyond the scope of this chapter to canvas all the laws, policies, developments, activities and issues, some key issues and examples are highlighted next page.

Cosmovision and Spirituality as a Basis for a Sustainable Relationship with the Natural World and Mother Earth

To find the solution we need to use our spiritual understandings, to learn from the teachings and words of our ancestors and to understand our responsibilities. This is how we will be able to repair what has been done and the crisis we are facing called climate change.

– Cree Elder Gordon Lee, (Kisikaw Ksayin), Ermineskin Cree Nation, Treaty 6 Territory, Canada

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.⁵

Indigenous peoples understand the connections and inter-relationship between and among all living things, linking the generations of the past, present and future, and tying together the physical with the spiritual. These indivisible and interconnected relationships, better understood in terms of collective and individual responsibilities rather than rights, are the basis for indigenous peoples' understandings of natural law and environmental sustainability. These understandings and the practices, which they have produced, are rooted in the past but are directly relevant to the present. For indigenous peoples, they also form the basis of our understanding of the shortfalls and dangers of the "modern" paradigm of development based on unlimited taking, and the planetary crisis for humans and all living things it has produced. They also form the basis for the sustainable solutions proposed by indigenous peoples based on traditional knowledge and practices, and respectful relations with other human beings and the rest of the natural world.

It is also no coincidence that many of the most devastating threats and human rights violations for indigenous peoples in North America continue to be the destruction of their sacred sites and ceremonial places by imposed development such as mining and extractive industries, tourism and recreation, toxic and military waste dumping, and other economic and military practices. Sacred places currently under threat are the heart, soul and center of spiritual life, knowledge, survival, and renewal for indigenous peoples in North America. These include, to name only a few examples out of many, Mt. Tenabo in Western Shoshone Territory (Nevada USA); Mt. Taylor (New Mexico); San Francisco Peaks (Arizona); Medicine Lake, Mt. Shasta (California); the Coastal Plain of the Arctic National Wildlife Refuge (Alaska); Bear Butte and the Black Hills (South Dakota); Shell Mounds (Bay Area, California); and subsistence and ceremonial use areas in Chickaloon (Alaska).

In 1999, the Special Rapporteur on Religious Intolerance visited the United States and found that while the situation of religious tolerance was generally satisfactory, “there are nevertheless some evidence exceptions that must be pointed out, particularly as regards the situation of Native Americans.”⁶

The Special Rapporteur found that “as far as Native Americans access to sacred sites is concerned, this is a fundamental right in the sphere of religion, the exercise of which must be guaranteed in accordance with...provisions of international law.”⁷

In 2008, the Committee on the Elimination of Racial Discrimination, the treaty monitoring body for the International Convention on the Elimination of All Forms of Racial Discrimination, recommended that the U.S. consult with indigenous representatives, “chosen in accordance with their own procedures—to ensure that activities carried out in areas of spiritual and cultural significance do not have a negative impact on the enjoyment of their rights under the Convention.”

The denial of the right to access to sacred places for spiritual purposes, as affirmed in Article 12 of the UN Declaration, and the desecration of these places by imposed development

go hand in hand. Development without consent limits access as well as desecrates lands and waters used for religious purposes, many times rendering them unfit for spiritual practice and destroying their sanctity. The United States government and its agencies, the Bureau of Land Management (BLM) and Forest Service (USFS), continue to harass and or deny indigenous peoples' appropriate access to their sacred lands and continue a policy of allowing the desecration of these lands for profit making enterprises such as mining and logging.

The plants, animals and fish that are the basis of indigenous peoples' right to food and subsistence also are vital to us spiritually and culturally. They not only provide essential nutrition. They are required for our sacred ceremonies, and are related to us through our clans, creation stories, songs and dances. These relationships are in jeopardy from the widespread impacts of unsustainable development such as climate change, the introduction of genetically modified seeds, plants and animals, and the global proliferation of Persistent Organic Pollutants including pesticides.

A specific example of the impacts of climate change and global warming is the alarming decrease in the wild salmon runs upon which many indigenous peoples of North America's coastal areas depend for their traditional means of subsistence. For example, in 2008 the Upper Fraser Fisheries Conservation Alliance in British Columbia released a study of sockeye salmon runs in the upper Fraser River. The report showed 700,000 fish returned in the early Stuart run in 1993, but those numbers fell to 100,000 by 2005. Scientists involved in the study report that climate change is a significant contributing factor, with the temperature of the Fraser River increasing by about half a degree over the past 50 years. Millions of acres of forest lands in British Columbia have also been destroyed by mountain pine beetle with direct, immediate and serious impacts on the safety and well-being of indigenous peoples, communities and entire ecosystems, including salmon spawning and rearing streams and migration routes.⁸

Cutting off access, use or rights to sacred sites and the plants, animals and fish with which our spiritual existence is connected, creates environmental destruction as well as

cultural genocide—the forced severing of cultural knowledge, spirituality, indigenous laws, and lifeways. How can indigenous peoples protect that knowledge and life ways that are essential for their survival, especially in response to current environmental crisis such as climate change, if our rights to our, sacred places, cultures, lands and territories are not ensured, respected and enforced?



Treaties and the Treaty Relationship as a Basis of Partnership for Sustainable Development

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States...⁹

No one looks at the impact of a whole generation not having access to the land once a third party is given a mining lease. Our songs, knowledge and identity are connected to the land—what will my daughters have to learn or teach from a 300 plus open pit and tailings pond and waste rock left on our territory over the next 20 years?

- Anne Marie Sam, Nak'azdli Band
British Columbia Canada

Treaties are, for Indigenous Nations of Canada and the United States, sacred agreements. They were concluded through ceremony, bringing Canada and the U.S. into existence within indigenous territories, and were negotiated and interpreted using indigenous laws and legal traditions in many instances. The agreements surrounding North America's formation in many Treaty territories are profound because they are meant to encourage the spiritual, moral and legal capacities of all the people who would come to live in Canada

and the U.S.¹⁰ They never included, for the Indigenous Treaty Partners, any understanding or agreement that the newcomers would act to destroy or contaminate the lands, waters, food sources and ceremonial places essential to the continued survival of the indigenous peoples.

Treaties constitute a nation-to-nation partnership based on mutual recognition, respect and consent. The U.S. Constitution recognizes Treaties as the “Supreme Law of the Land.” Special Rapporteur Dr. Miguel Alfonso Martinez, in his “Study on Treaties, Agreements and Other Constructive Arrangements between States and indigenous populations,” affirmed that Treaties are international agreements that continue to be in force to this day.¹¹ Indigenous peoples original “spirit and intent” based upon the oral histories and indigenous laws surrounding Treaty making implementation also affirms this understanding that Treaties are valid, enforceable and will endure “so long as the sun shines, the grass grows and the rivers flow.”

The “spirit and intent” of Treaties was affirmed through a historic consensus decision on April 20, 2012 when states attending the 14th session of negotiations for the proposed American Declaration on the Rights of Indigenous Peoples in Washington DC adopted strong language on Treaty Rights. The proposed American Declaration has been under negotiation by indigenous peoples and the 35 member states of the Organization of American States (OAS) since 1995.

Indigenous peoples see the proposed American Declaration as an opportunity to further strengthen and supplement the recognition of rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, which, since its adoption in 2007, has been the minimum standard and basis for these negotiations. When adopted, the American Declaration on the Rights of Indigenous Peoples will be applicable in North, Central and South America, and the Caribbean.

The language in Article XXIII on Treaties, Agreements and other Constructive Arrangements has been under discussion for many years. Considerable progress was finally made

in the last negotiating session in January 2011, leaving only the first paragraph still to be decided.

Strong pressure was exerted on the states to officially adopt the final remaining language for Article XXIII as proposed by indigenous peoples. It included all of the language in Article 37 of the UN Declaration, adding international redress for violations and recognizing the “true spirit and intent” and the understanding of Treaties by indigenous peoples. The final text of Article XXIII as officially adopted is as follows:

Article XXIII, Treaties, agreements and other constructive arrangements

Indigenous peoples have the right to the recognition, observance, and enforcement of the treaties, agreements and other constructive arrangements concluded with states and their successors in accordance with their true spirit and intent, in good faith, and to have the same be respected and honored by the states. States shall give due consideration to the understanding of the Indigenous Peoples in regards to treaties, agreements and other constructive arrangements.

When disputes cannot be resolved between the parties in relation to such treaties, agreements and other constructive arrangements, these shall be submitted to competent bodies, including regional and international bodies, by the States or indigenous peoples concerned.

Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements

Chief Wilton Littlechild, Ermineskin Cree Nation and International Chief for Treaties 6, 7 and 8, played a key role in the negotiations. He considers the adoption of Article XXIII as a major victory. It builds upon the strong language on Treaties in the UN Declaration, developed in a UN working group that he co-chaired, by strengthening important elements for the Cree Nation and its elders who began their work for international recognition of Treaty rights 39 years ago.

Chief Littlechild, who is also a member of the UN Expert Mechanism on the Rights of Indigenous Peoples, stated:

It was an honor to secure the dreams and fulfill the original instructions of our elders through the wording that was adopted. This was a long and difficult journey but it was a goal well worth it for the Maskwacis Cree. The adopted language strengthens the UN Declaration by recognizing the true spirit and intent of Treaties, the understanding of Indigenous Peoples, and ensuring that disputes can be submitted to international bodies. Now we must ensure that all the other articles of the OAS Declaration are also fully adopted and implemented before the 2014 UN World Conference on Indigenous Peoples.¹²

Indigenous Treaty interpretation can be problematic from a certain Canadian and U.S. government perspective, particularly when government lawyers argue for the narrowest possible technical interpretation of Treaties in order to give the Crown or Federal government more authority relative to indigenous peoples.¹³ Aboriginal and indigenous title is the basis underpinning such treaties, and continues in those areas where Treaties have not been entered into. However, there have been many instances whereby the United States and Canada have attempted to extinguish aboriginal title, including where imposed development is being planned. Regardless, indigenous peoples throughout the United States and Canada continue to hold to their ancestral spiritual relationship to their lands, waters and resources.

Treaties represent recognition of original rights to the lands, territories and resources ("Aboriginal Title") of indigenous peoples. Treaty Nations argue that such title was never ceded or surrendered.¹⁴

Nevertheless, under U.S. constitutional doctrine first established in the early 1800s, indigenous peoples can be unilaterally deprived of their lands and resources without due process of law and without compensation; indigenous governments can be terminated or stripped of their rightful authority at the whim of the federal government and their lands "allocated" as "surplus lands." Similarly, Canadian approaches of extinguishment regarding Aboriginal Title and Rights may be characterized as a violation of human rights.

Their approaches allow for the outright denial of rights and title to lands and resources, while allowing legislative, policy and development to proceed in lands and territories with no respect or acknowledgement of existing Aboriginal Rights and Title. Treaties made between indigenous peoples and the Colonialist governments and the successor state are also often arbitrarily abrogated. Religious freedoms and religious practice, sacred lands and the cultural integrity of indigenous peoples go virtually unprotected.

Of equal concern is United States policy of “non-recognition” of significant groups of indigenous peoples altogether. The United States makes a clear distinction between “recognized” tribes, recognized by the U.S. as indigenous peoples with some indigenous rights, and all other indigenous peoples in the United States. Only recognized tribes, and to a lesser extent, Alaska Native Villages, are accorded some indigenous rights. All other indigenous peoples in the United States, including unrecognized and terminated Tribes, Native Hawaiians, Pacific Islanders (including the Chamorro Native Peoples of Guam), the Native Taino Peoples of Puerto Rico, and to a significant extent, Alaska Natives are not recognized as “indigenous” with regard of their rights as Peoples. Although recognized as indigenous peoples and having Native Tribal governments, Native Alaskans, are not recognized by the United States as indigenous peoples with full indigenous rights. According to the U.S. Periodic report, only federally-recognized Tribes are accorded these “special rights.”¹⁵

It should be noted that some of the indigenous peoples current not “recognized” by the U.S. include those that conducted Nation to Nation Treaties with the U.S..

There is an equally disturbing trend to separate indigenous peoples from their rights as though the recognition and respect of those rights were somehow discriminatory toward the general population. The United States has for some time been equating the rights of indigenous peoples, particularly their political rights, as a form of “racial preference.” The Alaska Native Claims Settlement Act (ANCSA), for example, states that the settlement of the land claims was to be accomplished “...without establishing any permanent *racially defined institutions, rights, privileges, or obligations.*”

Of vital importance for indigenous peoples in the United States and Canada are the sections of the UN Declaration relating to Treaties, agreements and other constructive arrangements, as well as self-determination. Most of Canada's landmass is covered by Treaties and agreements, including comprehensive and specific land claims agreements. Treaties have played a pivotal role in the shaping of the U.S. as well, with over 300 legally-binding ratified Treaties that are still in effect.¹⁶

Treaties between the Crown and indigenous peoples, the original Nations of what is now Canada, are the basis for the current legal relation between indigenous peoples and the rest of the population regarding use of the land and all forms of development. They serve as the basis for mutually beneficial historical commitments between indigenous peoples and the Crown.¹⁷

The Right to Free, Prior and Informed Consent (FPIC)

Indigenous Peoples successfully asserted over many years that the UN Declaration constitutes the “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” (Article 43). The Right to Free, Prior and Informed Consent, and states' obligation to obtain it, is an essential underpinning for the exercise of these rights. Now that this is recognized as the “minimum standard,” indigenous peoples cannot be expected to accept negotiation processes with states to redress Treaty, land and other rights violations under terms that fall below the basic, minimal provisions contained in the Declaration.

Consent is also a Treaty principle as affirmed in the 1868 Ft Laramie Treaty between the Great Sioux Nation and the U.S., as well as in Treaties 6, 7 and 8¹⁸ with the British Crown.

Indigenous peoples are now insisting on the full implementation of FPIC in their negotiations with states on issues

that impact their lands and resources (including the right to say “no” to development they consider harmful) and to ensure their full and effective participation in international processes, bodies and United Nations and regional standard setting processes

This includes the ongoing work of indigenous peoples at the UN Framework Convention on Climate Change sessions, in the new UNEP Treaty on the Elimination of Mercury, and at the ongoing negotiating sessions of the Organization of American States on the American Declaration on the Rights of Indigenous Peoples.

Article 42 of the UN Declaration makes it clear that indigenous peoples should expect and accept no less in these processes:

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

There are also many examples of ways that indigenous peoples are using the UN Declaration and other international human rights standards to assert the right of FPIC to oppose unsustainable development in their homelands, and in their negotiations and interactions with state governments and their political subdivisions.

For example, Chickaloon Village Traditional Council (CVTC) in Alaska is in a protracted struggle in opposition to the proposed Usabelli Coal Strip Mine in a culturally and spiritually significant area used to hunt, gather and prepare for tribal ceremonies. The proposed mine site is directly adjacent to a recently-restored salmon spawning river, close to the Ya Ne Da Ah Tribal School.

Shawna Larson, Chickaloon Native Village Traditional Council member, and a spokesperson for the Tribe on this issue recently released this statement:

Our Traditional Council is both the traditional authority in this area and a federally recognized Tribal government and we have occupied and used this area since time immemorial. CVTC has stated its opposition to this coal mine and our position is based on our human rights under international law and in particular as contained in the UN Declaration on the Rights of Indigenous Peoples. The Tribe informed the Matanuska Susitna Borough Assembly before they approved the new 25-year lease for the coal mine on June 15, 2010, that doing this would violate our human rights.

This includes our right to free, prior informed consent regarding development as expressed in Article 32 of the Declaration as well as in General Recommendation 23 of the International Convention all Forms of Racial Discrimination, to which the U.S. is a Party. The Declaration also recognizes our rights to Subsistence (Article 20), to maintain our spiritual relationship with our traditional lands and waters (Article 25), to health (Articles 21, 23 and 24), to the protection of the environment and the productive capacity of our lands (Article 29), and to measures to protect our children (Article 21). Now that the U.S. government is in the process of formally reviewing its position in opposition to the Declaration, we call upon them to intervene and prevent this violation from occurring here in our traditional homelands. We will continue to use the Declaration to assert and explain our right to Consent and we plan to take our case to a range of bodies until we prevail, for the sake of our culture, our health and our future generations.

The Maskwacîs Cree and other Nations of Treaties 6, 7 and 8 in Canada, acting as indigenous governments, have passed resolutions affirming, adopting and supporting the UN Declaration as a minimum standard for their survival, dignity and well being. A growing number of other indigenous nations, Tribal governments, including the Seminole nation of Oklahoma and Pit River Tribe in California, have also formally adopted and affirmed the Declaration. They are implementing and using it very effectively as a basis for their laws, court decisions, policies and ordinances as well as for the protection of their homelands and sacred sites.

The Tar Sands: A Worse-case Example of Unsustainable Development when Treaties and Other Rights are Not Respected

The massive tar sands development in Northern Alberta, Canada, which emits more greenhouse gasses each year than all the cars in Canada combined, is being carried out in violation of the Treaty Rights and free, prior and informed consent of a number of impacted Tribal Nations in Canada. In this, and most other cases when indigenous peoples oppose unsustainable development on their lands and waters, they are labeled as adversaries in the way of “development,” sometimes with dire results. This was addressed recently at the Committee on the Elimination of Racial Discrimination’s review of Canada at its 80th Session in Geneva. Dene Nation Chief Bill Erasmus and IITC Board member from Beaver Lake Cree Nation Ronald Lameman made the following submission regarding the devastating impacts of the tar sands development:

A glaring abuse of indigenous peoples’ rights is taking place through the Canada’s Province of Alberta’s support for and licensing of corporations to carry out oil extraction from “tar sands” in Northern Alberta. Tar sands (also referred to as oil sands) are a combination of clay, sand, water, and bitumen, a heavy black viscous oil. Tar sands are mined and processed to extract the oil-rich bitumen, which is then refined into oil. The bitumen in tar sands cannot be pumped from the ground in its natural state; instead tar sand deposits are mined, usually using strip mining or open pit techniques, or the oil is extracted by underground heating, the injection of hot water and steam, with additional toxic chemicals added to the mix. About two tons of tar sands are required to produce one barrel of oil, requiring several barrels of water for every barrel of oil produced. The extracting the oil from sand and clay is a highly industrialized process infecting very large areas of land, resulting in the destruction of entire ecosystems. Tar sands mining is a major source of greenhouse gas emissions

and a major contributor to climate change and global warming. The greenhouse gas emission (GHG) in the production of conventional oil is greatly exceeded by tar sands production. Tar sands oil development also requires large amounts of fresh water and produces large amounts of toxic wastes.

The area of north-eastern Alberta within the Treaty No. 6 and Treaty No. 8 territories known as the “Tar Sands” continues to be a national sacrifice area as it pertains to the indigenous peoples affected by this, the most destructive project on earth. Although the Chiefs of Treaty No. 6, Treaty No. 7 and Treaty No. 8 (Alberta) through their All Chiefs Assembly known as the AoTC (Assembly of Treaty Chiefs) have called for a moratorium¹⁹ on any further expansion of this development, the government of Alberta continues to grant leases, licenses and permits to the extraction companies.

Our Treaty partner, the federal Crown, sits back and does nothing to support the actions and concerns of the Indigenous Treaty Nations of this part of Canada. There is growing opposition locally, nationally and globally to any further expansion until such time the multinational and transnational corporations can show the world that this resource can be extracted in a sustainable manner that does not threaten the very delicate ecosystem in the affected area. At present there are numerous problems that have been attributed to continued unabated extraction activities of a majority of the oil companies that have converged on this sensitive ecosystem from all parts of the globe. A few examples include increased cancer rates amongst indigenous peoples who are downstream from the project; huge toxic tailings ponds leaching poison, including arsenic, into the environment and water sources; the diversion of water from the Athabasca River on a daily basis with no thought about the short or long term effects on the health of one of the most pristine rivers in the world; destruction of wildlife habitat, pollution of lakes and streams by the ever expanding nature of the exploration and extraction activities of the oil companies, 24 hours a day, 7 days a week, 365 days a year; and total disregard for the Treaty Rights to fish, gather, hunt and trap of the Indigenous Treaty

Peoples within the tar sands area as this activity is going ahead without the free, prior and informed consent of the Indigenous Treaty Nations concerned. The tar sands developments have effectively placed significant limitations on our ability as indigenous peoples to exercise our economic, social and cultural rights in our lands and territories, which is not only an immediate impact but will stretch far into the future and the livelihoods of future generations.

On September 16, 2011 the Dene Nation along with other First Nations, tribal leaders and property owners from the United States and Canada worked together to draft the Mother Earth Accord, attached to our Joint Indigenous Alternative Report (submitted by International Indian Treaty Council). The Mother Earth Accord has over 60 pages of supporting documentation representing numerous endorsements from all over North America. The Accord lays out reasons for opposing the proposed Keystone XL pipeline, which would transport tar sands crude oil from Alberta to refineries in the southern U.S. Among other things, the Accord calls for a moratorium on tar sands developments, full consultation under the principles of free, prior and informed consent, and a rejection by the White House of the Presidential Permit required to construct the pipeline.

Recently, documents obtained by Greenpeace Canada under the Access to Information Act revealed that the federal government had, in an internal document, labeled aboriginal peoples and 'green groups' or environmental non-governmental organizations as 'adversaries' of the Canadian government with respect to the tar sands developments..."²⁰

Corporate Accountability

The central role of corporations and their privileged place in the economy and governance of the U.S. and Canada cannot be overlooked in this discussion. The states' obligation to curtail the human rights violations of the corporations they license is also beginning to be recognized internationally. In 2008, the Committee on the Elimination of Racial Discrimination, further to their review of the United States under the International Convention on the Elimination of All Forms of Racial Discrimination, expressed concerns about the adverse effects of exploitation of natural resources by U.S. transnational corporations "on rights to land, health, living environment and the way of life of indigenous peoples," and called upon the U.S. to take appropriate legislative and administrative measures to prevent transnationals it registers "from negatively impacting on the enjoyment of rights of indigenous peoples in territories outside the United States." In 2012,²¹ CERD found that while Canada "has enacted a Corporate Responsibility Strategy, the Committee is concerned that the State has not yet adopted measures with regard to transnational corporations registered in Canada whose activities negatively impact the rights of indigenous peoples outside Canada, in particular in mining activities." CERD went on to recommend that Canada "take appropriate legislative measures to prevent transnational corporations registered in Canada from carrying out activities that negatively impact on the enjoyment of rights of indigenous peoples in territories outside Canada, and hold them accountable."²²

An example of how rights of indigenous peoples are being violated by transnationals includes the Western Shoshone in Nevada, USA. They continue to suffer impacts of gold mining carried out by Barrick Gold Corporation, the largest gold producer in the world based in Toronto Canada. Barrick has operated a massive open pit gold mine in Western Shoshone Treaty lands since 1965. The mine continues to destroy and desecrate the sacred mountain Mt. Tenabo which is used for ceremonies and food gathering, despite the Western Shoshone's consistent vehement opposition.

In November 2008, nearly two years after the CERD issued its initial recommendation on corporate accountability to Canada, Barrick carried out a massive clear cut of pine trees to make way for the Cortez Hills Expansion Project on one side of Mt. Tenabo. Western Shoshone Elder Carrie Dann visited the site and viewed the destruction, calling it a “war zone against the trees by the Barrick Gold Company.” Larson Bill of the Western Shoshone Defense Project affirmed that “Shoshone Nation has not seen or heard any movement by Canada or their companies to properly address their Social responsibilities to the affected communities of the Shoshone People.”

Another example includes indigenous peoples in Guatemala who continue to be impacted by Goldcorp’s Marlin 1 Mine, operated by Goldcorp subsidiary Montana Exploradora de Guatemala S.A. Goldcorp, based in Vancouver, Canada, is the second largest gold mining company in the world. Its shareholders include the Canada Pension Plan Investment Board, a federal Crown corporation. Marlin 1 open pit strip mine, which uses highly toxic sodium cyanide for ore extraction, is located in the indigenous municipalities of Sipacapa and San Miguel Ixtahuacán. It has been the focus of opposition by local communities since it was established in 2004, including in a number of formal referendums. These communities report contamination of ground water affecting food production, chronic illnesses among the children, persistent skin diseases and liver cancers, forced displacement of families and political repression of protesters. Testimony submitted to International Indian Treaty Council on January 6, 2012 by the Centro Pluricultural para la Democracia in Quetzaltenango Guatemala stated that “Despite the recommendations of United Nations bodies such as the ILO and the CERD, the company continues operating and causing adverse impacts on the life of the communities and indigenous peoples in Guatemala.”

Yet another recent example of repression resulting from community opposition to a Canadian mining company’s activities occurred in Oaxaca, Mexico on January 18, 2012. Community members had gathered to protest construction of

a pipeline which would channel community groundwater to the mine operated by Cuzcatlán, a subsidiary of the Canadian mining company Fortuna Silver Mines, Inc. with corporate headquarters in Vancouver, British Columbia. Saul Vicente Vasquez, indigenous expert member of the UN Permanent Forum on Indigenous Issues (UNPFII) from Oaxaca, Mexico, expressed concern on behalf of the UNPFII “over the lamentable, violent occurrences of this past January 18 in the community of San José del Progreso, in which Abigail Vázquez Sánchez was wounded and Bernardo Méndez Vázquez lost his life...” He reported that members of the community organization stated to him that “the Cuzcatlán mining company, an affiliate of the Canadian mining company Fortuna Silver, maintains a paramilitary group in the community, and the mining company’s installations are guarded by the state police.”

These compelling, ongoing examples demonstrate a pattern of failure by Canada to implement the CERD’s previous recommendation to hold Canadian mining companies operating with impunity outside Canada accountable for human rights violations against indigenous peoples. These examples also demonstrate that human rights as a fundamental component of sustainable development must be fully recognized both in the immediate and long term within the Rio +20 process.



Conclusion

Indigenous peoples and states now have a clear and compelling mandate, represented by the vote of 144 states from all regions of the world on September 13, 2007, to bring development in line with international human rights standards and principles, including free, prior and informed consent, cultural and treaty rights. We have an historic opportunity to step away from the failed, unsustainable and unjust development models of the past and undertake a new way forward based on respect and recognition for the knowledge and contributions of indigenous peoples and responsibility for the Natural World and future generations.

The modern approach to development prioritizes the short term benefits of consumption for human beings over the long-term survival of the natural environment—the land, water, air, plants, animals and minerals upon which all our lives depend. It prioritizes the survival and human rights of some Peoples over others, giving rise to now accepted terms such as “Environmental Racism” and, more recently, “Environmental Violence.”

Reversing this paradigm and the widespread environmental degradation it has caused, including the climate crisis and other impacts, requires recognition of the rights of indigenous peoples to ensure the continued transmission, dissemination and integrity of their traditional knowledge and practices, as well as their rights to the lands and resources they have traditionally owned, occupied or otherwise used or acquired.

The vital importance of indigenous participation in decision making about sustainable development and environmental protection relates not only to the recognition of indigenous knowledge systems and traditional practices but the full, effective and formal participation of indigenous peoples in decision making processes at all levels. We have the historic opportunity, the framework and the urgent need to act. It is up to us to do so for the survival of all Peoples and our future generations.

*Witness our being, our existence
See that we are careful to hold tight our identity
Hear that we continue to sing our songs, intone our stories
Reaching into the past and the future, touching the spirit(s)
each to the other
Earth, water, air, fire
Feel our words, feel our intention
Witness with your whole being, with your eyes, your ears, the
work in your hands, the openness of your heart.*

Endnotes

¹ Elder Norman Sunchild, 2000, "FSIN Elders Forum, Jackfish Lake Lodge, Cochin Saskatchewan." Thunderchild First Nation, Treaty 6, November 16, 1997. In Cardinal, Harold and Walter Hildebrandt, trans. *Treaty Elders of Saskatchewan*. Translated from the Indigenous Cree language. University of Calgary Press.

² United Nations Declaration on the Rights of Indigenous Peoples, Article 29 (1).

³ See "Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples." Accessed November 12, 2010. <http://www.aadnc-aandc.gc.ca/eng/1309374239861>. In particular the following detailed statement of Canada's concerns with the Declaration: "In 2007, at the time of the vote during the United Nations General Assembly, and since, Canada placed on record its concerns with various provisions of the Declaration, including provisions dealing with lands, territories and resources; free, prior and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of indigenous peoples, states and third parties. These concerns are well known and remain."

⁴ Minister of the Department of Aboriginal and Northern Affairs, 2011, "Aboriginal Consultation and Accommodation Updated Guidelines for Federal Officials to Fulfill the Duty to Consult." Accessed March. <http://www.aadnc-aandc.gc.ca/eng/1100100014664>.

⁵ UN Declaration on the Rights of Indigenous Peoples, Article 25.

⁶ Abdelfattah Amor, 1999, "Special Rapporteur on religious intolerance, Visit to the United States of America." Report submitted to the Commission on Human Rights. UN Doc. E/CN.4/1999/58/Add.1, para. 74, 9 December.

⁷ Id, at paragraph 82. Article 1 section 3 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief states. "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others." Article 18 (Freedom of Thought, Conscience and Religion) section 3, of the International Covenant on Civil and Political rights contains the identical language.

⁸ Report of the North America Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Seventh Session (UNPFII7) E/C.19/2008/CRP4. February 22 and 23, 2008, Coast Salish Territory, Vancouver, British Columbia. Hosted by: First Nations Summit, Co-Chaired by Grand Chief Edward John, Tl'azt'en

Nation, and Kenneth Deer, Mohawk Nation at Kahnawake. Prepared and Submitted by Co-Rapporteurs Andrea Carmen (Yaqui Nation), International Indian Treaty Council and Celeste McKay (Métis Nation), Native Women's Association of Canada.

⁹ Preamble paragraph, UN Declaration on the Rights of Indigenous Peoples.

¹⁰ John Borrows, 2010, *Canada's Indigenous Constitution*, Toronto: University of Toronto Press, 29.

¹¹ M. Alfonso Martinez, "Study on Treaties, Agreements and Other Constructive Arrangements Between States and Indigenous Populations." E/CN.4/Sub.2/1999/20, including paragraphs: 270. This leads to the issue of whether or not treaties and other legal instruments concluded by the European settlers and their successors with indigenous nations currently continue to be instruments with international status in light of international law. 271. The Special Rapporteur is of the opinion that said instruments indeed continue to maintain their original status, and to be fully in effect and consequently, are sources of rights and obligations for all the original parties to them (or their successors), who shall fulfill their provisions in good faith. 272. The legal reasoning supporting the above Conclusion is very simple and the Special Rapporteur is not breaking any new ground in this respect. Treaties without an expiration date are to be considered as continuing in effect until all the parties to it decide to terminate them, unless otherwise established in the text of the instrument itself, or unless, its invalidity is declared.

¹² International Indian Treaty Council Press Release 2012.

¹³ See Report on United Nations seminar on treaties, agreements and other constructive arrangements, July 2010 A/HRC/EMRIP/2010/5, at paragraph 10: "As in previous discussions relating to treaties, agreements and other constructive arrangements between states and indigenous peoples, indigenous participants underlined the important role played by treaties in determining their relationship with the states in which they lived. The treaties were perceived by some of the experts as having a legally-binding character and were considered indispensable as a framework for the resolution of conflicts. It was noted that the history of treaty-breaking by governments over the years had undermined confidence between the parties, and that this was compounded by differing interpretations or understandings of treaties."

¹⁴ See "Paulette v. Registrar of Titles." No.2 (1973), 42 D.L.R. (3d) 8 at 14, wherein the Supreme Court of the Northwest Territories recognized Treaty No.8 and Treaty No. 11 were "peace" treaties that did not effectively terminate or extinguish Aboriginal title. In fact, the treaties were found to have only dealt with issues of continuation of life-ways—hunting and fishing for example—and not a complete surrender of the land itself.

¹⁵ United States Universal Period Report para 399.

¹⁶ See list online at: <http://www.firstpeople.us/FP-Html-Treaties/Treaties.html>.

¹⁷ Types of Treaties, Agreements and other Constructive Arrangements: Peace and Friendship Treaties, the historical “numbered treaties,” being Treaties #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 11 (1871-1921); the Robinson Huron and Robinson Superior Treaties of 1850; the Douglas Treaties (of Vancouver Island 1850-1854); the Williams Treaties (1923)—see Map of Historical Treaties *supra*. Also see the over 35 modern land claim agreements, with many others currently under negotiation. <http://landclaimscoalition.ca/map.php>.

¹⁸ Treaty 6 (1876, adhesion 1889), Treaty 7 (1877) and Treaty 8 (1899).

¹⁹ Assembly of Treaty Chiefs, Treaties 6, 7 and 8 Resolution 2008.

²⁰ United Nations Committee on the Elimination of Racial Discrimination 80th Session, Review of Canada's 19th and 20th Periodic Reviews. Oral Intervention by the International Indian Treaty Council, February 20th, 2012. Presented by Ron Lameman and Chief Bill Erasmus.

²¹ This recommendation was a follow-up to a previous similar recommendation of the CERD to Canada in 2007.

²² CERD.C.CAN.CO19-20 at section 14.



WORKING DOCUMENT FOR THE RIO +20 CONFERENCE

LATIN AMERICA & THE CARIBBEAN REGION

International Indian Treaty Council



Introduction

Twenty years following the Earth Summit, the Latin American region has made progress in democracy building. In the words of the former Brazilian President Lula da Silva:

Our region... [b]ecame aware of its own strength and of the need to forge its own path towards development... In recent years, the region has seen a wave of popular democracy and robust growth...democracy is being exercised in our beloved Latin America to an extent that had not been seen for a long time, for many decades. We never imagined that there could be a Mayan leader governing in Guatemala, a journalist governing in El Salvador, a metal worker governing Brazil, an indigenous person governing Bolivia. The victories of our continent's social movement are moving forward in that

direction. We could state that this as an historic moment of increased democracy. The driving force behind these democracies are the historically excluded and disinherited classes, who today are finding their place and their voice, in societies that no longer ignore them....¹

In this context, indigenous peoples, their communities, the men and women who are their leaders, are coming to Rio +20 strengthened by the United Nations Declaration on the Rights of Indigenous Peoples. The recognition of their individual and collective rights can be considered one of the advances in democracy building. The movement of indigenous peoples, the movement of indigenous women, have contributed in to the process heading into Rio +20, taking of positions, and contributing with their knowledge and experience.

These 20 years have seen peoples, groups, academic and scientific communities build the social process of critical analysis, of proposal making and accountability. And over these 20 years the states have developed instruments and mechanisms to make progress on the Johannesburg Plan of Implementation (JPOI). It has been a very difficult process to build.

Despite the gains made in democratization, Latin America and the Caribbean still have the world's highest rates of inequality. Inequality, one of the causes of poverty, poses an obstacle to sustainable human development. Inequality disrupts processes, generates violence and insecurity and places economic interests over the interests of the rights of persons and of nature.

Liberalization of markets and financial systems has also contributed to exacerbating inequality and thus poverty. The world is facing its worst economic and financial crisis. Latin America has performed well under the circumstances. Yet the global crisis and the predominant capitalist perspective are the principal obstacle for fulfillment of the Johannesburg Plan of Implementation.

Twenty years ago, analyses and reflections on the dangers threatening the life of the planet led to resolutions, treaties,

conventions, and protocols to respond to the threats. As the process unfolded, indigenous peoples were identified as a major group, not only on account of how they suffer the effects of environmental deterioration, but also on account of the alternatives they can offer to transform that reality.

Today, indigenous peoples are in a better position for the discussion, but there is great concern over the processes engaged in together along this 20-year journey. Progress has been fragmented and piecemeal. The policies, regulations and programs are not aimed at identifying, comprehending and intervening upon the causes of the problems, and thus the solutions are inefficient and insufficient. It is not possible to protect life, the environment, natural resources, water, energy and the viability of the planet based on economic calculations, based upon unequal, hierarchically structured societies and based upon ethnocentric visions.

Given these concerns, we present this document, which makes a critical analysis of progress, setbacks and challenges for the principal elements of the Indigenous Peoples' Plan of Implementation on Sustainable Development.

The great challenges we are facing today are the same ones we identified in 1992, in addition to other new ones, resulting from failure to resolve the old ones: climate change, poverty and food poverty, inequality, and destruction of biodiversity and of ecosystems.

The aim pursued by indigenous peoples at this meeting is to participate, contribute, and negotiate, but above all, to aid in the search for a possible, viable, negotiable alternative that responds to the needs of all groups, of all countries, of all sectors, but first and foremost that responds to the demands for all rights: individual rights, collective rights, the rights of nature, the rights of women, the rights of indigenous peoples, in other words, all rights of humanity and of life.

Worldview and Spirituality

The Indigenous Peoples Plan of Implementation on Sustainable Development called for incorporating the concept of cultural damage into impact assessments as part of the legal instruments that will safeguard the integrity of indigenous peoples when facing mega-projects in energy, mining, tourism, and forestry sectors, and other unsustainable activities.

In the Declaration of Kari-Oca, the Indigenous Peoples' Earth Charter, and the Kimberley Declaration, we reaffirmed that our relationship with Mother Earth is the basis and foundation of our entire life system. In those declarations, we ratified the statements contained in Articles 1, 2, 16 and 17 of the Earth Charter of the Indigenous Peoples, which set forth our demand for the Right to Life and our right to conserve our traditional and spiritual ways of life.

It is important to indicate that the Inter-American Court of Human Rights (ICHR) has generated case law in its rulings on three emblematic cases:

- Aloeboetoe v. Suriname;
- Villagrán Morales v. Guatemala;
- Bámaca Velázquez v. Guatemala.

The case of Aloeboetoe et al. versus Suriname (Reparations, Judgment of September 10, 1993), in which the Court, when determining the amount of reparations to family members of the victims, took the customary law of the Saramaca community itself (the maroons, to which the victims belonged) into account, where polygamy prevailed, and thus extended the amount of reparations to all of the victim's widows and their children. Thus, the Court considered as valid law the existence of ancestral customs of the indigenous peoples (Indigenous Customary Law) in determining the state's liability.

The foregoing case is further supported by the case of Villagrán Morales et al. versus Guatemala, 2001, which underscored the importance for the Court of bearing in mind the intensity of human suffering, including its intensity for society: "...Even if those responsible for the established order do not perceive it, the suffering of the excluded ones is ineluctably projected into the whole social corpus. ...Human suffering has a dimension which is both personal and

social. Thus, the damage caused to each human being, however humble he might be, affects the community itself as a whole. ...The victims are multiplied in the persons of the surviving close relatives, who, furthermore, are forced to live with the great pain inflicted by the silence, the indifference and the oblivion of the others."²

Another emblematic case at the Inter-American Court of Human Rights is presented below:

The case Efraín Bámaca Velásquez 1992. An indigenous Mayan Guatemalan farmer, 35 years of age, who, based on his qualities as an indigenous leader, joined the Commandership of the Guatemalan National Revolutionary Unity – URNG. After an encounter with the Army on March 12, 1992, Bámaca Velásquez was taken prisoner, tortured, and finally executed; but his remains were not returned to his family members, which constituted a damage with particular effects for the community as a whole.

In the separate opinion of Judge Cançado Trindade, we read, "In this Bámaca Velásquez case, the Court has duly assessed and highlighted the importance of respect for the mortal remains of a person, and the special significance what this means in particular for the Mayan culture, to which the victim, Mr. Efraín Bámaca Velásquez belonged. In various parts of this Judgment, the Court has taken note that, for those who belong to that culture, the cultural cycle formed by life and death closes with the funeral rites, which provide a 'shared moment' between the living with the dead and an 'encounter' between generations. These 'encounters' of the living with their dead have an entire pedagogy of their own, which preserves an 'integrated culture' and makes it possible for 'ethical and moral values' to be assimilated by one's children and grandchildren, who benefit from the entire cumulative experience. Thus, what is involved is not simply an encounter between the deceased and his or her own ancestors, but also the projection of that encounter in the persons of the living, of the new generations."

The Inter-American Court, based on these cases, has developed legal concepts that contribute to the construction of legal frameworks capable of protecting collective rights, and especially those related to the worldview and spirituality of indigenous peoples.

The contribution of indigenous peoples, on the one hand, has been their capacity for shaping and supporting the de-

mands that fostered the development of legal concepts and frameworks. Yet these cases were also won, which translated not only into the recognition of cultural, environmental and collective damages, but also, in all these cases, judgments that awarded restitution and protection.

At a regional level the experience is positive. Nonetheless, there are still great challenges for indigenous peoples, such as the Wixárika (Huichol) Nation in Mexico, who are suffering an assault on their sacred site by multinational mining companies. As indicated in the Kimberley Declaration, it is troubling that the activities of multinational mining corporations have caused the loss, desecration and deterioration of our lands and territories, causing enormous health problems, interfering with access to sacred sites, and occupying those sacred sites.

Recognition of the rights of indigenous peoples to their culture, worldview and spirituality, is embodied in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In said Declaration, the United Nations recognizes that respect for traditional indigenous knowledge, cultures and practices contributes to sustainable and equitable development and to proper organization of the environment. The UNDRIP, in its Article 11, establishes the right of indigenous peoples to practice and revitalize their traditions and cultural customs. That includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.



Self-Determination and Territory

Consultation and free, prior and informed consent, as well as the right to self-determination of indigenous peoples, constitute the core of international instruments that protect the rights of indigenous peoples. Even though 12 states in Latin America have ratified ILO Convention 169 and all the states of the region have signed the UNDRIP, the governments of

the region, are not implementing the right of the indigenous peoples to self-determination and to territory, and are not applying consultation or free, prior and informed consent. indigenous peoples, nonetheless, have worked arduously and systematically for their rights, and especially the right to self-determination and autonomy.

In Nicaragua in the year 1987, 20 years before the approval of the UNDRIP, the Regional Autonomy Act was passed. Nicaragua was the only country in the region that recognizes regional autonomy in national legislation. In Latin America, other indigenous peoples are building their autonomy in the face of fierce resistance, in the majority of cases from multinational economic interests. In Mexico, indigenous communities that confronted the government in 1994 are now, 18 years later, peacefully building autonomous government systems. These efforts have not only gone unrecognized by the governments of the states, but often the movements for collective rights, despite being recognized in laws and constitutions, are criminalized. This is evidenced by the case presented below:

Case of Raúl Hernández Abundio. Raúl Hernández Abundio regained his freedom on August 27, 2010, in the State of Guerrero, Mexico, upon proving his innocence, two years after being arrested.

His situation has been included in the report entitled “Criminalización de los defensores de derechos humanos y de la protesta social en México (Criminalization of Human Rights and of Social Protest in Mexico).” The judgment demonstrates that the evidence submitted by Raúl and his defense attorney was truthful and substantial. It also confirms the inconsistencies of the accusations, which national and international human rights organizations previously denounced, with the firm conviction and belief in Raúl's innocence and that his incarceration was a consequence of the constant denunciation of human rights violations that he selflessly decided to make through his organization starting in 1998.

The Inter-American Court of Human Rights has built a solid international legal framework for resolving conflicts that arise between the states and indigenous communities. This process began with the judgment issued in 2001 in the case of the denunciation by the “Awastingni” Mayagna community against the Government of Nicaragua in 2001.

Awás Tingni Case, Nicaragua. In the stage for production of evidence on the community's land rights, reports were received from several witnesses and experts. It is worth highlighting certain foundations of the reports that served the High Court in formulating its own opinion: "The territory of the Mayagna is vital for their cultural, religious, and family development, and for their very subsistence, as they carry out hunting activities (they hunt wild boar) and they fish (moving along the Wawa River), and they also cultivate the land. It is a right of all members of the Community to farm the land, hunt, fish, and gather medicinal plants; however, sale and privatization of those resources are forbidden... The territory is sacred for them, and throughout the territory there are several hills which have a major religious importance, such as Cerro Mono, Cerro Urus Asang, Cerro Kiamak and Cerro Quitiris. There are also sacred places, where the Community has fruit trees such as pejobaye, lemon and avocado. When the inhabitants of Awás Tingni go through these places, which date 300 centuries, according to what his grandfather said, they do so in silence as a sign of respect for their dead ancestors, and they greet Asangpas Muigeni, the spirit of the mountain, who lives under the hills."

Testimony of Charly Webster Mclean Cornelio, Secretary of the Awás Tingni Territorial Committee. "The hills located in the territory of the Community are very important. The 'spirits of the mountain,' *jefes del monte*, which in Mayagna are called 'Asangpas Muigeni,' live in them, and it is they who control the animals throughout that region. To make use of those animals, one must have a special relationship with the spirits. Oftentimes the cacique, who is a sort of *chaman* called Ditelian, can maintain such a relationship with the spirits. Therefore, the animals' presence and the possibility of hunting them is based on their cosmovision and has much to do with the boundaries, because according to them these masters of the mountain own the animals, especially the wild boars which move in packs around the mountains. There is then a strong tie with the surroundings, with those sacred places, with the spirits that live within, and the brothers who are members of the Community."

Testimony of Theodore Macdonald Jr., anthropologist. There are two sacred places in the border areas: cemeteries, which are currently visited often by members of the Community and are located along the Wawa River; these are old settlements, which they visit when they go hunting. To go hunting is, to a certain point, a spiritual act, and it has much to do with the territory with they utilize. The second type of sacred area are the hills."

Among the principal cases decided by the IACHR are:

1. Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Judgment of August 31, 2001. Series C No. 79;
2. Case Community Indigenous Yakye Axa v. Paraguay. Merits, Reparations and Costs. Judgment of June 17, 2005;
3. Case of Moiwana Village v. Suriname. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 15, 2005;
4. Case of the Sawhoyamaya Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of March 29, 2006;
5. Case of the Case of the Saramaka People v. Suriname. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 28, 2007;
6. Case of the Saramaka People v. Suriname. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of August 12, 2008.

The international legal framework is consolidating. Nonetheless, those states that have recognized their multicultural nature have yet to incorporate norms and mechanisms into their legal frameworks to protect the rights of indigenous peoples, clearly expressed in UNDRIP whose Article 3 indicates that indigenous peoples have the right to self-determination; to freely determine their political status and freely pursue their economic, social and cultural development. In its Article 25 the UNDRIP establishes the right of indigenous peoples to maintain and strengthen their distinctive spiritual relationship with their traditionally-owned or otherwise occupied and used lands, territories, waters, coastal seas and other resources and to uphold their responsibilities to future generations in this regard. Article 26 establishes the right of indigenous peoples to the lands, territories and which they have traditionally owned, occupied or otherwise used or acquired.

Furthermore, at Rio +20 the positions are being reaffirmed that were indicated in the Kimberley Declaration which propose that, if associations are established to attain human and environmental sustainability, they must be founded on the

principles of guaranteeing the rights of indigenous peoples to the land and to self-determination.

The documents and proposals for Rio +20 indicate that sustainable development will only be possible when three pillars are addressed simultaneously and comprehensively: the social pillar, the economic pillar and the environmental pillar. Those three pillars are not sufficient. Thus, the indigenous peoples propose the inclusion of two other pillars: the cultural pillar and the territorial pillar. We consider territory to be a space that has an identity, culture and history, with potential and opportunity for economic development based on its human, environmental and material assets. The indigenous peoples propose a different perspective, which harmonizes and brings together the above-mentioned pillars, with a solid backbone of principles and rights.

It is important to consider that before the Earth Summit of 1992, the only specific instrument for the protection of human rights of indigenous peoples was ILO Convention 169, approved in 1989 and ratified by Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, and Venezuela. Also leading up to the Earth Summit, in 1990 the historic march of the Confederation of the Indigenous Peoples of Bolivia took place; in 1992 Rigoberta Menchú received the Nobel Peace Prize; in 1994 the uprising took place of the Zapatista Movement for National Liberation in Mexico; and, in the same year the Confederation of Indigenous Nations of Ecuador (CONAIE) was founded. Simultaneous to those advances and as a result thereof, in the 1990s constitutional reforms were attained in the Latin American states, where the states recognized themselves as multinational, multiethnic states: Colombia in 1991, Mexico in 1992, Peru in 1993, Bolivia in 1994, and Ecuador in 1998.

In 1993, the United Nations declared the International Year of Indigenous Peoples; in 1995 the first International Decade of Indigenous Peoples was declared, lasting until 2004; and, given the scant achievements of the decade, the Second Decade was declared in 2005, to last up until 2015.

Starting in the 1990s and continuing into the start of the second millennium, the indigenous movement, the environmentalist movement and the women's movement gained prominence and, within the United Nations and the Organization of American States (OAS), were able to attain a strengthening of legal frameworks for the protection of human rights; as well as mechanisms, agreements and protocols to advance in building sustainable human development.

In 2002, the United Nations Permanent Forum on Indigenous Issues (UNPFII) was created, which is the space of indigenous peoples in the international community.



Position and Strengths of the Indigenous Peoples

At Rio +20 the indigenous peoples, using their knowledge and experiences, seek to open a space for hope. It is possible to counter the tyranny of the markets with proven, validated alternative proposals, with good practices, with principles, with scientific knowledge, with culture, tradition, with a cultural diversity-based approach, with a gender and inter-generational-based approach, which in their worldview, translates into *buen vivir* (living in a good way) among all peoples, all cultures, all generations, and all local spaces.

These alternative proposals, which can guide the demands of indigenous peoples at Rio +20, can focus on five principal aspects:

1. Defense of the shared assets of the humanity: Tangible and intangible assets (water, rivers, oceans, communal lands, ancestral lands, seeds, biodiversity, parks, plazas, landscapes, languages, memory, knowledge, etc.);
2. Shift from an anthropocentric civilization to a biocentric civilization, where natural resources, the environment and biodiversity are all elements of life, together with humanity. Establish and respect the rights of

- nature; redefine sustainable development, which goes far beyond economic growth and which does not depend on such growth; set policies so that countries that depend on activities to extract natural resources will find new forms of development. Conserve and promote renewable energy and consider the catastrophic effects of the production of agro-fuels;
3. Develop food sovereignty: Indigenous peoples and communities are the source of knowledge and experience for each locale to succeed in controlling the food assets it needs, that it produces. Food sovereignty is understood to be organic, sustainable production that guarantees quality, nutritional, varied production, naturally matured, and that also ensures the reactivation of local markets and the incorporation of productive work; expanding opportunities for local investment and economic, social and cultural development around healthy food, with cultural identity and secure access;
 4. The fourth proposal addresses the ethics of caretaking and new education for caretaking: caretaking for people and for nature—in other words, caretaking for life, based on knowledge, on healthy practices; caretaking supported by social economies, by economies of solidarity, built with work, unlike economies based on capital, on slave work, on lack of social protection and on depredation of nature. Caretaking connected to models of production and of consumption that do not contaminate waters or the environment, that do not concentrate land and capital, that do not engage in wars or the destruction of sacred sites and cultural spaces;
 5. The fifth proposal refers to the perspective of a cross-cutting, integral approach that deepens the processes of democracy in Latin America and the Caribbean, and that is connected to the struggle and commitment of social movements, and especially indigenous movements, women's movements, environmentalist movements, movements for the eradication of all forms of sexual, racial, ethnic, religious, and regional

discrimination; and movements for the eradication of all forms of violence and destruction.

Of strategic importance in the position taken by indigenous peoples is recognition of the contributions of women in sustainable production, in the reproduction of culture, of life, of nature, in caretaking of the community, of biodiversity and of nature.

Of strategic importance in the position taken by indigenous peoples is the recognition of youth and of children, not as the future, but as the present, as an active part of the proposals, as holders of rights and responsibilities, as part of the historic challenge of guaranteeing life, buen vivir and the planet for future generations.

Within this context and these positions, it can be stated that the principal advances involve the development of legal instruments and their implementation. In that regard, it is necessary to mention the importance in Latin America of the Inter-American Court of the Human Rights, where case law has been developed, built on the instruments for protection of the collective rights of indigenous peoples. The IACHR has been a privileged implementation space, whose work is providing a series of good practices. These good practices, which generate judgments, legal theories and case law, constitute two fundamental elements for the Rio +20 position:

1. The real possibility of compliance with norms, the need for political will from the states, and the capacities of movements to achieve their demands;
2. On the other hand, the need to fill in the gaps in those same legal instruments, whether national, regional or international.

Below, we provide some examples:

- Convention on Biological Diversity and within it, the international obligatory norm of conducting Environmental Impact Studies (EIAs);

Furthermore, in a case related to indigenous peoples and Afro-descendants affected by mining activities, the Constitutional Court of Colombia considered that such authorizations implied that state has an obligation to plan the management of natural resources in order to ensure sustainable development and guarantee the rights of the affected indigenous peoples. To accomplish that, the state should have engaged in processes for free, prior and informed consent, and in said regard it had an obligation to conduct comprehensive EIAs. Since that did not occur, the Constitutional Court ordered the Colombian state to suspend mining activities until such studies were conducted in a comprehensive fashion and until the results were widely disseminated among the affected communities (Court Constitutional of Colombia. Judgment T-769 of 2009, 29 October 2009, Opinion written by Nilson Pinilla Pinilla).

The Convention on Wetlands of International Importance, known as the Ramsar Convention, is an intergovernmental treaty that serves as a framework for national action and international cooperation to conserve and promote the rational use of wetlands and their resources. Among others points, in accordance with the Ramsar Convention, "The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory." In order to ensure its observance, this convention has a Secretariat that can receive complaints when the states violate it. As such, for cases that affect indigenous rights and wetlands (mangroves, lakes, rivers, and others), this convention could be an avenue to demand that the states comply with their obligations.

On 10 June 2011, Mexico approved the reform of the Mexican Constitution to incorporate the Human Rights System as the core of the Constitution. This reform is in its first phase of study for implementation, but in and of itself, implies the obligatory recognition at all levels of government (municipal, state, national) and by all branches of government (executive, legislative and judiciary) of human rights and hence of the individual and collective rights of indigenous peoples. http://www.cmdpdh.org/index.php?option=com_content&view=article&id=366%3Adecreto-de-reforma-constitucional-en-materia-de-derechos-humanos&catid=47%3Adefensoras-y-defensores&Itemid=187&lang=ess.

- Convention on Wetlands of International Importance (Ramsar Convention);
- The Convention concerning the Protection of World Cultural and Natural Heritage of UNESCO;
- The Practical Guide to ILO Convention 169. 2009.

In particular, what reinforces the entire legal framework for the protection of biodiversity is the approval in the year 2007 of the UNDRIP. Not only has the UNDRIP strengthened existing instruments, but it gives such instruments a pertinent global context: the framework of individual and collective rights.

Endnotes

¹ Speech by the President of Brazil, Luiz Inácio Lula da Silva, during the High-Level Seminar of the Economic Commission for Latin America and the Caribbean (ECLAC). Brazil, 1 June 2010.

² Paragraph 22. Opinion of Judge Cançado Trindade.



RIO - A JOURNEY TOWARDS ACHIEVING SUSTAINABLE DEVELOPMENT BY INDIGENOUS PEOPLES & LOCAL COMMUNITIES OF AFRICA

*Lucy Mulenkei with contributions from Hindou Omaraou
Ibrahim and Gladman Chibememe*



Introduction

Indigenous peoples of Africa have taken a journey worth talking about, a journey that took hard work and struggle. Fighting for space and voice, and indeed as Mahatma Gandhi said “Every worthwhile accomplishment, big or little, has its stages of drudgery and triumph: a beginning, a struggle, and a victory.” This fits well the experiences for Africa in the past 15 years as indigenous peoples and their local communities tried hard to catch up with the rest of the world in understanding the global processes on sustainable development.

As the world met in Rio de Janeiro in 1992, there was no visibility of African indigenous peoples. Those if any were there, silently looked and listened to the world leaders coming up with documents which by then meant nothing serious to them.

Five years later in 1997, the same world leaders took stock. A 5-year review conducted then reported that little progress had been made in implementing the global sustainable development agenda. Here and again silently, indigenous peoples from Africa were absent when indigenous speakers from North America and Asia addressed the United Nations General Assembly, sending a message across to tell the world that the discussion is about lands and natural resources and that they belong to peoples who have been taking care of them for centuries.

The World Summit on Sustainable Development (WSSD) was convened in Johannesburg, South Africa in 2002. The goal of WSSD was to conduct a further (10-year) review of the implementation of the outcomes of UNCED (UN Conference on Environment and Development), particularly Agenda 21, and to reinvigorate global commitment to sustainable development. In September 2002, indigenous peoples of the world were now more prepared and were ready to converge in Johannesburg, South Africa at the WSSD.

African indigenous peoples and their communities at this time were visible, having worked in partnership with the rest from different parts of the globe in other processes. These processes included human rights, environmental and other development fora, which created awareness on the need to fully participate in development processes at all levels. It was a blessing that African indigenous peoples had tried hard to participate in a process which brought challenges that were hard to explain and to date are still a big challenge to many in the region including the question of "Who is indigenous and who is not?" This, however, did not discourage the participation and self-determination of the communities who were hungry for information and visibility. It was during the preparation for the WSSD that indigenous peoples from Africa hosted their brothers and sisters from different parts of the world for five days in Kimberley, South Africa for an Indigenous Peoples' Summit that helped develop a guideline that was a landmark in the inclusion of indigenous peoples worldwide in sustainable development processes. For many of us in Africa, this was the beginning of a journey that has proven worthwhile. And

indeed as the late US President Theodore Roosevelt said, “Far and away the best prize that life offers is the chance to work hard at work worth doing.”

In Kimberley, indigenous peoples worked hard and came up with the Kimberly Declaration and an Indigenous Peoples Plan of Implementation for Sustainable Development, which many of us have used to develop programs and projects, to train and build capacity for indigenous communities in our different regions. The Indigenous Peoples’ Summit in Kimberley reaffirmed the mutual solidarity in the struggle for social and environmental justice and asserted the rights to self-determination, to own, control, and manage their ancestral lands, territories, waters, and other resources. By the time the participants arrived in Johannesburg, indigenous peoples were focused and did their work there with one mind and one theme to tell the world the important role they play in sustainable development. It is the hard work that the WSSD appreciated and “reaffirmed the vital role of indigenous peoples in sustainable development” in the Johannesburg political declaration in 2002.

The work of indigenous peoples of Africa has been encouraging in that more organizations have emphasized working on environmental issues. These organizations and networks have created awareness and built and enhanced capacity for different communities. This process has helped the world know the problems and challenges these communities face. There has been keen interest in building on locally available resources and appreciating the available knowledge at the local level. One may say that there is 50 percent of awareness on environmental issues. It is however sad that as communities in Africa try to advance in implementing the Johannesburg plan of implementation, their efforts are pushed back by destructions of forests and the reduction of biodiversity in general. The importance of land security and land tenure system in the achievement of sustainable development cannot be over emphasized. This theme runs through both the agriculture section and the sustainable development for Africa section of the Rio +20 negotiations. This means that the issue of land tenure has a lot of bearing in the achievement of sustainable

development for all stakeholders, and indigenous peoples and local communities are no exceptions. The current conflicts in different countries and communities in Africa are associated with land tenure and access to resources.

Biodiversity is a key component of sustainable development supporting indigenous communities livelihoods in the region. It is being lost at unprecedented rates due to anthropogenic factors. Like other indigenous communities globally, communities in Africa have for centuries conserved and sustainably used biodiversity and shared benefits among them equitably, guided by their traditional institutions that exist among them. These communities have used their traditional knowledge (TK), innovations and practices embracing the values, norms, rules, and taboos as checks and balances in managing biodiversity. Like the Maasai of East Africa who are known for their conservation and coexistence with wildlife, the Shangaans of South Eastern Zimbabwe were noted to be "...great traditional conservationists and sustainable use practitioners" (Malilangwe 1998, 6; Chibememe 2003).

The Shangaan, a traditional group living in the southeast of Zimbabwe, had been moved off their land in the 1970s to allow for the creation of the Gonarezhou National Park. They used to hunt wildlife for their subsistence, but were forbidden to kill animals and they began to see wildlife as a nuisance, damaging their homes and destroying their crops. As a result, they were forced to poach and many of them were arrested. After several training and understanding the value of conservation and sustainable development, they—together with government, owners of conservancies and local NGOs—were allowed to use the benefits of wildlife for the development of their community, giving them an incentive to preserve the animals on their land in the National Park. They received the meat and a percentage of the revenue from commercial hunting on their land and the funds were used to improve their living conditions with schools, clinics and electricity and water supplies."

As with the example of Shagaan community, many African countries including Zimbabwe, Cote d'Ivoire, Uganda, and Kenya are reforming their national policies to meet the provisions of the Convention on Biological Diversity (CBD) (Vallejo and Stone 1998) and there is need for the Parties to the CBD

implementing and developing national legislation for regulating access and benefit sharing (ABS) (Carrizosa 2004) so that many more communities from Africa can learn more on the Nagoya Protocol and benefit, like the Shagaan. Like other indigenous peoples and their local communities, African indigenous peoples and local communities have never stopped. They have continued and this year 2012 comes another time again to go back to Rio de Janeiro with the rest of the world for the Rio +20 Summit. The objective of the conference is to secure renewed political commitment for sustainable development, assess progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development, and address new and emerging challenges.

The Rio +20 conference still brings memories for Africa on the progress of work for indigenous peoples and our Plan of Implementation on Sustainable Development. Today, African indigenous peoples work at all levels to fight for the rights of those particular groups, who are left on the margins of development and who are seen negatively by the dominant paradigms of development. This is mainly because their traditions and cultures are targets of discrimination. The African Commission of Human and Peoples' Rights has nominated a group of experts to work on the issues of the indigenous peoples and they have published reports, which explain the criteria to identify characteristics of indigenous peoples of Africa.

Our strength as indigenous peoples from Africa has also been enhanced by working with different partners, following the Commission on Sustainable Development (CSD) process of participation in the name of major groups.

Indigenous peoples have also been lucky in a way to work closely with African governments in different initiatives on environment (Rio Conventions and CSD) and other different inter-sessional activities in the implementation of sustainable development in Africa. We all appreciate that there is progress by the African states. We have seen this through the approaches undertaken with a mind of progress and partnership. National strategies of implementing Agenda 21 have been

visible and over 95 percent of countries have already ratified the main environmental conventions created in Rio 20 years ago. Progress has been seen in the development of national strategies, policies and institutional coordination mechanisms for sustainable development. There has been improvement of institutional mechanisms for following up on international obligations on integrated environmental considerations into development activities. National policies and laws relating to environment have been agreed upon and international environmental treaties have been supported and signed by African countries. A good example being the Nagoya Protocol on Access and Benefit-Sharing, which was fully supported in the process of its development by African governments, and later agreed in Nagoya during the 10th Conference of Parties to the CBD. African leaders, on the other hand, have continued to show commitments in discussing challenges in implementing sustainable development initiatives.

Africa has introduced very good initiatives and institutions formed at the regional level in the implementation of sustainable development. It is difficult to generalize that all have set sustainable development priorities that focus to implementing the Johannesburg Plan of Implementation (JPOI) provisions related to indigenous peoples and local communities. Suffice it to say that some African countries since WSSD have, through a number of policy and programs, set their sustainable development priorities. A case in point is the Zimbabwe National Sustainable Development Strategies 2004 and the Zimbabwe National Response to the Johannesburg Plan of Implementation, which summarizes the national policy priorities as follows: in setting out their priorities, Africa states and their partners have to consider the three pillars of sustainable development as provided for in the JPOI.

Fig 1.1: Sustainability and sustainable development

Indigenous Peoples and Local Communities' Participation in Policy Development and Implementation and Decision making. Source: Wollscheid 2007.

Despite the many successes, there have been emerging challenges that have pushed Africa as a continent behind in the process. Natural resources continue to deteriorate in Africa, unsustainable production and consumption, biodiversity loss and climate change are increasing poverty and instability and reducing options and opportunities for African countries in the future. Biodiversity resources sustain the livelihoods of millions of people in the region. Population pressure and climate change, occasioned by the new resource scramble for Africa, are but a few of those challenges that have brought with them scarcity of water, the food crisis, energy, drought, and desertification. One of the good example is the indigenous

Mbororo herders in Chad, who practice nomadic herding, are obliged to change their way of life from nomadism to semi-nomadic or sedentary living. They try to adapt themselves by traditional means to farming activities, but they do not gain enough for their livelihood and the cattle on which they are dependent often die or are sold.



In Kenya, the Indigenous Information Network—one of the organization that has been working with indigenous communities on sustainable development—undertook a series of capacity training activities immediately after WSSD, drawing from the outcome of the Indigenous Peoples Plan of Implementation. The focus was on Kenya, Uganda and Tanzania where nomadic pastoralist and hunter gatherers' communities move across the borders doing butter trade among themselves. This is mainly because they split in this three countries and work closely together using their own traditional governance systems. One of those communities

who made a remarkable achievement and brought changes in their families and those around them is the success story of the Merigo women group in Logologo of Marsabit County of Kenya.

This is a nomadic pastoralist group of the Rendille traditional community. This women—who live in the semi arid area of the Rendille—occupy an area in North-Eastern Province of Kenya from the Merille River and Serolivi in the south to Loyangalani in the north, from Marsabit and Merti in the east to Lontolio in the west. The primary towns include Marsabet, Laisamis, Merille, Logologo, Loyangalani, Korr, Kamboi, Ngurunit, and Kargi. The Rendille people are traditionally pastoralists, keeping goats, sheep, cattle, donkeys, and camels. Their nomadic lifestyle has become less prominent with the development of boreholes and centers that allow a more permanent existence.

It is here that the women started a center that they could try and undertake activities that could give them alternatives from the traditional economic activities of their communities—livestock herding. Prolonged drought and climate change have affected them and their communities. It was time to think of alternative livelihoods while appreciating the natural resources around them. Training on sustainable development brought knowledge to begin new activities that could help them green their environment and feed their families and communities.

They have now learned farming and have enhanced their land by planting trees and vegetation that can survive the harsh environment conditions. They are now financially empowered, can afford to buy what they want, take children to school, maintain their health, and are respected as decision makers and leaders in the community. They can now control their resources and are planning to expand their farms so as to produce more and earn more capital.

Indigenous peoples are among the first to directly suffer the many consequences mentioned. Key to this is climate change, because indigenous peoples of Africa are dependent on both the environment and on natural resources, and they



Merigo Rendille women from Logologo-Marsabit in Kenya proudly show their new alternative livelihoods.

are strongly connected to the land. Climate change increases the difficulties that they are already encountering, due to their vulnerabilities in regards to political, social and economic marginalization, the loss of land and the natural resources on which they are dependent, the violations of their rights, and all kinds of discrimination.

People and communities all over Africa, who identify themselves as indigenous peoples or indigenous communities, comprise diverse groups of hunter gatherers, nomadic pastoralists and other minority groups scattered around the

region. In most cases, the survival of their way of life depends on the recognition of their rights, access to land and to their traditional natural resources. They suffer discrimination because they are seen as less developed and advanced. They often live in inaccessible and geographically remote areas and they suffer different kinds of political and social marginalization. They are often targets of domination and exploitation by political and economic structures, which are conceived to reflect the interests and activities of the national majority. These discrimination, domination and marginalization constitute a violation of their human and peoples' rights and they threaten the continued existence of their cultures and ways of life; and prevent them from fully and effectively participating in decision making concerning their future and in sustainable development.

In the Indigenous Peoples' Plan of Implementation on Sustainable Development, indigenous peoples demanded "...full and effective participation at all stages and levels of decision making in programmes, policy and institutions promoting sustainable development." This is a key provision that requires states to put in place mechanisms to ensure that indigenous peoples and their local communities fully participate in the implementation of the WSSD JPOI, including in the creation of enabling policy environment. In the same vein, the JPOI requires all countries to "foster full public participation in sustainable development policy formulation and implementation. Women should be able to participate fully and equally in policy formulation and decision making" (JPOI 2002).

In Africa, we believe as indigenous organizations and networks, that to empower communities as stewards of nature, particularly ensuring land rights and use, the international system must constrain behaviors that undermine indigenous governance, value systems and sustainability. Indigenous and local communities are holders of valuable traditional ecological knowledge, which can make an important contribution to sustainable environmental, social, and economic policymaking. The Johannesburg Political declaration did acknowledge the "Vital role played by indigenous peoples in sustainable development." This however has not been the case, as African

governments have not shown any commitment and good will. Economic globalization constitutes a major obstacle for the recognition of the rights of indigenous and local communities on the continent, majority of them join the vulnerable, poor, and disempowered peoples who cannot rely any more on their traditional economic systems of livelihoods. These communities are migrating from rural areas to urban, putting more pressure on the high population growth already occurring in urban areas posing a significant challenge to sustainable development. Left behind in the rural areas are women who encounter challenges as they struggle to feed their children, youth and the old. Historically women are also known as key players in the food production sector. However it is known by African women that the access and ownership of land had been a major constraint coupled with the large acquisition of land for industrial agriculture.

The Rio process must ensure that precautionary measures are put in place to help states reserve adequate resources for poverty reduction and to ensure sustainability for future generations.

Adopt policies and implement laws that guarantee well defined and enforceable land and water use rights and promote legal security of tenure, recognizing the existence of different national laws and/or systems of land access and tenure, and provide technical and financial assistance to developing countries as well as countries with economies in transition that are undertaking land tenure reform in order to enhance sustainable livelihoods (JPOI 2002).

The term “Green Economy” implies not only green technologies, infrastructure, investments, and jobs; but also a more equitable society with chances for everyone to earn a living wage, partake freely in democratic political activities, and increase their own wellbeing, as well as the wellbeing of their communities and of the entire planet. Africa should create governance mechanisms that provide an enabling framework for a green and equitable economy, thus stimulating business innovation and local experimentation. Recognizing the

importance of access to agriculture resources for indigenous peoples, the JPOI urges states to ensure that poor people have access to resources, "...especially women and indigenous communities, and promote, as appropriate, land tenure arrangements that recognize and protect indigenous and common property resource management systems" (JPOI 2002). In this, indigenous communities are targeted as they are the custodians of the land and natural resources and hence requiring proper attention. Fulfilment of obligations related to land and land tenure security have not been easy in Africa. There are, however, few success stories this effect. This include the case of the Makuleke community who has successful reclaimed they land which used to be part of the Kruger National Park that they now own (Makuleke Contractual Park). The Namibian Communal Conservancy experience is also among some innovative efforts to grant land tenure security to indigenous peoples and local communities so that they can derive meaningful benefits from this land.

JPOI addresses the tourism sector and especially on what states need to do support indigenous peoples and local communities' participation in sustainable tourism. It also touches on the need to avoid negative impacts of tourism to local traditions culture and the environment. It engages states to:

Develop programs, including education and training programs, that encourage people to participate in ecotourism, enable indigenous and local communities to develop and benefit from ecotourism, and enhance stakeholder cooperation in tourism development and heritage preservation, in order to improve the protection of the environment, natural resources and cultural heritage (JIP 2002).

It further mandates states and partners to help "...host communities in managing visits to their tourism attractions for their maximum benefit, while ensuring the least negative impacts on and risks for their traditions, culture and environment, with the support of the World Tourism Organization and other relevant organizations."

Institutional Mechanisms

The JPOI calls upon states to “undertake environmental policy and institutional reform for sustainable development and to undertake environmental...and, as appropriate, to negotiate and implement multilateral environment agreements.” In the same vein the indigenous peoples stated in the Indigenous Peoples Plan for Implementation of Sustainable Development that they, “...demand and support the right to appoint our own governing structures... reject so called ‘indigenous authorities’ imposed at any level...by the government, and used for implementing development models, whether sustainable or not” (IPPISD 2002). States and their partners need therefore to recognize the indigenous peoples and local communities’ organizations and use them in pursuing any development activities in indigenous and local communities’ lands.

Conclusion

For indigenous peoples of Africa, words of Steve Pavlina that say “Hard work is painful when life is devoid of purpose. But when you live for something greater than yourself and the gratification of your own ego, then hard work becomes a labor of love” can say *Development must be with and for the people, equitable, inclusive, and human rights driven.*

It is clear from the above that the Johannesburg Plan of Implementation provided a clear recognition of the importance of the role of indigenous peoples and local communities’ biodiversity conservation and use and in the achievement of sustainable development. Rights of indigenous peoples and local communities to participate in the development of policies and decision making is also well emphasized in most sections of the plan. But the challenge, as put by Desai (Secretary-General, Johannesburg Summit.), “...is whether governments, along with civil society and the private sector, can pursue the commitments that are in the document, and take actions that achieve measurable results” (La Vina, et al. 2003).

1. It is important for African states to open up to wider partnerships and collaborations with all non-state actors including civil society in all its diversity, to enable practical solutions to emerge. Only through such collaborations will it be possible to mobilize greater resources, in order to reach the public and especially women, the youth and those communities in the remote areas through information, capacity building and empowerment programmes.
2. It is important to ensure that the three pillars are working and must be implemented. If one of them is not working then there will be no success. It is for this reason that indigenous peoples encourages the emphasis of good and working environmental governance. It has to be one of the crucial outcomes of Rio. It will be important also to ensure that indigenous peoples be enabled to provide input in various forms: data collection and analysis, improving management and decision making processes, reflecting on the role of the various actors, and agenda-setting and policy development.
3. Indigenous peoples and local communities of Africa recommend that poverty reduction, food security and youth employment should be top on agenda at Rio +20, allow indigenous peoples and civil society representatives to participate in decision making, and support knowledge generation and sharing among key players in developing countries.
4. African governments must accelerate the implementation of Principle 10 of the Rio Declaration; implement the principles of transparency and access to information, meaningful opportunities for public participation, and accountability as fundamental elements of institutional arrangements for sustainability; and ensure monitoring and review framework so as to track Africa's progress in balancing the three pillars of sustainable development
5. Rio +20 needs to strengthen an agricultural system that is sustainable, resilient to climate change, improve food security, and benefit the livelihood of millions of farmers and their families.

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TRAGIC BOUNTIES? INDIGENOUS PEOPLES OF AFRICA & SUSTAINABLE DEVELOPMENT: SCENARIOS, CHALLENGES & OPPORTUNITIES

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Background

According to the United Nations Economic Commission for Africa, indicators of overall sustainability—encompassing economic, environmental and institutional dimensions—show that African economies are less sustainable today than they were 25 years ago. “Over the past 50 years, humans have changed ecosystems more rapidly and extensively than in any comparable period of time in human history” (Millennium Ecosystem Assessment 2005).

These rapid shifts include irreversible vegetation cover loss, water scarcity (quantity and quality), soil degradation and fertility loss, and an overall erosion of the natural resource base upon which many Africans depend for their livelihood. In tandem with pervasive poverty, rising population, frequent natural disasters, and a low technological base, these shifts are

also the sources of Africa's high vulnerability to climate risk. Climate change and variability considerably undermines every effort Africa makes toward sustainable development and, at the same time, exacerbates political tensions and instability (ADF VII 2010).

Indigenous peoples of Africa face a great number of challenges ranging from marginalization and non-recognition by governments and dominant national groups to extreme poverty, natural disasters, technological hazards, diseases, and others. From the times of the early colonial powers to the present African governments, indigenous peoples in Africa have been robbed of their lands and natural resources. Indigenous peoples' lands have been used for large-scale agriculture, livestock farming and mining. Much traditional indigenous land has also been set aside in Kenya, South Africa and Tanzania for wildlife game reserves. These reserves attract millions of tourists annually but their income does not benefit the indigenous peoples.

Indigenous peoples have continued to receive favorable policy inclusion in several African states: Kenya—inclusion and definition of indigenous peoples in the Constitution of Kenya (2010), Central African Republic—ratification of ILO Convention 169 (2011), South Africa—formulation of a draft policy on indigenous peoples. In 2010, the Republic of Congo became the first country in Africa to adopt a law for the protection of indigenous peoples. Climate change mechanisms, particularly related to the activities under the Reducing Emissions from Deforestation and Forest Degradation (REDD Plus)¹ scheme under the UN Framework Convention on Climate Change (UNFCCC), have seen increasing interest on the part of states to include and consult indigenous peoples when formulating REDD readiness proposals and plans.

At the same time, the indigenous peoples of Africa have made remarkable achievements over the past decade. The Endorois community in Kenya won a ruling by the African Commission on Human and Peoples' Rights, which gives them the right to reoccupy the Lake Bogoria ecosystem that had previously been taken by the Government of Kenya, denying them the right to access their territorial lands. Indigenous

peoples have also met with success in securing some intellectual property rights. In South Africa, for example, the San won the right to share the benefits from the sale of a weight loss medicine that was developed using traditional San knowledge (see CSQ 27:3).

At the 2002 World Summit on Sustainable Development in Johannesburg, South Africa, indigenous peoples of Africa joined other indigenous peoples from around the world to push for the interests of indigenous peoples.



Indigenous Peoples' Rich Territories: Tragic Bounties!

The bountiful natural resources of the indigenous peoples' territories are leaving indigenous peoples exposed. Indigenous peoples' territories are endowed with a variety of natural resources, as well as ecosystems. These include, for example, mineral resources, tourist landscapes, indigenous tropical forests, savannah, etc. Current research carried out by indigenous peoples' organizations and others² demonstrates that indigenous peoples occupy and own the last intact tropical forests on earth.

The recent discovery of oil in Kenya's Turkana region is threatening the existence, peace and customary systems of the Turkana pastoralists, and the same case, applies to most indigenous peoples' territories. The scramble for land and other natural resources attracts investors whose interest is money and not people. Indigenous peoples' territories harbor natural resources with good ambience and space that is perceived available for development. This is a myth and an explicit misconception as space is critical for the mobility and, hence, survival of indigenous groups such as pastoralists, as well as an adaptive measure to climate change.



Challenges

Extreme poverty - Poverty rates continue to be stubbornly high in Africa, despite the impressive economic growth rates recorded in recent years (United Nations 2008). With climate change affecting indigenous peoples most, poverty remains the foremost development challenge confronting Africa's indigenous peoples. Effects of climate change, especially drought, have made indigenous peoples not only poorer but even more vulnerable and dependent. Due to the marginalization of these communities and late responses to natural disasters such as drought and floods, huge loss of life and property ensues.

Poverty in Africa is linked to the environment in complex ways, particularly in natural resource-based African economies. Around two-thirds of the population in African countries lives in rural areas, deriving their main income from agriculture.

Rapid population growth - According to the World Bank, the sub-Saharan population is growing at a rate of 2.5 percent per year as compared to 1.2 percent in Latin America and Asia. At that rate, Africa's population will double in 30 years. Rapid population growth has put a great deal of stress on Africa's indigenous peoples' ecosystems. Expanding cities are encroaching on indigenous peoples' lands, as is the case of Nairobi, for example, that expands into the Maasai territories to the south and west.

Problems such as food security, unresolved land tenure conflicts, environmental degradation and a lack of water supply are often related to high rates of population growth. It also destroys the customary and traditional lifestyles of indigenous communities, and exacerbates insecurity, which has been a longstanding obstacle to development in the Horn of Africa.

It also affects language, which is the medium of cultural communication in society. This results from the interaction of indigenous communities with other non-indigenous communities encroaching onto the indigenous peoples' territories

and settling there due to population growth. Their languages are always dominant due to their high numbers.

Unsustainable land use and management - Land is Africa's greatest natural resource and of considerable social, cultural and historical importance. Land is the principal resource that provides for cultivation, grazing and household energy. However, over the past few decades, prime agricultural land in Africa has been shrinking due to climate change and extreme weather events such as drought, loss of vegetation cover, distorted property rights and tenure practices, unsustainable land use and management practices, and unplanned human settlements. Unplanned, uncontrolled development of pastoralist lands by flower farms and other kinds of farming has created a conflict of land use, leading to heightened tension and introducing social and health problems.

Degradation of land in Africa is characterized by escalating soil erosion, declining soil fertility, agrochemical pollution, and an increase in desertification in the arid and semi-arid lowlands, where extensive mobile pastoralism is dominant. Pastoral communities face a contraction of range land due to the conversion of large areas of range lands into large-scale irrigated agriculture and the continuous encroachment of neighboring sedentary farmers onto the traditional grazing areas of the herders. In these areas, conflicts over scarce pasture and water have become more frequent.

In Africa, with much of the poverty being rural and with a majority of the population deriving its livelihood from fragmented and small-sized farm plots, the incidence of poverty tends to be strongly correlated not only to the availability and productivity of land but also to a household's capacity to cope with environmental threats; the maintenance of ecosystem services to support subsistence agricultural systems; and also to sources of individual insecurity (for example, limited access to justice and worse for indigenous peoples). "One in five rural Ethiopian households lives on less than 0.8 ha per person," which yields on average only slightly more than half the daily cereal calorific needs per person, given current cereal production technologies used in Ethiopia (Teklu et al. 2003).

Deforestation - According to the African Forest Forum (AFF), Africa has approx. 650 million hectares of forest and woodlands, covering 28 percent of its total land area (FAO 2001). The Congo Basin, which covers 45 percent of Central Africa, is the world's largest area of contiguous forest. On average, forests account for six percent of Gross Domestic Product (GDP) in Africa, which is the highest in the world (UNEP 2003).

Forest and wildlife resources, once a source of pride for Africa, are being threatened by unsustainable and often illegal harvesting practices, tenure insecurity, population encroachment and conflicts over land use.

The forest sector in Africa is today under serious threat from deficient forest property rights, weak institutions, mismanagement, a paucity of scientific knowledge on forest issues, and the low priority (lip service) given to reforestation. Even where reasonable afforestation has taken place, it has at times been with exotic tree species (pine and eucalyptus monocultures)—replacing indigenous forest vegetation. Eucalyptus plantations have resulted in a lowering of the water table, especially in Kenya, Tanzania and Uganda. It is proven that the Eucalyptus tree drains water from the middle ground aquifers, leaving shallow wells and boreholes deprived.

Sadly, the legacy of vast forest resources that could have been passed on to future generations is being rapidly lost through deforestation and degradation. Since 1990, Africa has lost around 53 million hectares of its forests, which is approx. 56 percent of global forest loss over that period. This translates in a 0.8 percent annual loss of forest cover—*the highest in the world!*

As the forest disappears, so too does its contribution to the protection of soils, recycling of nutrients and the regulation of the quality and flow of water. A recent Africare³ study in Tanzania confirms that the water catchment functions of the Kilimanjaro Mountains are being threatened by severe deforestation and land clearing for economic purposes to support the growing population on the Kilimanjaro Highlands.

Social inequity and exclusion - Social equity is generally understood to include fair and equitable access to resources, employment, education and health services; full participation in the political and cultural life of a community; the enjoyment and exercise of basic human freedoms; and also fair and equitable access to livelihoods (food, energy and employment) and justice. Indigenous peoples have been largely excluded from the mainstream of many societies in Africa. Access to education, health facilities, water, and political representation have largely been missing from most or ALL countries in Africa. Illiteracy levels remain high, and distances to schools, healthcare facilities and nearest watering points are clear evidence-based indicators of the marginalization and social inequity of Africa's indigenous peoples.

Africa's insecurity, political instability and conflict can scarcely be detached from the process of managing competition over scarce natural resources, notably agricultural land, pasture and water. Suffice it here to mention: farmland (as in Burundi, Zimbabwe and Sudan); grazing areas (as in northern and southern Ethiopia and Karamoja in Uganda's cattle region); water (as in Southern Africa, and notably including trans-boundary water resources); forests/timber (as in the Upper Guinean forest belt); minerals, including diamonds, gold and oil (as in Nigeria, Angola and DRC); and natural disasters displacing people and generating conflicts in the Greater Horn of Africa, the Sahel and Southern Africa.

Climatic variability and natural environmental hazards - Inter-governmental Panel on Climate Change (IPCC) studies suggest that Africa will suffer greater climate change effects than any other region of the world. Projections include a decrease in rainfall in the already arid areas of Eastern and Southern Africa, and increasing drought and desertification in the north of Central Africa. West Africa, Benin, Burkina Faso, Ghana, Mauritania, Niger, and Nigeria all face water scarcity by 2025. Africa needs to step up its climate mitigation actions, as a legacy to future generations. However, given the pressing development challenges being confronted by the African continent, such as HIV/AIDS, malaria and low agricultural production, not many African countries have this as a top priority.

The Impacts of Extractive Industry

The indigenous peoples of Africa continue to suffer the effects of extractive industries, given that their territories harbor important natural resources that they have conserved for years. For a continent that is dependent on its natural resources to achieve growth, the challenge of ecologically-friendly sustainable development is daunting. Current patterns of extraction of non-renewable resources such as gold, diamonds and crude oil have had a disastrous impact on the environment. In Nigeria, oil spills and gas flares have polluted the environment significantly for more than 50 years. The 2008 target set to eliminate gas flaring was impossible to achieve. In Southern Africa, abandoned mine sites have constituted an environmental menace. The loss of productive land, surface and groundwater pollution, and soil contamination are all part of the legacy of oil and mineral exploration. Africa can no longer afford the current approach to resource extraction. If the trend of unsustainable oil and mineral extraction is allowed to continue, environmentally sustainable development in Africa will remain a great challenge. Derelicts (such as, for example, open holes left after a mining activity) on indigenous peoples' territories have resulted in a loss of both life and property, especially livestock. The beautiful and scenic sites in these lands have also been lost. Rehabilitation and compensation are non-existent in most cases.

The Role of Agriculture

The continent continues to lose traditional agricultural production systems, and these are being replaced by "new models of production" that are not adaptive, either to the environment or to the cultural and traditional systems of indigenous peoples. Small-scale farmers are lured into genetically modified food production, a system that may end up a burden not only on the farmers but also the health of communities.

Increased imports of foodstuff are being experienced in Africa, with an increasing number of people becoming poor and food insecurity increasing. More agricultural land has

been/is being turned into estates—for example, in the case of cocoa farms in Kenya, coffee and tea plantations in Kenya, Ghana, DRC, and Ethiopia. Uganda plans to conduct extensive sugar cane planting in the forest that significantly supports the Karamajong community. This in itself is contrary to the REDD Plus objectives. Because of the high dependence of African economies on natural resources, the impact of climate change runs across all sectors and spatial levels. Some “projections show that by 2020, in some African countries, yields from rain-fed agriculture could be reduced by up to 50 percent” (IPCC 2007⁴) and “between 75 million and 250 million people in Africa are projected to be exposed to increased water stress due to climate change” (IPCC 2008).

Compounding these problems is the recent drive to commercialize African agriculture through large land concessions, which has a profound environmental and social impact given the weak policies and institutions. This includes the crowding out of small farmers, and monoculture practices resulting in overuse of fertilizers and agricultural chemicals, soil pollution and increased greenhouse gas emissions.



Opportunities

African countries are signatories to most of the multilateral environmental agreements that showcase global consensus on the causes and effects of environmental challenges. Examples include the Convention on Biological Diversity, the Montreal Protocols, the Convention to Combat Desertification, and many others. The signing of the critical indigenous peoples’ instrument like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) and ILO Convention 169 and their subsequent implementation by the African governments will be a further milestone for indigenous peoples and Africa at large.

Development projects on indigenous peoples’ territories should take ILO Convention 169 and the UNDRIP as a basis for conducting development work on the indigenous peoples’ territories.

Much work remains to be done in terms of capacity building, health, poverty reduction, and biodiversity. Another area that needs attention is protecting indigenous languages and cultures, as these are threatened by urbanization and Western educational influence. Indigenous peoples must have their own educational curriculum to avoid loss of language and cultural practices. Rio +20 should consider including a cultural pillar in its thematic pillars.

African countries must seek assistance to improve the effectiveness of their institutions, along with policies and regulatory capacity that will safeguard indigenous peoples from becoming the recipients of false solutions to climate change, food security and others. The developed world, companies and development mechanisms transfer technology without considering the dynamic and diverse context of indigenous peoples and African cultures and traditions. Indigenous peoples' territories should be further protected as they are currently attracting the attention of investors under the Clean Development Mechanism and REDD Plus, along with land developers. The process of free, prior and informed consent (FPIC) should be applied before any project can take place on indigenous peoples' territories.

Through increased awareness, attitude change and the provision of alternatives, individual and communal action could be a vital force in the long run in achieving ecologically friendly sustainable development.

At the community level, the message of environmental management needs to be repackaged to reflect African indigenous peoples' values.

Recognition of the need not to starve the coming generations of the resources they need for their future development should be an incentive to present-day Africans to use resources in a more sustainable way, given the importance that Africans place on inheritance.

Conclusion: Wrong Development Models

Indigenous peoples continue to challenge the dominant development models that have not contributed to sustainable development, poverty alleviation or the preservation of the environment. Moreover, the failure to include indigenous traditional knowledge when addressing Africa's challenges is further making programs and projects to address its problems unsustainable. The intellectual property rights of indigenous peoples remain abused.

Endnotes

¹ REDD means Reducing Emission from Deforestation and Forest Degradation, enhancement of carbon stocks, conservation, and sustainable management of forests.

² See Tebtebba, IWGIA and others.

³ <http://www.africare.org/news/edits/challengesof sustainable development in Africa>.

⁴ IPCC Fourth Assessment Report, "Climate Change 2007." The report focused on adaptation to and the impacts of drought.

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Annex

DECLARATION OF INDIGENOUS PEOPLES OF AFRICA ON SUSTAINABLE DEVELOPMENT AND RIO +20

Arusha, Tanzania, 19 April 2012

We, the representatives of Indigenous Peoples of Africa, met in the City of Arusha, United Republic of Tanzania, on 19 April 2012, for a preparatory meeting on sustainable development to deliberate on the objectives, themes and substantive matters for indigenous peoples to Rio +20;

Committed to the success of the Rio +20 Conference and having as an objective to promote sustainable development focusing on human rights;

Recognizing the African Charter on Human and Peoples' Rights;

Taking into Consideration The Malabo African Union General decision to ensure that Africa's interests on the Green Economy issues within the context of sustainable development and poverty eradication and institutional frameworks for sustainable development are defined and taken into account;

Welcoming the work of the African Commission on Human and Peoples' Rights and its Working group on indigenous populations/communities and taking its guidance on indigenous peoples as an important indicator for the existence of and the rights of indigenous peoples in Africa;

Taking into consideration the Resolution No. ACHPR/Res153(XLVI)09 on "climate change and human rights and the need to study its impact in Africa," adopted by the African Commission on Human and Peoples' Rights, calling for a human rights-based approach to climate change in Africa;

Reaffirming the Pan African Climate Justice Alliance (PACJA) led African Civil Society Limbe Declaration on Rio +20;

Recognizing that the livelihoods of indigenous peoples are under threat in the name of modern development paradigms;

Acknowledging the fact that indigenous peoples' contribution to the UNCSO/Rio +20 process and its outcome is essential for informed policy formulation and for monitoring of the implementation of its outcomes at all levels;

Reaffirming the need for the Rio +20 process to take a strong human rights-based approach, where the rights of indigenous peoples, amongst others, are fully recognized, respected and protected;

Acknowledging the fact that the principles, agreements and commitments established in the Rio Declaration of 1992, Agenda 21 and the Johannesburg Plan of Implementation are still fully in effect, and the need to strengthen the commitments as defined in these agreements in the upcoming Rio +20 Conference;

Confirming our support of and contribution to the development of sustainable development goals, in order to proceed with the design of new development models, made within the framework of the discussions for Rio +20, and that this can become an important tool to focus on goals that ensure the integration of culture and good governance in the three pillars of sustainable development;

Affirming that the rights of people to development imply the recognition of the collective rights of indigenous peoples to overcome poverty, to eliminate inequality and social exclusion, to promote life in harmony with nature, spirituality and culture under the principles of Agenda 21 and other relevant instruments; and the recognition that these rights be implemented in an inclusive and interdependent manner;

Reaffirming the importance of full and effective participation of indigenous peoples in all Rio +20 processes and decision making;

Concerned by the weakness and or non-existence of legal as well as institutional frameworks for the protection, promotion and respect of indigenous peoples' rights in Africa;

Deeply Concerned that indigenous peoples' livelihoods have been compromised by new and emerging challenges; these are increasing water scarcity, biodiversity and ecosystem loss, desertification, low resilience to natural disasters, food crisis, conflict, energy crisis, cultural erosion, infringed intellectual

property rights, climate change, land grab and land degradation, which have increased poverty, diseases and impacted negatively on indigenous peoples;

Concerned that indigenous peoples' rights to development and well-being have been limited by the current development models, hence, calling on governments to allocate resources for the facilitation of the formulation and subsequent implementation of Indigenous Peoples' Development Goals (IPDGs);

Taking Into Account the fact that the concept of green economy needs to be defined in the indigenous peoples' holistic context; considering indigenous peoples' local diverse economies, traditional knowledge and occupations and the importance of safeguards for this concept.

We declare that:

On the Green Economy in the Context of Sustainable Development and Poverty Eradication.

African Indigenous Peoples continue to challenge the dominant development models that have not contributed to sustainable development, poverty alleviation and the preservation of the environment.

Currently the three pillars of sustainable development are "environment," "economy" and "social." We strongly believe that the UN Declaration on the Rights of Indigenous Peoples should serve as a key framework, which underpins all international and national policies and programs on sustainable development. Ratification of ILO Convention No. 169 on indigenous peoples by African countries is to be considered as further measure to be taken.

A sustainable low carbon, equitable economy is not a new concept as it has been practiced by Africa's Indigenous Peoples for millennia. We therefore call on African states to develop low carbon economies and move to local, national and regional economies which are sustainable, equitable and assist in environmental rehabilitation, resilience and adaptive capacities of indigenous peoples.

African Indigenous Peoples are determined to contribute by showcasing their good practices of local diverse green economies in Rio and beyond, reflecting traditional knowledge and ways of living, in order to create awareness, and inform and influence policy processes at the national, regional and international levels.

As our contribution to sustainable development, we will continue to define our development goals based on our cultural, social and economic knowledge, occupations, practices and technologies.

We are repeating our call on African governments to respect the rights of indigenous peoples towards Rio +20 and beyond, as enshrined in the Convention on Biological Diversity, Agenda 21, the UN Declaration on the Rights of Indigenous Peoples, and ILO Convention No. 169.

We further urge governments and regional organizations/ financial institutions to allocate resources to enable the capacity building and the full and effective participation of indigenous peoples in international, regional and national processes related to the Rio conventions and other sustainable development related dialogues and processes.

On the Institutional Framework for Sustainable Development and Governance.

There is an urgent need in strengthening, reforming and integrating the three pillars of sustainable development, inter alia, by adding culture as a fourth pillar of sustainable development.

We support the position of the African governments and African civil society to strengthen UNEP and transform it into a specialized UN Agency. Its mandate should include the protection and promotion of the rights of the indigenous peoples of the world. In this regard, we further recommend that UNEP adopts a strong policy on indigenous peoples.

We are in support of the African consensus position on the establishment of Sustainable Development Councils at national level; but with meaningful and effective participation of indigenous peoples. We strongly recommend African states to take into consideration the Resolution on Climate Change and

Indigenous Peoples adopted by the African Commission on Human and Peoples' Rights.

African states should adopt specific legal frameworks that recognize, protect and promote indigenous peoples as rights holders, including ratification of ILO Convention No. 169 on indigenous peoples.

In order to promote conservation of ecosystems, environmental governance in Africa must encourage the recognition of the rights of indigenous peoples, which include the right to access and manage their own land and territories. As key rights holders who have been stewards of natural resources for generations, they must be integrally involved in discussions and decisions concerning their environment.

There is a need for the contemporary knowledge, science and technology community and the indigenous knowledge to develop a mutual alignment and synergy in order to feed into research, training and development, as well as policy formulation.

We are in total support of the African civil society call on African governments to accelerate the implementation of Principle 10 of the Rio 1992 Declaration by first implementing the current UNEP guidelines on this principle with a view to initiate an African Convention on Principle 10.

Done in Arusha, this Nineteenth Day of the Month of April, the Year Two Thousand and Twelve.

For more information, contact;

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Annex



United Nations
General Assembly

A /RES/66/288*
Distr.: General
11 September 2012

Sixty-sixth session
Agenda item 19
11-47610*

Resolution adopted by the General Assembly on 27 July 2012
[without reference to a Main Committee (A/66/L.56)]

66/288. The future we want

The General Assembly ,

Recalling its resolution 64/236 of 24 December 2009, in which it decided to organize, i n 2012, the United Nations Conference on Sustainable Development at the highest possible level, as well as its resolution 66/197 of 22 December 2011,

1. *Expresses its profound gratitude* to the Government and the people of Brazil for hosting the United Nations Conference on Sustainable Development in Rio de Janeiro from 20 to 22 June 2012, and for providing all the necessary support;

2. *Endorses* the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, annexed to the present resolution.

123rd plenary meeting
27 July 2012

* Reissued for technical reasons on 17 January 2013.

Annex

The future we want

I. Our common vision

1. We, the Heads of State and Government and high-level representatives, having met at Rio de Janeiro, Brazil, from 20 to 22 June 2012, with the full participation of civil society, renew our commitment to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations.

2. Poverty eradication is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard, we are committed to freeing humanity from poverty and hunger as a matter of urgency.

3. We therefore acknowledge the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions.

4. We recognize that poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development. We also reaffirm the need to achieve sustainable development by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion, and promoting the integrated and sustainable management of natural resources and ecosystems that supports, *inter alia*, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges.

5. We reaffirm our commitment to make every effort to accelerate the achievement of the internationally agreed development goals, including the Millennium Development Goals by 2015.

6. We recognize that people are at the centre of sustainable development and, in this regard, we strive for a world that is just, equitable and inclusive, and we commit to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all.

7. We reaffirm that we continue to be guided by the purposes and principles of the Charter of the United Nations, with full respect for international law and its principles.

8. We also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, women's empowerment and the overall commitment to just and democratic societies for development.

9. We reaffirm the importance of the Universal Declaration of Human Rights,¹ as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.

10. We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that, to achieve our sustainable development goals, we need institutions at all levels that are effective, transparent, accountable and democratic.

11. We reaffirm our commitment to strengthen international co-operation to address the persistent challenges related to sustainable development for all, in particular in developing countries. In this regard, we reaffirm the need to achieve economic stability, sustained economic growth, the promotion of social equity and the protection of the environment, while enhancing gender equality, women's empowerment and equal opportunities for all, and the protection, survival and development of children to their full potential, including through education.

12. We resolve to take urgent action to achieve sustainable development. We therefore renew our commitment to sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges. We express our determination to address the themes

¹ Resolution 217 A (III).

of the United Nations Conference on Sustainable Development, namely, a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.

13. We recognize that opportunities for people to influence their lives and future, participate in decision-making and voice their concerns are fundamental for sustainable development. We underscore that sustainable development requires concrete and urgent action. It can only be achieved with a broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations.

II. Renewing political commitment

A. Reaffirming the Rio Principles and past action plans

14. We recall the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972.²

15. We reaffirm all the principles of the Rio Declaration on Environment and Development,³ including, inter alia, the principle of common but differentiated responsibilities, as set out in principle 7 thereof.

16. We reaffirm our commitment to fully implement the Rio Declaration, Agenda 21,⁴ the Programme for the Further Implementation of Agenda 21,⁵ the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation)⁶ and the Johannesburg Declaration on Sustainable Development,⁷ the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action)⁸ and the Mauritius Strategy for

² See *Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972* (A/CONF.48/14/Rev.1), part one, chap. I.

³ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

⁴ *Ibid.*, annex II.

⁵ Resolution S-19/2, annex.

⁶ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–*

4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

⁷ *Ibid.*, resolution 1, annex.

⁸ *Report of the Global Conference on the Sustainable Development of Small Island Developing States,*

Bridgetown, Barbados, 25 April–6 May 1994 (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I, resolution 1, annex II.

the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.⁹ We also reaffirm our commitment to the full implementation of the Programme of Action for the Least Developed Countries for the Decade 2011–2020 (Istanbul Programme of Action),¹⁰ the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries,¹¹ the political declaration on Africa's development needs¹² and the New Partnership for Africa's Development.¹³ We recall as well our commitments in the outcomes of all the major United Nations conferences and summits in the economic, social and environmental fields, including the United Nations Millennium Declaration,¹⁴ the 2005 World Summit Outcome,¹⁵ the Monterrey Consensus of the International Conference on Financing for Development,¹⁶ the Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus,¹⁷ the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,¹⁸ the Programme of Action of the International Conference on Population and Development,¹⁹ the key actions for the further implementation of the Programme of Action of the International Conference on Population and Development²⁰ and the Beijing Declaration²¹ and Platform for Action.²²

17. We recognize the importance of the three Rio conventions for advancing sustainable development, and in this regard we

⁹ *Report of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States*, Port Louis, Mauritius, 10–14 January 2005 (United Nations publication, Sales No. E.05.II.A.4 and corrigendum), chap. I, resolution 1, annex II.

¹⁰ *Report of the Fourth United Nations Conference on the Least Developed Countries*, Istanbul, Turkey, 9–13 May 2011 (A/CONF.219/7), chap. II.

¹¹ *Report of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation*, Almaty, Kazakhstan, 28 and 29 August 2003 (A/CONF.202/3), annex I.

¹² See resolution 63/1.

¹³ A/57/304, annex.

¹⁴ See resolution 55/2.

¹⁵ See resolution 60/1.

¹⁶ *Report of the International Conference on Financing for Development*, Monterrey, Mexico, 18–22 March 2002 (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

¹⁷ Resolution 63/239, annex.

¹⁸ See resolution 65/1.

¹⁹ *Report of the International Conference on Population and Development*, Cairo, 5–13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

²⁰ Resolution S-21/2, annex.

²¹ *Report of the Fourth World Conference on Women*, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

²² *Ibid.*, annex II.

urge all parties to fully implement their commitments under the United Nations Framework Convention on Climate Change,²³ the Convention on Biological Diversity²⁴ and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa,²⁵ in accordance with their respective principles and provisions, as well as to take effective and concrete actions and measures at all levels and enhance international cooperation.

18. We are determined to reinvigorate political will and to raise the level of commitment by the international community to move the sustainable development agenda forward, through the achievement of the internationally agreed development goals, including the Millennium Development Goals. We further reaffirm our respective commitments to other relevant internationally agreed goals in the economic, social and environmental fields since 1992. We therefore resolve to take concrete measures that accelerate implementation of sustainable development commitments.

B. Advancing integration, implementation and coherence: assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges

19. We recognize that the twenty years since the United Nations Conference on Environment and Development in 1992 have seen uneven progress, including in sustainable development and poverty eradication. We emphasize the need to make progress in implementing previous commitments. We also recognize the need to accelerate progress in closing development gaps between developed and developing countries, and to seize and create opportunities to achieve sustainable development through economic growth and diversification, social development and environmental protection. To this end, we underscore the continued need for an enabling environment at the national and international levels, as well as continued and strengthened international cooperation, particularly in the areas of finance, debt, trade and technology transfer, as mutually agreed, and innovation, entrepreneurship, capacity-building, transparency and accountability. We recognize the diversification of actors and stakeholders engaged in the

²³ United Nations, Treaty Series, vol. 1771, No. 30822.

²⁴ Ibid., vol. 1760, No. 30619.

²⁵ Ibid., vol. 1954, No. 33480.

pursuit of sustainable development. In this context, we affirm the continued need for the full and effective participation of all countries, in particular developing countries, in global decision-making.

20. We acknowledge that, since 1992, there have been areas of insufficient progress and setbacks in the integration of the three dimensions of sustainable development, aggravated by multiple financial, economic, food and energy crises, which have threatened the ability of all countries, in particular developing countries, to achieve sustainable development. In this regard, it is critical that we do not backtrack from our commitment to the outcome of the United Nations Conference on Environment and Development. We also recognize that one of the current major challenges for all countries, particularly for developing countries, is the impact from the multiple crises affecting the world today.

21. We are deeply concerned that one in five people on this planet, or over 1 billion people, still live in extreme poverty, and that one in seven — or 14 per cent — is undernourished, while public health challenges, including pandemics and epidemics, remain omnipresent threats. In this context, we note the ongoing discussions in the General Assembly on human security. We acknowledge that with the world's population projected to exceed 9 billion by 2050, with an estimated two thirds living in cities, we need to increase our efforts to achieve sustainable development and, in particular, the eradication of poverty, hunger and preventable diseases.

22. We recognize examples of progress in sustainable development at the regional, national, subnational and local levels. We note that efforts to achieve sustainable development have been reflected in regional, national and subnational policies and plans, and that governments have strengthened their commitment to sustainable development since the adoption of Agenda 21 through legislation and institutions, and the development and implementation of international, regional and subregional agreements and commitments.

23. We reaffirm the importance of supporting developing countries in their efforts to eradicate poverty and promote empowerment of the poor and people in vulnerable situations, including removing barriers to opportunity, enhancing productive capacity, developing sustainable agriculture and promoting full and productive employment and decent work for all, complemented by effective social policies, including social protection floors, with

a view to achieving the internationally agreed development goals, including the Millennium Development Goals.

24. We express deep concern about the continuing high levels of unemployment and underemployment, particularly among young people, and note the need for sustainable development strategies to proactively address youth employment at all levels. In this regard, we recognize the need for a global strategy on youth and employment building on the work of the International Labour Organization.

25. We acknowledge that climate change is a cross-cutting and persistent crisis, and express our concern that the scale and gravity of the negative impacts of climate change affect all countries and undermine the ability of all countries, in particular, developing countries, to achieve sustainable development and the Millennium Development Goals, and threaten the viability and survival of nations. Therefore, we underscore that combating climate change requires urgent and ambitious action, in accordance with the principles and provisions of the United Nations Framework Convention on Climate Change.

26. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of economic and social development, particularly in developing countries.

27. We reiterate our commitment, expressed in the Johannesburg Plan of Implementation, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals of 2010, to take further effective measures and actions, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment, are incompatible with the dignity and worth of the human person and must be combated and eliminated.

28. We reaffirm that, in accordance with the Charter, this shall not be construed as authorizing or encouraging any action against the territorial integrity or political independence of any State.

29. We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies

and in areas affected by terrorism.

30. We recognize that many people, especially the poor, depend directly on ecosystems for their livelihoods, their economic, social and physical well-being, and their cultural heritage. For this reason, it is essential to generate decent jobs and incomes that decrease disparities in standards of living in order to better meet people's needs and promote sustainable livelihoods and practices and the sustainable use of natural resources and ecosystems.

31. We emphasize that sustainable development must be inclusive and peoplecentred, benefiting and involving all people, including youth and children. We recognize that gender equality and women's empowerment are important for sustainable development and our common future. We reaffirm our commitments to ensure women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making.

32. We recognize that each country faces specific challenges to achieve sustainable development, and we underscore the special challenges facing the most vulnerable countries and, in particular, African countries, least developed countries, landlocked developing countries and small island developing States, as well as the specific challenges facing the middle-income countries. Countries in situations of conflict also need special attention.

33. We reaffirm our commitment to take urgent and concrete action to address the vulnerability of small island developing States, including through the sustained implementation of the Barbados Programme of Action and the Mauritius Strategy, and underscore the urgency of finding additional solutions to the major challenges facing small island developing States in a concerted manner so as to support them in sustaining momentum realized in implementing the Barbados Programme of Action and the Mauritius Strategy and achieving sustainable development.

34. We reaffirm that the Istanbul Programme of Action outlines the priorities of least developed countries for sustainable development and defines a framework for renewed and strengthened global partnership to implement them. We commit to assist the least developed countries with the implementation of the Istanbul Programme of Action as well as in their efforts to achieve sustainable development.

35. We recognize that more attention should be given to Africa and the implementation of previously agreed commitments related to its development needs that were made at major United

Nations summits and conferences. We note that aid to Africa has increased in recent years. However, it still lags behind commitments that were previously made. We underscore the key priority for the international community of supporting Africa's sustainable development efforts. In this regard, we recommit to fully implement the internationally agreed commitments related to Africa's development needs, particularly those contained in the Millennium Declaration, the United Nations Declaration on the New Partnership for Africa's Development,²⁶ the Monterrey Consensus, the Johannesburg Plan of Implementation and the 2005 World Summit Outcome, as well as the 2008 political declaration on Africa's development needs.

36. We recognize the serious constraints to achieving sustainable development in all its three dimensions in landlocked developing countries. In this regard, we reaffirm our commitment to address the special development needs and the challenges faced by landlocked developing countries through the full, timely and effective implementation of the Almaty Programme of Action, as contained in the declaration on the midterm review of the Almaty Programme of Action.²⁷

37. We recognize the progress made by middle-income countries in improving the well-being of their people, as well as the specific development challenges they face in their efforts to eradicate poverty, reduce inequalities and achieve their development goals, including the Millennium Development Goals, and to achieve sustainable development in a comprehensive manner integrating the economic, social and environmental dimensions. We reiterate that these efforts should be adequately supported by the international community, in various forms, taking into account the needs and the capacity to mobilize domestic resources of these countries.

38. We recognize the need for broader measures of progress to complement gross domestic product in order to better inform policy decisions, and in this regard we request the United Nations Statistical Commission, in consultation with relevant United Nations system entities and other relevant organizations, to launch a programme of work in this area, building on existing initiatives.

²⁶ See resolution 57/2.

²⁷ See resolution 63/2.

39. We recognize that planet Earth and its ecosystems are our home and that “Mother Earth” is a common expression in a number of countries and regions, and we note that some countries recognize the rights of nature in the context of the promotion of sustainable development. We are convinced that in order to achieve a just balance among the economic, social and environmental needs of present and future generations, it is necessary to promote harmony with nature.

40. We call for holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with nature and lead to efforts to restore the health and integrity of the Earth’s ecosystem.

41. We acknowledge the natural and cultural diversity of the world, and recognize that all cultures and civilizations can contribute to sustainable development.

C. Engaging major groups and other stakeholders

42. We reaffirm the key role of all levels of government and legislative bodies in promoting sustainable development. We further acknowledge efforts and progress made at the local and subnational levels, and recognize the important role that such authorities and communities can play in implementing sustainable development, including by engaging citizens and stakeholders and providing them with relevant information, as appropriate, on the three dimensions of sustainable development. We further acknowledge the importance of involving all relevant decision makers in the planning and implementation of sustainable development policies.

43. We underscore that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. Sustainable development requires the meaningful involvement and active participation of regional, national and subnational legislatures and judiciaries, and all major groups: women, children and youth, indigenous peoples, non-governmental organizations, local authorities, workers and trade unions, business and industry, the scientific and technological community, and farmers, as well as other stakeholders, including local communities, volunteer groups and foundations, migrants and families, as well as older persons and persons with disabilities. In this regard, we agree to work more closely with the major groups and other stakeholders,

and encourage their active participation, as appropriate, in processes that contribute to decision-making, planning and implementation of policies and programmes for sustainable development at all levels.

44. We acknowledge the role of civil society and the importance of enabling all members of civil society to be actively engaged in sustainable development. We recognize that improved participation of civil society depends upon, *inter alia*, strengthening access to information and building civil society capacity and an enabling environment. We recognize that information and communications technology is facilitating the flow of information between governments and the public. In this regard, it is essential to work towards improved access to information and communications technology, especially broadband networks and services, and bridge the digital divide, recognizing the contribution of international cooperation in this regard.

45. We underscore that women have a vital role to play in achieving sustainable development. We recognize the leadership role of women, and we resolve to promote gender equality and women's empowerment and to ensure their full and effective participation in sustainable development policies, programmes and decision-making at all levels.

46. We acknowledge that the implementation of sustainable development will depend on the active engagement of both the public and the private sectors. We recognize that the active participation of the private sector can contribute to the achievement of sustainable development, including through the important tool of public-private partnerships. We support national regulatory and policy frameworks that enable business and industry to advance sustainable development initiatives, taking into account the importance of corporate social responsibility. We call upon the private sector to engage in responsible business practices, such as those promoted by the United Nations Global Compact.

47. We acknowledge the importance of corporate sustainability reporting, and encourage companies, where appropriate, especially publicly listed and large companies, to consider integrating sustainability information into their reporting cycle. We encourage industry, interested governments and relevant stakeholders, with the support of the United Nations system, as appropriate, to develop models for best practice and facilitate action for the integration of sustainability reporting, taking into account experiences from already existing frameworks and paying particular

attention to the needs of developing countries, including for capacitybuilding.

48. We recognize the important contribution of the scientific and technological community to sustainable development. We are committed to working with and fostering collaboration among the academic, scientific and technological community, in particular in developing countries, to close the technological gap between developing and developed countries and strengthen the science-policy interface, as well as to foster international research collaboration on sustainable development.

49. We stress the importance of the participation of indigenous peoples in the achievement of sustainable development. We also recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples²⁸ in the context of global, regional, national and subnational implementation of sustainable development strategies.

50. We stress the importance of the active participation of young people in decision-making processes, as the issues we are addressing have a deep impact on present and future generations and as the contribution of children and youth is vital to the achievement of sustainable development. We also recognize the need to promote intergenerational dialogue and solidarity by recognizing their views.

51. We stress the importance of the participation of workers and trade unions in the promotion of sustainable development. As the representatives of working people, trade unions are important partners in facilitating the achievement of sustainable development, in particular the social dimension. Information, education and training on sustainability at all levels, including in the workplace, are key to strengthening the capacity of workers and trade unions to support sustainable development.

52. We recognize that farmers, including small-scale farmers and fisherfolk, pastoralists and foresters, can make important contributions to sustainable development through production activities that are environmentally sound, enhance food security and the livelihood of the poor and invigorate production and sustained economic growth.

53. We note the valuable contributions that non-governmental organizations could and do make in promoting sustainable development through their well-established and diverse experience,

²⁸ Resolution 61/295, annex.

expertise and capacity, especially in the area of analysis, the sharing of information and knowledge, promotion of dialogue and support of implementation of sustainable development.

54. We recognize the central role of the United Nations in advancing the sustainable development agenda. We acknowledge as well, in this regard, the contributions of other relevant international organizations, including international financial institutions and multilateral development banks, and stress the importance of cooperation among them and with the United Nations, within their respective mandates, recognizing their role in mobilizing resources for sustainable development.

55. We commit ourselves to reinvigorating the global partnership for sustainable development that we launched in Rio de Janeiro in 1992. We recognize the need to impart new momentum to our cooperative pursuit of sustainable development, and commit to work together with major groups and other stakeholders in addressing implementation gaps.

III. Green economy in the context of sustainable development and poverty eradication

56. We affirm that there are different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development in its three dimensions which is our overarching goal. In this regard, we consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development and that it could provide options for policymaking but should not be a rigid set of rules. We emphasize that it should contribute to eradicating poverty as well as sustained economic growth, enhancing social inclusion, improving human welfare and creating opportunities for employment and decent work for all, while maintaining the healthy functioning of the Earth's ecosystems.

57. We affirm that policies for green economy in the context of sustainable development and poverty eradication should be guided by and in accordance with all the Rio Principles, Agenda 21 and the Johannesburg Plan of Implementation and contribute towards achieving relevant internationally agreed development goals, including the Millennium Development Goals.

58. We affirm that green economy policies in the context of sus-

tainable development and poverty eradication should:

- (a) Be consistent with international law;
- (b) Respect each country's national sovereignty over their natural resources, taking into account its national circumstances, objectives, responsibilities, priorities and policy space with regard to the three dimensions of sustainable development;
- (c) Be supported by an enabling environment and well-functioning institutions at all levels, with a leading role for governments and with the participation of all relevant stakeholders, including civil society;
- (d) Promote sustained and inclusive economic growth, foster innovation and provide opportunities, benefits and empowerment for all and respect for all human rights;
- (e) Take into account the needs of developing countries, particularly those in special situations;
- (f) Strengthen international cooperation, including the provision of financial resources, capacity-building and technology transfer to developing countries;
- (g) Effectively avoid unwarranted conditionalities on official development assistance and finance;
- (h) Not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country and ensure that environmental measures addressing transboundary or global environmental problems, as far as possible, are based on international consensus;
- (i) Contribute to closing technology gaps between developed and developing countries and reduce the technological dependence of developing countries, using all appropriate measures;
- (j) Enhance the welfare of indigenous peoples and their communities, other local and traditional communities and ethnic minorities, recognizing and supporting their identity, culture and interests, and avoid endangering their cultural heritage, practices and traditional knowledge, preserving and respecting non-market approaches that contribute to the eradication of poverty;
- (k) Enhance the welfare of women, children, youth, persons with disabilities, smallholder and subsistence farmers, fisherfolk and those working in small and medium-sized enterprises, and improve the livelihoods and empowerment of the poor and vul-

nerable groups, in particular in developing countries;

(*l*) Mobilize the full potential and ensure the equal contribution of both women and men;

(*m*) Promote productive activities in developing countries that contribute to the eradication of poverty;

(*n*) Address the concern about inequalities and promote social inclusion, including social protection floors;

(*o*) Promote sustainable consumption and production patterns;

(*p*) Continue efforts to strive for inclusive, equitable development approaches to overcome poverty and inequality.

59. We view the implementation of green economy policies by countries that seek to apply them for the transition towards sustainable development as a common undertaking, and we recognize that each country can choose an appropriate approach in accordance with national sustainable development plans, strategies and priorities.

60. We acknowledge that green economy in the context of sustainable development and poverty eradication will enhance our ability to manage natural resources sustainably and with lower negative environmental impacts, increase resource efficiency and reduce waste.

61. We recognize that urgent action on unsustainable patterns of production and consumption where they occur remains fundamental in addressing environmental sustainability and promoting conservation and sustainable use of biodiversity and ecosystems, regeneration of natural resources and the promotion of sustained, inclusive and equitable global growth.

62. We encourage each country to consider the implementation of green economy policies in the context of sustainable development and poverty eradication, in a manner that endeavours to drive sustained, inclusive and equitable economic growth and job creation, particularly for women, youth and the poor. In this respect, we note the importance of ensuring that workers are equipped with the necessary skills, including through education and capacity-building, and are provided with the necessary social and health protections. In this regard, we encourage all stakeholders, including business and industry, to contribute, as appropriate. We invite governments to improve knowledge and statistical capacity on job trends, developments and constraints and integrate relevant data into national statistics, with the support of relevant United Nations agencies within their mandates.

63. We recognize the importance of the evaluation of the range

of social, environmental and economic factors, and encourage, where national circumstances and conditions allow, their integration into decision-making. We acknowledge that it will be important to take into account the opportunities and challenges, as well as the costs and benefits, of green economy policies in the context of sustainable development and poverty eradication, using the best available scientific data and analysis. We acknowledge that a mix of measures, including regulatory, voluntary and others applied at the national level and consistent with obligations under international agreements, could promote green economy in the context of sustainable development and poverty eradication. We reaffirm that social policies are vital to promoting sustainable development.

64. We acknowledge that involvement of all stakeholders and their partnerships, networking and experience-sharing at all levels could help countries to learn from one another in identifying appropriate sustainable development policies, including green economy policies. We note the positive experiences in some countries, including in developing countries, in adopting green economy policies in the context of sustainable development and poverty eradication through an inclusive approach, and welcome the voluntary exchange of experiences, as well as capacity-building, in the different areas of sustainable development.

65. We recognize the power of communications technologies, including connection technologies and innovative applications, to promote knowledge exchange, technical cooperation and capacity-building for sustainable development. These technologies and applications can build capacity and enable the sharing of experiences and knowledge in the different areas of sustainable development in an open and transparent manner.

66. Recognizing the importance of linking financing, technology, capacitybuilding and national needs for sustainable development policies, including green economy in the context of sustainable development and poverty eradication, we invite the United Nations system, in cooperation with relevant donors and international organizations, to coordinate and provide information upon request on:

(a) Matching interested countries with the partners that are best suited to provide requested support;

(b) Toolboxes and/or best practices in applying policies on green economy in the context of sustainable development and poverty eradication at all levels;

(c) Models or good examples of policies on green economy in the context of sustainable development and poverty eradication;

(d) Methodologies for evaluation of policies on green economy in the context of sustainable development and poverty eradication;

(e) Existing and emerging platforms that contribute in this regard.

67. We underscore the importance of governments taking a leadership role in developing policies and strategies through an inclusive and transparent process. We also take note of the efforts of those countries, including developing countries, that have already initiated processes to prepare national green economy strategies and policies in support of sustainable development.

68. We invite relevant stakeholders, including the United Nations regional commissions, United Nations organizations and bodies, other relevant intergovernmental and regional organizations, international financial institutions and major groups involved in sustainable development, according to their respective mandates, to support developing countries, upon request, to achieve sustainable development, including through, inter alia, green economy policies in the context of sustainable development and poverty eradication, in particular in least developed countries.

69. We also invite business and industry as appropriate and in accordance with national legislation to contribute to sustainable development and to develop sustainability strategies that integrate, inter alia, green economy policies.

70. We acknowledge the role of cooperatives and microenterprises in contributing to social inclusion and poverty reduction, in particular in developing countries.

71. We encourage existing and new partnerships, including public-private partnerships, to mobilize public financing complemented by the private sector, taking into account the interests of local and indigenous communities when appropriate. In this regard, governments should support initiatives for sustainable development, including promoting the contribution of the private sector to support green economy policies in the context of sustainable development and poverty eradication.

72. We recognize the critical role of technology as well as the importance of promoting innovation, in particular in developing countries. We invite governments, as appropriate, to create enabling frameworks that foster environmentally sound technology, research and development, and innovation, including in support

of green economy in the context of sustainable development and poverty eradication.

73. We emphasize the importance of technology transfer to developing countries, and recall the provisions on technology transfer, finance, access to information and intellectual property rights, as agreed in the Johannesburg Plan of Implementation, in particular its call to promote, facilitate and finance, as appropriate, access to and the development, transfer and diffusion of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed. We also take note of the further evolution of discussions and agreements on these issues since the adoption of the Johannesburg Plan of Implementation.

74. We recognize that the efforts of developing countries that choose to implement green economy policies in the context of sustainable development and poverty eradication should be supported through technical and technological assistance.

IV. Institutional framework for sustainable development

A. Strengthening the three dimensions of sustainable development

75. We underscore the importance of a strengthened institutional framework for sustainable development which responds coherently and effectively to current and future challenges and efficiently bridges gaps in the implementation of the sustainable development agenda. The institutional framework for sustainable development should integrate the three dimensions of sustainable development in a balanced manner and enhance implementation by, inter alia, strengthening coherence and coordination, avoiding duplication of efforts and reviewing progress in implementing sustainable development. We also reaffirm that the framework should be inclusive, transparent and effective and that it should find common solutions related to global challenges to sustainable development.

76. We recognize that effective governance at the local, subnational, national, regional and global levels representing the voices and interests of all is critical for advancing sustainable development. The strengthening and reform of the institutional

framework should not be an end in itself, but a means to achieve sustainable development. We recognize that an improved and more effective institutional framework for sustainable development at the international level should be consistent with the Rio Principles, build on Agenda 21 and the Johannesburg Plan of Implementation, and its objectives on the institutional framework for sustainable development, contribute to the implementation of our commitments in the outcomes of United Nations conferences and summits in the economic, social, environmental and related fields and take into account national priorities and the development strategies and priorities of developing countries. We therefore resolve to strengthen the institutional framework for sustainable development, which will, inter alia:

(a) Promote the balanced integration of the three dimensions of sustainable development;

(b) Be based on an action- and result-oriented approach giving due regard to all relevant cross-cutting issues with the aim to contribute to the implementation of sustainable development;

(c) Underscore the importance of interlinkages among key issues and challenges and the need for a systematic approach to them at all relevant levels;

(d) Enhance coherence, reduce fragmentation and overlap and increase effectiveness, efficiency and transparency, while reinforcing coordination and cooperation;

(e) Promote full and effective participation of all countries in decisionmaking processes;

(f) Engage high-level political leaders, provide policy guidance and identify specific actions to promote effective implementation of sustainable development, including through voluntary sharing of experiences and lessons learned;

(g) Promote the science-policy interface through inclusive, evidence-based and transparent scientific assessments, as well as access to reliable, relevant and timely data in areas related to the three dimensions of sustainable development, building on existing mechanisms, as appropriate; in this regard, strengthen participation of all countries in international sustainable development processes and capacity-building especially for developing countries, including in conducting their own monitoring and assessments;

(h) Enhance the participation and effective engagement of civil society and other relevant stakeholders in the relevant international forums and, in this regard, promote transparency

and broad public participation and partnerships to implement sustainable development;

(i) Promote the review and stocktaking of progress in the implementation of all sustainable development commitments, including commitments related to means of implementation.

B. Strengthening intergovernmental arrangements for sustainable development

77. We acknowledge the vital importance of an inclusive, transparent, reformed, strengthened and effective multilateral system in order to better address the urgent global challenges of sustainable development today, recognizing the universality and central role of the United Nations and reaffirming our commitment to promote and strengthen the effectiveness and efficiency of the United Nations system.

78. We underscore the need to strengthen United Nations system-wide coherence and coordination, while ensuring appropriate accountability to Member States, by, inter alia, enhancing coherence in reporting and reinforcing cooperative efforts under existing inter-agency mechanisms and strategies to advance the integration of the three dimensions of sustainable development within the United Nations system, including through exchange of information among its agencies, funds and programmes, and also with the international financial institutions and other relevant organizations such as the World Trade Organization, within their respective mandates.

79. We emphasize the need for an improved and more effective institutional framework for sustainable development which should be guided by the specific functions required and mandates involved; address the shortcomings of the current system; take into account all relevant implications; promote synergies and coherence; seek to avoid duplication and eliminate unnecessary overlaps within the United Nations system; and reduce administrative burdens and build on existing arrangements.

General Assembly

80. We reaffirm the role and authority of the General Assembly on global matters of concern to the international community, as set out in the Charter.

81. We further reaffirm the central position of the General

Assembly as the chief deliberative, policymaking and representative organ of the United Nations. In this regard, we call for the Assembly to further integrate sustainable development as a key element of the overarching framework for United Nations activities and adequately address sustainable development in its agenda-setting, including through periodic high-level dialogues.

Economic and Social Council

82. We reaffirm that the Economic and Social Council is a principal body for policy review, policy dialogue and recommendations on issues of economic and social development and for the follow-up to the Millennium Development Goals, and is a central mechanism for the coordination of the United Nations system and supervision of the subsidiary bodies of the Council, in particular its functional commissions, and for promoting the implementation of Agenda 21 by strengthening system-wide coherence and coordination. We also reaffirm the major role the Council plays in the overall coordination of funds, programmes and specialized agencies, ensuring coherence among them and avoiding duplication of mandates and activities.

83. We commit to strengthen the Economic and Social Council within its mandate under the Charter, as a principal organ in the integrated and coordinated follow-up of the outcomes of all major United Nations conferences and summits in the economic, social, environmental and related fields, and recognize its key role in achieving a balanced integration of the three dimensions of sustainable development. We look forward to the review of the implementation of General Assembly resolution 61/16 of 20 November 2006 on the strengthening of the Council.

High-level political forum

84. We decide to establish a universal, intergovernmental, high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission. The high-level political forum shall follow up on the implementation of sustainable development and should avoid overlap with existing structures, bodies and entities in a cost-effective manner.

85. The high-level forum could:

(a) Provide political leadership, guidance and recommendations for sustainable development;

(b) Enhance integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all levels;

(c) Provide a dynamic platform for regular dialogue and for stocktaking and agenda-setting to advance sustainable development;

(d) Have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges;

(e) Follow up and review progress in the implementation of sustainable development commitments contained in Agenda 21, the Johannesburg Plan of Implementation, the Barbados Programme of Action, the Mauritius Strategy and the outcome of the present Conference and, as appropriate, relevant outcomes of other United Nations summits and conferences, including the outcome of the Fourth United Nations Conference on the Least Developed Countries,²⁹ as well as their respective means of implementation;

(f) Encourage high-level system-wide participation of United Nations agencies, funds and programmes and invite to participate, as appropriate, other relevant multilateral financial and trade institutions and treaty bodies, within their respective mandates and in accordance with United Nations rules and provisions;

(g) Improve cooperation and coordination within the United Nations system on sustainable development programmes and policies;

(h) Promote transparency and implementation by further enhancing the consultative role and participation of major groups and other relevant stakeholders at the international level in order to better make use of their expertise, while retaining the inter-governmental nature of discussions;

(i) Promote the sharing of best practices and experiences relating to the implementation of sustainable development and, on a voluntary basis, facilitate sharing of experiences, including successes, challenges and lessons learned;

(j) Promote system-wide coherence and coordination of sustainable development policies;

(k) Strengthen the science-policy interface through review of documentation, bringing together dispersed information and

²⁹ Report of the Fourth United Nations Conference on the Least Developed Countries, Istanbul, Turkey, 9–13 May 2011 (A/CONF.219/7), chaps. I and II.

assessments, including in the form of a global sustainable development report, building on existing assessments;

(l) Enhance evidence-based decision-making at all levels and contribute to strengthening ongoing capacity-building for data collection and analysis in developing countries.

86. We decide to launch an intergovernmental and open, transparent and inclusive negotiation process under the General Assembly to define the format and organizational aspects of the high-level forum, with the aim of convening the first high-level forum at the beginning of the sixty-eighth session of the Assembly. We will also consider the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations, including by inviting the Secretary-General to present a report on this issue.

C. Environmental pillar in the context of sustainable development

87. We reaffirm the need to strengthen international environmental governance within the context of the institutional framework for sustainable development in order to promote a balanced integration of the economic, social and environmental dimensions of sustainable development, as well as coordination within the United Nations system.

88. We are committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. We reaffirm General Assembly resolution 2997 (XXVII) of 15 December 1972 establishing the United Nations Environment Programme and other relevant resolutions that reinforce its mandate, as well as the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 7 February 1997³⁰ and the Malmö Ministerial Declaration of 31 May 2000.³¹ In this regard, we invite the Assembly, at its sixty-seventh session, to adopt a resolution strengthening and upgrading the United Nations Environment Programme in the following manner:

³⁰ *Official Records of the General Assembly, Fifty-second Session, Supplement No. 25 (A/52/25)*, annex, decision 19/1, annex.

³¹ *Ibid.*, *Fifty-fifth Session, Supplement No. 25 (A/55/25)*, annex I, decision SS.VI/1, annex.

(a) Establish universal membership in the Governing Council of the United Nations Environment Programme, as well as other measures to strengthen its governance as well as its responsiveness and accountability to Member States;

(b) Have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfil its mandate;

(c) Enhance the voice of the United Nations Environment Programme and its ability to fulfil its coordination mandate within the United Nations system by strengthening its engagement in key United Nations coordination bodies and empowering it to lead efforts to formulate United Nations system-wide strategies on the environment;

(d) Promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making;

(e) Disseminate and share evidence-based environmental information, and raise public awareness on critical, as well as emerging, environmental issues;

(f) Provide capacity-building to countries, as well as support, and facilitate access to technology;

(g) Progressively consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system;

(h) Ensure the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.

89. We recognize the significant contributions to sustainable development made by the multilateral environmental agreements. We acknowledge the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster (Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,³² Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade³³ and Stockholm Convention on Persistent Organic

³² United Nations, *Treaty Series*, vol. 1673, No. 28911.

³³ *Ibid.*, vol. 2244, No. 39973.

³⁴ *Ibid.*, vol. 2256, No. 40214.

Pollutants³⁴). We encourage parties to multilateral environmental agreements to consider further measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field.

90. We stress the need for the continuation of a regular review of the state of the Earth's changing environment and its impact on human well-being, and in this regard we welcome such initiatives as the Global Environment Outlook process aimed at bringing together environmental information and assessments and building national and regional capacity to support informed decision-making.

D. International financial institutions and United Nations operational activities

91. We recognize that sustainable development should be given due consideration by the programmes, funds and specialized agencies of the United Nations system and other relevant entities such as international financial institutions and the United Nations Conference on Trade and Development, in accordance with their respective existing mandates. In this regard, we invite them to further enhance the mainstreaming of sustainable development in their respective mandates, programmes, strategies and decision-making processes, in support of the efforts of all countries, in particular developing countries, in the achievement of sustainable development.

92. We reaffirm the importance of broadening and strengthening the participation of developing countries in international economic decision-making and normsetting, and in this regard take note of recent important decisions on reform of the governance structures, quotas and voting rights of the Bretton Woods institutions, better reflecting current realities and enhancing the voice and participation of developing countries, and reiterate the importance of the reform of the governance of those institutions in order to deliver more effective, credible, accountable and legitimate institutions.

93. We call for the further mainstreaming of the three dimensions of sustainable development throughout the United Nations system, and request the Secretary-General to report to the General Assembly, through the Economic and Social Council, on the progress made in this regard. We also call for and recognize the importance of the strengthening of policy coordination within key structures of the Secretariat of the United Nations so as to ensure system-wide coherence in support of sustainable development, while ensuring accountability to Member States.

94. We invite the governing bodies of the funds, programmes and specialized agencies of the United Nations development system to consider appropriate measures for integrating the social, economic and environmental dimensions across the operational activities of the United Nations system. We also emphasize that increasing the financial contributions to the United Nations development system is key to achieving the internationally agreed development goals, including the Millennium Development Goals, and in this regard we recognize the mutually reinforcing links among increased effectiveness, efficiency and coherence of the United Nations development system, achieving concrete results in assisting developing countries in eradicating poverty and achieving sustained economic growth and sustainable development.

95. We emphasize the need to strengthen operational activities for development of the United Nations system in the field that are well aligned with national sustainable development priorities of developing countries. In this regard, we emphasize that the fundamental characteristics and principles of United Nations operational activities set forth in the relevant General Assembly resolutions provide the overarching framework for all matters pertaining to the United Nations development assistance operations in the field. We recognize the importance of strengthening United Nations system coordination. We look forward to receiving the outcome of the independent evaluation of the "Delivering as one" initiative.

96. We call upon the United Nations system to improve the management of facilities and operations, by taking into account sustainable development practices, building on existing efforts and promoting cost effectiveness, and in accordance with legislative frameworks, including financial rules and regulations, while maintaining accountability to Member States.

E. Regional, national, subnational and local levels

97. We acknowledge the importance of the regional dimension of sustainable development. Regional frameworks can complement and facilitate effective translation of sustainable development policies into concrete action at the national level.

98. We encourage regional, national, subnational and local authorities, as appropriate, to develop and utilize sustainable development strategies as key instruments for guiding decision-making and implementation of sustainable development at all levels, and in this regard we recognize that integrated social, economic and environmental data and information, as well as effective analysis and assessment of implementation, are important in decision-making processes.

99. We encourage action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate.

100. We emphasize that regional and subregional organizations, including the United Nations regional commissions and their subregional offices, have a significant role to play in promoting a balanced integration of the economic, social and environmental dimensions of sustainable development in their respective regions. We underscore the need to support these institutions, including through the United Nations system, in the effective operationalization and implementation of sustainable development, and to facilitate institutional coherence and harmonization of relevant development policies, plans and programmes. In this regard, we urge these institutions to prioritize sustainable development through, *inter alia*, more efficient and effective capacity-building, development and implementation of regional agreements and arrangements as appropriate, and exchange of information, best practices and lessons learned. We also welcome regional and cross-regional initiatives for sustainable development. We, furthermore, recognize the need to ensure effective linkage among global, regional, subregional and national processes to advance sustainable development. We encourage the enhancement of the United Nations regional commissions and their subregional offices in their respective capacities to support Member States in implementing sustainable development.

101. We underline the need for more coherent and integrated planning and decisionmaking at the national, subnational and local levels as appropriate, and to this end we call upon countries

to strengthen national, subnational and/or local institutions or relevant multi-stakeholder bodies and processes, as appropriate, dealing with sustainable development, including to coordinate on matters of sustainable development and to enable effective integration of the three dimensions of sustainable development.

102. We welcome regional and cross-regional initiatives for sustainable development, such as the Green Bridge Partnership Programme, which is voluntary and open for participation by all partners.

103. We underscore the need to ensure long-term political commitment to sustainable development taking into account national circumstances and priorities, and in this regard we encourage all countries to undertake the necessary actions and measures to achieve sustainable development.

V. Framework for action and follow-up

A. Thematic areas and cross-sectoral issues

104. We recognize that in order to achieve the objective of the United Nations Conference on Sustainable Development, namely to secure renewed political commitment for sustainable development, as well as to address the themes of a green economy in the context of sustainable development and poverty eradication and the institutional framework for sustainable development, we commit to address remaining gaps in the implementation of the outcomes of the major summits on sustainable development, to address new and emerging challenges and to seize new opportunities through the actions enumerated below in this framework for action, supported, as appropriate, through provision of means of implementation. We recognize that goals, targets and indicators, including, where appropriate, gendersensitive indicators, are valuable in measuring and accelerating progress. We further note that progress in the implementation of the actions stipulated below can be enhanced by voluntarily sharing information, knowledge and experience.

Poverty eradication

105. We recognize that, three years from the 2015 target date of the Millennium Development Goals, while there has been

progress in reducing poverty in some regions, this progress has been uneven and the number of people living in poverty in some countries continues to increase, with women and children constituting the majority of the most affected groups, especially in the least developed countries and particularly in Africa.

106. We recognize that sustained, inclusive and equitable economic growth in developing countries is a key requirement for eradicating poverty and hunger and achieving the Millennium Development Goals. In this regard, we emphasize that national efforts of developing countries should be complemented by an enabling environment aimed at expanding the development opportunities of developing countries. We also emphasize the need to accord the highest priority to poverty eradication within the United Nations development agenda, addressing the root causes and challenges of poverty through integrated, coordinated and coherent strategies at all levels.

107. We recognize that promoting universal access to social services can make an important contribution to consolidating and achieving development gains. Social protection systems that address and reduce inequality and social exclusion are essential for eradicating poverty and advancing the achievement of the Millennium Development Goals. In this regard, we strongly encourage initiatives aimed at enhancing social protection for all people.

Food security and nutrition and sustainable agriculture

108. We reaffirm our commitments regarding the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger. We acknowledge that food security and nutrition has become a pressing global challenge and, in this regard, we further reaffirm our commitment to enhancing food security and access to adequate, safe and nutritious food for present and future generations in line with the Five Rome Principles for Sustainable Global Food Security, adopted on 16 November 2009,³⁵ including for children under the age of 2, and through, as appropriate, national, regional and global food security and nutrition strategies.

109. We recognize that a significant portion of the world's poor

³⁵ See Food and Agriculture Organization of the United Nations, document WSFS 2009/2.

live in rural areas, and that rural communities play an important role in the economic development of many countries. We emphasize the need to revitalize the agricultural and rural development sectors, notably in developing countries, in an economically, socially and environmentally sustainable manner. We recognize the importance of taking the necessary actions to better address the needs of rural communities by, inter alia, enhancing access by agricultural producers, in particular small producers, women, indigenous peoples and people living in vulnerable situations, to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including for efficient irrigation, reuse of treated wastewater and water harvesting and storage. We reiterate the importance of empowering rural women as critical agents for enhancing agricultural and rural development and food security and nutrition. We also recognize the importance of traditional sustainable agricultural practices, including traditional seed supply systems, including for many indigenous peoples and local communities.

110. Noting the diversity of agricultural conditions and systems, we resolve to increase sustainable agricultural production and productivity globally, including by improving the functioning of markets and trading systems and strengthening international cooperation, particularly for developing countries, by increasing public and private investment in sustainable agriculture, land management and rural development. Key areas for investment and support include sustainable agricultural practices; rural infrastructure, storage capacities and related technologies; research and development on sustainable agricultural technologies; development of strong agricultural cooperatives and value chains; and the strengthening of urban-rural linkages. We also recognize the need to significantly reduce post-harvest and other food losses and waste throughout the food supply chain.

111. We reaffirm the necessity to promote, enhance and support more sustainable agriculture, including crops, livestock, forestry, fisheries and aquaculture, that improves food security, eradicates hunger and is economically viable, while conserving land, water, plant and animal genetic resources, biodiversity and ecosystems and enhancing resilience to climate change and natural disasters. We also recognize the need to maintain natural ecological processes that support food production systems.

112. We stress the need to enhance sustainable livestock produc-

tion systems, including by improving pasture land and irrigation schemes in line with national policies, legislation, rules and regulations, enhanced sustainable water management systems and efforts to eradicate and prevent the spread of animal diseases, recognizing that the livelihoods of farmers, including pastoralists, and the health of livestock are intertwined.

113. We also stress the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people.

114. We resolve to take action to enhance agricultural research, extension services, training and education to improve agricultural productivity and sustainability through the voluntary sharing of knowledge and good practices. We further resolve to improve access to information, technical knowledge and know-how, including through new information and communications technologies that empower farmers, fisherfolk and foresters to choose among diverse methods of achieving sustainable agricultural production. We call for the strengthening of international cooperation on agricultural research for development.

115. We reaffirm the important work and inclusive nature of the Committee on World Food Security, including through its role in facilitating country-initiated assessments on sustainable food production and food security, and we encourage countries to give due consideration to implementing the Committee on World Food Security Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. We take note of the ongoing discussions on responsible agricultural investment in the framework of the Committee on World Food Security, as well as the principles for responsible agricultural investment.

116. We stress the need to address the root causes of excessive food price volatility, including its structural causes, at all levels, and the need to manage the risks linked to high and excessively volatile prices in agricultural commodities and their consequences for global food security and nutrition, as well as for smallholder farmers and poor urban dwellers.

117. We underline the importance of timely, accurate and transparent information in helping to address excessive food price volatility, and in this regard take note of the Agricultural Market Information System hosted by the Food and Agriculture Organization of the United Nations and urge the participating

international organizations, private sector actors and governments to ensure the public dissemination of timely and quality food market information products.

118. We reaffirm that a universal, rules-based, open, non-discriminatory and equitable multilateral trading system will promote agricultural and rural development in developing countries and contribute to world food security. We urge national, regional and international strategies to promote the participation of farmers, especially smallholder farmers, including women, in community, domestic, regional and international markets.

Water and sanitation

119. We recognize that water is at the core of sustainable development as it is closely linked to a number of key global challenges. We therefore reiterate the importance of integrating water into sustainable development, and underline the critical importance of water and sanitation within the three dimensions of sustainable development.

120. We reaffirm the commitments made in the Johannesburg Plan of Implementation and the Millennium Declaration regarding halving by 2015 the proportion of people without access to safe drinking water and basic sanitation and the development of integrated water resource management and water efficiency plans, ensuring sustainable water use. We commit to the progressive realization of access to safe and affordable drinking water and basic sanitation for all, as necessary for poverty eradication, women's empowerment and to protect human health, and to significantly improve the implementation of integrated water resource management at all levels as appropriate. In this regard, we reiterate the commitments to support these efforts, in particular for developing countries, through the mobilization of resources from all sources, capacity-building and technology transfer.

121. We reaffirm our commitments regarding the human right to safe drinking water and sanitation, to be progressively realized for our populations, with full respect for national sovereignty. We also highlight our commitment to the International Decade for Action, "Water for Life", 2005–2015.

122. We recognize the key role that ecosystems play in maintaining water quantity and quality, and support actions within respective national boundaries to protect and sustainably manage these ecosystems.

123. We underline the need to adopt measures to address floods, droughts and water scarcity, addressing the balance between water supply and demand, including, where appropriate, non-conventional water resources, and to mobilize financial resources and investment in infrastructure for water and sanitation services, in accordance with national priorities.

124. We stress the need to adopt measures to significantly reduce water pollution and increase water quality, significantly improve wastewater treatment and water efficiency and reduce water losses. In order to achieve this, we stress the need for international assistance and cooperation.

Energy

125. We recognize the critical role that energy plays in the development process, as access to sustainable modern energy services contributes to poverty eradication, saves lives, improves health and helps to provide for basic human needs. We stress that these services are essential to social inclusion and gender equality, and that energy is also a key input to production. We commit to facilitate support for access to these services by 1.4 billion people worldwide who are currently without them. We recognize that access to these services is critical for achieving sustainable development.

126. We emphasize the need to address the challenge of access to sustainable modern energy services for all, in particular for the poor, who are unable to afford these services even when they are available. We emphasize the need to take further action to improve this situation, including by mobilizing adequate financial resources, so as to provide these services in a reliable, affordable, economically viable and socially and environmentally acceptable manner in developing countries.

127. We reaffirm support for the implementation of national and subnational policies and strategies, based on individual national circumstances and development aspirations, using an appropriate energy mix to meet developmental needs, including through increased use of renewable energy sources and other low-emission technologies, the more efficient use of energy, greater reliance on advanced energy technologies, including cleaner fossil fuel technologies, and the sustainable use of traditional energy resources. We commit to promoting sustainable modern energy services for all through national and subnational efforts, inter alia, on elec-

trification and dissemination of sustainable cooking and heating solutions, including through collaborative actions to share best practices and adopt policies, as appropriate. We urge governments to create enabling environments that facilitate public and private sector investment in relevant and needed cleaner energy technologies.

128. We recognize that improving energy efficiency, increasing the share of renewable energy and cleaner and energy-efficient technologies are important for sustainable development, including in addressing climate change. We also recognize the need for energy efficiency measures in urban planning, buildings and transportation and in the production of goods and services and the design of products. We also recognize the importance of promoting incentives in favour of, and removing disincentives to, energy efficiency and the diversification of the energy mix, including promoting research and development in all countries, including developing countries.

129. We note the launching of the “Sustainable Energy for All” initiative by the Secretary-General, which focuses on access to energy, energy efficiency and renewable energies. We are all determined to act to make sustainable energy for all a reality and, through this, help to eradicate poverty and lead to sustainable development and global prosperity. We recognize that the activities of countries in broader energy-related matters are of great importance and are prioritized according to their specific challenges, capacities and circumstances, including their energy mix.

Sustainable tourism

130. We emphasize that well-designed and managed tourism can make a significant contribution to the three dimensions of sustainable development, has close linkages to other sectors and can create decent jobs and generate trade opportunities. We recognize the need to support sustainable tourism activities and relevant capacitybuilding that promote environmental awareness, conserve and protect the environment, respect wildlife, flora, biodiversity, ecosystems and cultural diversity, and improve the welfare and livelihoods of local communities by supporting their local economies and the human and natural environment as a whole. We call for enhanced support for sustainable tourism activities and relevant capacity-building in developing countries in order to contribute to the achievement of sustainable

development.

131. We encourage the promotion of investment in sustainable tourism, including ecotourism and cultural tourism, which may include creating small and medium-sized enterprises and facilitating access to finance, including through microcredit initiatives for the poor, indigenous peoples and local communities in areas with high ecotourism potential. In this regard, we underline the importance of establishing, where necessary, appropriate guidelines and regulations, in accordance with national priorities and legislation, for promoting and supporting sustainable tourism.

Sustainable transport

132. We note that transportation and mobility are central to sustainable development. Sustainable transportation can enhance economic growth and improve accessibility. Sustainable transport achieves better integration of the economy while respecting the environment. We recognize the importance of the efficient movement of people and goods and access to environmentally sound, safe and affordable transportation as a means to improve social equity, health, resilience of cities, urban-rural linkages and productivity of rural areas. In this regard, we take into account road safety as part of our efforts to achieve sustainable development.

133. We support the development of sustainable transport systems, including energy-efficient multimodal transport systems, notably public mass transportation systems, clean fuels and vehicles, as well as improved transportation systems in rural areas. We recognize the need to promote an integrated approach to policymaking at the national, regional and local levels for transport services and systems to promote sustainable development. We also recognize that the special development needs of landlocked and transit developing countries need to be taken into account while establishing sustainable transit transport systems. We acknowledge the need for international support to developing countries in this regard.

Sustainable cities and human settlements

134. We recognize that, if they are well planned and developed, including through integrated planning and management approaches, cities can promote economically, socially and environmentally sustainable societies. In this regard, we recognize the

need for a holistic approach to urban development and human settlements that provides for affordable housing and infrastructure and prioritizes slum upgrading and urban regeneration. We commit to work towards improving the quality of human settlements, including the living and working conditions of both urban and rural dwellers in the context of poverty eradication so that all people have access to basic services, housing and mobility. We also recognize the need for conservation, as appropriate, of the natural and cultural heritage of human settlements, the revitalization of historic districts and the rehabilitation of city centres.

135. We commit to promote an integrated approach to planning and building sustainable cities and urban settlements, including by supporting local authorities, increasing public awareness and enhancing participation of urban residents, including the poor, in decision-making. We also commit to promote sustainable development policies that support inclusive housing and social services; a safe and healthy living environment for all, particularly children, youth, women and the elderly and disabled; affordable and sustainable transport and energy; the promotion, protection and restoration of safe and green urban spaces; safe and clean drinking water and sanitation; healthy air quality; the generation of decent jobs; and improved urban planning and slum upgrading. We further support the sustainable management of waste through the application of the 3Rs (reduce, reuse and recycle). We underline the importance of considering disaster risk reduction, resilience and climate risks in urban planning. We recognize the efforts of cities to balance development with rural regions.

136. We emphasize the importance of increasing the number of metropolitan regions, cities and towns that are implementing policies for sustainable urban planning and design in order to respond effectively to the expected growth of urban populations in the coming decades. We note that sustainable urban planning benefits from the involvement of multiple stakeholders as well as from full use of information and sex-disaggregated data, including on demographic trends, income distribution and informal settlements. We recognize the important role of municipal governments in setting a vision for sustainable cities, from the initiation of city planning through to revitalization of older cities and neighbourhoods, including by adopting energy efficiency programmes in building management and developing sustainable, locally appropriate transport systems. We further recognize the importance of mixed-use planning and of encouraging

non-motorized mobility, including by promoting pedestrian and cycling infrastructures.

137. We recognize that partnerships among cities and communities play an important role in promoting sustainable development. In this regard, we stress the need to strengthen existing cooperation mechanisms and platforms, partnership arrangements and other implementation tools to advance the coordinated implementation of the Habitat Agenda³⁶ with the active involvement of all relevant United Nations entities and with the overall aim of achieving sustainable urban development. We further recognize the continuing need for adequate and predictable financial contributions to the United Nations Habitat and Human Settlements Foundation so as to ensure timely, effective and concrete global implementation of the Habitat Agenda.

Health and population

138. We recognize that health is a precondition for and an outcome and indicator of all three dimensions of sustainable development. We understand the goals of sustainable development can only be achieved in the absence of a high prevalence of debilitating communicable and non-communicable diseases, and where populations can reach a state of physical, mental and social well-being. We are convinced that action on the social and environmental determinants of health, both for the poor and the vulnerable and for the entire population, is important to create inclusive, equitable, economically productive and healthy societies. We call for the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health.

139. We also recognize the importance of universal health coverage to enhancing health, social cohesion and sustainable human and economic development. We pledge to strengthen health systems towards the provision of equitable universal coverage. We call for the involvement of all relevant actors for coordinated multisectoral action to address urgently the health needs of the world's population.

140. We emphasize that HIV and AIDS, malaria, tuberculosis, influenza, polio and other communicable diseases remain serious global concerns, and we commit to redouble efforts to achieve universal access to HIV prevention, treatment, care and support

³⁶ *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

and to eliminate mother-to-child transmission of HIV, as well as to renew and strengthen the fight against malaria, tuberculosis and neglected tropical diseases.

141. We acknowledge that the global burden and threat of non-communicable diseases constitutes one of the major challenges for sustainable development in the twenty-first century. We commit to strengthen health systems towards the provision of equitable, universal coverage and promote affordable access to prevention, treatment, care and support related to non-communicable diseases, especially cancer, cardiovascular diseases, chronic respiratory diseases and diabetes. We also commit to establish or strengthen multisectoral national policies for the prevention and control of non-communicable diseases. We recognize that reducing, inter alia, air, water and chemical pollution leads to positive effects on health.

142. We reaffirm the right to use, to the fullest extent, the provisions contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement),³⁷ the Doha Declaration on the TRIPS Agreement and Public Health,³⁸ the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration,³⁹ and, when formal acceptance procedures are completed, the amendment to article 31 of the TRIPS Agreement, which provide flexibilities for the protection of public health, and in particular to promote access to medicines for all and encourage the provision of assistance to developing countries in this regard.

143. We call for further collaboration and cooperation at the national and international levels to strengthen health systems through increased health financing, recruitment, development and training and retention of the health workforce, through improved distribution and access to safe, affordable, effective and quality medicines, vaccines and medical technologies, and by improving health infrastructure. We support the leadership role of the World Health Organization as the directing and coordinating authority on international health work.

144. We commit to systematically consider population trends and projections in our national, rural and urban development strategies and policies. Through forwardlooking planning, we can seize the opportunities and address the challenges associated

³⁷ See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations*, done at Marrakesh on 15 April 1994 (GATT secretariat publication, Sales No. GATT/1994-7).

³⁸ World Trade Organization, document WT/MIN(01)/DEC/2.

³⁹ See World Trade Organization, document WT/L/540 and Corr.1.

with demographic change, including migration.

145. We call for the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, including the commitments leading to sexual and reproductive health and the promotion and protection of all human rights in this context. We emphasize the need for the provision of universal access to reproductive health, including family planning and sexual health, and the integration of reproductive health into national strategies and programmes.

146. We commit to reduce maternal and child mortality and to improve the health of women, youth and children. We reaffirm our commitment to gender equality and to protect the rights of women, men and youth to have control over and decide freely and responsibly on matters related to their sexuality, including access to sexual and reproductive health, free from coercion, discrimination and violence. We will work actively to ensure that health systems provide the necessary information and health services addressing the sexual and reproductive health of women, including by working towards universal access to safe, effective, affordable and acceptable modern methods of family planning, as this is essential for women's health and advancing gender equality.

Promoting full and productive employment, decent work for all and social protection

147. We recognize that poverty eradication, full and productive employment and decent work for all, and social integration and protection are interrelated and mutually reinforcing, and that enabling environments to promote them need to be created at all levels.

148. We are concerned about labour market conditions and widespread deficits of available decent work opportunities, especially for young women and men. We urge all governments to address the global challenge of youth employment by developing and implementing strategies and policies that provide young people everywhere access to decent and productive work, as over the coming decades, decent jobs will need to be created to be able to ensure sustainable and inclusive development and reduce poverty.

149. We recognize the importance of job creation by investing in and developing sound, effective and efficient economic and social infrastructure and productive capacities for sustainable development and sustained, inclusive and equitable economic growth. We call upon countries to enhance infrastructure investment for sustainable development, and we agree to support United Nations funds, programmes and agencies to help to assist and promote the efforts of developing countries, particularly the least developed countries, in this regard.

150. We recognize the importance of job creation by adopting forward-looking macroeconomic policies that promote sustainable development and lead to sustained, inclusive and equitable economic growth, increase productive employment opportunities and promote agricultural and industrial development.

151. We emphasize the need to enhance employment and income opportunities for all, especially for women and men living in poverty, and in this regard we support national efforts to provide new job opportunities to the poor in both rural and urban areas, including support to small and medium-sized enterprises.

152. We recognize that workers should have access to education, skills, health care, social security, fundamental rights at work, social and legal protections, including occupational safety and health, and decent work opportunities. Governments, trade unions, workers and employers all have a role to play in promoting decent work for all, and all should help young people to gain access to needed skills and employment opportunities, including in new and emerging sectors. Women and men should have equal access to opportunities to acquire job skills, as well as to worker protections. We recognize the importance of a just transition, including programmes to help workers to adjust to changing labour market conditions.

153. We also recognize that informal unpaid work, performed mostly by women, contributes substantially to human well-being and sustainable development. In this regard, we commit to work towards safe and decent working conditions and access to social protection and education.

154. We recognize that opportunities for decent work for all and job creation can be generated through, inter alia, public and private investments in scientific and technological innovation, public works in restoring, regenerating and conserving natural resources and ecosystems, and social and community services. We are encouraged by government initiatives to create jobs for

poor people in restoring and managing natural resources and ecosystems, and we encourage the private sector to contribute to decent work for all and job creation for both women and men, and particularly for young people, including through partnerships with small and medium-sized enterprises and cooperatives. In this regard, we acknowledge the importance of efforts to promote the exchange of information and knowledge on decent work for all and job creation, including green jobs initiatives and related skills, and to facilitate the integration of relevant data into national economic and employment policies.

155. We encourage the sharing of experiences and best practices on ways to address the high levels of unemployment and underemployment, in particular among young people.

156. We stress the need to provide social protection to all members of society, fostering growth, resilience, social justice and cohesion, including those who are not employed in the formal economy. In this regard, we strongly encourage national and local initiatives aimed at providing social protection floors for all citizens. We support global dialogue on best practices for social protection programmes that takes into account the three dimensions of sustainable development and, in this regard, we note International Labour Organization Recommendation No. 202 concerning national floors of social protection.

157. We call upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability.

Oceans and seas

158. We recognize that oceans, seas and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical to sustaining it, and that international law, as reflected in the United Nations Convention on the Law of the Sea,⁴⁰ provides the legal framework for the conservation and sustainable

⁴⁰ United Nations, *Treaty Series*, vol. 1833, No. 31363.

use of the oceans and their resources. We stress the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development, including through their contributions to poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and addressing the impacts of climate change. We therefore commit to protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities having an impact on the marine environment, to deliver on all three dimensions of sustainable development.

159. We recognize the importance of the Convention on the Law of the Sea to advancing sustainable development and its near universal adoption by States, and in this regard we urge all its parties to fully implement their obligations under the Convention.

160. We recognize the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources, and in this regard we emphasize the need for cooperation in marine scientific research to implement the provisions of the Convention on the Law of the Sea and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology.⁴¹

161. We support the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, established under the auspices of the General Assembly, and look forward to the completion of its first global integrated assessment of the state of the marine environment by 2014 and the subsequent consideration by the Assembly. We encourage consideration by States of the assessment findings at appropriate levels.

162. We recognize the importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. We note the ongoing work under the auspices of the

⁴¹ See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

General Assembly of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Building on the work of the Ad Hoc Open-ended Informal Working Group and before the end of the sixty-ninth session of the General Assembly, we commit to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the Convention on the Law of the Sea.

163. We note with concern that the health of oceans and marine biodiversity are negatively affected by marine pollution, including marine debris, especially plastic, persistent organic pollutants, heavy metals and nitrogen-based compounds, from a number of marine and land-based sources, including shipping and land runoff. We commit to take action to reduce the incidence and impacts of such pollution on marine ecosystems, including through the effective implementation of relevant conventions adopted in the framework of the International Maritime Organization, and the follow-up of relevant initiatives such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,⁴² as well as the adoption of coordinated strategies to this end. We further commit to take action to, by 2025, based on collected scientific data, achieve significant reductions in marine debris to prevent harm to the coastal and marine environment.

164. We note the significant threat that alien invasive species pose to marine ecosystems and resources, and commit to implement measures to prevent the introduction and manage the adverse environmental impacts of alien invasive species, including, as appropriate, those adopted in the framework of the International Maritime Organization.

165. We note that sea-level rise and coastal erosion are serious threats for many coastal regions and islands, particularly in developing countries, and in this regard we call upon the international community to enhance its efforts to address these challenges.

166. We call for support to initiatives that address ocean acidification and the impacts of climate change on marine and coastal ecosystems and resources. In this regard, we reiterate the need to work collectively to prevent further ocean acidification, as

⁴² See A/51/116, annex II.

well as to enhance the resilience of marine ecosystems and of the communities whose livelihoods depend on them, and to support marine scientific research, monitoring and observation of ocean acidification and particularly vulnerable ecosystems, including through enhanced international cooperation in this regard.

167. We stress our concern about the potential environmental impacts of ocean fertilization. In this regard, we recall the decisions related to ocean fertilization adopted by the relevant inter-governmental bodies, and resolve to continue addressing ocean fertilization with utmost caution, consistent with the precautionary approach.

168. We commit to intensify our efforts to meet the 2015 target as agreed to in the Johannesburg Plan of Implementation to maintain or restore stocks to levels that can produce maximum sustainable yield on an urgent basis. In this regard, we further commit to urgently take the measures necessary to maintain or restore all stocks at least to levels that can produce the maximum sustainable yield, with the aim of achieving these goals in the shortest time feasible, as determined by their biological characteristics. To achieve this, we commit to urgently develop and implement science-based management plans, including by reducing or suspending fishing catch and fishing effort commensurate with the status of the stock. We further commit to enhance action to manage by-catch, discards and other adverse ecosystem impacts from fisheries, including by eliminating destructive fishing practices. We also commit to enhance actions to protect vulnerable marine ecosystems from significant adverse impacts, including through the effective use of impact assessments. Such actions, including those through competent organizations, should be undertaken consistent with international law, the applicable international instruments and relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations.

169. We urge States parties to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks⁴³ to fully implement that Agreement and to give, in accordance with Part VII of the Agreement, full recognition to the special requirements of

⁴³ United Nations, Treaty Series, vol. 2167, No. 37924.

developing States. Furthermore, we call upon all States to implement the Code of Conduct for Responsible Fisheries⁴⁴ and the international plans of action and technical guidelines of the Food and Agriculture Organization of the United Nations.

170. We acknowledge that illegal, unreported and unregulated fishing deprive many countries of a crucial natural resource and remain a persistent threat to their sustainable development. We recommit to eliminate illegal, unreported and unregulated fishing as advanced in the Johannesburg Plan of Implementation, and to prevent and combat these practices, including by the following: developing and implementing national and regional action plans in accordance with the Food and Agriculture Organization of the United Nations International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; implementing, in accordance with international law, effective and coordinated measures by coastal States, flag States, port States, chartering nations and the States of nationality of the beneficial owners and others who support or engage in illegal, unreported and unregulated fishing by identifying vessels engaged in such fishing and by depriving offenders of the benefits accruing from it; as well as cooperating with developing countries to systematically identify needs and build capacity, including support for monitoring, control, surveillance, compliance and enforcement systems.

171. We call upon States that have signed the Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing⁴⁵ to expedite procedures for its ratification with a view to its early entry into force.

172. We recognize the need for transparency and accountability in fisheries management by regional fisheries management organizations. We recognize the efforts already made by those regional fisheries management organizations that have undertaken independent performance reviews, and call upon all regional fisheries management organizations to regularly undertake such reviews and make the results publicly available. We encourage implementation of the recommendations of such reviews and recommend that the comprehensiveness of those reviews be strengthened over time, as necessary.

⁴⁴ *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

⁴⁵ Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Thirty-sixth Session, Rome, 18–23 November 2009* (C 2009/REP and Corr.1–3), appendix E.

173. We reaffirm our commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of this sector to developing countries, and we reiterate our commitment to conclude multilateral disciplines on fisheries subsidies that will give effect to the mandates of the World Trade Organization Doha Development Agenda⁴⁶ and the Hong Kong Ministerial Declaration⁴⁷ to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of World Trade Organization fisheries subsidies negotiation, taking into account the importance of the sector to development priorities, poverty reduction and livelihood and food security concerns. We encourage States to further improve the transparency and reporting of existing fisheries subsidies programmes through the World Trade Organization. Given the state of fisheries resources, and without prejudicing the Doha and Hong Kong ministerial mandates on fisheries subsidies or the need to conclude these negotiations, we encourage States to eliminate subsidies that contribute to overcapacity and overfishing, and to refrain from introducing new such subsidies or from extending or enhancing existing ones.

174. We urge the identification and mainstreaming by 2014 of strategies that further assist developing countries, in particular the least developed countries and small island developing States, in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries, including through improved market access for fish products from developing countries.

175. We commit to observe the need to ensure access to fisheries and the importance of access to markets, by subsistence, small-scale and artisanal fisherfolk and women fish workers, as well as indigenous peoples and their communities, particularly in developing countries, especially small island developing States.

176. We also recognize the significant economic, social and environmental contributions of coral reefs, in particular to islands and other

⁴⁶ See A/C.2/56/7, annex.

⁴⁷ World Trade Organization, document WT/MIN(05)/DEC.

coastal States, as well as the significant vulnerability of coral reefs and mangroves to impacts, including from climate change, ocean acidification, overfishing, destructive fishing practices and pollution. We support international cooperation with a view to conserving coral reef and mangrove ecosystems and realizing their social, economic and environmental benefits, as well as facilitating technical collaboration and voluntary information-sharing.

177. We reaffirm the importance of area-based conservation measures, including marine protected areas, consistent with international law and based on best available scientific information, as a tool for conservation of biological diversity and sustainable use of its components. We note decision X/2 of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nagoya, Japan, from 18 to 29 October 2010, that, by 2020, 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are to be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures.⁴⁸

Small island developing States

178. We reaffirm that small island developing States remain a special case for sustainable development in view of their unique and particular vulnerabilities, including their small size, remoteness, narrow resource and export base, and exposure to global environmental challenges and external economic shocks, including to a large range of impacts from climate change and potentially more frequent and intense natural disasters. We note with concern that the outcome of the five-year review of the Mauritius Strategy⁴⁹ concluded that small island developing States have made less progress than most other groupings, or even regressed, in economic terms, especially in terms of poverty reduction and debt sustainability. Sea-level rise and other adverse impacts of climate change continue to pose a significant risk to small island developing States and their efforts to achieve sustainable development and, for many, represent the gravest of threats to their survival and viability, including for some through the loss of territory. We also remain concerned that, while small island

⁴⁸ See United Nations Environment Programme, document UNEP/CBD/COP/10/27, annex.

⁴⁹ See resolution 65/2.

developing States have progressed in the areas of gender, health, education and the environment, their overall progress towards achieving the Millennium Development Goals has been uneven.

179. We call for continued and enhanced efforts to assist small island developing States in implementing the Barbados Programme of Action and the Mauritius Strategy. We also call for a strengthening of United Nations system support to small island developing States in keeping with the multiple ongoing and emerging challenges faced by these States in achieving sustainable development.

180. Building on the Barbados Programme of Action and the Mauritius Strategy, we call for the convening in 2014 of a third international conference on small island developing States, recognizing the importance of coordinated, balanced and integrated actions to address the sustainable development challenges facing small island developing States, and we invite the General Assembly at its sixty-seventh session to determine the modalities of the conference.

Least developed countries

181. We agree to effectively implement the Istanbul Programme of Action and to fully integrate its priority areas into the present framework for action, the broader implementation of which will contribute to the overarching goal of the Istanbul Programme of Action of enabling half the least developed countries to meet the criteria for graduation by 2020.

Landlocked developing countries

182. We invite Member States, including development partners, organizations of the United Nations system and other relevant international, regional and subregional organizations, to speed up further the implementation of the specific actions in the five priorities agreed upon in the Almaty Programme of Action and those contained in the declaration on the midterm review of the Almaty Programme of Action, in a better coordinated manner, in particular for the construction, maintenance and improvement of their transport, storage and other transit-related facilities, including alternative routes, completion of missing links and improved communications and energy infrastructure, so as to support the sustainable development of landlocked developing countries.

Africa

183. While we acknowledge that some progress has been made towards the fulfilment of international commitments related to Africa's development needs, we emphasize that significant challenges remain in achieving sustainable development on the continent.

184. We call upon the international community to enhance support and fulfil commitments to advance action in areas critical to Africa's sustainable development, and welcome the efforts by development partners to strengthen cooperation with the New Partnership for Africa's Development. We also welcome the progress made by African countries in deepening democracy, human rights, good governance and sound economic management, and encourage African countries to continue their efforts in this regard. We invite all Africa's development partners, in particular developed countries, to support African countries in strengthening human capacities and democratic institutions, consistent with their priorities and objectives, with a view to furthering Africa's development at all levels, including by facilitating the transfer of technology needed by African countries as mutually agreed. We recognize the continued efforts by African countries to create enabling environments for inclusive growth in support of sustainable development and the need for the international community to make continued efforts to increase the flow of new and additional resources for financing for development from all sources, public and private, domestic and foreign, to support these development efforts by African countries, and welcome the various important initiatives established between African countries and their development partners in this regard.

Regional efforts

185. We encourage coordinated regional actions to promote sustainable development. We recognize, in this regard, that important steps have been taken to promote sustainable development, in particular in the Arab region, Latin America and the Caribbean and the Asia-Pacific region, through relevant forums, including within the United Nations regional commissions. While noting that challenges remain in several areas, the international community welcomes these efforts, and the results already achieved, and calls for actions at all levels for their further development and implementation.

Disaster risk reduction

186. We reaffirm our commitment to the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters,⁵⁰ and call for States, the United Nations system, the international financial institutions, subregional, regional and international organizations and civil society to accelerate implementation of the Hyogo Framework for Action and the achievement of its goals. We call for disaster risk reduction and the building of resilience to disasters to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication and, as appropriate, to be integrated into policies, plans, programmes and budgets at all levels and considered within relevant future frameworks. We invite governments at all levels, as well as relevant subregional, regional and international organizations, to commit to adequate, timely and predictable resources for disaster risk reduction in order to enhance the resilience of cities and communities to disasters, according to their own circumstances and capacities.

187. We recognize the importance of early warning systems as part of effective disaster risk reduction at all levels in order to reduce economic and social damages, including the loss of human life, and in this regard encourage States to integrate such systems into their national disaster risk reduction strategies and plans. We encourage donors and the international community to enhance international cooperation in support of disaster risk reduction in developing countries, as appropriate, through technical assistance, technology transfer as mutually agreed, capacity-building and training programmes. We further recognize the importance of comprehensive hazard and risk assessments, and knowledge- and informationsharing, including reliable geospatial information. We commit to undertake and strengthen in a timely manner risk assessment and disaster risk reduction instruments.

188. We stress the importance of stronger interlinkages among disaster risk reduction, recovery and long-term development planning, and call for more coordinated and comprehensive strategies that integrate disaster risk reduction and climate change adaptation considerations into public and private investment, decision-making and the planning of humanitarian and development actions, in order to reduce risk, increase resilience

⁵⁰ A/CONF.206/6 and Corr.1, chap. I, resolution 2.

and provide a smoother transition between relief, recovery and development. In this regard, we recognize the need to integrate a gender perspective into the design and implementation of all phases of disaster risk management.

189. We call for all relevant stakeholders, including governments, international, regional and subregional organizations, the private sector and civil society, to take appropriate and effective measures, taking into account the three dimensions of sustainable development, including by strengthening coordination and cooperation to reduce exposure to risk for the protection of people, and infrastructure and other national assets, from the impact of disasters, in line with the Hyogo Framework for Action and any post-2015 framework for disaster risk reduction.

Climate change

190. We reaffirm that climate change is one of the greatest challenges of our time, and we express profound alarm that emissions of greenhouse gases continue to rise globally. We are deeply concerned that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change and are already experiencing increased impacts, including persistent drought and extreme weather events, sea-level rise, coastal erosion and ocean acidification, further threatening food security and efforts to eradicate poverty and achieve sustainable development. In this regard, we emphasize that adaptation to climate change represents an immediate and urgent global priority.

191. We underscore that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions. We recall that the United Nations Framework Convention on Climate Change provides that parties should protect the climate system for the benefit of present and future generations of humankind on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. We note with grave concern the significant gap between the aggregate effect of mitigation pledges by parties in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2° C, or 1.5° C above pre-industrial levels. We recognize

the importance of mobilizing funding from a variety of sources, public and private, bilateral and multilateral, including innovative sources of finance, to support nationally appropriate mitigation actions, adaptation measures, technology development and transfer and capacity-building in developing countries. In this regard, we welcome the launching of the Green Climate Fund, and call for its prompt operationalization so as to have an early and adequate replenishment process.

192. We urge parties to the United Nations Framework Convention on Climate Change and parties to the Kyoto Protocol thereto⁵¹ to fully implement their commitments, as well as decisions adopted under those agreements. In this regard, we will build upon the progress achieved, including at the seventeenth session of the Conference of the Parties to the Convention and the seventh session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, held in Durban, South Africa, from 28 November to 9 December 2011.

Forests

193. We highlight the social, economic and environmental benefits of forests to people and the contributions of sustainable forest management to the themes and objective of the United Nations Conference on Sustainable Development. We support cross-sectoral and cross-institutional policies promoting sustainable forest management. We reaffirm that the wide range of products and services that forests provide creates opportunities to address many of the most pressing sustainable development challenges. We call for enhanced efforts to achieve the sustainable management of forests, reforestation, restoration and afforestation, and we support all efforts that effectively slow, halt and reverse deforestation and forest degradation, including promoting trade in legally harvested forest products. We note the importance of such ongoing initiatives as reducing emissions from deforestation and forest degradation in developing countries, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries. We call for increased efforts to strengthen forest governance frameworks and means of implementation, in accordance with the non-legally binding instrument on all types of forests,⁵² in order to achieve

⁵¹ United Nations, *Treaty Series*, vol. 2303, No. 30822.

⁵² Resolution 62/98, annex.

sustainable forest management. To this end, we commit to improving the livelihoods of people and communities by creating the conditions needed for them to sustainably manage forests, including by strengthening cooperation arrangements in the areas of finance, trade, transfer of environmentally sound technologies, capacity-building and governance, as well as by promoting secure land tenure, particularly with regard to decision-making and benefit-sharing, in accordance with national legislation and priorities.

194. We call for urgent implementation of the non-legally binding instrument on all types of forests and the ministerial declaration of the high-level segment of the ninth session of the United Nations Forum on Forests on the occasion of the launch of the International Year of Forests.⁵³

195. We recognize that the United Nations Forum on Forests, with its universal membership and comprehensive mandate, plays a vital role in addressing forest-related issues in a holistic and integrated manner and promoting international policy coordination and cooperation to achieve sustainable forest management. We invite the Collaborative Partnership on Forests to continue its support to the Forum and encourage stakeholders to remain actively engaged in the work of the Forum.

196. We stress the importance of integrating sustainable forest management objectives and practices into the mainstream of economic policy and decisionmaking, and to that end we commit to working through the governing bodies of member organizations of the Collaborative Partnership on Forests to integrate, as appropriate, the sustainable management of all types of forests into their strategies and programmes.

Biodiversity

197. We reaffirm the intrinsic value of biological diversity, as well as the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its critical role in maintaining ecosystems that provide essential services, which are critical foundations for sustainable development and human well-being. We recognize the severity of the global loss of biodiversity and the degradation of ecosystems, and emphasize that these undermine global development, affecting

⁵³ *Official Records of the Economic and Social Council, 2011, Supplement No. 22 (E/2011/42), chap. I, sect. A, draft decision I; see also decision 66/543.*

food security and nutrition, the provision of and access to water and the health of the rural poor and of people worldwide, including present and future generations. This highlights the importance of the conservation of biodiversity, enhancing habitat connectivity and building ecosystem resilience. We recognize that the traditional knowledge, innovations and practices of indigenous peoples and local communities make an important contribution to the conservation and sustainable use of biodiversity, and their wider application can support social well-being and sustainable livelihoods. We further recognize that indigenous peoples and local communities are often the most directly dependent on biodiversity and ecosystems and thus are often the most immediately affected by their loss and degradation.

198. We reiterate our commitment to the achievement of the three objectives of the Convention on Biological Diversity, and call for urgent actions that effectively reduce the rate of, halt and reverse the loss of biodiversity. In this context, we affirm the importance of implementing the Strategic Plan for Biodiversity 2011–2020 and achieving the Aichi Biodiversity Targets adopted by the Conference of the Parties to the Convention at its tenth meeting.

199. We note the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, and we invite parties to the Convention on Biological Diversity to ratify or accede to the Protocol, so as to ensure its entry into force at the earliest possible opportunity. We acknowledge the role of access and benefit-sharing arising from the utilization of genetic resources in contributing to the conservation and sustainable use of biological diversity, poverty eradication and environmental sustainability.

200. We welcome the strategy for resource mobilization in support of the achievement of the three objectives of the Convention on Biological Diversity, including the commitment to substantially increasing resources from all sources in support of biodiversity, in accordance with decisions taken at the Conference of the Parties at its tenth meeting.

201. We support mainstreaming the consideration of the socio-economic impacts and benefits of the conservation and sustainable use of biodiversity and its components, as well as ecosystems that provide essential services, into relevant programmes and policies at all levels, in accordance with national legislation, circumstances

and priorities. We encourage investments, through appropriate incentives and policies, which support the conservation and sustainable use of biological diversity and restoration of degraded ecosystems, consistent and in harmony with the Convention on Biological Diversity and other relevant international obligations.

202. We agree to promote international cooperation and partnerships, as appropriate, and information exchange, and in this context we welcome the United Nations Decade on Biodiversity, 2011–2020, for the purpose of encouraging the active involvement of all stakeholders in the conservation and sustainable use of biodiversity, as well as access to and the fair and equitable sharing of benefits arising from the utilization of genetic resources, with the vision of living in harmony with nature.

203. We recognize the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,⁵⁴ an international agreement that stands at the intersection between trade, the environment and development, promotes the conservation and sustainable use of biodiversity, should contribute to tangible benefits for local people and ensures that no species entering into international trade is threatened with extinction. We recognize the economic, social and environmental impacts of illicit trafficking in wildlife, where firm and strengthened action needs to be taken on both the supply and demand sides. In this regard, we emphasize the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations. We further stress the importance of basing the listing of species on agreed criteria.

204. We take note of the establishment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and invite an early commencement of its work in order to provide the best available policy-relevant information on biodiversity to assist decision makers.

Desertification, land degradation and drought

205. We recognize the economic and social significance of good land management, including soil, particularly its contribution to economic growth, biodiversity, sustainable agriculture and food security, eradicating poverty, women's empowerment, addressing

⁵⁴ United Nations, Treaty Series, vol. 1760, No. 30619.

climate change and improving water availability. We stress that desertification, land degradation and drought are challenges of a global dimension and continue to pose serious challenges to the sustainable development of all countries, in particular developing countries. We also stress the particular challenges this poses for Africa, the least developed countries and the landlocked developing countries. In this regard, we express deep concern at the devastating consequences of cyclical drought and famine in Africa, in particular in the Horn of Africa and the Sahel region, and call for urgent action through short-, medium- and long-term measures at all levels.

206. We recognize the need for urgent action to reverse land degradation. In view of this, we will strive to achieve a land-degradation-neutral world in the context of sustainable development. This should act to catalyse financial resources from a range of public and private sources.

207. We reaffirm our resolve, in accordance with the United Nations Convention to Combat Desertification, to take coordinated action nationally, regionally and internationally, to monitor, globally, land degradation and restore degraded lands in arid, semi-arid and dry sub-humid areas. We resolve to support and strengthen the implementation of the Convention and the ten-year strategic plan and framework to enhance its implementation (2008–2018),⁵⁵ including by mobilizing adequate, predictable and timely financial resources. We note the importance of mitigating the effects of desertification, land degradation and drought, including by preserving and developing oases, restoring degraded lands, improving soil quality and improving water management, in order to contribute to sustainable development and poverty eradication. In this regard, we encourage and recognize the importance of partnerships and initiatives for the safeguarding of land resources. We also encourage capacity-building, extension training programmes and scientific studies and initiatives aimed at deepening understanding and raising awareness of the economic, social and environmental benefits of sustainable land management policies and practices.

208. We stress the importance of the further development and implementation of scientifically based, sound and socially inclusive methods and indicators for monitoring and assessing the extent of desertification, land degradation and drought, as

⁵⁵ A/C.2/62/7, annex.

well as the importance of efforts under way to promote scientific research and strengthen the scientific base of activities to address desertification and drought in accordance with the United Nations Convention to Combat Desertification. In this respect, we take note of the decision of the Conference of the Parties to the Convention at its tenth session, held in Changwon City, Republic of Korea, from 10 to 21 October 2011, to establish an ad hoc working group, taking into account regional balance, to discuss specific options for the provision of scientific advice to its parties.⁵⁶

209. We reiterate the need for cooperation through the sharing of climate and weather information and forecasting and early warning systems related to desertification, land degradation and drought, as well as to dust storms and sandstorms, at the global, regional and subregional levels. In this regard, we invite States and relevant organizations to cooperate in the sharing of related information, forecasting and early warning systems.

Mountains

210. We recognize that the benefits derived from mountain regions are essential for sustainable development. Mountain ecosystems play a crucial role in providing water resources to a large portion of the world's population; fragile mountain ecosystems are particularly vulnerable to the adverse impacts of climate change, deforestation and forest degradation, land use change, land degradation and natural disasters; and mountain glaciers around the world are retreating and getting thinner, with increasing impacts on the environment and human well-being.

211. We further recognize that mountains are often home to communities, including indigenous peoples and local communities, that have developed sustainable uses of mountain resources. These communities are, however, often marginalized, and we therefore stress that continued effort will be required to address poverty, food security and nutrition, social exclusion and environmental degradation in these areas. We invite States to strengthen cooperative action with effective involvement and sharing of experience of all relevant stakeholders, by strengthening existing arrangements, agreements and centres of excellence for sustainable mountain development, as well as exploring new arrange-

⁵⁶ See ICCD/COP(10)/31/Add.1, decision 20/COP.10.

ments and agreements, as appropriate.

212. We call for greater efforts towards the conservation of mountain ecosystems, including their biodiversity. We encourage States to adopt a long-term vision and holistic approaches, including by incorporating mountain-specific policies into national sustainable development strategies, which could include, inter alia, poverty reduction plans and programmes for mountain areas, particularly in developing countries. In this regard, we call for international support for sustainable mountain development in developing countries.

Chemicals and waste

213. We recognize that the sound management of chemicals is crucial for the protection of human health and the environment. We further recognize that growing global production and use of chemicals and their prevalence in the environment calls for increased international cooperation. We reaffirm our aim to achieve, by 2020, the sound management of chemicals throughout their life cycle and of hazardous waste in ways that lead to minimization of significant adverse effects on human health and the environment, as set out in the Johannesburg Plan of Implementation. We also reaffirm our commitment to an approach for the sound management of chemicals and waste, at all levels, that responds in an effective, efficient, coherent and coordinated manner to new and emerging issues and challenges, and encourage further progress across countries and regions in order to fill the gaps in the implementation of commitments.

214. We call for the effective implementation and strengthening of the Strategic Approach to International Chemicals Management⁵⁷ as part of a robust, coherent, effective and efficient system for the sound management of chemicals throughout their life cycle, including to respond to emerging challenges.

215. We are deeply concerned that many countries, in particular the least developed countries, lack the capacity for sound management of chemicals and waste throughout their life cycles. Additional efforts are needed to enhance work towards strengthening capacities, including through partnerships, technical assistance and improved governance structures. We encourage countries and organizations which have made progress towards

⁵⁷ See the report of the International Conference on Chemicals Management on the work of its first session (SAICM/ICCM.1/7), annexes I–III.

achieving the goal of sound management of chemicals by 2020 to assist other countries by sharing knowledge, experience and best practices.

216. We commend the increased coordination and cooperation among chemical and waste conventions, namely the Basel Convention, the Rotterdam Convention and the Stockholm Convention, and encourage continued enhanced coordination and cooperation among them and with the Strategic Approach to International Chemicals Management. We take note of the important role of the regional and coordinating centres of the Basel Convention and of those of the Stockholm Convention.

217. We commend existing public-private partnerships, and call for continued, new and innovative public-private partnerships among industry, governments, academia and other non-governmental stakeholders, aiming to enhance capacity and technology for environmentally sound chemicals and waste management, including for waste prevention.

218. We recognize the importance of adopting a life-cycle approach and of further development and implementation of policies for resource efficiency and environmentally sound waste management. We therefore commit to further reduce, reuse and recycle waste (the 3Rs) and to increase energy recovery from waste, with a view to managing the majority of global waste in an environmentally sound manner and, where possible, as a resource. Solid wastes, such as electronic waste and plastics, pose particular challenges, which should be addressed. We call for the development and enforcement of comprehensive national and local waste management policies, strategies, laws and regulations.

219. We urge countries and other stakeholders to take all possible measures to prevent the unsound management of hazardous wastes and their illegal dumping, particularly in countries where the capacity to deal with these wastes is limited, in a manner consistent with the obligations of countries under relevant international instruments. In this context, we welcome the relevant decisions taken at the tenth meeting of the Conference of the Parties to the Basel Convention, held in Cartagena, Colombia, from 17 to 21 October 2011.⁵⁸

220. We recognize the importance of science-based assessments of the risks posed by chemicals to human beings and the environment and of reducing human and environmental exposure to

⁵⁸ See United Nations Environment Programme, document UNEP/CHW.10/28, annex I.

hazardous chemicals. We encourage the development of environmentally sound and safer alternatives to hazardous chemicals in products and processes. To this end, we encourage, inter alia, life-cycle assessment, public information, extended producer responsibility, research and development, sustainable design and knowledge-sharing, as appropriate.

221. We welcome the ongoing negotiating process on a global legally binding instrument on mercury to address the risks to human health and the environment, and call for a successful outcome to the negotiations.

222. We recognize that the phase-out of ozone-depleting substances is resulting in a rapid increase in the use and release of high global warming potential hydrofluorocarbons to the environment. We support a gradual phase-down in the consumption and production of hydrofluorocarbons.

223. We acknowledge that sustainable and adequate long-term funding is a key element for the sound management of chemicals and waste, in particular in developing countries. In this regard, we welcome the consultative process on financing options for chemicals and waste, initiated to consider the need for heightened efforts to increase the political priority accorded to sound management of chemicals and waste, and the increased need for sustainable, predictable, adequate and accessible financing for the chemicals and waste agenda. We look forward to the forthcoming proposals by the Executive Director of the United Nations Environment Programme, which will be considered by the International Conference on Chemicals Management and at the twenty-seventh session of the Governing Council of the United Nations Environment Programme, which will be held in Nairobi, from 18 to 22 February 2013.

Sustainable consumption and production

224. We recall the commitments made in the Rio Declaration, Agenda 21 and the Johannesburg Plan of Implementation on sustainable consumption and production and, in particular, the request in chapter III of the Johannesburg Plan of Implementation to encourage and promote the development of a ten-year framework of programmes. We recognize that fundamental changes in the way societies consume and produce are indispensable for achieving global sustainable development.

225. Countries reaffirm the commitments they have made to phase

out harmful and inefficient fossil fuel subsidies that encourage wasteful consumption and undermine sustainable development. We invite others to consider rationalizing inefficient fossil fuel subsidies by removing market distortions, including restructuring taxation and phasing out harmful subsidies, where they exist, to reflect their environmental impacts, with such policies taking fully into account the specific needs and conditions of developing countries, with the aim of minimizing the possible adverse impacts on their development and in a manner that protects the poor and the affected communities.

226. We adopt the ten-year framework of programmes on sustainable consumption and production patterns,⁵⁹ and highlight the fact that the programmes included in the framework are voluntary. We invite the General Assembly, at its sixty-seventh session, to designate a Member State body to take any necessary steps to fully operationalize the framework.

Mining

227. We acknowledge that minerals and metals make a major contribution to the world economy and modern societies. We note that mining industries are important to all countries with mineral resources, in particular developing countries. We also note that mining offers the opportunity to catalyse broad-based economic development, reduce poverty and assist countries in meeting internationally agreed development goals, including the Millennium Development Goals, when managed effectively and properly. We acknowledge that countries have the sovereign right to develop their mineral resources according to their national priorities and a responsibility regarding the exploitation of resources, as described in the Rio Principles. We further acknowledge that mining activities should maximize social and economic benefits, as well as effectively address negative environmental and social impacts. In this regard, we recognize that governments need strong capacities to develop, manage and regulate their mining industries, in the interest of sustainable development.

228. We recognize the importance of strong and effective legal and regulatory frameworks, policies and practices for the mining sector that deliver economic and social benefits and include effective safeguards that reduce social and environmental impacts,

⁵⁹ A/CONF.216/5, annex.

as well as conserve biodiversity and ecosystems, including during postmining closure. We call upon governments and businesses to promote the continuous improvement of accountability and transparency, as well as the effectiveness of the relevant existing mechanisms to prevent illicit financial flows from mining activities.

Education

229. We reaffirm our commitments to the right to education, and in this regard we commit to strengthen international cooperation to achieve universal access to primary education, particularly for developing countries. We further reaffirm that full access to quality education at all levels is an essential condition for achieving sustainable development, poverty eradication, gender equality and women's empowerment, as well as human development, for the attainment of the internationally agreed development goals, including the Millennium Development Goals, and for the full participation of both women and men, in particular young people. In this regard, we stress the need for ensuring equal access to education for persons with disabilities, indigenous peoples, local communities, ethnic minorities and people living in rural areas.

230. We recognize that the younger generations are the custodians of the future, and the need for better quality and access to education beyond the primary level. We therefore resolve to improve the capacity of our education systems to prepare people to pursue sustainable development, including through enhanced teacher training, the development of sustainability curricula, the development of training programmes that prepare students for careers in fields related to sustainability, and more effective use of information and communications technologies to enhance learning outcomes. We call for enhanced cooperation among schools, communities and authorities in efforts to promote access to quality education at all levels.

231. We encourage Member States to promote sustainable development awareness among youth, inter alia by promoting programmes for non-formal education in accordance with the goals of the United Nations Decade of Education for Sustainable Development (2005–2014).

232. We emphasize the importance of greater international cooperation to improve access to education, including by building and strengthening education infrastructure and increasing

investment in education, particularly investment to improve the quality of education for all in developing countries. We encourage international educational exchanges and partnerships, including the creation of fellowships and scholarships to help to achieve global education goals.

233. We resolve to promote education for sustainable development and to integrate sustainable development more actively into education beyond the Decade of Education for Sustainable Development.

234. We strongly encourage educational institutions to consider adopting good practices in sustainability management on their campuses and in their communities, with the active participation of, *inter alia*, students, teachers and local partners, and teaching sustainable development as an integrated component across disciplines.

235. We underscore the importance of supporting educational institutions, especially higher educational institutions in developing countries, to carry out research and innovation for sustainable development, including in the field of education, and to develop quality and innovative programmes, including entrepreneurship and business skills training, professional, technical and vocational training and lifelong learning, geared to bridging skills gaps for advancing national sustainable development objectives.

Gender equality and women's empowerment

236. We reaffirm the vital role of women and the need for their full and equal participation and leadership in all areas of sustainable development, and decide to accelerate the implementation of our respective commitments in this regard as contained in the Convention on the Elimination of All Forms of Discrimination against Women,⁶⁰ as well as Agenda 21, the Beijing Declaration and Platform for Action and the United Nations Millennium Declaration.

237. We recognize that, although progress on gender equality has been made in some areas, the potential of women to engage in, contribute to and benefit from sustainable development as leaders, participants and agents of change has not been fully realized, owing to, *inter alia*, persistent social, economic and political inequalities. We support prioritizing measures to promote

⁶⁰ United Nations, Treaty Series, vol. 1249, No. 20378.

gender equality and women's empowerment in all spheres of our societies, including the removal of barriers to their full and equal participation in decision-making and management at all levels, and we emphasize the impact of setting specific targets and implementing temporary measures, as appropriate, for substantially increasing the number of women in leadership positions, with the aim of achieving gender parity.

238. We resolve to unlock the potential of women as drivers of sustainable development, including through the repeal of discriminatory laws and the removal of formal barriers, ensuring equal access to justice and legal support, the reform of institutions to ensure competence and capacity for gender mainstreaming and the development and adoption of innovative and special approaches to address informal, harmful practices that act as barriers to gender equality. In this regard, we commit to creating an enabling environment for improving the situation of women and girls everywhere, particularly in rural areas and local communities and among indigenous peoples and ethnic minorities.

239. We commit to actively promote the collection, analysis and use of gendersensitive indicators and sex-disaggregated data in policy, programme design and monitoring frameworks, in accordance with national circumstances and capacities, in order to deliver on the promise of sustainable development for all.

240. We are committed to equal rights and opportunities for women in political and economic decision-making and resource allocation and to removing any barriers that prevent women from being full participants in the economy. We resolve to undertake legislative and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology.

241. We are committed to promote the equal access of women and girls to education, basic services, economic opportunities and health-care services, including addressing women's sexual and reproductive health, and ensuring universal access to safe, effective, affordable and acceptable modern methods of family planning. In this regard, we reaffirm our commitment to implement the Programme of Action of the International Conference on Population and Development and the key actions for the further implementation of the Programme of Action.

242. We recognize that gender equality and the effective participation of women are important for effective action on all aspects

of sustainable development.

243. We support the work of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), in promoting and achieving gender equality and women's empowerment in all aspects of life, including with respect to the linkages between gender equality and women's empowerment and the promotion of sustainable development. We support the work of UN-Women in leading, coordinating and promoting the accountability of the United Nations system in this regard.

244. We invite donors and international organizations, including the United Nations system organizations, as well as the international financial institutions, regional banks and major groups, including the private sector, to integrate fully commitments and considerations on gender equality and women's empowerment and to ensure the participation of women and effective gender mainstreaming in their decisionmaking and full programming cycle. We invite them to play a supportive role in the efforts of developing countries to integrate fully commitments and considerations on gender equality and women's empowerment and ensure the participation of women and effective gender mainstreaming in their decision-making, programme planning, budgeting and implementation, in accordance with national legislation, priorities and capacities.

B. Sustainable development goals

245. We underscore that the Millennium Development Goals are a useful tool in focusing achievement of specific development gains as part of a broad development vision and framework for the development activities of the United Nations, for national priority-setting and for mobilization of stakeholders and resources towards common goals. We therefore remain firmly committed to their full and timely achievement.

246. We recognize that the development of goals could also be useful for pursuing focused and coherent action on sustainable development. We further recognize the importance and utility of a set of sustainable development goals, based on Agenda 21 and the Johannesburg Plan of Implementation, which fully respect all the Rio Principles, taking into account different national circumstances, capacities and priorities, are consistent with international

law, build upon commitments already made and contribute to the full implementation of the outcomes of all major summits in the economic, social and environmental fields, including the present outcome document. The goals should address and incorporate in a balanced way all three dimensions of sustainable development and their interlinkages. They should be coherent with and integrated into the United Nations development agenda beyond 2015, thus contributing to the achievement of sustainable development and serving as a driver for implementation and mainstreaming of sustainable development in the United Nations system as a whole. The development of these goals should not divert focus or effort from the achievement of the Millennium Development Goals.

247. We also underscore that sustainable development goals should be action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development and respecting national policies and priorities. We also recognize that the goals should address and be focused on priority areas for the achievement of sustainable development, being guided by the present outcome document. Governments should drive implementation with the active involvement of all relevant stakeholders, as appropriate.

248. We resolve to establish an inclusive and transparent inter-governmental process on sustainable development goals that is open to all stakeholders, with a view to developing global sustainable development goals to be agreed by the General Assembly. An open working group shall be constituted no later than at the opening of the sixty-seventh session of the Assembly and shall comprise thirty representatives, nominated by Member States from the five United Nations regional groups, with the aim of achieving fair, equitable and balanced geographical representation. At the outset, this open working group will decide on its methods of work, including developing modalities to ensure the full involvement of relevant stakeholders and expertise from civil society, the scientific community and the United Nations system in its work, in order to provide a diversity of perspectives and experience. It will submit a report, to the Assembly at its sixty-eighth session, containing a proposal for sustainable development goals for consideration and appropriate action.

249. The process needs to be coordinated and coherent with the

processes to consider the post-2015 development agenda. The initial input to the work of the working group will be provided by the Secretary-General, in consultation with national Governments. In order to provide technical support to the process and to the work of the working group, we request the Secretary-General to ensure all necessary input and support to this work from the United Nations system, including by establishing an inter-agency technical support team and expert panels, as needed, drawing on all relevant expert advice. Reports on the progress of work will be made regularly to the General Assembly.

250. We recognize that progress towards the achievement of the goals needs to be assessed and accompanied by targets and indicators, while taking into account different national circumstances, capacities and levels of development.

251. We recognize that there is a need for global, integrated and scientifically based information on sustainable development. In this regard, we request the relevant bodies of the United Nations system, within their respective mandates, to support the regional economic commissions in collecting and compiling national inputs in order to inform this global effort. We further commit to mobilizing financial resources and capacity-building, particularly for developing countries, to achieve this endeavour.

VI. Means of implementation

252. We reaffirm that the means of implementation identified in Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Plan of Implementation, the Monterrey Consensus and the Doha Declaration on Financing for Development are indispensable for achieving the full and effective translation of sustainable development commitments into tangible sustainable development outcomes. We reiterate that each country has primary responsibility for its own economic and social development and that the role of national policies, domestic resources and development strategies cannot be overemphasized. We reaffirm that developing countries need additional resources for sustainable development. We recognize the need for significant mobilization of resources from a variety of sources and the effective use of financing in order to promote sustainable development. We acknowledge that good governance and the rule of law at the national and international levels are essential

for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger.

A. Finance

253. We call upon all countries to prioritize sustainable development in the allocation of resources in accordance with national priorities and needs, and we recognize the crucial importance of enhancing financial support from all sources for sustainable development for all countries, in particular developing countries. We recognize the importance of international, regional and national financial mechanisms, including those accessible to subnational and local authorities, to the implementation of sustainable development programmes, and call for their strengthening and implementation. New partnerships and innovative sources of financing can play a role in complementing sources of financing for sustainable development. We encourage their further exploration and use, alongside the traditional means of implementation.

254. We recognize the need for significant mobilization of resources from a variety of sources and the effective use of financing, in order to give strong support to developing countries in their efforts to promote sustainable development, including through actions undertaken in accordance with the outcome of the United Nations Conference on Sustainable Development and for achieving sustainable development goals.

255. We agree to establish an intergovernmental process under the auspices of the General Assembly, with technical support from the United Nations system and in open and broad consultation with relevant international and regional financial institutions and other relevant stakeholders. The process will assess financing needs, consider the effectiveness, consistency and synergies of existing instruments and frameworks and evaluate additional initiatives, with a view to preparing a report proposing options on an effective sustainable development financing strategy to facilitate the mobilization of resources and their effective use in achieving sustainable development objectives.

256. An intergovernmental committee, comprising thirty experts nominated by regional groups, with equitable geographical representation, will implement this process, concluding its work by 2014.

257. We request the General Assembly to consider the report of the intergovernmental committee and take appropriate action.

258. We recognize that the fulfilment of all commitments related to official development assistance is crucial, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national product for official development assistance to developing countries by 2015, as well as a target of 0.15 to 0.20 per cent of gross national product for official development assistance to the least developed countries. To reach their agreed timetables, donor countries should take all necessary and appropriate measures to raise the rate of aid disbursements in order to meet their existing commitments. We urge those developed countries that have not yet done so to make additional concrete efforts towards the target of 0.7 per cent of gross national product for official development assistance to developing countries, including the specific target of 0.15 to 0.20 per cent of gross national product for official development assistance to the least developed countries, in accordance with their commitments. To build on progress achieved in ensuring that official development assistance is used effectively, we stress the importance of democratic governance, improved transparency and accountability, and managing for results. We strongly encourage all donors to establish, as soon as possible, rolling indicative timetables that illustrate how they aim to reach their goals, in accordance with their respective budget allocation process. We stress the importance of mobilizing greater domestic support in developed countries towards the fulfilment of their commitments, including by raising public awareness, providing data on the development impact of aid provided and demonstrating tangible results.

259. We welcome increasing efforts to improve the quality of official development assistance and to increase its development impact. We also recognize the need to improve development effectiveness, increase programme-based approaches, use country systems for activities managed by the public sector, reduce transaction costs and improve mutual accountability and transparency, and in this regard we call upon all donors to untie aid to the maximum extent. We will further make development more effective and predictable by providing developing countries with regular and timely indicative information on planned support in the medium term. We recognize the importance of efforts by developing countries to strengthen leadership of their own development, national institutions, systems and capacity to ensure the best results for effective development by engaging with parliaments and citizens in shaping those policies and deepen-

ing engagement with civil society organizations. We should also bear in mind that there is no one-size-fits-all formula that will guarantee development effectiveness. The specific situation of each country needs to be fully considered.

260. We note that the aid architecture has changed significantly in the current decade. New aid providers and novel partnership approaches, which utilize new modalities of cooperation, have contributed to increasing the flow of resources. Further, the interplay of development assistance with private investment, trade and new development actors provides new opportunities for aid to leverage private resource flows. We reiterate our support for South-South cooperation, as well as triangular cooperation, which provide much-needed additional resources to the implementation of development programmes. We recognize the importance and different history and particularities of South-South cooperation, and stress that South-South cooperation should be seen as an expression of solidarity and cooperation between countries, based on their shared experiences and objectives. Both forms of cooperation support a development agenda that addresses the particular needs and expectations of developing countries. We also recognize that South-South cooperation complements rather than substitutes for North-South cooperation. We acknowledge the role played by middle-income developing countries as providers and recipients of development cooperation.

261. We invite the international financial institutions, within their respective mandates, to continue providing financial resources, including through specific mechanisms for the promotion of sustainable development and poverty eradication in developing countries.

262. We recognize that greater coherence and coordination among the various funding mechanisms and initiatives related to sustainable development are crucial. We reiterate the importance of ensuring that developing countries have steady and predictable access to adequate financing from all sources to promote sustainable development.

263. We recognize that ongoing serious global financial and economic challenges carry the possibility of undoing years of hard work and gains made in relation to the debt of developing countries. We further recognize the need to assist developing countries in ensuring long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate.

264. We stress the need for adequate funding for the operational activities of the United Nations development system, as well as the need to make funding more predictable, effective and efficient as part of wider efforts to mobilize new, additional and predictable resources to achieve the objectives that we have set forth in the present outcome document.

265. We recognize the important achievements of the Global Environment Facility over the past twenty years in funding environmental projects and welcome important reform processes that the Facility has carried out during recent years, and we call for its further improvement and encourage the Facility to take additional steps, within its mandate, to make resources more accessible to meet country needs for the national implementation of their international environmental commitments. We support further simplification of procedures and assistance to developing countries, in particular in assisting the least developed countries, Africa and small island developing States in accessing resources from the Facility, and enhanced coordination with other instruments and programmes focusing on environmentally sustainable development.

266. We stress that fighting corruption and illicit financial flows at both the national and international levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development. We are determined to take urgent and decisive steps to continue to combat corruption in all its manifestations, which requires strong institutions at all levels, and urge all States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption⁶¹ and begin its implementation.

267. We consider that innovative financing mechanisms can make a positive contribution in assisting developing countries to mobilize additional resources for financing for development on a voluntary basis. Such financing should supplement and not be a substitute for traditional sources of financing. While recognizing the considerable progress in innovative sources of financing for development, we call for a scaling-up of present initiatives, where appropriate.

268. We recognize that a dynamic, inclusive, well-functioning

⁶¹ Ibid., vol. 2349, No. 42146.

and socially and environmentally responsible private sector is a valuable instrument that can offer a crucial contribution to economic growth and reducing poverty and promoting sustainable development. In order to foster private sector development, we shall continue to pursue appropriate national policy and regulatory frameworks in a manner consistent with national laws to encourage public and private initiatives, including at the local level, to foster a dynamic and well-functioning business sector, and to facilitate entrepreneurship and innovation, including among women, the poor and the vulnerable. We will work to improve income growth and distribution, inter alia, by raising productivity, empowering women, protecting labour rights and taxation. We recognize that the appropriate role of government in relation to the promotion and regulation of the private sector will vary from country to country, depending on national circumstances.

B. Technology

269. We emphasize the importance of technology transfer to developing countries, and recall the provisions on technology transfer, finance, access to information and intellectual property rights as agreed in the Johannesburg Plan of Implementation, in particular its call to promote, facilitate and finance, as appropriate, access to and the development, transfer and diffusion of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed. We also take note of the further evolution of discussions and agreements on these issues since the adoption of the Plan of Implementation.

270. We stress the importance of access by all countries to environmentally sound technologies, new knowledge, know-how and expertise. We further stress the importance of cooperative action on technology innovation, research and development. We agree to explore modalities in the relevant forums for enhanced access to environmentally sound technologies by developing countries.

271. We underline the need for enabling environments for the development, adaptation, dissemination and transfer of environmentally sound technologies. In this context, we note the role of foreign direct investment, international trade and international cooperation in the transfer of environmentally sound technologies. We engage in our countries as well as through international

cooperation to promote investment in science, innovation and technology for sustainable development.

272. We recognize the importance of strengthened national, scientific and technological capacities for sustainable development. This can help countries, especially developing countries, to develop their own innovative solutions, scientific research and new, environmentally sound technologies, with the support of the international community. To this end, we support building science and technology capacity, with both women and men as contributors and beneficiaries, including through collaboration among research institutions, universities, the private sector, governments, non-governmental organizations and scientists.

273. We request relevant United Nations agencies to identify options for a facilitation mechanism that promotes the development, transfer and dissemination of clean and environmentally sound technologies by, *inter alia*, assessing the technology needs of developing countries, options to address those needs and capacity-building. We request the Secretary-General, on the basis of the options identified and taking into account existing models, to make recommendations regarding the facilitation mechanism to the General Assembly at its sixty-seventh session.

274. We recognize the importance of space-technology-based data, in situ monitoring and reliable geospatial information for sustainable development policymaking, programming and project operations. In this context, we note the relevance of global mapping, and recognize the efforts in developing global environmental observing systems, including by the Eye on Earth network and through the Global Earth Observation System of Systems. We recognize the need to support developing countries in their efforts to collect environmental data.

275. We recognize the importance of strengthening international, regional and national capacities in research and technology assessment, especially in view of the rapid development and possible deployment of new technologies that may also have unintended negative impacts, in particular on biodiversity and health, or other unforeseen consequences.

276. We recognize the need to facilitate informed policy decision-making on sustainable development issues and, in this regard, to strengthen the science-policy interface.

C. Capacity-building

277. We emphasize the need for enhanced capacity-building for sustainable development and, in this regard, we call for the strengthening of technical and scientific cooperation, including North-South, South-South and triangular cooperation. We reiterate the importance of human resource development, including training, the exchange of experiences and expertise, knowledge transfer and technical assistance for capacity-building, which involves strengthening institutional capacity, including planning, management and monitoring capacities.

278. We call for the continued and focused implementation of the Bali Strategic Plan for Technology Support and Capacity-building, adopted by the United Nations Environment Programme.⁶²

279. We encourage the participation and representation of men and women scientists and researchers from developing and developed countries in processes related to global environmental and sustainable development assessment and monitoring, with the purpose of enhancing national capabilities and the quality of research for policy- and decision-making processes.

280. We invite all relevant agencies of the United Nations system and other relevant international organizations to support developing countries and, in particular, the least developed countries in capacity-building for developing resource-efficient and inclusive economies, including by:

- (a) Sharing sustainable practices in various economic sectors;
- (b) Enhancing knowledge and capacity to integrate disaster risk reduction and resilience into development plans;
- (c) Supporting North-South, South-South and triangular cooperation for the transition to a resource-efficient economy;
- (d) Promoting public-private partnerships.

D. Trade

281. We reaffirm that international trade is an engine for development and sustained economic growth, and also reaffirm the critical role that a universal, rules-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can play in stimulating economic growth and development worldwide, thereby benefiting all countries at

⁶² UNEP/GC.23/6/Add.1 and Corr.1, annex.

all stages of development as they advance towards sustainable development. In this context, we remain focused on achieving progress in addressing a set of important issues, such as, *inter alia*, trade-distorting subsidies and trade in environmental goods and services.

282. We urge the members of the World Trade Organization to redouble their efforts to achieve an ambitious, balanced and development-oriented conclusion to the Doha Development Agenda, while respecting the principles of transparency, inclusiveness and consensual decision-making, with a view to strengthening the multilateral trading system. In order to effectively participate in the work programme of the World Trade Organization and fully realize trade opportunities, developing countries need the assistance and enhanced cooperation of all relevant stakeholders.

E. Registry of commitments

283. We welcome the commitments voluntarily entered into at the United Nations Conference on Sustainable Development and throughout 2012 by all stakeholders and their networks to implement concrete policies, plans, programmes, projects and actions to promote sustainable development and poverty eradication. We invite the Secretary-General to compile these commitments and facilitate access to other registries that have compiled commitments, in an Internet-based registry. The registry should make information about the commitments fully transparent and accessible to the public, and it should be periodically updated.



Indigenous Peoples have something to offer in this equation for survival. We have the perspective of time. Living in one place for thousands of years has given us an understanding of the complexities of life forces. Our languages are libraries of knowledge that may contain keys to survival... One of our Elders said a long time ago that there will come a time when we will cease to live and begin to exist. For the sake of life and our grandchildren, we cannot let that happen in our generation.

- Chief Oren Lyons, Faithkeeper
Onondaga and Seneca Nations, Iroquois Confederacy



ISBN 978-971-018-615-0

