THE INTERNATIONAL CANCUN DECLARATION
OF INDIGENOUS PEOPLES

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

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

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

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

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

With the creation of the World Trade Organization (WTO) and with the continuing imposition of the structural adjustment policies of the World Bank and International Monetary Fund, our situation, as Indigenous Peoples, has turned from bad to worse. Corporations are given more rights and privileges at the expense of our rights. Our right to self-determination, which is to freely determine our political status and pursue our own economic, social and cultural development, and our rights to our territories and resources, to our indigenous knowledge, cultures and identities are grossly violated. Some of the prime examples of the adverse impacts of the WTO Agreements on us are the following:

- Loss of livelihoods of hundreds of thousands of indigenous peasants in Mexico who are producing corn because of the dumping of artificially cheap, highly subsidized corn from the USA and tens of thousands of indigenous vegetable producers in the Cordillera region of the Philippines because of dumping of vegetables. The contamination of traditional indigenous corn in Mexico by genetically-modified-corn is a very serious problem for Indigenous Peoples. All these are due to the liberalization of trade in agriculture and the deregulation of laws which protect domestic producers and crops required by the WTO Agreement on Agriculture (AOA). The structural adjustment policies of the World Bank and the International Monetary Fund are the foundations for liberalization, privatization and deregulation. High export subsidies and domestic support provided to rich agribusiness corporations and rich farmers in the United States the European Union have also made this possible.
- The increasing impoverishment of indigenous and hilltribe farmers engaged in coffee production in Guatemala, Mexico, Colombia, Vietnam, etc. because of the drop in commodity prices of coffee.
- The increasing conflicts between transnational mining, gas and oil corporations and Indigenous Peoples in the Philippines, Indonesia, Papua New Guinea, India, Ecuador, Guyana, Venezuela, Colombia, Nigeria, Chad-Cameroon, USA, Russia, Venezuela, among others, and the militarization and environmental devastation in these
communities due to the operations of these extractive industries. The facilitation of the
entry of such corporations are made possible because of liberalization of investment
laws pushed by the TRIMS (Trade-Related Investment Measures) Agreement and WB-
IMF conditionalities, regional trade agreements like NAFTA and bilateral investment
agreements.

- The militarization of Indigenous Peoples’ lands and territories, and the many cases of
  assassination and arbitrary arrests and detention of indigenous activists and leaders and
  people who are supporting them, as well as the criminalization of Indigenous Peoples’
  resistance, all significantly increased.
- The upsurge in infrastructure development, particularly of mega hydroelectric dams, oil
  and gas pipelines, roads in Indigenous Peoples territories to provide support to
  operations of extractive industries, logging corporations, and export processing zones.
  The infrastructure development, for instance, under Plan Panama has destroyed
  ceremonial and sacred sites of Indigenous Peoples in the six States of Southern Mexico
  and in Guatemala.
- The patenting of medicinal plants and seeds nurtured and used by Indigenous Peoples,
  like the quinoa, ayahuasca, Mexican yellow bean, maca, sangre de drago, hoodia, yew
  plant, etc. Such biopiracy and patenting of life-forms is facilitated by the TRIPS
  Agreement.
- Soaring prices of pharmaceutical products and inaccessibility of cheaper drugs for
diseases like tuberculosis, malaria, AIDS which are diseases in Indigenous Peoples
  communities and decreasing public health services in these communities.
- Privatization of basic public services such as water and energy in several countries
  which has spurred massive general strikes and protests such as those led by Indigenous
  Peoples in Bolivia. The General Agreement on Services (GATS) whose coverage is
  being expanded to include environmental services (sanitation, nature and landscape
  protection), financial services, tourism, among others, allowed for this.
- The undermining of international instruments, constitutional provisions, and national
  laws and policies which protect our rights.

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

1. Recognize and protect our territorial and resource rights and our right to self-
determination. The human-rights framework should underpin trade, investment,
development and anti-poverty policies and programmes. Investment liberalization
rules like the TRIMS Agreement, conditionalities by the WB and IMF which push
countries to liberalize their investment laws, regional trade agreements and bilateral
investment agreements which give more protection and rights to corporations than to
Indigenous Peoples should be changed. Many of these facilitate the displacement of
Indigenous Peoples and the appropriation of our lands, waters, resources and knowledge.
Indigenous peoples who have been displaced from their lands because of militarization,
infrastructure projects, extractive industries, export processing zones and other
development schemes should be repatriated back to their lands or should be justly
compensated. International human rights and environmental standards should be upheld
by governments and should guide the way trade agreements are formulated and
implemented. The free and prior informed consent of Indigenous Peoples should be
obtained before any project is brought into their communities. Article 8j and 10c of the
Convenion of Biological Diversity that protect traditional knowledge and indigenous systems and practices of land use and land tenure should be the framework for WTO Agreements. Governments should support the immediate adoption of the UN Draft Declaration on the Rights of Indigenous Peoples that will help ensure the recognition and protection of our rights.

2. **Stop patenting of life forms and other intellectual property rights over biological resources and indigenous knowledge. Ensure that we, Indigenous Peoples, retain our rights to have control over our seeds, medicinal plants and indigenous knowledge.**

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

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

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

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

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

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

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

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

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

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