[Strategy Session]

IMPLEMENTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

A Summary Report from
THE INTERNATIONAL FORUM ON GLOBALIZATION
and
TEBTEBBA FOUNDATION

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# Summary Report

## Implementing the United Nations Declaration on the Rights of Indigenous Peoples

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In September 2007, after 25 years of effort, the United Nations General Assembly passed the United Nations Declaration on the Rights of Indigenous Peoples by a vote of 144 to 4. This was a momentous act, on a par with passage in 1948 of the UN Declaration on Human Rights. Not only does it finally recognize the inherent rights of indigenous peoples, but also the Declaration itself is a profound and conceptually daring statement with great positive implications for all peoples and the planet.

However, for the Declaration to make an impact, its provisions must be applied as widely as possible. The purpose of the October 27-28, 2008 strategy session and briefing, jointly sponsored by the International Forum on Globalization of San Francisco, California and the Tebtebba Foundation of the Philippines, was to discuss the Declaration and its principles, and to seek ways for all the meeting participants, both indigenous and nonindigenous, to work towards developing campaigns and programs to actualize the full potential of the Declaration.

At the meeting, we discussed the contents of UNDRIP in detail and heard reports on current efforts to apply its provisions in the work of non-governmental organizations (NGOs). We also explored what additional means are at our disposal to include consideration of UNDRIP in our work at the local, state, regional, national and international level.

Special attention was given to upcoming critical international negotiations, including policy debates within the UN Framework Convention on Climate Change (UNFCCC), the UN Convention on Biological Diversity (CBD), the UN Permanent Forum on Indigenous Issues (UNPFII), the World Bank, and the World Trade Organization (WTO).

We also identified key global gatherings that will take place in 2009 as opportunities for indigenous peoples and civil society to work together to find common agendas that support one another’s goals. These gatherings include the World Social Forum in Belem, Brazil in January 2009; the Indigenous Peoples’ Global Summit on Climate Change in Anchorage, Alaska in April 2009; the UN Permanent Forum on Indigenous Issues in New York, New York in May, 2009; amongst other meetings.

We closed the meeting with a strategy discussion on individual and joint initiatives and actions that could be taken by the participants in support of the UN Declaration on the Rights of Indigenous Peoples.

The major outcome of our meeting was a clear mandate to form a new network of nonindigenous NGOs, in close consultation with international indigenous leaders, to encourage and help coordinate nonindigenous NGO efforts to support the implementation of UNDRIP. The International Forum on Globalization has agreed to serve as the secretariat of this effort beginning in 2009.

The International Forum on Globalization and Tebtebba Foundation

January 21, 2009
Victor Menotti of the International Forum on Globalization (IFG) welcomed all the participants and explained that the IFG was formed in 1994 as a counter voice to corporations and governments that promised that economic globalization would help the poor, feed the hungry, and save the environment.

A turning point in the globalization process is now underway, he said. The failure of global trade and finance institutions, combined with the momentum toward a new global climate deal and the recent passage of the United Nations Declaration on the Rights of Indigenous Peoples, means that global civil society has a historic opportunity to create a new international system based on public interest and universal values.

Indigenous peoples have taken on an increasingly important role in the globalization debate, and Menotti said the IFG has helped to elevate their voices. At the 1999 World Trade Organization meeting in Seattle, Vicky Tauli-Corpuz, Tom Goldtooth, and a handful of other indigenous leaders were present with the IFG, but their issues were not as visible as other peoples’ movements on the streets of Seattle. Immediately afterward, the IFG initiated its Indigenous Peoples’ Program to amplify their unique perspectives. In 2003, after extensive consultations with international indigenous leaders, the IFG printed a large map of Indigenous Peoples’ Resistance to Globalization for public distribution. In 2005, the IFG released the special report, Paradigm Wars, on this same subject, which was published in 2006 by Sierra Club Books. In 2006, IFG organized a public teach-in in New York City to support the twenty-five-year campaign to pass UNDRIP. In 2007, the IFG organized an emergency strategy session of nonindigenous NGO allies, mobilizing votes to secure passage of the Declaration in the UN General Assembly.

Now it’s all about implementation, said Menotti, so that UNDRIP actually impacts policy decisions. He stressed that as the IFG continues its work to replace today’s trade and finance institutions, and becomes increasingly active in the UN climate process, the Declaration is a very important international instrument to guide the transition of global governance into the future. Menotti believes that indigenous values are the antidote to the industrial worldview that drives the global ecological crisis. Nonindigenous groups, working with indigenous leaders, could help guide this global transition, he said.

Claire Greensfelder of the IFG presented important questions to the group, such as, “How is UNDRIP going to impact our work? How is it going to change what we do, and the way we do what we do?” She said passing it was the first step, but now, getting it implemented is the next step. Greensfelder said the IFG had kept the size of this meeting to around forty people to really promote a working dialogue.

Tom Goldtooth (Diné and Mdewakanton Dakota) of the Indigenous Environmental Network in Minnesota thanked the IFG for bringing everyone together, and for the tobacco for prayer. Goldtooth then transitioned into a prayer intended for the group, in Dakota.

Moving along in the agenda to Introductions, Claire Greensfelder asked the indigenous delegates to introduce themselves.
Victoria Tauli-Corpuz (Igorot) of the Tebtebba Foundation in the Philippines, and the current Chairperson of the United Nations Permanent Forum on Indigenous Issues (UNPFII), expressed the strategic importance of this dialogue because everyone need to focus how to implement the Declaration. She said her life’s work has been with community organizations in villages where fights against dams, logging corporations, etc. taught her about human rights. Many indigenous activists, young and old, have been victims of military harassments, arbitrary arrests and detention, tortures and extrajudicial killings. These prompted her, along with other activists, to bring indigenous issues before the UN Working Group of Indigenous Populations (UNWGIP), the first UN body set up in 1982 to receive reports of human rights violations of indigenous peoples. At the first session of UNWGIP, the only indigenous peoples’ representatives present other than North Americans, Australians, the Saami and the Maori, were an Igorot from the Philippines and the Juma from Bangladesh. Tauli-Corpuz had been sent by her organization to work with the drafting of the Declaration which started in 1985. In 1994 she was invited to be a part of the IFG.

Joseph Ole Simel (Maasai) of the Mainyoito Pastoralist Integrated Development Organization in Kenya expressed his gratitude to the organizers of this meeting, and agreed that this meeting is strategic and timely because it brings indigenous and nonindigenous people together to think as a team, and to develop strategy based on solidarity. Ole Simel expressed that, in Africa, UNDRIP’s adoption was the easy part; its implementation will be harder. In Kenya, he said, a country that was colonized by the British in the mid ’60s, and where both European and American investors still target the land, now for biofuels production, indigenous people continue to face threats. He said he hoped to get a better sense of “how we move to actualize the implementation of the Declaration, both at local level and international levels.”

Chief Kokoi, aka Tony James (Wapichan), of the Amerindian Peoples Association in Guyana, South America, spoke about the importance of forests to his people, and to all people. “I have an obligation to my grandchildren, I have an obligation to teach them how to hunt, to teach them how to fish, to teach them to be able to use the leaves, the twigs, the roots, the bark of the trees to survive. Our connection with the environment is so different from what it is out here. You have supermarkets, you have universities, and you have all the other entities of life. We have ours there, too. We have our supermarket— our river is our supermarket because if we want to eat fish we know where to get it. And if we are feeling sick, we go know to go to the forest to get medicine. If we want to teach our children how to survive as a people, we must make sure our forest, our environment, is intact, as we have it today.” He said that implementing UNDRIP will help people understand that they have the same rights as anyone else. These rights include the right to a healthy life, the right to pass on their knowledge, and the right to the land.

Tom Goldtooth (Diné and Mdewakanton Dakota) of the Indigenous Environmental Network (IEN) said he thought the IFG was right on the mark when it started addressing a new economic paradigm, which would counteract the depletion of natural resources and the effects of climate chaos and peak oil. He then emphasized the importance of the values of the relationship to recognize and maintain, land ethics. Goldtooth introduced himself as a director of a network of grassroots of indigenous peoples that started in Minnesota. He explained that people had come together to form IEN as a network, not an organization. Goldtooth and the network have been advising other groups of indigenous people, such as the International Indian Treaty Council. Goldtooth mentioned Roberta Black Goat, Gorgan Harney, Kerry Dan, and some of the Diné people who had left to go to the UN in Geneva, and said that they were some of the founders of his network.

Juan Carlos Jintiach (Shuar) of the Amazon Alliance spoke about the responsibility of being elected co-director of an organization that unites both indigenous and nonindigenous groups and brings together the leaders of the indigenous and the environmental movements in the Amazon to work as equal partners in effectively addressing the challenges facing the region. The Alliance is governed by a Steering Council, a partnership of prominent indigenous organizations and NGOs that
determine the Alliance’s priorities and strategies. In addition to providing members with information and technical assistance, the Alliance also ensures that the perspectives of indigenous people are heard by decision-making bodies around the world, including governments and multilateral institutions. Jintiach said that the importance of both traditional and scientific knowledge should be addressed in this meeting.

**KEY PROVISIONS OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: PRESENTATIONS**

Jerry Mander of the IFG said he hopes to focus on what is actually in the UN Declaration, and how it can be used. He said, “The passage of the UN Declaration after a quarter of a century was truly a momentous event in human rights history, but it was one momentous event that most people have never heard of. Neither the fierce debate about the Declaration over the course of 25 years, nor its passage, received any notice in the mainstream press in the United States, the United Kingdom or many other countries. This is a continuing sign of the invisibility of indigenous causes in this country. As a result, many otherwise politically minded people have little knowledge of what the document is, or its potential impact,” Mander said, and declared that this is one important situation we are dedicated to reversing. He then said, “The Declaration is a unique, profound, and conceptually daring document, which is worthy of great study and long discussion, worthy of being read and reread many times.” Mander said that the Declaration formally sets out to codify for the first time in any international body a set of inherent rights and concepts for the world’s 350 million indigenous peoples that are at least equal to the previous standard on these matters, the UN Declaration on Human Rights, passed back in 1948.

Mander then said, “Among twenty-four pre-ambular paragraphs and forty-six operational articles are many that directly address and try to elevate the difficult situations of Native peoples have faced during the last millennium. For example, several parts of the Declaration give official recognition for the first time to the rights of indigenous peoples who preceded nation-states and territory for centuries and who continue to occupy that place, and to determine what should happen to their own ancestral lands. That is, whether and how development should take place and for who’s benefit under who’s terms. In some places, these are called prior rights or aboriginal rights.” Mander noted that some countries, notably from the CANZUS group, that's Canada, Australia, New Zealand and the United States, fought this provision very fiercely as defying their authority and potentially undermining a nation-state’s ability to develop resources whenever and wherever it seems fit. He argued that indeed, defying the often arbitrary and legal state authority over indigenous lands might have been one of the main points to create a new tool for protection of indigenous lands.

Mander said, “In another case, in the preamble and again repeatedly in the articles, indigenous peoples are recognized as “distinct peoples” within the meaning of the charter of the United Nations and the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil Rights and Political Rights.” Mander said that now, for the first time there is recognition of the right of self-determination for indigenous peoples: “the right to freely determine their political status and freely pursue their economic, social, and cultural development and the right to freely determine their relationship with the state in the spirit of coexistence, mutual benefit and respect.” He then explained that during negotiations this right was very worrisome to some resource summary countries that were concerned that indigenous peoples could practice sovereignty, and break away. He said that many indigenous peoples do not consider themselves to be a part of any nation-state. Mander then said that the Declaration specifically mentions the right of nationhood, economy, and self-governances, to make laws and to devise institutions as they deem fit, to establish legal and judicial systems, language, schools, and media (that’s a very important one), and to protect their arts and culture from outside exploitation and the like, including military encursion. He said they also have the right to control their indigenous knowledge of plants and medicines, and to protect intellectual property, which is
constantly under assault from global agricultural and pharmaceutical corporations. The document lists many other specific rights of indigenous peoples. For example, to control the use of water, land, seeds, ice and all their other resources. It also specifically cites hazardous materials, yet another important issue for indigenous peoples, whose lands have become a dumping ground for toxics, uranium and other dangerous waste of all kinds. All these rights are among dozens of others specifically named in the document. Mander said, “Perhaps the most important right, in the present global context, is the right of free, prior, and informed consent [FPIC]. Over centuries, indigenous lands have been invaded and exploited without the slightest effort to consult or gain approval from those who have lived there for millennia.

To this day, corporations in countries use means as varied as military intervention, double-dealing, and, lately, WTO trade rules to deny indigenous peoples their control over traditional resources. Wide recognition of the right of free, prior, and informed consent makes it exceedingly difficult for corporations, nation-states, or militaries to continue to act unilaterally on indigenous land. The Declaration is surely the first major international agreement to specifically confirm indigenous collective rights—the rights of a people—in addition to indigenous individual rights. Thus validating indigenous traditional collective governance, collective ownership, and collective decision-making concepts.” Mander then pointed out that this amazing concept is indicated several times specifically in the document.

Elsewhere, it protects the religious and cultural places, artifacts, languages, and arts, and the right to worship and live in a traditional manner, including the right to choose and practice subsistence economies. Mander argued, “This latter point has not gotten enough attention. It’s also entirely unique in this document and very important for the protection of fishing and hunting practices, as well as farming, and also for the protection of the right not to develop and to leave minerals in the ground, trees on the land, and to choose not to become a part of a global economy desperate for the world’s last resources. This is all becoming exceedingly important for places in South America, in particular Ecuador, Bolivia, and others.” He then argued, “These articles and dozens of others have advanced protections for indigenous peoples beyond anything that has preceded them and also have arguably protected millions of square miles of land that might otherwise be ravaged in today’s resource-starved, corporate-driven global economy.”

Mander then talked about the Declaration vote, and how after 25 years of roadblocks, the vote for passage in the UN general assembly was 144 to 4, with 11 abstentions. The “no” votes came predominately from countries that depend on indigenous lands for resource extraction: the United States, Australia, Canada, and New Zealand; though the latter two are known for positive human rights stances. Russia, the U.K., China, Botswana, and Namibia also fought the Declaration at various stages, but relented in the final vote, despite the political pressure applied particularly to the African nations. “The situation of native peoples cannot be separated from the ecological crisis of the whole planet,” said Mander.

He then described the source of the momentum toward growth that is the foundation of the global economy, as well as the effects of continued expansion on the natural world. “Modern corporate-driven economic globalization is totally dependent on sustaining a voracious rate of economic growth. To achieve rapid growth requires every expanding use of natural resources, especially oil and gas, fresh water, forest products, fish in the seas, soil and key minerals...All were developed at a terrible rate...Much of that resource extraction was performed on indigenous lands, usually by force, fraud or coercion.” Mander concluded, “As a result of this last century of plunder, all of those resources are seriously depleted now, bringing the global crisis of resource depletion.”

The fundamental idea of designing a global economic system based on unlimited economic growth but relying on the resources of a finite planet is flawed and doomed from moment the moment of conception. Mander recounted the particular plight of indigenous people, a high percentage of whom steward the remnants of the planet’s resources (some say as much as fifty percent of the resources that are left are located on lands where native people have thrived). “Their lands are now even more the targets of global corporations,” Mander said. In addition, he noted that native people have become targets precisely because they have been successful over millennia at maintaining cultural, economic, and
spiritual practices that are not built on ideas of economic growth and short-term profit seeking, and so have ensured themselves that their homelands are areas of physical and natural abundance. Indigenous people have tended to reject Western development models and have embraced values such as reciprocity and kinship with nature, economies with limits and balance, and collective community ownership. “These values are all well-reflected in the United Nations document,” said Mander.

He also said that the UN Declaration is a crucial tool for the indigenous nations that have fought for its passage over the last twenty-five years. Indigenous people have been organizing regionally over the last fifty years to fight dams, oil developments, mining operations, and the conversion to industrial agriculture, forestry operations, and, lately, biofuels, on every continent. “They have been instrumental in an astonishing conversion of nearly a whole continent away from corporate globalization. In all these cases, they have fought for the rights of sovereignty, self-governance, and collective ownership standards…” said Mander. They worked to protect their language, culture, and religious practices, particularly against big pharmaceutical interests, and for the final right to determine when, if ever, resource removal and other intrusions are permitted on their ancestral lands, and under what terms (this is the right of free, prior, and informed consent, finally codified in the UN Declaration).

Mander does not feel that people should lament a perceived lack of enforcement mechanisms for the Declaration. “It is a statement of standards and principles, like the UN Declaration on Human Rights, and countries can’t ignore it,” said Mander. “Passage of the UN Declaration on the Rights of Indigenous Peoples creates a visible set of standards that the world community asserts must be honored.” In fact, the Declaration has already been cited in key judicial decisions.

Mander then stressed how important it was that those present support efforts to actualize the specific expressions of the Declaration within all international negotiations that are bear on indigenous communities, whether the discussion is focused on resources, trade, or climate, etc. “Ultimately, the goal is, we must have the Declaration officially recognized and internally codified by individual countries, as well as by regional and local governments,” said Mander.

Victoria Tauli-Corpuz of the Tebtebba Foundation, and currently the chairperson of the United Nations Permanent Forum on Indigenous Issues (UNPFII), then gave a short overview of the history of how the Declaration was adopted and the future role of NGOs in supporting its implementation. She explained that the seeds of the Declaration were planted in the early 1920s, when the Cayuga chief Deskaheh, from the Six Nations of the Iroquois in Canada, went to the League of Nations to complain about Canada’s violation of treaty rights for indigenous peoples. Native representatives were turned away from the League precisely because indigenous people lacked recognition as nations.

The International Labor Organization (ILO), set up in 1919, addressed the issues of slavery in mining operations among the indigenous peoples in Peru and Bolivia, and indigenous issues began receiving more international attention. Subsequent research by the ILO led to Convention 107, which focused on indigenous and tribal peoples.

Back then, the proposed solution to indigenous issues was to assimilate and integrate indigenous peoples into mainstream society, but native peoples fought against this. In 1971, the UN commissioned a special study to address the issue of discrimination against indigenous populations. To implement some recommendations released in 1981 of the Martinez-Cobo Study on the Situation of Discrimination Against Indigenous Peoples and from the NGO Conference on Indigenous Peoples of the Americas Study, the UN Commission on Human Rights established the UN Working Group on Indigenous Populations in 1982. This body mandated the five independent experts to look into the developments in indigenous peoples’ territories and to draft international standards to protect the rights of indigenous peoples. Increasingly the working group involved a number of indigenous peoples, especially when the UN set up a Voluntary Fund for Indigenous Peoples’ to support their participation in this body. In 1993, a draft of the Declaration was adopted by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. This was submitted to the Commission on Human Rights which established in 1995 the CHR Working Group
to elaborate a Draft Declaration on the Rights of Indigenous Peoples.

At the first day of the First Session of this Working Group, indigenous peoples were told that since this was an intergovernmental process and that they would not have a voice. “I was at this first meeting, and we walked out, because we found it unacceptable to just listen to their negotiating without our being able to contribute our views. We told the Chairperson, the Ambassador of Peru, that since what is being negotiated are our rights, we demand that we have an equal voice with the UN member states of the Commission on Human Rights. If this is not granted we will walk out of the whole process and the CHR will look ridiculous as they kept out the rights holders from a process which is negotiating their rights,” said Tauli-Corpuz. “The Chair called for a recess, consulted with the member states where they agreed to change the rules of participation and allow us to have an equal voice with them.” That was a major change in the UN which has been spurred by indigenous peoples’ activism.

Two sessions (2006 and 2007) led to a text which was generally agreed upon. The last session agreed that the final version will be made by the Chair considering all the proposed changes. This will then be circulated to the caucus and member states for final changes, finalized by the Chair. This was submitted to the Human Rights Council,” said Tauli-Corpuz. “In 2006, one of the first acts of the Human Rights Council was to adopt the Chairman’s Text which was subsequently transmitted to the UN General Assembly”

Then it was brought before the General Assembly where the African countries protested against stating that since they never took part in the earlier negotiations they would like more time to discuss it. The African Working Group on Indigenous Communities and Populations, a body under the African Commission on Human Rights and Peoples Rights played a crucial role in addressing the concerns of the African Group of Countries. Together with the African Indigenous Peoples’ Caucus, the Global Caucus and I, in my capacity as Chair of the Forum, met with some African negotiators and also with the co-sponsors for the adoption of the Declaration to weaken the resistance of the African

Group until we finally got them on our side,” said Tauli-Corpuz.

There were changes to the Declaration to accommodate the African concerns, as seen in the final text’s twenty-four pre-ambular paragraphs, and forty-six operational paragraphs. The last article, Article 46 was one of the compromise articles. It states that the territorial integrity of states will not be violated by the Declaration, but that states must respect International Human Rights Law.

On September 13, 2007 the United Nations Declaration of Indigenous Peoples Rights was passed by the General Assembly. Not only is the Declaration itself important, but “the process of coming up with the Declaration itself has really strengthened indigenous peoples worldwide. If it weren’t for the Declaration, we wouldn’t have had the chance to come together and unite amongst ourselves,” said Tauli-Corpuz. “No one believed this could get adopted because it is very strong, and refers to collective rights, such as the right to self-determination, collective rights to lands, territories and resources, cultural rights, among others.

The Declaration has already supported land rights claims by indigenous peoples in Belize, Bolivia, and Suriname. “Increasingly...the Declaration is becoming a part of customary law because countries are using it as part of their constitutions and judicial decisions,” Tauli-Corpuz said. “That’s how it becomes customary law internationally.”

Tauli-Corpuz also cites the UN Permanent Forum on Indigenous Issues as an achievement for indigenous peoples. The Permanent Forum is currently responsible for implementation issues related to the Declaration and will act as a treaty body. In addition, the Permanent Forum will look into the issues of indigenous peoples and climate change, their adaptation efforts, and impacts of mitigation measures, as well as a map for indigenous peoples on the UNFCCC’s road to Copenhagen and beyond. The Permanent Forum will also have an international expert workshop on extractive industries, which will be held in March of 2009. All these efforts will build toward UNDRIP’s implementation.
Discussion

Trevor Stevenson of the Amazon Alliance stated that the experience in the Amazon reinforces the lessons learned in the successful campaign for UNDRIP because “building the unity, the organization, and the effectiveness of the indigenous movement is the core of being able to move forward.” He said corporations and governments use divisive tactics to counteract the strengths that indigenous movements are building, and the Declaration could be used as a way to combat those attacks. “We’ve seen many efforts to divide the indigenous movement’s leadership, to determine who the leaders are, and what the leaders do,” said Stevenson. He warned that both friends with good intentions as well as big conservation organizations and corporations sometimes pay indigenous leaders to act as their representatives within the indigenous movement. He also encouraged organizations to reject the divisive tactics of those opposing indigenous rights by using the Declaration’s Articles 32 and 34. Article 32 declares, “States shall consult and cooperate in good faith with indigenous peoples’ concerns through their own representative institutions in order to obtain their free, prior, and informed consent.” Article 34 states that “indigenous peoples have the right to promote, develop and maintain their institutional structures.” These articles also promote capacity building within indigenous organizations.

Victoria Tauli-Corpuz responded by stating that, “the process of drafting and negotiating the Declaration led to the development of trust between the different members of the caucus. There have been conflicts and tensions but these were resolved along the way because there was a common goal which had to be achieved with the cooperation of everybody. During this whole process we were able to discern who are those who represent indigenous peoples internationally. In the Philippines, they have agreed that regardless of individual politics, the basis of their unity is the Declaration. She warned against name calling of indigenous people as puppets of organizations and interests, and identified it potentially as a divisive practice. In addition, she supported the respect of indigenous people within their many roles as representatives, but also noted “maybe what we are trying to do now is just to get better in terms of trying to reel in our own indigenous representatives.”

Marcos Orellana of the Center for International Environmental Law (CIEL) shared his observations on the “legal studies” of the Declaration. “It is often said that it is nonbinding and states are not required to comply with it. I don’t think this is particularly accurate or helpful,” said Orellana. To combat this, Orellana stated, “The Declaration can be referred to as customary as a first approach.” He found that the distinction between the old Declaration, or particular revisions of the old Declaration, was very important. “Secondly, this is not the first instrument recognized as conferring rights on the indigenous peoples’ struggles,” stated Orellana. “The recognition of those rights at other human rights conventions or in other international instruments can inform as a matter of interpretation on the Declaration on the Rights of Indigenous Peoples.” Thirdly, he referred to the principle of nonregression as an ally in implementation: “that States cannot fail to recognize and implement rights already recognized in the pretext of their other instruments that recognized them less, or in a lesser fashion.” He cited that the ILO rejected Article 169 because it violated the constitution and the principle of nonregression.

Tom Goldtooth agreed that many different articles can be captured at the national level for “strengthening those aspects of treaty rights, or our customary rights, in the United States and Canada.” He echoed Stevenson’s warning that industry may work with governments to co-opt indigenous communities, which is tied to the historical issues of colonization and internalized oppression. Goldtooth noted, “Many of us who are from the community and working to build a healthy sustainable community know it’s not easy work for leaders to balance these kind of things. It is hard work.” He encouraged open and active dialogue between indigenous communities and NGOs to avoid the political pitfalls and to create clear collaborations. “It is all about relationship,” said Goldtooth.

Victor Menotti of the IFG asked for someone in the group to elaborate on the different institutional spaces or political processes where we could utilize
to get traction to implement the Declaration. Bolivia’s adopting the Declaration as national law and a court decision in Belize that invoked UNDRIP were important developments. “But to open it up to more people and to make UNDRIP an easily accessible tool, where are those different spaces and processes where we can actually get traction from the Declaration’s different principles?” asked Menotti.

Juan Carlos Jintiach of the Amazon Alliance responded to previous comments by saying, “Sometimes, the government makes contracts with some indigenous leaders by convincing and corrupting them with their own politics. They know how to trick the people.” He hoped that NGOs would help indigenous people identify coercion and corruption within these questionable negotiations. In addition, he hoped NGOs would help indigenous groups who are fighting against mining and oil concessions, but do not have the funds or support and don’t know how to use media resources. “We must advise the legitimate alliances and organizations to work together,” said Jintiach.

Victoria Tauli-Corpuz said, “In my view, any Declaration will be a living document if there is a constituency that is pushing its implementation.” She compared UNDRIP to the UN Declaration on Human Rights in terms of its basic principles. Conventions, which are legally binding, usually follow the passage of declarations, she explained. Tauli-Corpuz called the Declaration “an international instrument that defines the minimum standards that should be observed to ensure that the rights of the indigenous peoples are being respected and protected.” She countered previous arguments by the World Bank by stating, “Now that there is a Declaration, institutions cannot excuse themselves from using it as a standard. Actually, now there is a thin dividing line between conventions and declarations, because the Universal Declaration of Human Rights has become customary law.”

Because of the common language in human rights documents, Tauli-Corpuz said that “maybe some of the Declaration is legally binding because many of this is already found in the conventions that have already been adopted.” In addition, she stated that the Declaration is now influencing all the other policies being developed by other agencies. “They have now come up with the agency called the UN Development Group, which...will be a guide at a local level to ensure that when they come up with their own country’s strategy and programs, [they] will really fall within those [Declaration] guidelines,” said Tauli-Corpuz.

She named a number of conferences that create spaces for discussion of the implementation of the Declaration, such as a November 2008 Southeast Asian Indigenous Peoples’ Conference on Reduced Emissions from Deforestation and Degradation (REDD), followed by a global conference on REDD. There will be workshops at the 2009 Permanent Forum held by facilitators from regional processes to help indigenous peoples identify their own indicators for well-being, sustainability and poverty. “We want to develop this very strongly, because these are also indicators of how the Declaration is being implemented,” said Tauli-Corpuz.

Responding to Menotti’s question about how to gain traction in the implementation of the Declaration, she explained that the UN Permanent Forum has a dynamic, representative body with ample resources to direct toward implementation issues. “In March 2008, the UN Human Rights Council mandated James Anaya, who is an indigenous person and a lawyer, as Special Rapporteur for Indigenous Human Rights. His six-year mandate is to monitor how the Declaration is being implemented,” said Tauli-Corpuz. The Human Rights Council also has an Expert Mechanism on Indigenous Peoples Rights composed of five experts who are monitoring the implementation of the Declaration. There is also crossover with several other bodies in the UN system that can support the Declaration, such as the Committee on the Elimination of Racial Discrimination and the Committee on Discrimination Against Women, can aid in the implementation of UNDRIP.

She also cited the Convention on Biological Diversity and the UNCCC as future spaces for implementation mechanisms. Tauli-Corpuz stated the need to establish mechanisms in the form of tribunals of indigenous peoples and their allies to collaborate as independent experts on issues such as the UNCCC or REDD. This way, countries such as Norway can
utilize members of the indigenous Saami Council to help monitor and implement REDD, which is costing the Norwegian government only US $600 per year. Due to the shift in power and the growing influence of indigenous peoples in national politics ...“we foresee that there is going to be more conflicts between indigenous peoples and corporations, and indigenous peoples and states,” said Tauli-Corpuz. She favors the development of these tribunals as mechanisms that can also monitor and address these potential conflicts.

Jerry Mander of the IFG anticipated that there will be increasing battles for the rights to indigenous land, for everything from dam building to oil development, mining, extractive industries, agriculture, cattle ranching, and forestry, all over the world. He said, “The failure of today’s economic system to operate is based on its continued reliance on the false premise of endless expansion. Indigenous peoples are truly on the front line of that failure, because that’s where the system has got its last gasp of air via resource retrieval and domination of raw materials that it will use for its last ten minutes of life.” People who are active in devising, conceiving, and articulating alternative movements and alternative economic concepts are essential to helping re-create a new system. “That is a direct hook-up to the desires of indigenous peoples, to make their own decisions about the resources on their land, to control development and make a connection to the various alternatives that are beginning to emerge,” said Mander. The IFG’s work will continue to focus on new mechanisms and he called attention to the Manifesto on Global Economic Transitions to address the current global economic crisis.

Victoria Tauli-Corpuz responded that the UN Permanent Forum special theme for 2008 is climate change; for2009 it is socioeconomic development; and in 2010 it will be development and cultural identity. The Permanent Forum also has an informal network of indigenous peoples called Indigenous Peoples for Self-Determined Development that critiques the dominant model and develops the practices of indigenous peoples to promote their own view and perspective of “social” development. But now that the global financial system’s “virtual wealth” bubble has burst, Tauli-Corpuz anticipates that China will return to extracting the “real wealth” that is now found in mostly indigenous territories.

Leila Salazar-Lopez of the Rainforest Action Network cited UNDRIP’s Article 26, which refers to indigenous peoples’ rights to lands and territories that they have occupied over the millennia, as a fertile place for action. “What really stands out to me from working in the Amazon for so many years...[is] how we support the right of indigenous peoples' getting their land,” said Salazar-Lopez. Land titles are the frontier for true rights of free, prior, informed consent [FPIC], and are “one of the essential things that indigenous peoples need to be able to stand up for against the government and the corporations.” When she recently addressed corporate shareholders at the Interfaith Council on Corporate Responsibility conference, people asked about FPIC and wanted information to take back to the corporations in which they owned shares. “In the meetings that I’ve had over the last year with soy giants ADM, Bunge, and Cargill, I can tell you that none of their corporate responsibility managers or vice presidents of accountability had any idea what FPIC is, so that is something we need to educate these people about, and work with shareholders as allies to bring forth resolutions specifically on FPIC,” she said. Salazar-Lopez said that “our lawyer should be looking to find different ways to file lawsuits.” Article 28, which identifies indigenous peoples’ rights to redress and restitution, could be used for reparations from corporate harms.

Daphne Wysham of the Institute for Policy Studies said REDD is “particularly contentious” among the indigenous and NGO communities. She proposed, “If we could make land title a precursor to any discussion of REDD, then we might come up with a consensus.” Wysham pointed out that land titles are part of the Declaration but not in REDD. Also, she questioned the possibility of holding the World Bank accountable to the Declaration when “we find so few opportunities to hold them accountable to even their own guidelines.” Wysham asked if any lawyers in the room knew of any case of which the World Bank questioned the possibility of holding the World Bank accountable to the Declaration when “we find so few opportunities to hold them accountable to even their own guidelines.” Wysham asked if any lawyers in the room knew of any case of which the World Bank had been successfully challenged to abide by any UN declaration or convention. She saw the forward momentum of the World Bank in many international issues, including the climate convention, as the biggest challenge, and expressed the necessity of finding a legal case that may support UNDRIP.

Chief Kokoi expressed concerns with BINGOs’ (Business and Industry NGOs) relationships with governments in relation to indigenous peoples’
rights. He felt that BINGOs were complicit with governments in violating indigenous rights and that they should be held responsible for their role. “They have a relationship with the government where they could say ‘Hey, you are violating Article 32 of the UN Declaration, so we refuse to work with you on this project unless you reverse your decision,’” said Chief Kokoi. He hoped the UN Declaration could help hold BINGOs responsible at the national level.

Roman Czebiniak of Greenpeace International commented on the issue of enforcement, saying that it is always a “tricky issue in international conversations.” He suggested that the group come up with some way to keep up to date and informed on the issue. “We can cover the Climate Convention, and the World Bank, and the key focal points where policy discussion is going to be happening, where money is going to be flowing, how investments are occurring in developing countries,” said Czebiniak. He urged others to identify the crucial elements of UNDRIP that must be integrated into our work, stressing that there must be strength in some key provisions or soft language within climate negotiations or government bills that says something to the effect of needing to enforce UNDRIP. He urged the group to identify language that would be important to include in legislation and bank funding.

REPORTS FROM THE FIELD: LOCAL, GLOBAL AND REGIONAL PERSPECTIVES

Joseph Ole Simel (Maasai) of the Mainyoito Pastoralist Integrated Development Organization in Kenya said that it is up to indigenous peoples themselves to understand the Declaration if it is to make progress, and that the challenge of informing people about the Declaration needs to be addressed through education. Ole Simel sees “the implementation at a local level where people demand the government to respect their rights, and at a national level where the Kenyan government is now working on the constitution. Indigenous peoples are working together to see how that constitution can cull certain principles from the Declaration.” Another question Ole Simel raised was, “How is the UN Human Rights Council going to ask the government to implement the Declaration?” He explained the need for mobilizing resources so activists can plan at local, national and international levels.

Atossa Soltani of Amazon Watch said that indigenous peoples’ territories contain between seventy to eighty percent of all of the biodiversity of the planet, and nearly a fifth of global greenhouse gas emissions come from tropical deforestation. Soltani explained how forests regulate climate stability by acting as heat pumps and water pumps for the planet. UNDRIP could be used to fight for land and resource rights, she argued. But Soltani said that first there is a need for more popular educational tools, and workshops. “They need case studies, more video and radio programs as educational models—because that really is the fundamental step to movement forward,” she argued. Still, she said, forward progress was visible in Ecuador’s new constitution, which enshrined the rights of nature, indigenous rights to territories, and the rights of indigenous peoples to have their own administrative institutions. Soltani said, “The campaign in Peru is a little more challenging since the Peruvian government “has been on a rampage, giving out over seventy percent of the Peruvian Amazon to extractive industries just in the last three years.” Important cases to watch are those involving territory with uncontacted peoples. Despite legal claims brought to the Inter-American Commission on Human Rights of the Organization of American States, she said more legal strategies are needed at both the national and the international level.

Tom Goldtooth of the Indigenous Environmental Network spoke of the hesitation that American Indian and Alaskan native tribes have when taking UNDRIP into Congress or into the courts. “There is an urgency to develop proper educational materials, not only to inform our tribal leadership but our grassroots. It has been our tribal grassroots that have elevated the issues of environmental justice,” he said. Goldtooth said there seems to be interest among groups in the United States to use UNDRIP. An example is the Healing River Tribe in Arizona, which has adopted the Declaration, and the tribal government is beginning to implement it. He said, “People do not need approval from the powers of the US government.” Goldtooth said that Roberta Blackgoat of the Navajo went to Geneva to argue that
their rights had been violated when uranium mining took place on Navajo land, since they never gave their approval, making it a violation of the Declaration’s principle of free, prior, and informed consent. Goldtooth said that First Nations of Canada have filed a lawsuit against the national and provincial governments, saying they were not properly consulted in the development of the tar sands within their territories of northern Alberta, Canada.

Victoria Tauli-Corpuz explained how in Asia alone there are around 200 million people, of which around more than 50 million are in India, who are considered indigenous peoples. Although the region holds the majority of the world’s indigenous peoples, many Asian countries do not even recognize them as indigenous peoples. India, for instance, claims that that all the people in India are indigenous. In August of 2008 Tebtebba co-organized with the Asia Indigenous Peoples’ Pact, an Asia consultation on the effective implementation of the Declaration. Indigenous peoples from fourteen countries attended. They developed a common program of action to implement the Declaration in the areas of education, socio-economic development, land rights, culture, human rights, and health. It is available on their website (www.tebtebba.org). A month before this, an Asian indigenous peoples regional fair was held to celebrate the adoption of the Declaration and to share efforts done by indigenous peoples to implement the Declaration. Indigenous peoples came to exhibit the work they are doing to implement the Declaration, whether this is in the area of education and training, publications, socio-economic development, health, etc.

As far as the Permanent Forum on Indigenous Peoples is concerned, Tauli-Corpuz shared steps taken by the Forum towards the implementation of the Declaration. All of the translations of the Declaration into national and local languages can be found in the Forum’s website (www.un.org/esa/socdev/unpfii), while soon be available in several languages. In the Philippines Tebtebba facilitated the translation of the Declaration into the three major languages. It has been translated into Nepali, Thai, Khmer and Bahasa Indonesia. “These are active ways of trying to disseminate the Declaration more widely,” she explained. An Asia-wide consultation on violence against indigenous women was recently held in India. Indigenous women consider all the articles in the Declaration as relevant to them even if the term indigenous women was only mentioned in Articles 21 and 22. “It is crucial that more in-depth discussions on indigenous women’s rights are held to elaborate further the links between collective and individual rights and women’s rights,” she explained. She also described how Tebtebba is actively participating in the revision of the Asian Development Bank policy on indigenous peoples. She was invited earlier by the ADB, in her capacity Chair of the Permanent Forum, to talk before the ADB senior management people on free, prior and informed consent. Why the ADB Policy on Indigenous Peoples should move beyond free, prior and informed consultation, which is what the World Bank’s policy contains. She shared that there will be an Asian Indigenous Peoples Summit on Climate Change, to be held in the last week of February 2009 in Bali, Indonesia. Indigenous researchers will document local adaptation and mitigation measures in their communities and will share these in the Summit. In closing, Tauli-Corpuz said that a guide on climate change and indigenous peoples is available on Tebtebba’s website (www.tebtebba.org).

Tom Kruse of the Rockefeller Brothers Fund spoke about the US government’s escalating hostilities toward the Bolivian government of President Evo Morales, the nation’s first indigenous president. The previous week, a new constitution passed, incorporating UNDRIP. He explained how the Bush administration viewed the situation in Latin America today, where President Lula de Silva of Brazil represents a “good leftist” government, while the governments of Bolivia and Venezuela represent “bad leftists.” Ecuador’s President Correa has come to represent a “bad leftist” government. “The principal difference between good and bad is the degree to which a government does what its people have demanded with macroeconomic policies and the relationships with multilateral agencies and natural resource policy,” Kruse said. He said that Bolivia would no longer enjoy duty-free access to US markets because the Bush administration said they are “not doing enough in the US war on drugs.” But if there was one glaring example in South America today of violating indigenous peoples’ cultural rights, it is US penalties for the use of coca leaf. “That is the basis of that policy, and that is what triggered Bolivia’s being cut off from US markets,” said Kruse. He explained how the draft constitution recognizes
Spanish as the official language of the state, along with thirty-two other official languages. The entire fourth chapter contains a number of articles that speak to indigenous peoples’ rights and identify different indigenous conceptions of ethics and relationships with the land, and reflect notions of native sovereignty. The constitution currently says that Bolivia renounces the use of war, subscribes itself to the principles of peace, will only use organized violence in its own defense, and will never allow foreign military bases in Bolivia.

**Ruben Gonzalez** of the Alliance for Conservation and Development I Panama explained how he helped submit a petition to the Inter-American Commission on Human Rights (IACHR) about the violation of human rights in Panamanian communities. He said the commission requested a special topic hearing on the situation of indigenous people in Panama. “The government has opened indigenous peoples’ lands to private companies from Canada, the United States, and Europe, to do mining, hydroelectric dams, and forestry projects,” Gonzalez said. He added that there are very few mechanisms that can allow indigenous peoples or NGOs to bring private companies to court. That is precisely why one of the main arguments in the Alliance’s case against the Panamanian government is the denial of justice and human rights, he said. Gonzalez added that the violations of human rights committed include persecution by the police, arrest of the main leaders without any charge, and the imprisonment of women and children. Gonzalez hoped that by using the rules of the Intercontinental Bank and the World Bank against them, their own initiatives could be stopped.

**Anke Stock** of Women in Europe for a Common Future (WECF) described a new model for decision-making, setting new standards for access to information and public participation that may be a useful example for indigenous peoples. The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters was adopted in June 1998. Stock explained that it is the first legally binding instrument guaranteeing access to information, public participation and decision-making and justice; forty-three member states attended the Convention. She described how it includes a rights-based approach with three pillars. “The first is the information pillar, which guarantees access to information on environmental projects and activities. The second is the public participation pillar, which guarantees public participation. And the third is the access to justice pillar, where individuals who have been denied their rights to information or public participation can review the procedures before court. Stock said that international forums are now trying to implement the Aarhus Convention, a new mechanism that has brought democratic principles to the pan-European region.

**Discussion**

**Janet Redman** of the Sustainable Energy & Economy Network project at the Institute for Policy Studies said that “when thinking about regional ways of looking at the UNDRIP, carbon markets come to mind because all regional banks (Asian Development Bank, Inter-American Development Bank, African Development Bank, etc.) have such schemes in their plans for addressing climate change.” She said that carbon markets are especially restrictive for local communities’ participation because decisions are made through UN mechanisms with very small possibilities for participation, or else with companies or national governments where representation is not clear and/or a priority.

**Marcos Orellana** of the Center for International Environmental Law (CIEL) asked the group, “We’ve heard about corporations, extractive industries, and conservation organizations posing threats to noncontacted peoples, but does anyone have information about missionaries or churches, or the Smithsonian’s guidelines or scientific principles that were used?”

**Daphne Wysham** of the Sustainable Energy & Economy Network project at the Institute for Policy Studies explained that there is abuse of the CDM (Clean Development Mechanism) all over the world, and argued that the NGOs that commit this human rights abuse need to be cited. Wysham expressed that a lot of Export Credit Agencies provide no information on their investments. “Are there any challenges to any of these credit agencies around
their climate change impact, and are there any efforts to hold them accountable for that?” she asked.

Trevor Stevenson of the Amazon Alliance spoke of a case that occurred before the Brazilian Supreme Court where the industrial agriculture groups claimed title to some land essentially based on their use of it. He said that the Supreme Court recently postponed making a decision on this case, so James Anaya, the new United Nations Special Rapporteur on Indigenous Human Rights, went to Brazil to meet with the Supreme Court judges, citing the UN Declaration extensively. “This was really effective since it made it difficult for the Brazilian Supreme Court to revoke indigenous lands, because they had had a special visit from the UN Rapporteur saying that if you do this, you will violate the UN Declaration you just signed,” Stevenson said.

Chad Dobson of the Bank Information Center asked, “How do we move the progressive discussions of the United Nations to places like the banks that have control of the money?” He then said, “In my meetings at the World Bank’s Climate Investment Funds, the most important player in the room was Norway, closely followed by the UK. These are the governments to target.”

John Fitzgerald of the Society of Conservation Biology noted the US Lacey Act, a 100-year prohibition against the importation of illegally harvested wildlife, had provided a great opportunity for the movement. He explained that the US Agriculture Department is now beginning the process of defining what it means to trade illegally harvested timber, soybeans, and other items that are often harvested or grown on lands claimed by indigenous peoples.

Victoria Tauli-Corpuz spoke about how the United Nations Permanent Forum on Indigenous Issues holds meetings with the International Financial Institutions, especially those which are implementing the Equator Principles. These are a common and coherent set of environmental and social policies and guidelines that could be applied globally and across all industry sectors. The Banks who signed on to this are called the Equator Banks. In the meetings held with these banks, the Forum members stressed that the banks should adhere to the rights contained in the Declaration. When they lend money to governments or the private sector for projects impacting indigenous territories, they should obtain the free, prior and informed consent from such communities. She mentioned the existence of a Special Representative of the Secretary General on Business and Human Rights. This rapporteur is John Ruggie, who is now serving his second term. Ruggie was supposed to produce a report on indigenous peoples’ rights and corporations but he never delivered. Tauli-Corpuz said that it is important to know what are the existing safeguard mechanisms of the multilateral banks and how these can be used. Multilateral banks also have inspection panels which can be invited to investigate projects which are subjects of complaints. For example, the indigenous peoples of the Democratic Republic of Congo, the Pygmies, filed a letter to the World Bank complaining about the deforestation done by the logging companies funded by the World Bank. The World Bank was forced to form an inspection panel which visited the DRC and recommended that a moratorium on logging be imposed until the right policies regulating such activity are put into place. She said, “This recommendation led to the establishment of a national law on forests which recognize the need to consult forest dwellers, such as the Pygmies, before any activity is done in the forests.”
How can we better apply UNDRIP to policy making, both in IFIs such as the World Bank and the IMF and in national government agencies such as US-AID and the US Treasury Department? What lessons have been learned from efforts to establish indigenous peoples’ (IP) policies at these institutions? The Forest Carbon Partnership Facility is currently the focus of much attention, but what are the big opportunities before us?

Janet Redman, Sustainable Energy and Economy Network (SEEN)/IPS

Dr. Robert Goodland, Former World Bank IP Policy Advocate

John Fitzgerald, Society of Conservation Biology, Formerly with USAID

Chad Dobson, Bank Information Center

Dr. Robert Goodland, an ecologist and a former environmental advisor to the World Bank, said he drafted the World Bank’s Indigenous People’s Policy in 1981 spurred by one particular program: In late 1979, the World Bank had been planning to build a geometrically straight road through the Amazon jungle. It was the main objective of a larger project called the Polonoroeste Program in Brazil.

Goodland argued that the Polonoroeste Program demonstrated the Bank had no respect for the indigenous people, the land, or the rivers. He said the Bank did not adopt the policy until the road project was financed. By the time Polonoroeste was finished, the Bank was financing sixty percent of all indigenous reserves in Brazil.

Goodland suggested there was an opportunity to use UNDRIP if the Bank’s policy is revised in 2009. He believes that the revision is good and the policy is not bad, but that its implementation is totally lacking. Goodland said that indigenous peoples were often excluded from decision making when the World Bank executed projects. “The Maroons had been excluded from policy [when the World Bank had a project in Jamaica], and the Quilombolas were removed from policy [when the World Bank had a project] in Brazil,” he explained.

In addition, Goodland said that the Bank degraded the principle of getting indigenous peoples’ free prior informed consent by seeking only prior informed consultation, and before beginning any projects, it has tried to degrade the principle even further by seeking only broad community support (BCS). Goodland said that seeking BCS meant that the project officer and his/her assistant went and spoke to one or two indigenous chiefs and asked if they’ve heard of the project. They said it could be good or bad. The project officer then reported back, saying they had support. Goodland claimed that “broad community support” is so vague and ill-defined that the World Bank loves it, and is using that instead of seeking clear informed consent.

Another thing Goodland mentioned is that the World Bank is resisting UNDRIP because it is not mandatory. “How to shift the ethics focus of all economic development?” he wondered. “If you don’t have consent, you are using force, and there are 30 million people who have been forced out of their own small farms over the last couple of decades from hydro projects alone. That is the systematic use of force to promote economic development. Part of the debate should be, yes, let’s apply UNDRIP for indigenous peoples first, but let’s not leave out poor people in general,” Goodland said.

Janet Redman of the Sustainable Energy and Economy Network project of the Institute for Policy Studies spoke about specific spaces within the World Bank’s new climate change program where “consent versus consultation” has come up. She said that climate change is a good place to enter the discussion about the World Bank and IFIs because not only does climate change affect indigenous peoples around the world, particularly those dependent on the forest, but also many proposed solutions can threaten indigenous people as well.

Redman called attention to the Forest Carbon Partnership Facility (FCPF), the World Bank’s new proposal for reducing emissions from deforestation and degradation (REDD) and suggested how UNDRIP could apply to this proposal. Redman said that the FCPF is funded by eleven developed countries and The Nature Conservancy (TNC) pledged $5 million during the 2007 UN climate
change conference in Bali, Indonesia). Those donors, as well as the governments of ten developing countries constitute the FCPF’s governing board. Redman said that the launch of the program at the 2007 UN climate change conference in Bali was met with a lot of resistance by the indigenous peoples of Indonesia, who said there hadn’t been proper consultation at that point. The FCPF recently approved a capacity-building program for forest-dependent indigenous peoples. The program earmarked $1 million in small grants to be used for educating indigenous peoples about emissions. The Bank has responded by holding three regional consultations.

In September 2008, the Bank launched its Climate Investment Funds, including the Clean Technology Fund and another “strategic fund” for green energy access. The Clean Technology Fund has already established governing body structures whereby indigenous peoples have observer status, but no status in deciding votes. While the World Bank has successfully established these funds on paper, US funds were blocked from being disbursed to the Bank in late 2008 due to concerns in Congress about social and environmental impacts.

Redman said it is a perfect time to link UNDRIP and IFIs through a climate lens. One opportunity is with the FCPF, since key provisions in UNDRIP specify the right to free prior informed consent (FPIC), but that such procedures must be part of the planning process of the Forest Partnership Facility, as well as its implementation. Opportunities for securing land tenure are also possible due to the importance of first clarifying land tenure at the national level before establishing carbon rights. UNDRIP Articles 20 and 23, which establish the right to self-determined resource use, economic activity, development, and subsistence existence, could also be applied to carbon forest proposals in FCPF. FPIC must also be demanded, since the Bank’s designers of the Climate Investment Funds said there wasn’t time for proper consultations. UNDRIP’s Article 10 about forced relocation and compensation could be an important point for indigenous peoples’ organizations and NGOs to enter the conversation about large hydro and mining, since the Bank has already committed to scaling up investments in large hydropower dams from 800 million megawatts in 2007 to 1.3 billion by 2011.

“The fight with REDD and the Climate Investment Funds is to make sure the UN climate change convention is where financing flows to, not the World Bank. We can influence what is happening at the Bank by hitting the donor countries hard for money they are considering giving to questionable programs,” she said.

John Fitzgerald of the Society for Conservation Biology explained the importance of using the system of existing laws, especially if they are based on multilateral development goals or UN treaties. He said that the internal laws of an international financial institution like the World Bank have not been obeyed. “One of the goals that should guide the next administration in its selection of executive directors in the World Bank is the goal that every project requesting funding by the Bank should have within it the conditions and the resources to assure that the applicable laws are obeyed,” he explained. Fitzgerald said these include international laws and domestic laws, and, by definition, those include the soft law of UNDRIP and the hard law of the Convention on Biological Diversity.

Fitzgerald said that, therefore, to apply UNDRIP to World Bank lending, there should be a specific recognition of each of the laws, including UNDRIP, that each law should be obeyed and carried out into this proposed project, and that an explanation as to how they will do it should be included in the environmental assessments that go before the Bank members before they vote. He suggested that the environmental assessment and all the observations of USAID, EPA, Treasury Department, NGOs, and indigenous groups should be presented to each of the members and made available to all environment, industry, and development groups in each country well before it comes to the board of the Bank. He also suggested that there should be a discussion on all the weaknesses and strengths of the project, the net impact on climate change, the carbon debit, and whether this proposal is going to increase green house gas emissions and decrease forest carbon. “In doing that, we will finally have a critical mass of directors at banks voting for them or against them in a way that they can honor the principles of FPIC,” Fitzgerald argued.

Chad Dobson of the Bank Information Center (BIC) focused his presentation on the financial crisis and how it affects the monitoring and implementation of
UNDRIP. Dobson began by highlighting the fact that it is important to remember what banks actually do. The World Bank, for example, lends about $23 million a year, which is about a third of its total project costs. “The Bank puts money out, and it puts money out increasingly in program grants, as opposed to project grants...What you’re increasingly seeing is an institution that is putting money into national budget[s],” he pointed out. Dobson explained that to be effective interaction is going to have to take place at the national level. “Quite often,” he said, “what we have done in the past is use the UN or the multilateral banks as a way to actually have discourse with our own governments. I think that as we move forward, we need to think about how to take back the discussion and have it at the national level on budget questions for the country, because that is where the bank is putting the money.”

Dobson also pointed out that the banks have clearly said that UN Declarations do not govern bank activity. “I also think that what Vicky [Tauli-Corpuz] said about different parts being contained in the legislation is also true, but I think that they have been very consistent about it, and I think it is a fight not worth having,” he added. He explained that the bank policies and directives on indigenous peoples, at least at the World Bank, give us so much material to work with, that having another fight on changing the policy, as opposed to implementation, is a mistake. “I think what we can end up with is perfect policies that are not implemented. What we don’t have and we need to build is the capacity of doing implementation both at the global level and at the country project level, and that’s not what we have now,” Dobson said.

He argued that although he does believe in climate investment funds because of the participations of the Norwegians and Brits, everybody mainly just pays lip service to the importance of having specific input from indigenous peoples. “[If] there would be a possibility of getting these countries to earmark part of their funds for institutions, and building the capacity for indigenous organizations to have real dialogue and be able to really take part in the discussion...but right now we don’t have that capacity, there isn’t really anyone in Washington who can follow the climate investment funds, and specific policies coming from an indigenous point of view. I think the challenge is to use this discussion around climate to get funding around those kinds of things, and I think we could do that,” he said.

Dobson added that one thing to take advantage of would be to use the inspection panels at the institutions to look at projects. “Having serious discussions around failures on bank policy, on projects, and bringing it to the panel is always useful,” he added. Dobson also noted that one other thing that NGOs haven’t really utilized is putting the Bank’s own independent evaluation department more into the media. “We have not taken the material that is out, there generated by the Bank itself, and turn it into political action,” he said.

In the conclusion of his presentation, Dobson listed a few things that he thinks the group should not do. “I don’t think we should focus on the Climate Investment Funds (CIF),” he said. He instead urged the group to focus at “where the money is,” and look at policies coming up. For example, the World Bank is getting ready to review its energy policy. “There is going to be a lot more money going into the regular portfolio, whether or not it is dams, coal, infrastructure, than what we are going to see going into the CIF. The CIF is going to set the rules on the financial architecture for how large amounts of money will be used in the future,” he added. Dobson predicted that this is a trial run, a chance for the Bank to figure out how to organize the fund in a way that can move forward. “What is the democratic approach to moving large amounts of money to this system?” Dobson wondered.

Discussion

Trevor Stevenson of the Amazon Alliance explained that after concerns about the Forest Carbon Partnership Facility had been expressed at the 2008 UN Permanent Forum on Indigenous Issues, the Amazon Alliance held a meeting in D.C. to talk with World Bank officials about what they had in mind regarding climate change programs. Leaders of the indigenous organizations that constitute the Amazon Alliance responded to the officials, sharing their
concerns and explaining why they were convinced that the World Bank’s plan was not a good idea. “The Bank told them that they would respond in writing about what they would do about these concerns, but, a month and a half later, we got a letter saying that these concerns weren’t valid and the Bank wasn’t going to do anything different, in essence,” Stevenson said.

Afterward, Stevenson went to confront the World Bank and told them that although they said they had done consultations, analysis of their actions proves that they were not actually true consultations. Stevenson demanded that the World Bank explain what they would do about it, but their answer was simply that they recognize that they are not complying with international law about consultations, but what they will do is report to their board at the G8 that indigenous peoples have not been fully consulted. However, Stevenson said that when the Amazon Alliance tracked what they actually said when they met with their board, it was that “indigenous peoples have been fully consulted.”

At that point, Amazon Alliance contacted their Steering Council to let them know what was going on, and with some help from the Moore Foundation, held a meeting with the Bank and several of the indigenous organizations from the Amazon to discuss climate change. Right after that, the World Bank approved Guyana and Bolivia within the Forest Carbon Partnership Facility. The proposal to the World Bank from Guyana proposes eliminating slash-and-burn agricultural systems, for which the government of Guyana will get money that will then be used to develop indigenous communities in those areas, and integrate them into a market economy.

Stevenson asked for recommendations as to what the Amazon Alliance should recommend to its members, and what indigenous organizations should do in general about the Forest Carbon Partnership Facility of the World Bank.

Victoria Tauli-Corpuz of the Tebtebba Foundation explained that the World Bank’s money for these projects comes from the governments, such as Norway and the UK. “We should go directly to the people who are giving the money,” she urged. Tauli-Corpuz described how she had had a discussion in Norway with the Minister of Environmental Development, who is in charge of the Norwegian REDD fund. “They are giving to the forest investment program, they are giving to the forest carbon partnership program. We asked point blank if they would put in [the rights and principles of] UNDRIP as correct preconditions, and they said they don’t put conditions in their bilateral aid,” she said. Tauli-Corpuz said she wondered, if you have environmental standards, she wonders what difference it would make to include the standards of indigenous peoples. “If you have supported the adoption of UNDRIP, you should at least be able to play that role. If you don’t want to do that, you should at least support indigenous peoples’ capacity to assert their rights on the ground,” she said.

In a response to a comment made by Trevor Stevenson, Chad Dobson of the Bank Information Center pointed out that there are only twenty of them at the Bank Information Center, while there are more than 5,000 people at the World Bank. He argued that the World Bank does not know how to deal with environmental and social issues, and that we need to tell them what they ought to do, and then convince them. “We need to develop a plan and ask the Norwegians to sell it and to support it. But if there is something coming out of the Permanent Forum saying this is what we need to have in order to be confident in UNDRIP, we need to do the design,” he said.

Dr. Robert Goodland, an ecologist and a former environmental advisor to the World Bank, reflected on when he had been invited to help design the Banco del Sur’s environmental and social operational procedures. He had heard that the Banco del Sur was unhappy with the IMF and the World Bank, and they were going to design something entirely the opposite. “But when I got there, I realized that in that meeting many did not know much about indigenous peoples,” he said.

“There is a big opportunity for the World Bank. It used to be bigger when Peter Woicke was the head of the IFC (International Finance Corporation). He had adopted most of the labor standards of the ILO. We used that to say that if the IFC can do it, then we can do it. Now, the bank is embarrassed for adopting those standards.” Goodland also said that there is a book by Mac Darrow, Between Light and Shadow, which is the best account of the internal progress on human rights inside the World Bank. There is room
for progress on human rights, if you really have a focused campaign,” he said.

**Daphne Wysham** of the Institute for Policy Studies’ Sustainable Energy and Economy Network commented on Chad Dobson’s point that the carbon investment funds are minor compared to the energy allocation in terms of the World Bank’s budget. “If the World Bank gets its way, and gets ahold of the climate investment funds and adaptation funds, potentially, hundreds of billions of dollars will be going toward the World Bank and its offshoots,” she said. Wysham suggested keeping a careful eye on what the World Bank is doing with carbon investment funds.

Wysham said, “In regard to REDD and CDM, there are divisions within the environmental and indigenous communities—some people think this is the right thing to do and some people don’t. I think what we haven’t done well is educate our own friends and allies in the environmental and indigenous communities on all of the problems associated with these projects.” Wysham urged that this happen quickly, because a lot of the projects are moving forward very fast. She added that currently there is a campaign on whistle blower rights within the IFIs, and suggested that we should support it so we can get more people to speak out on all the problematic projects in the World Bank.

**Victor Menotti** of the IFG pointed to private capital as the major force that needs to be held accountable to UNDRIP, yet there is no clear policy arena for governing global finance where UNDRIP might be introduced. He noted that the three goals of the November 2008 G-20 meeting in Washington would be to: 1) get consensus on the causes of the current crisis; 2) assess the effectiveness of various bailout packages; and 3) agree on principles for reforming the financial system. He suggested the Bank for International Settlements (BIS) and the Financial Stability Forum — global bodies that coordinate national regulation of finance—as the two main venues to target. One entry point for UNDRIP could be to explore how these bodies are rethinking the many considerations that must be calculated when investors are assessing risk, so that they recognize land rights, prior informed consent, and other UNDRIP principles. Ignoring indigenous rights is becoming an increasingly significant risk for investors, so that may be a way to codify these considerations.

**Athena Ballesteros** of the World Resources Institute agreed that the climate investment funds are currently “just a drop in the bucket” in terms of the overall investments of the World Bank and its pledge of $6.1 billion. “This gives us a space to expose the hypocrisy of the World Bank, in terms of it positioning itself as a climate bank,” she pointed out.

Ballesteros suggested working with the World Wildlife Fund in Beijing, as well as the Chinese Academy for Environmental Planners, to engage civil society and to craft or review the safeguard policies of Chinese overseas investments. “It’s a very sensitive partnership, but I think it is worth trying, and I think mentioning FPIC and UNDRIP would be worth it,” she said. She also added that this might be useful as a way to influence the Japan Bank for International Cooperation (formerly The Export-Import Bank of Japan). “The Japanese portfolio is scary, combined with the World Bank and the Asian Development Bank portfolio. They spend so much on nuclear, fossil fuels, hydro, logging, mining and anything and everything that was referred to at the beginning. Japanese NGOs can exert very little influence on these institutions,” Ballesteros argued.

Ballesteros highlighted two upcoming opportunities. The first is that the International Finance Corporation’s Performance Standards is up for review in 2009, and the second is that the Asian Development Bank’s safeguard policy particularly because its indigenous peoples’ policy and its involuntary recipient policy are up for review.

**Victoria Tauli-Corpuz** reflected on the fact that the many people she has talked to about REDD are unsure about how to go about it. “We should come up with a design that will feed the needs and rights of indigenous peoples, and that is precisely why we are holding these global and Far East meetings where we are bringing the UN REDD people, the Secretariat of the Convention on Biodiversity, and indigenous peoples from all the affected countries that are considered REDD countries. We are trying to come up with the elements that we think should be the guideposts for the REDD strategy,” she said. She raised the question of how to go about shaping REDD so that it is meaningful for indigenous peoples. “If it is not meaningful, what kind of campaigns can we mount to reject the idea?” she
wondered. She also pointed out that the World Bank is no longer the key player. According to Tauli-Corpuz, the European investment banks and the larger private banks are now the key players, and our efforts must be directed toward them as well.

**Tom Goldtooth** wrapped up the discussion session, saying that while a position is being formulated on the stance of REDD, in the meantime, communities are being impacted and these are the communities that we are trying to convince that REDD is the solution for them. “As indigenous peoples, we are constantly reminded, from the past couple of decades, to rely on an economic paradigm, and even some of our indigenous people have invested in becoming REDD capitalists. In many cases, we must compromise our cosmo-visions, our spiritual values. That is something we have to reconcile,” he said.

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**UNDRIP AND FREE TRADE: THE WORLD TRADE ORGANIZATION, BILATERAL DEALS, AND THE GLOBAL BIOFUELS TRADE**

Indigenous peoples have been part of the worldwide movement to challenge trade liberalization and change trade rules, from Seattle to Cancun to Hong Kong. Now that the WTO’s Doha Round is in paralysis, we still face US bilateral agreements with Peru and Colombia, and a drive to expand the global biofuels trade. In light of the possible renegotiation of NAFTA and the WTO, and rethinking trade policy in general, how can we better elevate indigenous voices by using UNDRIP to transform trade policies?

Victor Menotti, International Forum on Globalization
Leila Salazar-Lopez – Rainforest Action Network
Trevor Stevenson, Amazon Alliance
Kate Horner, Friends of the Earth-US

**Victor Menotti** of the International Forum on Globalization (IFG) invited people to look at where trade and investment liberalization is happening today. The World Trade Organization (WTO) is the global economy’s “invisible government” and it must eventually be replaced, so he urged people to see the chapter in *Paradigm Wars* for more insights on the WTO’s impacts on native sovereignty. However, the WTO is currently in “paralysis,” so he said we must switch our focus to the ongoing bilateral deals and the expanding global biofuels trade.

It is no coincidence that one of the main disagreements preventing a conclusion of the WTO’s Doha Round of negotiations was Brazil’s demand that its agriculture exports gain more access to the United States (US) and the Europe Union (EU). The US and EU refused unless, in exchange, Brazil, China, India, and other developing countries first open their markets to more imports of industrial goods and services. But attempts to agree on any decision have ignored the impact that Brazil’s expanding exports — soy, sugar, citrus, cotton, beef, timber, minerals, and other resources—will have on indigenous peoples, Menotti said.

Brazil will continue trying to dismantle the U.S. system of quotas, tariffs and subsidies that make corn ethanol production economically viable in the U.S. The difference is that now Brazil will try to litigate what they could not previously negotiate. Already, Brazil has won legal challenges in the WTO against US and EU illegal subsidies for cotton and sugar. The problem is that, while the US and the EU certainly “discriminate” against Brazilian exports, the current WTO rules also discriminate against indigenous peoples and small farmers— and favor big corporations and exporters like Cargill. Indigenous peoples’ rights need to be considered before any exports from these unsustainable industries, especially cane ethanol (biofuels), can be expanded.

Defending corn ethanol production in the US is difficult since so many of its costs outweigh its benefits. However, Menotti said, “North Americans also want to stop invading other countries for their limited resources. Almost every domestic energy system requires some state support, especially if we are trying to transition to a new energy system. Menotti believes that there needs to be a WTO ruling stating that nations do have the right to subsidize their own autonomous energy systems, if they are sustainable. Brazilian civil society does not want to see an expansion of its unsustainable cane ethanol system but if its government wins the case, it would
open up and expand exports to serve the U.S. market, Menotti stated.

Another consideration is that indigenous peoples’ stolen lands supply much of the soy, timber and gold that are being harvested and exported. Like slavery, stolen property should be considered an illegal subsidy under trade rules. All products must be verified as originating from legal sources, Menotti asserted, which is one reason for expanding enforcement of the US Lacey Act. In Canada, First Nations examined the timber industry to document its production of goods from stolen land. Such subsidies enable Canada to export timber at one-third the price of U.S. timber. Menotti explained that these First Nations groups submitted an Amicus [Curiae] brief to the WTO and to the USTR arguing for prior rights to the land and resources, and demanding to be compensated for them. They may demand the same for Canada’s energy exports to the US. Sharing such strategic arguments as “stolen lands are subsidies” could strengthen groups protesting soy and ethanol expansion in Brazil.

He concluded that this is why there is a need for increased communication between the biofuels communities and the trade communities and also between U.S., Brazilian and European activists. Menotti believes that while there is a lot of good work happening to fight the expansion of biofuels, we are not ready for Brazil’s push to increase exports to European and American markets by suing for it under the WTO. UNDRIP could be a useful instrument to apply to the global biofuels trade.

Leila Salazar-Lopez of the Rainforest Action Network (RAN) told the group that one of the biggest threats to the tropical rainforests and indigenous peoples throughout the world is the expansion of the global biofuels trade. From the heart of the Amazon to the heart of Borneo, biofuels trade is expanding and indigenous peoples are being displaced as a result. Their land is being cleared and burned to make way for soy, sugar, and palm plantations, she explained. Salazar-Lopez explained that, “Palm oil can be up to ten times worse than fossil fuels when you take into account the whole energy lifecycle: clearing and burning rainforests, draining peat lands, using petroleum-based fertilizers, transporting it halfway around the world, and processing it. It is not a positive solution for climate change.”

RAN prefers to use the term “agrofuels” because the “bio” in “biofuels” means “life” and there is nothing life sustaining about “crops that are displacing people, that are wrecking the environment, and polluting indigenous peoples’ lands with Monsanto’s pesticides,” Salazar-Lopez said. Large landowners and corporations are buying land and dividing communities. Governments are dividing communities as well. Indigenous peoples are losing their food sovereignty as they lose their rights to hunt and fish and to practice their traditional way of life because of agrofuel expansion, Salazar-Lopez explained.

It is ironic that agrofuels are promoted as alternatives to fossil fuels, as a way to reduce our global greenhouse emissions and so that we can have energy independence. That might be true for some agrofuels at the end of our tailpipes, but that is not true for the environment overall, or for our energy independence, Salazar-Lopez believes. “Agrofuels are a false solution to reducing emissions and to gaining energy independence,” said Salazar-Lopez.

The burning and clearing of rainforests and peat lands in Indonesia and Brazil is the reason why these countries are the third and fourth global greenhouse emitters, right behind the U.S. and China,” Salazar-Lopez declared.

Palm oil expansion in Southeast Asia and the Pacific, along with soy expansion, are two areas that RAN focuses on most. Palm oil is used for cooking oil, detergent, cosmetics, and snack foods, but the expansion of palm oil is for agrofuels, she explained. That is because there is an increased demand in Europe and the U.S. for agrofuels, due to mandated increases in consumption for renewable fuels. Salazar-Lopez said that ninety-nine percent of the palm oil that comes to the United States is from Malaysia and Indonesia, of which eighty-seven percent comes from Malaysia and thirteen percent comes from Indonesia. The expansion however, is really happening in Indonesia, she added.

In Indonesia, 20 million hectares have already been cleared for palm oil plantations, she told the group. However, the Environmental Investigation Agency (EIA) found that only 6 million hectares have actually been planted. This is because the timber industry and the palm oil industry are working hand in hand, she explained. The Indonesian government is on a “fast track” to give out leases and concessions to palm oil
plantsations, due to the increase in the global demand, even though 14 thousand hectares of land already cleared for palm oil plantations have not yet been planted. Salazar-Lopez suggested that a moratorium should be placed on agrofuel expansion because it is a false solution to climate change.

The Palm Oil mega-project could displace up to 1.4 million people in Malaysia and up to 5 million people in Indonesia, according to Sawit Watch, an Indonesian network against oil palm plantations. Sawit Watch’s report, which was submitted to the UN Convention on Racial Equality, reveals that the project’s massive plantation is to be built on the border of Malaysia, between Indonesia and Sarawak, in the midst of a mountainous tropical rainforest.

The Malaysian palm oil industry is convincing the state of Hawaii to replace its diesel refineries with biodiesel refineries. The idea is to replace fossil fuel depleting refineries with refineries that use an “alternative energy” and, in effect, reduce Hawaii’s emissions. However, Salazar-Lopez pointed out that the source of the seed stock for the biofuels would be from Malaysian palm oil. Cargill would provide the seeds. Salazar-Lopez explained that there is resistance against the biodiesel refineries from local indigenous communities in Hawaii, as well as from the Sierra Club, NRDC, Environmental Defense, Rainforest Action Network and Land is Life (a local community group). Salazar-Lopez said RAN will ask an ally of theirs to accompany them to the shareholder meeting of soy giant Archer Daniels Midland (ADM) to tell ADM directly about the concerns surrounding the expansion of agrofuels.

The Malaysian palm oil plantations are also promoting their model in the Amazon, Salazar-Lopez said. Of all the threats to the rainforest from cattle ranching and agrobusiness, soy is currently the biggest. She explained that the Malaysian palm oil industry recently proposed that a 100,000-hectare palm oil plantation be built in the Amazon. This is being proposed as a project under the Kyoto Protocol’s Clean Development Mechanism. The land is currently degraded, she said, so the industry is proposing green cover on the plantation land, in order to offset emissions. Mato Grosso, Brazil is the soy capital of the world and has the largest tropical savannah on the planet, eighty percent of which has been destroyed because of soy plantations, Salazar-Lopez explained. She said that soy production has recently expanded north. In Santarém (in the middle of the Amazon), a Cargill plant was built in 2002 and since then deforestation has doubled.

In the U.S., Salazar-Lopez concluded, we need to look at our renewable fuel standards, which aim to increase agrofuel production by 36 billion gallons. She explained that this would subsidize and promote the ethanol industry and displace soy as a result, which would then be expanded on in the Amazon. In August 2008 in Mato Grosso alone, the rate of deforestation increased by 288 percent, Salazar-Lopez stated. “This is a good example of how our domestic energy policies affect other countries and their energy policies as well,” said Salazar-Lopez.

Trevor Stevenson spoke of how the North American Free Trade Agreement (NAFTA) has affected the indigenous peoples of Mexico. When NAFTA passed, it included some clear provisions that would change the Constitution of Mexico by allowing indigenous communal property called ejidos to be privatized. NAFTA made it possible for ejidos to be lost via parcelization, renting, leasing, and other forms of privatization, Stevenson explained. Trade liberalization concerned a group of people in the state of Chiapas called the Zapatistas. The group took that name because during the Mexican Revolution, the followers of Emiliano Zapata fought to establish communal property rights, Stevenson explained. He mentioned that this small Zapatista region in Mexico manages its autonomy, but the rest of Mexico does not, and they have been “hit pretty hard by NAFTA.” The indigenous peoples outside of Zapatista territory have lost control over more than half of their land over the fifteen-year span of NAFTA, Stevenson stated. Corn trade has also undermined communities, and most Mexicans now eat U.S. corn and are unable to sell locally grown corn. “This is one of the reasons that we see a massive increase in immigration from Mexico to the U.S.,” said Stevenson. A large majority of Mexican immigration over the past decade has been by indigenous peoples. “For the indigenous peoples in Mexico, NAFTA has been an absolute disaster,” Stevenson believes.

The Amazon Alliance tried to inform indigenous communities in Peru about the US–Peru Free Trade Agreement. Their campaign proved unsuccessful, as the communities were unclear about how the agreement would affect them and they had other pressing priorities, so they decided to focus their
attention on other issues. Stevenson noted that the indigenous peoples sent a letter to Congress but it lacked specifics and was ignored.

After the US–Peru Free Trade Agreement was approved, the indigenous communities took another look at the agreement. Meanwhile the Peruvian government, Stevenson explained, had to pass some new laws in order to conform with the deal’s provisions for removing any barriers to trade. One of these new laws was a presidential decree, the Decreto Presidencial 1015, which was designed to destroy communal property rights for indigenous peoples and to enable that land to be privatized, Stevenson added.

In July 2008, the leading group representing the indigenous peoples of Peru’s Amazon (AIDESEP) held a number of conversations with the Peruvian government about the law, but got nowhere, Stevenson explained. They then organized an Amazon-wide blockade, which covered almost all of the Peruvian Amazon, which is sixty percent of the country. They shut down major river transportation systems, highways, and oil wells until the Peruvian Congress agreed to meet with them. After two weeks, they succeeded in getting Congress to repeal the law, Stevenson told the group. This was a major mobilization of thousands of indigenous peoples. They got a lot of media coverage in Peru and worldwide, including from the BBC, but not in the US. Their direct action proved to be successful, Stevenson concluded. However, the President of Peru is still undecided about whether or not to veto Congress’s repeal of the law. But Stevenson believes that it will be difficult and unwise for the government to try to overpower the indigenous peoples of Peru. This mobilization of indigenous peoples was one of the largest and most effective ever over a free trade deal with the US that threatened indigenous interests.

Horner explained that included within the US–Peru Free Trade Agreement and the Colombian Free Trade Agreement are minimal environmental and social safeguards. Despite much effort to fight them, there are, regrettably, outrageous investment protections for transnational corporations. This is significantly bad for indigenous peoples’ struggles to retain control over their land, Horner noted.

In Colombia, President Álvaro Uribe, who is Bush’s strategic ally in the region, has been pushing the free trade agreement as a political and economic intervention, Horner described. Colombia already has relatively free access to U.S. markets under the Andean Trade Preference Program. Its participation in that program was not called into question, despite its poor record on drug policy, which, Horner remarked, is interesting. There has been a tremendous amount of protest from Colombia against the Free Trade Agreement and specifically against the Free Trade Agreement as a continuation US intervention in the region, starting with Plan Colombia, Horner explained.

Horner informed the group that there have been many declarations from the Colombian National Indigenous Organization (ONIC), as they move forward with their protests against the Free Trade Agreement. Yet, sadly, ONIC’s protests have been “tragically and violently” repressed by the government. In ONIC’s first declaration they stated, “We call on the government to accept the principles of the UN Declaration on the Rights of Indigenous Peoples, and that it be respected as law in Colombia. We demand this not only as indigenous communities but also in alliance with peasants and trade unions, and we demand respect for the agrarian mandate—the right to unionize, the respect of public services, the rights of women, and a defense for the fundamental rights of all of Colombians.”

Kate Horner of Friends of the Earth-US discussed the US–Colombia Free Trade Agreement, emphasizing its main effects. “The newly appointed economist at the International Monetary Fund (IMF) said that Mexico, which is the poster child for economic integration, would be hardest hit. And that those countries that had been most resistant to the structural adjustment policies of the World Bank and the IMF would be the least hit.”

Horner noted how time and time again indigenous peoples’ struggles have brought with them the struggles of other people within the context in which they are operating to achieve their collective rights as well as their own. She mentioned that the battles
indigenous peoples take up to protect their own rights often coincide with social movements they are fighting for at the same time.

In Colombia, a suite of legal reforms have already passed, are currently being proposed, or are in discussion, to facilitate private investment at the expense of indigenous peoples and their lands, Horner said. The largest of these legal reforms is the Rural Development Plan and the Rural Development Statute. Colombia has the second-largest population of displaced people worldwide, behind Sudan. Obviously, Horner stated, the ability of indigenous peoples to protect their land is greatly affected by the role of paramilitaries operating in the country. She explained that the Rural Statute states that if anyone can prove that they have been on land for more than five years, then they can get legal title to that land. If any violent displacement of indigenous peoples occurred more than five years ago, they have no legal redress. In addition, the Rural Development Statute gives additional subsidies to all export crops rather than subsistence crops, which is classic free trade hypocrisy, promoting export-led development, said Horner.

The Forestry Law, Horner believes, was shot down by the Colombian government for failing to consult with indigenous peoples. This was a huge victory for the indigenous peoples who were fighting this law. Yet, Colombia has recently re-proposed the Forestry Law with minor changes, specifically to the rules surrounding the use of plantations, but the same problems still apply, Horner said.

Horner raised the question of how one is supposed to advocate for the implementation of UNDRIP in countries that have abstained or voted against UNDRIP. Colombia abstained from voting for UNDRIP. Civil society has pushed for the implementation of the Declaration, but a lot of the pushback they receive is from International Labor Organization Convention 169, which was the basis for overturning the Forestry Law, Horner concluded.

In the EU’s Economic Partnership Agreements, it is pushing to expand biofuels trade, Horner explained. The International Biofuels Forum has at its heart the harmonization of commodity standards, to facilitate global trade with countries that have the most efficient, lowest cost production standards, which means Brazil and Malaysia. She said, “Given the environmental concerns that have been raised around biofuels, the classic push is toward technological improvements.” The thought is that if we can push for second-generation biofuels, then we’ll be able to do everything with less water, without deforestation, and without any of the impacts that have been raised thus far, she explained. “This raises the question of the role of the WTO in relation to biofuels production, because the monopoly patent protections make it likely that the benefits from biofuels production will go to global corporations operating in these regions and not to people who have maintained subsistence agriculture sustainably in their regions,” said Horner.

Discussion

Aaron Goldzimer of Environmental Defense Fund argued that the US–Peru Free Trade Agreement is bad for many reasons, but for the first time it has environmental obligations that are fairly significant and specific. For the first time, a dedicated, sector specific chapter has requirements that crack down on illegal logging. The agreement has had some good effects. There is a degree of scrutiny on the forest sector in Peru now that there never would have been, he explained. Secondly, Peru’s Congress gave the president power to issue legislation and, unfortunately, Goldzimer remarked, this delegation of power allowed the president not only to implement the agreement but to promote trade and investment more liberally.

Peru’s president, as a result, Goldzimer explained, issued about 100 legislative decrees and only a small minority of them deal with the implementation of the Free Trade Agreement. “Most of [the decrees] are just revamping any and everything that the government wanted to revamp,” he said. So as a result, this led to the biggest display of indigenous power in Peru, Goldzimer added. They were able to revoke two of the worst legislative decrees that were issued. However the Decree 1090 still exists, which would make it possible to sell off the Amazon for biofuels, he said. Goldzimer informed the group that in the following week, a US Trade Representative would be
going to Peru to continue the conversation on implementation and to ask Peru to not go forward with Decree 1090.

**Atossa Soltani** of Amazon Watch commented that a vote on the US–Colombia Free Trade Agreement would be coming up soon, in the lame duck session of US Congress in November. If it doesn’t pass in November, it is very likely that the next Congress would approve it. So it is really important to organize on the grassroots level to defeat the deal, Soltani believes.

Amazon Watch supports the U’wa people of Colombia, who ejected Occidental Petroleum out of their territories in 2002. Almost 1,000 U’wa marched to the territory where Occidental Petroleum was operating an oil well and occupied that land on Columbus Day and for the three days that followed. However, the U’wa people, a traditional indigenous tribe living in the cloud forests of northeastern Colombia, continue to be threatened by the state oil companies, she added. In coordination with the U’wa, Amazon Watch is launching a new campaign to address privatization, Soltani explained. The U’wa will go to Wall Street to tell investors not to buy Colombian state oil stocks.

Soltani also addressed the conflicts over indigenous peoples’ lands in Colombia, which are occurring between the military, the paramilitary, the guerilla military, and the indigenous peoples. Indigenous peoples believe that these conflicts are fabricated, according to Soltani. She believes that the indigenous peoples are being forced off their land specifically so that large corporations can come in and develop biofuels, oil and gas. This has given the military a pretext to militarize the U’wa land, she believes.

Soltani added that the reforms that are going on under the bilateral trade agreements relate to streamlining the approval for large-scale industrial projects, such as environmental licenses for an oil project, accelerating the time frame and leaving out any participation or recourse for communities. On a note of hope, Soltani concluded, indigenous peoples in Colombia continue to assert their subsurface rights, such as titles from the King of Spain, dating back to the 1700s. This gives them absolute rights to the land, including the right to the subsurface minerals.

**Janet Redman** of the Institute for Policy Studies asked two questions. First she asked if the Lacey Act that Fitzgerald had mentioned before, which puts restraints on illegal imports from illegal logging, could be invoked with regard to biofuels. And if it could, is the Lacey Act WTO-proof, or what would the implications be for the WTO?

Redman also asked, “In terms of small-scale renewable energies that would be proposed or modeled by indigenous communities, what are the threats and opportunities to implementing UNDRIP in trade policy around small-scale renewables?”

**Aaron Goldzimer** of the Environmental Defense Fund answered that the Lacey Act bars the import of harvested plant products. He said that he believes that Fitzgerald’s proposal was to extend it to illegal poaching and logging.

**Victor Menotti** of the IFG added that where the Lacey Act could provoke a legal challenge as a violation of the WTO’s Agreement on Technical Barriers to Trade (TBT) is that it puts an undue burden on a country to provide additional information. “That’s the problem with trade policy,” Menotti said. “Such broad and vague powers are given to exporters and corporations that they can challenge any policy measure; Just about anything is actionable.” On the Renewable Fuel Standards promoting biofuels, Brazil and possibly Malaysia have hinted that they might challenge the social and environmental criteria that Europe and the US are developing as a violation of TBT, Menotti explained.

**Trevor Stevenson** of Amazon Alliance said that, in Colombia, the march on Columbus Day started with a few thousand indigenous peoples marching peacefully, protesting a number of things. The Colombian military then attacked them, killed a couple of people and wounded many others. In reaction, the indigenous march grew enormously. As of Saturday night, October 25, 2008, there were about 60,000 indigenous peoples marching toward the capital. The president of Colombia had to meet with the leaders of the march in order to negotiate a resolution.

This is an example of the tremendous power that indigenous peoples have on the ground, a power that is frequently forgotten in the Global North, Stevenson believes. Indigenous peoples have proven
many times that they can shut down entire regions of a country. Stevenson stated, “In terms of indigenous peoples’ advocates in the World Bank, there are forty people in DC versus 5,000 people at the World Bank. There are 5,000 people at the World Bank versus 4 million indigenous peoples on the ground in the Amazon.” He continued, “We need to get away from the mindset that we are going to save the world or save the indigenous peoples with this tiny group of committed individuals in the North. We need to really link that with the grassroots.”

Paul Little of the Gordon and Betty Moore Foundation thought that the group needed to address the oil and gas issue. Oil and gas in Peru and Colombia, he said, is coming in particularly strong. Ecuador’s Yasuni-ITT Proposal, an initiative of the Ecuadorian government under President Rafael Correa, “is going to die in the water,” Little argued. There is even a near civil war in Bolivia over gas, he pointed out. Energy has to be on our radar screen in a big way, Little declared. He said that he is not sure how this can be done, but it is apparent that we need to think outside the box about energy and indigenous peoples. “Because it’s coming and it’s still coming and it comes harder every time,” Little said.

Daphne Wysham of the Institute for Policy Studies responded by mentioning a report in Spanish available on the Institute for Policy Studies’ website, that is on energy in the Americas and alternative energy strategy for Latin America.

Kate Horner of Friends of the Earth-US thought that Little was correct in focusing on the importance of oil and gas and she suggested that biofuels should be put into the context of oil and gas. This is because a lot of countries are increasing their domestic biofuels production to allow them to increase their petroleum exports. The Senate Foreign Relations Committee recently approved a bill called the Western Hemisphere Energy Cooperation Act, which codifies the Brazil–US Memorandum of Understanding seeking to consolidate an energy partnership within the entire region. It is largely focused on biofuels but it does have some other technical cooperation issues in it that look at clean coal and dams.

Victoria Tauli-Corpuz of the Tebtebba Foundation had a question for the presenters about the financial/economic crisis. The entire thrust of deregulation, liberalization, and privatization has caused this crisis, according to Tauli-Corpuz. The legitimacy of developed countries to be preaching to the developing countries to deregulate their markets has been undermined, Tauli-Corpuz believes. What needs to be done, Tauli-Corpuz explained, is to figure out what the levers are to abolish the arguments that poor countries need to follow the economic system prescribed to them by the rich countries.

She asked the group if they were aware of whether this topic was being discussed in trade negotiations. Tauli-Corpuz made a suggestion that there needs to a matrix that shows all of the trade agreements and how they link to and violate UNDRIP.

In Norway, the Sámi coastal communities are no longer allowed to fish because they have small fishing boats, which do not meet the government’s rules for minimal size. Tauli-Corpuz believes that traditional ways of life will disappear as more restrictions are set by the international trade agreements.

Tauli-Corpuz shared some statistics: To produce one gallon of soy you need 9,000 gallons of water and to produce one gallon of corn ethanol biodiesel you have to use 4,000 gallons of water. Therefore, she says, biofuels threaten the right to water. “If we take a land rights approach, and use the Declaration as a standard by which to analyze the different affects of development, then it will be clear what kind of support we need to give to indigenous peoples,” she stated.

Victor Menotti of the IFG stated that there is a great opportunity now to connect different indigenous communities in order to push UNDRIP forward, especially during this time—when the WTO is in paralysis and the US is rethinking its approach to trade and finance policies.

Tom Kruse of the Rockefeller Brothers Fund agreed with Tauli-Corpuz that someone needs to create a grid in order to show that UNDRIP is a tool to be used to undo the FTAs. He also agreed that the US should look into using the Declaration in its trade policy. While it may seem that we are gaining traction in changing one part of the language of the FTAs, Kruse warned that it is important to step back and understand that entire piece as whole. He continued, “You can’t do incremental steps with a
whole undertaking like that.” Resistance and crisis create these opportunities that we have in the present, Kruse believes.

Kruse proceeded to read a quote from Bill Clinton from the week of October 20, 2008. “We all blew it, including me, when we treated food crops like color TVs, instead of [treating them as] a vibrant commodity for the world’s poor.” Kruse exclaimed, “We cannot be outflanked by Bill Clinton. We need to think at least as big as Bill Clinton is thinking.” Finally, Kruse added that it is of the utmost importance that indigenous peoples get to know and read UNDRIP. A lot of the power of UNDRIP as a tool lies in how well the indigenous peoples know the Declaration.

Juan Carlos Jintiach of the Amazon Alliance explained that when he was talking to some leaders of Peru, he told them how his community won control over their territory through a constitutional injunction. This victory is a good example to other communities as to how to use UNDRIP, he believes.

Tom Goldtooth of the Indigenous Environmental Network mentioned that he could tell that grassroots organizing is really growing in the Americas. The role of NGOs, Goldtooth believes, should be to support what indigenous peoples speak up for, like treaties that they develop for their communities. There needs to be more support for the movement towards using UNDRIP as a tool in the Western Hemisphere, Tom concluded.

**UNDRIP AND THE CONVENTION ON BIOLOGICAL DIVERSITY**

The UN Convention on Biological Diversity stands out as a strategic space in the international architecture where indigenous peoples have fought for and won the right to participate in global policy decision-making. How can UNDRIP be used as the CBD advances? What are the lessons learned for indigenous participation in the UNFCCC, and other for whose decisions impact cultural and biological diversity?

Victoria Tauli-Corpuz – Tebtebba Foundation

Chief Kokoi (Tony James), Amerindian Peoples Association of Guyana

Victoria Tauli-Corpuz of the Tebtebba Foundation summarized that the UN Convention on Biological Diversity (CBD) is one of the institutions that has provided a space for indigenous peoples’ participation, within which the International Indigenous Forum on Biological Diversity (IIFBD) was created. She claimed that the IIFBD has had a key role in influencing many aspects of the CBD.

Tauli-Corpuz told the group that in the 2008 CBD Conference of Parties 9, which happened in Bonn, indigenous peoples participated and this was key because it was the first year after the Declaration had passed. Indigenous peoples really took part in making sure that the Declaration becomes a framework for the many dimensions of the CBD, she noted.

Tauli-Corpuz explained that the IIFBD has divided itself into many working groups: Agriculture Biodiversity, Forest Biodiversity, the Protected Areas Program, etc. She described how indigenous peoples spread themselves out among the different groups in order to really get the Declaration applied in different areas.

Unfortunately, Canada was strongly opposed to using UNDRIP as a framework, Tauli-Corpuz explained. Therefore, in every session Canada had its “best diplomats” in that convention. Sometimes Canada’s strong opposition and appearance within these working groups undermines the progress that indigenous peoples have been making on implementing UNDRIP, said Tauli-Corpuz. She stressed that this is why it is important for indigenous peoples to be present at every convention, so they can have their voices heard.

Tauli-Corpuz concluded that in the end, the only thing relating to UNDRIP that came out of the CBD within the working groups was that the adoption of the Declaration on 13 September 2007 was noted. This is not what they wanted, she stated, but they said, “Never mind, as long as the UN Declaration is stated there.” They would have liked for it to state that UNDRIP was to be a framework for the
implementation of the different programs under the CBD, but because of Canada, there was no mention of this, Tauli-Corpuz explained. However, she conceded that the CBD still has a lot of provisions that refer to the indigenous communities.

Tauli-Corpuz predicted that the next issue for indigenous peoples to address would be Access and Benefit Sharing (ABS), which determined how outsiders can access biological resources in indigenous territories in exchange for some benefits, if those resources are eventually commercialized. The next arena in which to address this issue will be the CBD meeting in Japan in 2010. According to Tauli-Corpuz, they are negotiating an international regime on ABS for biological resources. She added that it has been agreed that indigenous peoples’ participation should be facilitated and that funds to help indigenous peoples participate in the negotiations should be available. Tauli-Corpuz pointed out, “Of course, access and benefit sharing on biological resources relates to trade, intellectual property rights, subsistence rights, and all the different issues under the Declaration that will come into play when the whole regime is going to be negotiated.”

Tauli-Corpuz concluded, “[Indigenous peoples] are actively looking into the issue of indicators on the implementation of the CBD programs and to monitor the success of the programs. One of the indicators that they have already agreed upon is the vitality of indigenous languages. They agree that if the indigenous languages are vibrant then the biodiversity and cultural diversity is also vibrant. The other issue is the traditional occupations of indigenous peoples. The International Labor Organization (ILO) is helping with this through their Convention 111—a convention on discrimination against traditional occupations. The ILO is doing a study on where the traditional occupations are vibrant and how are they being supported by the Convention and other international agreements. Traditional languages, occupations, and knowledge are the key areas under negotiation...Hopefully, everyone’s concerns can be heard when the regime on Access of Benefit Sharing is also going to be negotiated.”

She also noted that the IUCN finally endorsed UNDRIP at their 2008 World Conservation Congress in Barcelona. She said that this would affect conservation work. Also, she announced, “There is going to be an open-ended expert working group on climate change and biodiversity, which will be held in the UK, November 17 to19, 2008.” The result of conferences on REDD and indigenous peoples in the Philippines will feed into this workshop because they are “also now very much involved in influencing the debates in the climate change convention, especially as far as the impacts on biodiversity are concerned.” Finally, Tebtebba prioritizes the national implementation of the CBD by holding trainings in Africa, Asia, and also Latin America on how to implement it at the national level. One of the things that they found out was that governments often have national bio-safety programs, but they hardly implement them in indigenous peoples’ territories, Tauli-Corpuz explained. “Tebtebba is pushing for pilot projects on how to apply the ecosystem approach for the implementation of the national biological diversity programs.” She explained that they are making progress with this because it is really pushing the governments at the ground level and equipping indigenous peoples to demand from the governments that they comply with agreements signed at the international level. At the end of the day, national-level implementation is the most visible area of CBD implementation by indigenous peoples, Tauli-Corpuz concluded.

Chief Kokoi, aka Tony James, of the Amerindian Peoples Association of Guyana told a story about a company that was trying to persuade indigenous peoples that they would benefit from one of their projects. The representative from the company tried to explain how they would benefit by drawing a confusing diagram with many boxes and arrows and then at the bottom of the diagram were boxes that represented the benefits to the indigenous peoples. The benefits were actually less than one percent.

Chief Kokoi stated that indigenous peoples now have the tool necessary to make progress. He stated, “We are the hammer and we now have the chisel of UNDRIP. It’s up to us to continue to chisel away, and to keep the chisel sharp.” He conceded that it is a lot of work and sometimes the Conventions can be a confusing arena for indigenous peoples.

Chief Kokoi explained that regional differences are often barriers to the comprehensive understanding of a situation. He gave the example, “Sometimes in the Amazon, we do not understand what is happening in Africa or Asia.” He suggested that to improve the
understanding of a regional problem or situation, indigenous peoples need a good network to exchange information. He claimed that these networks would help to explain how a situation is working out within each different region, so that “when you reach where you are going, you have a common position that you can support.” Chief Kokoi remarked that it is important to get this information out as much as possible via the regional bodies that represent different regions, groups that can reach out to the people of their region. Sometimes these national organizations don’t have the resources to reach out to their people or to even make copies of UNDRIP to review in a three-day workshop similar to this meeting, he conceded. He said that the only way that this can be done is with good cooperation and understanding among NGOs. He added that NGOs are also the place where indigenous peoples can get resources.

Chief Kokoi mentioned that sometimes it is hard to get into special meetings. He believes that the UNFCCC is difficult to get into, “It is too closed up.” Yes, there are indigenous peoples involved, but more need to be included in the UNFCCC, he stated. He claimed that wherever indigenous peoples go they are “always outnumbered.”

Within indigenous peoples’ own communities and their own countries they now have their own lawyers, Chief Kokoi mentioned. He believes that the initiative that is going to take place very soon in the Philippines is a very good move. He suggested that this initiative should be expanded to other regions, so that these indigenous lawyers can be brought up to scratch and so that they can “accompany their representatives, our representatives, to these meetings, so that there is a level playing field.” For example, very recently at a World Bank meeting someone approached Chief Kokoi and said that he really admired his president. The man explained, “He is so versed in the REDD issue.” Chief Kokoi explained to the man that this was good but that the president of Guyana does not share this information with his people down on the ground. He claimed that a lot of this information is kept within inner circles and among small groups of people.

Chief explained that when indigenous peoples get up and say, “No, we don’t agree,” then they are suddenly seen as “anti-government, anti-development, or even extremist.” He said, “Indigenous people are told, “You don’t want to see development because you don’t know and you are not in a position to make a decision,” which means that the FPIC is not being enforced.” Chief Kokoi concluded that this is an opportune time to rethink and come together to move UNDRIP forward.

**Discussion**

Leila Salazar-Lopez of the Rainforest Action Network (RAN) announced that over the past year and a half she has monitored multi-stakeholder dialogues called the Roundtable on Sustainable Palm Oil, the Roundtable on Responsible Soy, and the Roundtable on Sustainable Biofuels. One of the issues that came up that is a “dividing point between [RAN] and other NGOs,” particularly relating to supporting local people in indigenous communities, is the definition of land that could be used for soy, palm oil, or agrofuels expansion. RAN proposes a moratorium on expansion of soy, palm oil, sugar cane and agrofuels, Salazar-Lopez stated. “Currently there is, like, no indigenous participation at all in the Roundtable on Responsible Soy,” said Salazar-Lopez.

Atossa Soltani of Amazon Watch asked if there are any success stories or positive case studies that one could share with communities. She said there is a need to develop case studies and training programs as really good tools. She added that functional tools are needed to help break down and bring the CBD, UNDRIP, and REDD to indigenous communities. Soltani proposed that these rights-based tools be replicated.

Soltani also wanted to discuss action plans. She asked the presenters if it was only in Asia that UNDRIP action plans are being created.

Victoria Tauli-Corpuz answered Atossa Soltani’s last question, saying that she was unsure of any other programs outside of Asia. Tauli-Corpuz continued by adding that she thought that UNDRIP action plans are the best tool to unite indigenous peoples. She claimed that in the Philippines the
implementation of UNDRIP via the recently formed Indigenous Peoples’ Network for the Implementation of the Declaration, has worked to unite the indigenous peoples, even though they are often very divided politically. Tauli-Corpuz remarked that the implementation of UNDRIP is evident every day in indigenous peoples’ lives. She gave as an example the action plan on indigenous peoples’ right to education and how it has helped bring awareness to the high illiteracy rates among indigenous peoples, which is an issue that really speaks to indigenous peoples’ everyday lives. She expressed that she felt that these action plans are great ways to use UNDRIP to unite indigenous peoples rather than highlight their divisions. She commented that if one is more positive then more could be achieved.

Regarding positive case studies on the implementation of the CBD, Tauli-Corpuz explained that on the CBD website there are examples of case studies on how the ecosystem approach is being applied in different countries. These studies were submitted not only by the government but also by NGOs and indigenous peoples, she added. Also, after any training on the implementation of UNDRIP that the Tebtebba Foundation puts on, their staff produces publications reporting on these trainings, and then they post them on Tebtebba’s website. These books are useful because they contain all of the questions that IP have raised and the experiences they have undergone in their own countries, Tauli-Corpuz explained.

As far as REDD and the ecosystem approaches, it is important to incorporate all the neighboring countries into the same conservation practices, Tauli-Corpuz stated. She then gave the example of forests in the Democratic Republic of Congo (DRC), which actually cover land in Cameroon as well as in Gabon. So if deforestation is allowed to occur in Cameroon and Gabon but not in the DRC, then the conservation of the forests in the DRC will not actually help decrease CO₂ emissions overall. All of the carbon emissions saved in these forests in the DRC will leak into these neighboring countries. “Leakage is not something that is bound by national boundaries,” Tauli-Corpuz said. She suggested that the groups working on REDD really need to address how to work around national boundaries, as in the example above. REDD really needs to be addressed with an ecosystem and a human rights approach, Tauli-Corpuz believes.

Chief Kokoi responded to Tauli-Corpuz’s comments about case studies. He remarked that there were some case studies in Article 10c of the CBD. Chief Kokoi believes that “these case studies are interesting in the countries that they are being done—it’s just that the governments are not paying attention to them.” But, because they were done by indigenous peoples, and because they would lead to a resource management plan, which would eventually lead to a territory for indigenous peoples, governments would not support such a thing, he added. Chief Kokoi believes that an exchange of information via documentaries would be very useful. “Because in some areas especially in the Amazon you have very good actions that were taken. If you can put them in documentary form and send them to other indigenous communities, they can see what other indigenous peoples are doing in other parts of the world,” he explained.

Chief Kokoi said that within his community in Guyana (an English-speaking country) they sometimes feel that they “are the only ones trying to fight the big bad government.” He went on to say that his community does not know that others are fighting as well because they do not have access to radios or newspapers (except that on occasion they receive a newspaper that is one month old). “We don’t have access to anything,” said Chief Kokoi, “so we are living in our own little world.” He remarked that the only radio broadcasts that they receive are from Brazil (in Portuguese), or from Spanish-speaking neighboring countries—all in languages that they don’t understand. It is very important to disperse this information as widely as possible, because it would let indigenous peoples know that their struggle is worldwide, he concluded.

Trevor Stevenson of Amazon Alliance added, “There is a lot of talk about participation, and within the CBD there is a formal mechanism by which indigenous peoples participate, an indigenous peoples’ caucus. Within the UN climate change negotiations there is not.” He claimed that indigenous leaders are complaining about this. He asked the presenters, “What do you all think works well within the CBD’s indigenous peoples’ caucus—the indigenous peoples’ mechanism for participation—and what would you want to improve or change if we were going to make an indigenous peoples’ mechanism in the climate change negotiations?”
Tom Goldtooth of the Indigenous Environmental Network responded by saying that he believes that if we all start mobilizing indigenous peoples throughout the world we can start “a new path of unification around our own solutions to all of the issues.” He added that the language about sustainable development is inside the Declaration, and this is a critical fact that the United States overlooked. Goldtooth summarized that everyone agreed that UNDRIP is a tool, but not everyone agreed on UNDRIP word for word. He thinks that organizing and base building are key to using UNDRIP as a tool regionally. Goldtooth said that within the Canadian Tar Sands campaign the “Anglo NGOs” are raising between $7 and $10 million on the campaign. The First Nations group that is most affected by the Tar Sands projects are not getting any share of these funds for indigenous organizing, he stated. There are many inequities when it comes to money that is raised not going to indigenous organizing, when they are the ones who hold a lot of the challenges. “This is a capacity issue,” Goldtooth added. He then told a story of a meeting with a group of funders at which one funder said that it doesn’t make sense to put their money into organizing the marginalized. He stated that this is a common feeling from funders.

Daphne Wysham of the Institute for Policy Studies stated that it was her understanding that oil palm production in Indonesia started as a result of a conditionality that was placed on Indonesia by the World Bank and the IMF. The conditionality was that Indonesia had to develop oil palm in order to receive additional loans from the World Bank and the IMF. Wysham asked if anyone had examined the forest carbon impacts of the past bank loans and conditionals, and then compared that to the forest carbon that people are imagining they will preserve with the Forest Carbon Partnership. She believes that this would be a good way to expose the hypocrisy. Wysham also asked if proposals for trading in biodiversity are coming to the surface, just as trading in carbon and water is “now on the table.” She wanted to know if there is discussion of trading in endangered species. She mentioned that the Katumba Group had been working on issues like this.

John Fitzgerald answered Wysham’s question, saying that most of the trade in rare, threatened, or endangered wildlife is under the Convention on International Trade on Endangered Species. Fitzgerald believes that the CBD needs to address trade in wildlife that is not already threatened or endangered, to ensure that that trade is truly sustainable. Fitzgerald said that he believes that the CBD has avoided this issue. He thought that by applying the two treaties, all trade in wildlife products would be made sustainable.

Daphne Wysham stopped Fitzgerald to state that what she meant to ask was if there are proposals for the commodification of endangered species. She gave an example: “You say you want to preserve X number of endangered species, therefore you can kill this number of tigers over here.”

John Fitzgerald said that he does not have the answer to Wysham’s question, but he does know that similarly, in the US, the Bush administration has imposed a change in the implementation of the Endangered Species Act. This change will allow more biodiversity to be taken out of public lands in the hope that private land agreements can make up for it.

Tom Kruse of the Rockefeller Brothers Fund added that the commodification of biodiversity has happened as a way to try to write down part of Bolivia’s external debt. In the early 1990s, Bolivia agreed to protect part of one of their national parks in perpetuity, as long as the Fund agreed to remove part of its debt.

Jill Blockhus of The Nature Conservancy mentioned the Katumba Group’s role in this issue. The Katumba Group is based out of Forest Trends. It is a global group that meets to talk about trade. It monitors and promotes trade in biodiversity, water, and carbon offsets, Blockhus explained. It has developed what it calls the “Development Marketplace,” which is an information center used to evaluate what is being done to share knowledge on these topics, similar to the Bloomberg Index.

Tom Goldtooth added that he had read an article that discussed the idea of commodifying biodiversity—the more endangered a species, the higher the monetary value it had as a commodity.

Roman Czebiniak of Greenpeace International said, “Most of the parties at the UNFCCC aren’t particularly concerned about biodiversity and social
and indigenous issues.” He told the group about attending a meeting at the World Bank that the Forest Carbon Partnership was facilitating. Someone asked why their group was only focusing on carbon and why not on biodiversity and indigenous issues. The facilitator answered, “Well our donors won’t pay for any of that,” Czebiniak told the group. “It’s carbon being traded for carbon,” declared Czebiniak. He added that there are some thoughts in the voluntary markets to link social and biodiversity benefits to the trade of carbon, but he explained that that discussion does not seem to have much weight in the Bank or in the UN climate negotiations.

Chief Kokoi believes that there needs to be more organizing between regional bodies when they meet. When people meet at the International Indigenous Forum on Biodiversity, there needs to be a reexamining of leadership within that body and a focus on incorporating the voices of everyone into the decisions on the group’s positions on issues, he stated. This will help give the group more focus and direction and will prevent further division among indigenous peoples.

Victoria Tauli-Corpuz stated that there is a big difference between the CBD and the Convention on Climate Change: The UNFCCC is very closed compared to the CBD. She said that someone told her that this difference is because there are targets in the UNFCCC, and countries have to meet their targets. The reason for the closed nature of the UNFCCC is that governments do not like others to be interfering with these legally binding contracts, Tauli-Corpuz believes. The solution, she added, is for indigenous peoples to organize through the various regional summits and to come up with a plan on how to approach the various processes.

The UN Permanent Forum will also publish a report on the local adaptation and mitigation measures of indigenous peoples, in order to show the world that “we are the ones adapting,” Tauli-Corpuz exclaimed. She continued that indigenous peoples have been adapting throughout history and they will continue to adapt. She said that indigenous peoples have also mitigated the removal of oil and gas and minerals from the ground and kept the trees in the forests. She stated that, “We have contributed more than anybody else in mitigating climate change.”

Tauli-Corpuz explained that the next move that Tebtebba is trying to make is to establish a chapter on indigenous peoples in the Intergovernmental Chapter on Climate Change. She told the group that they had already warned the scientists not to use their current standards in their peer review because indigenous peoples have their own epistemologies, worldviews, and indicators, and scientists should respect this kind of framework that indigenous peoples will bring into the IPCC (Intergovernmental Panel on Climate Change) reports. With these changes, Tauli-Corpuz hopes that the Convention on Climate Change with then be able to consider indigenous peoples as major stakeholders in the decisions. She added that finally indigenous peoples’ rights and concerns are really broad because indigenous peoples and local communities have been included in Bali Action Plan, under the Mitigation Measures under REDD. “Of course, it’s not really a good idea that we came in because of REDD,” she concedes, “but still, I mean, we are there now, officially in the document, and there are already submissions from many governments regarding the rights of indigenous peoples, as far as these mitigation processes are concerned.”

Regarding Wysham’s question on trade in the CBD, Tauli-Corpuz continued, there is the Forest Stewardship Council, which performs the certification of sustainably logged trees, which are actually alive because, as many of the examples from Malaysia prove, the trees are not actually sustainably logged. These certification schemes need to be studied further to explore the good and bad and expose the truth. This would help us sharpen our argument that these processes are leading to the further commodification of nature, Tauli-Corpuz believes. “The biggest thing now is access and benefit sharing,” Tauli-Corpuz said. She feels that access and benefit sharing is really a trade issue, and the question is who has access to the biodiversity and the traditional knowledge that comes along with that. Also, there is the question of who is going to benefit and how will the benefits be shared. In conjunction with access and benefit sharing comes the issue of intellectual property rights, Tauli-Corpuz mentioned.
This issue needs to be addressed as well, so that knowledge can be shared freely. Then there is the issue of customary laws and how this will affect compliance. “What mechanisms will be used to ensure that customary laws of indigenous peoples will be respected?” Tauli-Corpuz asked. She informed the group that there will be about four meetings before the access and benefit sharing is agreed upon, and there is a need for expertise and support from everyone to move forward on these issues.

**Tom Goldtooth** said that he and other indigenous peoples had been demanding for years that there needs to be a working group at the UNFCCC, but they never found a donor country that was willing to fund the group. “That was one of the biggest hang-ups. I think that there was no problem with the need,” Goldtooth said. There was also the problem of participation. Sometimes at meetings on the substance of the climate negotiations, there would only be two people, who would be representing over 350 million indigenous peoples, he added. He believes that the situation is still the same and he reiterated that he sees the demand for UNDRIP to be implemented into the UNFCCC.

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**UNDRIP & THE ROAD TO COPENHAGEN: INSTITUTIONALIZING INDIGENOUS PARTICIPATION IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)**

Indigenous peoples (IPs) have been pushing to formalize their own role on the road to Copenhagen, but how well do NGOs understand the current strategies of IPs or how to best support them? Which countries are most open to advancing UNDRIP to the UNFCCC, and how can NGOs support efforts by delegations to advocate for indigenous interests?

Victoria Tauli-Corpuz, Tebtebba / UNPFII
Tom Kruse, Rockefeller Brothers Fund

**Victoria Tauli-Corpuz** of Tebtebba and currently the chairperson of the United Nations Permanent Forum on Indigenous Issues (UNPFII) shared her new report, *Guide on Climate Change & Indigenous Peoples*, which outlines ways in which indigenous peoples can influence the UN Framework Convention on Climate Change (UNFCCC).

“Indigenous peoples have actually been there since the beginning of the UN climate meetings, but they are not meaningfully included,” Tauli-Corpuz noted. One of the main things that they have been demanding is some sort of participatory mechanism to allow indigenous peoples to be more effectively engaged.

In 2007, the UNPFII resolved that climate change would be featured as a major theme in 2008. The UNPFII published a report, *Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands*, which discusses the impact of mitigation measures, such as expanded biofuels production, on indigenous peoples’ traditional livelihoods and biocultural diversity.

The main finding of the most recent UNPFII report was that “although indigenous peoples have contributed the least to climate change, now they are being asked to carry the bigger burden in terms of mitigating climate change.” She stressed that the alternatives for renewable energy currently being promoted, such as biofuels or hydroelectric dams, actually further displace indigenous communities.

The report also noted the decreasing capacity of indigenous peoples to adapt to climate change, since the magnitude of the situation they face in fact weakens their capacity to adapt.

She emphasized how indigenous peoples have played an important role in mitigating emissions by their frontline fights to keep oil, gas, and coal in the ground, and trees standing in the forest. “Indigenous peoples’ practices should be recognized as a major contribution to lowering greenhouse gas emissions.” The report strongly recommends a more effective engagement of indigenous peoples in the climate process. The UNPFII has submitted its report to the UNFCCC. Since then, many other NGOs have begun looking into the social aspects of climate change.
Indigenous peoples also took part in the December 2007 UN Climate Conference in Bali, Indonesia, where the issue of Reducing Emissions from Deforestation and Degradation, or REDD, came up strongly. The Bali Action Plan recognizes that REDD can impact indigenous peoples, and therefore they should be consulted whenever the various policies or programs are being discussed. Indigenous leaders also actively campaigned in Bali against the World Bank’s Forest Carbon Partnership Facility, because they discovered that no indigenous person had been involved in the planning. After she personally protested at the Bank’s side event in Bali, Tauli-Corpuz was added to its panel to discuss indigenous peoples’ inclusion in climate talks. Thus, their public spurning of the World Bank in Bali gained indigenous peoples some involvement in the process that they had been excluded from previously. Indigenous peoples later brought a large delegation to talks in Accra, Ghana, to speak directly with several governments about how to address the issues of REDD, finance, tech transfer, and adaptation.

“As a result of our engagement in the UN process, governments learned that indigenous peoples have not benefited at all from the Adaptation Fund. In fact, some funds and Clean Development Mechanism (CDM) projects are actually causing many more problems for indigenous peoples by going into indigenous peoples’ communities and encouraging them to take part in carbon trading. In the process, the human rights violations of indigenous peoples have been exacerbated,” Tauli-Corpuz said.

She also noted the importance of technology transfer, which she said can be part of the solution. She explained that it is difficult for developing countries to access climate technologies, since the WTO’s global patent rules demand compensation for intellectual property rights.

Tauli-Corpuz reinforced their demand to “1) push the Convention to establish a working group on local adaptation and mitigation measures of indigenous peoples, and 2) consolidate the efforts of indigenous peoples in terms of climate change.”

In May 2009, the UN Permanent Forum plans to consolidate a report on local adaptation and mitigation measures undertaken by indigenous peoples, defining a road map for indigenous peoples with the objective of reaching a global climate deal in Copenhagen at the end of 2009 and going beyond it. Tauli-Corpuz is now encouraging indigenous peoples themselves to do the research on the ground, get case studies, and submit them as the basis of the report that will be submitted to the UNPFII and to the Convention.

Tom Kruse of the Rockefeller Brothers Fund said that he would speak not from his position as a foundation program officer but would draw from his experience working with the world’s first indigenous government in Bolivia. There he saw the challenges and opportunities governments face in using the UN Declaration on the Rights of Indigenous People in their approach to Copenhagen.

Kruse prefaced his comments by emphasizing the power of language, noting, “Today’s accelerated process of change provides an enormous opportunity in which articulating the values of indigenous peoples has an extraordinarily important role to play.” Reflecting on the experience of the WTO in Seattle, Kruse said there was an extraordinary invasion of a new kind of language of resistance into the language and the mechanics of a trade agreement, and it really changed the way things happen. “But now, it is not about stopping something, it’s about starting something entirely different. What indigenous peoples know goes an enormously long way to helping us understand how to approach these things.”

Kruse next spoke about the opportunity created by the emergence of small, progressive governments that recognize the struggles and the rights of indigenous peoples, and could be pushed into aligning themselves with the demands of indigenous peoples. He sees an enormous learning curve for governments but also for grassroots organizations. “There is a need to translate for governments why they need to pay attention, and what they need to pay attention to,” he claimed.

There is also a lot of intense translation work with grassroots organizations on climate issues. Kruse said that the time, the tone, the language, and the temperament of the UNFCCC is deeply alienating, perhaps even colonial. This does not mean that we should not learn their language, but we should constantly be pushing forward the fact that it is deeply alienating, and a reflection of some long colonial pattern.” Kruse stressed that the process
needs to ask people, and listen very carefully to, what the grassroots community’s answers are.

When it comes to governments, Kruse said, “What we need to do is to figure out how to show them that, by acting ethically and listening to and working with indigenous peoples, they can: 1) secure resources to do the good things that they should be doing, and 2) play a political leadership role, which is part of what they are supposed to be doing.” With progressive governments, and governments striving to be progressive, Kruse said that we face a “challenge of how to positively engage governments, instead of attacking and criticizing. Social movements can begin to push forward government’s coherence.”

**Discussion**

Tom Goldtooth of the Indigenous Environmental Network said Tauli-Corpuz addressed crucial moments in the path of the UNFCCC. He felt it important to note certain steps in the struggle, so that people could understand the history of why “the trust factor” in the role of NGOs (and the protocols for working with indigenous peoples and securing indigenous support for their agendas) is extremely important.

In the late 1990s, when the Kyoto Protocol was being ratified and its modalities were being developed, there was a push by nation-states to allow “carbon sinks,” such as forests, into the CDM. Goldtooth said, “There was consistent resistance by indigenous peoples within the UNFCCC, opposing carbon market mechanisms.”

In 2000, at a meeting in The Hague, indigenous peoples, many NGOs, and some nation-states resisted the inclusion of counting emissions reductions from carbon sinks. The debate over sinks was what sunk any agreements coming out of The Hague. NGOs supported indigenous concerns that including forests in carbon markets could negatively affect their rights.

In 2001 in Bonn, political pressure by nation-states, large NGOs, and transnational corporations forced concessions and compromise. “At Bonn, the Third International Forum of Indigenous Peoples and Local Communities on Climate Change strongly opposed any UNFCCC mitigation measures based on mercantilist and utilitarian visions of the forests, seas, territories, and resources of our indigenous peoples. These mechanisms conflicted with and negated our traditional cultural practices and spiritual values,” Goldtooth said.

“So, there was a line drawn at that time where indigenous peoples felt that our position was abandoned in the negotiations. There were no answers in Bonn to our questions about securing the right of indigenous peoples’ representation in the UNFCCC,” Goldtooth claimed. Our concerns about the importance of using our own traditional knowledge in dealing with climate change, mitigation, and adaptation, as well as our need for funding, weren’t heard, and this problem still continues to this day,” Goldtooth argued.

Athena Ballesteros of the World Resources Institute supported Kruse’s point by adding, “Everybody has to realize that the landscape is changing. When we went into Bali, ten years after Kyoto, everything was different,” she said. “There was that moment in Bali that confirmed where the real power now lies: when China spoke from the floor and drove the UNFCCC Secretary to tears.” Ballesteros noted how some of the more bold and ambitious proposals have actually come out of the G77 countries, “which we have never seen before. That scale of ambition, that level of ambition, has never manifested itself from any group of governments,” she said.

Ballesteros also proposed ways to institutionalize indigenous peoples’ representation in UNFCCC negotiations. While she agreed that a formalized indigenous working group could be useful, it might be more important to participate directly in the governance structures of the UNFCCC’s distinct mechanisms, such as the REDD mechanism. Ballesteros believes indigenous peoples have a much greater chance than NGOs at getting a seat at some of the governance structures.

Joseph Ole Simel of the Mainyoito Pastoralist Integrated Development Organization in Kenya raised the questions “What capacity do indigenous peoples have when they negotiate with the governments? And how do we raise that capacity?”
Secondly, Ole Simel made the point that “we need to bring very inventive, specific ideas to the table, rather than just general statements.” Ole Simel also stressed the need to identify some progressive governments and institutions that would support the language and ideas of indigenous peoples. Ole Simel concluded by proposing “a seminar and a workshop between indigenous peoples, NGOs, and those other institutions, including governments, in the middle of 2009 so that all can better understand the challenges and frustrations facing indigenous peoples.”

John Fitzgerald of the Society for Conservation Biology raised the issue of representation in the UNFCCC. He said he believes that two tracks might be pursued. The first track is for specific governance structures like REDD, because, “As First Nations,” Fitzgerald argued, “as managers of areas, there is a case to be made that a certain amount of representation, like a quasi-governmental presence, is legally warranted.” The second track is the civil society track, since certain treaty negotiations are pretty much open to any technically qualified NGO. “We need to ensure that both as NGOs, whether it be indigenous NGOs or other NGOs, and as quasi-governmental representatives, we have representation,” Fitzgerald argued.

On the question of what the policy package might be, Fitzgerald said, “We saw a great change, even within the United States Senate…with very progressive people saying they knew that this Lieberman-Warner climate bill wasn’t good enough.” This, Fitzgerald believes, illustrates the fact that a lot of people are open to negotiation right now. “So, we should be imaginative in what we propose,” Fitzgerald suggested.

Claire Greensfelder of the International Forum on Globalization (IFG) spoke about how NGOs and others can help support the agendas of indigenous peoples. “If you look at the UNFCCC website, you see that the number of NGOs and indigenous organizations is going up exponentially,” she said. Greensfelder believes that this is partly due to the increase in global concern, but also to the idea that the science getting worse. “One thing that NGOs have an opportunity to do,” Greensfelder continued, “is to increase the visibility of indigenous peoples for the new people who are now coming to these negotiations.” Greensfelder stressed that this gives NGOs a responsibility to support the agendas of indigenous peoples in the upcoming meetings, and also to be educating the new people who are entering the debate.

Victor Menotti of the IFG recalled an IFG meeting on climate with an interesting reaction by indigenous peoples and peasant farmers, who were simply saying “We don’t want your financing or your technology. Just get off our land and give us back our rights.” Menotti said that Tauli-Corpuz’s presentation made him realize “how we might work to make recognizing land rights and demarcating indigenous territories into legitimate mitigation measures.” He suggested it would be “worth our spending time to figure out how we move that forward, to legitimize it and figure out the entry points in the UNFCCC architecture.” Menotti also asked Tauli-Corpuz to clarify what it is that indigenous peoples want in terms of formal representation in the talks, and “how nonindigenous NGOs can support their demands about formalizing participation.”

In her response, Victoria Tauli-Corpuz identified an important opportunity going into Copenhagen. “One of the objectives of the Copenhagen Summit is for the parties to come up with a long-term ‘shared vision’ on climate change.” Tauli-Corpuz said, “I think we should use that opportunity to challenge the economic model that is really causing all the problems.” For Tauli-Corpuz, climate change is really the proof of the failure of this model, and she argued that what needs to be done now is to define what the alternatives are. “I think this is really where a lot of indigenous peoples can help to prepare for a low-carbon society to come about,” Tauli-Corpuz said. She added that the idea of challenging the development model is precisely why the UN Permanent Forum on Indigenous Issues shaped its theme for the next sessions to focus on development with cultural identity.

In response to Menotti’s question about indigenous mitigation measures, Tauli-Corpuz said that NGOs could contribute by looking closely at what’s already been known to be working for indigenous peoples’ development. This, she argued, should really be the main framework to guide the transition to low-carbon development. “However, we cannot just continue criticizing generally. We have to go into the concrete situations—identify, for example, what the World Bank is doing wrong, what all these other
countries are doing wrong, and present it to them in their faces.” This is how Tauli-Corpuz believes we can bring local concerns into the whole discussion.

In response to Menotti’s question about institutionalizing indigenous participation, Tauli-Corpuz said she thinks that indigenous peoples do not have very fixed views on that yet, and that it is still something still being explored, so Athena Ballesteros’s suggestion about taking time to think about how indigenous peoples could better represent themselves within the structure is something that must be thought about more.

On the question of working with governments, Tauli-Corpuz told how the Saami people of Finland, Sweden, and Norway have assured her that at least one member of the Saami parliament would be part of each of their national government’s official delegations to the UNFCCC. By having indigenous peoples as representatives of national government delegations, Tauli-Corpuz thinks that there is a better chance for indigenous peoples to influence governments’ positions.

The implementation of the Kyoto Protocol has had specific impacts on the rights of indigenous peoples. Its current review and possible expansion into new areas, especially into carbon markets, nuclear, biofuels, and more efficient ways to exploit fossil fuels, could harm indigenous interests. What are some of the top issues in the current efforts to expand the Clean Development Mechanism, and how can UNDRIP’s principles, such as Free Prior Informed Consent, be applied to stop the implementation of false solutions?

Marcos Orellana, Center for International Environmental Law
Claire Greensfelder, International Forum on Globalization

Marcos Orellana of the Center for International Environmental Law (CIEL) briefly explained the background of the Clean Development Mechanism (CDM), a market mechanism that was established in the Kyoto Protocol. CDM allows industrialized countries that must reduce greenhouse gases to invest in projects that reduce emissions in developing countries as an alternative to more expensive emission reductions in their own countries.

Orellana said that 4400 projects have applied for CDM registration, and this mechanism is growing. Most projects are not taking place in the least developed countries, but in the biggest developing countries, such as China and India. Because of the increasing inward investments, “CDM is one of the mechanisms that is keeping developing countries engaged in the UNFCCC,” said Orellana.

The CDM relies on international private investment into developing countries to achieve its two objectives, which are climate change mitigation and sustainable development. But the CDM may have dam projects that have environmental and social impacts, such as violations of the rights of indigenous peoples. Orellana said that for these and other reasons, the integrity of the CDM has been questioned at least on three grounds:

1) On the grounds of rights, due to displacements and the destruction of sacred sites by dams and geothermal projects;

2) On environmental grounds, due to questionable assumptions in determining whether a net decrease in emissions is achieved;

3) On procedural grounds due to the governance structure, which some investors have threatened to legally challenge for its decisions.

Proposals for reform are timely because the CDM is expanding beyond a project level to a sector level, and expanding in terms of the volume of its investments. One priority is to challenge the role of the state to determine if a project contributes to sustainable development despite any human rights implications associated with it. However, Orellana proposes, “If an indigenous-rights-based approach would replace the state’s arbitrary framework for
evaluating CDM, then projects would not compromise the rights of indigenous communities. UNDRIP could be one possible framework of rights to replace those of the state. However, some believe this is a political non-starter in the UNFCCC, since the costs of incorporating an indigenous-rights-based approach into the mechanism would be too high.

However, a rights-based approach to the CDM could possibly solve many of these problems, as Orellana noted in his presentation. According to Orellana, a rights-based approach to the CDM could produce a tool to prevent some of the violations of human rights. “It would mean: step one, undertake a situational analysis; step two, provide information; step three, undertake consultations, including free prior informed consent (FPIC); step four, take decisions; and step five, monitor and evaluate,” he said.

Orellana concluded his presentation by saying that CDM modalities and procedures already contain certain tools necessary to apply a rights-based approach, but certain key elements are missing, such as FPIC. He advised that as the CDM experiences expansion and reform, the rights-based approach could avail to prevent the infringement on rights that come from climate change mitigation.

Claire Greensfelder of the IFG presented a case-study example of how indigenous rights and the question of nuclear power are being included in the Clean Development Mechanism. One of the real weaknesses of the CDM, according to Greensfelder, is that it is allowing large-scale technologies such as large dams and clean coal, technologies that really should have no role in mitigating climate change, to make a comeback. For Greensfelder, though, what is most shocking is that the nuclear power industry is making a comeback. According to Greensfelder, this is of great concern to indigenous peoples and also has a major connection to UNDRIP.

The nuclear power industry, “the false solution that won’t go away,” has been in climate negotiations since the beginning of the Kyoto Protocol. It has constantly been at these negotiations, ready to offer nuclear power as a solution, because technically the process of generation does not produce greenhouse gases. “Essentially, it is a very expensive way to boil water,” Greensfelder said. However, she warned, “We are now going into a new era where there are increasing concerns about the rising greenhouse gas emissions, that the mitigation efforts have not really done what they have needed to do in Europe and around the world, and once again the nuclear industry is trying to reassert itself.” Although many UNFCCC watchers never thought it would happen, nuclear power was back in the climate negotiations as of the August 2008 meetings in Accra, Ghana.

Greensfelder pointed to Agenda Item 3a of the Accra Conclusions of the Ad-Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol: Item I-D, titled “Include Nuclear Activities.” She said this shows “there is still an active global movement pushing for nuclear power as a part of a new climate deal.” Although nuclear is still being proposed as a possible solution, studies for years have shown that the investment in nuclear is much less efficient than investments in other sources, according to her.

Greensfelder said that much nuclear waste and many uranium mines have been on indigenous lands. “Many indigenous peoples live in dry desert areas where the world proposes to put nuclear waste,” she said. Greensfelder pointed to several instances in which articles of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) had been violated by the nuclear industry. For example, the case of the Puwati Village in Laguna Pueblo where the Jack Powell mine, an open-pit uranium mine, operated for dozens of years, twenty-four hours a day, violating, at the very least, Articles 5, 7, and 11.

Greensfelder believes that the nuclear power industry could try to turn indigenous rights upside down by twisting some parts of UNDRIP, such as Article 21: “1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.” “the industry will claim that it will actually provide jobs for the indigenous community, therefore fulfilling the article.” In reality, what they will actually be providing, according to Greensfelder, is dangerous jobs that are unhealthy to the community and will damage the lands.

“One nuclear spill could totally destroy traditional medicine and access to traditional lands,” Greensfelder pointed out. This would thereby violate
Article 24. Greensfelder gave the example of how one of the worst nuclear accidents in history happened on indigenous lands, and no one has even heard of it. It was the Rio Puerco accident, where there was a huge uranium spill into the Rio Puerco River. It has received practically no international recognition, and Greensfelder believes this is due partly to the fact that it happened on indigenous lands.

Another area of indigenous rights that is affected by nuclear power is addressed in Article 25, which refers to a spiritual relationship with the land. “How do you have a spiritual relationship with the land when it is going to be polluted for 250,000 years, which is the half-life of some of the nuclear pollutants that are involved with both waste dumping and uranium mining?” Greensfelder wondered.

Greensfelder believes that it is important to utilize UNDRIP in fighting against the nuclear power industry in the climate change negotiations. “In [these articles], there is a lot to support indigenous peoples, both looking at how UNDRIP could be brought forward in discussions involving the CDM, and to make alliances with indigenous peoples on those specific cases where it is threatening their lands, their livelihoods, and their future,” said Greensfelder.

Discussion

Leila Salazar-Lopez of the Rainforest Action Network said she had the privilege to join 1,000 indigenous leaders at the Encontro Xingu 2008 in Altamira, Brazil. The purpose was to resist a massive dam that is being proposed by the Brazilian electric companies. Salazar-Lopez reflected on how this drew a lot of attention at the time, and that she has a lot of hope that the dam “will be resisted to the end and not ever be built.” However, what concerns her most are several proposals for so-called “small dams” to be built upriver. At least one of these dams has already been built with CDM support. “There was one of them that was built in Mato Grosso where indigenous peoples were never ever consulted,” Salazar-Lopez added. According to Salazar-Lopez, these dams are being promoted with the claim that they would provide local electricity. However, “the real reason for building these dams is to provide electricity to the big soy plantations,” she argued. In conclusion, Salazar-Lopez strongly urged her fellow participants to keep an eye on the dams being proposed and supported by CDM, because “just as there is no such thing as ‘clean coal.’ There is no such thing as ‘a clean dam’. “Jake Schmidt of the Natural Resources Defense Council said that although there is a long laundry list of options on the table, not all of them are going to be in the final agreement. “I highly doubt that the nuclear option will be in there,” Schmidt stressed. “I would wager a bet that there will be enough pushback to keep the nuclear option off the table.” Secondly, Schmidt said, “With the CDM, what is important to look at is what will happen afterward, because the CDM of today will be the CDM of the future. You are not going to have the same mechanism in the Copenhagen agreement as you have today,” he said. In conclusion, Schmidt urged the group to weigh in on the evolving CDM conversation, especially in regard to ensuring that key provisions, such as those involving consultation, actually contain teeth.

Tom Goldtooth of Indigenous Environmental Network said it is important to look at the rights, customary rights, indigenous peoples rights, and apply the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) at all levels within the CDM discussion. “NGOs need to be there to support us as we move forward that agenda,” Goldtooth said. “And indigenous peoples need to be in these discussions on CDM reforms.” Goldtooth urged representatives from NGOs to get help from those at the table in figuring out who the indigenous peoples to invite to the discussion could be. Goldtooth said that the other issue here that is really a concern is that there are some NGOs that are invested in trying to make the CDM work in the discussion of reform.

Daphne Wysham of the Institute for Policy Studies said that what often happens in discussions around the CDM is that people get distracted around “is it working, can it work, can it be improved” rather than focusing in on the fact that we need massive quantities of revenue to be steered from North to South. She said that the CDM, by virtually every
measure, would never be able to do that, so there is a need to look for an alternative, not only in terms of a revenue stream, but also in terms of what is the alternative institutional structure. “I get frustrated by the level of discussion within the environmental community that assumes the CDM is here to stay, assumes it is the only option to get to our target, and in fact assumes that it needs to be enlarged,” she said. “And despite all early evidence of corruption, perverse incentives for all the dirty industries’ human rights abuses, and indigenous peoples’ displacement, we have yet to say that this mechanism isn’t working. We just need to rethink our approach and not try to fix something that is so broken it is virtually beyond repair.”

Victoria Tauli-Corpuz said she had a discussion with Norway because they bought two of the biggest dams in her region, the Philippines, and she suspected that these dams were really part of a CDM process. “I suspect that they are going to rehabilitate these dams,” she said, “and of course they are talking about how to give paid environmental services to our people who are living in the mountains that are actually providing the water for the dams. And of course government officials would like that, because if they are able to get revenues from the rehabilitation of the dam from the Norwegian money, it would really help them undertake their own kinds of sustainable development.” She also talked to the ambassador and asked him why they wanted to do all these things. He said, because “even if we do everything that we need to do in Norway, we still cannot lower our emissions enough.” Tauli-Corpuz said that what they really want to do is outsource via CDM processes, “because that is really not going to help them. You have to change lifestyles, change consumption and production processes."

Tauli-Corpuz also highlighted the issues of financing technology transfer, because “if they are really sincere in wanting to lower greenhouse gas emissions, why is it so difficult for rich countries to transfer technologies to poorer countries?” She argued that this is what is really going to help the poor countries develop with a low carbon impact. “But the rich countries are not doing that,” she said, “and this kind of hypocrisy makes me so angry, because you keep on talking about lowering greenhouse gas emissions, but the most important thing to do in terms of transferring those kinds of technologies and respecting the rights of indigenous peoples and saving the forests, is not being done”. This, she said, is the biggest problem with the CDM, and it distracts us from focusing on what is the more important objective, or process, that will really make the difference. “I want the NGOs around here to make an analysis of what has really been lowered with the CDM process,” Tauli-Corpuz urged. “Is there any empirical evidence to prove that there has even been half the emissions because of the CDM process? If not, then forget it. Go to the other areas where that is really going to make an impact.”

Juan Carlos Jintiach of the Amazon Alliance said that he is not going to “forever travel the planet representing [his] indigenous peoples. No way.” He said, “I was elected to serve four years, and so the next guy who is going to take my position is going to need support and information.” According to Jintiach, sometimes these new leaders lack the necessary information, and not only do some governments not want to share information with them, but even some NGOs do not want to share information with new leaders or representatives from indigenous organizations or communities. Jintiach asked the NGOs around to table for support for these future leaders and representatives in the climate negotiations process.

Claire Greensfelder of the IFG responded, adding that within the NGO movement right now, there are three essential positions in the debate over the Clean Development Mechanism. Position one: Reform the CDM or restructure it; Position two: Abandon it completely; Position three: Create a whole new mechanism. Greensfelder believes that one of the real problems with this debate is that it moves us away from the whole idea of engaging in more local activities, powering down, using more energy-efficient technologies, as Vicky Tauli-Corpuz had mentioned. “These technologies really need to be transferred from developed countries to developing ones,” Greensfelder added. In the case of the huge nuclear projects and dams, Greensfelder said that the vast amounts of money and resources that are going into these projects could be saved by using new technologies. “It continues financing 20th century technologies to answer a 21st century problem when we have new technologies that are really needed and could be a big part of a global deal that could satisfy some of the concerns of the G77 and others by a massive technology transfer of the right kind of technology, not bailing out old industries,” she said.
Regarding the nuclear issue, Greensfelder said that it is difficult question because it keeps popping back up. “We debate how much time we should put into it, but I think this is an area where we need to make common cause with our indigenous allies because they have suffered so disproportionately,” she said. “You have to make a statement against nuclear, because if you don’t, it’s as if there is no movement against it,” she warned. Greensfelder said more environmental activists and others around the world are coming out daily, saying that they want to give nuclear a second chance. “Even though we don’t necessarily believe that it is going to happen, we have to act as if we think it may happen and work together to contain those governments that increasingly work to bring it forward,” she stressed.

**REDD: HOW CAN OUR PROPOSALS ADVANCE UNDRIP?**

UNFCCC proposals could compensate tropical forest countries for Reducing Emissions from Deforestation and Degradation (REDD), promising indigenous communities. But REDD proposals have also caused controversy due to some of the financing mechanisms. Looking through the lens of UNDRIP, this session examines various proposals to explore how they might actually advance indigenous peoples’ rights.

Juan Carlos Jintiach, Amazon Alliance
Bard Lahn, Friends of the Earth-Norway
Roman Czebiniak, Greenpeace International
Paula Moreira, Instituto da Pesquisas Ambiental da Amazônia

**Juan Carlos Jintiach** of Amazon Alliance read Article 34 of UNDRIP:

“Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.”

Jintiach described how, when he was a kid, his father, who was the president of the Shuar Federation, would tell him, “We have our own government, we have our own institutionality.” Jintiach said this feeling that they came before, that they were there even before the Ecuadorian government, and that “the land, deep, deep down” is theirs, is embedded within this Article of the Declaration.

He said that this unity has inspired indigenous peoples to prioritize organizing together, rather than killing each other. He described how the indigenous leaders had created the international umbrella organization COICA. “Please give us that credit.” Jintiach urged. “We are not savage, we are human. We have our organizations.”

He explained how he had a mandate to represent his people, to follow climate change, and now, to follow the next step, which he believes is REDD. Jintiach then explained how indigenous peoples had been left out of the REDD process before. He remembered how the REDD issue had been a surprise to him at the June 2008 meeting of the UNFCCC in Bonn, and how indigenous peoples had not been informed from the beginning of the discussions on REDD.

“No one spoke to me before and explained to me that the initial meetings on REDD were key meetings,” he said. “I spoke to some colleagues and told them that I want to put social concerns into climate change mitigation. I told them, because I have a mandate, I need their help to bring the real concept of REDD to indigenous peoples to discuss.” Jintiach said indigenous peoples, and even he himself, feel so behind on the issue of REDD. “It makes me sad because our colleagues, who are members of the Amazon Alliance, who created this coalition, have a lot of information to share.” Jintiach then urged the group to “please make the effort to translate it into at least Spanish, English, Portuguese, and Dutch,” so that indigenous peoples can become more familiar with the REDD discussions.
Jintiach finished by saying that although he does not know what will happen tomorrow, he has hope. “We have dreams,” he said. “I woke up with a beautiful dream today. But we do not know about REDD in the base of the Amazon. We need to know.” In a final plea, Jintiach explained that as the US is about to change its president, the leaders of indigenous organizations change too, and asked everyone to help the next leader become informed on these issues.

Bard Lahn of Friends of the Earth-Norway said that the Norwegian government’s initiative on REDD is not a funding mechanism for REDD, it is only funding for REDD projects. “It is not a proposal for a future REDD mechanism in the negotiation, but actual funding for REDD projects in the period up until 2012,” Lahn explained.

The opportunity that Friends of the Earth-Norway sees in it is that it could provide good examples of how indigenous peoples’ needs and rights can be addressed. That is, if we are lucky and able to influence the way the Norwegian government manages this initiative,” he added.

The starting point of this initiative was a proposal from Norwegian NGOs (including Friends of the Earth and Rainforest Foundation Norway) in February 2007. They asked their government to come up with a promise of funding for projects in REDD government and to show a willingness to contribute to financing in order to help build momentum toward Bali, “to demonstrate that developed governments are actually willing to contribute with financing that is additional to the markets and obligations that developed countries have to reduce their own emissions,” Lahn explained. To their surprise, the government actually adopted this proposal, and the prime minister announced in Bali that Norway would be spending between $500 and $600 million a year until 2012.

“We proposed some guiding principles on how this money should be used to use this opportunity to provide an example of what kinds of things could come out of REDD if it is done right.” Included in these guiding principles was the statement that they wanted the initiative to support plans on a national level to reduce emissions from deforestation and through these plans, to “ensure that you have a coherent political framework in the country that is consistent with other conventions, like the CBD, with human rights, with UNDRIP, etc,” said Lahn. “It would be very important to have these national plans developed through participatory processes that are open, broad, and transparent, so that all stakeholders would be included,” he added. Those who are affected would be able to participate in the formulation of these plans. The proposal also asked Norway to work toward establishing international mechanisms to coordinate this kind of funding mechanisms that are separate from the World Bank.

“Not to channel their money through the World Bank mechanisms that were being set up,” Lahn said, “but to possibly ask a UN body to convene an international mechanism on this.”

According to Lahn, what has happened so far is that the government did put some money into the World Bank mechanisms: They gave a small amount to the Forest Carbon Partnership Facility, and they gave the minimum amount of money to the Forest Investment Program (the minimum amount necessary to get a seat on the board of this Climate Investment Fund). But apart from that, they have focused most of their attention on pushing to get some of the UN agencies to work together to come up with different mechanisms, alternatives to the World Bank mechanisms, which have been launched now as the UN REDD. “It is quite new still, so we do not have very much info on how this mechanism is actually going to work,” Lahn warned, “But, Norway is providing some of the funding for starting up this mechanism, and will also fund some country programs through UN REDD when this mechanism is up and running.”

The Norwegian government also set up a team within the Ministry of Environment to handle this whole initiative. This team is also already negotiating with some potential recipient countries on agreements to go into REDD projects. So far, an agreement has been signed with Brazil. Norway will contribute around $100 million a year to the Amazon Fund that is set up by the Brazilian government. Norway has also pledged some money to the Congo Basin Forest Fund, which is being set up by the UK and is going to be handled by the African Development Bank. Lahn explained that there have been small pledges to a project in Tanzania, and that Norway has also been talking to Indonesia, but nothing has been decided yet regarding which other
countries Norway will be working together with on possible projects.

Lahn added that they have been asking the government to adopt a rights-based approach through broad participatory processes. “The [Norwegian] government is supporting a need to base a mechanism not only on carbon but also on the needs and rights of local peoples, of indigenous peoples, and also on biodiversity concerns,” he explained.

But when it comes to specific objectives that will be measured, the focus so far has still been mostly on reducing carbon. When they ask if Norway will require participatory processes—the involvement of indigenous peoples, or implementation of the Declaration as a precondition for entering into an agreement with a forest country—the government says “Well, not necessarily a precondition—we do not want conditionalities on their bilateral aid, but it should be there and we want to work to ensure that it should be there.” “But as long as they are not clear that it should be a precondition, we are not sure how this will play out,” Lahn said.

Lahn added that in the UNFCCC negotiations on the future REDD mechanism, they are also asking Norway to propose a reference to UNDRIP in the text. However, according to Lahn, the government responded by saying, “Well, this is difficult. We support it, of course, but it will never be accepted by the US or Canada, so there is no point in proposing it.” This has led Lahn to feel that even though the government of Norway is supporting the general objectives and sharing the general objectives that we have, they are somewhat reluctant to put pressure on those things and push them along in the UNFCCC process.

Lahn listed four things that are needed to make sure that these funds are used in a way that can provide some good examples for future REDD work:

1) Feedback from the countries Norway is talking to about how the work in the possible recipient countries is actually carried out. For example, are indigenous peoples actually being consulted? How are the recipient governments working on this? It is very important to get this feedback.

2) Help in building alliances. If we can establish a “G5” of countries that are referencing the Declaration in the text of the UNFCCC, if we would help the Norwegian government to build alliances with countries that support indigenous rights, having allies would make it easier for Norway also to push it in the negotiations.

3) Concrete proposals on how to include indigenous peoples at all the levels of the process. It is very important that we ensure indigenous peoples’ participation in the UN REDD mechanism, which is being set up right now. “I think that it is a very important time to influence that, because we can help shape it if we seize the moment right now,” Lahn said.

4) Assurance of the same kind of participation on the national level in the countries in the whole UNFCCC process.

Lahn circulated the Norwegian government’s background document on their initiative, which explains its goals and objectives and includes a list of people in the team that is working on this in the Ministry of Environment. He said that they have an NGO contact person, and that FOE-Norway has asked them to treat the document not as finished but as part of an open process, and they have agreed to take into account any comments that would forthcoming be on this. Lahn concluded by saying that if anyone had any comments to make on the Norwegian government’s background document, they could, and should, provide them directly to the government.

Roman Czebiniak of Greenpeace International began his presentation by drawing a diagram to represent the organization. According to Czebiniak, Greenpeace International does not take any money from governments, does not take any money from corporations, does not own any lands, and does not buy any forests. “So if we are wrong on an issue, it is because we are just wrong,” said Czebiniak.

He then explained how the decisions that would be made before the end of 2009 in Copenhagen would impact indigenous peoples’ land. He made what he called a “little plea” to the group, stating “we need to have the ability to consult with forest peoples, to strategize together, and to have an impact at these negotiations, and between these negotiations to meet with governments and to push [the peoples’] issues.”

In his drawing, Czebiniak illustrated how about sixty-five percent of emissions come from energy and
industry, and about twenty percent of emissions come from deforestation. “So, if we are to avoid catastrophic climate change,” he said, “we need to aggressively move to reduce both, as efficiently and equitably as possible.” Czebiniak explained that the way the Kyoto Protocol currently works, and this would also apply to the anticipated US climate legislation, as well as the EU legislation, is that carbon permits are provided to companies, and instead of regulating all their activities to reduce their emissions by a certain amount, they can trade these emissions among themselves—the idea is that they can do so more efficiently. The companies that do not have these permits would otherwise have to shut down.

But the proposal that has been put forward by some tropical rainforest nations and others has been to allow these companies to continue to produce as long as they “offset” their emissions by planting or protecting some forests. “Greenpeace has serious problems with these proposals, because we do not think that they are consistent with a climate policy that will keep us below two degrees,” Czebiniak explained. “We have concerns about a model that is designed to provide goods and services at the lowest cost, and how that would impact the rights of indigenous peoples and also biodiversity.” According to Czebiniak, the good thing about markets is that they do deliver goods and services at the lowest cost, but the bad thing is that they often do so by externalizing costs by negatively impacting people or the environment.

Greenpeace has argued that proposals for offsetting and trading forest credits should not be allowed, that facilities needing them should simply close if they cannot cut their emissions. He also added that, currently, these permits are provided for free to companies, but they should pay for them. Payments for these permits could go into a new forest fund, which could then provide an incentive to keep forests standing. “This is not actually a Greenpeace proposal,” Czebiniak added. “The idea that the polluter should pay has been around for quite a long time.” But generally, this approach to financing for REDD is referred to as “auctioning.”

Czebiniak said that the Greenpeace proposal takes us one step further by arguing for the creation of a specific “finance unit for forests” that should not just seek carbon benefits, but also benefits for biodiversity that are consistent with the rights of local indigenous peoples. “This,” he argued, “is important because the UNFCCC currently treats all trees alike. So, a plantation forest that was planted thirty years ago is treated the same as a forest that has been standing for 800 years. And we do not want to create an incentive to deforest and offset that with plantations.”

Offsetting has a strong political impetus. Rich countries want to be able to offset their emissions so that they can continue with business as usual: some developing countries’ governments are willing to go along, as long as they get financing; and the only ones who lose are the climate and the peoples. Czebiniak said that this proposal for market offsetting of forest credits has been most prominently pushed here in the United States, and there is a coalition called The Forest Carbon Dialogue, which is made up of the Environmental Defense Fund, The Nature Conservancy, Conservation International, Shell Oil Company, American Electric & Power, Pacific Gas & Electric, AIG, Sustainable Forest Management, and one indigenous organization from the Netherlands that has not been transparent in its involvement (according to Tom Goldtooth).

According to Czebiniak, what we should push for is to have civil society/indigenous representation on the board of any REDD fund. “And it seems to me that you already have certain formalized forums, such as the UN Permanent Forum on Indigenous Issues and the International Indigenous Forum on Biodiversity,” Czebiniak said. He hopes those could be modified or designed in a way to provide a real forum for indigenous peoples to raise issues, such as FPIC (free prior informed consent) and other things that are coming up in REDD projects to directly feed into the governance of the fund, which would consist of developing countries with tropical forests and industrialized countries as well.

In terms of other things with regard to UNDRIP, Czebiniak had been in a meeting with a representative from Tebtebba who had brought forward the idea that if governments aren’t going to accept the entire Declaration, perhaps we can use some strategic language to get it into the text on REDD that could then be opened up later, when issues arise? “That is something that I would very much like to work on,” he said.
Paula Moreira of the Brazilian organization Instituto da Pesquisas Ambiental da Amazonia (IPAM) said, “REDD is a new thing, and people are changing and shifting their positions on it all the time.” She believes that indigenous peoples should not feel that they are very behind because everyone is still learning about it. For instance, Brazil significantly changed its position on REDD during the UNFCCC meeting in Accra, Ghana, in August 2008, finally recognizing that people who have made efforts to conserve forested areas should also receive positive incentives for their efforts, not just those who had high deforestation rates to begin with and are now making efforts to help reduce deforestation. “This was a major change,” Moreira said, “because in this way, you avoid the perverse incentive to reward only the deforesting countries. Now, there is a possibility to reward conservation efforts as well.”

Moreira said there are four different meanings of REDD, all of which are acknowledged in the UNFCCC’s REDD definition according to the Bali Action Plan that was approved in December of 2007. Moreira read the following from the Decision 1/CP.13 of the Bali Action Plan:

[The Parties decided] to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, inter alia:

...(b) Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of:

...(iii) Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

Moreira said that these four elements listed in section (iii) illustrate the four different meanings of REDD: 1) reducing emissions from deforestation and forest degradation in developing countries, 2) the role of conservation, 3) sustainable management of forests, and 3) enhancement of forest carbon stocks in developing countries. After explaining the meaning of REDD in terms of policy making under the UN, Moreira highlighted that it involves four completely different elements, each of which people are calling “REDD.” She suggested that when people ask you “what do you think of REDD?” you have to clarify what they mean by REDD. “Do you mean the four elements in the UN convention, or do you mean REDD pilot projects, or do you mean the World Bank facility REDD fund, or do you mean the Amazon REDD fund?” she illustrated. “There are four completely different concepts of REDD. So when people ask you to make a position statement, you must clarify what it is that you are giving your opinion about,” Moreira said.

Moreira added that the Bali Road Map established a two-year space in which to design the REDD framework. So in this two-year space, any stakeholders can influence the process by submitting proposals. “In my opinion,” she said, “indigenous peoples are the most well-legitimized to submit any kind of proposals, because they are living in the forests. Because of them, we still have the forests kept and preserved as they are today.” She said we have to increase the participation of indigenous peoples, elevate their voices, and build their capacity as negotiators with the parties.

“If indigenous peoples feel that they cannot build their own proposal during this two-year time, they should ask for a moratorium in order to allow for the construction of ideas and a gathering of background information and data,” Moreira said.

She then described a recent proposal called the “Stock Flow Approach,” which recommends that two kinds of compensations, or rewards, should be given to REDD. She said that it is a bit similar to Greenpeace’s proposal, as it also creates a separate fund to be distributed in two different ways. One pool of money would go to countries that have already reduced deforestation according to their own baseline, and then another pool would reward countries according to the stock of carbon that they hold. Moreira said that this could help address the question of how to reward countries that have low deforestation and carbon rates in the first place. “This
discussion came up in Accra, and they are going to try to do a simulation of this project in the Amazon,” she added.

Moreira supported Vicky Tauli-Corpuz’s proposal for establishing a working group on local adaptation and mitigation measures of indigenous peoples in local communities, as described in Tebtebba’s report on climate change and indigenous peoples. She noted that this is the first proposal regarding REDD that has come directly from indigenous peoples, and believes that this is extremely important, as well as creative. Moreira said that she also supports the idea of creating an indigenous peoples’ fund for climate change for funding REDD projects and capacity-building activities of indigenous peoples for REDD.

With regard to language, Moreira argued that it is important to advocate for the language from UNDRIP in the design of the post-2012 framework that will include REDD. She highlighted the following four elements of UNDRIP that she believes have important language that must be utilized:
1) The right to self-determination, as explained in Articles 3, 20, 23, and 10.
2) The right to land, territory, and natural resources, as explained in Article 26.
3) The right of culture and identity, including the right to development with identity.
4) The right to free prior informed consent (FPIC), as explained in Articles 10, 19, 28, 29, and 32.

As to the implementation level of REDD, Moreira described some examples of how UNDRIP could be utilized. “For instance,” she said, “countries should prove they have recognized their indigenous peoples and indigenous peoples’ rights to land, for example, by demarcating their traditional territory, in order to receive REDD funds.” She also added that there could be some kind of external monitoring body, maybe from the UN Permanent Forum on Indigenous Peoples, making sure that this is actually being accomplished.

Moreira also mentioned the Amazon REDD Fund that received money from Norway. COIAB (Coordination of Indigenous Organizations of the Brazilian Amazon), she said, has a permanent seat on the executive committee of this fund. The executive committee is responsible for making the decisions about how to apply the resources of the fund. “Although they were not included in the creation of the fund, indigenous people now have at least some influence over decisions about what the fund will do,” she said. For example, perhaps the committee could utilize principles of UNDRIP as requirements for access to the fund, such as using demarcation as a mitigation tool.

Moreira stressed that there are opportunities within REDD that could bring indigenous peoples and the rights of indigenous peoples into visibility. “It can be a big opportunity,” she said, “We also have an opportunity to educate people, the REDD negotiators, and the BINGOs (Big NGOs) about UNDRIP, and bring in UNDRIP and take advantage of this crisis that we are facing.” According to Moreira, funding opportunities are also there to help build the capacity of indigenous peoples to talk to parties and to strengthen the visibility of UNDRIP. Moreira ended her presentation by stressing that Annex-1 parties must fulfill their commitments before even starting to say that actions must be taken by developing countries.

“Climate change is the proof of the failure of the model,” Moreira concluded, echoing a similar statement from Vicky Tauli-Corpuz. “Now,” she said, “we have an opportunity to design REDD in a way to benefit indigenous peoples.”

Discussion

Robert Goodland, an ecologist and a former environmental advisor to the World Bank, said he really enjoyed the presentations from this section and had gained a lot. “I was underinformed on REDD,” he realized. But, he also realized that not a single presentation had mentioned industrial livestock. “A major part of deforestation is due to industrial livestock,” Goodland argued. The World Bank is currently financing $2 billion worth of industrial livestock projects, such as cattle ranching, much of which are taking place in the Amazon Basin. “So of all the deforestation and degradation, much, if not most, comes from livestock development,” he said.
Livestock development causes eighteen percent of deforestation and degradation, according to the most widely used estimate, that of the Food and Agriculture Organization (FAO). But according to Goodland, this estimate is “totally wrong. They overlook, underestimate, or even omit whole classes of greenhouse gas emissions from the livestock lifecycle,” he said. “If you recalculate using their own figures…the eighteen percent grows to an enormous forty percent, and that is a very big jump.”

One solution, according to Goodland, is simply to eat less meat. “According to the IPCC,” Goodland said, “the fastest, cheapest way to reduce climate change without the need for any government intervention or the CDM is to eat less meat.” Goodland then listed several positive global effects that would come from eating less meat, among which include the prevention of water and food crises, the improvement of human health, the reduction of deforestation, and the prevention of extinctions. In addition, it creates support for indigenous peoples.

Victoria Tauli-Corpuz added that when indigenous people were consulted about REDD, one of the things they highlighted was the need to identify the drivers of deforestation. “If we are able to identify them correctly, we are on the right track,” she said. Tauli-Corpuz warned that when the World Bank presented the drivers of deforestation, they claimed the cause was shifting agricultures. “We protested this,” she said, “because, really, the mining, logging, oil and gas exploration, ranching, etc. are all the drivers. Shifting cultivation—my goodness. That really goes to show how distorted a picture they can present.” Tauli-Corpuz stressed that this is the first challenge for all of us—only really identify the causes of deforestation and deal with them correctly, because that is an opportunity that REDD provides.

Tauli-Corpuz also added that one of the indigenous peoples’ other proposals in these consultations was the establishment of an international advisory body or panel that would be composed of indigenous peoples, possible including some members of the Forum and indigenous representatives from the funding countries as well as from the countries where the projects are being carried out. “We think that this panel could monitor exactly how the REDD projects are being done on the ground,” Tauli-Corpuz said, “and ensure that all the principles of UNDRIP are really being respected by the government, the donors, and the other actors.” She finished her comment by saying maybe that is another mechanism that we could propose to be set up.

Joseph Ole Simel of the Mainyoito Pastoralist Integrated Development Organization raised the issue of how countries who were really behind the adoption of UNDRIP, such as Norway, have not really been bringing the elements of the Declaration into the development of REDD. “To me” he said, “that is really a setback. When you have a Declaration, the countries that have signed on and supported it really need to enforce the principles of the Declaration.” Ole Simel said that these countries tend to not really be aware of the Declaration, and that we need to keep in mind that wherever these REDD projects are going to be developed, respect for the elements of the Declaration must be ensured. “We need a mechanism to ensure that whatever is going to be developed must take into account the existence of the Declaration,” he said. “We must have a mechanism that can say, well, there is something wrong here when there is something wrong.” Ole Simel also raised the necessity of discussing the benefits and threats of REDD with indigenous groups. “I think we need to come out and acknowledge that REDD is not only going to provide solutions—it is going to pose threats,” he urged.

The second part of Ole Simel’s comment was directed toward Bard Lahn, of Friends of the Earth-Norway. “Why is the funding from Norway going to the World Bank and the African Development Bank?” he asked, “Is there any particular reason that this money is going to banks and not alternatives like the UN Permanent Forum on Indigenous Peoples? Is there a particular reason for this?” In conclusion, Ole Simel supported the idea that indigenous peoples need a fund. “This process is going to be long, and it is going to be very costly,” he acknowledged.

Siri Damman of Rainforest Foundation Norway said that she would like to follow up on what Bard Lahn said on the state of Norway in regard to indigenous peoples’ rights. She said that in a conference that took place Oct. 15–17, 2008, in Norway, Erik Solheim, Norway’s Minister of Development and Environment, was invited to speak. Damman said that he gave a good speech, and he spoke about the importance of bringing indigenous peoples rights into the climate negotiations. “But,” she said, “in the
end he was challenged on whether Norway was going to be able to follow up and put pressure on indigenous peoples’ rights in the initiatives.”

Damman then read a quote from Development Today:

At a conference in Oslo last week, Development and Environment Minister Erik Solheim rejected the notion of making recognition of indigenous people’s rights to forests a condition of the Norwegian aid. Unless there are cases of extreme deprivation of rights or suppression, the Minister said, conditionality is out of the question. Referring to Indonesia, which is likely to be the next recipient of a large Norwegian forest carbon grant, he said: “Most of the countries we are talking about are democratic nations with their own systems in place. If we started making conditions without first embarking on dialogue, we would just be kicked out.

Damman said that there were no opportunities to clarify what Solheim meant by that, because he left. She then read from the same article:

Development Today asked Inger Næss, an official from the Norwegian Climate and Forest Initiative, about the discrepancy between the Minister’s refusal to take a hard line on rights and statements suggesting indigenous and local communities are to have a central role in REDD. “There must be consultation processes with indigenous peoples and forest dependent peoples,” Næss said. “If human rights and indigenous people’s rights are not respected, we will of course try to influence the processes. But if this does not succeed, Norwegian aid funds could well be withdrawn.”

Atossa Soltani of Amazon Watch asked of the panel, “Given the time frame of two years, and talking about capacity building and the REDD fund, practically speaking, where are we in terms of getting a mechanism for indigenous representation?” She asked if the indigenous delegates could speak on the practicalities of a process for indigenous peoples to help craft some of their proposals leading to REDD, and also asked if someone could explain how carbon trading would work in REDD.

Tom Goldtooth of the Indigenous Environmental Network said that he thinks it is a little premature to expect an indigenous proposal about a mechanism for indigenous participation within REDD. He also said that he thinks “it is extremely important that there is a need for more indigenous people from every area of the world who are impacted... to be engaged and have an opportunity for this discussion. How we develop this mechanism, and the participation and role of donor countries and countries that are invested in this, really is a big trust issue,” he added.

Goldtooth said that some of the indigenous peoples in the global North see Norway as “invested in the cultural genocide of indigenous peoples by having their companies be invested in the Tar Sands. “Norway has, despite Kyoto, actually increased greenhouse gases by eleven percent from 1990 to 2007,” he argued. “So the way they write this off on their carbon balance sheet to look good, is by investing in forested areas.” This creates a human rights issue and a violation of indigenous rights. “So there are more issues that we have to talk about here, as indigenous peoples, and then we need to have NGOs advocate that violating the human rights of indigenous peoples is in itself an ethical, moral issue,” Goldtooth stressed. He concluded by adding that for a lot of indigenous peoples it is a life-and-death issue, and something that must be taken into consideration.

David Waskow of Oxfam America made a pitch to pay very close attention to and engage in US legislation. He said that although the conversation had mostly been in the international context, most of the major US legislative proposals on climate change that are on the table currently have included substantial provisions on REDD issues, including offsets and a number of other provisions as well. “Given the substantial size of what the US engagement will mean legislatively, both in its own right and in terms of how it could affect the UN negotiations,” Waskow said, “I think it is absolutely
critical that everyone who is paying attention to and engaging in this issue look at that process.”
According to Waskow, unfortunately, NGOs have really been focused on this social dimension only to a limited degree. And frankly, he said, it has been not so much on the radar in Congress either. “To really put it there, fully on the radar, is going to take quite a degree of mobilization on the part of NGOs and indigenous peoples,” Waskow concluded.

Janet Redman of the Institute of Policy Studies’ Sustainable Energy and Economy Network had a question for Roman Czebiniak of Greenpeace. “You mentioned the forest units, and I am just wondering what that means in the Greenpeace proposal and is that kind of a carbon-trading mechanism?” she asked. Redman said that she had a comment, or concern, about the enforcement, not just of indigenous participation in the designing of REDD or what REDD scheme happens at the end of the day, but also the enforcement of existing laws and where that has played out with indigenous participation. She said that there is a need to talk about how this will operate in the different mechanisms being proposed.

Roman Czebiniak of Greenpeace responded to Janet Redman’s comment by saying that generally when people are talking about carbon markets and talking about putting REDD into the markets, the argument is that you would provide efficiencies by allowing private companies in the North to deal directly with countries or governments in the South to develop projects. “In those instances,” Czebiniak said, “you are talking about putting forests into the market as an offset directly. The forest is linked to the offset credit. Since we have problems with this, what we propose, essentially, is to create an artificial unit that would become part of the market to generate funding that would then go to the forests. There may be better ideas, and I think that people need to be creative.”

Trevor Stevenson, co-director of the Amazon Alliance, said that from everything he has seen, REDD essentially assumes that the government is the entity that is responsible for the forest’s protection, and not indigenous peoples or indigenous organizations. “And that is why it has so much ignored the role of indigenous peoples and indigenous organizations in what I have seen as quite a bit of paying lip service,” Stevenson said. To the extend that a REDD mechanism might strengthen indigenous organizations’ territorial management, rather than strengthen the government’s mechanisms for territorial management, Stevenson believes that there might be more merit in it, and it would be something he would like to see.

Regarding Norway, Stevenson thinks it does not make sense for it to be funding projects that violate principles that they have signed on to. He said that perhaps some sort of Lobby on them could be organized to drive home that point.

Stevenson added that at a meeting the previous week on the Forest Carbon Partnership Facility, there was a presentation by Brazil on the Amazon Fund, where they were explaining some of the things that they were doing differently from the Forest Carbon Partnership Facility. Stevenson said they mentioned indigenous issues a little bit in there, but he would be interested to see how indigenous issues get included in it. Stevenson asked the panel if anyone knew of any comparison of the different models out there for REDD and how they deal with indigenous issues—and if not, if someone could compile something. “Ideally, I would love to have these different models compete with one another to prove which is best at including UNDRIP,” he concluded, “It would be interesting to at least start the comparison with how they are with dealing with UNDRIP.”

Kate Horner of Friends of the Earth followed up on the point about addressing the drivers of deforestation. “I think that is a crucial point to address,” she said. “We have a responsibility, in consumer countries, to address our role in driving deforestation in all of the available policy options.” Horner said that a fundamental question we are missing here in this conversation is: What do we actually think this new intervention of capital is going to get us in forest protection? “We need to address the ways in which these are mechanisms that will go to benefit the polluters,” she said. If you look at the opportunity costs to be covered, carbon markets are being proposed because governments are saying that you need this level of capital coming into these countries to cover the development opportunities that are being lost from palm oil, for example. “We need to address that, yes, these opportunity costs and development losses need to be addressed, but there is a reason why palm oil is profitable, and it is not because they are consuming it in Indonesia,” Horner said. She warned that we have
to be very attentive to the arguments around the intervention of capital and what that will get us, especially given the role of previous attempts to address deforestation that have zero implementation so far.

Kristen Walker Painemilla of Conservation International stressed the need to look at scale. “We are talking about the need for various scales,” she said, “[So] it is important to look at what is going on locally, what local communities need, as well as regionally and globally.” Walker Painemilla acknowledged the fact that there are a bunch of capacity-building exercises going on globally across multiple organizations, including organizations present at the meeting. “How can we pull resources to actually make them more effective and deliver to indigenous organizations?” she wondered. She wanted to know what proposals are coming from indigenous organizations about the need for that capacity building and how to design it. She said that the other issue is engaging governments in dialogue. “How can we be more conscious in how we organize and consolidate these efforts, so that we do not waste time and money?” she wondered. “And how can we join the already established forces more effectively?”

Walker Painemilla concluded by saying that it would be interesting to hear from Victoria Tauli-Corpuz about what resources and funds indigenous organizations need and how we make sure globally that the indigenous organizations are represented? “We nonindigenous organizations also need to make sure that we understand the complex network of indigenous organizations,” she said. “There is a lot of learning that needs to happen.”

Daphne Wysham, the director of the Institute for Policy Studies’ Sustainable Energy & Economy Network, returned to the question that Joseph Ole Simel raised about why is it that the World Bank is becoming the repository for a lot of these funds, especially involving forests. “For those of you who may not remember,” she said, “back in 1997 the US Treasury actually noted that it was a conflict of interest for the World Bank to be both financing fossil fuels and proposing the prototype carbon fund”. Treasury recognized that the Bank would be far more effective in addressing climate change if it simply implemented and strengthened its energy efficiency guidelines. Instead, the World Bank weakened them, according to Wysham. She said that the same sort of argument could be made around the issue that Robert Goodland addressed, namely, that the World Bank is a driver of deforestation. Wysham said that IPS’s Janet Redman had done some rough calculations and discovered that around forty percent of the money going into the World Bank for the Readiness Plan Project Idea Notes (RPINs) would actually stay within the bank. “So huge money is going to basically be benefiting a huge institution that is driving deforestation,” Wysham argued. “Same deal with the African Development Bank.” One example that she used to illustrate this point is that in Central Africa not only is the World Bank bringing in external consultants, French consultants, to draft the RPINs, but in one quote they said, “It should look as if this document was written by the government.” “Clearly,” Wysham said, “it is being written by consultants, who not only are not consulting with the governments, but certainly aren’t consulting with the indigenous peoples.”

Bard Lahn responded to the comments made by Tom Goldtooth about the fundamental hypocrisy of rich nations continuing to increase their own pollution while at the same time going out to do stuff that benefits forests. He agreed that this certainly applies to Norway. He added that while Norway has been engaging in this big push to provide funding for REDD, the government still has not fulfilled its promise to ban the import of illegal timber. He said that they too are wondering why Norway is putting money into the World Bank. “But,” he added, “I think that it has to be said that the majority of Norway’s money is absolutely not going into the World Bank.” Bard stressed that NGOs have been working hard and have managed to avoid having Norway put the majority of the funds into the World Bank. “Now,” he said, “they are much more willing to channel more funding through the REDD mechanism.” According to Bard, this could prove to be a good alternative to World Bank funding, but in reality, they do not know how it will turn out, he admitted.

In terms of drafting the law, John Fitzgerald of the Society for Conservation Biology warned that we cannot cram every single existing international agreement into each new one. “We have to make sure that we are not pre-empting any existing conservation agreements or treaties or obligations that [these states] are under... when we try to do the next climate protocol,” he said. “We should expressly
mention newer laws that aren’t hard laws, like UNDRIP, but we can deal with just simply saying that we are not pre-empting the indigenous rights that existed within the Convention on Biological Diversity,” Fitzgerald noted. On enforcing those laws, any new agreements or funding should either require that the body show it is enforcing those things already or fund the enforcement of it as we go along, but in such a way that no damage is done by lack of enforcement. Enforcement, Fitzgerald argued, should always be available to the citizens. “It is the only reason why major environmental laws work at all. We sue the government very often, and that is the only reason why we have made those things work,” he said. According to Fitzgerald, the Aarhus Convention created an extremely important precedent whereby citizens can enforce the rights under it not only within their own country, but also in other countries that are party to it. He stressed strongly that we should utilize this precedent.

Fitzgerald said that regarding the science, two degrees is no longer what the target needs to be. “That was several years ago,” he stressed. When the Society for Conservation Biology asked Jim Hansen about what the targets need to be, he said that we are losing our ice so fast, our rainfall so fast, we have to work as fast as possible to get down from the current 379 parts per million carbon to 350. Even if we get to 1.5 degrees, we are standing to lose thirty percent of all species on Earth.

Marcos Orellana had a question for any and all of the panelists. We have heard that some of the proposals are designed to give the funds to the forests, he said. “But this is a metaphor, of course, because the forests aren’t going to receive any funds.” Instead, the funds go to institutions or to people, and the question that Orellana raised is: “Where are these funds going to go?” Is it to the government? Is it to the indigenous peoples themselves? How, and by whom, would this decision be made? Orellana also pointed put that Tom Kruse had mentioned earlier that corruption is going to take place, that it is inevitable. Orellana wanted to know if any of the proposals have addressed a way to avoid this.

Tom Kruse of the Rockefeller Brothers Fund responded to Marcos Orellana by saying that we are living right now in the moment after a massive dismantling and weakening of states and governments has taken place the world over. The whole issue of what constitutes the realm of the market, what defines its relationship to the state, is now on the table. “Markets without states don’t work,” he said, “[However], I think it has also manifest that we cannot renounce the political problem today.” Kruse also stressed that we have to be highly suspect of markets as solutions to problems.

In response to the question of where the empowerment comes from, Kruse said that he does not think it is a simple binary opposition of the government versus markets. He concluded that in terms of looking for where to find empowerment, he would not turn to the markets first, but rather look to people and see what mechanisms they are utilizing in order to empower themselves.

Victoria Tauli-Corpuz used her comment to reiterate that the situation of indigenous peoples is really very dire. “Even though we have adopted the Declaration, we know very well that violations of our basic rights contained in the Declaration [are committed] every day by governments, by corporations, and even by some conservation organizations.” Tauli-Corpuz said that because of this, indigenous peoples approach the whole issue of REDD in a very practical way. They think there is an opportunity to stress that UNDRIP should be the centerpiece. That should be their number one point, she said.

Her second point was that “we cannot do away with governments. Whether we like it or not, they are the ones negotiating these agreements, not us,” she said. She also urged that we have to differentiate between governments. Not all governments are alike, she said. There are indeed governments that are sensitive to the rights of indigenous peoples. Tauli-Corpuz warned against making sweeping statements declaring that all governments are bad, so governments should not be given the right to protect forests. “That is utterly illogical,” she said, “because there are governments at the national level, at the local level, whom we are working with.

“There are indigenous governments and there are traditional authorities of indigenous peoples that are going to be capable of playing a role in these [negotiations].” This, she said, is particularly why Tebtebba would like the indigenous peoples who are affected by these programs to be the ones speaking
about it. “Even if you are a national network like COICA, you cannot speak for the local indigenous peoples there,” she said. Tauli-Corpuz stressed that these indigenous peoples should be the primary ones to speak out, because they are the ones who know what the situation should be like and how to shape this thing. “The right to self-determination is invaluable, and that [greatly] applies to indigenous peoples. Our role is to support this right,” she concluded.

Trevor Stevenson of Amazon Alliance followed up on his comment earlier on the underlying assumption that it is governments that protect forests and not really indigenous organizations. “What I am getting at here is that we have been very focused in this discussion on the rights of indigenous peoples,” he said, “and there is a whole other level of this, which is practicality.” That is, the practical value of indigenous organizations being able to strengthen their ability to manage their territory. “When I have seen governments involving indigenous peoples [in the process], it seems more for the political correctness, in compliance with rights, than for the idea that this is a practical, useful thing to do,” he added.

Bard Lahn’s final comment was that, regarding how the Declaration can be applied to REDD, it is up to the NGOs to make it happen. He urged others to ensure that we give input to those, such as the Norwegian government, who are designing this REDD mechanism.

Paula Moreira of IPAM said that her concern is not about how to raise the money, whether through carbon markets or donation, but rather how to channel the funds to really tackle the drivers of deforestation. And also how to raise awareness of indigenous peoples, because in many countries they are not even recognized, and consequently, their rights are not recognized. “How can this new recognition of the importance of the forests and the demand for the forests bring into visibility the rights of indigenous peoples and the recognition of UNDRIP?” she wondered.

Roman Czebiniak of Greenpeace said that he thinks that we do not need to provide just an economic incentive, but a societal incentive as well. “If we want REDD to work in the long run, we have to get it right in the short term,” he said. How we design the system is going to determine this, according to Czebiniak. He added that he looks forward to feedback and hopes that everyone is creative in terms of coming up with good proposals.

Juan Carlos Jintiach of the Amazon Alliance extended an invitation to those in the room to a meeting that the Alliance is going to have with COIAB in Brazil. They are going to have an Amazon Forum, “because we want to have our own discussions and we want to analyze and summarize what we are going to present about climate change and REDD issues,” Jintiach said. They invited several NGOs to come and sit down with the local leaders, so that the NGOs could recognize who they are. He finished by saying that he has had a good opportunity to bring ideas back, because there are some NGOs that are currently doing workshops with local and regional organizations in his indigenous communities.
A Copenhagen convention is mandated to finance adaptation and technology transfer, in addition to forest protection (via REDD), but how will the solutions that are being proposed—from contingency plans for displaced climate refugees to newly expanded funding and the deployment of energy technologies worldwide—impact indigenous interests? People are saying, “Get off our land! We don’t want your technology or your financing!” How are they being heard, if at all, in the UNFCCC? Where are the opportunities in Copenhagen’s economic architecture to apply UNDRIP?

David Waskow, Oxfam America
Jake Schmidt, Natural Resources Defense Council

David Waskow of Oxfam America discussed the theme of adaptation with respect to financing climate change mitigation. In thinking about financing, Waskow believes that we have to think about the two key issues:

1) The generation of the revenue itself
2) The institutional mechanism, delivery, and relationship to people on the ground.

“If you don’t get both of them right, you have a problem,” he said.

Waskow referred to Article 20, Section 2, of the UN Declaration on the Rights of Indigenous Peoples, which he thinks is very interesting and potentially very important. Article 20.2 reads “Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.” The implications of this Article, Waskow believes, are quite potent.

“In the context of climate change, I think this poses a very important question to us, which is to address the fact that many people around the world are going to be significantly affected by the impacts of climate change, and many of those who will be most deeply affected are in fact indigenous peoples,” he said. “There are already many concrete instances where indigenous peoples are being affected by a whole range of climate impact.”

Waskow then raised the issue of redress. Oxfam has done some work, most recently in a paper it released a few months ago called Climate Wrongs and Human Rights, looking at the ways in which climate change should be viewed through a human rights lens and attempting to make whole and provide redress to the communities that are going to be affected by but are not principally responsible for climate change.

The Group of 77 developing countries plus China (or G77 + China) has indeed been proactive in putting forward proposals on financing in the UNFCCC negotiations. Waskow warned that over the years Oxfam has certainly seen developed countries fail to meet their commitments simply to put forward a certain percentage of their GNP or gross national income. “The commitment to provide funds amounting to seven percent of developed countries’ gross national income has not even come close to being met, with the exception of a few countries, Norway among them,” Waskow said. According to Waskow, although the G77 framed the problem correctly in terms of the amount of financing needed, the question is: How do we go about developing a system that actually delivers on it?

Waskow said he thinks that in his presentation, Roman Czebiniak of Greenpeace did well in setting up one of the principal tools that Oxfam thinks should be pursued to actually achieve the necessary level of financing. Oxfam, Waskow said, did an analysis and put out a paper about a year and a half ago that discussed what is needed. It concluded that in terms of adaptation, developing countries need something on the order of $50 billion or more annually. However, the UNDP (the United Nations Development Programme) trumped Oxfam, arguing that the correct estimate is closer to $86 billion annually, and there are several other numbers out there. For Waskow, the main question is: How do you generate this kind of revenue?

The proposal that Oxfam is most interested in is one that would take some of the international emission permits, or allowances, and set them aside, then auction them off to both public and private entities. “Our calculations are that by auctioning on the order of 7.5 percent or ten percent of the allowances that are created through a UNFCCC agreement, you
could [potentially] generate $50 billion or so of revenue,” Waskow said. “A lot is dependent on the price of carbon, but there is an opportunity through these set-asides to generate massive amounts of revenue,” he added.

Oxfam is also going to be supporting proposals to generate revenue in the international aviation and maritime sectors, particularly through the auctioning of allowances in those sectors. Right now, international flights and shipping do not fall within any international emissions system, but by pulling them into an emission system and auctioning off those allowances, Oxfam estimates they can generate another $20 billion or so of revenue.

On the delivery side, Waskow believes that one of the critical questions is how to design an institutional structure that is going to be responsive to communities on the ground. “Right now, even with the adaptation fund, which is a fairly new body, where there is a majority representative of developing countries on the board, even there, questions of community participation, indigenous peoples’ participation, have not really been on the agenda,” he said. “I think one of the tasks we have in front of us, even in the scenario where the overall nation-state balance is more appropriate that has been the case in all other multilateral governance structures, we still have to figure out how to inject these questions of participatory governance into the mix,” Waskow concluded.

Jake Schmidt, International Climate Policy director at Natural Resources Defense Council, began his presentation by saying that we made some fundamental breakthroughs in the Bali Agreement, laying the foundation. One of these that he believes to be really crucial is the idea that we need to scale up the investments, resources, and opportunities flowing from North to South. “We have had this promise in lots of international agreements for a long, long time, and, quite frankly, there has been a very little amount of money that has actually flowed there,” he said. “[However],” Schmidt continued, “I think that there is a growing sense that we need a scaled up set of resources that need to flow from developed to developing countries to assist in the transition for sustainable development, such as clean energy. The good news is that it is there. It is on the table.”

Although the Bali Road Map has the specific language that NGOs agree is essential for financing climate change, that does not mean the mechanisms are there to deliver on it, Schmidt warned. “As we all know, an international agreement is only as strong as the mechanisms that people put forward in their national governments and in the international forum to deliver upon it. Words themselves have no meaning unless there is substance behind them,” Schmidt said. He thinks that it is really crucial over the next year and a half to put forward the mechanisms to actually deliver on the proposals.

Schmidt said one thing to always keep in mind as you are thinking about the framework of these approaches is that “for better or worse, the climate agreements are government-to-government agreements. We, as NGOs, try to shape those governments’ perspectives, and you indigenous peoples should also try to shape governments’ perspectives. But if you were to ask me what my ideal solution would be to climate change, I would say that it would not come out of Copenhagen.” He said that we are nowhere near to what is ideal. Schmidt said we have to work within the mechanism we have, and the mechanism we have right now is government. “It doesn’t mean that you can’t influence it,” he said. “I think that you can influence it in two very important ways.” One is through your national government. Governments sometimes come to these negotiations with a mandate and sometimes without one. “There is a way to shape that mandate so that when governments go to the negotiations, their mandate is reflecting your views as indigenous peoples,” Schmidt claimed. The other thing Schmidt mentioned is to shed light at the international level. “There is always the opportunity to provide interventions on behalf of the rights of indigenous peoples on some of these key mechanisms, and that is really crucial, but I would warn that as we go into Copenhagen, we are a bit beyond the ideas,” he said. Schmidt also highlighted the need to bring specific bullet points of ideas, to get language fleshed out, because, he believes, starting to come out of the agreement in Poznan will start to come detailed text. The agreement is going to begin to take shape. “So if you have input on what pieces you want, time is not on our side to develop that language,” he said.

Schmidt then laid out the way that he thinks the agreement is being fleshed out:
1) As they have already clearly stated, developing countries believe that the developed countries need to take continual leadership in reducing their emissions. “Hopefully, over time, the targets of developed countries will become even more aggressive,” Schmidt said.

2) Developing countries need to take some level of action that is driven by their sustainable development, energy security, poverty reduction strategies, etc. Developing countries will do things that are driven not simply by payments from the North. There are things that they can take action on that are in their own best self-interest to do. The level of that action will obviously vary from country to country. Developing countries are going to be taking a range of actions.

3) Financing flows will assist developing countries in taking even greater emissions reduction actions. “The frameworks that the countries are taking in their own self-driven development objectives are something to build upon,” Schmidt explained. For better or for worse, the carbon markets will be in whatever mechanisms are developed. “I think there is significant push for the carbon markets to play a role in those mechanisms, and they can work better or worse depending on the designs,” Schmidt said. He explained that although NGOs have been pushing very hard within US domestic legislation to minimize the amount of offsets allowed into the climate bills, it is a hard fight to fight. “It is hard because there are not a lot of allies on our side. But it is important to take a stand and say that we are not going to have all of the developed countries’ emissions simply done through the purchase of offsets outside the US and Europe,” he urged.

4) Hopefully, there will be well-designed incentives for technology deployment. “We have had lots of conversations over the years in the climate conventions over this idea of technology transfer—conversations that have gone absolutely nowhere because they have had no tangible mechanisms,” Schmidt explained. So we need to figure out what those mechanisms should be. How do you actually deliver the technologies that we want and deliver them in a way that makes it attractive for developing countries? We have to recognize that it has to be attractive both for the developing countries and for those who are exporting the technologies. “Also, it is not just a matter of having the technologies and having those technologies flow. We also need to actually have structures in place in the developing countries to help deliver the technologies on the ground and ensure that they fit with what the developing countries are pushing for,” Schmidt explained.

In his conclusion, Schmidt said that he thinks there will be incentives for deforestation. “I see a couple of key mechanisms for the indigenous groups to begin to interject input,” he said. “What does FPIC with teeth actually mean and how do we deliver that mechanism within the US climate bills?” he asked. Schmidt added that it is really crucial in any funding mechanism, to have land titling established, well defined, and enforced. It is crucial that indigenous peoples play a role in shaping what that land titling will look like. He also stressed the need for mechanisms that actually deliver money from the governments’ national capital down to the people on the ground. “It is necessary for all to give input on how that will actually work on the ground,” he urged.

In conclusion, he supported the idea that it is critical to address some of the international drivers for deforestation. “For example,” he said, “we know that illegal logging is a crucial driver for deforestation in a lot of countries. There is a nice tool that is now available within the US to address this issue.” He referred to the new law John Fitzgerald had mentioned requiring that any wood and wood products that come into the US have to be certified as being legally harvested. “It is a very powerful tool and an important law,” he said, “but it is only as strong as the enforcement mechanism to deliver it. But it is a tool that, with the US system, we have a great power to enforce through the courts and requirements.” Schmidt concluded with the fact that we need people to actually flag it when it is being broken. “We need to have folks on the ground to signal when these problems are actual arising, so that we can utilize the tools,” he said.
**Discussion**

Athena Ballesteros of the World Resources Institute highlighted three different issues in her comment. First, she addressed the fact that, as David Waskow of Oxfam America said, there is a G77 submission on “what this new post-2012 financial architecture would look like. I think what strikes me as new and different,” she said, “is the fact that it was China and India that actually led the G77 discussions proposing the use of a certain percentage of developed countries’ GDP to generate the much needed revenue. But what is interesting in the politics is that they won’t say this in the negotiations, but in closed-door meetings they have actually said that what is interesting about this proposal is that it can be linked to developing country mitigation activities—potentially binding, potentially voluntary,” Ballesteros added. She believes that the fact that there is a bit of a signal from the two big developing countries saying that we can actually talk about measurable, reportable, verifiable financial commitments linked to some mitigation activities on the part of developing countries will change the rules a little bit.

Secondly, Ballesteros acknowledged that the finance discussions are very complex, and will only get more complex. “But,” she said, “I think NGOs, civil society, and especially indigenous peoples’ organizations need to ratchet up the sense of urgency. Science is grim and getting grimmer by the day. I think the sense of urgency needs to be out there, even though the negotiations have become very complex. I think that we have the responsibility to do this,” Ballesteros also stressed that there is a need to “ratchet up” a sense of responsibility as well. For Ballesteros, what is interesting in the financial proposals that are being put on the table, is that we are not just talking about donor-driven financial assistance. “There are also a lot of proposals out there about the big emerging countries contributing a certain amount of money toward financing climate change mitigation,” she said.

The third issue that Ballesteros addressed was how UNDRIP could be incorporated into these processes. “What are the opportunities for the Declaration to be incorporated in some of the mechanisms that Jake [Schmidt] spoke about?” she wondered. She reiterated looking into opportunities within the Adaptation Fund. “We have some very progressive board members in the Adaptation Fund, particularly South Africa, which is surprisingly quite open to NGO and indigenous peoples’ input,” Ballesteros added. China has also proposed a Multilateral Technology Cooperation Fund as part of the Copenhagen deal. And although currently the list of technologies being proposed is very different from the list that NGOs have put forward, Ballesteros stressed that there is still a lot of room to influence these discussions.

Victor Menotti of the IFG said that the question “What, exactly, is clean technology?” is going to be a really important issue. He commented that he is still not sure if he followed who is proposing which multilateral fund, and that he did not know that there were already lists of certain technologies being itemized for the G77 proposal. “But what I can tell you,” he said, “is that these proposals certainly are not being thought of through any lens of the UN Declaration on the Rights of Indigenous Peoples.” There are certainly going to be some technologies that will have more impact on indigenous peoples than others, he stressed. Menotti said that he would actually like to see the group create a list that encourages certain technologies and then restricts certain technologies. “I do not think we have really gotten to that part of the discussion—about a negative listing of what technologies need to be controlled more,” he added.

Menotti said that he supports Tauli-Corpuz’s point about the role of intellectual property rights in technology transfer. “There is going to be a whole package of what comes together to whatever this technology transfer regime is going to be,” he said, “and it has got to deal with research and development, and cooperation between North and South, about what kind of technologies get financed and get developed.”

He explained, “The support package needs to contain both hardware and software.” The software is needed to support developing countries to develop the regulatory frameworks, the policy mechanisms,
the know-how, and the management expertise to develop a clean energy economy that supports those technologies and encourages the uptake of those technologies.

Menotti also explained that there has to be something that actually gets the equipment there, which is the hardware. “One of the biggest barriers in getting the equipment there,” he explained, “is the current rules on intellectual property under the WTO.” Menotti described how under the US Clean Air Act there is a provision for compulsory licensing where if a US company cannot meet its requirements under the Clean Air Act, they are allowed to seek from the Attorney General a waiver for accessing that technology. “We are thinking that the US should apply that internationally as well,” Menotti said. “There is no reason that the US shouldn’t globalize what we have already done domestically.” However, Menotti said that we want to do that in a way that still is stronger than what the US has domestically. There are a number of options that are available for how the Copenhagen convention can actually deal with this question. To conclude, Menotti said that he thinks groups in the North have not thought about this enough, and it needs a lot of priority.

Kate Horner of Friends of the Earth had a question for the presenters. She asked if they could talk both substantively and politically about the opportunities for weaving together the three delivery blocks for financing under the Bali Action Plan.

Karen Orenstein of FOE-US posed a question for Jake Schmidt. She asked him, “Can you just talk a little bit about which technology mechanism you would advocate, either personally or by the Natural Resources Defense Council?”

Atossa Soltani of Amazon Watch said that in terms of developing countries’ own actions in terms of reducing emissions, the Ecuador proposal has been mentioned a few times. “Basically,” she explained, “the proposal has been that the Ecuadorian government would leave a billion barrels of oil in the ground. It is an appeal that has been in debate for a decade and it is all ready to go to be developed, but the current president is putting a hold on it in exchange for half the forgone revenues. “I just want to say that it is interesting because they looked at the financing mechanism for that, and it includes a big chunk of it from debt cancellation,” Soltani said.

One part of the financing mechanism would be debt cancellation, and the other would be contributions from forest carbon funds and various deforestation funds. Soltani highlighted that the key issue here is avoided emissions of oil and gas reserves, especially in areas of high biodiversity, where the development of these fossil fuel reserves would lead to increased deforestation. “The estimates for the carbon in 1 billion barrels of oil is over 400 million tons of carbon,” Soltani explained. According to Soltani, although the proposal is still on hold, the government has actually done a lot to advance the proposal. Rafael Correa, the president of Ecuador, is actually talking about taking to OPEC countries a proposal for financing adaptation and climate change reductions by proposing a tax on oil producers. This proposal includes a per barrel tax on oil production to finance adaptation.

Speaking about carbon markets, Soltani said that she personally is not in support of carbon offsets, yet she sees that there is already much momentum building around carbon offsets. “I am just wondering if there have been any creative conversations about a proposal for carbon offsets that would be a three-to-one, or five-to-one, which addresses equity issues, and doesn’t just allow for pollution, but also allows for taking the historic burden off developing countries in helping offset developed countries,” she said.

Victoria Tauli-Corpuz asked the presenters to speak about taxation, an issue that she believes has really come into the picture in terms of sources of finance. She said, “If we believe in the polluter-pays principle, then this would be a very rational proposal.” She mentioned that this idea had also came up in Accra. “But obviously, this is not something that has been picked up and really been developed further,” Tauli-Corpuz added.

Tauli-Corpuz followed with a question about technology transfer. “Are they thinking about big, large-scale, centralized renewable energy projects?” she wondered. “Because indigenous people prefer small-scale, community-controlled, renewable energy projects, but you still do not see a lot of that coming into the discussions.”

Lastly, Tauli-Corpuz acknowledged that, of course, indigenous peoples already have their own technologies that they were able to adapt to climate
change and by which they are mitigating climate change, but this has not been part of the equation. “In fact,” she said, “the knowledge of indigenous peoples in terms of adapting and mitigating in their practice as well as in their own technologies are really crucial and should be recognized. But that is not yet the case.” To conclude, she asked how we would at least bring in these kinds of issues.

David Waskow of Oxfam America responded to the comments that had followed his presentation. About the tax issue, Waskow said that one of the advantages that we actually see in the auctioning proposal, the auctioning off of emission allowances at the international level, is that “those allowances are ones that are identified for Annex-1 countries, developed countries. Auctioning them would essentially require polluters in those countries, who want to be able to emit at the level that those allowances would allow them, to come and pay for those allowances,” he explained. Waskow argued that, yes, it is a form of polluter-pays, and from their perspective, that is one of its greatest advantages. “Doing a tax system would perhaps have some benefits that you don’t get out of that scenario, but we do think that it is in line with the responsibility of those who have polluted and are polluting, to provide redress,” he said.

In response to the question on overlaps, Waskow said that he thinks there are three kinds of overlap that we need to be thinking about. One is money, the second is institutions, and the third is on-the-ground approaches. In terms of money, one thing that Waskow thinks we need to have in mind is that there are now several different objectives identified for substantial streams of money: “adaptation, REDD, and clean energy tech, to simplify. It is very plausible to imagine a situation where there is a zero sum game, and those begin to compete for available revenues,” Waskow said. “And I think we need to be very aware of this dynamic and to, as much as possible, synergize the demands for funds.”

The question of institutions is one that Waskow believes is going to be increasingly important. “There is the Adaptation Fund, and the Adaptation Fund Board, there are proposals for some kind of clean energy fund, and there are no doubt going to be institutional proposals on the REDD front,” he said. “So the question is: What you do with all of the different proposals? Do you have separate institutions for each of these areas? Do you have some overarching institution? I think that it is tricky because adaptation is something that requires a lot of nuance in terms of looking at local situations on the ground and being able to figure out what is necessary.” Waskow explained that having a board of folks who think about that discrete set of issues is fairly important, but at the same time, there may be some arguments for having some kind of overarching system, so that we do not begin having competing poles and other dynamics that are unhelpful. “I do not have an answer to that, but I do think that we need to begin to think these dilemmas through,” he added.

Waskow then went on to explain that we should also be thinking about ways in which we can synergize among adaptation, clean energy and REDD on the ground. He stressed that we should be thinking about how to tie these strands together in terms of what work actually happens on the ground.

In replying to the questions and comments about technology transfer, Waskow said that a missing part of the puzzle in a lot of respects has been adaptation technology. “In thinking about it from an intellectual property perspective,” he said, “I think it is really a big missing question. Intellectual property barriers have been a huge issue, and I think that we need to keep this in mind as part of what we need to address.”

Regarding traditional technologies, Waskow thinks that it is an absolutely critical component and is one of the missing pieces in terms of even how the Adaptation Fund has been thinking things through. “I think we should be thinking through how to stimulate that as much as possible,” he added.

Jake Schmidt of the NRDC said that in regards to what is being discussed at international negotiations, there are three key pots of money. He listed these as the deforestation, the adaptation, and the technology incentives pots. Schmidt said that he sees a lot of synergies across these three areas, and believes that you can “mix and match them in some places. But,” he warned, “I think it is also probably in all of our interests to keep them separate... Because, let’s not kid ourselves, we who are sitting around the room are not the ones who are trying to raid those pots. We are the friends, for the most part. The industry and the oil and coal guys see that little pot of adaptation
and decide they want that money. They are raiding those pots left and right and we need to be able to fend those off and we need to be able to say how they are a package, as David outlined.”

Schmidt said that we need to have the advocates of the REDD, the adaptation, and the technology incentive fighting for those pots “hand and glove.” They are all part of getting a good global agreement that can begin to solve the climate challenges, he said, so it is important to see them as a holistic picture. “But,” he added, “I think that there are different things that you would do in each of the challenges.” Schmidt acknowledged that there is overlap, and he believes that David Waskow’s group (Oxfam America) has done a good job in thinking about the mitigation and adaptation activities and how they would overlap. “And they do overlap in some cases, but it is not the only thing that you would do,” he said.

As to the technology delivery mechanism, in terms of what is the ideal versus what is the reality that we will get, Schmidt said there is probably a big division. “I think that we need to come to grips with the fact that it is unlikely that the US will contribute sizable amounts of money to some organized and structured UN system,” he said. He explained that as a country right now, the United States has too much political dislike of the United Nations. “So I think that, like in the US climate bills, you are likely to have mechanisms that provide incentives for the deployment of key technologies and key developing countries. But it is likely that the US will have some kind of control around it. As much as you can, I think that you need to get the rules to begin to harmonize with what the developing countries want.” However, Schmidt thinks that not many of the developing countries actually know what they want regarding technology. “For the local and small-scale technologies, I think that there is great interest for indigenous peoples in advocating for specific carve-outs of specific money for these other kinds of technologies,” he said.

In his final statement, Schmidt said that as to taxation, the political reality is that “you can get a lot more money pushing for a set-aside of auction revenues within the US and Europe than you can probably to push too hard on aviation taxes. I think you push on both because they will both deliver, but I think that it is easier to argue for and advocate the set-aside of auction revenues,” he said.

Tom Goldtooth of the Indigenous Environmental Network said that a couple of years ago, when he had been going to the UNFCCC meetings, some indigenous leaders were networking with several developing countries, as well as with the US and other countries that have indigenous populations, to see if they would underwrite funding for adaptation for indigenous peoples within their initiatives. “I am not sure if indigenous peoples from those various countries followed up on that,” Goldtooth added, “but there was some interest.”

Goldtooth then agreed with the statement that there is a lot of competition for whatever money is generated on adaptation, especially from developing countries and small island states. “Competition,” he said, “has always been an issue, and I have seen the US State Department manipulate some of those negotiations.” Goldtooth also added that there has been some discussion around the question of whether pushing the price on a carbon tax can be implemented on a global level. “We are talking about that domestically in the US,” he said, “but is there a structure that can be created globally?” He also acknowledged that there has been a whole buzz on the issue of contraction and convergence. “I know that is going to come up again, and I want to know if any of the NGOs have any thoughts on contraction and convergence as a model, and then the carbon tax,” Goldtooth said.

Trevor Stevenson, co-director of the Amazon Alliance, said that he can “pretty much guarantee that we will not set the tax rate at the right level” because he can “pretty much guarantee that when push comes to shove, politicians will set it at the lowest rate possible”. The advantage of a cap, he said, is that you know definitively how much your total emissions are going to be. “The downside of that, the part that companies don’t like, is that they don’t know how much the price of that is going to cost,” he added. But Stevenson thinks that from an environmental standpoint, you can push on the targets and you can push the cap down aggressively over time. “I find it hard to believe that you could push down too hard on the carbon tax,” he added, “However, I think we are many years away from doing it globally.”
In response to Tom Goldtooth’s statement about contraction and convergence, Stevenson said that he personally thinks, “We are wasting a huge amount of our limited time fighting over what is the best mechanism to share the burden. We are going to have something to say about this in Copenhagen,” he said, “but this is precious time that we do not have to solve the climate agenda.” Stevenson added that his philosophy is: “Let’s all get started and reduce emissions to the extent that we can push our politics as much as possible, and know that we have to come back to it every couple of years to begin to push, and that hopefully we end up with a framework that is somewhat fair.”

**John Fitzgerald** of the Society for Conservation Biology added that at a couple different times, the European Union has also presented proposals, originally designed by the French, to begin a system of taxation of, essentially, imports. “That is,” he said, “the carbon that is associated with the import process, beginning with the airplanes landing in Charles de Gaulle International Airport. According to Fitzgerald, the EU has delayed this project two or three times, but he claims that it is a very plausible option. “This could crystallize into a global system of taxing imports and exports and taxing the greenhouse gases associated with them,” he said. “We have exactly that in several of the proposals that were being considered in Congress. Lieberman-Warner had a system that would require people exporting things to us to buy permits on auction by 2019 or 2020. In essence, that was an import tax. Fitzgerald explained that this sort of action is even WTO-friendly, according to a study by Duke University. “So the point is, taxes are probably going to be a part of any package,” Fitzgerald said. “The question is what name they have, how they are recognized, what form they take. And, you will also find that in this Congress we have just had, and increasingly in the next Congress, they will be changing the subsidies and the taxes for energy forms a lot, all around the climate bill in addition to within the climate bill. So there is no reason that we cannot have all three tools: cap, tax, and auction.”

**Victor Menotti** of the IFG questioned Fitzgerald’s assertion that border tax adjustments, such as requiring importers to purchase emissions permits, are WTO-friendly, warning that there are deep differences of opinion over whether those kind of measures are WTO-legal or not. There is a lot to be figured out in terms of how such proposals will sit with our colleagues in developing countries. “Border measures should be a toll of absolutely last resort.” What we need to do in order to get developing countries engaged, Menotti believes, is to deliver on financing technology transfer. He said that they have been very clear about the fact that that is what they want to see, and those are the kinds of incentives they need to take those kinds of measures. “We could agree to some sort of globally coordinated system of national taxes that are implemented in unison, rather than some sort of global tax,” Menotti added.

**Steve Kretzmann** of Oil Change International said, “I just want to note that we are having a very disciplined discussion here and focusing on climate, and having just been at the Climate Action Network’s (CAN) Equity Summit in India last week, it seems to me that the politics around the climate negotiation are a little bit more complicated than the notions of poverty alleviation, and the development and financing of those are also a part of this negotiation, whether we like it or not.” He then asked if anyone had any comments on that in terms of money and flows.

**David Waskow** agreed with Kretzmann that it is “a heck of a lot more complicated than a short conversation can possible hope to reflect.” He explained that the CAN Equity Summit had been “essentially a CAN-sponsored event,” bringing together folks from the global North, the global South, and from a variety of worlds to talk about how to deal with equity issues in the international negotiations. “What I have heard is that what was frustrating, but also illuminating,” he said, “was that there was no concrete outcome in terms of where there was NGO agreement on how to drive forward on an international agreement structured around emissions. Waskow said there continue to be divergences between the organizations that are extremely difficult, but that really fundamentally reflect the divergences within the negotiations. “Then that leaves on the table the question of how one does in fact move forward, and I do not know if we have the answers,” he added. But, he said, we need to find a middle ground of frameworks that can then help us think through what is an appropriate outcome from the negotiations.

Waskow added that Oxfam is currently working on the Greenhouse Development Rights framework.
“Essentially,” he said, “this is a frame for thinking about what countries ought to do, both by looking at their historical responsibilities in emissions since 1990, and their economic capability, and then using that to essentially assign a portion of the atmosphere that one can use, and then determine responsibility based on that for reducing emissions. Governments, he warned, are never going to agree on a formulaic approach in a negotiation. Waskow concluded his comment by saying that what these kinds of frameworks actually do is “help us get our eyes set on a context for what outcomes ought to be.

INTERNALIZING UNDRIP INTO OUR OWN INSTITUTIONS / COLLABORATIVE ACTIONS AND NEXT STEPS

Many nonindigenous NGOs have internal policies that hold them accountable to treating indigenous peoples with the respect they deserve. Others are newly considering indigenous issues and exploring how best to engage them. Now that a universal standard exists, how can our organizations internalize UNDRIP’s principles to govern our own programs and activities? Shouldn’t NGOs be held accountable to the same standards by which we are demanding governments, corporations, and global institutions abide?

Evelyn Arce-White, International Funders for Indigenous Peoples
Phil Aroneanu, 350.org
Jenny Springer, World Wildlife Fund
Nurzat Abdyrasulova, UNISON

Evelyn Arce-White of the International Funders for Indigenous Peoples (IFIP) said her group—an association of over 100 donors—supports indigenous projects globally. The IFIP also includes sixty NGOs and indigenous people from all over the world who address issues such as education, land rights, UNDRIP, youth, and women’s empowerment. Arce-White described the IFIP as an organization that links donors with projects that address indigenous peoples’ issues. She explained that although most donors want to fund indigenous issues, most are just not aware, and that one of the IFIP’s most important missions is to educate donors. One example she described was an IFIP session that inspired donors to spontaneously give $40,000 to a three-month emergency campaign to support passage of UNDRIP.

Arce-White noted that only a small portion of donations go to fund indigenous projects. Most of the funding deals directly with the environment. In addition, approximately 172 foundations are currently giving to indigenous programs. The IFIP also provides a downloadable guide (Indigenous Peoples Funding and Resources Guide) that provides material for indigenous peoples to build internal capacity in their organizations to find better grant seekers. “So far, we have given out 1,500 complimentary funders’ guides in English and Spanish at the UN Permanent Forum. And every year, if you look at our website, www.internationalfunders.org, at least a dozen a day—organizations, non-profits, indigenous organizations—are downloading our guide, which is very good.”

Arce-White described the ways in which the IFIP is incorporating UNDRIP. Last fall, it hosted an Amazon donor forum, in conjunction with Amazon Alliance, in which they both incorporated the principle of free prior informed consent into their best practices. In addition, the 2009 donor forum will bring together over 400 people and two sister affinity groups for a whole day devoted to best practices and the incorporation of UNDRIP’s language and principles. The results will be sent out to the philanthropic community, which will be asked for its unequivocal support. “This is where we are taking our stand,” she said. In addition, the IFIP will be creating a grant makers’ guide with Victoria Tauli-Corpuz, and using UNDRIP’s language, in order to increase funds going to indigenous people. The IFIP will be sending delegations to Alaska for the Indigenous Climate Summit, as well as to Copenhagen for the COP15.

“If you are an indigenous group or an NGO and you want to submit a session on UNDRIP or indigenous issues, work with a donor to have them submit a proposal to us for a session, and we can present it to our donor association conference. That is how the IFIP should be used, to advance UNDRIP into the philanthropic community,” said Arce-White. And
although the IFIP can be a champion for funding, its own low capacity requires cooperation, so organizations utilizing its services must be willing to work together. “Opportunities, there are lots of opportunities,” Arce-White stated. “As affinity groups, the IFIP gives access to donor world.”

Phil Aroneanu of 350.org introduced 350.org as a small organization with a big ambition: to take the number 350 all over the world to change the politics of what is possible. The number refers to 350 parts per million (ppm) of carbon dioxide in the atmosphere, an amount that Dr. Jim Hansen of NASA says is a safe level. An imperative within the 350 movement is the “equitable 350,” and the underlying understanding is that developing countries must take responsibility for their share of carbon dioxide, as well as helping developing countries and indigenous people deal with climate change in a just way. “We believe that incrementalism in the face of the current science in climate change is not going to work, that we need bold solutions, and that we need, again, to change the politics of what is possible,” Aroneanu said. “The public needs to understand that this is really a life-or-death issue, especially for people in developing countries and indigenous folks who are being disproportionately affected by climate change.” 350.org will continue to publicize its benchmark of 350 ppm and rally the public around the cause, as well as envision how it will incorporate UNDRIP into the internal processes of the organization.

Jenny Springer of the World Wildlife Federation (WWF) began by describing the unique structure of the WWF, which operates as an international network of thirty-six national organizations and thirty-six program offices (which are legally independent organizations) coordinated by a secretariat at the organization’s headquarters in Gland, Switzerland.

In 1996, the WWF coordinated an internal process through which the network developed its own policy on indigenous peoples and conservation. One of the key motivations for the development of this policy was the recognition of the human rights of indigenous peoples and the desire to articulate this recognition as it had been developed in ILO Convention 169 and the first draft of UNDRIP. The second key motivation was the more practical issue of determining how to best serve its primary constituency to facilitate effective action. “Many of the remaining high-biodiversity areas in the world are home to indigenous peoples. These areas are owned by indigenous peoples and they are the stewards of these lands, which means that indigenous peoples are key constituencies, and key partners for conservation,” said Springer.

The WWF’s internal policy was updated and republished with the recent adoption of UNDRIP. The WWF then began building capacity among staff and engaging with indigenous peoples to develop a common agenda at the important intersection of indigenous rights, conservation, and sustainable land use. Springer named Australia, Indonesia, the Amazon, and Central Africa as places where these ongoing dialogue processes are occurring. A range of implementation measures provided guidelines that were then integrated into national agendas, and provided valuable information about project cycle development and management for projects coordinated by WWF International. Springer said we all face the challenge of “translating” UNDRIP’s broad principles into the needs of a national context, and the even greater challenge of translating those principles to address international policy issues such as REDD.

In closing, Springer reiterated that pulling people together at an international level is complex because many of the issues are new and always changing. But the process of finding common issues and intersections of agendas across regions and levels, and discussing how they apply to the international arena, is the “kind of translation process we need to be engaged in continuously in our particular institutions and more broadly to determine our common agendas,” said Springer.

Nurzat Abdyrasulova of UNISON said she had just learned that UNDRIP applied to her as an indigenous person and hoped that it would be an instrument that could strengthen civil society participation in her tribal country, Kyrgyzstan. UNDRIP was new to her, as are many things historically, as she now has access to information unobtainable under the Soviet Union fifteen years ago. Abdyrasulova was also excited about the successful organizing in the Amazon region, and said, “I like all this networking and coalition working, and this great knowledge you have of how
to lobby on big issues, and I hope this is also coming to our region. We would be very grateful if there was an opportunity to cooperate on indigenous rights and participation in climate change issues in our region.”

Under Soviet rule, people were not allowed to speak up about environmental or climate change concerns, and there is still not an open and democratic process in Kyrgyzstan, which makes NGO work very challenging. According to Abdyrasulova, her region is experiencing complex environmental justice issues, as her poor and marginalized high mountain communities face the interwoven issues of carbon dioxide emissions and environmental quality. Kyrgyzstan is a small country of only 5 million people, but has very high biodiversity. It is currently of great interest internationally because of its gold mines. She stated that civil society is not equipped to deal with these issues due to the lack of a democratic government and the need for capacity building. Abdyrasulova hopes that international collaboration can address these issues. Agreeing with both Tom Goldtooth and Jenny Springer, Abdyrasulova also hopes to engage in the issue of translation, and how to utilize strategies and tools to organize and build capacity on a regional, and then an international level.

Claire Greensfelder of the IFG posed to the group the following questions:

- How can we internalize UNDRIP within our own organizations?
- Should NGOs be held accountable to the same standards we are demanding of corporations, governments, and global institutions?
- Are there joint actions we should take together at upcoming meetings?
- Can we make joint agreements and statements in support of specific actions?
- Can our organizations consider adopting UNDRIP as internal policy?
- Can we remain together as an action group?
- We are trying to build commitments and relationships, so how should we proceed?

Discussion

Janet Redman of the Institute for Policy Studies spoke of the importance of capacity building within the current networks in order to produce materials that support the most effective implementation of UNDRIP. She emphasized the use of relevant languages when creating these materials, as well working within the current timeline of upcoming meetings and events. Specifically, Redman named the network of organizations called Climate Justice Now that came out of Bali in 2007, and noted the importance of the “justice lens” through which it organizes events and actions to address climate change. In addition, Redman wondered how we can expand indigenous representation within both formal and informal networks and spaces.

Paul L. Little, of the Gordon and Betty Moore Foundation, citing his experience as an anthropologist, noted that indigenous rights issues tend to get framed solely within an environmental context and that we need to be careful that indigenous peoples’ rights are not deemed important only to the degree to which they address environmental issues, such as reducing emissions.

Tom Goldtooth of the Indigenous Environmental Network (EIN) thought the group was off to a good start, and recalled his prior experiences addressing environmental racism within environmental organizations and, despite serious challenges, changing the ways environmental organizations and NGO’s work with indigenous peoples and people of color. He believes we need an established protocol: NGOs should adopt principles of environmental justice as the first step in a commitment to reframe the way we currently work with indigenous peoples, as well as indigenous leadership.

Goldtooth also noted the importance of free prior informed consent (FPIC), which is the right of indigenous people to self-determination, and to implement valid treaties and agreements concerning
their lands and natural resources. He said, “…an emerging campaign of IEN and the International Indian Treaty Council and other indigenous organizations in the global South as well as the North (is) to work around this campaign of lifting up policies around free prior informed consent. So it is so good for you to be aware of that.”

In addition, Goldtooth acknowledged the work of NGOs in supporting indigenous peoples within the REDDs discussion, but also expressed the reality that at some point indigenous peoples will have to work out issues among themselves. In his appreciation of current partnerships, Goldtooth remarked, “We need to have that relationship, and that support and alliance of NGOs and entities like the International Forum on Globalization, which convened this meeting, so there is a strong role to continue this brotherhood and sisterhood in building solidarity.”

Jerry Mander of the IFG talked about his internal process of viewing the issues presented in both a macro and a micro way. He agreed with Tom Kruse that “it is a moment for big concepts now, for big thinking, for citing the mega importance of doing things that can influence the state of things in the world” and referenced the IFG’s latest conference of progressive economists to define effective, viable postcapitalist models. He noted that in terms of overall models, indigenous people are both pre- and postcapitalist. Mander also suggested that the model put forth by Victoria Tauli-Corpuz—paying indigenous people for saving the forests and sequestering carbon—should be addressed further.

Most significantly, Mander put forth for discussion the question of whether to create a formal body out of the convened group. He believed in starting a formal but loose international alliance or network in support of indigenous peoples, to raise the UNDRIP flag internationally. He proposed five ideas as a framework for the alliance and asked whether the group could agree on the principles, or other commonalities, in order to give the group strength and amplify its efforts:

- We recognize that protecting the rights and lands of indigenous peoples is crucial to the future of all peoples and our own member organizations...
- The organization strongly supports UNDRIP and all its codicils...
- The organization actively seeks to apply UNDRIP as widely as possible and establish internal programs to that effect...
- Our organization applies some of the principles of UNDRIP internally (in some way we can figure out)...

Steve Kretzmann of Oil Change International identified the antiquated processes of the UN in dealing with civil society, indigenous peoples, and environmental NGOs. He stated that the UN Secretariat only listens to representatives of CAN (Climate Action Network), and that this one point of contact cannot adequately address the broader issues of civil society. This limited point of contact must be addressed for richer dialogue as climate negotiations move forward.

Tom Goldtooth stressed the importance of having a diversity of people working on the climate issue, and hopes to see the emergence of a grassroots movement of people from around the world. Ideally this global movement will be a foundation for the NGOs, policy groups, and others who are working on climate issues. He stressed the importance of this foundation in terms of legitimacy in the eyes of industry and governments, and also talked about the need to nurture our networks once they are formed. Goldtooth mentioned the social forums as an example of strongly organized networks.

Kristen Walker Painemilla of Conservation International inquired into the commitments made by the group from the last time it met, and whether any of those commitments had been met. She questioned how to build on current funding, existing networks, and existing initiatives on indigenous peoples. “I don’t think we should be rebuilding the wheel, I think we should be building on existing initiatives catalyzed by indigenous people and other organizations to move [existing networks] forward,” Walker Painemilla said.

In response to the proposal to create a new formal network, she replied that it was an admirable idea but “we have inadequate representation here from
multiple groups and, obviously, from indigenous groups, to do that. It could be a discussion proposed at the UN Permanent Forum, to form that group, but there are so many networks right now....” In addition, she wondered whether there would be funding to create a new network. Walker Painemilla reiterated that she preferred to work with existing networks and proposed that the group find ways to feed and support ongoing and existing processes. Without energy and support, she believed that existing networks run the risk of failure, and that all the money that has been spent on existing efforts will be wasted.

Victoria Tauli-Corpuz brought the conversation back to the panel’s original question: How can UNDRIP be effectively implemented? She declared that she would like to see NGOs internalize the Declaration in a more systematic way and see how it is helping the present organizations, as well as society in general. She supported the proposal of a new network, citing that indigenous people would welcome any network or formation that could share their experiences of implementing UNDRIP.

Tauli-Corpuz also said that with the implementation of UNDRIP would come conflict. In going against the status quo, she stated, they would all need a lot of support, legally and otherwise, to address the relevant issues. It terms of short-term objectives, Tauli-Corpuz prioritized the lobbying of governments to get UNDRIP included in the framework of the UNFCCC. In addition, she stressed the importance of coming up with a common language and basic concepts that all groups within the larger indigenous, NGO, and environmental networks can use in negotiations. She also hoped that those who have ties to governments would use them in order to push negotiations.

Tauli-Corpuz supported Tom Goldtooth’s earlier statement regarding self-determination and wanted to start some kind of indigenous Listserv to share developments and dates for regional and global summits. Although she recognized that indigenous groups would be the primary parties at these events, the doors would be open to other groups to participate toward the end of the programs.

Tauli-Corpuz also noted that any documentation in relation to the local adoption of UNDRIP, both good and bad experiences, as well as experience with mitigation measures would be very helpful for reports coming out of the United Nations Permanent Forum on Indigenous Issues.

Paula Moreira of IPAM proposed that the current backdrop of the global economic crisis was advantageous for bringing to light indigenous peoples traditional ways of living. She believed the current economic situation was an opportunity to bring the issues of human rights, development, equity, and the sovereign concerns of indigenous peoples against conservationist concerns and climate change to the forefront. In addition, she framed the issues of climate change as proof that the current system does not work. She proposed that the group strategize on how to maximize this message, potentially through the upcoming social forum. Moreira envisioned a support network to consolidate information and educate networks within both traditional populations and indigenous organizations.

Leila Salazar-Lopez of the Rainforest Action Network (RAN) supported Tom Goldtooth’s earlier discussion of the need for NGOs to adopt principles of environmental justice within their organization’s operating framework. She said that RAN had already adopted such principles, and is now looking to adopt UNDRIP into the organizational framework as well. She looked forward to the World Social Forum for further networking and to provide inspiration for future organizing.

Tom Kruse of the Rockefeller Brothers Fund began his comments by reinforcing the need to find timely ways to work UNDRIP into action. Kruse said, “If you don’t use it you lose it. Legitimacy will wane the further you get from the date of ratification.” Citing the fact that the civil rights work and accomplishments of Dr. Martin Luther King, Jr. were not only for black people, Kruse stated that UNDRIP was also not just for indigenous people, and encouraged the nonindigenous members of the group to find ways to make the declaration “ours” as well. He put forth that climate issues occurring within indigenous territories should be made visible to the world through the lens of UNDRIP, and that there is an opportunity to demonstrate the ways that indigenous livelihoods are a moral reserve for the rest of the population.

Kruse proposed to petition the group Advocates for International Development in London, a pool of
lawyers who work pro-bono in “development work,” to represent indigenous people in high-profile battles. By establishing UNDRIP as an instrument of litigation that can win, a precedent will be set as part of international common law. He suggested that the group determine where the “biggest bang for the buck” might be.

He also suggested that the visuals associated with indigenous people should shift from nature-based images to images that speak to consumption patterns in the United States, highlighting the true connections between consumption here and in indigenous lands and our international obligations in a climate-constrained world. Kruse also suggested that NCOs could use UNDRIP as a tool of critical analysis to generate alternatives to trade agreements, investment agreements, specific investments, development finance, and climate finance, but wondered who specifically could take that on. He also proposed finding examples of how UNDRIP will make capital more costly to corporations in order to deter investment.

Kruse also suggested that the Permanent Forum act as an instrument to connect UN permanent delegations with local groups to create an international, on-the-ground convergence force.

**Juan Carlos Jintiach**, co-director of the Amazon Alliance, expressed his appreciation for Tom Kruse’s comments and had many similar ideas, and expressed gratitude for the meeting and all the important work being done there. He invoked the power of historical processes to change precedents and governments quickly and easily, and hoped that this might also happen in the important work of addressing climate change. Jintiach confirmed the importance of indigenous peoples’ participation in this process.

**Phil Aroneanu** of 350.org stated that an engaged civil society and indigenous participation are at the core of finding solutions to climate change: “Climate and indigenous issues start with people and end with people, and it’s about the policies, but it is also about how people understand the issues and how they talk about them, how they think about them and how they act on those issues.” In addition, he shared his belief that the people who translate the discussion into policy should be the ones who directly communicate the developments back to the people. Aroneanu stated the importance of moving toward a collective understanding of how we can build an inclusive climate movement that values participation and communication as core principles. He also believes that a robust grassroots movement that has these principles at its core and holds our leaders accountable at the grassroots level is essential to make sure change occurs.

**Daphne Wysham** of the Institute for Policy Studies (IPS) said that IPS is doing much work with Climate Justice Now (CJN), a group that is a great counterweight to CAN in addressing issues of environmental justice and indigenous rights. CJN’s strength lies in their approach, which says, “Hey, wait a minute, we do need to consult with indigenous peoples before we move forward on all these carbon-trading mechanisms.” In addition, Wysham expressed hope that the assembled group would come out of the meeting with a finance mechanism that would support and reinforce UNDRIP, as well as enforce environmental preservation. She acknowledged that this was a tall order, but wanted to know how the group could craft a fairly rapid proposal as an alternative to the World Bank. one that would reinforce UNDRIP and include the best of REDD. This was identified as a high priority, and something that could be addressed in the formation of a Listserv. Otherwise Wysham felt they would “lose out” to the World Bank.

**Jenny Springer** said that the WWF country offices consider direct partnership with indigenous organizations as their highest priority. The WWF is also involved in a number of other collaborative processes and institutions that are organized geographically or thematically, as in the Amazon Alliance, and she knows of a group being formed that brings NGOs and indigenous peoples together on issues of protected areas.

According to Springer, there are a number of networks related to climate change and REDD issues. She believes these networks need to be strengthened, and “that in order for them to really work in practice, there needs to be a fairly clear definition of the scope, of the commonality of the agendas of the participants, ensuring that all the entities that share these common agendas are participating.” In relation to the WWF country offices, there is skepticism about broader international processes that do not directly involve indigenous organizations and alliances,
because of the disconnect that can occur when translating policies back to the national level. Springer did not believe the assembled group was “there yet” in meeting the criteria of an effective institutionalized network, and recommended that they continue to dialogue, communicate, and share information to create the ground-building processes that might strengthen the group over time.

Athena Ballesteros of the World Resources Institute began by seconding Daphne Wysham’s point that a finance mechanism that would support and reinforce UNDRIP is essential immediately. She referred to several proposals that the G77 have put out on potential super-clean technology funds or mechanisms, in addition to China’s “multilateral technology acquisition and technology fund.” Ballesteros also noted that the proposals were clear in terms of principles and proposed governance and decision structures, but not in other important areas. “We have the responsibility to try to put more meat into those proposals, if we want to actualize those proposals. This is the reason why people come to the World Bank, because it has presented itself as being ready for REDD, to administer REDD, being ready for a clean technology mechanism.” She also noted that donors go to the World Bank because the whole governance structure is still donor-driven; they are making decisions on behalf on the developing countries.

In addition, Ballasteros works on the ground monitoring CDM projects, and recommended contacting national “interagency committees on climate change” to stop bad programs when they come down the pipeline. Because there are not experts in every country, a system or network that transfers and shares knowledge in order to empower partners and colleagues is needed to stop bad development projects. “We have been in situations in the Philippines where we stopped at least three dams and three large coal-fired power plants that were being touted as CDM projects, and we used national legislation.

She supported Goldtooth’s point that actualization of the Declaration is through the work that our lawyers are doing on the ground, “because if we can stop three more large infrastructure projects, three more large extractive projects using the Declaration, and get that to resonate internationally, I think that is a very, very powerful message.”

Siri Damman of the Rainforest Foundation of Norway expressed her support for Jerry Mander’s proposal to create a more formal network or alliance. Although lobbyists in Norway have easy access to government compared to most NGOs around the world, Damman feels that more information and a coordinated effort is essential for her future work. “Our mandate is also to lobby on indigenous peoples’ rights. Still, to do this in proactive and efficient way, we need to be part of a bigger network. All the ideas do not come from us, not at all—we need, and I need, to be a part of this network.” She expressed the complexity of the issues involved in working for indigenous peoples’ rights and added that UNDRIP is the moral high ground in climate change discussions. In addition, Damman acknowledged that the Permanent Forum is an important voice in United Nations, and wants to continue her organization’s collaboration with Tauli-Corpuz and the forum.

Claire Greensfelder of the IFG warned that all too easily groups come together for self-education, and end up as “insiders” that move forward with a larger agenda. Greensfelder agreed with Damman, and gave her support to codify a network. “It gives you the authority to actually say something,” Greensfelder said. She also reminded the group that alliances could be for short-term or long-term actions. Greensfelder was interested in seeing a group form that does not necessarily have a large superstructure, but recognized that someone must be responsible for communications and setting out the collective agenda.

Greensfelder was also very interested in how to actualize UNDRIP within institutions. She referenced the beginning of the environmental justice movement, and Tom Goldtooth’s role as a key architect. “It went so far so quickly in the United States 1991 was the first people of color environmental leadership summit here in Washington D.C.…within a year and a half we had an Environmental Justice Committee within the EPA.” Although the network that was formed was not a panacea, Greensfelder noted that it “did help to institutionalize a concept by having people sign on to it.” She expressed her desire that some kind of alliance with a serious commitment be formed, and
that if it takes a network for this to happen, she would endorse it.

John Fitzgerald of the Society for Conservation Biology expressed the importance of developing a language for climate negotiations. He proposed four points for negotiations:

- Develop mechanisms for tracking and reporting on the effects of different operations of the convention, such as any development mechanisms that might be approved on indigenous peoples, or reported by indigenous peoples
- Develop funding mechanisms to support them, empower them to build capacity
- Develop enforcement mechanisms whereby persons themselves may seek relief
- Respect international law and indigenous peoples’ rights, report annually on the previous points, and on projects, and devote a portion of the proceeds to funding, and secure protection of rights

Trevor Stevenson of Amazon Alliance was struck by comments from Jerry Mander, Kristen Walker Painemilla, Victoria Tauli-Corpuz, and Jenny Springer. He began by acknowledging that the last portion of a meeting, where decisions are made for future concrete action, is the hardest part. As someone who runs a network of organizations, Stevenson believes that it is realistic, easy, and very valuable to bring people together to share ideas, inspire new thinking, and strategize on how to implement ideas into action. But he emphasized the difference between coming together to share ideas, and the creation of a whole organized network with an agenda and on-the-ground action teams. He stressed the incredible amount of people power that is necessary to support such a formal network, and believed that Evelyn Arce-White from International Funders and the National Congress for American Indians could also attest to the tremendous amount of work it takes for such a mobilization.

Stevenson encouraged the group to utilize the organizations that already exist rather than trying to replicate an already existing network, which would only serve to dilute overall efforts. He also hoped the group would develop a Listserv, and agree to meet in Poznan and Copenhagen to “quickly pull ourselves together and see what we can do in a coordinated fashion.”

Victor Menotti of the IFG said that Trevor Stevenson’s comments were sobering, reminding him of the work necessary to form a network. He also shared that it had not been the IFG’s plan to come to the meeting to launch a formal network, but that he did want to entertain the idea, because currently, a network of NGOs and indigenous organizations—guided by indigenous leaders and formed solely to implement UNDRIP—does not exist.

As far as formalizing a network, Menotti believed it was something to be talked about, especially in the context of the IFG’s work in the future. He also emphasized the current political moment as a tremendous opportunity for change: “In this political moment...the biggest corporate executives of the last couple of decades...don’t have a plan, they don’t know where they are going. There is an enormous opening of political space for new values and we need different guidance for this global economic transition. And that is what I really see this value structure of the Declaration representing for all of us.”

In terms of possible group collaboration, Menotti saw great potential in helping to coordinate litigation strategies, and wondered if it would be useful to host an online database of UNDRIP cases for lawyers to reference worldwide. He encouraged, due to the financial crisis, online activities and coordinating resources and information.

On finance, Menotti urged addressing private capital directly, even the banks subscribing to the Equator Principles. In the current overhaul of the global financial system, reregulation and new ideas have the opportunity to take off very quickly. Menotti cited the renewed support for taxes on speculative investment (like currency trading) by French President Sarkozy, reminding the group of the influence French civil society had from their 1999 campaign; after only two years, French President Chirac took their ideas to the G8’s 2001 Summit in Genoa. Menotti cautioned, however, that while discouraging speculative investment is important, “the implications for indigenous peoples could be quite bad if new protections are not in place. That’s because shifting speculative investment to more productive investment without any new democratic
controls will result in intensified resource extraction on indigenous lands,” said Menotti. “Indigenous interests must be part of the debate to transform global finance.”

On trade, Menotti shared a preliminary matrix revealing the many conflicts between the Declaration and the WTO, which provide fodder for brainstorming possible litigation strategies. He noted Brazil’s biofuel exports as a particularly strategic opportunity.

On climate, he stressed the importance of influencing the debate on “technology transfer,” possibly by putting a “lens on what are indigenous-friendly technologies and indigenous-deadly technologies,” since which technologies get transferred will greatly determine the pressure on indigenous lands. Menotti also agreed that the REDD discussion was still not focused enough on the drivers of deforestation and he wondered how to move that conversation forward. While he believed the discussion on REDD was good, he also felt they were not really able to get to the financial mechanisms piece, and how it relates to the implementation of UNDRIP. He said the IFG would be interested in hosting a meeting to explore financial mechanisms for REDD that advance UNDRIP.

Menotti proposed three actions for the upcoming World Social Forum. First, he proposed that the IFG host an event that celebrates the adoption of the declaration, and demonstrates the support for the Declaration by non-indigenous organizations. This celebration could morph into a strategy session for implementation that would involve all the different civil society groups. Second, Menotti proposed they would do something to address biofuels trade, noting that the IFG is already talking with Brazilian social movements, and that the moment to deploy the Declaration in this case is ripe. Third, he proposed that they collaborate to take the dialogue on REDD and financial mechanisms and the Declaration to next level. By holding a session that reconvenes the different proponents of financial mechanisms with indigenous peoples present, the NGOs would get the kind of feedback they need in order to move forward effectively.

Atossa Soltani of Amazon Watch supported Jerry Mander and Siri Damman, and suggested forming a working group of some sort that has a clear platform of demands around the core principles of UNDRIP, “that at least launches between now through Copenhagen as a tool to basically galvanize and add to this group, and really uses the collective weight of this group to influence negotiations.” Rather than a network, she supported a “Road to Copenhagen Group” that works on articulating the essential issues.

In terms of concrete actions, Soltani focused on media messaging and grassroots organizing for Copenhagen. She asked the group, “What is the headline on the New York Times article we want that is going to influence the negotiations and really put this issue on the table? What would it say? What are the core issues?” In addition, Soltani noted that the acronyms FPIC (free prior informed consent) and UNDRIP (The United Nations Declaration on the Rights of Indigenous Peoples) are not exactly media-savvy or -friendly, and suggested further discussion into language and ways to frame the issues. She acknowledged that “prior consent” may be one of best terms to focus on, with respect to the media, and suggested that they look to see if that message resonates and is something they can galvanize around.

“In terms of incorporating UNDRIP into our work, I think that corporate campaigns have got to be a part of the equation,” Soltani said. “We can’t just have indigenous peoples taking on governments. The power and level playing field is not there, but I think we can go after corporations and really shame governments.” She shared that the corporate campaigns her organization has been involved with were all based on getting corporations to adopt the concept of prior consent. “The Interfaith Council on Corporate Responsibility just published a guide book on free prior informed consent for shareholders. A network of 800 churches, religious shareholders, and activists is engaging every corporation, including most of the oil companies and Wal-Mart,” Soltani said. Action toolkits were also very effective for organizing at the Earth Summit in 1992, as were road shows and teach-ins. Soltani also suggested an opportunity to confront issues head-on: the American Development Bank’s 50th anniversary is happening in March 2009 in Medellín, Colombia, where 10,000 to 12,000 people representing governments, banks, journalists, and industry will gather. It is an opportunity to bring an
indigenous delegation and articulate important issues to those participating in the anniversary celebration. As a Christensen Fund board member, she also mentioned that the board is talking about how to incorporate FPIC into any project that affects indigenous territories, and that there has been rich conversation about it, with a lot of support for the process.

Roman Czebiniak of Greenpeace International expressed support for Daphne Wysham and Victor Menotti’s comments regarding REDD. He expressed that implementation would obviously be key, and that “the design of the mechanism will have a profound impact on what kind of implementation takes place.” He also confirmed that discussions on policy are moving at a very rapid pace: Governments are negotiating and making decisions now, and he expects that there will be a rough architecture of the Kyoto Protocol by mid-year next year. “My advice would be that, at least on big-picture items, it would be useful if you want your voices to be heard to come out and describe what you like and what you don’t like, as at least an entry point with governments and with the COP. And then, given time and so forth, you can elaborate on what would be the ideal mechanism. But we need your minds and voices,” Czebiniak said.

Anka Stock of Women in Europe for a Common Future (WECF) shared her own inquiry into how to implement UNDRIP into her organization’s network. Realizing that Nurzat Abdyrasulova was the only person present from a partnered eco-region, she determined that she would first need to identify partners from indigenous communities within their programs’ reach, and then establish who was willing to collaborate. Determining which components of their programs were relevant to UNDRIP was a future challenge for Stock, and she expressed a need for training within her organization and for its members. She also supported the creation of a network or Listserv, and indicated it would be very helpful for them to share information with others “who have worked on these issues for much longer.”

Joseph Ole Simel of the Mainyoito Pastoralist Integrated Development Organization expressed his appreciation for all the comments and articulated his experience—that the adoption of the Declaration had occurred in a vacuum; work had not happened at a national or international level, and he said that a network was needed immediately. He then referenced the disasters in Kenya that have come with the adoption of the UN Millennium Goals, where money was given to projects that displaced people, destroyed culture, and damaged the environment. The government is currently planning to expand Nairobi, Kenya, by 40 to 120 km to meet increasing population pressures, which means taking indigenous peoples’ land. Currently, no one is there to enforce the UN Declaration, to say that this should not be done.

Ole Simel emphatically supported the development of a network to collaborate on UNDRIP issues. “So I think in order for what we have discussed here to move to next level, and have continuity, we need an alliance and we need it urgently. My appeal to the organizers of this meeting, the IFG, really is to host until another decision is made…we cannot afford to create another vacuum…” Ole Simel stressed the importance of having a strategy on how to move forward, to avoid creating a vacuum like the one that occurred after the original campaign to support the passing of UNDRIP.

In addition, Ole Simel said that utilizing existing NGOs and environmental structures in Africa would only serve to further marginalize indigenous people due to the past history and tension around issues of conservation. The way indigenous people have been portrayed as a threat by many of these conservation organizations would not bode well for future collaborations. “The current opportunities that exist can only be taken advantage of if we organize,” said Ole Simel. “A lot of good ideas are here on the table. We need a smaller kind of a structure to go to next level. If you don’t have a framework to move it, then those ideas will be very difficult to implement.” He encouraged building a new structure to move implementation forward quickly and to avoid the bad blood of past alliances, as well as the pitfalls and time constraints of working within the existing, and potentially conflicting, frameworks of individual organizations.

Jose Aguto, of the National Congress of American Indians, introduced himself to the group as an advisor on climate change, the environment, and natural resource policy issues. He recently joined the National Congress specifically to develop a climate change strategy. Aguto just returned from its national conference in Phoenix, where this strategy was introduced to all the tribes.
Aguto conceptually supported the development of a network for implementation, but questioned the extent to which he or other participants could be involved, due to their current involvement in existing networks. As an overall message, he believes that indigenous people “define sustainability,” as reflected by their close relationship with the earth for thousands of years, and are the best people to act as stewards. According to Aguto, indigenous peoples’ presence in REDD discussions is non-negotiable, “and that message, in terms of the indigenous peoples’ inherent sustainability in their practices, needs to be elevated when we are talking about a new way of thinking about the world, either economically or in the way we deal with Mother Earth. Indigenous peoples have that first message, which needs to be carried forth.”

In addition, Aguto echoed previous comments regarding indigenous diplomacy and expressed the importance of elevating indigenous peoples’ roles in international negotiations. He cited Barack Obama’s recent telecast, where he affirmed a nation-to-nation relationship when dealing with indigenous peoples.

Aguto also expressed a sense of urgency in communication and outreach efforts to civil society regarding the current effects of climate change on indigenous peoples. “We have 186 of the 226 Alaskan native villages which are threatened by climate change right now. And this is a GAO report, this is a federal government report… they are being flooded, and the people are being relocated because of climate change. Their very culture, what they have been practicing for 13,000 years, is being taken out from under them...this essential indigenous identity...” said Aguto.

Teresa Buppert of Conservation International followed up on Atossa Soltani’s comment regarding the importance of internalizing UNDRIP into participant organizations. Conservation International has policy similar to that of the WWF, and Buppert will be embarking on a policy revision process. She expressed interest in hearing about the experiences of other organizations: how they have gone about internalizing the Declaration, where they have met with success, and what lessons they have learned. Buppert supported either an informal or a formal network, and stressed the importance of personally embodying the principles of UNDRIP within everyone’s own organizations as an essential starting point.

Daphne Wysham, the director of the Institute for Policy Studies’ Sustainable Energy & Economy Network, said that she has been working Capitol Hill with the Congressional Progressive Caucus, and developing principles with John Fitzgerald and others on climate action that includes principles that incorporate environmental justice and avoiding offsets as part of the solution. “It also includes a carbon-free, nuclear-free set of principles and we are going to resuscitate it in the next Congress, and we really look forward to working with people who would like to be part of the coalition, both domestically and to get input from the international folks, and see how we can also implement UNDRIP through that vehicle as well,” she said.

Trevor Stevenson, the co-director of the Amazon Alliance, clarified a comment he had made previously about a possible network. “When I was explaining the difficulties of running a network, I wasn’t intending to say we shouldn’t make one,” he explained. “I was trying to offer a dose of reality about what that means, versus having convening meetings to exchange ideas. So it may actually be very important for us to build a network that exclusively focuses on developing UNDRIP, but it is an enormous undertaking, so I just wanted to put that forth.”

“One of the things that we are doing is setting out a set of principles that all members are expected to comply with, which essentially can be reduced to one, which is to implement UNDRIP within your organization and within your work,” Stevenson explained. “So we are looking at doing that, and how you do that in terms of managing and evaluating whether people are doing that, and helping them coordinate with each other, and so on.” He added that although it has a long way to go to accomplish this, the Amazon Alliance hopes to build this within its network. He added that the meeting had been extremely useful, and thanked the IFG for “pulling it together. You have held a number of events like this, sort of idea exchange events that have been really useful, certainly to us and to many of our members, in thinking about things in new ways and getting new ideas and forming new connections, and I think that’s great,” he said.
Aaron Goldzimer of the Environmental Defense Fund explained, “I work mostly on rainforest and indigenous peoples’ issues, more on the ground in Peru and other places and on other global issues. So my chief interest, with respect to the Declaration, is basically how I can use it and how my partners in Peru can use it to help advance their rights.” Goldzimer said that the meeting had been extremely useful and that he looks forward to finding out as much more as possible.

Athena Ballesteros of the World Resources Institute explained that the focus of her team’s work is on financial institutions. “We have a couple of policy research [reports] planned on FPIC (free prior informed consent), and I will make sure my team that is watching the review of the performance standards will have UNDRIP implementation and the actualization of the Declaration in our minds,” she said.

Victoria Tauli-Corpuz thanked everyone for attending the conference on behalf of her organization, Tebtebba, and the UN Permanent Forum on Indigenous Issues. “I think that it has really been a very substantial discussion that we had, and definitely we cannot put on paper all the power of all of the things that we have had,” she said.

Tauli-Corpuz urged the IFG to make a Listserv, which she thinks would be useful because it would “bring people to link more with each other while the memory is still fresh, in terms of what [had been] discussed.” She views a Listserv as an effective way to shape ideas and put more form into the language that the organizations would like to put forward.

“My suggestion is that it would be good if we could circulate the Rainforest Foundation’s statement in relation to REDD, where they clearly said that UNDRIP should be a central framework that should be there,” she added. She suggested circulating the statement to get more signatories, so that when it gets to Poznan, there is already a statement that is not just a Rainforest Foundation statement but something that has been supported by others. She urged organizations that had already made submissions or statements to pass them around and get others to sign on who feel that they would like to endorse or support it. “It would really get better traction in terms of getting the attention of government, and that is the way that we operated in the past, and it worked,” she explained.

Tauli-Corpuz reminded the participants that Tebtebba would follow up with indigenous peoples’ meetings, and that there is an upcoming conference on extractive industries, which she called “a major issue for indigenous peoples all over the world.” “We are extending our invitation to NGOs that are very much involved in the work around extractive industries, because that is really an opportunity for us to shape the exact recommendations that should come out in relation to the UN Declaration and extractive industries,” she added.

Evelyn Arce-White, the executive director of International Funders for Indigenous Peoples, noted that in all the education that had happened, what she saw was almost a “transformation in people,” that they “recognize the importance of UNDRIP.” As to the philanthropic world, she urged NGOs to educate donors about UNDRIP. “Promoting and safeguarding indigenous peoples is critically important, because ninety-five percent of the cultural diversity is indigenous people,” she explained. “Eighty percent of the remaining biodiversity is on indigenous territories. Basically, this is not just about indigenous peoples, this is about Mother Earth. This is about all our children, our great-grandchildren, and our future.” Arce-White added that she thinks to put it into that kind of framework, that we are here not just to support indigenous peoples, but we are also here to support our Earth and support ourselves, “It is OK to be a little selfish, to think about our children, our great-grandchildren,” she said. “This is about all of us as human beings, basically. So please talk to other NGOs, talk to your colleagues, [and] internalize this, because it is extremely, extremely important.”

Nurzat Abdurasulova, the director of the civic environmental foundation UNISON in Kyrgyzstan, added that one more important thing to think about is how to implement UNDRIP on the local level. “That is why it is very important also to build the capacity of the local NGOs, of the local people who will be benefitting from this and are tackling these issues,” she said. Abdurasulova believes that the knowledge she gained from the meeting, and would gain through a Listserv, will enable her organization to bring this information to the local level, distribute it, and also to try to approach the government about
UNDRIP and other issues. “I completely agree with the [idea] that it is not only an indigenous peoples’ issue, but it is also about all of our beings in the future and that is why I think this development is very important,” she stressed.

Paul L. Little of The Moore Foundation expressed his thanks and said that he wanted to speak briefly from one of his “past lives” as an anthropology professor. He said that in June, the Brazilian Anthropological Association (BAA) had UNDRIP as the key theme, and that in the next month, UNDRIP would also be a key theme at the American Anthropological Association. Little noted that Rodolfo Stavenhagen was the key speaker at the BAA conference, and would be worth getting in touch with. Little urged others to utilize the work and networks of anthropology as a key resource, and invite anthropologists into any type of network or alliance that would be created. “I think the anthropology world is an untapped resource because, like it or not, anthropologists work with indigenous peoples all the time, all over the world, and it is a good way to disseminate information about UNDRIP and to get things going, and I think there is a willingness on the part of anthropological associations to do that,” he said.

John Fitzgerald, the policy director at the Society for Conservation Biology (SCB), followed the comment made by Paul L. Little, adding a reminder that “the Society for Conservation Biology isn’t just biologists.” He reminded everyone that it is made up of anthropologists, economists, lawyers, and others. “We’ve got sections for each geographical region of the world, including the marine ecosystems,” he explained.

As to the world of private investment, Fitzgerald explained how each year, as corporations file an annual report with the US Federal Trade Commission (FTC), there is an opportunity to review what they consider to be the liabilities and potential risks of their investments. “Now, we’ve laid out certain rights of indigenous peoples that may be affected by badly managed mines, forest practices, etc. If they do not reveal the possibility that they may be abridging those rights or undercutting those rights in their annual reports, and they are having intense effects on those peoples, they may not have filed a complete and accurate annual report, which may be to their detriment,” Fitzgerald said. He argued that there is a need to make sure that the FTC is aware of this, as well as “the growing community of socially responsible investors who are looking for that information, and asking for it in annual reports.”

Jenny Springer, the director of the World Wildlife Fund’s Livelihoods and Governance Program, added that she does think it would be useful to have ongoing communication and information sharing through a mechanism like a Listserv. “I think that Nurzat [Abdyrasulova] raised an important point, that it is especially useful to try to do that in a way that allows for broader dissemination through all the networks that we participate in in various places,” she concluded.

Chief Kokoi, aka Tony James, the president of the Amerindian Peoples Association of Guyana, expressed his support for what Victor Menotti had pointed out, that some of the big corporate executives do not have a plan regarding the economic situation. “They do not know what is going to happen. Definitely, that is a failure. What is happening in this country as well is another failure. Which means that something is going wrong. When something is wrong, you have to mend it, and you have to look for the relevant tools to do it,” he explained.

Chief Kokoi claimed that indigenous peoples have been counted the least, in terms of tools for climate change. “But it is only because of our defending our lands everywhere around the world that the people are still able breathe,” he argued. “We are a tool for countering climate change, but nobody considers us.”

“The Declaration,” he continued, “which is a tool for indigenous peoples’ survival, is why I am excited, and this is why I have hope.” He also acknowledged that the success of the tool depends on “how we are going to implement this Declaration, as it depends on each individual’s action, on how much of our time we are willing to sacrifice to make it happen.” Chief Kokoi concluded his final statement by expressing his thanks to the organizers and the IFG staff, and noted that he had learned a lot of new information to carry back to his country.

Jerry Mander, the founder and director of the International Forum on Globalization, acknowledged that it had not been an easy kind of meeting, because
what they were doing was trying to figure out how to make a document popular, or how to make a document move through institutions and organizations to gain life and practicality. “It took the Human Rights Declaration a very long time to gain traction, but we do not have really a very long time,” he explained. Despite this, Mander said he believes that the meeting had been very useful, and said he thinks everyone had contributed very, very well. Mander extended his thanks to the indigenous participants, who he called “the inspiration for all the activity..

As to the creation of an alliance, Mander believes that it does not really matter whether it is a “big A” alliance or a “small a” alliance. “I think that on our end, we probably will act as if we are a secretariat in any case and propose that we constitute something,” he said. Mander explained there is a plan to make a primer of some kind about these issues, basically for American audiences, but the IFG would probably steal a lot of the information from the meeting to do that, as well as from a primer that the IFG had published before its first meeting on indigenous rights.

Mander explained that he was very impressed with the need to function on two levels. “We need to do real organizing on real things, try to meet deadlines and deal with institutions and try to move things through that machinery...so I think it is very important that we address all these meetings and institutions and have a really competent plan,” he said.

He also warned that there is a need to face the fact that “bigger, monstrous problems” exist, and that they are all related. “We really need to nail down the kind of system we really want to live within, because this one is a flop, and we have known that for quite a long time, but here it is demonstrating that right before our eyes,” he explained. He described how there is a “gigantic economic suicide” taking place, so it is really up to us to figure out what the next system is going to be, because, currently, there is nobody in charge.

Mander expressed both his optimism in the new Obama government, but also pessimism about whether his new administration would be able to seize the moment, claiming that it is impossible to really know for sure what Obama is going to be able to do. “But in any case, there is certainly hope in the air right now, and that is a good thing,” Mander concluded.

Mander thanked Victoria Tauli-Corpuz, saying that she had been on the board of directors for a long time, and had been the one who helped the IFG get into the territory of indigenous rights work, and that he was much appreciative of her.

Victoria Tauli-Corpuz thanked Mander for his appreciation, and explained how he and the IFG had been part of a wonderful new movement. “You know,” she reflected, “every time we think about Americans, we always say ‘Actually, Americans really do not need to help us. They just need to do something about their own government, their own society. That is the biggest help they could give us in the developing countries, and for us indigenous peoples of course. I still believe that, but the big part of the responsibility is to really do something about your own government and your own society.”

She explained that this was part of the initial reason she had joined the board of directors of the International Forum on Globalization, so that she could begin a dialogue with Americans and inform them of their responsibilities. “I think that by working with the IFG, it has really allowed us to get in touch with all of you and all the different activists in the US,” she said. Tauli-Corpuz believes that it has been a very good process for her in particular, because she knows the ingredients that will really bring about changes in any society. “So I think the IFG, for all its limitations, still has played a really key role in making the indigenous peoples’ issues more visible, at least within the United States,” she added.

Tauli-Corpuz reflected on how when she made a speech in the UN when the Declaration was adopted, one of the messages that she brought was that indigenous peoples would like to see the Declaration become a living document, something to be used to really push the changes that this world needs. “And I think that is really what this whole thing is all about, really making it a living document,” she said about the meeting over the previous two days. She also warned that this process would not be an easy thing. “It is going to be an uphill struggle, and we need all the allies that we can have to really be able to make it that kind of document,” she said. “We did not fight for it just to live on the shelf. We fought for it because
we believe that it is going to be something that will strengthen our capacities to fight back, and also to widen the alternatives that we think we should be setting up,” she added.

Victoria Tauli-Corpuz said a closing prayer in her native language.

Victor Menotti of the International Forum on Globalization said that Tauli-Corpuz’s remarks had reminded him about one of the most enduring images he has about understanding his role and the role of the organizations that he has worked with. He recalled a story that Randy Hayes, his first employer at the Rainforest Action Network in 1990, had told him about a chief in the Four Corners area. Randy had asked the chief what RAN could do to help their land. According to Menotti, the chief just looked Randy in the eye and said “Get your foot off my throat.” Menotti told his indigenous colleagues that this is how he sees his role and the role of the organizations he works with, especially in the United States: “to get the feet of our government, our banks, our corporations, and so on, off the throat of you on your lands, territories, and resources.

Menotti expressed his gratitude to all by saying, “I want you to know that you are part of not only advancing UNDRIP but also helping the IFG to evolve. Because what first brought us together in 1994 was opposition to the WTO, opposition to free trade, and the World Bank, and the IMF. But the debate has really shifted now, because we have seen that those institutions are failing. Their crisis of legitimacy, their disastrous policies, their lack of public trust, even from their own member governments. So now that political space is more open than ever, and we are really needing new visions and new sets of values to guide what is going to help us make this transition.. Menotti said that he thinks that more than any other universal set of rights that exists right now, the Declaration is the one thing that gives a true vision of how humans must relate to nature differently, if we are all going to survive.

As to future actions, Menotti said that he felt like there had been some clear ideas achieved and recommendations made about how to apply the Declaration and move it into the different international fora and different policy-making areas. “We have already got some commitments from some organizations to take UNDRIP back to their organizations to internalize it,” he said. Menotti closed his final comment by saying that the IFG looks forward to keeping in touch with everyone and making sure all that really happens.

Claire Greensfelder of the IFG closed the meeting by reflecting on some of her personal gains. “As a Californian of five generations…I used to think was a big deal until I started working with indigenous peoples and then realized, well, drop in the bucket,” she said.

Greensfelder pointed out that the meeting happened at a very historic moment in time. “It is an incredible moment…when there is a great threat, there is also a time of a teachable moment, when everyone can see that the financial markets, the environmental situation, the climate, indigenous peoples, etc., are threatened,” she said.

On an optimistic note, she reminded everyone that when administrations in the United States change, 7,000 people change jobs as well. “Not that this in itself will change everything, but it is a moment where, if we are organized, both in the United States and around the world, people are open to something different. Greensfelder said that the combination of these events provides multiple opportunities, both globally and within the United States, to actualize the Declaration. “If actualizing UNDRIP is something that we are committed to doing, [there are] plenty of opportunities for us,” she said.

About the idea of forming an alliance, Greensfelder said that she does not think of it necessarily as a formal alliance, but rather as an action network. “We think of ourselves as an action group that will do things. We aren’t going to just be static and state things, we will actually think about doing things that are real and supportive, and certainly take our instructions from our indigenous leaders and allies,” she said.

In her conclusion, Greensfelder announced that although the IFG is committed to working with its indigenous allies here within the United States and globally, it is important to acknowledge that other groups are doing similar work: the International Indian Treaty Council and the Indian Law Resource Center in the United States are both currently doing trainings on the Declaration. She called on the
participants to coordinate with others who are already doing similar work, and to ever expand the circle of knowledge about UNDRIP.

SUMMARY OF RECOMMENDATIONS

(POSSIBLE ACTIONS FOR AN “UND Rip IMPLEMENTATION NETWORK”)

Education, Internal and External

- raise the UNDRIP flag internationally;
- coordinate communications and set a collective agenda and identify priorities;
- consolidate information and help educate networks within traditional populations, indigenous organizations, and nonindigenous groups;
- start a Listserv to share developments and dates for regional and global summits;
- share experiences of adopting UNDRIP at all levels, including both good and bad experiences;
- deepen the links between the UN Permanent Forum delegations and local groups to create an international, on-the-ground convergence force;
- adopt principles of environmental justice as the first step in a commitment to reframe the current way of working with indigenous peoples;
- adopt the UNDRIP into our organization’s operational framework;
- share experiences about internalizing the Declaration: where people have met with success and what lessons were learned;
- educate donors about UNDRIP;
- engage networks of anthropologists and conservation biologists to disseminate information about UNDRIP.
### Legal
- support litigation strategies internationally and help coordinate efforts by hosting an online database of UNDRIP cases for lawyers to reference worldwide;
- petition the groups for pro bono work to represent indigenous people in high-profile battles, establishing UNDRIP as an instrument of litigation that can win and set precedent as part of international common law;
- support efforts to implement free prior informed consent, as a precondition for self-determination, i.e., urge corporate players to adopt “prior consent.”

### Finance
- address the role of private banks, including Equator Principle companies;
- force full disclosure of risks and violations to UNDRIP in companies’ annual reports to the US Federal Trade Commission;
- force disclosure of risks in international investment via the G20 process to re-regulate global finance, which will review how risks are calculated;
- explore how UNDRIP can apply to increase the accountability of investors.

### Trade
- create a matrix exposing conflicts between UNDRIP and the WTO to provide inputs for possible litigation strategies;
- use UNDRIP as an analytical tool to generate alternatives to current trade and investment agreements.

### Climate
- make climate issues visible to the world through the lens of UNDRIP;
- advocate that governments include UNDRIP in the framework of the UNFCCC;
- share experiences with mitigation measures for reports by the United Nations Permanent Forum on Indigenous Issues;
- develop proposals, with direct indigenous guidance, for REDD finance mechanisms that would reinforce UNDRIP and include the best of REDD;
- develop and share a common language on basic concepts that all groups can use to advance UNDRIP in climate negotiations, as well as broader public education and media messaging;
- convene in Copenhagen to coordinate efforts.
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UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Adopted by General Assembly Resolution 61/295 on 13 September 2007

The General Assembly,
Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions,
cultures and traditions, and to promote their development in accordance with their aspirations and needs,

**Recognizing** that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

**Emphasizing** the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

**Recognizing** in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

**Considering** that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

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

**Acknowledging** that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights (2) and the International Covenant on Civil and Political Rights,2 as well as the Vienna Declaration and Programme of Action,(3) affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

**Bearing in mind** that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

**Convinced** that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

**Encouraging** States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

**Emphasizing** that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

**Believing** that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

**Recognizing** and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,
Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1
Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights (4) and international human rights law.

Article 2
Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

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

Article 4
Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5
Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6
Every indigenous individual has the right to a nationality.

Article 7
1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8
1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.2. States shall provide effective mechanisms for prevention of, and redress for:(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;(d) Any form of forced assimilation or integration;(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
Article 9
Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10
Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11
1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12
1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13
1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14
1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15
1. Indigenous peoples have the right to the dignity and diversity of their cultures,
histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

**Article 16**
1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

**Article 17**
1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

**Article 18**
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 19**
States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

**Article 20**
1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

**Article 21**
1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
Article 22
1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23
Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24
1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25
Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27
States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28
1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

**Article 29**
1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

**Article 30**
1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

**Article 31**
1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

**Article 32**
1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

**Article 33**
1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership
of their institutions in accordance with their own procedures.

Article 34
Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35
Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36
1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37
1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38
States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39
Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40
Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41
The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
Article 42
The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43
The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44
All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45
Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46
1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

(2) See resolution 2200 A (XXI), annex.
(3) A/CONF.157/24 (Part I), chap. III.
(4) Resolution 217 A (III).
MESSAGE OF VICTORIA TAULI-CORPUZ, CHAIRPERSON OF THE UN PERMANENT FORUM ON
INDIGENOUS ISSUES, ON THE OCCASION OF THE ADOPTION BY THE GENERAL ASSEMBLY OF THE
DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

NEW YORK, 13 SEPTEMBER 2007

“Through the adoption of the Declaration on the Rights of Indigenous Peoples, the United Nations marks a
major victory in its long history towards developing and establishing international human rights standards. It
marks a major victory for Indigenous Peoples who actively took part in crafting this Declaration. The 13th of
September 2007 will be remembered as an international human rights day for the Indigenous Peoples of the
world, a day that the United Nations and its Member States, together with Indigenous Peoples, reconciled with
past painful histories and decided to march into the future on the path of human rights.

I hail representatives of Indigenous Peoples who patiently exerted extraordinary efforts for more than two
decades to draft and negotiate the Declaration. This Declaration has the distinction of being the only
Declaration in the UN which was drafted with the rights-holders, themselves, the Indigenous Peoples. I hail
the independent experts and representatives of States and NGOs who contributed actively to this process. This
magnificent endeavour which brought you to sit together with us, Indigenous Peoples, to listen to our cries
and struggles and to hammer out words which will respond to these is unprecedented.

The long time devoted to the drafting of the Declaration by the United Nations stemmed from the conviction
that Indigenous Peoples have rights as distinct peoples and that a constructive dialogue among all would
eventually lead to a better understanding of diverse worldviews and cultures, a realignment of positions and,
finally, to the building of partnerships between states and Indigenous Peoples for a more just and sustainable
world.

For the UN Permanent Forum on Indigenous Issues, the Declaration will become the major foundation and
reference in implementing its mandate to advise members of the Economic and Social Council and the UN
agencies, programmes and funds on indigenous peoples’ human rights and development. It is a key
instrument and tool for raising awareness on and monitoring progress of indigenous peoples’ situations and
the protection, respect and fulfillment of indigenous peoples’ rights. It will further enflesh and operationalize
the human rights-based approach to development as it applies to Indigenous Peoples. It will be the main
framework to guide States, UN bodies, Indigenous Peoples and civil society in making the theme of the Second
Decade of the World’s Indigenous Peoples “Partnership for Action and Dignity” a reality.

The United Nations Permanent Forum on Indigenous Issues is explicitly asked in Article 42 of the Declaration
to promote respect for and full application of the provisions of the Declaration and follow-up the effectiveness
of this Declaration. On behalf of the Permanent Forum on Indigenous Issues, I commit the Forum’s devotion to
this duty.

This is a Declaration which sets the minimum international standards for the protection and promotion of the
rights of Indigenous Peoples. Therefore, existing and future laws, policies, and programs on Indigenous
Peoples will have to be redesigned and shaped to be consistent with this standard.

Effective implementation of the Declaration will be the test of commitment of States and the whole
international community to protect, respect and fulfill Indigenous Peoples’ collective and individual human
rights. I call on governments, the UN system, Indigenous Peoples and civil society at large to rise to the
historic task before us and make the UN Declaration on the Rights of Indigenous Peoples a living document
for the common future of humanity.”

For further information:
Website: www.un.org/esa/socdev/unpfii