



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/2003/10
21 May 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion and
Protection of Human Rights
Working Group on Indigenous Populations
Twenty-first session
Agenda item 6 (c) of the provisional agenda

OTHER MATTERS

**REVIEW OF ACTIVITIES UNDERTAKEN UNDER THE INTERNATIONAL
DECADE OF THE WORLD'S INDIGENOUS PEOPLE**

**Workshop on Indigenous Peoples and Sustainable Development:
Technical Follow-up to the World Summit on Sustainable
Development, Washington, 19 and 20 February 2003**

Note by the Secretariat

Introduction

1. The Workshop on Indigenous Peoples and Sustainable Development, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) was held at the World Bank in Washington from 19 to 20 February 2003. The purpose of the Workshop was to follow up the outcomes of the World Summit on Sustainable Development (Johannesburg, 24 August-4 September 2002) relevant to indigenous peoples by facilitating dialogue between indigenous participants at the Summit and the Inter-agency Support Group on Indigenous Issues.

2. A meeting of the Inter-agency Support Group took place on 17 and 18 February 2003, and the workshop took advantage of the presence in Washington of representatives from organizations and departments of the United Nations system. However, due to the unusually inclement weather a number of participants were not able to reach Washington either for the Inter-agency meeting or the workshop.

3. The workshop was attended by Navin Rai, Shelton Davis, Jorge Urquilla and Anna Wilczynski (World Bank); Julian Burger (Office of the High Commissioner for Human Rights); Rama Rao (World Intellectual Property Organization (WIPO)); Selman Erguden (UN-Habitat); Vanessa Sedletzki (United Nations Children's Fund (UNICEF)); Carlos Vitery Gualinga (Inter-American Development Bank); Moana Sinclair (Department of Economic and Social Affairs of the Secretariat (DESA)); Parshuram Tamang (Permanent Forum on Indigenous Issues); Rune Sverre Fjellheim (Saami Council); and Alfredo Vitery Gualinga (Confederation of Indigenous Nationalities of Ecuador (CONAIE)). Ms. Jocelyn Carino Nettleton was unfortunately unable to attend because her flight was cancelled due to bad weather. On Thursday, 20 February, a conference link-up was arranged with representatives of the United Nations Development Programme, the secretariat of the Permanent Forum in DESA and the World Bank office in New York. The workshop was facilitated by Julian Burger (OHCHR).

Summary of discussions

4. Mr. Rune Sverre (Saami Council) provided an overview of indigenous peoples' involvement in the World Summit on Sustainable Development (WSSD). He noted that the preparations by indigenous peoples had been extensive. However, he felt that indigenous concerns had not been fully taken into account by Governments to the extent that they had hoped. About 300 indigenous representatives attended the Johannesburg Summit and had taken part in a preparatory meeting in Kimberley, drafting a declaration and an alternative plan of action. He said that the indigenous delegations wanted to produce a document of their own, reflecting lengthy consultation, that would be valid in itself.

5. He observed that indigenous delegations were pleased with the recognition by States of indigenous peoples' vital role in sustainable development. The inclusion in the Johannesburg declaration of the term "indigenous peoples" was believed to be an advance given the reluctance by some States to use collective rights language in previous world conferences. In general, it was felt that the indigenous plan of action was not incompatible with the Johannesburg document. However, indigenous peoples, he said, were concerned that there were no clear guidelines for the disbursement of the proposed increased official development assistance to 0.75 per cent of gross national product from rich countries and that, without such guidelines, the funds would be used for economic activities that would lead to further pressures on indigenous peoples' lands and resources.

6. Mr. Sverre also made reference to the Arctic Council Framework which allowed a meaningful partnership between the Governments and indigenous peoples in the region. The Council, he said, is now undertaking various studies on economic and social issues and will make policy recommendations. He noted that the Council plans to publish an Arctic Human Development Report. The Arctic Council was given as an example of a best practice for partnerships aimed at sustainable development.

7. Mr. Sverre presented the main elements of the Kimberley Declaration and Plan of Implementation (both of which are annexed to the present report). He noted that the plan included recommendations in relation to indigenous cosmovision and spirituality, self-determination and territory, treaties, children and youth, women, sacred sites, food security, indigenous knowledge, biodiversity, forests and protected areas, mining, energy, tourism, fisheries, marine and coastal resources, water, climate change, health and toxics, desertification, education, science, technology and communications, security and conflict resolution, sustainable livelihoods, corporate accountability, governance and human rights.

8. Mr. Alfredo Vitery (CONAIE) provided background on the preparatory process leading up to the Johannesburg Summit. He noted that the Summit had two objectives: to review implementation of the recommendations from the Earth Summit in Rio de Janeiro and to develop a new agenda for the next 10 years. He spoke about the involvement of indigenous peoples, especially at the second and subsequent Preparatory Committees. Indigenous representatives had created an international committee to begin lobbying and working on their position. Indigenous peoples were generally critical of the lack of progress in implementing the recommendations of the Rio Conference relating to indigenous peoples (chapter 26 of Agenda 21). There was discussion about the growing role of multinationals in indigenous peoples' lands.

9. He said that proposals put forward by indigenous peoples were ignored by Governments and that their delegations were deceived by the preparatory committees meetings. For example, indigenous peoples had suggested that the WSSD document contain a chapter on indigenous peoples, but this had not been accepted. In the light of the position of Governments, indigenous peoples had decided to produce their own alternative declaration and plan of action.

10. Mr. Parshuram Tamang (Permanent Forum on Indigenous Issues) expressed gratitude for the workshop which he said allowed the agencies and indigenous peoples to consider follow-up to WSSD. He pointed out that the Kimberley document was distinguished from the Johannesburg document primarily because it followed a rights-based approach. He spoke in general about the difficulties of indigenous participation in United Nations processes and referred to the United Nations Framework Convention on Climate Change and the Inter-governmental Committee on Traditional Knowledge Holders, established by WIPO. He asked how the Permanent Forum could be more closely involved in these processes.

11. Ms. Moana Sinclair (DESA) spoke about her experiences in New Zealand/Aotearoa in relation to sustainable development. The Government, she said, had introduced legislation that recognized the Maori relationship to sustainable development. She referred to the Waitangi Tribunal where Maori could make claims and spoke of one current claim on flora and fauna under the consideration of the Tribunal. She believed that, though there were still outstanding issues, there had been considerable progress particularly in New Zealand in including the cultural perspective into legislation and opening a dialogue between the Government and Maori.

12. In the general discussion that followed, there was reference to the rights-based approach which implied, among other things, that indigenous peoples should be involved in the planning, implementation and decision-making relating to projects affecting them. It was pointed out by the representative of UNICEF, for example, that its global programme was based on the rights

laid out in the Convention on the Rights of the Child. She said that the outcomes of projects have to be measured in terms of processes of partnership between agencies and indigenous peoples that are developed.

13. The representatives of WIPO, UN-Habitat, OHCHR and the World Bank provided information about their activities relating to indigenous peoples that are relevant to sustainable development. UN-Habitat provided information about a joint UN-Habitat/OHCHR research project on the right of indigenous peoples to adequate housing that had recently been launched. He distributed copies of the terms of reference for the project and requested inputs from participants.

14. The OHCHR representative referred to some of the ongoing mechanisms existing in the human rights area, such as the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Working Group on Indigenous Populations and the treaty bodies as well as to the background document prepared for the workshop. In particular, he thought that several of the recommendations of the Kimberley document could be considered by the Working Group at its twenty-first session in July 2003. He mentioned in particular the proposals outlined in the indigenous peoples' plan of implementation to set standards or guidelines on tourism and ecotourism and indigenous peoples, the role of transnational corporations and the notion of prior free informed consent.

15. The representative of the World Bank said that his organization had participated actively in Johannesburg and was now presenting a plan of implementation to its Board. The matrix of proposals would be a means to mainstream the WSSD outcomes into the work of the World Bank. He noted that the portfolio of indigenous projects had increased, currently numbering 231. He explained that the World Bank had now drafted a policy that would be agreed upon by in the near future and would be the framework for the World Bank's lending in this field. He said that several political issues had not been addressed in the policy, such as land rights and the consent question. However, he said that the World Bank was now preparing a strategic approach paper that would demonstrate its understanding of these issues.

16. The representative of WIPO provided information about the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the importance of coordination of the activities carried out by the United Nations bodies dealing with related issues, namely the secretariat of the Convention on Biological Diversity and United Nations Educational, Scientific and Cultural Organization. He spoke about the millennium development goals and poverty reductions strategies and said that the process being undertaken by WIPO on traditional knowledge was aimed at assisting with the generation of wealth by indigenous peoples.

17. In the course of the workshop, there were a number of comments made on the relationship between the United Nations system and the Permanent Forum on Indigenous Issues both in general and in particular in relation to the second session. It was proposed, for example, that the Permanent Forum could monitor progress in the implementation of WSSD and Kimberley documents by United Nations agencies. United Nations agencies sought clear space in the Permanent Forum meetings for all matters to be raised even if not directly related to

principal themes and felt that it would be useful to set aside time to discuss working methods. There were proposals to examine how members of the Permanent Forum could take part in the meetings of the United Nations system.

18. Mr. Alfredo Vitery made some observations concerning governmental and intergovernmental visions of sustainable development that he said often were at variance with those of indigenous peoples. He said that Governments were introducing legislation recognizing indigenous rights, but that in practice the provisions were not implemented. He said that Governments pursued national development programmes, for example oil or forestry exploitation, that were not in line with indigenous people's own priorities. He called for the delegation of decision-making powers to indigenous peoples in political, economic and administrative matters. Sustainable development for indigenous peoples signified that they should determine how projects were planned and implemented in accordance with their own vision. Projects elaborated by governmental or intergovernmental organizations aimed at poverty reduction used their own economic indicators, but did not measure the strengthening of indigenous institutions of self-determination and self-management, which were the only means for ensuring long-term sustainable development.

Points for further discussion

19. The workshop concluded by identifying the following points that could be further discussed and elaborated:

(a) The integration of the proposals relating to indigenous peoples from the Johannesburg and the Kimberley Plans of Implementation into the projects and programmes of the United Nations system, in particular, how specific proposals in the Kimberley document might be addressed by the Inter-agency Support Group and monitored by the Permanent Forum;

(b) The need to consider sustainable development and indigenous peoples from a rights-based approach. In particular, it was noted that the Kimberley document was complementary to the Johannesburg text in this respect;

(c) The importance for the Inter-agency Support Group to view indigenous peoples' sustainable development from a collective rights perspective. It was noted, for example, that indigenous peoples view land and resource management from a collective viewpoint;

(d) It was recognized that the Inter-agency Support Group needs to be sensitive to the evolving rights of indigenous peoples at the international, regional and national levels;

(e) There was a tendency to measure poverty reduction in terms of income and other economic criteria. There was a need for further discussion of the way indigenous peoples measure their own well-being, which would require qualitative indicators to be added to those quantitative indicators that are used at present;

(f) The Working Group on Indigenous Populations could be invited to consider how it could respond to the proposals made in the Kimberley document. In particular, under its standard-setting mandate the Working Group could be invited to consider how it could contribute to the elaboration of guidelines relating to indigenous peoples and tourism, indigenous peoples and transnational corporations, and the concept of free prior informed consent;

(g) The Permanent Forum could be invited to discuss the Kimberley plan of implementation and make recommendations thereon.

(h) The importance of mainstreaming indigenous peoples' rights into poverty reduction strategies to make them more relevant for indigenous peoples and ensure that resources channelled through them reach their communities.

20. Parshuram Tamang, member of the Permanent Forum, agreed to inform the Permanent Forum about the workshop.

Annex I

The Kimberley Declaration

International Indigenous Peoples Summit on Sustainable Development Khoi-San Territory

Kimberley, South Africa, 20-23 August 2002

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

We, the indigenous peoples of the world assembled here, reaffirm the Kari-Oca Declaration and the Indigenous Peoples' Earth Charter. We again reaffirm our previous declarations on human and environmental sustainability.^a

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

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

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

We have the right to determine and establish priorities and strategies for our self-development and for the use of our lands, territories and other resources. Free, prior and informed consent must be obtained before the approval of any project affecting our lands, territories and other resources.

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

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

The national, regional and international acceptance and recognition of indigenous peoples is central to the achievement of human and environmental sustainability. Our traditional knowledge systems must be respected, promoted and protected; our collective intellectual property rights must be guaranteed and ensured. Without traditional knowledge-holders' free, prior and informed consent, traditional knowledge is not in the public domain, and cultural and intellectual property is protected under customary law. Unauthorized use and misappropriation of traditional knowledge is theft.

Economic globalization constitutes one of the main obstacles to the recognition of the rights of indigenous peoples. Transnational corporations and industrialized countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade Organization and other bodies which reduce the rights enshrined in national constitutions and in international conventions and agreements. Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, evicting us from our lands and creating immense levels of poverty and disease.

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

We are responsible for defending indigenous lands and communities against exploitation by Governments, development agencies, private enterprise, non-governmental organizations and individuals. Indigenous peoples are not objects of tourism development. We are active participants with rights and responsibilities to our territories, including the process of planning, implementation and the evaluation of tourism.

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

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

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

We urge the United Nations to promote respect for the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between indigenous peoples and States, or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements.

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

We are willing to enter into partnerships with international agencies, Governments, private sector and corporations in order to achieve human and environmental sustainability, provided that the partnerships are established according to the following principles: honesty, openness and good faith; free, prior and informed consent of the people affected; respect and recognition of our cultures, languages and spiritual beliefs; and our rights to land and self-determination.

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

We call for a world conference on indigenous peoples and sustainable development as a culmination of the International Decade of the World's Indigenous People (1995-2004) and as a concrete follow-up to the World Summit on Sustainable Development.

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

Annex II

INDIGENOUS PEOPLES PLAN OF IMPLEMENTATION ON SUSTAINABLE DEVELOPMENT

Johannesburg, South Africa, 2002

Introduction

We, the representatives of indigenous peoples attending the World Summit on Sustainable Development, have defined this Plan of Implementation for the next decade, based on the Kimberley Declaration, as part of our contribution for achieving human and environmental sustainability in the world.

The Plan of Implementation reflects the heart and mind of indigenous peoples as traditional caretakers of Mother Earth who, for many millennia, have developed and refined our sustainable societies.

Cosmovision and spirituality

1. We will direct our energies and organizational strength to consolidate our collective values and principles which spring from the interrelation of the different forms of life in nature. Therein lies our origin which we reaffirm by practising our culture and spirituality.
2. We will strengthen the role of our elders and wise traditional authorities as the keepers of our traditional wisdom, which embodies our spirituality and cosmovision as an alternative to the existing unsustainable cultural models.
3. We demand that the concept of “cultural damage” be incorporated into impact assessments as part of the legal instruments which will safeguard our cultural integrity against energy mega projects, mining, tourism, logging and other unsustainable activities.

Self-determination and territory

4. We will ensure the recognition, protection and respect for indigenous peoples’ unqualified right to self-determination, which is the basic precondition to guarantee our ownership, permanent sovereignty, control and management of our lands, territories and natural resources. Any dialogue or partnership with indigenous peoples on sustainable development must be based on recognition, protection and respect for this fundamental principle.
5. We urge Governments to establish specific legal frameworks, recognizing indigenous peoples’ rights to self-determination, ancestral lands and territories and to adopt the Draft Declaration on the Rights of Indigenous Peoples as approved by the Working Group on Indigenous Populations and the United Nations Sub-Commission on the Promotion and Protection of Human Rights before the end of the International Decade of the World’s Indigenous People.

6. We continue to demand recognition of our land tenure systems and customary laws. We reaffirm our spiritual and cultural connection to our land and territories. We call for an immediate halt to all policies and law reforms that compromise our collective land tenure systems.
7. We will share experiences about our use and management systems of natural resources with other indigenous peoples, and promote exchanges between our peoples.
8. We, the indigenous peoples, will further our global strategy for international policies to influence and shape governmental programmes.
9. We will protect and strengthen our institutions, safeguarding customary laws and practices, which are the bases of sound sustainable management of our environment and territories.
10. We assert our rights to demarcate our traditional lands and territories with our full participation, and we request Governments to agree on mechanisms with indigenous peoples for this purpose, respecting our right to collective ownership.
11. We urge Governments to initiate a process of restitution of indigenous peoples' ancestral lands and territories, as a concrete way of furthering human and environmental sustainability.

Treaties

12. We urge the United Nations to promote the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between indigenous peoples and States, or their successors, according to their original spirit and intent, and to have States honour and implement such treaties, agreements and other constructive arrangements.

Children and youth

13. We will nurture an environment of intergenerational support, thereby laying a strong foundation for future generations. We will take the responsibility to pass on our indigenous way of life to safeguard our pride and dignity as peoples.
14. We will support and strengthen indigenous youth organizations to be fully empowered with resources to initiate, enable and support continuous communications among indigenous youth to enable them to voice their concerns in the international arena.
15. We will continue to promote the participation of indigenous youth in the international, national and local decision-making processes pertinent to our peoples.
16. We call for immediate measures to stop child labour, child sexual exploitation, child trafficking, child soldiers, execution of minors and all other exploitations and injustices against indigenous children.

Women

17. We reaffirm the rights of indigenous women and their vital role in human, cultural and environmental sustainability; and we work towards fair and equitable access to land, resources, education and other social and welfare services. We will take deliberate steps to ensure that indigenous women participate in all levels of governance and leadership both locally, nationally and internationally.

18. Violence against indigenous women must be systematically addressed. We call for immediate measures against all forms of sexual exploitation, forced sterilization and trafficking of women.

19. We reaffirm the role of indigenous women as custodians of traditional knowledge, culture and the sustainable use of biological diversity.

Sacred sites

20. We urge States, Governments and civil society to work in conjunction with indigenous peoples to ensure that indigenous peoples' sacred, ceremonial and culturally significant sites and areas are preserved, respected and protected from destructive or exploitative development. We will ensure our peoples' access to our sacred, burial, archaeological and historical sites, including the unqualified right to restrict access to those sites.

Food security

21. We will promote the conservation, sustainable use and management of our traditional foods and strengthen our own models, systems and networks of production and trade, urging States to guarantee the integrity of our biological habitats for this purpose.

22. We will work against technologies, policies and legal regimes that violate indigenous peoples' rights to maintain our traditional knowledge, practices, seeds and other food-related genetic resources.

23. We urge Governments and international institutions to develop mechanisms to support indigenous peoples' own practices and institutions to ensure food sovereignty.

24. We call for an immediate moratorium on the development, cultivation and use of genetically modified seeds, plants, fish and other organisms, in order to protect human health, native seeds and other food-related genetic resources.

25. We will strengthen pastoralism, hunting and gathering as viable and sustainable economic systems that ensure food sovereignty, including government recognition, acceptance and support.

26. We will urge Governments to work with indigenous peoples to stop the introduction of alien or invasive species which threaten the health of our traditional territories and food sources.

Indigenous knowledge and intellectual property rights (IPR)

27. We commit ourselves to safeguard, protect and reaffirm the use of indigenous knowledge and practices, respecting the spiritual values and dimensions of such knowledge. We will strengthen our own initiatives for disseminating information, research, capacity-building and the exchange of experiences on biological and cultural diversity among indigenous peoples.

28. We reaffirm and commit ourselves to protect indigenous knowledge systems and the diversity of life within our territories which are collective resources under our direct control and administration. We will work against any IPR regime that attempts to assert patents, copyrights, or trademark monopolies for products, data, or processes derived or originating from our knowledge. Genetic material, isolated genes, life forms or other natural processes must be excluded from IPR regimes.

29. We urge States and international organizations to recognize and respect the establishment and development of our own systems for the protection of indigenous knowledge; and to call for the immediate halt of all biopiracy activities.

30. We call on States and Governments to respect the spirit of article 8 (j) of the Convention on Biological Diversity. We demand the annulment of agreements adopted under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization that compromise indigenous knowledge.

31. We strongly assert our right to full and effective participation in the national and international decision-making arenas on biodiversity and traditional knowledge, such as the Convention on Biological Diversity, the World Intellectual Property Organization, the United Nations Conference on Trade and Development and Andean Community of Nations.

Biodiversity

32. We call for the declaration of a moratorium on all activities related to human genetic diversity, specifically involving indigenous peoples, including access, sampling, testing, research and experimentation.

33. We demand that States establish mechanisms for returning all human, botanical and genome collections, and for providing complete and exact information of any past use of such collections to our peoples.

34. We demand the establishment of an international code of ethics on bioprospecting to avoid biopiracy and to ensure respect for our cultural and intellectual heritage.

35. We will continue to participate actively in the full process of the Convention on Biological Diversity, through the International Indigenous Forum on Biodiversity, in order to defend and safeguard the biodiversity of our lands and territories, and we call for coherence and consistency in the implementation of the different Rio instruments, with other local, national and regional instruments.

36. We will oppose biopiracy and the patenting of all life forms.
37. We call for constitutional and legislative recognition of our conservation and management of biodiversity, as inherent to the sovereignty of indigenous peoples.

Forests and protected areas

38. We demand that all legislation, policies or work programmes on forests and protected areas guarantee and rigorously respect our lands and territories, rights, needs and benefits and recognize our full rights to control and manage our forests.
39. We will defend the cultural values and material integrity of our forests, promoting adequate policies for this defence; specifically we call for the declaration of a moratorium on any harmful economic activity, as well as on the granting of concessions for oil and timber exploitation or mining.
40. With regard to protected areas established on indigenous lands and territories, including wetlands, coasts and seas, States must transfer the territorial control, including the jurisdiction over and the administration and management of these areas, to indigenous peoples.

Mining

41. We demand the declaration of a moratorium on mining activities until Governments and corporations recognize and respect our fundamental rights to self-determination and to free, prior and informed consent with regard to all forms of mining.
42. We demand comprehensive and participatory multi-criteria assessment of mining activities, which incorporates environmental, social, cultural and health impact assessments.
43. We urge Governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for mining activities. Indigenous lands and territories must not be included in the planning zones for mining.

Energy

44. We call for the declaration of governmental moratoria on the following activities:
- (a) The expansion of and new exploration for the extraction of oil, natural gas and uranium and coalmining within or near indigenous lands and territories, especially in pristine areas and environmentally, socially, culturally and historically sensitive areas;
 - (b) The construction of large dams. Governments and multilateral institutions should utilize the framework proposed by the World Commission on Dams for an approach to development based on the recognition of rights and the assessment of risk;
 - (c) New nuclear power plants. We call for the phasing out and decommissioning of all nuclear power plants;

(d) The transportation and storage of radioactive waste on indigenous peoples' lands and territories. We firmly support the containment and monitoring of waste on-site for the duration of its radioactive life.

45. We will support and commit ourselves to promote the use of renewable energy sources to meet the energy needs of our peoples and communities. We will work towards the development of international mechanisms to support capacity-building, financial mechanisms and technology transfer for our communities to address renewable clean energy development to promote sustainable development initiatives that embrace traditional knowledge.

46. We will demand that, in addition to environmental impact assessments of energy-related activities, social, cultural and health impact assessments should be conducted, and we commit ourselves to participate actively in such impact assessments.

47. We will urge Governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for development of energy-related activities.

48. We will identify government subsidies of unsustainable forms of energy and demand that such subsidies be phased out under a five-year time frame.

Tourism

49. We will take responsibility for tourism activities we generate, that these are based on our own development strategies, incorporate respect for our traditional values, ethics and human rights and conserve our natural and cultural heritage.

50. We invite Governments to participate in our efforts to develop and apply norms, guidelines and regulations on the development of tourism, based on the principles of respect for our rights, cultures and the integrity of ecosystems.

Fisheries, marine and coastal resources

51. We will maintain and promote our traditional systems for the sustainable harvesting of marine resources.

52. We commit ourselves to maintain our marine and freshwater fisheries resources upon which many of our peoples depend, and we will fight against overfishing, waste and toxic dumping, as well as the impact of tourism, which affect the oceans, coasts and inland waters.

53. We will develop proposals for the protection and management of national and transboundary coastal areas and their biological resources, and we call on States to incorporate these proposals into legal and policy frameworks.

54. We will promote the establishment of new quota regimes on an equal footing with other stakeholders, through national and international negotiations, based on our inalienable historical rights as resource owners and managers.

Water

55. We will demonstrate our power and our common interest to protect water and life, by building water alliances and networks worldwide.

56. We call for the creation of an international regulatory body to track the trade of water. We oppose and denounce the privatization of water, as well as the diversion which affects the water resources of our territories.

57. We will demand the establishment of systems for restoration and compensation, to re-establish the integrity of water and ecosystems.

Climate change

58. We urge the United States and all other countries which have not done so, to ratify and implement the Kyoto Protocol. We urge all countries to adopt equitable cross-sectoral strategies to halt the destruction of key carbon sequestration ecosystems.

59. We demand that the Kyoto Protocol raise the 5.2 per cent carbon dioxide reduction target and implement the recommendation from the United Nations Intergovernmental Panel on Climate Change that greenhouse gas emissions be immediately reduced by 60 per cent in order to stabilize global temperatures.

60. We renew our commitments to our practices and knowledge for minimizing the emission of greenhouse gases, and urge all countries to fulfil their commitments to reduce greenhouse gas emissions.

61. We oppose the implementation of carbon sinks and carbon-trading mechanisms in the Clean Development Mechanism of the Kyoto Protocol and United Nations Framework Convention on Climate Change.

62. We urge States to promote equitable cross-sectoral socio-political processes, based on an ecoregion approach, for the economic mitigation of natural disasters caused by climate change.

63. We will give priority to our own scientific and technical initiatives based on our traditional practices, which generate knowledge on production systems which have a minimal greenhouse effect.

64. We demand that indigenous peoples be accorded special status in the United Nations Framework Convention on Climate Change process.

65. We demand the creation of an ad hoc open-ended intersessional working group on indigenous peoples and local communities and climate change with the objective of studying and proposing timely, effective and adequate solutions to respond to the emergency situations caused by climate change affecting indigenous peoples and local communities.

66. We call upon all Governments to implement climate impact assessments which take into account indigenous knowledge systems and observations, as well as the full and equal participation of indigenous peoples in all aspects and stages of the assessment.

Health and toxics

67. We will continue to utilize, strengthen and protect our traditional health systems within our communities. Our indigenous health systems, practices and traditional healers must be given due and equitable recognition. Our collective intellectual rights to our traditional medicines must be protected.

68. We demand financing and equitable partnerships for our own health programmes, projects and initiatives.

69. We urge international institutions and Governments to participate in the construction of a plural model of public health which validates our traditional knowledge, innovations and practices and healers.

70. We will cooperate to urgently establish all necessary measures to control new and resurgent diseases, such as HIV/AIDS, tuberculosis and malaria. Our traditional and customary institutions and laws should be recognized and strengthened to fight against these diseases.

71. We demand effective participation in the planning, implementation and monitoring of national and international health policies, programmes and services. We also demand that the national health systems provide treatments and vital medicines that are accessible, free of cost or at an affordable price.

72. We urge Governments to recognize the particular vulnerability of indigenous children and pregnant and breastfeeding women and to take the necessary steps to protect them from being exposed to harmful environmental pollutants and conditions.

73. We call for an immediate halt to all polluting activities on indigenous lands and territories and the adoption of mechanisms to contain and monitor existing pollution and its effects on the environment, including the oceans and human health. We call for the immediate phasing out of leaded gasoline and other toxic substances.

74. We demand that industries and Governments be accountable for the harms they have already caused to the environment and human health. We demand compensation and reparation for the destruction of the environment, including the oceans, and exposure to toxics.

75. We demand that Governments expeditiously sign and ratify the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on hazardous chemicals and pesticides; the Basel Convention and its 1995 ban on the export of hazardous wastes from OECD to non-OECD countries and the 1996 Protocol to the London Convention on ocean dumping.

Desertification

76. We call for the full and effective participation of indigenous peoples and local communities, especially those of Africa, in the negotiation and implementation process of the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. Therefore, we call for the necessary financial resources and equitable mechanisms that will enable us to substantially contribute to this Convention and related activities.

Education, science, technology and communications

77. We will revitalize, strengthen and develop our traditional education institutions and systems for learning at all levels.
78. We will work towards changing the public and private education systems to recognize and teach the cultural diversity of each country, taking into account the revision of curricula, restoration of historical truth, production of new teaching aids and introduction of our languages.
79. We will promote capacity-building programmes in indigenous as well as non-indigenous societies on our rights and priorities for sustainable development, in order to strengthen the application of policies for cooperation with and amongst indigenous peoples.
80. We will strengthen our research, planning, conservation, use and management of indigenous lands, territories and natural resources, using traditional knowledge and other appropriate technologies that respect our cultures and traditions.
81. We will continue strengthening our systems of and networks for information, communications and telecommunications and will request financial resources for these purposes.
82. We will promote networks for scientific and technical cooperation between indigenous peoples to strengthen our specialized and diversified learning and capacity-building.

Security and conflict resolution

83. We will strengthen the capacity of our own indigenous systems of conflict resolution and reaffirm the role of our leaders and traditional authorities in resolving issues related to security and armed conflict such as rape, torture and all other forms of human rights violations. We will ensure that indigenous peoples' communities will not be used against each other to escalate armed conflict.
84. We demand the immediate demilitarization in and near indigenous lands and territories and a halt to human rights violations against indigenous peoples. We urge States to resolve conflicts according to democratic principles and relevant international and humanitarian laws.
85. We urge Governments to support the voluntary return of indigenous peoples, refugees and internally displaced peoples to their ancestral lands and territories. Rehabilitation efforts should address the specific interests of indigenous peoples.

Sustainable livelihoods

86. We strongly reject all policies, including privatization, liberalization and structural adjustment programmes, which do not recognize and respect indigenous peoples' rights. We strongly support the cancellation of the "eternal debt" of countries of the South which has resulted in adverse impacts on our cultures, lands and territories.
87. We urge States and the international community to develop specific instruments for the protection of indigenous peoples' natural, cultural, social and technological capital as a repository for our economy and the strengthening of indigenous development.

88. We request national Governments and the international community to establish a legal framework that validates and enables the functioning of traditional and innovative collective economic models. These economic models should have access to mainstream financial mechanisms, including credit, and should enable trade or barter in goods and services relevant to indigenous peoples and our communities.

Corporate accountability

89. We support the adoption of a legally binding convention on corporate accountability which upholds indigenous peoples' rights, including our free, prior and informed consent to any activity of States or transnational corporations, which affects our land, territories or communities.

Governance

90. We demand indigenous peoples' full and effective participation at all stages and levels of decision-making in programmes, policy and institutions promoting sustainable development.

91. We support the sustainable development models presented by the Arctic Council, which incorporate principles of genuine partnership between States and indigenous peoples, ecosystem approaches, collaboration between traditional and scientific knowledge and local, national and regional implementation plans.

92. We call for the inclusion of specific indicators of the situation of indigenous peoples in the assessment of the implementation of all levels of Agenda 21 and, in particular, of the progress on the implementation of chapters 26 and 20 on the participation of indigenous peoples and local communities.

93. We demand and support the right to appoint our own governing structures. We reject the so-called "indigenous authorities" imposed at any level on our territories by Governments, and used for implementing development models, whether sustainable or not.

Human rights

94. In accordance with our values, we will take all necessary measures to promote human rights, including human rights education among indigenous peoples and within our communities.

95. We call for the strengthening of the mandate of the Working Group on indigenous peoples under the African Commission on Human and Peoples' Rights.

96. We will continue to participate in a constructive way in the processes, institutions and bodies of the United Nations and other multilateral organizations dedicated to indigenous peoples, such as the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations and the Inter-American Commission on Human Rights of the Organization of American States.

97. We urge the United Nations to organize and convene a world conference on indigenous peoples and sustainable development in the framework of the International Decade of the World's Indigenous People (1995-2004).

98. We urge the United Nations to declare the Second International Decade of the World's Indigenous People (2005-2014).

99. We urge Governments to sign, ratify and implement the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, in accordance with the wishes of the indigenous peoples in their respective countries.

100. We support the Permanent Forum on Indigenous Issues as a global focal point for promoting cooperation among States and indigenous peoples in the implementation of international policies, commitments and action plans on indigenous peoples and sustainable development. We will utilize the Permanent Forum to monitor the fulfilment of this plan of implementation.
