Indigenous Peoples and Sustainable Development

2nd PrepCom of the World Summit on Sustainable Development (WSSD)

January 28 - February 8, 2002
UN Headquarters, New York
Indigenous Peoples Submissions
to the 2nd PrepCom of the
World Summit on
Sustainable Development (WSSD)

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About this Series:

This series is being published by Tebtebba Foundation in time for the World Summit on Sustainable Development (WSSD) to be held on August 26 - September 4, 2002 in Johannesburg, South Africa. This series aims to disseminate indigenous peoples’ positions and interventions on sustainable development issues.
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Report on the 2nd PrepCom of the World Summit on Sustainable Development (WSSD) held in New York from 28 January - 8 February 2002

By Victoria Tauli-Corpuz, Director, Tebtebba Foundation (Indigenous Peoples’ International Centre for Policy Research and Education)

This is a report and compilation of the documents and papers prepared and presented by Indigenous Peoples during the Multi-Stakeholder Dialogue Segment of the 2nd Preparatory Committee Session of the World Summit on Sustainable Development (WSSD), which was held at the UN Headquarters in New York from 28 January to 8 February 2002.

This report aims to familiarize the reader with what took place at the 2nd Prepcom with particular stress on how indigenous peoples interacted with the official process. Included in these papers and key UN documents from the meeting is an intervention from the Indigenous Peoples Biodiversity Forum at the Working Group on Article 8j of the Convention on Biological Diversity. Traditional knowledge and biodiversity are important issues within the sustainable development discourse.

We apologize to the Spanish speaking Indigenous Peoples for the lack of Spanish translations for the interventions. However, the Spanish versions of the Dialogue Paper and the Bullet Points of the Indigenous Peoples’ Dialogue Paper will be included in this compilation.

Papers Presented during Multi-Stakeholder Segment

The following were the papers presented during the Multi-Stakeholder Segment:


3. Various presentations of Indigenous Peoples Multi-Stakeholder Dialogue Segment

3.1. Plenary Session 1 (28 January 2002, UN General Assembly Hall, New York) of the Multi-Stakeholder Dialogue Segment:

   - Presentation by Tom Goldtooth, Director, Indigenous Environment Network (IEN), USA; and
   - Victoria Tauli Corpuz, Director, TEBTEBBA (Indigenous Peoples’ International Centre for Policy Research and Education), Philippines

3.2. Working Group 1 - On Sectoral and Cross-Sectoral Issues (29 January
2002, Conference Room 1, UN HQ, New York). Presentations by:

- Cecil Le Fleur, IPACC (Indigenous Peoples of Africa Coordinating Committee), South Africa;
- Carol Kalafatic, IITC (International Indian Treaty Council), USA;
- Victoria Tauli Corpuz, TEBTEBBA, Philippines

3.3. Working Group 2 - Multi-Stakeholder Processes (29 Jan. 2002, Conference Room 4, UN HQ, New York) - Presentations by:

- Anne Nuorgam, President, Saami Council, Finland; and
- Joji Carino, Policy Adviser, TEBTEBBA, Philippines;
- Response from Indigenous Peoples, Joji Carino

3.4. Concluding Remarks by Indigenous Peoples, Plenary Session 2 (30 January 2002, Conference Room 1, UN HQ, New York) of the Multi-Stakeholder Dialogue, Presented by:

- Joji Carino, TEBTEBBA, Philippines,

Other presentations were made by Esther Cammac of the International Alliance of Indigenous/Tribal Peoples in Tropical Rainforests from Costa Rica and Jadder Mendoza Lewis of URACCAN (Universidad de las Regiones Autonomas de las Costa Caribe Nicaraguense) Nicaragua. However, the written texts have not yet been provided to us, we will include these in the compilation once these are in.

**Multi-Stakeholder Dialogue Segment: First Week of 2nd Prepcom**

An integral part of the 2nd PrepCom of the WSSD was a Multi-Stakeholder Dialogue Segment. To prepare for this, the various Major Groups as defined in Agenda 21 prepared dialogue papers which were reproduced by the UN as part of the official documentation for the event. The WSSD secretariat chose representatives from among those in the Major Groups who prepared the dialogue papers and who took part in a series of telephone conferences to discuss the substance of the papers and the process of the dialogue. The Major Groups which were identified in Agenda 21 were Women, Youth, NGOs, Indigenous Peoples, Local Authorities, Workers and Trade Unions, Farmers, Business and Industry, and Scientific and Technological Community. All of the dialogue papers are found in [www.johannesburgsummit.org](http://www.johannesburgsummit.org) in all the UN languages. These papers are also found in [www.tebtebba.org](http://www.tebtebba.org).

The Multi-Stakeholder Dialogue segment was held for three days, from 28-30 January 2002, and divided into four sessions:

- Plenary Session 1 which dealt with highlights of the dialogue paper,
• Working Group Sessions 1 and 2 which tackled Sectoral and Cross Sectoral Issues and Multi-Stakeholder Processes and Partnerships, and

• Plenary Session 2, the Concluding Plenary, which reiterated recommendations and proposals.

Governments attended the sessions, and they were asked to make their responses to the points raised by the various groups. Interactive dialogues among the multi-stakeholders and between them and governments occurred in the process. Some of the presentations in this compilation were responses by the Indigenous Peoples’ Caucus to points raised either by governments or other multi-stakeholders.

The Business and Industry major group discussed the Mines, Minerals and Sustainable Development (MMSD) Project under the Global Mining Initiative as an example of partnership between multi-stakeholders. As you will see in our presentations we responded to this: “…A major challenge for indigenous peoples in relation to the mining industry is the huge legacy of broken communities, polluted rivers, depleted waters, degraded lands and outstanding claims which have not yet been addressed by the mining industry. Addressing these issues would be an appropriate starting point as a basis for meaningful dialogue.” We further said that “the MMSD project needs to do much more to win the broad confidence of mines-affected indigenous peoples, local communities and NGOs, who from experience do not take the sustainability of mining as a given assumption.”

When we submitted the Dialogue Paper we said this was a paper in progress. We would like to see this developed further by contributions from each of you. These contributions will be integrated along the way so that we will be able to have a more comprehensive paper when the WSSD Summit is held in Johannesburg in September 2002.

The Indigenous Peoples who participated in the 2nd Prepcom were:

1. Anne Nuorgam - President, Saami Council, Finland
2. Carol Kalafatic - International Indian Treaty Council, USA
3. Cecil le Fleur - IPACC, South Africa
4. Kittisack Rattanakrajangsri - IMPECT, Thailand
5. Charles Colin Young - First Nation Indigenous Movement, South Africa
6. Carlos Eden - Kaweshkar Project, USA
7. Esther Cammac - Asociacion Ixacava, IAITPTF, Costa Rica
8. Jadder Mendoza Lewis - URACCAN, Nicaragua
10. Mercedes Pierre - American Indian Law Alliance, USA
11. Outi Maria Paadar - Saami Council, Finland
12. Onel Arias - Napguana, Panama
13. Nicolas Chango – UNIS (United Peoples of Solasaca), Ecuador
14. Pavel Sulyandziga- President, Russian Association of Indigenous Peoples of the North (RAIPON)
15. Paul Heightington – The Metis National Council, Canada
16. Marie Frawley - Assembly of First Nations, Canada
17. Moises Gutierrez - Taypi Ceqa, Bolivia
18. Stella Tamang - International Alliance of Indigenous/Tribal Peoples of Tropical Forests, Nepal
19. Tom Goldtooth- Director, Indigenous Environment Network, USA
20. Tove Sovndahl Petersen - Greenland Homerule Government, Greenland
21. Victoria Tauli Corpuz- Director, TEBTEBBA, Philippines

There were not many indigenous peoples because this was held exactly at the same time as the Working Group on the Draft Declaration on the Rights of Indigenous Peoples in Geneva.

This meeting confirmed the need to form an Indigenous Peoples’ Coordinating Committee for the WSSD, with a membership to include those who participated in the Indigenous Peoples WSSD workshop held in Copenhagen in November, 2001.

2ND Week of Prepcom

On Friday of the first week, governments held general debates on their own review of 10 years post Rio and their proposals on how the WSSD should be managed. This went on until the 2nd week. Only a few indigenous peoples were left because most of them had gone to Montreal to attend the Convention on Biological Diversity (CBD) Working Group on Article 8j. The Indigenous Peoples Caucus continued to meet daily from 2-3 pm as had been done in the first week, even if there were just 3-4 people. On Wednesday, 6 February, the Indigenous Peoples Caucus held a side-event on “The Indigenous Peoples’ Assessment of 10 years after Rio and Challenges for WSSD”.

The Chairman’s Report on the Multi-Stakeholder Dialogue (www.johannesburgsummit.org) was released after three IP Caucus members (C. Kalafatic, O. Arias and J. Mendoza) reviewed the Chairman’s draft for accuracy.

It contained most of the proposals we presented in the Dialogue Segment. But a paper called “List of Issues and Proposals” released by the Bureau, which was the basic document discussed during the 2nd week, did not include many of the proposals from our presentations. Thus we felt that what must be done was to lobby so we could bring in our concerns.

Tove Sovndahl Petersen talked with the Norwegian delegation to propose
that the Permanent Forum officially submit its own report on Indigenous Peoples and Sustainable Development to the WSSD. This proposal entered the final document called “The Chairman’s Paper” which will be the document that will be negotiated at the Third Prepcom. This will be held in New York from March 25 to April 5, 2002.

It is important that all of us read the Chairman’s Paper (see www.johannesburgsummit.org) so we will be able to prepare for lobbying at the 3rd Prepcom. All three documents - Chairman’s Summary, Chairman’s Paper, Proposals for Partnerships - are found on the websites of the UN (www.johannesburgsummit.org) and Tebtebba (www.tebtebba.org). Indigenous Peoples’ Caucus interventions are also found on the Tebtebba website.

Indigenous Peoples Coordination in Relation to WSSD

This section outlines the decisions made in relation to the continuing coordination mechanism and participation in the forthcoming activities leading up to the WSSD in Johannesburg. This was prepared by the Indigenous Peoples’ Major Group Caucus at the WSSD Prepcom II on February 1.

The overall aim of the coordination for the WSSD in South Africa is to strengthen indigenous peoples’ role in the achievement of sustainable development. The specific objectives are:

- To share information among the indigenous participants
- To allow for the consolidation of regional/thematic strategies
- To develop shared priorities and strategies for the indigenous participation in the WSSD
- To prepare for an indigenous summit in South Africa
- To coordinate an agenda of indigenous side-events during the Summit.

In order to ensure the broadest indigenous participation possible in the WSSD process, it was proposed that a coordinating committee be established. The committee will be composed by the following regions/organisations, but will remain open to other organisations committed to contributing to this work, with a view to gaining global coverage:

- Indigenous Information Network/African Indigenous Women’s Organization (Lucy Mullenkei, Kenya)
- National Khoisan Consultative Council (Cecil le Fleur, South Africa)
- COICA, Amazon Region
- Consejo de Todas las Tierras (José Nain, Chile)
- Fundación para la Promoción del conocimiento Indígena (Onel Arias, Mesoamerica)
- Indigenous Environmental Network (Tom Goldtooth, USA)
- AMAN (Indonesia)
• Tebtebba Foundation (Joji Cariño, Philippines)
• Saami Council (Anne Nuorgam, Finland)
• International Alliance of Indigenous and Tribal Peoples of the Tropical Forest (Stella Tamang, Nepal)
• RAIPON, (Mikhael Todishev, Pavel Sulyandziga, Russia)

All members of the coordinating committee will act as focal points for communications in their regions. The Committee will also have the following tasks:

• Prepare a calendar of events and a programme of work
• Facilitate regional discussions and meetings
• Draft, seek inputs to, finalize and submit necessary documents/position papers to the UN. The Committee should arrange for the translation of the documents into Spanish, French, Russian and English, as needed.
• Make use of other events to inform the broader indigenous movement about the WSSD preparations.

On April 20, 2001 the Indigenous Peoples’ Major Group Caucus at CSD-9 agreed that the following Caucus members would serve as co-facilitators for specific regions in preparation for the WSSD:

• Carol Kalafatic (International Indian Treaty Council, for North America)
• Victoria Tauli Corpuz (Tebtebba Foundation, for Asia)
• Carlos Eden (Kaweshkar, for Latin America, Amazon region).

Several months before the 2nd Prepcom, Carol Kalafatic began the process of handing over responsibility for North America to Tom Goldtooth of the Indigenous Environmental Network (USA), and will continue to consult with IEN as long as necessary.

The facilitators are expected to do the following:

• Facilitate the liaison between the coordinating committee, the WSSD and CSD Secretariat and Bureau and other major groups
• Make suggestions on draft documents/position papers to be drafted by the Coordinating Committee
• Continue to operate the indigenous WSSD listserve, which has been serving as the main tool for communications with the regions (Tebtebba Foundation)
• Continue to assemble an archive of CSD and Indigenous Peoples’ Major Group Caucus documents and interventions and forward it to the coordinating committee (International Indian Treaty Council).

Furthermore, specific organisations within the coordinating committee will be requested to take on specific responsibilities such as:
• Logistical arrangements for the pre-summit in South Africa (Cecil le Fleur)

• Drafting of a funding proposal for the core-budget of the pre-summit (Tom Goldtooth)

• Responsibility for funding applications and financial management (to be determined)

• Others to be determined.

The coordinating committee can call on other organisations to assist with tasks such as the development of a website, translations etc.

• Indigenous Peoples Secretariat in Copenhagen can assist with communications to the Arctic region, including translations into Russian.

• IWGIA can facilitate the translation of essential documents into Spanish.

Activities leading to WSSD

Further inputs will be given to the Indigenous Peoples’ WSSD Prepcom II Dialogue Paper. From the Dialogue Paper will be drafted a more focused paper of 2-3 pages.

An indigenous delegation will attend the two remaining Prepcoms before the WSSD:

1. Prepcom 3, New York, March 25 – April 5, 2002

It is expected that the Indigenous Peoples’ Major Group will submit a 2-3 page paper which will highlight the main points from the Indigenous Peoples’ Dialogue Paper.

2. Prepcom 4, Jakarta, May 27 – June 7, 2002

For these meetings, additional statements of indigenous peoples will be prepared for submission to the UN to influence the two main products:

• Global Review of Implementation of Agenda 21
• Programme of Action for Sustainable Development (2002-2012)

The Coordinating Committee will seek further contributions from indigenous peoples’ organisations to these UN documents.

In addition to the two global documents, the WSSD will also feature commit-
ments and partnerships by major groups, governments, inter-governmental and other bodies. These relations will also be considered in the activities to be undertaken beyond September 2002 by the various actors.

For this period we are coordinating with the Jakarta Peoples’ Forum which is the coordinating committee for the civil society events to be held side by side with the 4th Prepcom. Tebtebba and the Third World Network are planning to organize a two-day conference on mining and its impacts on communities including indigenous peoples’ communities. Since indigenous peoples are one of the most affected sectors, this conference will have a big participation from them.

Please note the following deadlines for accreditation of major groups for the PrepComs. Applications must be given 4 weeks in advance of the start of a PrepCom meeting:

- PrepCom 3 - application must be received by 25 February 2002;
- PrepCom 4 - application must be received by 29 April 2002

Once your organization has been accredited, you must submit a list of participants to the Summit Secretariat three weeks before each event. The deadlines are as follows:

- PrepCom 3 - 4 March 2002
- PrepCom 4 - 06 May 2002
- Johannesburg 2002 - 05 August 2002

Again, please check the website, www.johannesburgsummit.org for application forms and accreditation process. You may also get in touch with the Summit Secretariat c/o:

Ms. Zehra Aydin-Sipos, Coordinator, Major Group Relationships
e-mail: 2002participation@un.org/aydin@un.org.

or with the UN Non-Governmental Liaison Service (UNNGLS) at
ngls@undp.org.

For more information regarding indigenous peoples’ activities and positions for the WSSD, you may get in touch with the following:

- Tebtebba Foundation - tebtebba@skyinet.net
- International Indian Treaty Council - iitcak@ak.net
- Indigenous Environmental Network - ien@igc.org

You may also visit Tebtebba’s website: www.tebtebba.org where indigenous peoples’ position papers/intervention and WSSD documents have been posted.
Outline of Indigenous Peoples Summit in South Africa, August 20-24, 2002

It was decided to hold an Indigenous Peoples Summit in South Africa, a week before the opening of the World Summit on Sustainable Development.

This will convene in the town of Kimberley, South Africa. A 6-hour drive from Johannesburg, Kimberley provides a cheap and focused setting for the venue, and offers an opportunity for a visit to indigenous communities. Reservations have already been made for the gathering of approximately 200 persons.

Tentative timeframe for the Indigenous Peoples Summit:

- **August 19**: Participants arrive in Johannesburg
- **August 20**: Participants are transported by bus to Kimberley (there is an airport in Kimberley so direct flights to Kimberley may also be an option)
- **August 21**: Visit to indigenous communities around Kimberley
- **August 22**: Participants share information on the WSSD preparations and most important UN processes (e.g. CBD).
- **August 23**: Participants discuss regional and thematic processes and priorities
- **August 24**: Participants discuss shared priorities and strategies for the indigenous participation in the WSSD.

It is our hope that this report and the documents included will give the readers a sense of how the WSSD process is unfolding and how indigenous peoples are trying to influence this process. ✤
*Prepared by the Members of the CSD Indigenous Peoples’ Caucus invited as an organizing partner of the Dialogue Segment, for indigenous people. The paper has been prepared in consultation with indigenous peoples’ organizations and networks worldwide. The views and opinions expressed do not necessarily represent those of the United Nations.*
We came seeking justice on our homelands. We came here to appeal to the world at large to support our efforts to seek equitable solutions to discrimination, exploitation, racism, ethnocide and genocide of Indigenous Nations and Peoples …

We came here to speak on behalf of the natural world being plundered by governments and corporations. We spoke on behalf of rooted trees that could not flee the chainsaw. We spoke on behalf of salmon, herring, tuna and haddock killed in their spawning beds. We had alarming news from the Four Directions about fish, wildlife and birds, contaminated, sick and disappearing. And today we continue to speak on their behalf. Today they are more endangered than ever, and if anything, their conditions are worse.

In these times, humanity must work together, not just for survival, but for quality of life based on universal values that protect the delicate interrelatedness of life that protects us all. ...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 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 of the Onandaga Nation and the Haudenosaunee Confederacy

Introduction

1. This background paper submitted in preparation for the World Summit on Sustainable Development (WSSD) reviews developments in the past ten years since UNCED, to highlight achievements, obstacles, threats and challenges in the implementation of the Rio agreements, focusing on indigenous peoples and sustainable development. The commitments made in Chapter 26 of Agenda 21 “Strengthening the Role of Indigenous People and their Communities”, as well as other Rio commitments are the starting point of this assessment, and linkages are also made with the other international processes bearing on this theme.

2. Paragraph 26.1 of Agenda 21 states: In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities.
3. Indigenous peoples are at the cutting edge of the crisis in sustainable development. Their communities are concrete examples of sustainable societies, historically evolved in diverse ecosystems. Today, they face the challenges of extinction or survival and renewal in a globalized world. One clear criterion for sustainable development and Agenda 21 implementation must be actions taken to secure indigenous peoples’ rights and welfare.

4. The past 10 years have highlighted the vital role and contributions of indigenous peoples to sustainable development. Indigenous peoples comprise five per cent of the world’s population but embody 80 per cent of the world’s cultural diversity. They are estimated to occupy 20% of the world’s land surface but nurture 80% of the world’s biodiversity on ancestral lands and territories. Rainforests of the Amazon, Central Africa, Asia and Melanesia is home to over half of the total global spectrum of indigenous peoples and at the same time contain some of the highest species of biodiversity in the world. The Traditional Native American Farmers’ Association estimates that Indigenous Peoples cultivated 65% of the crop varieties consumed throughout the world.

5. The past ten years have also seen the intensification of conflicting trends in addressing the imbalances in social and ecological relationships that underpin the global crisis in sustainable development:

   (a) The rise of economic neo-liberalism and corporate globalisation and the attendant commodification and ‘privatisation’ of social and ecological values; and
   (b) The resurgence of indigenous peoples’ movements, local community and citizen’s movements and transnational partnerships asserting the primacy of sustainable local communities and cultures and ecological integrity.

6. This conflict is evident in the disjunction between global economic, financial and trade decisions made by the World Trade Organisation, the International Monetary Fund and the World Bank which are blocking and constricting national and local options and efforts to define flexible sustainable development paths, as encouraged in the global policy dialogue on environment and sustainable development. This lack of coherence in global policy processes is blocking the implementation of positive measures supportive of indigenous peoples’ self-determination and sustainable development.

**Intensifying Pressures on Indigenous Lands**

7. The accelerating processes of globalisation since UNCED expose the vulnerabilities of indigenous peoples when left to the logic of states and markets, without adequate protection for their rights. A *laissez faire* environment of liberalised and expanding trade, investment, production and consumption is resulting in continuing land alienation and forcible displacement of indigenous peoples.
8. As the pressures on the Earth’s resources intensify, indigenous peoples bear disproportionate costs from resource-intensive and resource-extractive industries and activities such as mining, oil and gas development, large dams and other infrastructure projects, logging and plantations, bio-prospecting, industrial fishing and farming, and also eco-tourism and imposed conservation projects. These pressures also accelerate some unsustainable economic activities carried out by indigenous peoples themselves, notably where indigenous rights have not been respected, thus leaving communities with insufficient land and resources.

9. Contrary to Agenda 21, which states that the lands of indigenous peoples should be protected from activities that are either environmentally unsound or considered by indigenous peoples to be socially and culturally inappropriate, the growth in the global economy has accelerated the intrusion of transnational corporations in ancestral lands and communities. The World Bank and the regional development Banks play a key role in promoting mining and other extractive industries and in promoting the macro-economic fiscal, institutional and legal reforms that facilitate international investment in extractive industries in developing countries. In the case of the World Bank, this is done through programmatic lending, structural and sectoral adjustment lending, project loans to national governments, equity investments and loans to private sector operators through the International Finance Corporation and by providing political risk insurance through the MIGA.

10. In Alaska, the 1.5 million-acre coastal plain of the Arctic National Wildlife Refuge (ANWR) is under clear threat of oil exploration pending legislation that would undermine the Refuge's currently protected status. This area is the birthplace of the Porcupine caribou herd, upon which the subsistence, culture and way of life Gwich’in Athabascan Peoples of Alaska and Canada depend.

11. In central Oklahoma, United States, the very existence of the Kickapoo Nation and the health of their land and water resources are under threat by an impending North American North-South superhighway from Canada to Mexico, part of which will run through the reservation of the Kickapoo. Under the auspices of NAFTA, plans for the superhighway have been under way for four years, yet the United States has failed to formally discuss these plans with the Kickapoo Nation.

12. Mining exploration and development in the Philippines, Indonesia, India, Peru, Guyana, Colombia, Ghana and many other countries are a serious threat to indigenous peoples and local communities.

13. The revival of the Bakun Dam in Malaysia, which requires the clear-cutting of 80,000 hectares of rainforests, and forced displacement of 5,000 – 8,000 indigenous persons from 15 communities, is a prime example of unsustainability, in the light of preferable energy options.
14. The biggest challenge faced by indigenous peoples and communities in relation to sustainable development is to ensure territorial security; the legal recognition of our ownership and control over customary land and resources, and the sustainable utilization of our land and other renewable resources for our cultural, economic, and physical health and well-being.

15. Indigenous peoples have acted vigorously to overcome these threats by mobilising locally and internationally to stop destructive projects in the short-term, and to address the underlying causes of resource conflicts in the longer-term. An international conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous Peoples\(^2\) attended by indigenous participants from all global regions, affirmed the importance to be self-determining: in the care for mother earth, in the languages spoken, in the education of our children, in conflict resolution and in the renewal of institutions and values of our ancestors.

16. In many countries, indigenous peoples have successfully halted some destructive projects. Indigenous communities have stopped mining development in the Philippines, Panama and Norway, through local protest actions, media exposure, campaigns aimed at shareholders and investors and through court action. The Innu have stopped the building of a new NATO base on their lands.

17. Communities in the Amazon basin have become knowledgeable about the impacts of oil development and have organised themselves for informed engagements with oil companies ranging from community opposition to dialogue and negotiations. After learning of the devastating impacts of oil extraction in other provinces of Ecuador, the Quichua of Sarayacu gathered in Assemblies recognised as valid by the government of Ecuador, to discuss the environmental and cultural threats posed by the oil industry. The primary result was a formal resolution to unequivocally reject oil development. Following this resolution, promises for “unconditional” economic support has provoked divisions within the communities and the extraction of signed agreements with individuals rather than with the appropriate representatives of the Quichua communities, thereby undermining the Quichua’s legitimate and democratically chosen leadership.

18. In Mindoro island in the Philippines, long-standing Mangyan indigenous organizations with pending ancestral land claims over an area likewise claimed by Mindex/Crew Development found that the State agency responsible for indigenous affairs, the National Commission on Indigenous Peoples (NCIP), worked with the company to establish a new indigenous organization supportive of the mining project, in return for the promise of recognition of ancestral land rights in the same area.\(^3\)

19. Negotiations between indigenous communities, governments and corporations are more likely in countries with a clear legal framework for indigenous rights. Furthermore, transitions from military regimes to democratic
governments also provide the political space for the introduction and recognition of indigenous rights. In a number of countries, peace agreements have been concluded between governments and indigenous peoples, including Guatemala, the Philippines, northeast India and the Chittagong Hill Tracts in Bangladesh. There remain many countries, however, where indigenous peoples suffer from militarisation and government control.

20. Longer-term security for indigenous peoples requires legal recognition of their rights to ownership and control of their lands, territories and natural resources. Many indigenous communities are mapping their traditional lands and territories, initiating processes for cultural renewal and community strengthening, as well as serving as a basis for government recognition of their lands and customary use. Gains have been made for example in Malaysia, Thailand, Indonesia and the Philippines in Asia; in Venezuela, Guyana, Peru and Brazil in Latin America; and in South Africa, Botswana and Namibia in Africa. The Russian government has passed a law recognising and protecting areas of traditional land use.

21. These important gains are often overshadowed by the widespread violations of indigenous land rights in the development process. The UN Special Rapporteur Mrs. Erica Irene-Daes, in her Final Working Paper on Indigenous Peoples and their Relationship to Land put forward a framework for the analysis of contemporary problems regarding indigenous land rights highlighting:

- Failure of states to acknowledge indigenous rights to lands, territories and resources;
- Discriminatory laws and policies affecting indigenous peoples in relation to their lands;
- Failure to demarcate;
- Failure of States to enforce or implement laws protecting indigenous lands;
- Problems in regard to land claims and return of lands;
- Expropriation of indigenous lands for national interests, including development;
- Removal and relocation;
- Other government programmes and policies adversely affecting indigenous peoples’ relationship to their lands, territories and resources;
- Failure to protect the integrity of the environment of indigenous lands and territories.

International Standards on the Rights of Indigenous Peoples

22. Indigenous peoples’ rights have assumed an important place in international human rights law. This body of law is still expanding and developing through indigenous advocacy in international fora; through the decisions of international human rights bodies; through recognition and codification of Indigenous rights in international instruments presently under consideration by the United Nations and Organization of American States; through incor-
poration of Indigenous rights into conservation, environmental and development-related instruments and policies; through incorporation of these rights into domestic law and practice; and through domestic judicial decisions.\(^4\) Indigenous rights have attained the status of customary international law and are therefore generally binding on states. International law recognises the rights of indigenous peoples to:

- Self-determination
- To ownership, control and management of their traditional territories, lands and resources;
- Exercise their customary law
- Represent themselves through their own institutions
- Free, prior and informed consent to developments on their land
- Control and share in the benefits of the use of their traditional knowledge.

23. Self-determination for indigenous peoples means ‘the right to control over their institutions, territories, resources, social orders, and cultures without external domination or interference, and their right to establish their relationship with the dominant society and the state on the basis of consent.’\(^5\)

24. International bodies mandated with protection of human rights have paid particular attention to Indigenous rights in recent years. The UN Committee on the Elimination of Racial Discrimination, the UN Human Rights Committee, the International Labour Organization’s Committee of Experts and the Inter-American Commission on Human Rights all stand out in this respect. These bodies have contributed to progressive development of Indigenous rights by interpreting human rights instruments of general application to account for and protect the collective rights of Indigenous peoples. Even the African Commission on Human and Peoples’ Rights has begun to address Indigenous peoples’ rights by taking the important step of establishing a working group on Indigenous peoples in Africa.\(^6\)

25. Their recent judgements and decisions provide important guidance for States and Corporations about meeting their human rights obligations with respect to indigenous peoples.

26. The UN Sub-Commission for the Protection and Promotion of Human Rights approved the draft UN Declaration on the Rights of Indigenous Peoples in 1994. All governments, in furtherance of their Rio commitments and human rights obligations, must move towards its early adoption by the General Assembly. This is a major political goal within the UN Decade for Indigenous Peoples (1995-2004), and important activity under Agenda 21. Its achievement will signal a real openness and seriousness by governments to enter into a “New Partnership” with indigenous peoples for sustainable development.

27. The absence of universally agreed standards on the rights of indigenous
peoples is a major obstacle in fully empowering indigenous peoples to play their role in sustainable development. It was noted by the UN Secretary General in his mid-term Report on the UN Decade for Indigenous Peoples that “No universal standards on indigenous peoples guide the United Nations as a whole, and in practice, United Nations organisations are either not adopting any particular guidelines or else are developing guidelines on the basis of different procedures.”

28. The processes leading to the adoption of the Draft UN Declaration on the Rights of Indigenous Peoples enjoyed the open and full participation of indigenous peoples, governments, international organisations and scholars; and, resulted in its broad endorsement as the minimum standards to secure the rights and well-being of indigenous peoples. In the words of the UN High Commissioner for Human Rights:

“The United Nations draft declaration states the link between human rights and development, namely that the one is not possible without the other. Thus, economic improvements cannot be envisaged without protection of land and resource rights. Rights over land need to include recognition of the spiritual relation indigenous peoples have with their ancestral territories. And the economic base that land provides needs to be accompanied by a recognition of indigenous peoples’ own political and legal institutions, cultural traditions and social organizations. Land and culture, development, spiritual values and knowledge are as one. To fail to recognize one is to fail on all.”

29. The UN General Assembly at its Millennium Session approved the establishment of a UN Permanent Forum on Indigenous Issues, as an advisory body to the ECOSOC, meeting for the first time in May 2002. Its broad mandate covering social and economic, environment, development, education, health, human rights and all matters affecting indigenous peoples, makes this potentially a very important focus for promoting indigenous people’s rights-based sustainable development.

30. Other organisations in the United Nations system such as the UNDP, UNESCO, WHO, and WIPO have also adopted policies and programmes on Indigenous Peoples.

31. The Commission on Human Rights has recently appointed a Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People. His first report due in 2002 will complement other special studies which have also been completed, including Protection of the Heritage of Indigenous Peoples (1995); Treaties, Agreements and Other Constructive Arrangements Between Indigenous Peoples and States (1999); and Indigenous Peoples Relationships to Land (2001).
On Prior Informed Consent

32. In a context of increasing recognition of the rights to self-determination of Indigenous Peoples, the principle of free, prior and informed consent of indigenous peoples to development projects and plans affecting them, has emerged as the standard to be applied in protecting and promoting their rights in the development process.

33. Article 7(1) of ILO Convention 169 provides that:

The people concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.

34. This article is one of the general principles of the Convention and provides a framework within which other articles can be interpreted. Other general principles of the Convention require participation, consultation and good faith negotiation.

35. In its 1997 General Recommendation, the Committee on the Elimination of Racial Discrimination elaborated on state obligations and Indigenous rights under the Convention. The Committee called upon states-parties to:

… ensure that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent.9

36. In the Concluding Observations on Australia’s report, the Committee reiterated in 2000:

… Its recommendation that the State party ensure effective participation by indigenous communities in decisions affecting their land rights, as required under article 5(c) of the Convention and General Recommendation XXIII of the Committee, which stresses the importance of ensuring the “informed consent” of indigenous peoples.10

37. Building upon these principles, Article 30 of the UN’s Draft Declaration on the Rights of Indigenous Peoples acknowledges that:

Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require the State to obtain their free and informed consent
prior to the approval of any project affecting their lands, territories and other resources particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

38. In the Philippines free, prior and informed consent of indigenous peoples is required by law for the following activities: exploration, development and use of natural resources; research and bioprospecting; displacement and relocation; archaeological explorations; policies affecting indigenous peoples like Executive Order 263 (Community-based Forest Management) and entry of military.

39. The definition of prior informed consent in the Indigenous People’s Rights Act of the Philippines provides that:

- All members of the community affected consent to the decision
- Consent is determined in accordance with customary laws and practices
- Freedom from external manipulation, interference or coercion
- Full disclosure of the intent and scope of the activity
- Decision is made in language understandable to the community
- Decision is made in process understandable to the community

40. In the coming years, a better understanding of this standard and its application will be important for the implementation of sustainable development programmes with indigenous peoples.

Indigenous Peoples in Global Environmental Negotiations

41. It is not surprising that indigenous issues have figured prominently in the policy deliberations and negotiations to implement the Rio agreements on Biodiversity, Climate Change, Desertification, Sustainable Forest Management, Persistent Organic Pollutants and Hazardous Wastes; as well as in other debates on trade liberalisation, intellectual property rights, debt and structural adjustment and financing for development.

Cultural and Biological Diversity

42. The Convention on Biological Diversity (CBD) recognises the traditional knowledge of indigenous peoples and local communities, and has developed a cross cutting work programme on traditional knowledge and other related articles of the Convention.

43. The CBD Conference of Parties, at its fourth meeting, established an open-ended inter- sessional working group on the implementation of Article 8j and related provisions of the Convention on traditional knowledge. The creation of this body, with the support of many governments and strong lobbying by indigenous peoples organisations, makes it potentially a significant
forum for policy exchanges and policy formulation.

44. The CBD as such affords indigenous peoples very limited and weak protection for their cultural and intellectual property. The CBD does not seek to challenge the legitimacy or operation of intellectual property law, merely recognizing that intellectual property rights can act to assist governments in the conservation of biological diversity. Another main weakness within the CBD is the strong emphasis on national sovereignty over biodiversity, without adequate recognition for indigenous territories. Provisions for benefit sharing would also rely on governments to recognize and enforce this right.

45. Some advances can be made primarily through national legislation and regional frameworks (e.g. Andean Pact). Gains can be made here in terms of strengthening prior informed consent of indigenous peoples, and raising awareness and understanding of *sui generis* arrangements to strengthen control of indigenous peoples. Of course, these positive steps can be taken regardless of the CBD, by governments serious about indigenous peoples rights.

46. The 5th meeting of the Conference of Parties (COP5) of the CBD decided on:

- Recognition of the importance of the participation of indigenous peoples and local communities from the local to international level in a wide variety of CBD work programmes;
- Recognition of the special roles of women from indigenous peoples and local communities to the conservation of biodiversity;
- Recognition of the International Indigenous Forum on Biodiversity as an advisory body of the COP;
- Promotion of the nomination of members of indigenous peoples and local communities to the international roster of experts;
- Promotion of indigenous delegates within official delegations of CBD processes;
- Continuation of the Working Group on Article 8j and related provisions concerning traditional knowledge;
- Creation of a Working Group on Access and Benefit Sharing which recognizes the participation of indigenous peoples and local communities and the principle of prior informed consent to any potential use of their knowledge.

47. Efforts must be made to ensure implementation of CBD obligations through National Biodiversity Strategies and Action Plans, with the full and effective participation of indigenous peoples.

48. The Convention on Biological Diversity through its work programmes and processes has been innovative in addressing the concerns of indigenous peoples. Its ecosystem approach accords well with indigenous realities and allows substantive participation in its work programmes. The linkages be-
between the CBD and other environmental conventions can work to address some inconsistencies in the narrower, econometric or technocratic approaches of the climate negotiations.

On Climate Change and Indigenous Peoples

49. In the global climate negotiations, indigenous peoples have expressed concerns that current discussions within the Framework Convention on Climate Change, as well as the practical implementation of the Kyoto Protocol do not provide for their adequate participation. They are profoundly concerned that the measures to mitigate climate change currently being negotiated such as plantations, carbon sinks and tradeable emissions, will result in projects which adversely impact upon their natural, sensitive and fragile ecosystems, contaminating soils, forests and waters, which already perform important climate functions.

50. They are concerned that the current proposed definitions of afforestation, deforestation, and reforestation pose a threat to the traditional uses of indigenous peoples of their lands and territories. In the past, even well intentioned development policies and projects have resulted in disastrous social and ecological consequences. Under the UNFCCC, the technocratic concepts, policies and measures being negotiated fail to consider the best interests of indigenous peoples.

Global Policy Dialogue on Forests

51. Emerging United Nations’ standards related to forests affirm:

(a) Secure land rights for indigenous peoples
(b) Full participation in forest-policy making
(c) Recognition of traditional forest-related knowledge
(d) Promotion of community-based forest management

52. In practice, both large-scale logging and plantations have commonly been carried out in violation of these rights and principles. The land rights of indigenous peoples in forests are commonly denied and resistance to forestry development has often been met with further human rights violations. The undermining of forest-based livelihoods, impoverishment, the erosion of cultural identity, dispossession and increased mortalities are all widely documented as results of forest exploitation. Indigenous women have suffered particular hardships and human rights abuse.

53. Recent forestry ‘best practice’ asserts indigenous peoples’ rights, prioritises well-being and community control of forests and forestry decision-making. Efforts to promote reforms through independent, third party certification have had mixed results. Successes have been achieved in recognition of indigenous use rights and in promoting community-based management in boreal forests. In the tropics, best practice cases are more rare, frustrated by
lack of good governance, absence of law and order and inadequate forestry regulations.

54. New technologies are helping forest-based indigenous peoples to map their own lands, assert their land claims and develop novel forest management systems based on traditional forest-related knowledge and customary law. However, repressive states are now seeking to outlaw such techniques and retain forests for the use of large-scale companies.

55. In many countries, translating agreed international human rights and forestry standards into practice will require private sector companies to operate to higher standards than national laws require. If private sector companies seek to operate in areas claimed by indigenous peoples, they must respect customary rights holders as the legitimate owners of the land and accept the principle that the local communities have the rights to free, prior and informed consent to whatever is planned in their lands and forests. A commitment to enter into negotiated and legally binding agreements between private sector operators and indigenous peoples will help restore equitable relations between developers and forest-based indigenous communities.

56. In the longer-term, national policy, legal and institutional reforms will all be required to secure indigenous peoples' rights and ensure a future for forests based on the principles of justice and equity.

57. Taking into account the specific demands and proposals for action made by indigenous peoples to the UNCSD, the following proposals have not been accepted by the intergovernmental process:13

(a) Self-determination and self-development;
(b) Recognition as distinct “peoples”;
(c) Explicit recognition of the right to own, use and control territories;
(d) Prior informed consent for activities and decisions affecting indigenous territories;
(e) Mainstreaming of the Draft UN Universal Declaration on the Rights of Indigenous Peoples into Agenda 21 and the Forest Principles and National Forest Programmes; and
(f) Funding to support indigenous peoples’ participation in UN fora.

Traditional Production and Trade and Conservation

58. In recent years, customary production and economic activities by indigenous peoples have been damaged by conservation approaches that fail to work with indigenous peoples and local communities concerned. Traditional activities like the sustainable hunting and harvesting of marine mammals by the Arctic peoples and rotational swidden agriculture by the forest peoples in Asia, Latin America and the Pacific are important for the livelihoods and well being of communities, and have been proven historically to be socially and
ecologically sustainable.

59. Following years of negative lobbying campaigns by conservation organisations in Europe, the seal skin industry has collapsed, with devastating impacts on the Inuits. Sale of seal skins was once the main source of cash income for many Inuit families and seal hunting was central to traditional culture and values. The loss of this revenue has been catastrophic, beyond its economic impacts, including negative social, cultural, nutritional and psychological effects.

60. The right of the Inuit to continue this traditional sustainable harvesting activity must be recognised and strategies developed to revitalize and restore the Arctic sealing industry. 14

61. The catch phrase “slash and burn agriculture” has been applied indiscriminately to undermine varied systems of indigenous rotational agriculture in forested and hilly areas with an image of environmental destruction. Historical and current research, including studies done by indigenous researchers, have shown this to be a sustainable and adaptive system capable of changing to suit differing circumstances while remaining loyal to the idea of self-reliance in food production. It is often combined with wet rice paddy, animal husbandry, specialized cropping, kitchen gardens, hunting and agro-forestry to supply the needs of indigenous villages. 15

62. Support must be given for land recovery, renewal and strengthening of traditional production systems, which have contributed to biodiversity, including its conservation and sustainable use.

63. Likewise, support must be given to Indigenous Peoples’ programs to conserve the biodiversity and manage the resources within their lands and territories. This includes support for Indigenous Peoples to protect and/or collect their traditional knowledge, practices, seeds and other resources through: (i) effective use of their own in situ methods and institutions and (ii) access to and effective use of non-Indigenous technologies.

64. Native seeds and other foods that are essential to the survival of Indigenous Peoples are threatened by the development, cultivation and other use of genetically modified seeds, plants, fish and other organisms.

**Sustainable Agriculture and Rural Development**

65. Agenda 21 maintains that two of the various elements that will determine the success of sustainable agriculture and rural development are land conservation and the participation of rural people. Indigenous Peoples carry millennial knowledge founded in generations of hunting and agricultural practices, land management and sustainable water use, and agriculture-related engineering and architecture. The maintenance of these cultural and spiritual relationships with the natural world are key to their survival as Peoples or
civilisations. The Mayans are the “Corn People,” while Gwich’in Athabascans are “Caribou People”. Traditional clan systems include the Bear, Eagle and even Sweet Potato Clans among Seminole people.

66. The maintenance of these cultural and spiritual relationships is also vital to the conservation of biodiversity. This historical interdependence and relationship with specific ecosystems underpins the technical and scientific contributions of indigenous knowledge to critical research related to sustainable development based on an ecosystem approach. Many traditional practitioners are experts at reading indicator species that provide very early warning signals of coming environmental or food catastrophes and meteorological changes such as global warming.

67. In nations of the Pacific, such as Tuvalu and Kiribati, which mainly comprise low-lying coral atolls, underground freshwater sources are being displaced by seawater as the sea level rises. The Dayaks of Kalimantan have noticed dramatic decline of their rice paddy fields over the last seven years down to below one ton per hectare, due to the disappearance of order in rainy and dry seasons. Severe storms and hurricanes in Central America have killed hundreds of people and destroyed villages and livelihoods of Mayas, Garifunas, and Nahuals. In the Amazon rainforest, indigenous peoples and local communities have noticed the decrease in rain levels and the extension of the dry season. Frequent droughts and the decrease of rain have increased forest fires affecting hunting, fishing, and over-all food security. In Burkina Faso, droughts have become more frequent and changes in the rainy season are disrupting local agricultural systems. In Rwanda, the extended drought causes thirsty insects to attack tree species used for food. Loss of biodiversity has decreased species used for food, medicines and rituals. In many countries, sicknesses such as malaria have become endemic due to the increase of insect vectors.

68. Such detailed local knowledge complements and contributes to scientific work on climate. For example, Indigenous Peoples in the Arctic region are contributing to research on the Impacts of Climate Change through the Arctic Climate Impact Assessment (ACIA) recently adopted by the Arctic Council. 16

Regional and Ecosystem Approaches

69. The Arctic Council is a high-level forum of the governments of the eight Arctic states (USA, Canada, Denmark/Greenland, Iceland, Norway, Sweden, Finland and Russia) and is charged with working out appropriate ways forward for environmental protection and sustainable development in the Arctic. The Arctic Council includes several indigenous peoples’ organisations, such as the Inuit Circumpolar Conference, the Saami Council and the Russian Association of Indigenous Peoples on the North, as permanent participants. The Arctic Climate Impact Assessment was formally adopted and launched by the Arctic Council in October 2000. ACIA will be documented in
three volumes due to be published in 2004 and will address the question of what strategies can be recommended to cope with and adapt to current and future environmental stresses, and possibly lessen the impacts of these changes in the climate and ultraviolet radiation. These recommendations will include advice relevant to national and international policy as well as advice to inhabitants of the Arctic. Of special concern to indigenous peoples are key chapters on indigenous perspectives on climate change and on the impacts of climate change on the uses of living marine and terrestrial resources. ACIA represents one of the most promising ways the Arctic Council can bring Arctic voices to the forthcoming World Summit on Sustainable Development (WSSD) as well as the perspectives of indigenous peoples into global climate change negotiations.

70. Indigenous peoples in the Amazon are likewise calling for the treatment of the Amazon Basin as a unique ecosystem requiring cooperation by governments, indigenous peoples, civil society organisations and other interested parties, for the purposes of sustainable development and conservation.

71. Positive lessons from the Arctic Council experience can be learned for broader application in other global regions, using an ecosystem approach and collaborative partnerships.

Health Issues

72. From a traditional perspective, the health of Indigenous Peoples cannot be separated from the health of their environment, the practice of their spirituality and the exercise of the right to self-determination, upon which the mental, physical and social health of indigenous communities is based.

73. Indigenous Peoples suffer some of the worst health and mortality rates in the world. In the Northeastern US and Canada, Mohawk women carry over 10,000 parts/million of PCBs in their bodies, and pass this along to their infants in the womb and through their breast milk. Native infant mortality is double the national average, and poverty levels continue to be extremely high.

74. Suicide incidence among indigenous peoples is disturbingly high in Brazil, Alaska, Canada and other communities facing rapid change and loss of land and identity. The Uwa people in Colombia see collective suicide as an appropriate response to unwanted oil development in their territories, which threatens community integrity and well-being.

75. The herbicide application program in Colombia designed by the United States and Colombia to eradicate coca and poppy (as part of a multi-faceted anti-narcotics initiative known as “Plan Colombia”) is adversely impacting the health of the indigenous peoples and the safety of their crops, livestock, water supply, and environment. These impacts are sufficiently severe to find that Plan Colombia violates indigenous rights to life, health, sustenance,
food, and property as well as the customary international right to a clean and healthy environment.

76. Numerous written, visual and oral data claim that humans in Colombia and Ecuador exposed to the spray mixture used for the aerial fumigation program in Colombia have complained of gastrointestinal disorders (including severe bleeding, nausea, and vomiting), testicular inflammation, severe fevers, dizziness, respiratory ailments, skin rashes, and serious eye irritation after spraying has occurred. Reliable sources have also noted birth defects, miscarriages, deaths of infants and children.

77. Similarly, numerous written, visual and oral data indicate that exposure to the spray mixture used in the program to eradicate coca and poppy plants in Colombia has caused the eradication of yucca, corn, plantains, tomatoes, sugar cane, grass for livestock grazing, and other legal crops, the destruction of fruit trees, and the death of livestock. Exposure to the spray mixture has also contaminated water supplies and killed fish.

78. Despite the serious health risks posed by this programme, the United States and Colombian governments have failed to disclose the exact composition of the spray mixture; specific details about how and by what means the spraying occurs; nor given sufficient notice to the indigenous and other affected peoples as to when spraying will occur and what advance preparation is necessary to assure safety.

79. The Inuit and other northern aboriginal peoples are concerned with the contamination of their food by persistent organic pollutants (POPs) most of which come from temperate and tropical lands and are transported to the Arctic. Inuits were also active in recent negotiations of the Treaty on Persistent Organic Pollutants.

**National Developments in Recognising the Rights of Indigenous Peoples**

80. The full benefits of these international standard-setting activities will be realised for indigenous peoples and communities if these are adopted and enshrined in national Constitutions and other legislative and administrative provisions. National laws in a number of countries have been changing to reflect contemporary norms of indigenous rights, in many Latin American countries, in Australia, Canada, New Zealand, India, the Philippines, Finland and Russia, to name a few. Fourteen countries have signed the ILO Convention 169 on Indigenous and Tribal Peoples. However, the lack of recognition of indigenous peoples remains an obstacle in many countries in Asia and Africa.

**Corporate Globalisation and Sustainability of Indigenous Communities**
81. The global ascendancy of neo-liberal economics and the entrenchment of corporate power in international and national affairs constitute a threat to society and nature. It has deepened inequalities between and within nations, and undermined efforts towards sustainable development.

82. The WTO TRIPS Agreement is an obstacle and threat to indigenous knowledge through the harmonisation of uniform intellectual property rights regimes, and allows the patenting of life forms for micro-organisms and non-biological and microbiological processes of production of plants and animals.

83. The WTO Agreement on Agriculture, which promotes export competition and import liberalisation, has allowed the entry of cheap agricultural products into Indigenous Peoples’ communities, thereby compromising their sustainable agricultural practices, food security, health and cultures. Small-scale farm production is giving way to commercial cash-crop plantations, further concentrating ancestral lands into the hands of a few agri-corporations and landlords. The conversion of small-scale farming to cash crop plantations has further caused the dislocation of many community members from rural to urban areas.

84. National legislation compliant with WTO agreements combined with the liberalisation of trade and investment regimes promoted by the World Bank and the International Monetary Fund are undermining national legislation and regulations protecting indigenous rights and the environment.

85. Privatisation and structural adjustments bring both short- and long-term negative impacts to Indigenous Peoples in developing countries, some of which are irreversible. The privatisation of water turns a sacred element essential to our agriculture-related spiritual practices into a privately controlled commodity. Structural reforms are too heavy a burden for our communities to bear after centuries of imposed land appropriation and its resulting impoverishment, as well as accumulated damage to our ecosystems and to our rich but endangered agricultural practices and knowledge.

Recommendations

86. The majority of specialized issues examined within the UN system in particular are integrally related to one another, and therefore require harmonization in both policy negotiation and implementation.

87. Therefore, the Rio+10 agenda should allow for action-oriented discussion to address the forces that have caused the CSD to take backward rather than forward steps toward sustainable development. Among those are globalization, privatisation and the growing dominance of industry within the United Nations and global governance.

88. We look forward to a constructive phase of action towards achieving the
sustainable development goals set out for the world community in 1992. We pray that it is a phase characterized by political will and a true understanding of the inter-relatedness of all life forms, across many generations of life on Earth.

**Endnotes**

1. Document E/CN.4/Sub.2/1997/14. Speech of Chief Oren Lyons to the UN Working Group on Indigenous Populations meeting in Geneva 1997, commemorating 20 years after the First International NGO Conference Against Discrimination of Indigenous Peoples of the Americas that was held in 1977, under the auspices of the Commission on Human Rights. That meeting was an important milestone in the struggles of indigenous peoples to highlight their issues on the international stage.


6. African Commission on Human and Peoples’ Rights, Resolution on the Rights of Indigenous People/Communities in Africa, Cotonou, Benin, 6 November 2000. The mandate of the Working Group is described in the resolution as to: “examine the concept of indigenous people and communities in Africa; study the implications of the African Charter on Human Rights and well-being of indigenous communities especially with regard to: the right to equality (Articles 2 and 3), the right to dignity (Article 5), protection against domination (Article 19), on self-determination (Article 20), and the promotion of cultural development and identity (Article 22); [and to] consider appropriate recommendations for the monitoring and protection of the rights of indigenous communities.”

7. The Report of the Secretary General on the progress made in implementing the Programme of Activities of the International Decade of the World’s Indigenous Peoples (A/54/487)


9. Ibid.

Observations/Comments), at para. 9.


16 Mark Nuttall, Indigenous Peoples And Climate Change Research In The Arctic
**Bullet Points of the Indigenous Peoples’ Dialogue Paper**

**A. Session One (Plenary 1) Failure and Success Hotspots**

Overall progress achieved in implementing Agenda 21: success and failure hotspots

**Failure Hotspots**

- Slow progress in the adoption of the UN Declaration on the Rights of Indigenous Peoples and continuing violation of the human rights of indigenous peoples; very slow progress in number of countries ratifying ILO Convention No. 169: very few UN Member States with national laws recognizing the rights of indigenous peoples; weak or token implementation of the goals of the UN International Decade of the World’s Indigenous Peoples.

- Accelerating loss and degradation of lands, forests, waters, natural resources, and worsening impoverishment and loss of livelihoods of indigenous peoples due to liberalization of investment laws (e.g. mining acts), privatization (e.g. water, energy), trade liberalization (dumping of cheap, highly subsidized imported agricultural products such as corn). The roles of the World Trade Organization, the World Bank and the IMF in facilitating these are crucial.

- Continuing and worsening conflicts between indigenous peoples and governments and corporations over the control of customary lands and resources and because of top down environmental and development projects and programmes; Non-recognition and destruction of indigenous peoples diverse economic and socio-cultural political systems which are more sustainable and appropriate for them; militarization of indigenous peoples lands; increasing biopiracy of traditional seeds and medicinal plants and the knowledge around these; lack or inadequacy of conflict-resolution processes and mechanisms

- Absence of some very basic pre-requisites and clear standards for establishing partnerships between Indigenous Peoples and governments and industry; non-implementation of prior and informed consent.

- Forcible displacement of indigenous peoples from their customary lands.

- Worsening health situation due to pollution from persistent organic pollutants (POPS), climate change, displacement from traditional territories, degradation of forests and water pollution, and increasing poverty.
Success Hotspots

• Adoption at national levels of laws and policies which promote and protect indigenous peoples rights including, among others, the recognition of the right to self-determination and free and prior informed consent;

• Establishment of the Permanent Forum on Indigenous Issues (2002); Declaration by the UN of the International Year of Indigenous Peoples (1993), the International Decade of World’s Indigenous Peoples (1994-2004) and August 9 as International Day of Indigenous Peoples; recognition of indigenous peoples as a major group in Agenda 21, creation of a Working Group on Article 8j in the Convention on Biological Diversity which allows for active participation of indigenous peoples; and the Intergovernmental Forum on Forests which also recognized participation of indigenous peoples; adoption of policies and programmes on and for indigenous peoples (e.g. UNDP Policy Note on Indigenous Peoples (2001), Asian Development Bank Indigenous Peoples’ Policy, WHO, UNESCO, WIPO)

• Continuing assertion and practice of indigenous resource management systems and defense of ancestral lands and resources from indiscriminate exploitation by mining corporations, etc.; increasing support for ancestral land delineation and reinforcement of sustainable natural resource management practices of indigenous peoples; filing of legal cases against governments and corporations a few of which were won (revocation of patents of indigenous medicinal plants and seeds by corporations).

• Increasing mobilization and active organizing and networking among indigenous peoples in national, regional and international levels as well as organizing of networks of indigenous women; adoption of indigenous peoples’ declarations and statements in the CBD, the UNFCCC, WTO Ministerial Meeting (Seattle), Beijing Women’s Conference, etc. which elaborate indigenous peoples analysis of problems and proposals.

• Negotiation of peace agreements between conflicting parties which created spaces for indigenous peoples to participate and raise their issues and proposals for sustainable development and peace.

• Development of partnership mechanisms between governments and indigenous peoples for sustainable development (e.g. Arctic Council).

B. Session Two (Discussion Group 1) Sectoral and Cross-Sectoral Objectives

• Potential for further agreements on certain sectoral and cross sectoral approaches to sustainable development.
• Universal adoption and application of rights-based approaches to sustainable development. This means the adoption by the UN General Assembly of the UN Declaration on the Rights of Indigenous Peoples; ratification of the ILO Convention 169 by governments; implementation of policy papers on Indigenous Papers and amending weak policy papers to become stronger and more relevant (e.g. World Bank Operational Directive 4.10)

• Development of more national legislations which recognize and promote indigenous peoples rights as elaborated in the UN Declaration on the Rights of Indigenous Peoples; ratification of ILO Convention 169;

• Enhancement of indigenous peoples participation in the CSD, UNEP, CBD, UNFCCC, FAO, WHO, UNESCO, WIPO, Permanent Forum on Indigenous Issues, etc. to push for their full and meaningful participation in these processes.

• Recognition of land rights, water rights, and right of indigenous peoples to have control over their culture and indigenous knowledge and recognition and support for indigenous resource management practices such as forest protection and conservation, sustainable agriculture, hunting and fishing practices, land and water management, etc. Regulation of activities of corporations in indigenous peoples lands including bringing in of destructive technologies, e.g. genetically modified organisms, toxic pesticides, megadams, etc.

• Building of genuine partnerships to implement conservation programmes that fully promote and advance the rights and welfare of Indigenous Peoples. This includes the rectification of the weaknesses of conservation practices promoted by some conservation organizations and governments which undermined indigenous peoples sustainable forest, agriculture, hunting and fishing practices and rights to their territories and resources; implementation of the Global Programme of Action on Forests.

• Undertake impact assessments of trade agreements (WTO, NAFTA, MERCOSUR, etc) and programmes and policies of multilateral financing institutions (World Bank, IMF, Asian Devt. Bank, etc.), business plans of corporations, government development plans, to look into how indigenous peoples are affected. Come up with recommendations for the repeal or amendments or revision of such agreements and policies and proposals for regulating the conduct of corporations and making development programs of governments respectful of the rights of indigenous peoples.

C. Session Three (Discussion Group 2) Enabling Multi-Stakeholder Participation

Potential areas for increased support for multistakeholder participation in
sustainable development.

Recognition of indigenous peoples message that “We are rights holders not mere stakeholders”. Indigenous peoples assert that they don’t just have stakes in their lands, waters and natural resources but they have the rights to have control over these and the right to determine how these should be used.

- Enhance indigenous peoples’ participation in the development of sustainable development plans and policies whether in the local, national, regional and international levels. Mechanisms and resources to allow for meaningful participation of indigenous peoples should be clearly defined. Ensuring food security and sustainability should be integral to these.

- Adoption of regional and ecosystem approaches to sustainable development. Documentation and dissemination of best practices on the use of these approaches (Arctic Council experience).

- Adoption of the World’s Commission on Dams “Rights and Risks” approach negotiations between indigenous peoples, governments and corporations. The institution of clear legal frameworks for indigenous peoples rights is a prerequisite for the successful use of this approach thus it is imperative that states adopt national laws which promote these rights.

- Recognition of the vital contributions of indigenous women to sustainable development should be highlighted and clear mechanisms should be created which ensure their equal participation in formulating, implementing and evaluating policies and programmes from the local level, in the workplace, and in the national and international arenas.

- Supporting capacity building activities to allow indigenous peoples to be more effective and creative in influencing policies, designing and implementing sustainable development plans and projects, doing research to document their own best practices and doing impact analysis of operations of corporations, policies of banks, etc.

- Recognition of the inequities in the power relations between the various multistakeholders (e.g. between indigenous peoples and industry, between indigenous men and women, between indigenous peasants and landlords, between indigenous peoples and the government and the dominant population, between indigenous peoples and the multilateral financing institutions and trade bodies etc.) and addressing how such inequities can be addressed. It is not enough to just have an indigenous person in a review mechanism for a bank policy (e.g. Extractive Industries Policy of the World Bank). Resources should be allotted for widespread consultations with indigenous peoples and research on the impact of extractive industries and for the reports to be widely disseminated to inform governments, corporations, and banks.
D. Session Four (Plenary Session 2) New and Renewed Implementation Initiatives

We look forward to a constructive phase of action towards achieving the sustainable development goals set out in Agenda 21. We pray that the next ten years will be a phase characterized by political will to promote a rights based approach and a genuine understanding of the inter-relatedness of all life forms; between the living and non-living; and between the various generations of life on Earth.

• The adoption of the Sub-Commission on Human Rights text of the Universal Declaration on the Rights of Indigenous Peoples before the end of the UN Decade for the World’s Indigenous Peoples (2004) as a fundamental requirement for sustainable development.

• The development of national legislations which recognize and promote indigenous peoples rights and the participation of indigenous peoples in the evolution of these laws and policies. Governance mechanisms should allow for participation of indigenous peoples and leadership training and capacity building for indigenous peoples in governance bodies should be provided. Conflict or dispute resolution arrangements relating to settlement of land and resource management disputes will be developed and strengthened.

• The formulation of national and local sustainable development plans for the next ten years with the participation of indigenous peoples so as to bring in the perspectives and frameworks of indigenous peoples. This is to ensure that the diverse economic and social and cultural systems of indigenous peoples which have proven to be sustainable will be reinforced instead of decimated because of the homogenizing effects of globalization. Research and education programmes should be strengthened to achieve wider and improved understanding of indigenous peoples knowledge, perspectives and practices on sustainable development.

• National and local biodiversity strategies and action plans should ensure the full and effective participation of indigenous peoples. The transfer of destructive technology to indigenous peoples communities should be prevented and the support for the development of appropriate and environmentally sensitive technology should be promoted.

• Poverty eradication programs and policies to integrate the proposals and recommendations of indigenous peoples. These should be informed by thorough assessments of the failures of previous programmes in many indigenous peoples communities. If these assessments are undertaken the participation of indigenous peoples should be ensured.

• Widespread dissemination of the declarations and policy papers of UN conferences, agencies and financing institutions should be done and indig-
enous peoples should be actively involved in reviewing, improving, implementing, monitoring and assessing these. Translation of these documents in major languages of indigenous peoples should be done.

• A code of conduct for corporations should be adopted which will include provisions on corporate behaviour and accountability in indigenous peoples territories. This will include the regulation of technologies which are harmful. The evolution of this should include indigenous peoples and also consider those which indigenous peoples themselves formulated in various events and processes.

• Full support for the Permanent Forum on Indigenous Issues and indigenous peoples activities to make this body more effective and responsive to indigenous peoples rights and welfare should be ensured. This means providing the necessary financial, human and technical resources needed for it to operate optimally.
Comisión sobre Desarrollo Sostenible actuando como 
El comité preparatorio para la 
Cumbre Mundial sobre Desarrollo Sostenible 
Primera Reunión Substantiva 
28 de enero – 8 de febrero de 2002 

Nota del Secretario General para la Sección de Diálogo 
Multipartidario del Segundo Comité Preparatorio 

Apéndice No. 3: Documento de Diálogo por los 
Pueblos Indígenas 

Preparado por el Grupo de Pueblos Indígenas del CSD y la 
Conferencia Circumpolar Inuit, invitados como 
co-organizadores de la Sección de Diálogo, para pueblos indígenas. 
El documento ha sido preparado en consulta con pueblos indígenas de 
todo el mundo.
"Vinimos a buscar justicia para nuestros territorios. Vinimos aquí para apelar al mundo en general a que apoye nuestros esfuerzos para procurar soluciones equitativas para la discriminación, la explotación, el racismo, el etnicidio y el genocidio de las Naciones y Pueblos Indígenas…

Vinimos aquí para hablar en nombre del mundo natural que está siendo saqueado por los gobiernos y las corporaciones. Hablamos en nombre de los árboles enraizados que no pueden huir de la motosierra. Hablamos en nombre del salmón, el arenque, el atún y el eglefino, muertos en sus lugares de desove. Recibimos noticias alarmantes desde las Cuatro Direcciones sobre peces, animales salvajes y aves, contaminados, enfermos y en desaparición. Y hoy seguimos hablando en su nombre. Hoy están más amenazados que nunca y, si es posible, sus condiciones son peores.

En estos momentos, la humanidad debe trabajar junta, no sólo para la supervivencia, sino también por la calidad de vida basada en valores universales que protegen la delicada interrelación de la vida que nos protege a todos. …La Biodiversidad es un término clínico, técnico, para referirse a este delicado entrelazamiento de la vida que nos sostiene. Nosotros, los pueblos indígenas, decimos que estamos relacionados con esta vida; por lo tanto, nuestros “recursos” son nuestras relaciones. Todo depende de cómo se lo mire. Los Pueblos Indígenas tenemos algo para ofrecer en esta ecuación de la supervivencia … Tenemos objetivos y responsabilidades en común, y digo, que ustedes, los líderes de esta gran esperanza de los seres humanos del mundo, las Naciones Unidas, deberían estar trabajando junto con nosotros y no contra nosotros, en aras de la paz. Les decimos que mientras que ustedes hagan la guerra contra Etenoha (Madre Tierra), nunca podrá haber paz”.

Jefe Oren Lyons de la Nación Onandaga y la Confederación Haudenosaunee

Introducción

1. Este documento introductorio presentado en la preparación para la Cumbre Mundial sobre Desarrollo Sustentable (WSSD) hará una revisión de los acontecimientos de los últimos diez años después de Río, para destacar los logros, los obstáculos, las amenazas y los desafíos en la implementación de los Acuerdos de Río, centrándose en los pueblos indígenas y el desarrollo sostenible. Los compromisos asumidos en el Capítulo 26 de la Agenda 21 “Fortalecimiento del Rol de los Pueblos Indígenas y sus Comunidades”, así como otros compromisos de Río, constituyen el punto de partida de esta evaluación y también se los vincula con otros procesos internacionales que tratan este tema.

2. El Párrafo 26.1 de la Agenda 21 establece: En vista de la interrelación
entre el medio ambiente natural y su desarrollo sostenible y el bienestar cultural, social, económico y físico de los pueblos indígenas, los esfuerzos nacionales e internacionales para implementar un desarrollo sostenible deberían reconocer, ajustar, promover y fortalecer el papel de los pueblos indígenas y sus comunidades.

3. Los pueblos indígenas están en el filo de la crisis del desarrollo sostenible. Sus comunidades son ejemplos concretos de sociedades sostenibles, evolucionadas históricamente en ecosistemas diferentes. Hoy enfrentan el desafío de la extinción o la supervivencia y la renovación en un mundo globalizado. Un criterio claro para la implementación del desarrollo sostenible y la Agenda 21 debe ser que se tomen medidas para asegurar los derechos y el bienestar de los pueblos indígenas.

4. Los pasados 10 años han destacado el rol y las contribuciones vitales de los pueblos indígenas con respecto al desarrollo sostenible. Los pueblos indígenas constituyen el cinco por ciento de la población mundial pero encarnan el 80 por ciento de la diversidad cultural del mundo. Se estima que ocupan el 20% de la superficie terrestre mundial pero nutren el 80% de la diversidad mundial en tierras y territorios ancestrales. Los bosques tropicales de la Amazonía, África Central, Asia y Melanesia son el hogar de más de la mitad del espectro global total de los pueblos indígenas y al mismo tiempo contienen algunas de las más elevadas especies de biodiversidad del mundo. La Asociación de Agricultores Nativos Americanos Tradicionales estima que los Pueblos Indígenas cultivan el 65% de las variedades de cultivos consumidos en todo el mundo.

5. Los pasados 10 años también han contemplado la intensificación de tendencias conflictivas para encarar los desequilibrios de las relaciones sociales y ecológicas que sustentan la crisis global del desarrollo sostenible:

   (a) El surgimiento del neoliberalismo económico y la globalización corporativa con la consiguiente mercantilización y “privatización” de los valores sociales y ecológicos; y
   (b) El resurgimiento de los movimientos de pueblos indígenas, comunidades locales y ciudadanos y las asociaciones transnacionales que afirman la primacía de las comunidades locales sostenibles y la integridad ecológica.

6. Este conflicto se hace evidente en la disyunción entre las decisiones globales económicas, financiera y comerciales tomadas por la Organización Mundial del Comercio, el Fondo Monetario Internacional y el Banco Mundial, que están bloqueando y constriñendo las opciones y esfuerzos nacionales y locales para definir vías flexibles para un desarrollo sostenible, tal como se alienta en el diálogo político global sobre el medio ambiente y el desarrollo sostenible. Esta falta de coherencia en los procesos políticos globales está bloqueando la implementación de medidas positivas que apoyen la autodeterminación y el desarrollo sostenible de los pueblos indígenas.
Intensificación de las Presiones sobre las Tierras Indígenas

7. Los procesos acelerantes de la globalización después de Río, exponen las vulnerabilidades de los pueblos indígenas cuando quedan abandonados a la lógica de los estados y mercados, sin una protección adecuada de sus derechos. Un entorno de laissez faire liberalizado y en expansión del comercio, las inversiones, la producción y el consumo está teniendo como resultado una continua enajenación de la tierra y el traslado forzoso de los pueblos indígenas.

8. En la medida en que intensifican las presiones sobre los recursos de la Tierra, los pueblos indígenas son víctimas de costos desproporcionados debido a las industrias de extracción intensiva de recursos y actividades como la minería, la explotación petrolera y de gas, las grandes represas y otros proyectos de infraestructura, explotación maderera y plantaciones, bioprospección, pesca y agricultura industrial y también el ecoturismo y los proyectos impuestos de conservación. Estas presiones también aceleran las actividades económicas no-sostenibles realizadas por los mismos pueblos indígenas, especialmente cuando los derechos indígenas no han sido respetados, dejando así a las comunidades con insuficientes tierras y recursos.

9. En oposición a la Agenda 21, que establece que las tierras de los pueblos indígenas deberían ser protegidas contra las actividades que son ambientalmente insalubres o consideradas por los pueblos indígenas como social y culturalmente inapropiadas, el crecimiento de la economía global ha acelerado la intrusión de las corporaciones transnacionales en comunidades y tierras ancestrales. El Banco Mundial y los Bancos regionales de desarrollo juegan un rol clave en la promoción de la minería y otras industrias extractivas y en la promoción de reformas fiscales, institucionales y legales macroeconómicas que facilitan la inversión internacional en las industrias extractivas en los países en desarrollo. En el caso del Banco Mundial, esto se hace a través de préstamos programáticos, préstamos de ajuste estructural y sectorial, préstamos para proyectos a gobiernos nacionales, inversiones y préstamos de equidad a operadores del sector privado a través de la Corporación Financiera Internacional y el suministro de garantías contra el riesgo político a través de MIGA.

10. En Alaska, la llanura costera de 1,5 millones de acres del Refugio Ártico Nacional de la Fauna (ANWR) está sometida a una clara amenaza por una legislación pendiente de exploración que socavaría el estatus actualmente protegido del Refugio. Esta área es el lugar de procreación de los rebaños del caribú puercoespín, de los que depende la subsistencia cultural y el estilo de vida de los Pueblos Gwich’in Atabascanos de Alaska y Canadá.

11. En Oklahoma central, Estados Unidos, la misma existencia de la Nación Kickapoo y la salubridad de sus recursos terrestres y acuáticos están bajo la amenaza de una inminente super autopista Norte-Sur americana desde
Canadá hasta México, parte de la cual atravesará la reservación de los kickapoo. Los planes han estado en marcha durante cuatro años bajo los auspicios de NAFTA, pero los Estados Unidos han omitido discutir formalmente estos planes con la Nación Kickapoo.

12. La exploración y la explotación minera en las Filipinas, Indonesia, India, Perú, Guyana, Colombia, Ghana y muchos otros países constituyen una seria amenaza para los pueblos indígenas y las comunidades locales.

13. El reavivamiento de la Represa Bakun en Malasia, que requiere el talado total de 80.000 hectáreas de bosques tropicales y el traslado forzoso de 5.000-8.000 personas indígenas de 15 comunidades es un claro ejemplo de no-sostenibilidad, a la luz de opciones energéticas preferibles.

14. El mayor desafío que enfrentan los pueblos y comunidades indígenas frente al desarrollo sostenible es asegurar la seguridad territorial, el reconocimiento legal de nuestra propiedad y control sobre las tierras y recursos consuetudinarios y la utilización sostenible de nuestra tierra y otros recursos renovables para nuestra salud y bienestar cultural, económico y físico.

15. Los pueblos indígenas han actuado vigorosamente para superar estas amenazas mediante la movilización local e internacional para detener proyectos destructivos a corto plazo y encarando las causas subyacentes de los conflictos sobre recursos a largo plazo. La conferencia internacional sobre Resolución de Conflictos, Logro de la Paz, Desarrollo Sostenible y Pueblos Indígenas a la que asistieron participantes indígenas de todas las regiones del mundo, afirmó la importancia de ser autodeterminantes: en el cuidado de la madre tierra, en las lenguas habladas, en la educación de nuestros niños, en la resolución de conflictos y en la renovación de instituciones y valores de nuestros ancestros.

16. Los pueblos indígenas han logrado detener exitosamente algunos proyectos destructivos en muchos países. La explotación minera ha sido detenida por comunidades indígenas en las Filipinas, Panamá y Noruega mediante acciones locales de protesta, exposición en los medios de difusión, campañas dirigidas a los accionistas e inversores y mediante acciones legales. Los innu han detenido la construcción de una nueva base de la OTAN en sus tierras.

17. Las comunidades de la cuenca amazónica han tomado consciencia sobre los impactos de la explotación petrolera y se han organizado para realizar compromisos informados con las compañías petroleras, desde la oposición comunitaria hasta el diálogo y las negociaciones. Después de tomar consciencia de los impactos devastadores de la explotación petrolera en otras provincias de Ecuador, los quichuas de Sarayacu se reunieron en Asambleas reconocidas como válidas por el gobierno de Ecuador, para discutir las amenazas ambientales y culturales planteadas por la industria petrolera. El resultado primario fue una resolución formal para rechazar unívocamente
la explotación petrolera. Como consecuencia de esta resolución, las promesas de apoyo económico “incondicional” han provocado divisiones dentro de las comunidades y la obtención de acuerdos firmados con individuos en vez de con los representantes apropiados de las comunidades quichua, socavando así la dirección quichua legítima y electa democráticamente.

18. En la isla Mindoro, en las Filipinas, las organizaciones indígenas mangyan de larga data, con reivindicaciones pendientes sobre tierras ancestrales sobre un área también reivindicada por Mindex/Crew Development, descubrieron que la agencia estatal responsable de los asuntos indígenas, la Comisión Nacional sobre Pueblos Indígenas (NCIP), trabajaba con la compañía para establecer una nueva organización indígena que apoyara el proyecto minero, a cambio de una promesa de reconocimiento de derechos ancestrales a la tierra en la misma área.2

19. En países que disponen de un claro marco legal para los derechos indígenas es más probable que se realicen negociaciones entre comunidades indígenas, gobiernos y corporaciones. Además, las transiciones de regímenes militares a gobiernos democráticos también brindan un espacio político para la introducción y el reconocimiento de los derechos indígenas. En una serie de países, como Guatemala, las Filipinas, el nordeste de India y Chittagong Hill Tracts en Bangladesh, se han concluido acuerdos de paz entre gobiernos y pueblos indígenas. No obstante, todavía quedan países donde los pueblos indígenas sufren bajo la militarización y el control gubernamental.

20. Una seguridad a más largo plazo para los pueblos indígenas requiere un reconocimiento legal de sus derechos de propiedad y control de sus tierras, territorios y recursos naturales. Muchas comunidades indígenas están cartografiando sus tierras y territorios tradicionales, iniciando un proceso de renovación cultural y fortalecimiento comunitario, que al mismo tiempo sirve como base para el reconocimiento gubernamental de sus tierras y su uso consuetudinario. Se han logrado éxitos, por ejemplo, en Malasia, Tailandia, Indonesia y Filipinas en Asia; en Venezuela, Guyana, Perú y Brasil en América Latina; y en Sudáfrica, Botswana y Namibia en África. El gobierno ruso aprobó una ley que reconoce y protege áreas de uso tradicional de la tierra.

21. Estos importantes logros son frecuentemente ensombrecidos por las extendidas violaciones de los derechos indígenas a la tierra en el proceso de desarrollo. La Informante-Especial de la ONU, Sra. Erica Irene-Daes, en su Documento Final de Trabajo sobre Pueblos Indígenas y su relación con la Tierra, planteó un marco para el análisis de problemas contemporáneos relativos a los derechos indígenas a la tierra destacando:

- Falta de reconocimiento por parte de estados de los derechos indígenas a tierras, territorios y recursos;
- Leyes y políticas discriminatorias que afectan a los pueblos indígenas con relación a sus tierras;
• Falta de demarcación;
• Omisión de parte de los estados para la aplicación o implementación de leyes que protegen las tierras indígenas;
• Problemas con relación a las reivindicaciones de tierra y la devolución de tierras;
• Traslado y reubicación;
• Otros programas y políticas gubernamentales que afectan adversamente la relación de los pueblos indígenas con sus tierras, territorios y recursos;
• Ausencia de protección de la integridad del medio ambiente de las tierras y territorios indígenas.

Normas Internacionales sobre los Derechos de los Pueblos Indígenas

22. Los derechos de los pueblos indígenas han asumido una ubicación importante en el derecho internacional sobre derechos humanos. Este cuerpo de leyes todavía se está expandiendo y desarrollando a través de la abogacía indígena en foros internacionales; a través de las decisiones de organismos internacionales de derechos humanos; a través del reconocimiento y codificación de los derechos indígenas en instrumentos internacionales actualmente bajo consideración de las Naciones Unidas y la Organización de Estados Americanos; a través de la incorporación de derechos indígenas en instrumentos y políticas relacionados con la conservación, el medio ambiente y el desarrollo; a través de la incorporación de estos derechos en el derecho y la práctica nacional; y a través de decisiones jurídicas nacionales. Los derechos indígenas han alcanzado el estatus de derecho consuetudinario internacional y, por lo tanto, son generalmente obligatorios para los estados. El derecho internacional reconoce los derechos de los pueblos indígenas a:

• La autodeterminación;
• A la propiedad, control y manejo de sus territorios, tierras y recursos tradicionales;
• Al ejercicio de su derecho consuetudinario;
• A representarse a sí mismos a través de sus propias instituciones;
• Al libre, previo e informado consentimiento para la realización de actividades en su tierra;
• Al control y participación en los beneficios del uso de su conocimiento tradicional.

23. La autodeterminación significa para los pueblos indígenas “el derecho al control sobre sus instituciones, territorios, recursos, órdenes sociales y culturas sin dominación o interferencia externa, y el derecho a establecer su relación con la sociedad dominante y el estado sobre la base del consentimiento”.

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24. Los organismos internacionales que tienen el mandato de proteger los derechos humanos han prestado atención particular a los derechos indígenas en los años recientes. El Comité de la ONU sobre la Eliminación de la Discriminación Racial, el Comité de Derechos Humanos de la ONU, el Comité de Expertos de la Organización Internacional del Trabajo y la Comisión Interamericana de Derechos Humanos se destacan a este respecto. Estos organismos han contribuido al desarrollo progresivo de los derechos indígenas mediante la interpretación de instrumentos de derechos humanos de aplicación general para tomar en cuenta y proteger los derechos colectivos de los pueblos indígenas. Incluso la Comisión Africana sobre Derechos Humanos y de los Pueblos ha comenzado a tratar los derechos de los pueblos indígenas al dar el importante paso de establecer un grupo de trabajo sobre pueblos indígenas en África.

25. Sus recientes sentencias y decisiones proveen una importante guía para los Estados y Corporaciones sobre el cumplimiento de sus obligaciones relacionadas con los derechos humanos con respecto a los pueblos indígenas.


27. La ausencia de normas acordadas universalmente sobre los derechos de los pueblos indígenas es un obstáculo importante para habilitar plenamente a los pueblos indígenas para que jueguen su rol en el desarrollo sostenible. El Secretario General de la ONU destacó en su Informe sobre el Decenio de la ONU de los Pueblos Indígenas de mitad de período que “Ninguna norma internacional sobre pueblos indígenas guía a las Naciones Indígenas como un todo, y en la práctica, las organizaciones de las Naciones Unidas o bien no están adoptando ninguna directiva en particular o están elaborando directivas sobre la base de procedimientos diferentes”.

28. Los procesos conducentes a la adopción del Proyecto de Declaración de la ONU sobre los Derechos de los pueblos indígenas contaron con la participación abierta y plena de pueblos indígenas, gobiernos, organizaciones internacionales y académicos y tuvieron como resultado un amplio endoso como normas mínimas para garantizar los derechos y el bienestar de los pueblos indígenas. Como lo expresó el Alto Comisionado de la ONU para los Derechos Humanos: "El proyecto de declaración de las Naciones Unidas establece un
vínculo entre los derechos humanos y el desarrollo, es decir que uno no es posible sin el otro. Por lo tanto, las mejoras económicos no pueden ser consideradas sin la protección de los derechos a la tierra y a los recursos. Los derechos sobre la tierra necesitan incluir el reconocimiento de la relación espiritual que tienen los pueblos indígenas con sus territorios ancestrales. Y la base económica que provee la tierra necesita ser acompañada por un reconocimiento de las propias instituciones políticas y legales, tradiciones culturales y organizaciones sociales de los pueblos indígenas. La tierra y la cultura, el desarrollo, los valores espirituales y el conocimiento constituyen una sola cosa. No reconocer a uno es no reconocer a ningún otro”.

29. La Asamblea General de la ONU en su Sesión del Milenio aprobó el establecimiento de un Foro Permanente sobre Temas Indígenas, como organismo asesor de ECOSOC, a reunirse por primera vez en mayo de 2002. Su amplio mandato, que cubre los aspectos sociales y económicos, ambientales, desarrollo, educación, salud, derechos humanos y todos los asuntos que afecten a los pueblos indígenas, lo hacen potencialmente un ámbito muy importante para promover el desarrollo sostenible basado en los derechos de los pueblos indígenas.

30. Otras organizaciones del sistema de las Naciones Unidas como PNUD, UNESCO, OMS y WIPO también adoptaron políticas y programas relacionados con los Pueblos Indígenas.


**Sobre el Previo e Informado Consentimiento**

32. El principio de **libre, previo e informado consentimiento** de los pueblos indígenas con respecto a los proyectos y planes de desarrollos que los afecten, ha surgido como la norma a aplicarse en la protección y promoción de sus derechos en el proceso de desarrollo en el contexto de un creciente reconocimiento de los derechos de autodeterminación de los Pueblos Indígenas.

33. El Artículo 7(1) del Convenio 169 de la OIT prevé que:

> Los pueblos interesados deberán tener el derecho de decidir sus propias prioridades en lo que atañe al proceso de desarrollo, en la
34. Este artículo es uno de los principios generales del Convenio y brinda un marco para la interpretación de otros artículos. Otros principios generales del Convenio requieren la participación, consulta y negociación de buena fe.

35. En su Recomendación General de 1997, el Comité sobre la Eliminación de la Discriminación Racial analizó las obligaciones estatales y los derechos indígenas conforme al Convenio. El Comité apeló a las partes estatales para que:

…aseguraran que los miembros de los pueblos indígenas tengan iguales derechos con respecto a la efectiva participación en la vida pública, y que no se tome ninguna decisión relativa a sus derechos e intereses sin su informado consentimiento.8

36. En sus Observaciones Concluyentes sobre el informe de Australia, el Comité reiteró en el año 2000:

...su recomendación de que la parte Estatal asegure la efectiva participación de las comunidades indígenas en las decisiones que afecten a sus derechos a la tierra, como lo requiere el artículo 5(c) del Convenio y la Recomendación General XXIII del Comité, que subraya la importancia de asegurar el “informado consentimiento” de los pueblos indígenas.9

37. Basándose en estos principios, el Artículo 30 del Proyecto de Declaración de la ONU sobre los Derechos de los Pueblos Indígenas reconoce que:

Los Pueblos Indígenas tienen el derecho de determinar y elaborar prioridades y estrategias para el desarrollo o uso de sus tierras, territorios y otros recursos, incluyendo el derecho de requerir que el Estado obtenga su libre e informado consentimiento antes de la aprobación de cualquier proyecto que afecte sus tierras, territorios y otros recursos, particularmente en conexión con el desarrollo, utilización o explotación de recursos minerales, acuáticos u otros……

38. En las Filipinas, el libre, previo e informado consentimiento de los pueblos indígenas está exigido por la ley para las siguientes actividades: exploración, explotación y uso de recursos naturales; investigación y bioprospección; desplazamiento y reubicación; exploraciones arqueológicas; políticas que afecten a los pueblos indígenas como la Orden Ejecutiva 263 (Manejo Forestal de Base Comunitaria) y la entrada del ejército.

39. La definición de previo e informado consentimiento de la Ley de Derechos
de los Pueblos Indígenas de Filipinas prevé que:

- Todos los miembros de la comunidad afectada consientan la decisión
- El consentimiento está determinado en conformidad con el derechos y las prácticas consuetudinarias
- Libertad de manipulación, interferencia o coerción externas
- Revelación total de la intención y ámbito de la actividad
- Que la decisión sea tomada en un lenguaje comprensible para la comunidad
- Que la decisión sea tomada en un proceso comprensible para la comunidad

40. En los próximos años será importante lograr una mejor comprensión de esta norma y su aplicación para la implementación de programas de desarrollo sostenible con los pueblos indígenas.

Los Pueblos Indígenas en las Negociaciones Globales sobre el Medio Ambiente

41. No es sorprendente que los temas indígenas hayan figurado prominentemente en las deliberaciones y negociaciones sobre la política para implementar los acuerdos de Río sobre Biodiversidad, Cambio Climático, Desertificación, Manejo Forestal Sostenible, Contaminantes Orgánicos Persistentes y Desechos Peligrosos; y también en otros debates sobre la liberación del comercio, los derechos de propiedad intelectual, la deuda y el ajuste estructural y la financiación para el desarrollo.

Diversidad Cultural y Biológica

42. El Convenio sobre la Diversidad Biológica (CBD) reconoce el conocimiento tradicional de los pueblos indígenas y las comunidades locales y ha elaborado un programa de trabajo transversal sobre conocimiento tradicional y otros artículos conexos del Convenio.

43. La Conferencia de las Partes del CBD estableció, en su 4ª Reunión, un grupo de trabajo abierto intersesional sobre la implementación del Artículo 8j y las previsiones conexas del Convenio sobre conocimiento tradicional. La creación de este organismo, con el apoyo de muchos gobiernos y un fuerte cabildio de las organizaciones de pueblos indígenas, lo convierten en un foro potencialmente significativo para el intercambio y la formulación de políticas.

44. El CBD, como tal, otorga a los pueblos indígenas una protección muy limitada y débil para su propiedad cultural e intelectual. El CBD no procura desafiar la legitimidad u operatividad de la ley de propiedad intelectual, sino simplemente reconocer que los derechos de propiedad intelectual pueden
aplicarse para asistir a los gobiernos en la conservación de la diversidad biológica. Otra limitación importante del CBD es el fuerte énfasis de la soberanía nacional sobre la biodiversidad, sin un reconocimiento adecuado de los territorios indígenas. Las previsiones sobre el reparto de beneficios también dependerían de que los gobiernos reconozcan y apliquen este derecho.

45. A través de los marcos de la legislación nacional y regional se puede lograr algunos avances (p. ej., Pacto Andino). Aquí se puede obtener beneficios en términos del fortalecimiento del previo e informado consentimiento de los pueblos indígenas y en la generación de conciencia y comprensión de arreglos _sui generis_ para fortalecer el control de los pueblos indígenas. Por supuesto, los gobiernos serios con respecto a los derechos de los pueblos indígenas pueden dar estos pasos positivos independientemente del CBD.

46. La 5ª reunión de la Conferencia de las Partes (COP5) del CBD decidió\(^10\):

- El reconocimiento de la importancia de la participación de los pueblos indígenas y las comunidades locales, desde el ámbito local hasta el internacional, en una amplia variedad de programas de trabajo del CBD;
- el reconocimiento de los roles especiales de las mujeres de los pueblos indígenas y de las comunidades locales en la conservación de la biodiversidad;
- El reconocimiento del Foro Internacional Indígena sobre Biodiversidad como organismo asesor de la COP;
- La promoción de la nominación de miembros de pueblos indígenas y comunidades locales en la lista internacional de expertos;
- La promoción de delegados indígenas dentro de las delegaciones oficiales de los procesos del CBD;
- La continuación del Grupo de Trabajo sobre el Artículo 8j y las previsiones conexas relativas al conocimiento tradicional;
- La creación de un Grupo de Trabajo sobre Acceso y Reparto de Beneficios que reconozca la participación de los pueblos indígenas y comunidades locales y el principio del previo e informado consentimiento para cualquier uso potencial de su conocimiento.

47. Se debe realizar esfuerzos para asegurar la implementación de las obligaciones del CBD a través de Estrategias y Planes de Acción Nacionales sobre la Biodiversidad, con la plena y efectiva participación de los pueblos indígenas.

48. El Convenio sobre Diversidad Biológica, a través de sus programas de trabajo y procesos, ha sido innovador en cuanto al tratamiento de los intereses de los pueblos indígenas. Su enfoque de los ecosistemas está de acuerdo con las realidades indígenas y permite importante participación en
los programas de trabajo. Las vinculaciones entre el CBD y otros convenios sobre el medio ambiente pueden servir para encarar algunas inconsistencias de los enfoques más estrechos, econométricos o tecnocráticos de las negociaciones climáticas.

**Sobre el Cambio Climático y los Pueblos Indígenas**

49. En las negociaciones globales sobre el cambio climático, los pueblos indígenas han expresado la preocupación de que las actuales discusiones dentro del Marco del Convenio sobre Cambio Climático y la implementación práctica del Protocolo de Kioto, no prevén su participación adecuada. Están profundamente preocupados de que las medidas para mitigar el cambio climático que están siendo actualmente negociadas como plantaciones, emisión de carbono y emisiones comerciables, puedan resultar en proyectos que tengan un impacto adverso sobre sus ecosistemas naturales, sensibles y frágiles, contaminando suelos, bosques y aguas, que ya cumplen con importantes funciones climáticas.

50. Están preocupados de que las definiciones propuestas actualmente sobre aforestación, deforestación y reforestación planteen una amenaza a los usos tradicionales de los Pueblos Indígenas de sus tierras y territorios. En el pasado, incluso políticas y proyectos de desarrollo bien intencionados han tenido como resultado consecuencias sociales y ecológicas desastrosas. Bajo la UNFCCC, los conceptos, políticas y medidas que están siendo negociados no consideran los intereses más importantes de los Pueblos Indígenas.

**Diálogo Político Global sobre Bosques**

51. Las normas emergentes de las Naciones Unidas relacionadas con los bosques reconocen:

- (a) Derechos seguros a la tierra para los pueblos indígenas
- (b) Plena participación en la elaboración de políticas forestales
- (c) Reconocimiento del conocimiento tradicional relacionado con los bosques
- (d) Promoción del manejo forestal de base comunitaria

52. En la práctica, tanto la explotación maderera como las plantaciones a gran escala han sido comúnmente realizadas en violación de estos derechos y principios. Los derechos a la tierra de los pueblos indígenas de los bosques son comúnmente negados y la resistencia a la explotación forestal ha sido enfrentada frecuentemente con aún más violaciones de derechos humanos. El deterioro de los medios de subsistencia basados en los bosques, el empobrecimiento, la erosión de la identidad cultural, el desposeimiento y la mortalidad creciente, están ampliamente documentados como resultado de la explotación forestal. Las mujeres indígenas han sufrido dificultades y violaciones de sus derechos humanos en forma particular.
53. La reciente “mejor práctica” forestal afirma los derechos de los pueblos indígenas, prioriza el bienestar y el control comunitario de los bosques y la toma de decisiones forestales. Los esfuerzos para promover reformas a través de una certificación independiente, de terceras partes, han tenido resultados mixtos. Se ha logrado éxito en el reconocimiento de los derechos indígenas de uso y en la promoción del manejo forestal de base comunitaria en bosques boreales. En los trópicos, los casos de mejor práctica son más raros, frustrados por la falta de buena administración, ausencia de legislación y orden, y reglamentaciones forestales inadecuadas.

54. Nuevas tecnologías están ayudando a los pueblos indígenas de base forestal a cartografiar sus propias tierras, afirmar sus reivindicaciones de tierras y elaborar nuevos sistemas de manejo forestal basados en el conocimiento tradicional conexo con los bosques y el derecho consuetudinario. Sin embargo, estados represores están procurando ahora ilegalizar esas técnicas y retener los bosques para el uso de compañías a gran escala.

55. En muchos países, la traducción a la práctica de los derechos humanos y normas forestales internacionales requerirá que las compañías del sector privado operen bajo normas más elevadas que las exigidas por la legislación nacional. Si las compañías del sector privado quieren operar en áreas reivindicadas por pueblos indígenas, deben respetar a los que detentan derechos consuetudinarios como propietarios legítimos de la tierra y aceptar el principio de que las comunidades locales tienen el derecho al libre, previo e informado consentimiento sobre cualquier actividad planificada en sus tierras y bosques. El compromiso de entrar en acuerdos negociados y legalmente obligatorios entre los operadores del sector privado y los pueblos indígenas ayudará a restaurar relaciones de equidad entre los operadores y las comunidades indígenas de base forestal.

56. A largo plazo, se requerirá reformas políticas, legales e institucionales nacionales, para garantizar los derechos de los pueblos indígenas y asegurar un futuro para los bosques basado en los principios de justicia y equidad.

57. Tomando en cuenta las demandas y propuestas específicas para la acción, planteadas por los pueblos indígenas a UNCSD, las siguientes propuestas no han sido aceptadas por los procesos intergubernamentales:12

(a) Autodeterminación y autodesarrollo;
(b) Reconocimiento como “pueblos” distintos;
(c) Reconocimiento explícito del derecho a poseer, usar y controlar territorios;
(d) Previo e informado consentimiento para actividades y decisiones que afecten a territorios indígenas;
(e) Preponderancia del Proyecto de Declaración Universal de la ONU sobre los Derechos de los Pueblos Indígenas en la Agenda 21 y los Principios Forestales y los Programas Forestales Nacionales;
(f) Financiamiento para apoyar la participación de los pueblos indígenas en los foros de la ONU.

**Producción Tradicional y Comercio y Conservación**

58. En años recientes, la producción y las actividades económicas consuetudinarias de los pueblos indígenas han sido perjudicadas por los enfoques conservacionistas que no trabajan con los pueblos y comunidades indígenas locales interesados. Las actividades tradicionales como la caza y usufructo sostenibles de mamíferos marinos de los pueblos árticos y la agricultura rotativa *swidden* de los pueblos del bosque de Asia, América Latina y el Pacífico son importantes para la subsistencia y el bienestar de las comunidades y han probado ser históricamente social y ecológicamente sostenibles.

59. Como consecuencia de años de campañas negativas de lobby de las organizaciones conservacionistas en Europa, la industria peletera de la foca ha sufrido un colapso que implicó efectos devastadores para los inuit. La venta de pieles de foca era antes la principal fuente de ingresos monetarios para muchas familias inuit y la caza de la foca era fundamental para la cultura y los valores tradicionales. La pérdida de este ingreso ha sido catastrófica, más allá de sus impactos económicos, incluyendo efectos negativos desde el punto de vista social, cultural, nutritivo y psicológico.

60. El derecho de los inuit a continuar con esta actividad tradicional sostenible debe ser reconocido y se debe elaborar estrategias para revitalizar y restaurar la industria ártica de la foca.¹³

61. La muletilla “agricultura de quema y roza” ha sido aplicada indiscriminadamente para desprestigiar a sistemas variados de agricultura indígena rotativa en áreas boscosas y montañosas con una imagen de destrucción ambiental. La investigación histórica y actual, incluyendo estudios realizados por investigadores indígenas, ha demostrado que este es un sistema sostenible y adaptativo, capaz de cambiar para acomodarse a circunstancias diferentes, aunque permaneciendo leal a la idea de autosuficiencia en la producción alimenticia. Es combinado frecuentemente con arrozales húmedos, cría de animales domésticos, cultivos especializados, huertas, caza y agroforestería para satisfacer las necesidades de las aldeas indígenas.¹⁴

62. Se debe brindar apoyo para la recuperación de tierras, la renovación y fortalecimiento de sistemas de producción tradicionales, que han contribuido a la biodiversidad, incluyendo su conservación y uso sostenible.

63. De la misma forma, deben apoyarse los programas de los Pueblos Indígenas para conservar la biodiversidad y el manejo de recursos dentro de sus tierras y territorios. Esto incluye el apoyo a los Pueblos Indígenas para proteger y/o recabar su conocimiento tradicional, sus prácticas, semillas y
otros recursos mediante: (i) el uso efectivo de sus métodos e instituciones *in situ* y (ii) el acceso y uso efectivo de tecnologías no-indígenas

64. Las semillas nativas y otros alimentos, esenciales para la supervivencia de los Pueblos Indígenas, están amenazados por el desarrollo, el cultivo y otros usos de semillas, plantas, peces y otros organismos modificados genéticamente.

**Agricultura Sostenible y Desarrollo Rural**

65. La Agenda 21, sostiene que dos de los varios elementos que determinarán el éxito de la agricultura sostenible y el desarrollo rural son la conservación de la tierra y la participación de la población rural. Los Pueblos Indígenas disponen de un conocimiento milenario basado en generaciones de prácticas cazadoras y agrícolas, manejo de la tierra y uso sostenible de las aguas, e ingeniería y arquitectura conexas con la agricultura. El mantenimiento de estas relaciones culturales y espirituales con el mundo natural es clave para su supervivencia como Pueblos o civilizaciones. Los mayan son el "Pueblo del Maíz", mientras que los gwish’in atabascanos son el “Pueblo del Caribú”. Los sistemas clánicos tradicionales del pueblo seminole incluyen a los Clanes del Oso, el Águila e incluso de la Batata.

66. El mantenimiento de estas relaciones culturales y espirituales es también vital para la conservación de la biodiversidad. Esta interdependencia y relación histórica con ecosistemas específicos sustenta las contribuciones técnicas y científicas del conocimiento indígena para la investigación crítica relacionada con el desarrollo sostenible basado en un enfoque que tome en consideración a los ecosistemas. Muchos practicantes tradicionales son expertos en la lectura de especies indicadoras que suministran muy anticipadamente señales de advertencia sobre próximas catástrofes ambientales o alimenticias y cambios meteorológicos como el calentamiento global.

67. En naciones del Pacífico, como Tuvalu y Kiribati, que comprenden principalmente atolones de corales bajos, las fuentes subterráneas de agua dulce están siendo desplazadas por el agua marina debido a la elevación del nivel del mar. Los dayak de Kalimantan han notado una disminución dramática de la producción de sus arrozales durante los últimos siete años hasta menos de una tonelada por hectárea, debido a la desaparición del orden de las estaciones lluviosas y secas. Severas tormentas y huracanes han matado a cientos de personas en América Central y han destruido aldeas y medios de subsistencia de los mayas, garifunas y nahuales. En el bosque tropical amazónico, los pueblos y comunidades indígenas locales han notado la disminución de los niveles pluviales y la extensión de la estación seca. Las sequías frecuentes y la disminución de la lluvia han aumentado los incendios forestales, afectando la caza la pesca y la seguridad alimenticia en general. En Burkina Faso, las sequías son más frecuentes y los cambios en la estación lluviosa están alterando los sistemas agrícolas locales. En Ruanda, la sequía extendida hace que los insectos sedientos ataquen especies
arbóreas usadas para la alimentación. La pérdida de la biodiversidad ha disminuido a las especies usadas para la alimentación, la medicina y los rituales. En muchos países, enfermedades como la malaria se han convertido en endémicas debido al aumento de los insectos vectores.

68. Ese detallado conocimiento local complementa y contribuye al trabajo científico sobre el clima. Por ejemplo, los Pueblos Indígenas de la región ártica están contribuyendo a investigar sobre los Impactos del Cambio Climático a través de la Evaluación Ártica sobre el Impacto Climático (ACIA) adoptada recientemente por el Consejo Ártico.15

Enfoques Regionales y Ecosistemas

69. El Consejo Ártico es un foro de alto nivel de los gobiernos de los ocho estados árticos (EE.UU., Canadá, Dinamarca/Groenlandia, Islandia, Noruega, Suecia, Finlandia y Rusia) y está encargado de elaborar formas apropiadas para la protección ambiental y el desarrollo sostenible en el Ártico. El Consejo Ártico incluye a varias organizaciones de pueblos indígenas, como la Conferencia Circumpolar Inuit y la Asociación Rusa de Pueblos Indígenas del Norte, como participantes permanentes. La Evaluación Ártica sobre el Impacto Climático fue formalmente adoptada y lanzada por el Consejo en octubre del año 2000. ACIA será documentada en tres volúmenes que deberán ser publicados en el año 2004 y tratarán la cuestión de qué estrategias pueden recomendarse para enfrentar y adaptarse a las presiones ambientales presentes y futuras, y posiblemente disminuir los impactos de estas cambios en el clima y la radiación ultravioleta. Estas recomendaciones incluirán asesoramientos pertinentes para la política nacional e internacional así como también asesoramiento a los habitantes del Ártico. Los capítulos claves sobre las perspectivas indígenas sobre el cambio climático y sobre el cambio climático sobre los usos de los recursos vivos marinos y terrestres, serán de especial importancia para los pueblos indígenas. ACIA representa una de las formas más promisorias para que el Consejo Ártico pueda llevar las voces indígenas a la próxima Cumbre Mundial sobre Desarrollo Sostenible (WSSD) así como también las perspectivas de los pueblos indígenas a las negociaciones sobre el cambio climático mundial.

70. Los pueblos indígenas amazónicos están reclamando, en forma similar, que se trate a la Cuenca Amazónica como un ecosistema único que requiere la cooperación de los gobiernos, los pueblos indígenas, las organizaciones de la sociedad civil y otras partes interesadas, con el objetivo del desarrollo sostenible y la conservación.

71. Se puede aprender lecciones positivas de la experiencia del Consejo Ártico para una aplicación más amplia en otras regiones del mundo, usando un enfoque basado en el ecosistema y las asociaciones colaborativas.
72. Desde una perspectiva tradicional, la salud de los Pueblos Indígenas no puede ser separada de la salud de su medio ambiente, la práctica de su espiritualidad y el ejercicio del derecho de autodeterminación, en las que se basa la salud mental, física y social de las comunidades indígenas.

73. Los pueblos indígenas sufren unos de los peores índices de mortalidad y de estado de salud del mundo. En el nordeste de los EE.UU. y Canadá, las mujeres mohawk portan más de 10.000 partes/millones de PCB en sus cuerpos y esto es traspasado a sus niños en el útero y a través del amamantamiento. La mortalidad infantil es el doble que el promedio nacional y los niveles de pobreza siguen siendo extremadamente elevados.

74. Los suicidios entre los pueblos indígenas es alarmantemente elevado en Brasil, Alaska, Canadá y otras comunidades que enfrentan un cambio rápido y la pérdida de tierras e identidad. El pueblo uwa de Colombia considera el suicidio colectivo como una respuesta apropiada a la indeseadas explotación petrolera en sus territorios que amenaza la integridad y el bienestar comunitario.

75. El programa de aplicación de herbicidas en Colombia, concebido por los Estados Unidos y Colombia para erradicar la coca y la amapola (como parte de una iniciativa antinarcóticos multifacética conocida como “Plan Colombia”), está impactando negativamente la salud de los indígenas y la seguridad de sus cultivos, ganado, suministro de agua y el medio ambiente. Estos impactos son suficientemente severos como para concluir que el Plan Colombia viola los derechos indígenas a la vida, la salud, la sustentación, la alimentación y la propiedad, así como también el derecho consuetudinario internacional a un medio ambiente limpio y saludable.

76. Numerosa información escrita, visual y oral alega que los seres humanos de Colombia y Ecuador expuestos a la mezcla rociadora usada para el programa de fumigación aérea en Colombia se han quejado de desórdenes gastrointestinales (sangrados severos, náuseas y vómitos), inflamación testicular, mareos, dificultades respiratorias, irritaciones de la piel y severas irritaciones oculares después de la fumigación. Fuentes de confianza también han notado defectos de nacimiento, abortos y muertes de niños recién nacidos y menores de edad.

77. En forma similar, una abundante información escrita, visual y oral indica que la exposición a la mezcla fumigadora utilizada en el programa para erradicar las plantaciones de coca y amapola ha causado la erradicación de la yuca, el maíz, los plátanos, tomates, caña de azúcar, pasturas para alimento del ganado y otros cultivos legales, la destrucción de árboles frutales y la muerte de ganado. La exposición a la mezcla fumigadora también contaminó las fuentes de agua y mató a los peces.
78. A pesar de los serios riesgos contra la salud planteados por este programa, los gobiernos de los Estados Unidos y de Colombia no han revelado la composición exacta de la mezcla fumigadora; detalles específicos sobre cuándo y por cuáles medios ocurre la fumigación; ni han brindado un aviso suficiente a los indígenas y otras personas afectadas sobre cuándo ocurrirá la fumigación y qué preparación previa es necesaria para garantizar la seguridad.

79. Los inuit y otros pueblos indígenas septentrionales están preocupados por la contaminación de sus alimentos por contaminantes orgánicos persistentes (POPs) cuya mayoría proviene de las tierras templadas y tropicales y son transportados al Ártico. Los inuit también participaron activamente en recientes negociaciones del Tratado sobre Contaminantes Orgánicos Persistentes.

**Acontecimientos Nacionales Relativos al Reconocimiento de los Derechos de los Pueblos Indígenas**

80. Para que los pueblos y comunidades indígenas puedan gozar de los beneficios plenos de estas actividades normativas internacionales es necesario que sean adoptadas y consagradas en las Constituciones nacionales y otras previsiones legislativas y administrativas. La legislación nacional de una serie de países ha cambiado como reflejo de las normas contemporáneas sobre derechos indígenas, como, p. ej., en muchos países latinoamericanos, Australia, Canadá, Nueva Zelanda, India, Filipinas, Finlandia y Rusia, para mencionar solamente a algunos. El Convenio 169 de la OIT sobre Pueblos Indígenas y Tribales ha sido firmado por 14 países. Pero la falta de reconocimiento de los pueblos indígenas sigue siendo un obstáculo en muchos países de Asia y África.

**Globalización Corporativa y Sostenibilidad de las Comunidades Indígenas**

81. La ascensión mundial de la economía neoliberal y el fortalecimiento del poder corporativo en los asuntos internacionales y nacionales constituyen una amenaza para la sociedad y la naturaleza. Han profundizado las desigualdades entre y dentro de las naciones y han socavado los esfuerzos realizados para lograr un desarrollo sostenible.

82. El Acuerdo TRIPs de la OMC constituye un obstáculo y una amenaza para el conocimiento indígena, como consecuencia de la armonización de regímenes uniformes sobre derecho de propiedad intelectual y del permiso para patentar formas de vida, microorganismos y procesos microbiológicos y no-biológicos de producción de plantas y animales.

83. El Acuerdo de OCM sobre Agricultura - que promueve la competencia en la exportación y la liberalización de la importación- ha permitido la penetración de productos agrícolas baratos en las comunidades de Pueblos Indígenas,
comprometiendo así sus prácticas agrícolas sostenibles, la seguridad alimenticia, la salud y las culturas. La producción agrícola a pequeña escala está siendo sustituida por las plantaciones de cultivos comerciales, concentrando aún más las tierras ancestrales en manos de unas pocas agro-corporaciones y terratenientes. La conversión de la agricultura a pequeña escala en plantaciones comerciales ha causado además el traslado de muchos miembros comunitarios de áreas rurales a áreas urbanas.

84. La promulgación de legislación en conformidad con los dos acuerdos de la OMC, combinada con la liberalización del comercio y los regímenes de inversión promovidos por el Banco Mundial y el Fondo Monetario Internacional, están socavando la legislación nacional y las regulaciones que protegen los derechos de los pueblos indígenas y el medio ambiente.

85. La privatización y los ajustes estructurales conllevan impactos negativos a corto y a largo plazo para los Pueblos Indígenas en países en desarrollo, algunos de los cuales son irreversibles. La privatización de las aguas convirtió a un elemento sagrado, esencial para nuestras prácticas espirituales conexas con la agricultura, en una mercancía de control privado. Las reformas estructurales constituyen una carga demasiado pesada de soportar para nuestras comunidades después de siglos de apropiación impuesta de tierras y su resultante empobrecimiento, así como el daño acumulado a nuestros ecosistemas y a nuestras ricas -pero amenazadas- prácticas agrícolas y conocimiento.

Recomendaciones

86. La mayoría de los temas especializados examinados dentro del sistema de la ONU en particular, están relacionados integralmente en forma mutua y, por lo tanto, requieren una armonización en la negociación e implementación de políticas.

87. Por lo tanto, la agenda de Río+10 debería permitir una discusión orientada hacia la acción para encarar a las fuerzas que han causado a la CDS a dar pasos hacia atrás en vez de hacia adelante con respecto al desarrollo sostenible. Entre esos se encuentran la globalización, la privatización y el creciente dominio de la industria dentro de la gestión mundial y de las Naciones Unidas.

88. Esperamos una fase constructiva de acción dirigida hacia el logro de los objetivos del desarrollo sostenible establecidos para la comunidad mundial en 1992. Oramos para que esta sea una fase caracterizada por la voluntad política y la comprensión verdadera de la interrelación de todas las formas de vida, a través de muchas generaciones de vida en la tierra.
Notas:


5 Comisión Africana sobre Derechos Humanos y de los Pueblos, Resolución sobre los Derechos de los Pueblos/Comunidades Indígenas de África, Cotonou, Benin, 6 de noviembre de 2000. El mandato del Grupo de Trabajo está descrito en la resolución como: “examinar el concepto de pueblos y comunidades indígenas en África; estudiar las implicaciones de la Carta Africana sobre Derechos Humanos y el bienestar de las comunidades indígenas con consideración especial a: el derecho de igualdad (Artículos 2 y 3), el derecho a la dignidad (Artículo 5), la protección contra la dominación (Artículo 19), a la autodeterminación (Artículo 20) y a la promoción del desarrollo cultural y de la identidad (Artículo 22); [y a] considerar recomendaciones apropiadas para el monitoreo y la protección de los derechos de las comunidades indígenas”.

6 El Informe del Secretario General sobre el progreso realizado en la implementación del Programa de Actividades del Decenio Internacional de los Pueblos Indígenas del Mundo (A/54/487).


8 Ibid.


12 Tom Griffiths, “Consolidating the Gains, Indigenous Peoples’ Rights and


15 Mark Nuttall, Indigenous Peoples And Climate Change Research In The Arctic.
Puntos esenciales de los pueblos indígenas

I. Sesión Uno - Principales Éxitos y Fracasos

1. Los pasados 10 años también han contemplado la intensificación de tendencias conflictivas para encarar los desequilibrios de las relaciones sociales y ecológicas que sustentan la crisis global del desarrollo sostenible:

   (a) El surgimiento del neoliberalismo económico y la globalización corporativa con la consiguiente mercantilización y “privatización” de los valores sociales y ecológicos; y

   (b) El resurgimiento de los movimientos de pueblos indígenas, comunidades locales y ciudadanos y las asociaciones transnacionales que afirman la primacía de las comunidades locales sostenibles y la integridad ecológica.

2. Los procesos acelerantes de la globalización después de Río, exponen las vulnerabilidades de los pueblos indígenas cuando quedan abandonados a la lógica de los estados y mercados, sin una protección adecuada de sus derechos. Un entorno de laissez faire liberalizado y en expansión del comercio, las inversiones, la producción y el consumo está teniendo como resultado una continua enajenación de la tierra y el traslado forzoso de los pueblos indígenas.

En la medida en que intensifican las presiones sobre los recursos de la Tierra, los pueblos indígenas son víctimas de costos desproporcionados debido a las industrias de extracción intensiva de recursos y actividades como la minería, la explotación petrolera y de gas, las grandes represas y otros proyectos de infraestructura, explotación maderera y plantaciones, bioprospección, pesca y agricultura industrial y también el ecoturismo y los proyectos impuestos de conservación. Estas presiones también aceleran las actividades económicas no-sostenibles realizadas por los mismos pueblos indígenas, especialmente cuando los derechos indígenas no han sido respetados, dejando así a las comunidades con insuficientes tierras y recursos.

3. La ausencia de normas acordadas universalmente sobre los derechos de los pueblos indígenas es un obstáculo importante para habilitar plenamente a los pueblos indígenas para que jueguen su rol en el desarrollo sostenible. El Secretario General de la ONU destacó en su Informe sobre el Decenio de la ONU de los Pueblos Indígenas de mitad de período que “Ninguna norma internacional sobre pueblos indígenas guía a las Naciones Indígenas como un todo, y en la práctica, las organizaciones de las Naciones Unidas o bien no están adoptando ninguna directiva en particular o están elaborando directivas sobre la base de procedimientos diferentes”. ¹ Todos los gobiernos, en promoción de sus compromisos y obligaciones conexos con los derechos

4. Una seguridad a más largo plazo para los pueblos indígenas requiere un reconocimiento legal de sus derechos de propiedad y control de sus tierras, territorios y recursos naturales. Muchas comunidades indígenas están cartografiando sus tierras y territorios tradicionales, iniciando un proceso de renovación cultural y fortalecimiento comunitario, que al mismo tiempo sirve como base para el reconocimiento gubernamental de sus tierras y su uso consuetudinario.

Se han logrado éxitos, por ejemplo, en Malasia, Tailandia, Indonesia y Filipinas en Asia; en Venezuela, Guyana, Perú y Brasil en América Latina; y en Sudáfrica, Botswana y Namibia en África. El gobierno ruso aprobó una ley que reconoce y protege áreas de uso tradicional de la tierra.

Estos importantes logros son frecuentemente ensombrecidos por las extendidas violaciones de los derechos indígenas a la tierra en el proceso de desarrollo. La Informante-Especial de la ONU, Sra. Erica Irene-Daes, en su Documento Final de Trabajo sobre Pueblos Indígenas y su relación con la Tierra, planteó un marco para el análisis de problemas contemporáneos relativos a los derechos indígenas a la tierra destacando:

- Falta de reconocimiento por parte de estados de los derechos indígenas a tierras, territorios y recursos;
- Leyes y políticas discriminatorias que afectan a los pueblos indígenas con relación a sus tierras;
- Falta de demarcación;
- Omisión de parte de los estados para la aplicación o implementación de leyes que protegen las tierras indígenas;
- Problemas con relación a las reivindicaciones de tierra y la devolución de tierras;
- Traslado y reubicación;
- Otros programas y políticas gubernamentales que afectan adversamente la relación de los pueblos indígenas con sus tierras, territorios y recursos;
- Ausencia de protección de la integridad del medio ambiente de las tierras y territorios indígenas.

5. Los derechos de los pueblos indígenas han asumido una ubicación importante en el derecho internacional sobre derechos humanos. El derecho internacional reconoce los derechos de los pueblos indígenas a:
• La autodeterminación;
• A la propiedad, control y manejo de sus territorios, tierras y recursos tradicionales;
• Al ejercicio de su derecho consuetudinario;
• A representarse a sí mismos a través de sus propias instituciones;
• Al libre, previo e informado consentimiento para la realización de actividades en su tierra;
• Al control y participación en los beneficios del uso de su conocimiento tradicional.

Este cuerpo de leyes todavía se está expandiendo y desarrollando a través de la abogacía indígena en foros internacionales; a través de las decisiones de organismos internacionales de derechos humanos; a través del reconocimiento y codificación de los derechos indígenas en instrumentos internacionales actualmente bajo consideración de las Naciones Unidas y la Organización de Estados Americanos; a través de la incorporación de derechos indígenas en instrumentos y políticas relacionados con la conservación, el medio ambiente y el desarrollo; a través de la incorporación de estos derechos en el derecho y la práctica nacional; y a través de decisiones jurídicas nacionales.2

Los organismos internacionales que tienen el mandato de proteger los derechos humanos han prestado atención particular a los derechos indígenas en los años recientes. El Comité de la ONU sobre la Eliminación de la Discriminación Racial, el Comité de Derechos Humanos de la ONU, el Comité de Expertos de la Organización Internacional del Trabajo y la Comisión Interamericana de Derechos Humanos se destacan a este respecto. Estos organismos han contribuido al desarrollo progresivo de los derechos indígenas mediante la interpretación de instrumentos de derechos humanos de aplicación general para tomar en cuenta y proteger los derechos colectivos de los pueblos indígenas. Incluso la Comisión Africana sobre Derechos Humanos y de los Pueblos ha comenzado a tratar los derechos de los pueblos indígenas al dar el importante paso de establecer un grupo de trabajo sobre pueblos indígenas en África.3

3. La Asamblea General de la ONU en su Sesión del Milenio aprobó el establecimiento de un Foro Permanente sobre Temas Indígenas, como organismo asesor de ECOSOC, a reunirse por primera vez en mayo de 2002. Su amplio mandato, que cubre los aspectos sociales y económicos, ambientales, desarrollo, educación, salud, derechos humanos y todos los asuntos que afecten a los pueblos indígenas, lo hacen potencialmente un ámbito muy importante para promover el desarrollo sostenible basado en los derechos de los pueblos indígenas. Otras organizaciones del sistema de las Naciones Unidas como PNUD, UNESCO, OMS y WIPO también adoptaron políticas y programas relacionados con los Pueblos Indígenas.
4. Para que los pueblos y comunidades indígenas puedan gozar de los beneficios plenos de estas actividades normativas internacionales es necesario que sean adoptadas y consagradas en las Constituciones nacionales y otras previsiones legislativas y administrativas. La legislación nacional de una serie de países ha cambiado como reflejo de las normas contemporáneas sobre derechos indígenas, como, p. ej., en muchos países latinoamericanos, Australia, Canadá, Nueva Zelanda, India, Filipinas, Finlandia y Rusia, para mencionar solamente a algunos. El Convenio 169 de la OIT sobre Pueblos Indígenas y Tribales ha sido firmado por 14 países. Pero la falta de reconocimiento de los pueblos indígenas sigue siendo un obstáculo en muchos países de Asia y África.

5. La ascendencia mundial de la economía neoliberal y el fortalecimiento del poder corporativo en los asuntos internacionales y nacionales constituyen una amenaza para la sociedad y la naturaleza. Han profundizado las desigualdades entre y dentro de las naciones y han socavado los esfuerzos realizados para lograr un desarrollo sostenible.

El Acuerdo TRIPs de la OMC constituye un obstáculo y una amenaza para el conocimiento indígena, como consecuencia de la armonización de regímenes uniformes sobre derecho de propiedad intelectual y del permiso para patentar formas de vida, microorganismos y procesos microbiológicos y no-biológicos de producción de plantas y animales.

El Acuerdo de OCM sobre Agricultura - que promueve la competencia en la exportación y la liberalización de la importación- ha permitido la penetración de productos agrícolas baratos en las comunidades de Pueblos Indígenas, comprometiendo así sus prácticas agrícolas sostenibles, la seguridad alimenticia, la salud y las culturas. La producción agrícola a pequeña escala está siendo sustituida por las plantaciones de cultivos comerciales, concentrando aún más las tierras ancestrales en manos de unas pocas agro-corporaciones y terratenientes. La conversión de la agricultura a pequeña escala en plantaciones comerciales ha causado además el traslado de muchos miembros comunitarios de áreas rurales a áreas urbanas.

La promulgación de legislación en conformidad con los dos acuerdos de la OMC, combinada con la liberalización del comercio y los regímenes de inversión promovidos por el Banco Mundial y el Fondo Monetario Internacional, están socavando la legislación nacional y las regulaciones que protegen los derechos de los pueblos indígenas y el medio ambiente.

La privatización y los ajustes estructurales conllevan impactos negativos a corto y a largo plazo para los Pueblos Indígenas en países en desarrollo, algunos de los cuales son irreversibles. La privatización de las aguas convirtió a un elemento sagrado, esencial para nuestras prácticas espirituales conexas con la agricultura, en una mercancía de control privado. Las reformas estructurales constituyen una carga demasiado pesada de soportar para nuestras comunidades después de siglos de apropiación impuesta de
tierras y su resultante empobrecimiento, así como el daño acumulado a nuestros ecosistemas y a nuestras ricas -pero amenazadas- prácticas agrícolas y conocimiento.

II. Objetivos Sectoriales y Trans-sectoriales

1. El conflicto en la disyunción entre las decisiones globales económicas, financieras y comerciales tomadas por la Organización Mundial del Comercio, el Fondo Monetario Internacional y el Banco Mundial, que están bloqueando y constrinRIENDO las opciones y esfuerzos nacionales y locales para definir vías flexibles para un desarrollo sostenible, tal como se alienta en el diálogo político global sobre el medio ambiente y el desarrollo sostenible. Esta falta de coherencia en los procesos políticos globales está bloqueando la implementación de medidas positivas que apoyen la autodeterminación y el desarrollo sostenible de los pueblos indígenas.

2. La Subcomisión de la ONU para la Protección y Promoción de los Derechos Humanos aprobó el proyecto de Declaración de la ONU sobre los Derechos de los Pueblos Indígenas en 1994. Como lo expresó el Alto Comisionado de la ONU para los Derechos Humanos:

   “El proyecto de declaración de las Naciones Unidas establece un vínculo entre los derechos humanos y el desarrollo, es decir que uno no es posible sin el otro. Por lo tanto, las mejoras económicas no pueden ser consideradas sin la protección de los derechos a la tierra y a los recursos. Los derechos sobre la tierra necesitan incluir el reconocimiento de la relación espiritual que tienen los pueblos indígenas con sus territorios ancestrales. Y la base económica que provee la tierra necesita ser acompañada por un reconocimiento de las propias instituciones políticas y legales, tradiciones culturales y organizaciones sociales de los pueblos indígenas. La tierra y la cultura, el desarrollo, los valores espirituales y el conocimiento constituyen una sola cosa. No reconocer a uno es no reconocer a ningún otro”.

3. La Asamblea General de la ONU en su Sesión del Milenio aprobó el establecimiento de un Foro Permanente sobre Temas Indígenas, como organismo asesor de ECOSOC, a reunirse por primera vez en mayo de 2002. Su amplio mandato, que cubre los aspectos sociales y económicos, ambientales, desarrollo, educación, salud, derechos humanos y todos los asuntos que afecten a los pueblos indígenas, lo hacen potencialmente un ámbito muy importante para promover el desarrollo sostenible basado en los derechos de los pueblos indígenas. Otras organizaciones del sistema de las Naciones Unidas como PNUD, UNESCO, OMS y WIPO también adoptaron políticas y programas relacionados con los Pueblos Indígenas. La Comisión de Derechos Humanos nombró recientemente un Informante Especial sobre la Situación de Derechos Humanos y Libertades Fundamentales de los Pueblos Indígenas. Su primer informe, programado para 2002, complementará
otros estudios especiales que también han sido realizados sobre la Protección del Patrimonio de los Pueblos Indígenas (1995); Tratados, Acuerdos y Otros Arreglos Constructivos entre Pueblos Indígenas y Estados (1999); y las Relaciones de los Pueblos Indígenas con la Tierra (2001).

4. El Convenio sobre la Diversidad Biológica (CBD) reconoce el conocimiento tradicional de los pueblos indígenas y las comunidades locales y ha elaborado un programa de trabajo transversal sobre conocimiento tradicional y otros artículos conexos del Convenio. La Conferencia de las Partes del CBD estableció, en su 4ª Reunión, un grupo de trabajo abierto intersesional sobre la implementación del Artículo 8j y las previsiones conexas del Convenio sobre conocimiento tradicional. La creación de este organismo, con el apoyo de muchos gobiernos y un fuerte cabildeo de las organizaciones de pueblos indígenas, lo convierten en un foro potencialmente significativo para el intercambio y la formulación de políticas.

La 5ª reunión de la Conferencia de las Partes (COP5) del CBD decidió:

- El reconocimiento de la importancia de la participación de los pueblos indígenas y las comunidades locales, desde el ámbito local hasta el internacional, en una amplia variedad de programas de trabajo del CBD; el reconocimiento de los roles especiales de las mujeres de los pueblos indígenas y de las comunidades locales en la conservación de la biodiversidad;
- El reconocimiento del Foro Internacional Indígena sobre Biodiversidad como organismo asesor de la COP;
- La promoción de la nominación de miembros de pueblos indígenas y comunidades locales en la lista internacional de expertos;
- La promoción de delegados indígenas dentro de las delegaciones oficiales de los procesos del CBD;
- La continuación del Grupo de Trabajo sobre el Artículo 8j y las previsiones conexas relativas al conocimiento tradicional;
- La creación de un Grupo de Trabajo sobre Acceso y Reparto de Beneficios que reconozca la participación de los pueblos indígenas y comunidades locales y el principio del previo e informado consentimiento para cualquier uso potencial de su conocimiento.

5. El Convenio sobre Diversidad Biológica, a través de sus programas de trabajo y procesos, ha sido innovador en cuanto al tratamiento de los intereses de los pueblos indígenas. Su enfoque de los ecosistemas está de acuerdo con las realidades indígenas y permite importante participación en los programas de trabajo. Las vinculaciones entre el CBD y otros convenios sobre el medio ambiente pueden servir para encarar algunas inconsistencias de los enfoques más estrechos, econométricos o tecnocráticos de las negociaciones climáticas. Se debe realizar esfuerzos para asegurar la implementación de las obligaciones del CBD a través de Estrategias y planes de Acción Nacionales sobre la Biodiversidad, con la plena y efectiva participación de
7. En las negociaciones globales sobre el cambio climático, los pueblos indígenas han expresado la preocupación de que las actuales discusiones dentro del Marco del Convenio sobre Cambio Climático y la implementación práctica del Protocolo de Kioto, no prevén su participación adecuada. Están profundamente preocupados de que las medidas para mitigar el cambio climático que están siendo actualmente negociadas como plantaciones, emisión de carbono y emisiones comerciales, puedan resultar en proyectos que tengan un impacto adverso sobre sus ecosistemas naturales, sensibles y frágiles, contaminando suelos, bosques y aguas, que ya cumplen con importantes funciones climáticas.

Enfoques Regionales y Ecosistemas

8. Los Pueblos Indígenas de la región ártica están contribuyendo a investigar sobre los Impactos del Cambio Climático a través de la Evaluación Ártica sobre el Impacto Climático (ACIA) adoptada recientemente por el Consejo Ártico. El Consejo Ártico es un foro de alto nivel de los gobiernos de los ocho estados árticos (EE.UU., Canadá, Dinamarca/Groenlandia, Islandia, Noruega, Suecia, Finlandia y Rusia) y está encargado de elaborar formas apropiadas para la protección ambiental y el desarrollo sostenible en el Ártico. El Consejo Ártico incluye a varias organizaciones de pueblos indígenas, como la Conferencia Circumpolar Inuit y la Asociación Rusa de Pueblos Indígenas del Norte, como participantes permanentes. La Evaluación Ártica sobre el Impacto Climático fue formalmente adoptada y lanzada por el Consejo en octubre del año 2000. ACIA será documentada en tres volúmenes que deberán ser publicados en el año 2004 y tratarán la cuestión de qué estrategias pueden recomendarse para enfrentar y adaptarse a las presiones ambientales presentes y futuras, y posiblemente disminuir los impactos de estas cambio en el clima y la radiación ultravioleta. Estas recomendaciones incluirán asesoramientos pertinentes para la política nacional e internacional así como también asesoramiento a los habitantes del Ártico. Los capítulos claves sobre las perspectivas indígenas sobre el cambio climático y sobre el cambio climático sobre los usos de los recursos vivos marinos y terrestres, serán de especial importancia para los pueblos indígenas. ACIA representa una de las formas más promisorias para que el Consejo Ártico pueda llevar las voces indígenas a la próxima Cumbre Mundial sobre Desarrollo Sostenible (WSSD) así como también las perspectivas de los pueblos indígenas a las negociaciones sobre el cambio climático mundial.

9. Desde una perspectiva tradicional, la salud de los Pueblos Indígenas no puede ser separada de la salud de su medio ambiente, la práctica de su espiritualidad y el ejercicio del derecho de autodeterminación, en las que se basa la salud mental, física y social de las comunidades indígenas. Los pueblos indígenas sufren unos de los peores índices de mortalidad y de estado de salud del mundo. En el nordeste de los EE.UU. y Canadá, las mujeres mohawk portan más de 10.000 partes/millones de PCB en sus...
cuerpos y esto es traspasado a sus niños en el útero y a través del amamantamiento. La mortalidad infantil es el doble que el promedio nacional y los niveles de pobreza siguen siendo extremadamente elevados. La incidencia de suicidios entre los pueblos indígenas es alarmantemente elevada en Brasil, Alaska, Canadá y otras comunidades que enfrentan un cambio rápido y la pérdida de tierras e identidad. El pueblo uwa de Colombia considera el suicidio colectivo como una respuesta apropiada a la indeseada explotación petrolera en sus territorios que amenaza la integridad y el bienestar comunitario. El programa de aplicación de herbicidas en Colombia, concebido por los Estados Unidos y Colombia para erradicar la coca y la amapola (como parte de una iniciativa antinarcóticos multifacética conocida como “Plan Colombia”), está impactando negativamente la salud de los indígenas y la seguridad de sus cultivos, ganado, suministro de agua y el medio ambiente. Estos impactos son suficientemente severos como para concluir que el Plan Colombia viola los derechos indígenas a la vida, la salud, la sustentación, la alimentación y la propiedad, así como también el derecho consuetudinario internacional a un medio ambiente limpio y saludable. Los inuit y otros pueblos indígenas septentrionales están preocupados por la contaminación de sus alimentos por contaminantes orgánicos persistentes (POPs) cuya mayoría proviene de las tierras templadas y tropicales y son transportados al Ártico. Los inuit también participaron activamente en recientes negociaciones del Tratado sobre Contaminantes Orgánicos Persistentes.

III. Posibilitando la Participación Multisectorial

1. La Asamblea General de la ONU en su Sesión del Milenio aprobó el establecimiento de un Foro Permanente sobre Temas Indígenas, como organismo asesor de ECOSOC, a reunirse por primera vez en mayo de 2002. Su amplio mandato, que cubre los aspectos sociales y económicos, ambientales, desarrollo, educación, salud, derechos humanos y todos los asuntos que afecten a los pueblos indígenas, lo hacen potencialmente un ámbito muy importante para promover el desarrollo sostenible basado en los derechos de los pueblos indígenas. Otras organizaciones del sistema de las Naciones Unidas como PNUD, UNESCO, OMS y WIPO también adoptaron políticas y programas relacionados con los Pueblos Indígenas. La Comisión de Derechos Humanos nombró recientemente un Informante Especial sobre la Situación de Derechos Humanos y Libertades Fundamentales de los Pueblos Indígenas. Su primer informe, programado para 2002, complementará otros estudios especiales que también han sido realizados sobre la Protección del Patrimonio de los Pueblos Indígenas (1995); Tratados, Acuerdos y Otros Arreglos Constructivos entre Pueblos Indígenas y Estados (1999); y las Relaciones de los Pueblos Indígenas con la Tierra (2001).

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implementación del Artículo 8j y las previsiones conexas del Convenio sobre conocimiento tradicional. La creación de este organismo, con el apoyo de muchos gobiernos y un fuerte cabildo de las organizaciones de pueblos indígenas, lo convierten en un foro potencialmente significativo para el intercambio y la formulación de políticas.

La 5ª reunión de la Conferencia de las Partes (COP5) del CBD decidió⁷:

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- El reconocimiento de los roles especiales de las mujeres de los pueblos indígenas y de las comunidades locales en la conservación de la biodiversidad;
- El reconocimiento del Foro Internacional Indígena sobre Biodiversidad como organismo asesor de la COP;
- La promoción de la nominación de miembros de pueblos indígenas y comunidades locales en la lista internacional de expertos;
- La promoción de delegados indígenas dentro de las delegaciones oficiales de los procesos del CBD;
- La continuación del Grupo de Trabajo sobre el Artículo 8j y las previsiones conexas relativas al conocimiento tradicional;
- La creación de un Grupo de Trabajo sobre Acceso y Reparto de Beneficios que reconozca la participación de los pueblos indígenas y comunidades locales y el principio del previo e informado consentimiento para cualquier uso potencial de su conocimiento.

2. El Convenio sobre Diversidad Biológica, a través de sus programas de trabajo y procesos, ha sido innovador en cuanto al tratamiento de los intereses de los pueblos indígenas. Su enfoque de los ecosistemas está de acuerdo con las realidades indígenas y permite importante participación en los programas de trabajo. Las vinculaciones entre el CBD y otros convenios sobre el medio ambiente pueden servir para encarar algunas inconsistencias de los enfoques más estrechos, econométricos o tecnocráticos de las negociaciones climáticas. Se debe realizar esfuerzos para asegurar la implementación de las obligaciones del CBD a través de Estrategias y Planes de Acción Nacionales sobre la Biodiversidad, con la plena y efectiva participación de los pueblos indígenas.

3. En las negociaciones globales sobre el cambio climático, los pueblos indígenas han expresado la preocupación de que las actuales discusiones dentro del Marco del Convenio sobre Cambio Climático y la implementación práctica del Protocolo de Kioto, no prevén su participación adecuada. Están profundamente preocupados de que las medidas para mitigar el cambio climático que están siendo actualmente negociadas como plantaciones,
emisión de carbono y emisiones comerciables, puedan resultar en proyectos que tengan un impacto adverso sobre sus ecosistemas naturales, sensibles y frágiles, contaminando suelos, bosques y aguas, que ya cumplen con importantes funciones climáticas.

Enfoques Regionales y Ecosistemas

4. Los Pueblos Indígenas de la región ártica están contribuyendo a investigar sobre los Impactos del Cambio Climático a través de la Evaluación Ártica sobre el Impacto Climático (ACIA) adoptada recientemente por el Consejo Ártico. El Consejo Ártico es un foro de alto nivel de los gobiernos de los ocho estados árticos (EE.UU., Canadá, Dinamarca/Groenlandia, Islandia, Noruega, Suecia, Finlandia y Rusia) y está encargado de elaborar formas apropiadas para la protección ambiental y el desarrollo sostenible en el Ártico. El Consejo Ártico incluye a varias organizaciones de pueblos indígenas, como la Conferencia Circumpolar Inuit y la Asociación Rusa de Pueblos Indígenas del Norte, como participantes permanentes. La Evaluación Ártica sobre el Impacto Climático fue formalmente adoptada y lanzada por el Consejo en octubre del año 2000. ACIA será documentada en tres volúmenes que deberán ser publicados en el año 2004 y tratarán la cuestión de qué estrategias pueden recomendarse para enfrentar y adaptarse a las presiones ambientales presentes y futuras, y posiblemente disminuir los impactos de estas cambios en el clima y la radiación ultravioleta. Estas recomendaciones incluirán asesoramientos pertinentes para la política nacional e internacional así como también asesoramiento a los habitantes del Ártico. Los capítulos claves sobre las perspectivas indígenas sobre el cambio climático y sobre el cambio climático sobre los usos de los recursos vivos marinos y terrestres, serán de especial importancia para los pueblos indígenas. ACIA representa una de las formas más promisorias para que el Consejo Ártico pueda llevar las voces indígenas a la próxima Cumbre Mundial sobre Desarrollo Sostenible (WSSD) así como también las perspectivas de los pueblos indígenas a las negociaciones sobre el cambio climático mundial.

5. En países que disponen de un claro marco legal para los derechos indígenas es más probable que se realicen negociaciones entre comunidades indígenas, gobiernos y corporaciones. Además, las transiciones de regímenes militares a gobiernos democráticos también brindan un espacio político para la introducción y el reconocimiento de los derechos indígenas. En una serie de países, como Guatemala, las Filipinas, el nordeste de India y Chittagong Hill Tracts en Bangladesh, se han concluido acuerdos de paz entre gobiernos y pueblos indígenas. No obstante, todavía quedan países donde los pueblos indígenas sufren bajo la militarización y el control gubernamental.

IV. Nuevas/Renovadas Iniciativas de Implementación

Esperamos una fase constructiva de acción dirigida hacia el logro de los objetivos del desarrollo sostenible establecidos para la comunidad mundial
en 1992. Oramos para que esta sea una fase caracterizada por la voluntad política y la comprensión verdadera de la interrelación de todas las formas de vida, a través de muchas generaciones de vida en la Tierra.


Los derechos fundamentales de los pueblos a la autodeterminación, la soberanía permanente sobre los recursos naturales y que no se les niegue sus medios de subsistencia son de interés primordial. En los próximos años será importante lograr una mejor comprensión de esta norma y su aplicación para la implementación de programas de desarrollo sostenible con los pueblos indígenas.

2. El mayor desafío que enfrentan los pueblos y comunidades indígenas frente al desarrollo sostenible es asegurar la seguridad territorial, el reconocimiento legal de nuestra propiedad y control sobre las tierras y recursos consuetudinarios y la utilización sostenible de nuestra tierra y otros recursos renovables para nuestra salud y bienestar cultural, económico y físico.

3. La autodeterminación significa para los pueblos indígenas “el derecho al control sobre sus instituciones, territorios, recursos, órdenes sociales y culturas sin dominación o interferencia externa, y el derecho a establecer su relación con la sociedad dominante y el estado sobre la base del consentimiento”.9

El principio de libre, previo e informado consentimiento de los pueblos indígenas con respecto a los proyectos y planes de desarrollos que los afecten, ha surgido como la norma a aplicarse en la protección y promoción de sus derechos en el proceso de desarrollo en el contexto de un creciente reconocimiento de los derechos de autodeterminación de los Pueblos Indígenas. En los próximos años será importante lograr una mejor comprensión de esta norma y su aplicación para la implementación de programas de desarrollo sostenible con los pueblos indígenas.

6. El Convenio sobre Diversidad Biológica, a través de sus programas de trabajo y procesos, ha sido innovador en cuanto al tratamiento de los intere-
ses de los pueblos indígenas. Su enfoque de los ecosistemas está de acuerdo con las realidades indígenas y permite importante participación en los programas de trabajo. Las vinculaciones entre el CBD y otros convenios sobre el medio ambiente pueden servir para encarar algunas inconsistencias de los enfoques más estrechos, econométricos o tecnocráticos de las negociaciones climáticas. Se debe realizar esfuerzos para asegurar la implementación de las obligaciones del CBD a través de Estrategias y Planes de Acción Nacionales sobre la Biodiversidad, con la plena y efectiva participación de los pueblos indígenas.

7. Se puede aprender lecciones positivas de la experiencia del Consejo Ártico para una aplicación más amplia en otras regiones del mundo, usando un enfoque basado en el ecosistema y las asociaciones colaborativas. Los pueblos indígenas amazónicos están reclamando, en forma similar, que se trate a la Cuenca Amazónica como un ecosistema único que requiere la cooperación de los gobiernos, los pueblos indígenas, las organizaciones de la sociedad civil y otras partes interesadas, con el objetivo del desarrollo sostenible y la conservación.

8. En los años recientes, la producción y las actividades económicas consuetudinarias de los pueblos indígenas han sido perjudicadas por los enfoques conservacionistas que no trabajan con los pueblos y comunidades indígenas locales interesados. Las actividades tradicionales como la caza y usufructo sostenibles de mamíferos marinos de los pueblos árticos y la agricultura rotativa swidden de los pueblos del bosque de Asia, América Latina y el Pacífico son importantes para la subsistencia y el bienestar de las comunidades y han probado ser históricamente social y ecológicamente sostenibles.

9. Para que los pueblos y comunidades indígenas puedan gozar de los beneficios plenos de estas actividades normativas internacionales es necesario que sean adoptadas y consagradas en las Constituciones nacionales y otras previsiones legislativas y administrativas. La legislación nacional de una serie de países ha cambiado como reflejo de las normas contemporáneas sobre derechos indígenas, como, p. ej., en muchos países latinoamericanos, Australia, Canadá, Nueva Zelanda, India, Filipinas, Finlandia y Rusia, para mencionar solamente a algunos. El Convenio 169 de la OIT sobre Pueblos Indígenas y Tribales ha sido firmado por 14 países. Pero la falta de reconocimiento de los pueblos indígenas sigue siendo un obstáculo en muchos países de Asia y África.

10. La mayoría de los temas especializados examinados dentro del sistema de la ONU en particular, están relacionados integralmente en forma mutua y, por lo tanto, requieren una armonización en la negociación e implementación de políticas. Por lo tanto, la agenda de Río+10 (WSSD) debería permitir una discusión orientada hacia la acción para encarar a las fuerzas que han causado a la CDS a dar pasos hacia atrás en vez de hacia adelante con respecto al desarrollo sostenible. Entre esos se encuentran la globalización, la
privatización y el creciente dominio de la industria dentro de la gestión mun-
dial y de las Naciones Unidas.

Notas:

1 El Informe del Secretario General sobre el progreso realizado en la
implementación del Programa de Actividades del Decenio Internacional de
los Pueblos Indígenas del Mundo (A/54/487).

2 Fergus Mackay, “Universal Rights or a Universe unto Itself? Indigenous
Peoples’ Human Rights and the World Bank’s Draft Operational Policy 4.10

3 Comisión Africana sobre Derechos Humanos y de los Pueblos, Resolu-
ción sobre los Derechos de los Pueblos/Comunidades Indígenas de África,
Cotonou, Benin, 6 de noviembre de 2000. El mandato del Grupo de Trabajo
está descrito en la resolución como: “examinar el concepto de pueblos y
comunidades indígenas en África; estudiar las implicaciones de la Carta
Africana sobre Derechos Humanos y el bienestar de las comunidades indí-
genas con consideración especial a: el derecho de igualdad (Artículos 2 y
3), el derecho a la dignidad (Artículo 5), la protección contra la dominación
(Artículo 19), a la autodeterminación (Artículo 20) y a la promoción del desa-
rrollo cultural y de la identidad (Artículo 22); [y a] considerar recomendacio-
nes apropiadas para el monitoreo y la protección de los derechos de las
comunidades indígenas”.

4 Mary Robinson “Bridging The Gap Between Human Rights An Development:
From Normative Principles To Operational Relevance”, Presidential Fellows
Lecture, 3 de diciembre de 2001, Banco Mundial, Washington D.C.

of COP5 of CBD”, mss.

6 Mark Nuttall, Indigenous Peoples And Climate Change Research In The
Arctic.

of COP5 of CBD”, mss.

8 Mark Nuttall, Indigenous Peoples And Climate Change Research In The
Arctic.

9 Howard Berman (1993) “The Development of International Recognition of
the Rights of Indigenous Peoples” en Document 74. IWGIA y el Centro para
la Investigación sobre el Desarrollo. Copenhague.
Indigenous Peoples Caucus Presentation to the 1st Plenary Session of the Multi-Stakeholders Dialogue

Presented by Tom Goldtooth, International Indian Treaty Council and Director of Indigenous Environmental Network, USA, Philippines, 29 January 2002

It is in respect of all those that have gone on, those that are here now, and the future generation yet unborn that I make this presentation. It is also in respect of the sacredness of our Mother Earth that I speak.

I will highlight today under the key messages which we, indigenous peoples, would like to convey to the government and other multi-stakeholders. The elaboration of these points are contained in our Dialogue Paper (E/CN.17/2002/PC.2/6/Add.3). I hope you all had a chance to read through this document.

This is a summary of a Dialogue Paper, which is a working document that will embrace the mind, heart and spirit of indigenous peoples as a major group as we further develop our agenda for the World Summit on Sustainable Development. The indigenous peoples Dialogue Paper embraces key principles and issues consistent with those issues expressed by the Secretary General's report.

One key principle reflected in the concerns and inspiration of indigenous peoples, concerning achieving sustainable development within Indigenous communities, traditional lands and territories, is the principle of Indigenous peoples right of self-determination. Indigenous peoples’ rights have assumed an important place in international human rights law.

Indigenous peoples have the right to determine and develop priorities and strategies for exercising our right to development. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of our lands, territories and other resources. These principles respect the recognition of indigenous communities and institutions worldwide that have been redefining our understanding of western approaches of “development.” Western forms of development have not been sustainable and, instead, have been a disruption to our cultural practices, environmental degradation of traditional lands, biodiversity and the bodies of our mothers and families. Development, as it has been practiced within our communities and territories has been a major factor that continues to create poverty and foster dependency on developmental and financial systems that don’t recognize Indigenous traditional knowledge and values.
Presented by Victoria Tauli Corpuz, Director, Tebtebba, Philippines, 29 January 2002,

Thank you for allowing indigenous peoples to speak. I will highlight today the key messages which we, indigenous peoples, would like to convey to the governments and other multistakeholders. The elaboration of these points are contained in our Dialogue Paper (E/CN.17/2002/PC.2/6/Add.3). I hope you all had a chance to read through this document.

Ten years after Rio, a significant number of indigenous peoples still live in sustainable societies, historically evolved in diverse ecosystems. The ethics, values and cultures which are essential in sustaining such societies are still very much lived by many of us. However, since colonization up to the present, these diverse societies, ecosystems, cultures and peoples are under serious threats of destruction and extinction. The imposition of the mainstream development model since the 50s has destroyed many of these communities. Now we are again confronted with globalization which is pushing for a globalized market economy. The loss of our lands, waters, forests, natural resources, cultures and knowledge has accelerated because of the liberalization of trade and investment laws, the privatization of public goods and services such as water, energy, and the absence of laws which protect our rights as indigenous peoples.

When our fate is left to the logic of the market and no protection of our rights as distinct peoples is provided by States and the international community, then whom can we turn to? In the past ten years we relied mainly on ourselves and communities to build our own movements at all levels to assert our right to define how economic, social and cultural development should take place in our communities. We created transnational partnerships between ourselves to collectively struggle for the adoption of international standards which will protect our rights. We have not won this yet because the UN has not adopted the Declaration on the Rights of Indigenous Peoples. This for us is a key failure of the ten years after Rio. Many of our colleagues are in Geneva now attending the Working Group on the Draft Declaration and we are hoping that the States would adopt most of the articles in the Declaration.

The health situation of our peoples, both physical and psychological, is also fast deteriorating because of many factors, some of which are increasing poverty, pollution due to persistent organic pollutants, effects of climate change, loss of control over our lands, food insecurity, and the imposition of an alienating western culture. Poverty statistics in most countries and even in international bodies are not disaggregated for indigenous peoples. Thus we cannot see a clear picture of the real poverty situation. There is a need to disaggregate the statistics and also to allow indigenous peoples to define the indicators for poverty which are more appropriate and relevant for their context.
We have successes in several areas such as the inclusion of indigenous peoples as a major group in Agenda 21, the establishment of the Permanent Forum on Indigenous Issues, the adoption of policy papers on indigenous peoples by UN bodies like the UNDP, and better participation of indigenous peoples in the CBD, particularly the Working Group on Article 8j. At the national level there are a few countries, such as the Philippines, Finland, Canada, New Zealand, Australia, and some countries in Latin America, which have adopted national laws to protect the rights of indigenous peoples. The principle of prior and informed consent which is a crucial aspect of the right of indigenous peoples to self-determination has emerged as a standard to be applied in protecting and promoting indigenous peoples rights in the development process.

However, it is one thing to have these bodies, policies and laws in place. How these are being implemented and monitored is another matter. Many indigenous peoples are saying that even if there are laws in place their economic situation is still in a very dismal state. There is an upsurge of conflicts in indigenous peoples lands mainly because of conflicts over lands and resources.

There are also success stories in ancestral land delineation in several countries which allowed indigenous peoples to have control over the use and development of such lands. It is worthwhile looking into how these have succeeded and to share these stories with others. Because of our continuing struggles to defend our lands and the continued use of our indigenous sustainable resource management systems a few of these lands and practices are still intact. These practices and the overall philosophy and concept which underpin these must be understood by the broader society. Much more remains to be done for governments and the international community to integrate these practices into their development thinking and strategies.

These few successes have been achieved because of the partnerships among ourselves, between us and some NGOs who are advocates of indigenous peoples rights, some governments, and intergovernmental bodies like the UN. We still have a long way to go in making these partnerships more equal and we look at these multistakeholder dialogues as important steps towards this. Our spirituality, diverse cultures and knowledge have allowed us to sustain our communities even in the face of adverse developments. I would like to end by quoting again what Chief Oren Lyon said:

“Indigenous peoples have something to offer in this equation for survival. We have common goals and responsibilities, and I say, that you, leaders of this great hope of the world’s people, the United Nations, you 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.”

And may I add there can never be sustainable development.
Indigenous Peoples Intervention on Working Group I on Sectoral and Cross-Sectoral Issues

Presented by Victoria Tauli Corpuz, TEBTEBBA (Indigenous Peoples’ International Centre for Policy Research and Education), Philippines, 29 January 2002

Poverty Eradication

The issue of poverty eradication is a very important issue for indigenous peoples. Like the women’s presentation earlier, poverty has a differential impact and a different face for indigenous peoples. It is important to do research on the situation of poverty of indigenous peoples and disaggregate data on indigenous peoples and poverty. We also call for the inclusion of indigenous people in such research projects to ensure that the indicators of poverty will be designed with their participation. Indigenous peoples should be fully involved in the design of poverty eradication programs which target their communities.

ODA

In relation to ODA, we fully support the demand to have governments meet their commitment of 0.7% ODA. But beyond this we also call for the review of the quality of the little ODA that comes into our communities. In many cases the ODA is used for projects which are not needed or relevant to indigenous peoples. In some cases the ODA even leads to the destruction of our sustainable production and resource management systems. Furthermore, only a little percentage goes into the implementation of projects because a big part of the funds goes back to the donors in the form of payments for foreign consultants and equipments or machinery from these countries.

Financial Investments

As far as financial investments are concerned we are very much concerned on how these investments go into the extraction of our minerals, oil, gas, trees, among others. In most cases indigenous peoples don’t even know about these until corporations enter their communities. We are calling on the governments to ensure that free and prior informed consent of indigenous peoples will be obtained when such investments enter their communities. These investments should not lead to the destruction of sustainable production and resource management practices and systems. We further urge the governments to recognize and integrate such practices into their development plans and strategies and ensure that government agencies support these practices.
There are indigenous peoples who have called for a moratorium on the further expansion of oil/gas or mineral exploration in their communities. We hope the governments and corporations will respect this call.

**Trade**

Trade liberalization has led to the displacement of indigenous farmers and their traditional livelihoods. It has also led to biopiracy practices where corporations appropriate our medicinal plants and seeds and the knowledge around these. Then they claim intellectual property rights over these. We call on the international community also to support the call of indigenous peoples for the removal of TRIPS from the WTO and to have a ban on the patenting of lifeforms.

We therefore support the NGO statement presented yesterday which called on governments not to reinterpret Doha in Johannesburg.

We also call for the support of governments for the trading of traditional products of indigenous peoples.

**Technology Transfer and Capacity Building**

Finally, we think it is a travesty that indigenous peoples who occupy territories rich with resources end up in the most dismal states of poverty. This is unacceptable and we challenge the WSSD to deal with this issue. Indigenous peoples cannot remain in a situation where their communities remain as resource base for extraction of minerals, wood, oil, gas, coal, uranium, etc. It is about time that technologies which are appropriate and environmentally sustainable be transferred to indigenous peoples’ communities so that they can process the products themselves and earn more income from these. Support should be provided to build their capacity to develop their communities in a manner which they think is appropriate for them.
Indigenous Peoples Major Group  
Caucus Discussion Group I

Presented by Carol Kalafatic, International Indian Treaty Council, USA, January 30, 2002

One of the first steps in any partnership is dialogue, which in turn should result in a clear understanding and respect for what each partner brings to the table, including the inherent rights, responsibilities and accountability held by each partner. We therefore urge that the mining industry have full and meaningful discussions with Indigenous Peoples on the Global Mining Initiative and the Mining, Minerals and Sustainable Development Project.

There has been progress in understanding the important role of traditional knowledge in sustainable development, and the link between traditional knowledge and natural resource management.

Indigenous Peoples as a Major Group are explicitly recognized in Agenda 21 as having a unique relationship to our lands and ecosystems. Our traditional knowledge is recognized as being valuable. Our traditional knowledge is scientific. But it carries much more than just scientific value; for Indigenous Peoples, it carries CULTURAL AND SPIRITUAL value.

These are only some of the key points that we have sought to raise in this and past multistakeholder processes. We would like to see clear commitments on and recognition of our self determination. And we urge the scientific community, governments, the private sector and other stakeholders to recognize that the precautionary principle in environmental assessment processes must take into account and recognize Indigenous Peoples’ values, land and territory rights and access to cultural and spiritual areas.

Our prior informed consent and our full participation in data collection, the development of cultural indicators for sustainable development, and in decisions on development and conservation policies that will affect our communities, lands and territories are essential components of achieving environmental, social, cultural and economic well being for Indigenous Peoples and all Peoples of the world.

Thank you, for all our relations.
Mr. Chairman,

Our multistakeholder dialogue today is testimony to one of the innovations from Rio that continues to bear fruit. Indigenous Peoples are very happy to be part of this dialogue and we look forward to the full recognition of indigenous peoples, in our common quest for sustainable development.

In keeping with our conviction that self-determination and sustainable development are two sides of the same coin, indigenous peoples also assert that we are rights-holders not mere stakeholders, and so aspire to high standards of effective participation in all matters affecting our lives, territories and well-being that go beyond being consulted, to being part of the decision-making processes as equal partners.

Therefore, effective stakeholder processes need to respect and enable the rights of indigenous peoples, local communities, women, and the other least powerful and marginalized peoples to be part of decision-making for sustainable development.

In today’s dialogue session, indigenous peoples would like to highlight some of our experiences with multistakeholder processes which have been productive, or less so, in the past.

1. **The UN Permanent Forum on Indigenous Issues**

The UN General Assembly at its Millennium Session approved the establishment of a UN Permanent Forum on Indigenous Issues, as an advisory body to the ECOSOC, meeting for the first time in May 2002. Its broad mandate covering social and economic, environment, development, education, health, human rights and all matters affecting indigenous peoples, makes this potentially a very important focus for promoting indigenous people’s rights-based sustainable development.

Composed of equal members from governments and indigenous experts, it will provide a forum for all interested parties to coordinate activities and make proposals for collaborative work.

The United Nations should broadly adopt the more flexible accreditation practices of the UN Permanent Forum on Indigenous Issues and the UN Working Group on Indigenous Populations which promote the broad and open participation of indigenous peoples.
2. Progress in Multilateral Environmental Negotiations

The Convention on Biological Diversity at the 4th Meeting of its Conference of Parties established an open-ended inter-sessional working group on the implementation of Article 8j and related provisions of the Convention on traditional knowledge. The creation of this body, with the support of many governments and strong lobbying by indigenous peoples organizations, makes it potentially a significant forum for policy exchanges and policy formulation.

The 5th meeting of the Conference of Parties (COP5) of the CBD decided on:  

- Recognition of the importance of the participation of indigenous peoples and local communities from the local to international level in a wide variety of CBD work programmes;
- Recognition of the special roles of women from indigenous peoples and local communities in the conservation of biodiversity;
- Recognition of the International Indigenous Forum on Biodiversity as advisory body of the COP;
- Promotion of the nomination of members of indigenous peoples and local communities to the international roster of experts;
- Promotion of indigenous delegates within official delegations of CBD processes;
- Continuation of the Working Group on Article 8j and related provisions concerning traditional knowledge;
- Creation of a Working Group on Access and Benefit Sharing which recognizes the participation of indigenous peoples and local communities and the principle of prior informed consent to any use of their knowledge.

In the global climate negotiations, indigenous peoples have expressed concerns that current discussions within the Framework Convention on Climate Change, as well as the practical implementation of the Kyoto Protocol do not provide for the adequate participation of indigenous peoples and civil society. Following this lack of democracy, indigenous peoples are profoundly concerned that the measures to mitigate climate change currently being negotiated such as plantations, carbon sinks and tradable emissions, will result in projects which adversely impact upon their natural, sensitive and fragile ecosystems, contaminating soils, forests and waters, which already perform important climate functions.

3. World Commission on Dams (WCD) and MMSD

The World Commission on Dams is a positive example of bringing together the various interested and affected parties in a highly controversial development issue, to jointly study the development effectiveness of large dams and to make recommendations for the future.
Its final report entitled “Dams and Development: a Framework for Decision-making” proposes an approach which recognises the rights and assesses the risks of the affected and interested parties in a development project, as the starting point for establishing the stakeholder forum which will negotiate agreements on water and energy services. WCD’s process and recommendations underscore the need for effective multistakeholder engagements to decide on sustainable water and energy services.

From the vantage point of INDEPENDENT multistakeholder processes, the Mines, Minerals and Sustainable Development (MMSD) project under the Global Mining Initiative needs to do much more to win the broad confidence of mines-affected indigenous peoples and local communities, and NGOs who from experience do not take the sustainability of mining as a given assumption, quite the opposite.

Turning from this less positive process, we now wish to present the example of the Arctic Council, which is a fine example of a collaborative governance process.

4. Arctic Council

The Arctic Council was established in 1996 as a high level intergovernmental forum to address common concerns and challenges concerning environment faced by the governments of Arctic states and by the indigenous peoples of the Arctic. In the Arctic Council, indigenous peoples’ organizations have been given status of Permanent Participant, which means that we, indigenous peoples’ organisations, are afforded status that provides for our active participation and full consultation in the Council’s work. The Arctic Council is unique in that Arctic States, which are Canada, Denmark/Greenland, Finland, Iceland, Norway, Sweden, Russia, and the United States of America and Permanent Participants, which are Inuit Circumpolar Conference; Saami Council; Russian Association of Indigenous Peoples of the North; Aleut International Association; Arctic Athabaskan Council; and, Gwich’in Council International, and accredited Observers comprised of non-Arctic states, inter-governmental and inter-parliamentary organizations and non-governmental organizations, work in close cooperation to address issues affecting the interests of the Arctic, its peoples and the environment. The work of the Arctic Council includes promoting and conducting collaborative science, respect for traditional/local ecology knowledge, integrated resource management, human resources development and environmental education. An example of the Council’s practical work is a project called “Survey on Living Conditions of the Saami and Inuit in the Arctic”, in which the research community and Indigenous Peoples have determined together the appropriate indicators for the research.

Indigenous peoples have the opinion that the example of the Arctic Council, where governments and Indigenous Peoples are engaging in a collective and
integrated approach could be set as an example for governments to work together with Indigenous Peoples in different regions of the world.

Finally, another example of successful indigenous governance process is the Saami Agenda 21 in Finland, which is adopted by the Finnish Saami Parliament. The aim of the Saami Agenda 21 is to promote indigenous sustainable development, to protect Saami livelihoods, such as reindeer herding and fishing.
Thank you Mr. Co-chairperson and Madame Co-chairperson. My name is Cecil Le Fleur, I am an indigenous person from South Africa.

Many speakers have expressed support for full participation of stakeholders in decision making processes regarding development, sustainable or otherwise, especially in policy making and the establishment of disaggregated indicators for sustainable development. It is pure common sense that those who will be most affected by any form of development, or even conservation, should be fully informed participants in all stages of decision making and monitoring mechanisms.

Allow me one brief example from my country, South Africa. There is development of National wildlife parks that are in most cases being developed on indigenous lands, and that have involved no consultation with local indigenous communities. Thus, no partnership exists and, as a result, the affected Indigenous Peoples show no respect for the intentions of those wildlife parks and a lot of tensions were created.

In comparison I can mention that in other cases in which Indigenous Peoples were fully consulted, sound partnerships were built which, in return, resulted in successful management of that wildlife park by both parties.

In conclusion, neither imposed development nor imposed conservation can be sustainable within our territories without prior informed consent, and unless we are at the table as equals.

Thank you.
Response from Indigenous Peoples to Working Group 2

Presented by Joji Carino, Tebtebba (Indigenous Peoples’ International Centre for Policy Research and Education), Philippines, 29 January 2002

In response to the various interventions from governments and other major groups, I wish to make the following responses:

1. Local Governance

Indigenous peoples welcome the strengthening of local governance, including the recognition and strengthening of local governance structures and institutions of indigenous peoples.

The issue of “sovereignty” over natural resources requires respect for indigenous peoples’ lands and territories and indigenous peoples’ governance.

2. Regional Approaches

Indigenous organisations in the Amazon basin welcome regional approaches which take account the Amazon Basin as a unique ecosystem. Lessons can be learned from the example of the Arctic Council, which brings together the governments and indigenous peoples organisations to consider a comprehensive environment and sustainable development strategy for the region.

3. Indigenous Peoples and Development

Partly stimulated by the Rio Agreements, more governments, the European Commission, and other multilateral and bilateral donors have started to adopt policies, programmes and projects on indigenous peoples. We welcome this development and urge that such financial support should increase, but be guided by guidelines and timelines that are culturally sensitive and appropriate.

I would like to underline some challenges.

Indigenous peoples call for environment, social and cultural impact assessments which include the direct participation of the affected communities, rather than these being carried out as a narrow activity of experts and scientists. Indigenous and traditional knowledge is an important complement to scientific and technical knowledge in the full range of assessment tools for sustainable development.
4. Knowledge Societies

In response to the Science and Technology community, indigenous peoples see a need for synergies and harmonisation of policies, guidelines and programmes on indigenous cultural heritage, traditional knowledge, intellectual property and cultural rights, in the arenas of human rights, environment and trade.

Partnerships between governments, the scientific community, other major groups and indigenous peoples can be built on this issue.

5. On Trade Union Proposals

Indigenous peoples call on trade unions to promote the adoption of ILO Convention 169 on Indigenous and Tribal Peoples in addition to the core labour standards as a prerequisite for sustainable development.

6. On Corporate Accountability

A major challenge for indigenous peoples in relation to the mining industry is the huge legacy of broken communities, polluted rivers, depleted waters, degraded lands and outstanding claims which have not yet been addressed by the mining industry. Addressing these problems would be an appropriate starting point, as a basis for future partnerships.

Indigenous peoples support the calls by youth, women, and NGOs for corporate accountability which is binding and not merely voluntary, and allows independent monitoring. Corporate accountability instruments must uphold the free, prior and informed consent of indigenous peoples to any development on our lands, with negotiated agreements and compliance plans.

6. On a Global Deal

Indigenous peoples propose that any global deal must recognise indigenous peoples, with an S, and upholds the recognition of our collective rights.
Concluding Remarks by Indigenous Peoples in Plenary Session

Presented by Joji Carino, TEBTEBBA (Indigenous Peoples’ International Centre for Policy Research and Education), Philippines, January 30, 2002

Mr Chairman,

In our concluding remarks for PrepCom2’s multistakeholder dialogue, I would like to respond to the Statements made by governments and other major groups.

Indigenous peoples are encouraged by the statements made by many governments:

• Tuvalu - on social, spiritual and value dimensions of sustainable development;
• Netherlands - on the importance of diversity;
• European Union - on aligning policies to respect indigenous peoples
• Indonesia - on the underlying ethics of sustainable development.

These statements clearly signal that our dialogue is translating into conceptual and implementation proposals.

Indigenous peoples have always underlined the spiritual and ethical dimensions of sustainable development. Our call for full participation by indigenous peoples in all decision-making on sustainable development at all levels, from local to global, is precisely to open the door to diversity and ethics in all our deliberation on sustainable development.

The tools of science and technology to inform sustainable development, while very important, cannot quantify the spiritual values at the core of sustainable development. These can only be brought in through the full participation of indigenous peoples and other major groups, and through the renewal of society’s cultural and ethical values.

In this regard, indigenous peoples wish to develop concrete partnerships with governments, international organizations and other major groups on:

• Public awareness
• Education and
• Capacity-building programmes

which incorporate each society’s cultural values and indigenous knowledge.
Technology transfer is not just from North-South; South-South; but also South-North and from marginal groups to the mainstream. Indigenous peoples have much to offer to contemporary knowledge societies.

Traditional knowledge and indigenous cultures are rooted in our continued security in our lands and territories. We would therefore call on all governments to move towards the speedy adoption of the Universal Declaration on the Rights of Indigenous Peoples as a very clear signal and commitment to sustainable development in partnership with indigenous peoples.

Indigenous peoples would like to engage in active dialogue with all governments here, so we can jointly address any remaining obstacles to recognizing the rights of indigenous peoples.

This rights-based approach is the same approach indigenous peoples would apply to corporate accountability. We call on mining corporations to respect the rights of indigenous peoples. We call for tripartite approaches between governments, corporations and indigenous peoples, as discussed during a workshop on Indigenous Peoples, Human Rights and Extractive Industries, organized under the auspices of the office of the UN High Commissioner on Human Rights.

A major challenge for indigenous peoples in relation to the mining industry is the huge legacy of broken communities, polluted rivers, depleted waters, degraded lands and outstanding claims which have not yet been addressed by the mining industry. While welcoming the concrete examples of negotiated agreements with some indigenous communities presented by the mining industry, we feel that addressing these problems would be an appropriate starting point, as a basis for future engagements.

We call for corporate accountability which is binding and allows for independent monitoring. Corporate accountability instruments must uphold the free, prior and informed consent of indigenous peoples to any developments on our lands, with negotiated agreements and compliance plans.

I further wish to underline some specific issues of concern to indigenous peoples that have not yet been mentioned: the problem of persistent organic pollutants (POPs) which are detrimental to the health of indigenous peoples in the Arctic Region.

Many governments have called for an implementation agenda at WSSD. May I remind all of us of the many commitments already made which need to be implemented:

- Global Programme of Action on Forests with particular attention to traditional knowledge and the rights of indigenous peoples and forest communities;
- Water commitments from the Bonn Freshwater Conference.
• The recommendations on water and energy services made by the World Commission on Dams;
• Indigenous Peoples and Conservation;
• Indigenous Peoples and Development.

Leading up to the World Summit on Sustainable Development in Johannesburg, I call upon donors to assist indigenous peoples organizations to carry out a programme of workshops and activities at local, national and regional levels, to develop more concrete proposals and partnerships with indigenous peoples, to be included in the practical commitments to be made at Johannesburg, for implementation in the years to come.
Indigenous Peoples and Intellectual Property Rights

The focus of the struggles for indigenous peoples rights against colonisation has always been the protection of life: of all peoples and all our relations in the natural world, what is called biodiversity and cultural diversity.

The capacity of life to reproduce and be freely available for human use is the main problem posed by nature to commercial interest. Different attempts have been made to deal with this problem of the commodification of nature: the biotechnological one through the production of hybrids; and the legal one through the extension of Intellectual Property Rights over life forms: e.g. Plant Breeders Rights, and today to allow IPRs to enter the realm of nature, agriculture and food production, and biodiversity in all its forms. The present campaign for the extension of intellectual property rights is to supplant this respect for life, with new and enforceable legal arrangements to secure economic control over life: over seeds, genetic material and new life forms expropriated and manipulated through modern biotechnology. All these changes represent a profound restructuring of the utilization of life and the protection and promotion of cultural and biological diversity.

Historically, the human rights processes have taken central stage in the discussion of cultural rights, now overtaken by the global trade and environmental negotiations. The expert study by Madame Erica-Irene Daes on the Protection of the Cultural Heritage of Indigenous Peoples is a good statement of basic principles in this field. Dr. Erica-Irene Daes has suggested that the term indigenous heritage is more simple and appropriate than “indigenous cultural and intellectual property”. She notes:

“Heritage is everything that belongs to the distinct identity of a people which is theirs to share, if they wish with other peoples. It includes all those things which international law regards as the creative production of human thought and craftsmanship, such as songs, stories, scientific knowledge and artworks. It also includes inheritance from the past and from nature, such as human remains, the natural features of the landscape, and naturally-occurring species of plants and animals with which a peoples has been associated.”

Central to these principles is the understanding that the protection of the cultural and intellectual rights of Indigenous Peoples is fundamentally con-
nected with the realization and exercise of their territorial rights and right to self-determination. If there is to be reinforcement of indigenous cultural rights, there must also be enforcement of all indigenous rights in recognition of the interdependence and interconnectedness of all these rights. These integrated and complementary rights are recognized in the UN Draft Declaration on the Rights of Indigenous Peoples. Among indigenous peoples, priority has been given to working for its adoption by the UN General Assembly, and its reflection in national legislation on the rights of indigenous peoples. Supportive governments can move in this direction, notwithstanding the pending discussions on the Draft Declaration, and the ongoing discussions within the CBD (Convention on Biological Diversity) and WIPO (World Intellectual Property Organization).

The CBD, as such, affords indigenous peoples very limited and weak protection for their cultural and intellectual property. The CBD does not seek to challenge the legitimacy or operation of intellectual property law, merely recognizing that intellectual property rights can act to assist governments in the conservation of biological diversity. A main principle within the CBD is the strong emphasis on national sovereignty over biodiversity, which requires co-recognition by parties of indigenous lands, territories and resources. Provisions for benefit-sharing would also rely on governments to recognize and enforce this right.

In pursuance of CBD obligations, some advances have already been made primarily through national legislation and regional frameworks (e.g. Andean Pact). Other advances include strengthening of prior informed consent of indigenous peoples, and raising awareness and understanding of **sui generis** arrangements to strengthen control of indigenous peoples. Of course, these positive steps can be taken regardless of the CBD by governments serious about indigenous peoples rights.

The CBD should debate about the coherence between environmental negotiations and trade negotiations, e.g. the CBD and the WTO.

**World Trade Organisation and Trade-Related Intellectual Property Rights**

The TRIPs agreement within the WTO, which is intended to internationalize current intellectual property laws (and the mechanisms and institutions associated with their implementation) constitutes a major threat to the cultural integrity and rights of indigenous peoples, including territorial and resource rights.

The essence of intellectual property law remains its ability to create government sponsored monopolies over knowledge, processes, products and so on, which without政府 intervention could not be monopolized. The application of intellectual property laws, which provides “protection” for individual owners over a limited period of time, are designed to facilitate the
dissemination and use of ideas and knowledge through licensing or sale. Under these regimes, there are real dangers relating to the misuse, appropriation and exploitation of so-called indigenous “intellectual property”. As Erica-Irene Daes has noted,

“subjecting indigenous peoples to (existing intellectual property laws) would have the same effect on their identities as the individualisation of land ownership in many countries has had on their territories - that is fragmentation into pieces, and the sale of the pieces, until nothing remains.”

The fundamental flaw in existing international and most national legal regimes in relation to the protection of intellectual property is their failure to acknowledge the very existence of indigenous cultural and intellectual property, as well as the laws and practices developed by indigenous peoples themselves to protect and manage such property. These are currently under study by the World Intellectual Property Organisation.

In contrast to existing Western legal systems, indigenous cultural heritage cannot be owned or monopolized by an individual, just as it cannot be alienated, surrendered or sold on an unconditional basis. Rather the cultural heritage of indigenous peoples is both a collective and individual right, and as such, the responsibility for its use and management in accordance with indigenous laws and traditions is borne by the community as a whole.

In view of these criticisms, the application of the customary tools of intellectual property (patents, copyright, trade marks, trade secrets, plant variety protection and know-how) to indigenous knowledge and cultural heritage is not simply inappropriate, but is also likely to do more harm than good. As many indigenous peoples have warned, it could eventually deny indigenous peoples’ rights to biological resources they have managed for thousands of years, and grant legal monopolies to corporations over the knowledge and other aspects of indigenous cultural heritage.

Related activities of WIPO to identify new holders of intellectual property rights are bound to be in service of the trade agenda, thus the access and benefit-sharing dimensions of the CBD, rather than the conservation and sustainable use of biological and cultural diversity, which are the priorities identified by indigenous peoples in the work programme of this working group.

A Rights-based approach to culture.

To develop a rights-based approach to culture, it would be necessary to distinguish between standards which can be directly enforced through laws restraining governments or private infringements of rights, and programmes and strategies requiring positive measures and approaches. Programmes developed by indigenous peoples and based on their legal systems, which are designed to support and develop their cultures and to enable their trans-
mission (e.g. language and education programs) may be of greater importance to the longer-term protection of culture than laws or procedures developed and imposed by governments to deal with immediate threats.

The essential element of a successful *sui generis* system to protect and manage indigenous cultural and intellectual property lies in indigenous peoples’ rights to shape that system - to say what they want protected, how they want it protected, and how they wish to continue to use it.

This approach does not necessarily mean the creation of “laws”. Rather it leaves open to those framing this new approach the option of developing processes, structures or institutions which are responsible for the enforcement of certain types of behaviour, or for the resolution of disputes, rather than the articulation of laws codified in statutes.

What is required is formal recognition by the non-indigenous legal systems of the sovereignty of indigenous political and social structures and institutions, which are recognised by indigenous peoples as having authority to implement and enforce indigenous laws and customs.

**On Free, Prior and Informed Consent**

The Philippine Indigenous Peoples Rights Act (IPRA, 1998) requires project developers affecting ancestral lands and traditional resources to obtain free, prior and informed consent of the concerned indigenous peoples and communities. This also applies to the draft Executive Order 247 on access to genetic resources.

Other access-legislation already in force or in draft form includes the proposal of a Peoples’ Biodiversity Register in India, the regional framework of the Andean Pact countries for access to genetic resources (Decision 391), the Peruvian proposal for a protection regimen for indigenous knowledge, and the Draft Legislation on Community Rights and Access to Biological Resources of the Organization of African Unity.

In the coming years, this broad range of international initiatives on intellectual property rights and traditional knowledge will result in national legislation with far-reaching implications for indigenous communities. It is imperative that indigenous peoples and communities are strengthened to deal with these challenges as they unfold, to ensure their full and effective participation in the relevant policy negotiations, and especially to strengthen community understanding and informed choices about the threats and opportunities posed by the new biotechnologies and biocolonialism.

We look to the Convention on Biological Diversity to partner indigenous peoples in these tasks.
Turning to the Document under discussion (UNEP/CBD/WG8J/2/7) and its recommendations, I wish to make the following points:

1. The CBD welcomes the establishment of the UN Permanent Forum on Indigenous Issues, as a high-level body with a mandate to discuss many of the issues relevant to the CBD. Other UN bodies such as the human rights bodies and UNESCO must also be supported.

2. Indigenous customary law are precisely *sui generis* systems for the protection of traditional knowledge evolving at local level. Customary law must be legally recognised and strengthened by national legislation. These can also be supported through the adoption of the UN Declaration on the Rights of Indigenous Peoples, and by State parties promoting indigenous peoples’ rights.
ANNEXES

Second Session of the PrepCom for the WSSD - Chairman’s Paper

I. Introduction

1. The UN Conference on Environment and Development held in Rio, Brazil in 1992 provided us with the fundamental principles and the programme of action for achieving sustainable development. We reaffirm our commitment to the Rio principles and the full implementation of Agenda 21 and the programme for the further implementation of Agenda 21 for the achievement of sustainable development and the goals of the UN Millennium Declaration.

2. Enabling national and international environments are critical for achieving sustainable development. National efforts to pursue sustainable development should be supported by an enabling international environment. The international community must lend its full support to national endeavours. Good governance within each country and at the international level as well as transparency in the financial, monetary and trading systems are essential for sustainable development. Sound economic policies, solid democratic institutions responsive to the needs of the people and improved infrastructure are the basis for sustained economic growth, poverty eradication, and employment creation. Peace, security and stability are essential for achieving sustainable development and ensuring that sustainable development benefits all.

3. It has been widely recognized that despite domestic and international actions, there is still a major gap in the implementation of Agenda 21. Ten years after Rio, the world is still confronted with the challenges of endemic poverty, unsustainable lifestyles and environmental degradation. This gap can be bridged with renewed political will, practical steps and partnerships to promote sustainable development.

II. Poverty Eradication

4. Eradicating poverty, hunger and promoting sustainable livelihoods are central to the achievement of sustainable development. Realization of poverty-related goals contained in Agenda 21 and the Millennium Declaration will require actions to:

5. Initiate a global plan of action with clear, time-bound commitments, resources and monitoring mechanisms to realize the Millennium Declaration target of reducing by half the number of people who are unable to reach or to afford safe drinking water;

6. Improve access to modern energy services in rural and peri-urban areas
through rural electrification and decentralized energy systems by intensifying regional and international cooperation, including in financial and technological assistance, with a view to providing, by 2015, energy services to half of the two billion people who currently have no access to modern energy services,

7. Promote sustainable agriculture and rural development to ensure food security, diversification of rural economies, and improved access to markets and market information, as well as provide financial and technological support for rural infrastructure, enterprise development and access to credit for the rural poor.

8. Develop multi-stakeholder approaches to public-private cooperation to improve outreach in basic sustainable agricultural techniques and knowledge to farmers with small-holdings and to the rural poor.

9. Provide funding for integrated rural development plans, programmes and strategies at national and regional levels, with particular emphasis on investment in economic and social infrastructure in rural areas, enterprise development, human resource development, and capacity building for local governance.

10. Increase food availability in areas where it is produced, thus reducing transport costs and excessive dependence on international markets.

11. Integrate measures to combat desertification fully into poverty eradication policies and programmes.

12. Promote access by the poor to land, water resources and other agricultural inputs and promote land tenure modifications that recognize and protect indigenous and common property resource management systems.

13. Promote more comprehensive rural education and extension programmes, directed particularly at the rural poor, with major emphasis on efforts to reduce illiteracy, particularly among women and girls.

14. Extend secure tenure to the urban poor as means of improving access to shelter and basic social services, creating private capital and increasing employment, credit and income opportunities.

15. Improve the lives of 100 million poor people living in inadequate human settlements, by 2015, in accordance with the commitments in the Istanbul Declaration and the Habitat Agenda on urban renewal and development.

16. Strengthen the capacity of health systems to deliver basic health services, with technical assistance to developing countries, and implement the Health for All Strategy.
17. Make the fight against HIV/AIDS an integral part of all national poverty reduction, sustainable development and economic growth strategies.

III. Changing Unsustainable Patterns of Consumption and Production

18. Sustainable development cannot be achieved without fundamental changes in the way industrial societies produce and consume. To change unsustainable consumption and production patterns, specific measures are needed. Urgent actions are required to:

19. Adopt policies and measures in developed countries aimed at changing unsustainable patterns of production and consumption via technological and educational policies which, inter alia: (a) raise consumer awareness of the importance of sustainable production and consumption patterns; (b) improve the role of the media and other public information tools in promoting sustainable consumption and production; (c) provide incentives to industry to adopt cleaner production processes, with technical assistance for small and medium-sized companies; (d) encourage publicly-funded research and development institutions to undertake research on sustainable development; and (e) enhance corporate responsibility and accountability.

20. Use economic instruments and market incentives, including policies to internalize external costs through fiscal instruments, as well as market mechanisms.

21. Achieve a four-fold increase in energy and resource efficiency in developed countries by 2012.

22. Eliminate environmentally harmful and trade-distorting subsidies that encourage unsustainable consumption and production patterns.

23. Establish and support national cleaner production centers to assist enterprises, especially small and medium enterprises, to identify, acquire, adapt and integrate technologies that improve productivity, reduce pollution and conserve natural resources.

24. Encourage industry and publicly-funded research and development institutions to engage in strategic alliances in order to enhance research and development of cleaner production technologies and accelerate the commercialization and diffusion of those technologies.

25. Encourage industry to adopt voluntary initiatives, including certification, such as ISO 14000.

26. Promote voluntary eco-design, eco-labelling and other transparent, verifiable, non-misleading and non-discriminatory consumer information tools, ensuring that they are not used as disguised trade barriers.
27. Assist small and medium-sized companies in developing countries and economies in transition, through information and training programmes, to grasp the business opportunities arising from increasing consumer awareness of sustainable consumption.

28. Develop and disseminate renewable energy technologies to increase the share of renewable energy in energy production and consumption and accelerate the development, diffusion and use of energy-efficient technologies.

29. Promote regional, cultural and ethical values in carrying out sustainable development initiatives.

30. Diversify the energy supply, by developing cleaner and more efficient fossil fuel technologies, innovative technologies and increase the share of new renewable energy sources to at least 5% of total energy use by 2010 in all countries.

31. Encourage the use of natural gas, especially for urban and industrial areas, and the elimination of gas flaring, by intensifying regional and international cooperation.

32. Adopt policies that reduce market distortions in the energy sector, including restructuring taxation and phasing out harmful subsidies.

33. Promote cooperation between oil consuming and producing countries to reduce supply-and-demand instabilities on international markets.

34. Assist developing countries that are highly dependent on the export and consumption of fossil fuels in diversifying their economies.

35. Promote financial and technological support by the international community to implement the other recommendations and conclusions of CSD-9 on energy and sustainable development.

36. Promote investments in the development of multi-modal mass public transport systems, with technical and financial assistance for developing countries and economies in transition.

37. Implement transport strategies reflecting specific national and local conditions, so as to improve the efficiency and convenience of transportation as well as improving urban air quality and public health, including through environmentally friendly vehicles and cleaner fuels.

38. Provide international support for small-scale waste recycling initiatives, supporting urban waste management and generating income opportunities.

39. Promote the rapid ratification and implementation of international instruments on chemicals, including the Basel Convention, the Convention on Prior
Informed Consent (PIC) and the Stockholm Convention on Persistent Organic Pollutants (POPs), and their related amendments.

40. Promote capacity building and transfer of technology for developing countries and economies in transition in energy efficiency and energy conservation, and enable them to benefit from the Clean Development Mechanism of the Kyoto Protocol, while mitigating climate change and promoting sustainable development.

IV. Protecting and Managing the Natural Resource Base of Economic and Social Development

41. Human activities are having an increasing impact on the integrity of complex natural ecosystems that provide essential support for human well-being and economic activities. Managing this natural resource base is essential for protecting the land, water and living resources on which human life and development depend, and this requires actions to:

42. Improve equity and efficiency in the use of water resources with a view to maintaining water for nature and ecosystems and preserving or restoring ecological integrity in fragile environments, and initiate programmes to protect water resources against domestic and industrial pollution.

43. Provide international support to developing countries, in particular least developed countries and small island developing States, to develop their own solutions and models, including integrated river basin and watershed management strategies, plans and programmes.

44. Improve governance and institutional arrangements and the mobilization of financial resources for infrastructure and services, capacity building and sharing technology and knowledge, keeping in view that water infrastructure and services must be pro-poor and gender-sensitive.

45. Promote public information and participation in decision making as prerequisite conditions to the success of small and large water projects, and decentralize decision-making, implementation of projects and operation of services to the lowest level possible, with the watershed as the appropriate reference unit for integrated water resources management.

46. Assist developing countries to monitor and assess water resources quantity and quality, including development of water resources databases, including remote sensing and satellite data, and link data collection and mapping efforts, including the development and application of relevant indicators.

47. Promote programmes for the transfer of technology and capacity building in non-conventional water resources, including desalination of seawater, and recycling technologies to countries facing water scarcity conditions.
48. Support activities leading to International Year of Freshwater (2003) and beyond.

49. Fully implement the United Nations Convention on the Law of the Sea that sets out the legal framework within which all activities in the oceans and seas must be carried out.

50. Support financial and technological assistance to advance the specific actions called for in the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities, as well as the efforts underway for the full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

51. Encourage the implementation of sustainable fisheries and their related ecosystems as a basis for food security and sustainable livelihoods, through relevant agreements including the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem (2001), the 1995 FAO Code of Conduct for Responsible Fisheries, the relevant FAO international plans of action and technical guidelines.

52. Encourage the ratification and full and effective implementation of the UN Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and any regional agreements established in accordance with the UN Convention on the Law of the Sea (UNCLOS) and the adherence and implementation of the UNESCO Convention on Underwater Cultural Heritage.

53. Support implementation of the conventions of the International Maritime Organization (IMO) relating to the enhancement of marine safety and the prevention of marine pollution, and finalize and implement the IMO conventions relating to vessel-based pollution, such as ballast water discharge, harmful anti-foulants and dumping of waste at sea.

54. Consider on an urgent basis the endorsement of a comprehensive plan of action to address as a priority illegal, unreported and unregulated (IUU) fishing and over-capacity of fishing vessels, including, in particular, the issue of “flags of convenience” and the elimination of all subsidies that contribute to IUU fishing and over-capacity, and increase efforts to implement the 1993 FAO Compliance Agreement and the international plan of action concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries.

55. Promote the use of environmental impact assessment (EIA) and environmental evaluation and reporting techniques more extensively for projects that may be potentially harmful to the marine environment and its living resources, in particular dealing with waste management for coastal cities.

56. Provide assistance, on an urgent basis to developing countries, in par-
ticular the least developed States and small island developing States (SIDS) to enable them to develop their national regional and sub-regional capacity for the integrated management and sustainable use of fisheries.

57. Promote the development and increased coverage of coastal protected areas to conserve biodiversity

58. Promote the sustainable use and conservation of marine and coastal biodiversity as stipulated in the Jakarta Mandate on Marine and Coastal Biodiversity of the UN CBD, which require urgent financial and technological support.

59. Strengthen regional cooperation and encourage better coordination, inter alia through the Regional Seas Programmes, including raising public awareness of the importance of protection of the ocean environment and meeting social and economic needs and aspirations,

60. Strengthen capacities in marine science among all relevant stakeholders, to develop and transfer appropriate marine science and marine technologies concerning living and non-living marine resources.

61. Promote more effective coordination and cooperation in the area of oceans among UN organizations and between the UN and other international and regional bodies.

62. Promote regional strategies containing medium and long-term actions and early warning systems to mitigate the impacts deriving from the El Nino/La Nina and other cyclical weather phenomena and other hydrological risks.

63. Provide funding and technological assistance to assist vulnerable countries to mitigate the impact of climate change, establish early warning systems, and rehabilitate communities following disasters, in synergy with the objectives of the International Strategy for Disaster Reduction.

64. Establish a global early warning mechanism as the nucleus for a global early warning network, which should be integrated with national, regional and international mechanisms.

65. Promote pre-disaster preparedness, mitigation, vulnerability assessment and reduction, adaptation strategies and national capacities, and other measures to reduce human and economic losses.

66. Encourage international joint observation and research and the dissemination of scientific knowledge for effective disaster mitigation and risk reduction.

67. Encourage dissemination and use of traditional and indigenous knowledge to mitigate the impact of disasters.
68. Make every effort to ensure the entry into force of the Kyoto Protocol in 2002, in accordance with the Millennium Declaration.

69. Provide assistance to developing countries for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, taking into account the Marrakech Ministerial Declaration.

70. Support climate research programmes and global climate observing systems, building scientific capacities and networks for exchange of scientific data and information.

71. Develop adaptive strategies, and provide financial and technical assistance for the adaptation of developing countries vulnerable to climate change, climate variability and sea-level rise.

72. Support the initiative to assess the environmental, social and economic consequences of climate change on the Arctic and, in particular, on the indigenous peoples living there.

73. Enhance regional and sub-regional cooperation to reduce transboundary air pollution and acid rain, and strengthen the capacities of developing countries to measure and assess the impacts of transboundary air pollution.

74. Reinforce the mechanism established in the Vienna convention and the Montreal Protocol for the protection of the Ozone Layer and provide affordable, accessible, cost-effective, safe and environmentally sound alternatives to ozone depleting substances (ODS) to developing countries before 2010 in order to assist those countries in complying with the phase-out schedule under the Montreal Protocol.

75. Promote the integration of agriculture with other aspects of land management and ecosystem conservation in order to promote both environmental sustainability and agricultural production.

76. Promote programmes to enhance productivity of land and water resources in agriculture, forestry, artisanal fisheries, etc., especially through community-based approaches.

77. Reverse the declining trend in public sector finance for agricultural research and for sustainable agriculture and rural development, in particular through increased external assistance.

78. Provide incentives for agricultural enterprises to monitor water use and quality and to improve efficiency and reduce pollution. As agriculture is the main consumer of water, more efficient use of water in agriculture is of primary importance.
79. Assist governments of developing countries that are undertaking land tenure reform to promote and support land redistribution and land use reforms, including policy advice, in order to enhance sustainable livelihoods.

80. Encourage well-defined and enforceable land rights and legal security of tenure, and ensure equal access to land, water and other natural and biological resources, in particular for women and disadvantaged people living in poverty and indigenous communities.

81. Enhance international cooperation to combat illicit crops, taking into account their negative social, economic and environmental impacts.

82. Strengthen the implementation of UNCCD as a global sustainable development convention and ensure adequate and predictable financial resources and capacity building at national and local levels, particularly for its implementation in Africa, in order to restore land for agriculture and to address poverty resulting from land degradation.

83. Support the implementation of national action programmes under UNCCD, including through decentralized projects at the local level, by providing predictable and stable financial resources.

84. Integrate measures to combat desertification into land management policies and programmes.

85. Call on the next Global Environment Facility (GEF) Assembly to declare the GEF as financing mechanism for the implementation of the UNCCD.

86. Provide financial and technological support for the development of regional action programmes under the UNCCD to operate and improve monitoring and early warning related to desertification.

87. Support a mechanism for the sustainable development of mountain ecosystems, taking into account the spirit of the International Year of Mountains 2002, in particular through encouragement of comprehensive management approaches, taking into consideration the fragility of these ecosystems.

88. Promote programmes at the national, regional and international levels to protect all ecosystems, based on an integrated approach to ensure benefit sharing from the use of biological and genetic resources and traditional knowledge.

89. Promote sustainable tourism development in order to increase benefits from tourism resources for the population in host communities, and maintain the cultural and environmental integrity of the host communities.

90. Support country initiatives to promote and supplement Agenda 21 and to achieve the international target of reversing the current trend in loss of
biodiversity at global and national levels by 2015.

91. Encourage, on an urgent basis, the ratification and implementation by all states of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD), and provide support for capacity building to developing countries in dealing with the challenges and opportunities of genetically modified organisms.

92. Encourage, as a priority, the successful conclusion of existing processes under the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, with the goal of ensuring that benefits derived from the use of genetic materials are equitably shared with indigenous and local communities.

93. Promote an effective, transparent and predictable framework for access to genetic resources and equitable sharing of benefits from their use.

94. Encourage countries to take the steps required to implement the international Treaty on Plant Genetic Resources for Food and Agriculture.

95. Enhance implementation of the proposals for action of the Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF), as included in the United Nations Forum on Forests (UNFF) Plan of Action, and intensify collective efforts by countries for the management, conservation and sustainable development of all types of forests, in particular the rehabilitation and restoration of degraded forests and lands by 2005.

96. Enhance cooperation, coordination, and synergies among international organizations and instruments related to forests, in the framework of the Collaborative Partnership on Forests (CPF).

97. Address, in a holistic manner, the issue of illegal trade in timber, non-timber forest products and genetic resources, including their underlying causes.

98. Address all aspects of minerals and mining development, including an integrated approach to adverse economic, social and environment impacts and benefit sharing, ensuring that benefits can be sustained, cleaning and reclaiming land, and promoting participation of local and indigenous communities in decision making on this issue.

V. Sustainable Development in a Globalizing World

99. Globalization, if appropriately managed, has the potential to promote sustainable development for all. However, there are increasing concerns that globalization has led to the marginalization of a number of developing countries and increased instability in the international economic and financial
Promoting sustainable development in a globalizing world requires actions to:

100. Encourage coordinated macroeconomic policy management at both national and international levels, in order to promote sustainable development.

101. Promote coherence and close cooperation among the United Nations, the Bretton Woods Institutions and the World Trade Organization.

102. Promote a universal, rule-based, open, non-discriminatory and equitable multilateral trading system that benefits all countries in the pursuit of sustainable development.

103. Encourage World Trade Organization (WTO) members to implement the outcome of the Fourth WTO Ministerial Conference so that world trade supports sustainable development in all countries, including least developed countries, small island developing States, land-locked developing countries and countries with economies in transition, and to keep the needs and interests of developing countries at the heart of the WTO work programme.

104. Promote corporate responsibility and accountability through initiatives such as the Global Reporting Initiative and tools such as environmental management accounting and environmental reporting.

105. Fulfill the WTO Doha commitment to initiate negotiations aimed at substantial improvements in market access for agricultural products and reduction, with a view to phasing out all forms of export subsidies, and substantial reductions in trade-distorting domestic support, with special and differential treatment for developing countries as an integral part of the negotiations.

106. Increase technical cooperation and capacity building to allow developing countries, and in particular the least developed countries, to participate effectively in multilateral trade negotiations, in accordance with the Doha Ministerial Declaration, and implement the New Strategy for WTO Technical Cooperation for Capacity Building, Growth and Integration.

107. Improve preferential market access for least developed countries (LDCs) by working toward the objective of duty-free and quota-free market access for all LDCs’ products to the markets of developed countries, with improvements in market access for LDCs granted on a secure and predictable basis, in accordance with the undertaking in the Brussels Programme of Action for LDCs for the decade 2000-2010, and in the WTO Doha Ministerial Declaration.

108. Encourage international and regional institutions as well as institutions in source countries to increase their support for private foreign investment in
infrastructure development and other priority areas, including projects to bridge the digital divide, and to reduce the social, economic and environment gap between developed and developing countries and countries with economies in transition. Additional source country measures should also be devised to encourage and facilitate investment flows for promoting sustainable development in developing countries.

109. Provide government incentives to the private sector in developed countries to increase the flow of foreign direct investment (FDI) to developing countries.

110. Make FDI more supportive of sustainable development and support developing countries in their efforts to create a domestic environment conducive to attracting foreign capital, by providing a stable investment climate, secure property rights and contract enforcement.

111. Eliminate tariffs, as well as tariff peaks, high tariffs, tariff escalation and non-tariff barriers, in particular on products of export interest to developing countries, in order to minimize resource use and maximize returns from value-added manufactured goods.

112. Strengthen efforts to increase the capacity of developing countries, particularly the least developed countries, to benefit from liberalized trade opportunities through improved productivity and competitiveness and transportation and communication infrastructure.

113. Assist developing countries and countries with economies in transition in narrowing the digital divide and in harnessing the potential of information and communication technologies (ICTs) for development.

114. Promote public/private partnerships and voluntary initiatives through which economic actors, particularly multinational companies, are encouraged to assume their social, environmental and economic responsibilities.

115. Develop global multilateral guidelines on public access to information and participation in decision-making, drawing on existing experience, including regional initiatives designed to implement Principle 10 of Rio Declaration.

VI. Health and Sustainable Development

116. Sustainable development cannot be achieved without addressing the causes of ill health and its impact on development. Many health problems are caused or exacerbated by air and water pollution, noise, crowding, inadequate water supplies, poor sanitation, unsafe waste disposal, chemical contamination, poisoning and physical hazards associated with the growth of densely populated cities. HIV/AIDS emerged as a major challenge to sustainable development. Actions are required to:
117. Integrate health concerns into strategies, policies and programmes for sustainable development.

118. Strengthen the capacity of health systems to deliver basic health services and to reduce environmental health threats, with financial and technical assistance to developing countries and countries with economies in transition, and implement the Health for All Strategy.

119. Support programmes and initiatives, particularly by WHO, to promote research and to eradicate threats to health such as malaria, tuberculosis, dengue fever and other endemic, parasitic and infectious diseases in an environmentally sound way.

120. Strengthen regional and national programmes, with technical and financial assistance for developing countries, to reduce respiratory diseases and other health impacts of traditional cooking and heating practices.

121. Strengthen and support efforts for the phasing out of lead in gasoline, reduction of sulphur and benzene in fuels, and reduction of particulates in vehicle exhaust, including through cleaner fuels, to reduce health impacts, particularly in children.

122. Promote public/private partnerships for the development and dissemination of technologies for safe water, sanitation and waste management for rural and urban areas in developing countries and countries with economies in transition, with international financial and technological support.

123. Fight HIV/AIDS as an integral part of all national poverty reduction, sustainable development and economic growth strategies, in accordance with the Declaration of Commitment on HIV/AIDS, with a goal of reducing HIV infection rates by 25%, by 2005 in the most affected countries.

124. Fulfill commitments to support the Global Fund to Fight AIDS, Tuberculosis and Malaria.

125. More fully utilize the workplace as a basis for tackling public health problems such as HIV/AIDS and other communicable diseases by following the International Labour Organization (ILO) Code of Practice on HIV/AIDS and the World of Work.

126. Promote health by ensuring access for all to sufficient, safe, culturally-acceptable and nutritionally-adequate food, and implementing the commitments made at the World Food Summit and the Millennium Summit, while applying international food and animal husbandry safety standards and guidelines.

127. Promote the use of plant-based and traditional medicine, in combination with modern medicine, ensuring effective intellectual property rights pro-
tection of traditional knowledge.

128. Develop programmes to measure the effectiveness of health services through health information systems and integrated databases on development hazards, environmental exposures and health and provide public access to that information to enable local citizens to protect their own health and environment.

VII. Sustainable Development of Small Island Developing States

129. Economic and environmental vulnerability is a major constraint facing small island developing States (SIDS), arising from the interplay of such factors as remoteness, geographical dispersion, marginalization, susceptibility to natural disasters, climate change, ecological fragility, exposure to economic shocks, small internal markets and limited natural resource endowments. Further measures are required to:

130. Support initiatives to accelerate national and regional implementation of the Barbados Programme of Action (BPoA), with the necessary financial resources, transfer of environmentally sound technologies and assistance for capacity building provided by the international community.

131. Support relevant regional fisheries management organizations (RFMOs) and arrangements to address sustainable fisheries management, such as the recently established Caribbean Regional Fisheries Management Programme and the new Convention on the Highly Migratory Fish Stocks of the Central and West Pacific.

132. Assist SIDS and developing coastal states to define and manage in a sustainable manner their Exclusive Economic Zones and the extended continental shelf areas, where appropriate, as well as relevant regional management initiatives.

133. Support SIDS in their efforts to adjust to globalization and trade liberalization, including through effective operationalization of special and differential treatment, enhanced market access, trade-related capacity building initiatives, and by removing supply-side constraints.

134. Accelerate the establishment of a global sustainable energy programme by 2004, including through the UN system, that can ensure that adequate, affordable and environmentally safe energy, including renewable energy, is available to promote the sustainable development of SIDS.

135. Promote initiatives on tourism for sustainable development that will lead to development of community-based initiatives, and build the capacity necessary to protect cultural identity and to effectively conserve and manage natural resources.
136. Extend the necessary assistance to SIDS communities that are suffering from the consequences of disasters and other emergencies.

137. Support the early operationalization of economic and environmental vulnerability indices for the promotion of the sustainable development of SIDs.

138. Promote a global initiative to assist vulnerable countries in mobilizing all resources for adaptation to climate change as well as to extreme weather events.

139. Undertake the full and comprehensive review of the BPoA at a Second Global Conference in 2004.

VIII. Sustainable Development Initiatives for Africa

140. Over the last 10 years, sustainable development in Africa has remained elusive. Most countries in the African region continue to be marginalized and negatively impacted by globalisation. Urgent actions are required to:

141. Promote the establishment of the mechanisms needed for immediate implementation of the New Partnership for Africa’s Development (NEPAD) in its totality with clear resource commitments, including financing, technology partnerships, and human and institutional capacity-building at regional, sub-regional, national and local levels.

142. Support and promote the process of the Tokyo International Conference for African Development (TICAD).

143. Support a global initiative to provide technology, financial resources and capacity-building for integration and streamlining of African regional and sub-regional economic communities to enhance further economic cooperation.

144. Support regional, sub-regional and national initiatives and institutions to promote and achieve sustainable development, peace, security and stability in African countries to enable them to better deal with the displacement of people due to natural disasters, conflicts, etc.

145. Encourage increased international financial and other support for the struggle against HIV/AIDS and other communicable diseases in Africa and support North-South and South-South partnerships in this regard.

146. Promote the restructuring of international aid and establishment of appropriate and effective aid levels to reduce dependency, support primary social development objectives, such as safe drinking water, basic literacy and health care, and reinforce efforts to make African economies more stable and competitive. Strengthen and broaden the implementation of the HIPC initiative for debt cancellation.

147. Encourage new measures for securing affordable access by African
countries to appropriate technologies.

148. Enhance the industrial productivity and competitiveness of African countries through a combination of appropriate financing and technological support services.

149. Promote a global initiative to achieve access by 2005 to affordable and diversified energy sources for Africa, especially in rural areas,

150. Promote an integrated global initiative to bridge the digital divide and reverse the marginalization of Africa by 2005.

151. Double agricultural productivity in Africa within a reasonable time frame, so as to ensure food security and opportunities for market expansion by setting up effective institutional framework for coordination.

152. Increase financial support by international funding organizations, including GEF, in the agricultural sector, and improve the development and dissemination of agricultural technologies within African countries and the transfer of applied agricultural research at affordable prices.

153. Promote the development of micro, small and medium-sized enterprises, with a special focus on agro-industry with direct participation of the communities involved, and provide access to domestic, regional and international market, through a combination of appropriate financing and technological support services.

154. Support the implementation of improved and expanded public transport systems and other infrastructure for African countries

IX. Means of Implementation

155. Agenda 21 recognized that implementation of the programmes it called for would require a substantially increased effort, both by countries themselves and by the international community, including substantial new and additional financial resources as well as the transfer of environmentally sound technologies, on concessional and preferential terms, as mutually agreed, and education, capacity building and development of scientific capabilities. Lack of means of implementation remains a major constraint to the realization of the goals of Agenda 21. Urgent actions are required to:

Finance

156. Promote the mobilization of new and additional resources for financing sustainable development from all sources and ensure that all funding contributes to economic growth, social development and environmental protection in the context of sustainable development and the implementation of Agenda 21.
157. Urge developed countries that have not done so to make concrete efforts toward the achievement of the target of 0.7% of gross national product (GNP) as official development assistance (ODA) to developing countries by 2010.

158. Realize allocation of 0.15-0.20% of GNP as ODA to LDCs or exercise of individual best efforts to increase developed countries’ ODA to LDCs as reiterated by the Brussels Programme of Action.

159. Enhance the absorptive capacity and financial management of recipient countries to utilize aid, in order to promote the use of the most suitable aid delivery instruments, responsive to the needs of developing countries and to the need for resource predictability, including budget support mechanisms, where appropriate, and in a fully consultative manner.

160. Improve the coordination of assistance of donor countries to developing countries and countries with economies in transition to ensure effective use of limited financial resources, in close cooperation with recipient countries.

161. Encourage private foundations and civil society institutions through tax incentives to provide assistance to developing countries.

162. Promote the creation of a trust fund to provide financial resources for the full implementation of Agenda 21 while making full and effective use of existing finance mechanisms.

163. Improve the lending policies of the international financial institutions as well as their role in the management of volatile short-term capital flows in order to make these coherent and consistent with sustainable development objectives of developing countries.

164. Ensure a successful conclusion of the third replenishment of GEF and make the GEF more responsive to the needs and concerns of developing countries by, inter alia, improving management of funds through more speedy and streamlined procedures.

165. Implement and further deepen and broaden the HIPC initiative, without imposing further burdens, to address debt relief and the sustainable development needs of developing countries including appropriate additional measures to address any fundamental changes in countries’ debt sustainability caused by natural catastrophes, severe terms-of-trade shocks or conflict.

166. Encourage donor countries to take steps to ensure that resources provided for debt relief should not detract from ODA resources intended for developing countries.

167. Apply innovative mechanisms to comprehensively address debt problems of developing countries including middle income countries and coun-
tries with economies in transition, inter alia, through debt for sustainable development swaps.

168. Speed up concerted action to address effectively the debt problems of LDCs, middle-income developing countries and countries with economies in transition in a comprehensive, equitable, development-oriented and durable way through various measures, including an international debt-work-out mechanism and a long-term strategy to relieve these countries from debt and aid dependency.

169. Assist countries with ecosystems of global significance, taking into account the role such ecosystems play in the provision of global ecological services.

*Trade*

170. Enhance market access for developing countries’ exports, particularly in areas of interest to them.

171. Reduce, with a view to eventual phasing out, export subsidies and trade-distorting domestic support measures.

172. Address the problems of the commodity-dependent countries, including international assistance for economic diversification and sustainable resource management.

173. Develop supply-side capacity to enhance the gains for developing countries from trade liberalization.

*Transfer of technology*

174. Promote development, transfer and diffusion of environmentally sound technologies to developing countries and countries with economies in transition, including technical advisory and consultancy services, technology banks, marketing support, legal advice, research and development and laboratory facilities and services, assistance in project formulation and negotiation, and technology sourcing and match-making.

175. Promote, in particular at the bilateral and regional levels, initiatives to develop and strengthen networking of related institutional support structures such as technology and productivity centres, research and development institutions, and national and regional cleaner production centres.

176. Provide developing countries with access to publicly owned environmentally sound technologies and promote capacity building for absorbing and adapting knowledge and techniques.

177. Assist developing countries in creating a domestic environment that is
condusive to investment and technology transfer, inter alia, by promoting programmes of assistance to enhance industrial productivity and competitiveness in developing countries and countries with economies in transition.

178. Promote public-private partnerships at the national, regional, sub-regional and global levels geared towards assisting developing countries through provision of financial and technical assistance for productivity enhancement and ecological management.

179. Promote, in particular at the national, regional and sub-regional levels, processes to provide incentives to companies and transnational corporations to facilitate access of small and medium-sized enterprises (SMEs) to environmentally sound technologies.

180. Establish a mechanism by 2004 for development, transfer and diffusion of environmentally sound technologies to developing countries.

181. Promote the creation of a mechanism to deal with patent issues pertaining to the transfer of technologies, in particular biotechnologies, to developing countries, through appropriate forums.

182. Promote a patent regime that acknowledges indigenous knowledge and facilitates equitable and fair distribution of benefits, and assist developing countries in building capacity to implement patent laws and regulations.

**Science and Education**

183. Facilitate building greater capacity in science and technology through improved collaboration among research institutions, the private sector and governments, and facilitate improved collaboration and partnerships between and among scientists, governments and all stakeholders on research and development (R&D) and its widespread application.

184. Promote the use of science and technology for informed policy/decision-making.

185. Promote and advance formal, non-formal and informal education and public awareness needed to promote sustainable development, including environment education. Promote and provide assistance, with support of the international community, to national education action plans and programmes that are relevant to local conditions and needs.

186. Promote understanding of the potential of education to promote sustainability, to reduce poverty, to train people for sustainable livelihoods, and to catalyse necessary public support for sustainable development initiatives.

187. Promote a significant increase in allocation of ODA to sustainable
development education and to sustainable development initiatives.

188. Strengthen education, research and developmental institutions in developing countries and countries with economies in transition.

189. Support the empowerment of women and girls by improving access to basic and higher education, training and capacity building, with emphasis on the mainstreaming of gender.

190. Strengthen networks for sustainable development education at national, regional and international levels with the aim of sharing experiences and know-how to raise awareness for sustainable development stewardship.

**Capacity building**

191. Promote partnerships for a global capacity building initiative, that would be delivered through effective regional and sub-regional institutions, to respond to both immediate and long-term needs of people in developing countries and countries with economies in transition.

192. Encourage international support, including mobilization of financial resources, for regional centres of excellence for education and research that would contribute to the development of the knowledge capacity of developing countries and countries with economies in transition.

193. Promote programmes for capacity building that are based not only on public investment, but also on generating growth within communities and the private sector that relate to job creation and diversification of industries.

**Information for decision-making**

194. Strengthen national and regional statistical and analytical services and encourage donor support for relevant programmes.

195. Encourage national level indicators of sustainable development in the context of national assessments for monitoring the attainment of sustainable development goals. This activity should also be linked to efforts at sub-regional levels.

196. Promote the development and wider use of satellite technology applications; including global mapping and geographic information systems, through international co-operation, to provide vital information on, for example, environmental impacts, land use and land use changes.

197. Encourage the development of applications for the atmosphere, oceans, and land components including global mapping and geographic information systems, through international cooperation.
198. Support the elaboration of indicators for disaster reduction, with specific emphasis on social, economic and environmental vulnerability to hazards, within the set of sustainable development indicators related to the vulnerability for small island states, and other existing international indicator systems, and launch implementation of those vulnerability indexes.

X. Strengthening Governance for Sustainable Development at the National, Regional and International levels.

*Note: This section will be developed during the third session of the Preparatory Committee*
Chairman’s Summary of the Multi-stakeholder Dialogue Segment

1. The second preparatory committee of the World Summit on Sustainable Development included a multi-stakeholder dialogue segment from 29-31 January 2002, involving all nine major groups of Agenda 21 and governments. The segment consisted of four sessions within the Committee’s meeting, starting with a plenary discussion focusing on the overall progress achieved and hotspots for future action, continuing with two parallel discussion groups (one on integrated approaches to sectoral and cross-sectoral areas of sustainable development and the other on enabling and promoting multi-stakeholder participation in sustainable development institutions) and a final plenary aiming to identify new opportunities for partnerships to implement sustainable development.

General Observations

2. The dialogues showed enthusiasm among governments and major groups to engage in partnerships and develop implementation initiatives for achieving sustainable development. It was agreed that accountable, responsible, innovative and equal partnerships are crucial for integrated approaches to sustainable development. Such partnership would also recognize that the fundamental principle of sustainable development is diversity and not seek a monoculture of views. Rather than seeking one common vision, efforts would acknowledge diversity but agree to work on finding the areas of commonality and take action in partnership on these areas and goals.

3. All participants highlighted the many opportunities that exist for partnership at all levels, but particularly at the local and national levels. A proposal called for local councils for sustainable development, to enhance the work of the councils at the national level. There was general agreement to further explore the potential partnerships identified, such as those between NGOs and Local Authorities (aiming for poverty eradication and rural development), youth and young professionals (on issues of unemployment and youth participation), business and other major groups (on issues of corporate accountability) and trade unions and local authorities (on promoting local and workplace based initiatives).

4. The discussions also explored issues related to participation mechanisms. There was an overall agreement on the need to institutionalize the multi-stakeholder dialogue process at all levels to enhance partnerships for sustainability. Participants strongly favored the involvement of major groups in decision-making at all levels, following a bottom up and rights-based approach to the governance of sustainable development implementation proc-
A framework for multi-stakeholder participation that would enhance participation and facilitate partnerships was considered a necessary and constructive step. It was highlighted that such a framework should ensure a level playing field, be transparent, and based on mutual trust and respect for rights.

5. There was overall agreement that poverty alleviation and economic stability are key to environmental and social sustainability. Proposals were made for more focus on decent employment and sustainable job creation, particularly for women, youth, and vulnerable groups. There were strong calls for increased cooperation between all actors to address issues in areas such as mining, land ownership, resource management, privatization of public utilities (especially water sector), changing production and consumption behavior, monitoring corporate activity, and reducing corruption.

6. The growing debt burden of developing countries was raised as a priority, and some major groups appealed for debt cancellation. Numerous major group participants also offered ideas for alternative financing measures. Among those ideas put forward were a self-financing World Marshall Plan to combat poverty, and a proposal for an international energy fund. Major groups also suggested priority be given to investments in education, training and strengthening the knowledge base, and capacity building in science and technology, especially in developing countries and among women, youth, indigenous peoples and marginalized sectors of society.

7. Knowledge, information access, sustainable development education and related training were raised as key elements of accelerating implementation efforts. The need for innovations in science and technology to help alleviate poverty and address issues related to water, energy and climate change was highlighted. Numerous calls were made for improved monitoring of the Earth’s systems and free access to the resulting data. Offers for cooperation were made by the Scientific community in a variety of areas including dissemination of science and technology, increasing access to information and communication, efficiency in production processes, energy, and education.

8. Major groups supported regional and local approaches to sustainable development. The success of local initiatives and partnerships were acknowledged, and strong calls were made for further capacity building at the local level. Building capacity for effective major group participation, as well as disseminating best practices were strongly supported.

9. Most participants supported increased participation by young people at all levels of governance. It was also agreed that gender is a critical issue and gender-disaggregated data and information would need to be further developed. Various major groups proposed adding other groups to the on-going dialogue on sustainable development, such as Educators, the Media, the Advertising Industry, the Consumers and the Consumer Protection community.
10. Peace and stability were also seen as prerequisites of sustainable development, and calls were made for inter-governmental support for major group participation in this area. The importance of promoting the values and ethics of sustainable development was raised in this context.

Summaries of the Sessions

Opening Plenary: general discussion on progress achieved and hotspots

11. In their opening statement, Women recalled Agenda 21’s identification of women as stewards of the environment and essential actors in sustainable development, and presented a number of successes in Africa and Asia where solutions to land acquisition and alternative banking systems were initiated through women’s efforts. Youth pointed to successes with youth-to-youth initiatives and youth-led programs dealing with issues such as HIV/AIDS, and noted with appreciation the gradual increase in the inclusion of youth in country delegations.

12. Successes noted by indigenous people included increased transnational partnerships, their inclusion as a major group in Agenda 21, the establishment of the UN Permanent Forum on Indigenous Issues, examples of national laws and policies to protect indigenous peoples’ rights, and their increased participation at the international level. NGOs recalled the success of UNCED in building a conceptual link between environment and development, forging the basis for a North-South deal, and introducing sustainable development as a global objective; as well as the pioneering efforts since UNCED for dialogues between government and civil society.

13. Local authorities noted successes in delivering sustainable development through Local Agenda 21 initiatives in which long-term approaches to planning and multi-stakeholder participation are integral elements, and pointed out that cumulative local actions translate to national success. Successes identified by the Trade Unions included an emerging vision for addressing issues through public policies, and meaningful efforts to include sustainable development concepts in health and safety through joint action in the workplace. They highlighted the importance of giving priority to the social dimension of sustainable development, and in particular to the linkage between employment and poverty eradication, in the next phase of work.

14. Business and industry highlighted progress in partnership initiatives and success in seeing sustainable development as good business, and provided several examples to demonstrate these points. Scientific and technological communities praised progress achieved in reducing uncertainties regarding the functioning of the Earth, noted success in new scientific ventures aiming for sustainable development and highlighted the need for partnerships between the social and economic disciplines as well as among communities.
15. Farmers noted progress made in acknowledging the role of farmers, sustainable management of resources, increased partnerships, institutional and economic reforms for decentralized decision making to include farmers at local levels, new policies and programs to strengthen the role of women to achieve food security, improved quality of agricultural products and reduced environmental impacts, and sustainable farming through certification schemes and awareness campaigns.

16. A number of barriers to progress were highlighted by different major groups including:

(a) The growing poverty gap especially in rural areas,
(b) Failure to meet the goal of allocating 0.7% of national GNP to ODA,
(c) Continuing marginalization of women, lack of gender equality in government policies, the continuing gap between men’s and women’s access to and management of resources, and poorly implemented obligations of governments and other stakeholders,
(d) Lack of support for formal and non-formal education,
(e) Failure to stem corruption,
(f) Lack of political commitment to the existing legal frameworks shown by the low rate of ratification of the Kyoto and Cartagena Protocols, as well as lack of adequate follow-up to the non-binding agreements; and insufficient support for other international instruments such as the UN Declaration on the Rights of Indigenous Peoples and the various ILO Conventions on workers’ and indigenous peoples’ rights,
(g) Lack of proper, reliable and participatory monitoring of implementation of binding and non-binding agreements related to sustainable development,
(h) Inadequate efforts to change unsustainable consumption and production patterns, particularly in developed countries; and continuing unsustainable practices that adversely affect indigenous and local communities, as well as women and youth,
(i) Lack of adequate national plans and basic institutional frameworks for sustainable agriculture,
(j) Inadequate efforts to tackle detrimental impacts of globalization on health, livelihood, food security, industrial relations, and culture among other areas,
(k) Increasing conflicts over land and resources between indigenous and local communities, and corporate actors,
(l) Lack of programs to regulate sources of environmental degradation, address global development governance and outline plans for implementation and compliance,
(m) Insufficient attention to address the adverse impacts of globalization, deregulation, privatization and WTO policies,
(n) Rising military conflicts and increasing financial allocations to defense budgets,
(o) Insufficient scientific and professional expertise, especially in developing countries,
(p) Poor coordination and cooperation between governmental institutions and the resulting fragmentation of policies and programs related to sustainability,
(q) Lack of political will to promote joint workplace approaches to change,
(r) Lack of sufficient commitment to ensure national and international good governance,
(s) Insufficient efforts for sustainable development education; inadequate access to knowledge, information, and other resources, as well as lack of capacity, and
(t) Lack of youth participation in decision-making in general.

17. Statements from Egypt and the EU strongly supported the focus on poverty eradication and partnerships but also appealed to the major groups for their help with identifying concrete deliverables for the Summit and for sustainable development work beyond this milestone. Bangladesh and others emphasized participation and integration of the multi-stakeholder dialogue processes as a key instrument for successful sustainable development action in the community, workplace and at the national level. The EU underscored its commitment to support NGO participation in decision-making processes in sustainable development at all levels in the WSSD framework, and Japan supported creation of information platforms for NGO activities. Governmental and non-governmental participants supported partnership-based approaches to future sustainable development implementation efforts.

18. There was general support for greater participation of civil society in trade related intergovernmental spheres, such as the WTO negotiations, as a way to ensure more equitable benefits from globalization. In response to calls made by stakeholders on its increased role in sustainable development, the ILO confirmed its commitment. Discussion on corporate accountability and better dialogue led to an invitation by NGOs to business and industry to work together in this area. Business and industry accepted, and other stakeholders also indicated interest in participating.

19. There was overall support for a greater role for science and technology to formulate comprehensive scenarios for the future and collaborate with other stakeholders in building on local scientific capacity, especially in developing countries. The role of media and education was reflected in Hungary's support for considering Media and Educators as major groups. There was support for active engagement of youth in the national councils for sustainable development.

20. Participants made a number of proposals including:

(a) Integrating multi-stakeholder participation into national sustainable development planning processes;
(b) Strengthening partnerships among governments, intergovernmental bodies, and major groups based on accountability and transparency;
(c) Taking a rights-based approach to sustainable development;
(d) Strengthening the CSD and the role of major groups within this body;
(e) Guaranteeing women’s rights and ensure their full participation in enabling sustainable economic, environmental and social development; and achieving gender balance in government institutions by 2005;
(f) Convening a youth summit prior to WSSD, and including youth in the official government delegations to the Summit;
(g) Creating government departments or agencies for youth in all nations by 2005;
(h) Allocating 20% of ODA to sustainable development education and to sustainable development initiatives of young people; and integrating sustainable development into all education programs;
(i) Creating information exchange platforms for NGOs and other major groups;
(j) Designing operational plans for future sustainable development work on the basis of common but differentiated responsibilities and the precautionary principle;
(k) Reviving the North-South compact that was reached in Rio;
(l) Launching a process for a framework convention on corporate accountability; reforming international financial institutions; and regulating financial markets;
(m) Using the workplace as basis for tackling public health problems such as HIV/AIDS;
(n) Strengthening the capacity of local authorities to build on their proven successes; recognizing local leadership in generating best practices and local cooperation;
(o) Supporting local programs, including those in the workplace, to promote sustainable production and consumption;
(p) Using the principle of prior informed consent as a standard crucial to promoting and protecting indigenous peoples’ right to self-determination; and
(q) Convening a conference of scientists in parallel with the Johannesburg Summit.

Discussion Group I: Progress achieved in applying integrated approaches to sectoral and cross-sectoral objectives of sustainable development.

21. Participating major groups highlighted some successes in integrated approaches, including: increased willingness to take responsibility for environmentally sustainable development; use of low-tech options for health and sanitation, agriculture, energy and conflict reduction; creating business management systems to encompass all aspects of sustainability; and involvement by many communities in the Local Agenda 21 programmes.

22. A number of challenges and priority areas that could benefit from more integrated approaches were identified, including:
(a) Prioritizing issues of poverty and inequality,
(b) Seeing economic stability as a prerequisite for sustainability,
(c) Seeing the workplace as a tool for integrated approaches,
(d) Addressing unemployment,
(e) Ensuring access to affordable and secure water and energy resources,
(f) Investing in agriculture to address rural poverty and support the role of farmers,
(g) Increasing interdisciplinary scientific research,
(h) Increasing cooperation for sustainable development education at all levels,
(i) Increasing awareness of sustainable production and consumption,
(j) Meeting the agreed ODA targets and seeking synergies with private investment,
(k) Eliminating corruption in public and private sectors,
(l) Mainstreaming gender and developing gender-disaggregated data, and
(m) Developing science and technology that integrates the three pillars of sustainable development using participatory approaches involving relevant stakeholders.

23. In the course of the dialogue, many governments supported suggestions for integrated efforts for sustainable development in formal and non-formal education initiatives, youth participation, access to scientific and technological information and data resources, and cooperation among stakeholders and across sectors. Brazil supported the important role of scientific research and development in capacity building and data provision. Samoa and the Republic of Korea stressed regional and sub-regional development models in addressing issues such as climate change, and access to water and energy resources.

24. Indonesia and the UK stressed poverty eradication, efforts to focus on the social dimensions of sustainable development; and the rights of women, indigenous people, and workers. Sweden supported the suggestion to restore the role of the ILO.

25. A number of governments, including South Africa, Nigeria, and Finland supported suggestions on the need to tackle the adverse impact of globalization and trade liberalization by creating a new sustainable development paradigm, addressing the problems raised in relation to industry through stakeholder participation. Hungary highlighted the desire for a “new global deal” to emerge from the WSSD process. The Netherlands and Germany highlighted the power of consumer organizations in changing unsustainable production and consumption behavior. Sweden, Austria and many others supported calls for gender mainstreaming and analysis, integrating the rights of women, and youth participation.

26. Participants made proposals toward further integration and achievement of sectoral and cross-sectoral goals of sustainable development, some of
which present potentials for future partnerships. These proposals included:

(a) Focusing on poverty alleviation through employment and sustainable job creation, (particularly for women, youth, and vulnerable groups), and on innovations in science and technology in the areas of water, energy and climate change;
(b) Developing an integrated set of poverty indicators;
(c) Seeking alternative financing measures (proposals for a self-financing World Marshall Plan to combat poverty, and for an international energy fund);
(d) Prioritizing investments in education, training, agriculture and capacity building in science and technology, especially in developing countries;
(e) Building capacity at the community level to enhance local initiatives;
(f) Using consumer markets to influence production and consumption patterns;
(g) Fostering accountable, responsible and innovative partnerships and cooperation among all relevant sectors in areas such as mining, land ownership, food security, resource management, production and consumption behavior, monitoring corporate activity, and corruption;
(h) Developing targets and timetables for phasing out harmful subsidies that promote unsustainable development;
(i) Increasing sustainable energy sources to 5% of total energy use by 2010;
(j) Supporting sustainable development education at all levels, including the development of related curricula, links with vocational programs, and databases for pedagogical processes;
(k) Increasing support for scientific and research data collection for monitoring the Earth’s systems; and
(l) Increasing representation and participation by youth at all levels.

Discussion Group 2: Progress achieved in enabling and promoting multi-stakeholder participation in sustainable development institutions and mechanisms

27. Stakeholders highlighted a number of successful multi-stakeholder processes. Farmers mentioned two programs in South Africa: the Working for Water program that contributes to water security and creates jobs, and the use of bio-solids to enhance soil quality. Scientific communities pointed to human genome mapping, advances in climatology for effective monitoring and prediction of natural disasters, and the Montreal Protocol process as examples of successful partnerships between scientists and governments. Business and industry noted the Global Mining Initiative and the FAO multi-stakeholder dialogues (instituted in follow up to CSD-8 recommendations) as examples of success.

28. Trade unions highlighted successful worker participation models from
Croatia, Germany and other European countries, on occupational health and safety. They also shared experience with government-worker partnerships in Italy to protect ports from toxic releases from shipping. Local authorities referred to the role of local governments in multi-stakeholder participation and the steady improvement of stakeholder consultations through Local Agenda 21 (LA21) efforts and reported that such efforts now exist in over 6,000 localities in 113 countries. They highlighted national government support as a key element of success and shared examples from Uganda on legal frameworks that support women’s and youth participation in local councils. National local agenda 21 campaigns (such as those in Turkey, Japan and the Republic of Korea), have demonstrated that LA21 processes are effective approaches to sustainability and conflict resolution.

29. NGOs highlighted models of participation such as the work of the World Commission on Dams that pioneered an effective multi-stakeholder decision making process, as well as the Mediterranean CSD, and the numerous National Councils for Sustainable Development. Examples of success pointed out by Indigenous People included the establishment of the Permanent Forum on Indigenous Issues at the UN, the Inter-Indigenous Forum on Biodiversity in the CBD process, the Arctic Council, and the Saami Agenda 21 process in Finland.

30. Women referred to progress in bringing women into the decision-making process in Nordic countries, India, France, Namibia, South Africa, Brazil and the Philippines, thus proving that gender balance is possible where there is political will. Scientific and technological communities highlighted the Multi-stakeholder Round on Energy for Sustainable Development held in collaboration with UN DESA earlier this month in India as an example of successful collaboration between scientists and other major groups.

31. In the dialogue that followed, Denmark reiterated the positive experience of the Arctic Council in creating a participatory process; the EU pointed to the Barcelona Convention on Protecting the Baltic Sea as another example of success, and Turkey referred to its continuing efforts to engage young people in decision-making processes.

32. Brazil, Bangladesh and the Philippines highlighted their positive experiences in including major groups in their national preparatory processes for the WSSD. Japan pointed out that, with the collaboration of ICLEI, a network of 150 LA21 initiatives is in place in the country, and that this experience is now being expanded in neighboring countries such as China and the Republic of Korea; and announced a symposium on LA21 initiatives in April 2002 in Yokohama, being organized as a contribution to WSSD.

33. Stakeholders also identified numerous barriers to enabling and promoting multi-stakeholder participation and achievement of sustainable development, including:
(a) Weak capacity to participate, lack of access to knowledge across borders, and institutional means to empower local communities,
(b) Lack of adequate institutional frameworks for dialogue, including clearly defined mechanisms, partners, and indications of outcomes,
(c) Lack of necessary governmental frameworks that assure a level playing field for the expansion of sound businesses,
(d) Detrimental policies of the World Bank, IMF and other financial institutions; and adverse impact of privatization and globalization on rights and empowerment,
(e) Diminishing support for small farmers, distortions to international trade, drain on local farming communities from armed conflict, detrimental effects of subsidies on the farming sector, and growing poverty in the rural sector,
(f) Growing inequality between and within countries, and the growing power and influence of the corporate sector,
(g) Inequality in participation among major groups especially regarding the influence of business, and lack of recognition of diversity among parties involved,
(h) Lack of education and awareness about sustainable development issues,
(i) Lack of gender perspectives and mainstreaming in national and international decision-making,
(j) Inadequate attention to workplace health, with specific reference to HIV/AIDS as one of the most pressing workplace issues of our time, and
(k) Use of power to overcome conflict, and inadequate emphasis on peace and security as an essential prerequisite for sustainable development.

34. In response, Belgium agreed with the NGOs that the playing field is anything but level in terms of equity of major group participation. The Republic of Korea also stressed the key importance of poverty reduction, especially in rural areas.

35. A number of proposals and suggestions for future action were made including:

(a) Giving stakeholders greater role in the decision-making process and increasing their institutional capacity in this process;
(b) Improving equity of opportunity to participate in the stakeholder process including support for the participation of marginalized groups;
(c) Formulating a global framework for a convention on participation in decision-making, using as a basis existing frameworks such as the Aarhus Convention, and several regional initiatives seeking to implement Principle 10 of Rio Declaration;
(d) Encouraging independent monitoring of Agenda 21 implementation (such as the Access Initiative);
(e) Strengthening the multi-stakeholder dialogue framework at all lev-
(f) Setting regional capacity building mechanisms through collaboration between major groups and the UN;

(g) Promoting a more balanced form of decentralization of responsibility in which devolution of power and provision of services is accompanied by adequate sharing of resources and authority;

(h) The development of ecosystems approach to sustainable development planning;

(i) Increased ODA and technical assistance to place priority on capacity building; and building capacity of peasant organizations to participate;

(j) Considering financing for sustainable development in the FFD process;

(k) Adding good governance as the fourth pillar of sustainable development;

(l) Simplification of the UN accreditation process;

(m) Developing more user friendly UN web pages to increase access to information;

(n) Establishing a clearinghouse for dissemination of best practices and lessons learned in sustainable development;

(o) Creating a multi-lateral framework for production and trade that includes the principles of the right of all countries to protect domestic markets, the precautionary principle, democratic participation, and a ban on all forms of dumping;

(p) Canceling unpayable debts of developing countries and abolishing Structural Adjustment practices;

(q) Enabling closer relationship between the scientific community and policy makers;

(r) Utilizing the capacity of the scientific and technological communities to support governments and major groups in the adaptation of intellectual property concepts, and in improving information networks and infrastructure;

(s) Recognizing core ILO labor standards;

(t) Providing the necessary tools to ensure health and safety standards within the production processes;

(u) Providing political and financial support for a youth conference before WSSD;

(v) Formulating a UN resolution to facilitate partnership for peace; and

(w) Developing programs to prevent violence.

36. In response, the Czech Republic agreed with local authorities about the need for balanced decentralization and further stated that all stakeholders should be equal partners and involved in negotiations of the WSSD process. Denmark emphasized the importance of participation of local governments in the WSSD negotiation process and stressed the importance of continuous brainstorming and solicitation of views of other stakeholders, such as the private sector, in creating a global deal framework for Johannesburg.
37. The EU emphasized the need to step up participation of women and indigenous people. It further stated that the business sector has a responsibility and must inform consumers of the environmental consequences of the products they create. Turkey supported the call of youth for more sustainable production and consumption patterns. It also stated skepticism about the regional process and suggested sub-regional approaches. Indonesia stated the need to explore mechanisms that translate partnerships between major groups and governments, and among major groups, into concrete action and emphasized the importance of an action-oriented focus in the WSSD process.

38. Brazil and Sweden agreed that broad participation in decision-making processes is essential to guarantee effective implementation of policy and projects. China maintained that governments should provide a good environment for participation of major groups. Japan stressed the importance of networking among major groups to enhance active participation. Belgium stressed the importance of sharing experiences and nuances in different mechanisms implemented since Rio. Bangladesh and Israel supported Hungary’s proposal from the previous day to include Educators and Media as additional Major groups. In addition, Israel proposed the addition of the advertising sector given its critical role in gaining consumer trust. It also supported the spread of public awareness and understanding of the concept of sustainable development through increased efforts by the UN, and through national plans on education for sustainable development developed with the active participation of youth and business.

Closing Plenary: Discussion on New Opportunities for Implementation

39. The co-chairs of the two Discussion Groups summarized the key points made. Major groups elaborated on these summaries by reiterating a number of points including the need to: provide sustainable development education; increase support for local governments; fund capacity building for science and technology to stimulate employment and reduce poverty; expand the knowledge base to incorporate traditional knowledge and make information accessible in order to create employment, facilitate technology transfer, create alternative financing and debt relief solutions; address conflicting social values and restructure markets to encourage sustainable development behavior; and change unsustainable production and consumption patterns. All participants stressed partnership initiatives as essential to implementation.

40. Farmers specifically stressed the need for governments to invest in agriculture and ensure access to land and resources. Scientific communities emphasized health and the need for more focus on medical research and population issues. Indigenous people linked poverty eradication to territorial security, economic and natural resource control, and supported self-determination of models of development to manage communities and recovery of
ecosystems using traditional methods. Women stressed the need for time-bound targets. Trade unions prioritized workplace partnerships based on core workers’ rights, with a focus on bottom-up processes to ensure engagement in the workplace. NGOs stressed the precautionary principle as a sovereign right. Youth called on governments to achieve the UN Millennium Declaration goals.

41. Many supported statements by Tuvalu and Indonesia that the social pillar of sustainable development should more fully recognize the human spiritual dimension and incorporate ethics and cultural values into sustainable development education. In this connection, trade unions questioned the ethics of privatization and deregulation. Women and indigenous peoples called for closer review of how ODA is spent. Ghana raised the issue of biopiracy. Bangladesh supported mainstreaming the concept of sustainable development in national planning and expressed confidence in the role of the media to help ensure this.

42. Indonesia and Brazil supported major group concerns on technology access, noting that the digital divide must be bridged to ensure equitable sharing of benefits from globalization. Japan reiterated a commitment to support dialogue networks. Scientific communities stressed that capacity building in developing countries requires commitment of all governments, and cautioned against the trends of shifting resources from the public to the private sector. The EU expressed commitment to work toward improving access to information and called on the science and technology community to contribute to cleaner technology development, especially in the energy sector. South Africa stressed that WSSD should focus on seeking time-bound targets and concrete measures for technology transfer, highlighting the potential role of the private sector in this regard. Business and industry noted that technology transfer is a process. The EU noted the importance of including actions by all levels of government in the plans emerging from WSSD.

43. Many endorsed stronger interaction between governments and stakeholders in realizing outcomes, increased participation of major groups in UN processes and strengthening the CSD as the primary intergovernmental body dealing with sustainable development. The Netherlands underscored the importance of promoting diversity in all three sustainable development pillars. Turkey emphasized the need for local partnerships and China connected an increase in stakeholder participation to enhanced cooperation at the international level. South Africa elaborated a number of points on further implementation of Agenda 21, calling for high-level political commitment and encouraging debate at the national level.

44. The following additional proposals were made:

(a) Promoting cooperation among civil society and governments to create initiatives for sustainable production and consumption behavior;

(b) Adopting targets and timetables for increased use of renewable en-
ergy;
(c) Mobilizing partnerships among business and industry, governments, labor and civil society to address globalization in the form of tangible projects;
(d) Recognizing the role of the private sector in sustainable energy development;
(e) Managing water as a finite economic resource and shared cultural asset;
(f) Strengthening the CSD as an institution of global sustainable development governance;
(g) Building capacity in science and technology through collaboration among research institutions, the private sector and governments;
(h) Developing action plans to ensure equal access to information; and Placing food security and rural development on the WSSD agenda, with a focus on even, just and well-structured markets and investment in agriculture, as well as achieving economic sustainability for small farmers.
PROPOSALS FOR PARTNERSHIPS/INITIATIVES TO STRENGTHEN THE IMPLEMENTATION OF AGENDA 21

Introduction

The second type of outcomes of the Johannesburg Summit would include a whole range of partnerships focused on concrete and specific initiatives to strengthen the implementation of Agenda 21. Such initiatives will be announced at the partnership events scheduled to take place during the official meetings of the Summit.

During the Second Session of the Preparatory Committee (28 January-8 February 2002), a number of proposals for partnerships were presented. An indicative list has been prepared to identify broad areas in which a large number of stakeholders expressed their interest. This list is neither exhaustive nor final and can be improved further.

The purpose of the list is to encourage interested parties to initiate action. They are expected to identify partners and to specify clear targets, timetables, monitoring arrangements, coordination and implementation mechanisms, arrangements for systematic and predictable funding, and for technology transfer that may be required to launch these initiatives. Progress reports may be provided to the Fourth Session of the Preparatory Committee to be held in Jakarta, 27 May-7 June 2002. To become part of the second type of outcomes, such partnerships should be launched at the Summit.

Proposals

Global initiative to provide incentives to the private sector and to foundations to increase the flow of foreign capital and grants to developing countries, particularly those that have not been able to attract such flows.

Public/Private Partnerships to provide financial assistance for the development of needed infrastructure in developing countries.

Global network of related institutional support structures, including information systems, technology centres, and research and development institutions to promote greater transfer of environmentally sound technologies to developing countries.

Partnerships to develop cleaner production technologies and accelerate the commercialisation and diffusion of these technologies.

Global private/public partnership to develop and disseminate safe and affordable technologies for productivity enhancement and ecological management.
Public/private partnership to provide incentives to larger companies and transnational corporations to facilitate access of SMEs to environmentally sound technologies, for example by including and supporting them in production and supply chains.

Partnership to establish a technology and scientific network.

Partnerships to link countries that have hardware capabilities, software competence, and the need to use ICT technologies, the world over.

Partnerships to link regional centers of excellence that would contribute to the development of the knowledge capacity of developing countries.

Global initiative for lead-free fuels through technical, technological and financial assistance to developing countries.

Global initiative for the provision of financial and technical assistance for the phasing out of lead in gasoline and the reduction of sulphur and benzene in fuels and particulates in vehicle exhaust to reduce health impacts.

Regional partnerships to provide assistance to replace traditional biomass fuels and coal with affordable clean fuels.

Global public/private partnership for the development and dissemination of technologies for sanitation and waste management for rural and urban areas in developing countries.

Global partnership to improve human settlements including through capacity building support to local authorities.

Global initiative to promote investment in the development of mass public transport systems.

Global initiative to reverse the declining trend in public sector finance for agricultural research and for sustainable agriculture and rural development.

Partnership to enhance access to affordable and efficient irrigation systems

Global partnership to promote development and dissemination of affordable and safe biotechnologies, particularly for agricultural production.

Public-private partnership to improve outreach in basic agricultural techniques and knowledge to farmers with small-holdings and to the rural poor.

Partnerships to realize the Millennium Declaration target of reducing by half the number of people who are unable to reach or afford safe drinking water by 2015.
Public-private partnerships for improving efficient and equitable delivery of water resource to users.

Global alliance on renewable energy and efficient clean conventional energy technologies to provide by 2015 energy services to half of the two billion people, mostly in rural and remote areas in developing countries, who currently have no access to modern energy services.

Global partnership for financing energy for sustainable development, including renewable energy and energy efficiency technologies, and for sharing clean energy technologies at the global level.

Global partnership to encourage the use of natural gas.

Partnerships for capacity building, technology transfer and financing sustainable development, especially in the areas of poverty, hunger, health, environmental protection and resource management under the Africa initiative.

Global initiative to achieve access to affordable and diversified energy sources for Africa, especially in rural areas, by 2005.

Global initiative to close the digital divide and reverse the marginalization of Africa by 2005.

Partnerships to double agricultural productivity in Africa within a reasonable time frame.

Global initiative to assist vulnerable countries in mobilizing all resources for adaptation to climate change including rehabilitation of communities following natural disasters related to extreme weather events.

Global partnership for the implementation of the global programme of action for the protection of the marine environment from land-based activities at the national and regional levels.