

NATURAL RESOURCE USE AND INDIGENOUS PEOPLES

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International Committee for the Indigenous Peoples of the Americas

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The Earth's natural resources are vital to the survival and development of the human population. Indigenous Peoples especially depend on natural resources within intact ecosystems and their indigenous ways of using and managing natural resources are based on principles of sustainability. However, as global population and economy continues to grow, demand for food, fresh water, timber, fiber and fuel is increasing. Finding and applying solutions for sustainable resource use in cooperation with indigenous communities is one of the main future challenges and will help to restore our natural goods for generations to come.

PURPOSE OF THIS BOOKLET

This booklet is an introduction to natural resources. It provides basic information on natural resources and the impacts related to their use as well as the meaning of natural resources to Indigenous Peoples. The booklet contains a section with useful information for Indigenous Peoples and organizations supporting indigenous communities on how to take an active role in local and global decision and policy making on natural resource use, and how to effectively influence policies and actions leading to resource overexploitation and rights violations. With this booklet we would like to offer a tool to participate in the debate on natural resource use.

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1 NATURAL RESOURCES

1.1 WHAT ARE NATURAL RESOURCES?

Natural resources are materials and components that can be found **within the environment**. Examples of natural resources are fresh water and air, or living organisms such as fish. Natural resources may also exist in an alternative form, which must be processed to obtain the resource such as metal ores, oil and most forms of energy. Every man-made product is composed of natural resources.

Very few resources are considered **infinite**, which means they will not diminish in the near future. These are solar radiation, geothermal energy and air (however access to clean air may not be). The vast majority of resources are however **finite**, which means they have a finite quantity and can be depleted if managed improperly.

On the basis of origin, resources may be divided into biotic and abiotic resources. **Biotic** resources are obtained from the biosphere (living and organic material), such as plants or animals, and the materials that can be obtained from them. Fossil fuels such as coal and petroleum are also included in this category because they are formed from decayed organic matter. **Abiotic** resources on the other hand are those that come from non-living, non-organic material. Examples of abiotic resources include land, fresh water, air and metals such as gold, iron, copper, silver, etc.

Natural resources can be categorized as either renewable or non-renewable. **Renewable** resources are characterized by their ability to regenerate within a relatively short period [1]. Classic examples of renewable resources are fisheries and forests. Resources from a human use perspective are classified as renewable only as long as the rate of recovery exceeds the rate of consumption. However, many renewable resources do not have such a rapid recovery rate. These resources are susceptible to depletion by overuse. For example, it takes hundreds of millions of years for dead trees to be transformed into coal and oil [2]. In contrast, **non-renewable** resources are defined as all resources that do not grow or otherwise renew themselves over time. As a result, non-renewable resources are generally regarded as finite,

so every unit consumed today reduces the amount available for future consumption. The most common examples of non-renewable resources are mineral deposits (see Figure 1). [3]

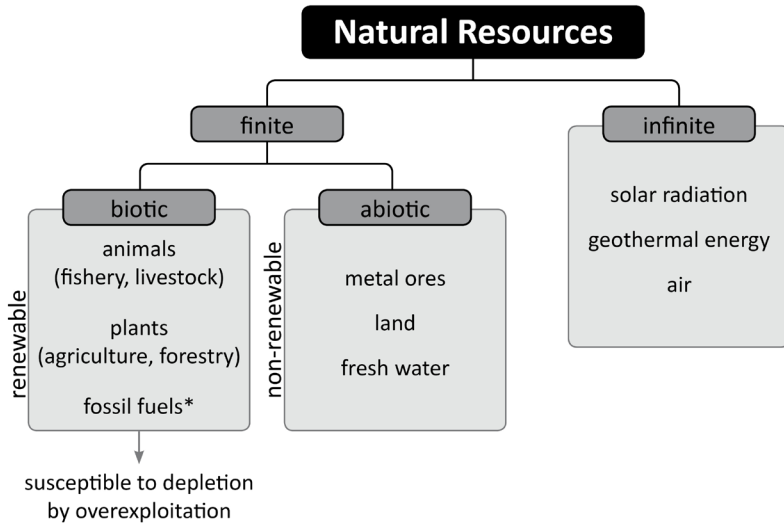


Figure 1: Overview of natural resources and their classification regarding quantity, origin and renewability.

*As fossil fuels have a very slow recovery rate, they are generally considered a non-renewable resource.

Some natural resources can be found everywhere such as sunlight and air. These resources are known as **ubiquitous** (existing or being everywhere). However many natural resources are concentrated in a small number of countries, these resources are referred to as localized resources. For example, nearly 90% of the world's proved oil reserves are located in just 15 countries [3].

Resources, which have been surveyed, their quantity and quality determined and are being used in present times, are called **actual resources**. The rich deposits of coal in the Ruhr region of Germany and petroleum in West Asia are all actual resources. **Potential resources**, on the other hand, are those whose entire quantity may not be known and are not being used at present. These resources could, however, be used in the future. The level of technology we have at present may not be advanced enough to easily utilize these resources or their potential as a resource may not yet be identified. High speed winds were a potential resource two hundred years ago. Today they are an actual resource and wind farms generate energy using windmills like in the Netherlands.

1.2 REASONS FOR INCREASED RESOURCE USE

The Earth's natural resources are vital to the survival and development of the human population. However, there is a continued increase in resource use, which can have a multitude of negative effects (see chapter 1.3).

The main driving force of resource consumption is **population growth**. According to the United Nations (UN), the twentieth century has witnessed extraordinary population growth. During this century, world population increased from 1.65 billion to 6 billion people [4]. In 2011, global population hit 7 billion, with a net increase of 78 million people in 2011 alone. As with population growth, resource use increased as well (see Figure 2).

Over the next fifty years, global population is expected to grow 50%. According to the Food and Agriculture Organization (FAO), demand for food, feed and fibers could grow by 70% by then [5]. Similarly, the International Energy Agency (IEA) expects global demand for energy to rise by 40% over the next 20 years if no major policy changes are implemented [6]. With regard to water, one estimate suggests that in 20 years, global demand for water could be 40% higher than today, and more than 50% higher in the most rapidly developing countries [7]. In addition, more than 20% of resources used in Europe are imported, especially fuels and mining products. As a side-effect, some of the negative impacts related to the extraction and/or production of materials and trade goods – such as the waste generated, or water and energy used – are felt by the exporting countries and regions [1].

Besides population growth, **economic growth** and **economic well-being** for a good portion of the world is another driving force of resource consumption. In addition, the **technological level**, **economic structure**, and the **patterns of production and consumption** are further factors influencing resource consumption.

1.3 CONSEQUENCES OF INCREASED RESOURCE USE

In the last decades, population and economic growth and production and consumption patterns have led to increased resource use promoting overexploitation and unsustainable use

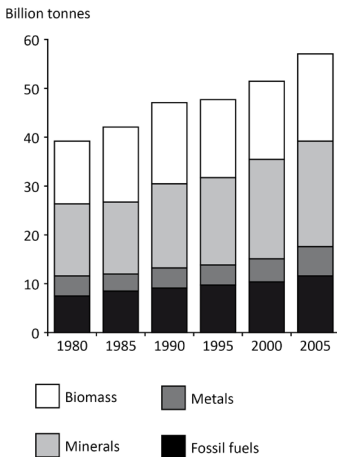
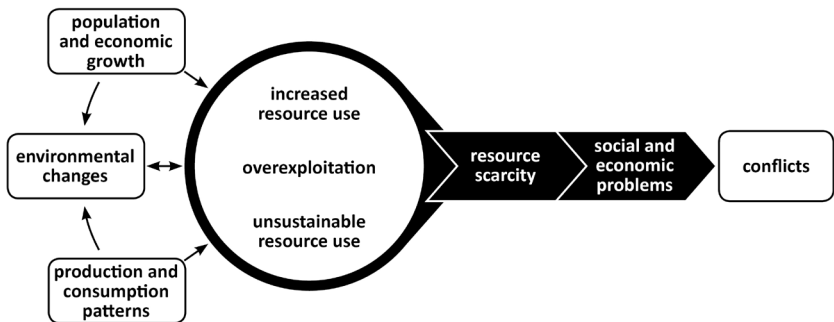


Figure 2: Global extraction of natural resources between 1980 and 2005 (Source: SERI Global Material Flow Database, 2010 edition)

of natural resources. Unsustainable use of natural resources and destructive extraction methods are accompanied by environmental changes. These environmental changes can have negative feedback effects on resource availability. Decreased resource availability may lead to **social, health and economic problems** like population displacement and economic decline (see chapters 1.3.1 and 1.3.2). These effects, in turn, may cause **acute conflicts**, including scarcity disputes between countries, clashes between ethnic groups, riots and civil commotions (see Figure 3). [8]

Figure 3: Consequences of increased resource use through population and economic growth, production and economic growth, production and consumption patterns and accompanied environmental changes.



In particular, **land conflicts** are rising and are predominantly affecting Indigenous Peoples. Growing demand for energy and natural resources leads many low-income, resource-rich countries to open remote areas to industrial development. Projects such as roads, railways, airports, hydroelectric dams, mines and agricultural land conversion consume land and also open up areas that are home to Indigenous Peoples. In many of these countries, however, strong institutions and governance systems are not yet in place to ensure that extractive and infrastructure projects do not adversely affect local communities. Land conflicts are the consequence. Not only resource extraction on indigenous land but also the establishment of protected areas is affecting the rights, interests, and livelihoods of Indigenous Peoples and is subsequently resulting in conflicts with conservation organizations and governments.

A recent concern for Indigenous Peoples is **land grabbing** or large-scale land acquisitions by domestic and transnational companies, governments, and individuals mainly used for agricultural purposes. These large-scale agricultural investments

usually lead to the displacement of local people without adequate compensation.

Economic, social, health and environmental impacts of resource scarcity are interlinked and influence each other. The following sub-chapters try to give a short overview of the consequences of increased resource use for each aspect.

1.3.1 ECONOMIC IMPACTS

So far, natural resources and the environment are regarded as free goods and the costs of using natural resources are not internalized into production costs. However, if natural resources become more and more scarce, their extraction and processing will be more laborious and therefore **prices of natural resources will rise**. In severe cases, the extraction of some natural resources may no longer be profitable and related sectors of industry may collapse leading to **unemployment, poverty and economic breakdown**. The prosperity gap may be enhanced leading to the impoverishment of certain regions of the world which in turn will have social and health impacts.

Indigenous Peoples depend on intact ecosystems for subsistence. If resources and land are becoming scarcer, industrial production and resource extraction expand into more remote areas. In many cases, this development withdraws ancestral territories from Indigenous Peoples and leads to pollution of the environment. As a result, the basis for production and subsistence is no longer available for Indigenous Peoples and they become **dependent on the state or the corporations** operating on their land. For example, water can be polluted by mineral processing near mining areas. Subsequently, people living in this region are forced to buy drinking water leading to economic distress.

1.3.2 SOCIAL AND HEALTH IMPACTS

The livelihoods of billions of people, Indigenous Peoples in particular, are inevitably linked with the availability of natural resources. As mentioned above, **conflicts** around scarcer resources and land are likely to intensify and add to **migration pressures**, especially on indigenous territories.

As with increased resource use, little arable land remains to expand agricultural production. Consequently, the bulk of increased food production will need to come from further increases in yield per hectare, which is typically achieved by monocultures and the application of pesticides and fertilizers. Unfortunately, monocultures and related practices are usually accompanied by negative impacts to the environment and subsequently negative impacts to human health. [9]

The environment plays a crucial role in people's physical, mental and social well-being. The degradation of the environment, through air pollution, noise, chemicals, poor quality water and loss of natural areas may be contributing to **substantial increases in rates of obesity, diabetes, diseases of the cardiovascular and nervous systems and cancer**. Reproductive and mental health problems are also on the rise. Asthma, allergies, and some types of cancer related to environmental pressures are of particular concern for children. [10] Indigenous communities with little access to medical health care will be the first to severely suffer from environmentally induced health problems.

1.3.3 ENVIRONMENTAL IMPACTS

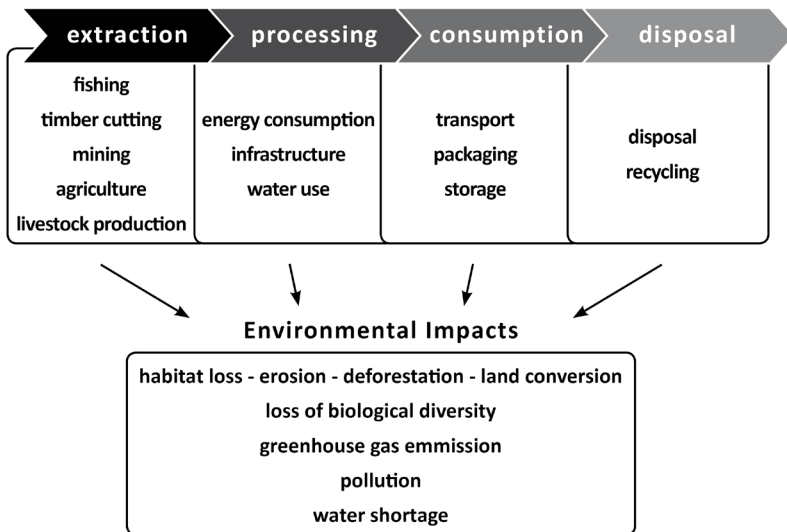
The use of natural resources affects the environment at every stage from **extraction, processing, manufacturing, consumption, to disposal** (see Figure 4).

The harvesting of raw natural resources directly impacts the environment through mining, timber cutting, or fishing. The raw materials must be transformed into a usable form, which typically results in air or water pollution as well as unwanted or even toxic by-products. Next, to produce specific consumer products like clothes, electronic devices, or processed food, further manufacturing processes are needed. These manufacturing processes also use energy and often generate pollution. Then the final consumer products need to be packaged, transported and stored, which again involves additional inputs of energy and materials and has therefore further environmental impacts. After all that, the product generates further environmental impacts as it is disposed. [11]

In addition, as resources are becoming scarcer, more energy (in form of fossil fuels, fertilizers, etc.) and **new technologies** with unexpected environmental and health risks (e.g. genetically modified organisms, high performance livestock) are needed to extract and process a particular resource.

Indigenous communities are among the first to notice environmental changes in their ancestral territories and the first to suffer from environmental impacts of unsustainable resource use such as water shortage, changes in precipitation patterns, erosion, etc. The following chapter shows some examples of the use of renewable (fish stocks and forests) and non-renewable (fossil fuels and metals) resources and their associated environmental impacts.

Figure 4: Some environmental impacts of resource use. The environment is affected at every stage of resource use from extraction, processing, manufacturing, consumption, to disposal.





Fish market in the South of Lima, Peru.
©Simona Kobel

1.3.4 EXAMPLES OF NATURAL RESOURCES AND PROBLEMS ASSOCIATED WITH THEIR USE

Fish stocks

World production of fish amounted to approximately 145 million tons in 2009 [12]. The key factor affecting the status of fish resources is **overfishing**. In addition, fishery resources have also been affected by adverse environmental conditions such as coastal and marine **pollution**, land run-off, climate change, and by structural alterations to the seabed by fishing and other human activities. It is estimated that globally about one third of fish stocks is already overexploited. The fishing industry affects **biological diversity** by killing of non-target populations of fish, seabirds, marine mammals and turtles. [1] Shrinking fish stocks lead to disruption of nutrient cycles and food webs and will eventually have negative feedback effects on entire marine and fresh water ecosystems. [13]

Many indigenous groups live on the coast and depend on marine and fresh water resources for social, cultural and subsistence benefits. Many studies have documented the importance of wildlife catch in the diets of Indigenous Peoples, and seafood has also been shown to contribute a large proportion of caloric intake for those living in coastal regions. [14] The greatest threats to indigenous fisheries come either directly from commercial fishing industries (overfishing) or from indirect effects on fish stocks (e.g. pollution, building of hydroelectric dams, or water abstraction for irrigation).

Forests

In the period 2000-2010, forest loss was estimated at **5.2 million hectares per year**, an area about the size of Costa Rica [15]. Most of the forest loss takes place in tropical regions. Deforestation is driven by the need for land for uses such as agriculture (palm oil, rice, sugar cane, soya beans, and animal grazing), agroforestry, human settlements, infrastructure and mining. Loss of forests leads to loss of biological diversity, soil erosion and reduced carbon storage function. For example, the current rate of deforestation and forest degradation is responsible for close to 17.4% of all anthropogenic greenhouse gas emissions contributing to climate change [16]. In addition, intensively used agricultural land leads to consumption of groundwater reserves, polluted soils due to pesticide use, and disruption of nutrient cycles. [13]

More than **1.6 billion people around the world depend to varying degrees on forests** for their livelihoods – not just for food but also for fuel and for medicine. At least 350 million people live inside or close to dense forests, largely dependent on these areas for subsistence and income, while about 60 million Indigenous Peoples are almost wholly dependent on forests. In addition, indigenous forest people see themselves as inseparably linked to the forest and the forest is an integral element in their cultural, spiritual and social systems. [16] Logging activities and clear cutting often result in the displacement of Indigenous Peoples from their ancestral territories.

In many countries, the **state is the official owner** of most forest areas, even though some of the land may have been inhabited for generations by large numbers of people. Also, traditional tenure systems are not always recognized by governments, leaving indigenous forest people without formal rights to their territories. This violates the United Nations Declaration on Indigenous Peoples' Rights as well as ILO Convention 169 – both of which place a clear obligation on states to legally recognize, demarcate and effectively protect Indigenous Peoples' territories and natural resources (see chapter 1.6). [16]

In 1993, a number of environmental groups and other interested parties responded to growing concerns about forest degradation and loss by creating the Forest Stewardship Council (FSC),



Oil palm plantation (left) instead of primary rainforest (right) in Costa Rica.
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a private initiative designed to promote voluntary **forest certification**. Over the following years the forest industry, forest owners associations and others created a number of additional certification organizations, including the Programme for the Endorsement of Forestry Certification (PEFC), the Canadian Standards Association, the Sustainable Forestry Initiative, Certificacao Florestal in Brazil, the Malaysia Timber Certification Council, Lembaga Ekolabel Indonesia, and the Chilean Forest Certification System. However, only a small part of the world's timber has been produced under certification standards and it is worth mentioning that certification has also been exposed to considerable criticism. Some schemes have been accused of allowing the misuse of their eco-labels, of accepting wood from mixed sources (certified and non-certified) and of certifying operations using unsustainable practices.¹ [16]

Given the significant emissions from deforestation and forest degradation most notably in developing countries, a range of stakeholders have become interested in providing positive incentives to developing countries to slow down their rates of deforestation and forest degradation: **REDD-reducing emissions from deforestation and degradation in developing countries**. A range of domestic actions could help to reduce emissions from deforestation and degradation. These include clarification and enforcement of land and forestry rights, the establishment of reserves or parks, ensuring compensation or incentives for avoiding deforestation and altering policies that make deforestation attractive, such as agricultural subsidies. REDD-related activities may pose both risks and opportunities for Indigenous Peoples.²

Fossil fuels

Fossil fuels are one of the most important and strategic natural resources in modern societies. Since the invention of the steam engine, fossil fuels have been the primary natural resource for satisfying the growing energy needs of industrialized countries. The combustion of fossil energy carriers leads to a number of environmental pressures, the most important being **emissions of greenhouse gases** (climate change) and **air pollutants**. Other adverse consequences of fossil fuels are pollution by oil from coastal refineries, off-shore installations and tanker spills, landscape destruction and groundwater table reductions from coal mining and spills (oil) and leakages (gas) from pipelines. Besides these environmental impacts, Indigenous Peoples are affected by various activities related to fossil fuels as the following examples show.

The **tar sands** around Fort McMurray and Fort McKay in Canada are the second largest oil deposit in the world. Current tar sands development have completely altered the Athabasca delta and watershed landscape, with deforestation of the boreal forests, open pit mining, dewatering of water systems and watersheds, toxic contamination, disruption of habitat and disruption to the Indigenous First Nations communities (Dene and Cree First Nations and Métis). Lost and destroyed lands and scarce or polluted water supplies are of major concern for these Indigenous Peoples. [17]

Another example concerning fossil fuel extraction and Indigenous Peoples is located in the Black Mesa region of Arizona (USA), indigenous home of the Diné (Navajo) and Hopi peoples. The region is the location of the largest **coal deposit** in the United States, with approximately 21 billion tons of coal. In addition to the impact of coal mining on the natural environment of Black Mesa, federal relocation policy has forced 14,000 Diné people from their ancestral homeland since 1974. [18]

The Niger Delta in Nigeria has been the attention of environmentalists, human rights activists and fair trade advocates around the world as **oil** corporations in the Niger Delta seriously threaten the livelihood of local communities. Due to the many forms of

¹ Independent observer reports on the Forest Stewardship Council. www.fsc-watch.org

² For further information see „REDD: A Guide for Indigenous Peoples“ (United Nations University - Institute of Advanced Studies (UNU-IAS)). www.ias.unu.edu/resource_centre/2009_REDD_Guide.pdf



Cerro rico (rich mountain), a major silver deposit in Potosí, Bolivia.
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oil-generated environmental pollution, farming and fishing have become impossible or extremely difficult in oil-affected areas, and drinking water has become scarce. The presence of multinational oil companies has had additional adverse effects on the local economy and society, including loss of property, price inflation, and prostitution. Organized protest and activism by affected communities have regularly met with military repression. [19] This situation is not specific to the Niger Delta but is similar to any country where oil exploration and production take place.

Metals

The mining and extraction of metals play a key part in supporting the world economy and is a significant driver of economic development. The metals with the highest consumption include **steel and iron, aluminum, zinc, copper and lead**. Most of the metals used in industrialized countries are imported and at the same time, the environmental and social pressures related to the production of the metals are exported to the countries of origin. The main problem associated with steel and aluminum exploitation is energy consumption, for lead and cadmium it is eco-toxicity and health impacts, while for copper and precious metals the amounts of waste generated during production are of main concern. All phases of the life-cycle of metals from mining through production and manufacturing to use and final disposal are environmentally relevant. [1]

As exploration for mineral resources expands into new areas the probability of negative impacts on both the environment and indigenous communities increases. Indigenous Peoples are more and more concerned about the degradation of their lands, water,

and air and potential displacement of their communities due to mining. Although many indigenous communities want to take a more active role in addressing their own concerns, they don't have the means and infrastructure to make themselves heard. They require information on the types of chemicals that may pose a direct risk to their health, where they are found and how to best manage and reduce exposure, protect health, and prevent environment contamination as well as human rights violations.

Case Study I: Between Conflict and Negotiation (Mexico)

Mineral resources are an important source of wealth in Mexico. Due to the recent financial crisis and instability of international report currencies, the value of gold, and to a lesser extent other metals, has soared. As a result, previously unprofitable mining activities have become very lucrative. The Mexico Chamber of Commerce for Mining (Cámara Minera de México, Camimex) states in its 2011 report that over the previous year, profits rose to 15,474 million US dollars, 51% more than in 2009.

However, extraction of mineral resources often causes conflict within local communities, and between organizations defending human rights, mining companies and authorities.

The reform to Article 27 of the Mexican Constitution, and the Regulatory Law for mining in 1992, allowed the acquisition and use of land to private interests. Together with the North American Free Trade Agreement, these legislative changes paved the way for the transformation of the industry, allowing increased access to mineral rich land, use of the soil, use of water to process the minerals, as well as environmental pollution and foreign investment.

In 2005, the North American company Goldcorp and its Mexican subsidiary LuisMin, obtained a concession to extract gold from an open pit mine in Los Filos, in the municipality of Eduardo Neri, in the Mezcala region of Guerrero. The company began to operate in areas in which it had no permission for „temporary occupation“. In 2007, the agricultural community of Carrizalillo created the Permanent Assembly of Landowners and Workers of Carrizalillo (Asamblea Permanente de Ejidatarios y Trabajadores de Carrizalillo, APETC), rejecting the mining of the land.

When APETC was formed, Goldcorp was already operating in the municipality. However, the community had not been informed about the scope of the mining project or the consequences it could have on the population. The Carrizalillo

community saw how they could no longer cultivate the land. Before they lived off corn and mescal production, but the company destroyed their fields. In addition, the labor rights of miners, many of whom reside in Carrizalillo, were not being respected.

APETC demanded fair payment for the use of the communal land as well as adequate wages and working conditions for workers in the mine. The inhabitants of Carrizalillo decided to organize and demand a more equitable distribution of the profits from gold extraction. The community organized a series of protests against the company, and in response the state sent the police. Several of the community members were arrested and imprisoned.

In 2007, the community began to negotiate new conditions for the use of the land. The community demanded an increase in rent as well as improvements in infrastructure such as roads, transportation, and health care. The community members needed to form alliances, as they knew they could not fight for their rights by themselves. They therefore sought legal advice and ways to provide more visibility to the case. In this struggle they turned to the Tlachinolán Human Rights Center, who supported them nationally and internationally. However, Carrizalillo was not the only affected community. Mezcala and Xochipala communities were also involved, but there was no common organization between these communities. The corporations took advantage of the lack of comprehensive organizational structures between communities and they benefited from the fact that there was no one to advise the communities.

Mining companies in the Mezcala region continue to receive permits for exploration and extraction. According to the corporation's 2010 report, the „Los Filos“ mine currently provides Goldcorp with the largest gold production in Mexico. Braulio Sotelo Vargas, commissioner of the nearby community La Fundación (Cocula municipality), reported that the company Teck Cominco and its subsidiary in Mexico, Media Luna, are currently exploring this community, and the possibility of carrying out mining activities here.

This case study has been kindly provided by Tlachinolán Centro de Derechos Humanos de la Montaña. [20]

1.4 SUSTAINABLE USE OF NATURAL RESOURCES

According to the United Nations, **sustainable development is „development that meets the needs of the present without compromising the ability of future generations to meet their own needs“** [21]. Through sustainable development, humans can improve their quality of life while protecting Earth's resources for

Figure 5: The concept of sustainable development. The achievement of sustainable development requires the integration of its economic, environmental and social components at all levels. The integration of traditional indigenous knowledge, science and policy will be crucial to achieve sustainable management of natural resources.



the benefit of future generations. The concept of sustainable development is based on limiting the use of renewable resources to the level at which the environment can continue to supply them indefinitely.

The achievement of sustainable development requires the integration of its **economic, environmental and social components** at all levels (see Figure 5). So far, discussions on sustainable development have involved mainly science and policy based approaches. However, Indigenous Peoples are excellent observers and interpreters of changes in their surroundings. Their community-based and collectively held **indigenous knowledge** is accumulated and maintained through practice over many generations and offers valuable insights into the state of the environment. Research has consistently revealed that indigenous ways of using and managing natural resources are grounded in progressive principles of sustainability. Therefore, Indigenous Peoples' observations and practices contribute to learning how to sustainably use natural resources as illustrated by the following case studies.

CASE STUDY II: WILD HONEY COLLECTION IN MONDULKIRI PROVINCE (CAMBODIA)

Traditionally, Indigenous Peoples regard natural resources as communal property used to support a subsistence lifestyle. Now, increasingly however, private commercial interests are exploiting these same natural resources for profit. At the same time, the commercialization of forest products has also helped to create exploitative trading practices of forest products and wildlife to which indigenous communities are increasingly and inevitably being exposed.

In addition, logging activities and economic land concessions have created a major shift in the use and ownership of land and forests, subsequently shrinking the size of areas for rotational farming practice and non-timber forest products collection, thereby also affecting indigenous communities' food and income security.

Mondulkiri province, located in the northeastern region of Cambodia, covers 1.5 million hectares of the country. It is forest-rich as 91% of the area is primary and secondary forest. Mondulkiri is home to the indigenous Bunong, comprising the majority of the population in the province. Honey hunting has been found to be a common forest activity, particularly for their own consumption because of the medicinal value of forest honey. Over the years however, the increasing demand for honey products from village traders has prompted villagers to collect more honey to sell and not just for personal consumption.

Currently, the honey hunters use only 10% of their harvests for their personal consumption and the rest is sold to traders at meager prices. In 2007, honey was sold to traders at a price as low as \$2.50/liter. On a 3-month time frame (March-May), collection can be achieved at an average of 3 times per month.

A wild honey project was initiated in Mondulkiri to address the livelihood issues of the Bunong communities. The consultative project development process took over a year, entailing community discussions, field studies and participation in workshops. Bunong community



representatives, accompanied by NGO staff, also went on an exposure trip to India to see a community based project around the development and local marketing of organic and natural products that are traditionally harvested.

Then in 2008 with some funding support, two Bunong communities in Krangteh and Puchrey communes in Pichrada district, assisted by NGO's, began a pilot project on sustainable wild honey harvesting and marketing. The project continues today, covering eight villages in the two communes with over 90 members and almost 200 families participating and benefiting in the project. A joint management structure has been agreed among the community organization leaders and members of Prey Rodang (in Puchrey) and Prey Krung Ratuon (in Krangteh) to manage and operate their joint honey business. The wild honey project shows how the Bunong communities have strengthened their own small honey groups by organizing themselves at a community level for the purposes of consolidating income and fortifying their negotiating position with honey traders. They have also improved their traditional honey hunting practices by including additional principles on sustainable harvesting (e.g. not cutting the entire hive, which may kill the bees in the colony) and hygienic collection to ensure bee survival and improve both the volume and quality of their harvest. Moreover, they have designated bee trees for conservation or limited collection in order to ensure bee survival in the area.

The project activities have raised honey prices from \$2.50/liter to up to \$6.00/liter, increasing their direct income benefit from sustainable honey collection. Since 2008, the community has generated gross honey sales of at least \$15,000 under a locally labeled Mondulkiri Wild Honey, which is distributed in Mondulkiri province but has also reached markets in Phnom Penh and Siha-noukville provinces.

As a side effect of the project, the honey enterprise activities have built enough self- and group confidence to present their concerns and issues to local authorities and the provincial government. In addition, they have taken leadership in the promotion of sustainable honey harvesting and community-based honey enterprises in a national network of honey collectors. In the meantime, the project has extended to other communities in other provinces.

This case study has been kindly provided by Prabindra Shakya, Research and Communication Development Coordinator, Asia Indigenous Peoples Pact (AIPP) Foundation. [22]

CASE STUDY III: SHIFTING CULTIVATION AND COMMUNITY FORESTRY IN HUAY HIN LAD COMMUNITY (NORTHERN THAILAND)

Huay Hin Lad is a Karen community in Chinag Rai Province, Northern Thailand. The community lives in a watershed area, which is the origin for fourteen small streams. It is situated between a National Forest Reservation area and the Khun Jae National Park. The major economic activities of the community are upland rice farming, cultivation of tea and some other commercial crops and gathering forest goods. When in 1986 the community area had been destroyed by a Thai logging company, local Karen tried to restore their forest. Nevertheless, for decades the highland peoples have been accused of deforestation, destroying natural resources and causing carbon emission through grass burning and forest fires. When in 1993 the area had been declared as a National Park, the Thai government tried to expel the community members from their own lands. The villagers joined force with other ethnic groups who faced similar problems and fought for their rights to stay on their own territories. Huay Hin Lad succeeded. They formed a community-forest committee, drew a community map and established a variety of rules and activities on natural resource management.

The community conducts a mixture of self-sufficient and commercial agriculture. Major sources of income are selling tea leaves, forest products, corn and livestock. 92% of the food consumed comes from household production and only 8% from markets outside the community. The whole community is self-sufficient in rice. Of the 100 different sorts of vegetables around 90 varieties are from shifting cultivation. 70% of the meat consumed is from their own production. Out of the staple foods such as rice, tubers and vegetables, 53% is from paddy fields, 34% from shifting cultivation and the remaining 13% from forest and tea plantations. The Huay



Hin Lad community's energy consumption is substantially lower than of urban communities. It is not connected to the public electric power grid but derives electricity from solar panels. The community members use fuel for motorbikes and a few cars. Two cubic meters of firewood is used for cooking per head, per year.

The highland production patterns are shifting cultivation and community forestry. When practicing shifting cultivation, various plants and crops are cultivated on one field. First, a piece of land is selected and the trees are cut. The cut wood and grass is left to dry and then burnt. The ashes serve as organic fertilizer. After the first rain in April, short-term crops are planted, in May rice is sown. The plants and rice have different bearing periods and thus farmers are able to harvest various kinds of foods until the rice is ready to be harvested in October. After the harvest, the field is used to graze cattle. Later the soil is left to rehabilitate for 6 – 10 years. Generally, only around 10% of the total farmland is used for cultivation. In addition the Huay Hin Lad community commercially grows corn for income. Nevertheless, the use of chemicals on corn fields is substantially low (20 kg of fertilizer and 2.5 kg of herbicides on 93 ha of land).

Since the people depend on forest goods as food, herbs, firewood and timber, the forest is equally important for the community's existence. Watershed areas are overseen by community members and the building of firebreaks prevents seasonal forest fires from spreading. All these activities show that forest conservation is basically a community value.

Although the consumption level of highland peoples is low, the state accuses them of destroying the forest and being responsible for high carbon emissions caused by their shifting cultivation activities. State policies and measures relating to climate change mitigation and adoption continue to put the community at risk of losing their land.

In fact, all farm activities induce emission of greenhouse gases. These gases are in turn absorbed by green vegetation and agricultural plants. Research conducted in Huay Hin Lad community has shown that during restoration, forests require huge amounts of carbon to reproduce stems and new leaves. It is for this reason that rehabilitating forests (in other words fallow fields) have a high capacity to sequester CO₂. The study revealed that the total forest area (around 3120 ha) is able to store 661,372 tons of carbon, the agricultural areas another 59,255 tons of CO₂, together a sum of 720,627 tons of carbon. Only an equivalent of 2,042.46 tons of CO₂ is released into the atmosphere from community agricultural activities. In conclusion, the CO₂ emission from community activities is very low as compared to the community's capacity to store carbon. Further, burning and shifting cultivation, which is blamed for causing air pollution and contributing to climate change, has proved not to be

harmful to the environment. In 1-10 of years rehabilitation time, the field stores 17,641 tons of CO₂, while burning produces only 476 tons.

The study concludes that ways of life and agricultural patterns of highland peoples do not contribute adversely to climate change. In contrast, livelihood practices of these peoples are helping to balance the ecological system, effectively mitigate the adverse impacts of climate change and maintain sustainable food security. The research has proven the three main facts: First, farming activities of the Huay Hin Lad community cause little carbon emission. The community's capacity to store carbon however is high. Annual carbon emissions are only 0.08% of the carbon stored. Second, consumption patterns of the community are low, both in terms of food intake and utilization of natural resources of various purposes. The consumption is properly managed through their sustainable resource management system that is regulated and guided by their beliefs, wisdom and community regulations. The community's consumption level is much below the carrying capacity of its natural resources. The ecological system is thus in balance. Third, the community prefers locally produced food over commercially processed food. Most of this local food is produced by shifting cultivation and other farming systems. Shifting cultivation bears further advantages such as food security in general and low use of chemicals, high biological diversity, different harvest periods for different crops and selfsufficiency in particular.

This case study has been kindly provided by Prabindra Shakya, Research and Communication Development Coordinator, Asia Indigenous Peoples Pact (AIPP) Foundation. [23]

1.5 SIGNIFICANCE OF NATURAL RESOURCES TO INDIGENOUS PEOPLES

Indigenous Peoples depend on the natural lands and ecosystems by which they are surrounded. According to a recent UN report, 60 million out of the approximately 300 million Indigenous Peoples around the world depend, for instance, on forests for their livelihood and survival [24]. They are „shifting or permanent cultivators, herders, hunters and gatherers, fishers, and/or handicraft makers who adopt a multiuse strategy of appropriation of nature“ [25]. **They depend on land, forests, wildlife, rivers, watershed and aquatic life, on traditional medicine and on seeds and plants** [26]. They have managed their environments sustainably for generations and in turn, the fauna, flora and other resources available on indigenous lands and territories have provided them with their livelihoods and have nurtured their communities. Indigenous communities have a close relationship to their land and resources and see themselves as part of the whole ecosystem. Natural resources are significant not only as a means of production, but also as part of Indigenous Peoples' **spiritual and cultural traditions**, central to their identities as peoples. [26]

As a matter of fact, many territories inhabited by Indigenous Peoples coincide with some of the world's major concentrations of biological diversity and natural resources. For Indigenous Peoples, conservation of nature and sustainable use of natural resources is not an isolated, compartmentalized concept but an integrated part of their lives. They view conservation areas as integral, functional parts of the landscapes in which they live (i.e., sacred places, repositories for game, etc.). In recent years, however, dispossession from the land or restriction of access to natural resources has brought economic impoverishment, loss of identity, and threats to their cultural survival. For that reason indigenous agendas almost invariably begin with the **claim of their ancestral territories** to assure the long-term protection of their lands and natural resources. [26]

1.6 INTERNATIONAL AGREEMENTS RELATED TO INDIGENOUS PEOPLES RIGHTS TO NATURAL RESOURCE MANAGEMENT

Natural resource use is mostly **controlled by the state**. Whether the indigenous population has legal access to it or not thus depends on state regulations. For that reason, Indigenous Peoples continue to be expelled from their territories as a result of laws that favor the interests of commercial companies and under the pretext of the establishment of protected areas or national parks [27]. Threats to Indigenous Peoples' ecosystems include such things as mineral extraction, environmental contamination, the use of genetic modified seeds and technology and monoculture cash crop production [27]. In recent years, many countries have reformed their constitutional and legal systems in response to calls from indigenous movements for legal recognition and in many countries the indigenous communities' collective and inalienable right to ownership of their lands and therewith of their natural resources is recognized. But land-titling processes have been slow and complex and, in many cases, the titles awarded to the communities are not respected in practice [27].

A legally binding instrument which deals with the rights of Indigenous Peoples is the International **Labour Organization (ILO) Convention No. 169** (see chapter 2.2.4) [28]. Today, it has been ratified by 22 countries³ but has, according to ILO, gained recognition well beyond the number of actual ratifications. The first general, fundamental principle of Convention No. 169 is non-discrimination of Indigenous Peoples. It further calls for special measures to be adopted to safeguard the persons, institutions, property, labor, cultures and environment of these peoples. The Convention further requires that Indigenous Peoples are consulted effectively on issues that affect them. It entitles them to decide their own priorities for the process of their economic, social and cultural development.

³ International Labour Organization: List of countries which ratified Convention No. 169.
www.ilo.org/ilolex/cgi-lex/ratifce.pl?C169

⁴ The Convention on Biological Diversity (CBD) has three main goals: (1) the conservation of biological diversity, (2) the sustainable use of its components and (3) the fair and equitable sharing of benefits arising from genetic resources.

Likewise, according to the **Declaration on the Rights of Indigenous Peoples** [29] adopted by the Human Rights Council (see chapter 2.2.1), Indigenous Peoples have the right to determine and establish priorities and strategies for their self-development and for the use of their lands, territories and other resources. In contrast to the ILO Convention No. 169, the Declaration on the Rights of Indigenous Peoples is an UN Resolution which accordingly has a non-binding character.

The ILO Convention No. 169 demands that **free, prior and informed consent (FPIC)** [30] must be the principle of approving or rejecting any project or activity affecting Indigenous Peoples' lands, territories and other resources [27]. In practice, such consultations are often held as informative meetings with biased presentations rather than an opinion forming process within affected communities and the rejection of a particular project is often ignored. In addition, forced displacement of Indigenous Peoples from their ancestral lands as a result of laws that favor the interests of commercial companies frequently occurs and leads to the impoverishment of these communities [27].

The FPIC and the principle of benefit sharing as legal framework is elaborated but the problem of enforcement not yet solved. Arrangements for benefit sharing concerning the profits that flow from regional projects must be established. To ensure its functioning, external actors are required to control FPIC processes [27]. Along with the consolidation of their legal position, Indigenous Peoples express their displeasure over the principle of FPIC, which still does not recognize their self-determination and infeasible ownership over their land and resources.

The **Convention on Biological Diversity**⁴, which highlights the need to promote and preserve indigenous knowledge, sets out principles governing access to and benefit sharing from genetic resources and indigenous knowledge, and efforts are being made to insure such principles are incorporated into the international intellectual property regime [27].

CASE STUDY IV: THE NEED TO CONSIDER THE RIGHTS AND INTERESTS OF INDIGENOUS PEOPLES IN THE MANAGEMENT AND EXPLOITATION OF NATURAL RESOURCES IN THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

The forest ecosystems of the Democratic Republic of the Congo (DRC) are internationally recognized as one of the most biologically diverse regions in the world including many endemic species such as the mountain gorilla and the okapi. The forest in the DRC represents more than 50% of the forest of the Congo Basin which is, next to the Amazon rainforest, the second largest rainforest in the world. Besides the high biological diversity, the region also contains water and mining resources which attract multinational commercial companies as well as conservation organizations. 11% of the national territory is protected. Although the remaining forested regions are not officially protected, they are nonetheless conserved by Indigenous Peoples. These peoples directly depend on forest resources and use non-destructive methods for their extraction. It is worth noting that the majority of the forests are situated on ancestral territories of Indigenous Peoples where they have played an important historic and cultural role during centuries in the sustainable management of their forests. Currently, the establishment of conservation areas, wood exploitation and mining activities as well as REDD+ projects are putting pressure on the forests of Indigenous Peoples in DRC.

The establishment of conservation areas in particular zones has resulted in forced displacement, refused access to sustain basic needs and police surveillance including violations of human rights.

Legal measures have been established in 2010 regulating wood exploitation. Thanks to indigenous organizations of DRC and the civil society, the forest companies were pushed to sign contract specifications with the communities regulating the basic subsistence of Indigenous Peoples in the exploitation zones such as the collection of non-timber forest products.

The DRC is recovering from a century of wars and armed conflicts and is now on the way to improve its economy. The DRC's natural resources will contribute to the economic development, but will also have implications for indigenous territories. Petroleum explorations have already taken place in the Virunga national park. The recognition of the rights of Indigenous Peoples is at the heart of the debates around the sustainable management of natural resources and it is generally accepted that every conservation initiative is determined to fail if the specific rights of Indigenous Peoples are not recognized.

This case study has been kindly provided by Joseph Itongwa Mukumo, a Bambuti Pygmy from the Democratic Republic of the Congo and National Coordinator of the Integration Programme for the Development of the Pygmy People of Kivu (Programme d'intégration pour le développement du peuple pygmée au Kivu, PIDP).

1.7 FUTURE CHALLENGES

As explained above, the increased use of natural resources can have negative impacts on the economy, society and environment. In general, competitions for natural resources may intensify as a consequence of increased demands, decreased supplies and decreased stability of supplies. Ultimately, this will further increase pressures on ecosystems globally, and especially their capacity to ensure continued food, energy and water security. Therefore, effective solutions are needed to restore natural resources, reduce poverty and ensure food security and political stability. These solutions include efforts of policy makers, industry, society and indigenous communities as a whole.

It is of great importance to set new political priorities in mitigating climate change, combatting loss of biological diversity and handling waste as these are inevitably linked to human health and the quality of life [10]. Therefore, **policy makers** must establish new environmental policies and improve current policies with regard to sustainable use of natural resources at a local, national, and international level. Governments should take actions such as investing in green infrastructure, introducing payments for ecosystem services and resources, removing harmful subsidies, and developing financial incentives for the sustainable use of natural resources [10]. It is crucial that these changes in policies and investments must be developed in cooperation with local communities. In addition, already existing regulations are to be followed by the state as well as by (foreign) companies. It is worth mentioning that existing programs and projects are becoming more and more complex due to their global and interdisciplinary character and specialized knowledge is increasingly needed.

At the international level, policymakers must support the establishment of a green economy that addresses the longterm viability of the natural and social environment [10]. At national and local levels, governments need to establish agreements in cooperative collaboration between NGOs and indigenous communities to protect natural resources in indigenous territories. Policy makers should support campaigns and educational programs promoting awareness within the society about the importance of environmental conservation, natural resources and their value for human well-being.

The **industry** is responsible for developing higher resource efficiency and more efficient technologies as well as responsible social policies for consulting and cooperating with the communities affected by the activities of the industry. In addition, the industry together with policymakers, NGOs, local communities and environmental experts should revalue natural resources and assign them an appropriate value. Further information on the problem of transnational corporations affecting rights, territory and life quality of Indigenous Peoples can be found in the INCOMINDIOS periodical on „Transnational Corporations and Indigenous Peoples“ published in July 2012. In addition, the UN Working Group on the Issue of Human Rights and Transnational corporations and other Business Enterprises deals with the integration of human rights in business affairs and the transnational corporations' accountability for activities which affect Indigenous Peoples' lives (see chapter 2.2.7).

Society also plays an important role in the conservation of natural resources as every human being creates her/his own ecological footprint with his/her lifestyle and consumption pattern. Therefore, each individual must be aware of the current ways in which natural resources are used, their importance and value. Every person needs to be encouraged to buy fair trade and ecologically friendly products, rethink and change lifestyles and raise awareness among others.

2 TOOLS FOR PARTICIPATION

This chapter offers an introduction to initiate ideas into institutions to promote and protect human rights of Indigenous Peoples. It provides an overview for engagement and exploration for comprehensive campaigns to protect the right of Indigenous Peoples regarding natural resources.

2.1 HOW TO PARTICIPATE?

Stay informed. It is very important that you are well informed about the activities concerning natural resource use in your area. Information can be provided by e.g. local authorities, specialist departments or local non-governmental organizations (NGOs) working on resource use issues. Try to make sure that the information is as objective and unbiased as possible.

Act local. Once you are thoroughly informed about all the aspects of the resource use activities, it is important to get involved in discussions on environmental damage and pollution, resource overexploitation, expropriation and expulsion, and to be part of finding a solution. It will either be necessary to organize your own group of people with the same concerns or find a local NGO or political party, which supports your request.

Raise Awareness. With the help of your own organization or an NGO, raise awareness on the subject and organize campaigns. Other advocacy strategies can include community protests, peaceful resistance, and raising awareness through the media or getting involved in community or national politics.

Share knowledge. If you know of a good example of how to sustainably use the resource in question, then spread the word and share your knowledge with other communities. For example, there is a growing market for fair trade and eco-friendly products. If you have started to produce your products under a socially and ecologically sustainable label, convince other producers in your area to join the network.

Get international. If your voice is not being heard on community or national level, you can try to bring your case to international rights bodies. The next chapter lists some of the UN mechanisms involved in natural resource use.

2.2 RELEVANT UN BODIES IN THE FIELD OF NATURAL RESOURCES (CHARTER-BASED)

The authority and competence of UN bodies to consider human rights issues are derived either from multilateral treaties to which a State may be a party or from the constitutional authority of the United Nations itself. These mechanisms are normally referred to as „Charter-based“, since the authority to create them stems from the UN Charter. The following UN bodies serve as a platform for Indigenous Peoples to make requests and express their concerns about matters relevant for Indigenous Peoples. They deal amongst others with the subject matter of natural resource use and may therefore serve as crucial contacts.

2.2.1 HUMAN RIGHTS COUNCIL (HRC)

The Human Rights Council (HRC)⁵ is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The HRC replaced the former United Nations Commission on Human Rights. The HRC meets at the UN Office at Geneva, Switzerland.

What are the criteria for a communication to be accepted for examination?

A communication related to a violation of human rights and fundamental freedoms is admissible, unless:

- It has manifestly political motivations and its object is not consistent with the UN Charter, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law; or
- It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated; or

⁵ Human Rights Council. www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx

⁶ Universal Periodic Review. www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx

Contact Information

Communications intended for handling under the Council Complaint Procedure may be addressed to:

Human Rights Council and
Treaties Division
Complaint Procedure

OHCHR-UNOG

1211 Geneva 10

Switzerland

Fax: +41 22 917 90 11

CP@ohchr.org

- Its language is abusive. However, such communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language; or
- It is not submitted by a person or a group of persons claiming to be the victim of violations of human rights and fundamental freedoms or by any person or group of persons, including NGOs acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the UN Charter and claiming to have direct and reliable knowledge of those violations. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual author is second hand, provided they are accompanied by clear evidence; or
- It is exclusively based on reports disseminated by mass media; or
- It refers to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights; or
- The domestic remedies have not been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

The National Human Rights Institutions (NHRIs), when they are established and work under the guidelines of the Principles Relating to Status of National Institutions (the Paris Principles) including in regard to quasi-judicial competence, can serve as effective means in addressing individual human rights violations.

2.2.2 UNIVERSAL PERIODIC REVIEW (UPR)

The Universal Periodic Review (UPR)⁶ was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which reviews the human rights records of all 192 UN Member States once every four years. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights

Contact Information

For States

UPRStates@ohchr.org

For Stakeholders

UPRStates@ohchr.org

civilsocietyunit@ohchr.org

(NGOs)

ccastaneda@ohchr.org

(NHRIs)⁷

and fundamental freedoms. The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

The Universal Periodic Review Working Group will hold three two-week sessions per year. During each session 16 countries will be reviewed, therefore 48 countries per year and 192 countries by 2011, or the entire UN membership over the course of the first UPR cycle (2008-2011).

Information on the status of a request is published on the following webpage: www.ohchr.org/EN/HRBodies/UPR/Pages/UPRFundParticipation.aspx

2.2.3 THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES (EMRIP)

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)⁸ was established by the Human Rights Council, the UN's main human rights body, in 2007 under Resolution 6/36 as a subsidiary body of the Council. The Expert Mechanism is made up of five independent experts on the rights of Indigenous Peoples. The experts are appointed by the Human Rights Council which is to give due regard to experts of indigenous origin as well as to gender balance and geographic representation.

The Expert Mechanism provides the Human Rights Council with thematic advice, in the form of studies and research, on the rights of Indigenous Peoples as directed by the Council. The Expert Mechanism may also suggest proposals to the Council for its consideration and approval. So far, the Expert Mechanism has completed a study including recommendations and advice on Indigenous Peoples' right to education (2009) and on Indigenous Peoples and the right to participate in decision making (2011).

In 2012, the Expert Mechanism is preparing a study on the role of languages and culture in the promotion and protection of the rights and identity of Indigenous Peoples. Also, it is preparing

Contact Information

Office of the United Nations
High Commissioner for
Human Rights (OHCHR)

Palais des Nations,
1211 Geneva 10
Switzerland
civilsociety@ohchr.org

and collating a questionnaire for states on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

The Expert Mechanism holds an annual session, usually in July, in which representatives from states, Indigenous Peoples, Indigenous Peoples' organizations, civil society, inter-governmental organizations and academia take part⁹. This annual session takes place in Geneva.

2.2.4 INTERNATIONAL LABOUR ORGANIZATION (ILO)

The International Labour Organization (ILO)¹⁰ is the international organization responsible for drawing up and overseeing international labor standards. It is the only tripartite UN agency with government, employer, and worker representatives. This unique tripartite structure of the ILO gives an equal voice to workers, employers and governments to ensure that the views of the social partners are closely reflected in labor standards and in shaping policies and programs. The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. Relevant for indigenous affairs is the ILO Convention No. 169 mentioned in chapter 1.6.

Contact Information

ILO Headquarters

Route des Marillons
1211 Genève 22
Switzerland
Tel.: +41 22 799 6111
ilo@ilo.org

⁷ NHRIs are National Human Rights Institutions which can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level.

⁸ Expert Mechanism on the Rights of Indigenous Peoples. www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx

⁹ Information about participation in the annual sessions of the Expert Mechanism, including accreditation, can be found online: www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Membership.aspx

¹⁰ International Labour Organization. www.ilo.org/global/about-the-ilo/lang--en/index.htm

The Organization is also present worldwide through its field offices:

Africa

ILO Regional Office for Africa
Africa Hall, 6th Floor
Menelik II Avenue
Addis Ababa, Ethiopia
P.O. Box 2788, 2532
Tel: +251 11 544 4480,
+251 11 544 4481
Fax: +251 11 544 5573,
+251 11 551 3633

Arab States

ILO Regional Office for Arab States
ARESCO Centre Justinien Street - Kantari
P.O. Box 11-4088 Beirut, Lebanon
Riad Solh - Beirut 11072150
P.O. Box 2788, 2532
Tel: +961 1 752400
Fax: +961 1 752405
beirut@ilo.org

Asia and the Pacific

ILO Regional Office for Asia and the Pacific
United Nations Building
Rajdamnern Nok Avenue
P.O. Box 2-349
Bangkok 10200, Thailand
Tel: +66 2 288 1234
Fax: +66 2 288 3062
bangkok@ilo.org

Europe and Central Asia

Regional Office for Europe and Central Asia
4, route des Morillons
1211 Genève 22
Switzerland
Tel: +41 22 799 6666
Fax: +41 22 799 6061
europe@ilo.org

Americas

ILO Regional Office for Latin America and the Caribbean
Las Flores 275 San Isidro
P.O. Box 14-124 Lince, Lima 14, Peru
Tel : +511 6150400
Tel: +41 22 799 6666
Fax: +511 6150400
oit@oit.org.pe

Americas

ILO Office for the United States
1808 I Street,
NW 9th Floor
Washington, D.C., 20006 USA
Tel: +1 202 617 3952
Fax: +1 202 617 3960
washington@ilo.org

¹¹ United Nations Permanent Forum on Indigenous Issues. <http://social.un.org/index/IndigenousPeoples/AboutUsMembers.aspx>

2.2.5 UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII)

The United Nations Permanent Forum on Indigenous Issues (UNPFII)¹¹ is an advisory body to the Economic and Social Council (ECOSOC), with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. The Permanent Forum is one of three UN bodies that are mandated to deal specifically with Indigenous Peoples' issues (the others are the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples).

According to its mandate, the Permanent Forum provides expert advice and recommendations on indigenous issues to the Council, as well as to programs, funds and agencies of the United Nations, through the Council, raises awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system and prepares and disseminates information on indigenous issues.

The Permanent Forum holds annual two-week sessions. The first meeting of the Permanent Forum was held in May 2002, and yearly sessions take place in New York. Sessions may also take place in Geneva or another place decided by the Forum.

Contact Information

In order to send an online message to UNPFII one may fill in the contact form posted under the following address:

<http://social.un.org/index/IndigenousPeoples/ContactUs.aspx>

2.2.6 WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

There is an increased interest in appropriating indigenous knowledge for scientific and commercial purposes and in many cases Indigenous People's traditional ownership of such knowledge is not recognized. Consequently, Indigenous Peoples are deprived of their fair share in the economic, medical or social benefits that accrue from the use of their indigenous knowledge or practices.

Contact Information

Headquarters of WIPO

WIPO, 34, chemin des
Colombettes, Geneva
PO Box 18
1211 Geneva 20
Switzerland
Tel: +41 22 338 9111
Fax: +41 22 733 54 28

WIPO Coordination Office at the United Nations in New York, United States of America

Suite 2525,
2 United Nations Plaza
New York, N.Y. 10017
Tel: +1 212 963 6813
Fax: +1 212 963 4801

Therefore, Indigenous Peoples are seeking to protect their knowledge and practices from commercial exploitation.

The World Intellectual Property Organization (WIPO)¹² is the United Nations agency dedicated to the use of intellectual property, including patents, copyright, trademarks, designs etc. The mission of WIPO is to promote innovation and creativity for the economic, social and cultural development of all countries, through a balanced and effective international intellectual property system. WIPO works with member states and a wide spectrum of stakeholders including other intergovernmental organizations, non-governmental organizations representatives of civil society and of industry groups, to improve understanding and respect for Intellectual Property worldwide. Besides the 185 member states, 250 NGOs and IGOs currently have official observer status at WIPO meetings.

Precise contact information on specific subject matters can be found on the following webpage: www.wipo.int/contact/e

2.2.7 WORKING GROUP ON THE ISSUE OF HUMAN RIGHTS (WG ON HR) AND TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES

The WG on HR and Transnational Corporations and other Business Enterprises¹³ is a working group established by the Human Rights Council (HRC). It consists of five independent experts of balanced geographical representation. The principle tasks of the WG are (1) to promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights which implement the United Nations „Protect, Respect and Remedy“ Framework and (2) to identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including

Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rightsholders. [31]

Dates and registration forms for the upcoming sessions are published on the following website:

www.ohchr.org/EN/Issues/Business/Pages/WGSessions.aspx

Contact Information

Contacts on Business and Human Rights Resource Center can be found on the following website:

www.business-humanrights.org/ContactUs

Contacts on UN Global Compact are published on the following website:

www.unglobalcompact.org/AboutTheGC/contact_us.html

2.2.8 CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

The Convention on Biological Diversity (CBD)¹⁴ is a legally binding treaty, elaborated at the 1992 Rio Earth Summit. Currently signed by 168 government leaders it is dedicated to promoting (1) the conservation of biological diversity, (2) the sustainable use of its components, and (3) the fair and equitable sharing of benefits arising from genetic resources. The CBD is seen as the key document regarding sustainable development, and is conceived as a practical tool for translating the principles of Agenda 21¹⁵ into reality. The Convention recognizes that biological diversity is about more than plants, animals and microorganism and their ecosystems – it is about people and our need for food security, medicine, fresh air and water, shelter, and a clean and healthy environment in which to live.

Contact Information

Secretariat of the Convention
on Biological Diversity

413, Saint Jacques Street,
suite 800

Montreal QC H2Y 1N9
Canada

Tel: +1 514 288 2220

Fax: +1 514 288 6588

secretariat@cbd.int

www.cbd.int

¹² World Intellectual Property Organization. www.wipo.int/about-wipo/en/

¹³ WG on HR and Transnational Corporations and other Business Enterprises. www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx

¹⁴ Convention on Biological Diversity. www.cbd.int/history/

¹⁵ Agenda 21 is an action plan of the United Nations related to sustainable development. It was an outcome of the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, in 1992. It is a comprehensive blueprint of action to be taken globally, nationally, and locally by organizations of the UN, governments, and major groups in every area in which humans directly affect the environment.

2.3.RELEVANT TREATY-BASED BODIES

The United Nations' treaty-based human rights system includes legal procedures through which members of minorities can seek protection of their rights. The human rights treaty bodies monitor implementation of the core international human rights treaties. Unlike the bodies introduced in the previous chapter, the following organizations are not charter-based, but treaty based.

2.3.1 COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)

The Committee on the Elimination of Racial Discrimination (CERD)¹⁶ is the body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its member states. All member states are obliged to submit regular reports to the Committee on how rights protections are being implemented. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of „concluding observations“. In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: (1) the early-warning procedure, (2) the examination of inter-state complaints, and (3) the examination of individual complaints. The Committee also publishes its interpretation of the content of human rights provisions, known as general recommendations (or general comments), on thematic issues and organizes thematic discussions. The Committee meets in Geneva and normally holds two sessions per year consisting of three weeks each.

Contact Information

Secretariat of CERD:

Committee on the Elimination of Racial Discrimination (CERD)

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais Wilson - 52, rue des Pâquis

1201 Geneva, Switzerland

Mailing address

UNOG-OHCHR
1211 Geneva 10
Human Rights
Switzerland
Tel: +41 22 917 94 40
Fax: +41 22 917 90 08
cerd@ohchr.org

For individual complaints

Petition Team
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10
Tel: +41 22 917 94 40
Fax: + 41 22 917 9022 (for urgent matters)
petitions@ohchr.orgmailto:tb-petitions@ohchr.org

2.3.2 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

The mission of the Organisation for Economic Co-operation and Development (OECD)¹⁷ is to promote policies that will improve the economic and social well-being of people around the world. The OECD provides a forum in which governments can work together to share experiences and seek solutions to common problems. It works with governments to understand what drives economic, social and environmental change and measures productivity and global flows of trade and investment. It analyzes and compares data to predict future trends and sets international standards on a wide range of things, from agriculture and tax to the safety of chemicals.

Drawing on facts and real-life experience, it recommends policies designed to make the lives of ordinary people better. It works with business, through the Business and Industry Advisory Committee to the OECD, and with labor, through the Trade Union Advisory Committee. The Organisation has active contacts as well with other civil society organizations. The common thread of its work is a shared commitment to market economies backed by democratic institutions and focused on the well-being of all citizens.

A comprehensive list of topics that describe responsible business conduct (corporate social responsibility) is given by the OECD Guidelines for Multinational Enterprises¹⁸. These Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide

¹⁶ Committee on the Elimination of Racial Discrimination. www2.ohchr.org/english/bodies/cerd/

¹⁷ Organisation for Economic Cooperation and Development. www.oecd.org/pages/0,3417,en_36734052_36734103_1_1_1_1_1,00.html

¹⁸ OECD Guidelines for Multinational Enterprises. www.oecd.org/daf/investment/guidelines

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voluntary principles and standards for responsible business conduct in areas such as employment and industrial relations, human rights, environment, science and technology.

Contact Information

The headquarters of the OECD is in Paris, France. Outside of Paris, the OECD is represented by centers in Berlin, Mexico City, Tokyo and Washington. They serve as regional contacts for the full range of OECD activities, from the sales of publications, to inquiries from the media, to liaison with governments, parliaments, business, labor and civil society.

National contact points are published on the following website:
www.oecd.org/dataoecd/17/44/1900962.pdf

2.4 FURTHER INFORMATION

United Nations Guide for Minorities

According to the United Nations, many states have national minorities within their borders. Although no firm statistics exist, estimates suggest that 10 to 20 per cent of the world's population belong to minorities. This means that between 600 million and 1.2 billion people are in need of special measures for the protection of their rights, given that minorities are often among the most disadvantaged groups in society, their members often subject to discrimination and injustice and excluded from meaningful participation in public and political life.

For this reason the United Nations has formulated the United Nations Guide for Minorities¹⁹. The Guide has been prepared with a view to assisting minorities in understanding how to seek protection of their rights through the different procedures existing at the international and regional levels. Practical advice is also given on how to take legal action where members of minorities consider that their rights under a particular treaty have been violated. The Guide for Minorities contains two core documents and 14 pamphlets on diverse subject matters. [32] Links to these documents and pamphlets can be found on the following website:

www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesGuide.aspx

¹⁹ The authors are aware of the facts that (1) not all Indigenous Peoples form a minority within a nation state and (2) most Indigenous Peoples form a majority within their own territories. We admit that the term 'minority' in this context is not accurate in many respects. Despite these facts the introduced pamphlets provide valuable information.

The following web links contain information on how you concretely proceed when you have a case to present:

Treaty Body complaints procedures:

www2.ohchr.org/english/bodies/petitions/individual.htm

www2.ohchr.org/english/bodies/petitions/docs/23faq.pdf

ILO International Labour Organization complaint procedure:

www.ilo.org/public/english/tribunal/faq/index.htm#q8

The following web links contain information on natural resources and indigenous peoples:

www.indigenouspeoplesissues.com: Indigenous Peoples Issues & Resources is dedicated to providing information, news, articles, videos, and resources for those concerned about, and for, Indigenous Peoples around the world.

www.rightsandresources.org: The Rights and Resources Initiative's mission is to support local communities' and Indigenous Peoples' struggles against poverty and marginalization by promoting greater global commitment and action towards policy, market and legal reforms that secure their rights to own, control and benefit from natural resources, especially land and forests.

www.ignarm.dk: Network on Indigenous Peoples, Gender and Natural Resource Management shares, explores and strengthens the participating organizations' experiences and knowledge within the field emerging at the intersection between Indigenous Peoples, gender and natural resource management.

www.internationalrivers.org: International Rivers is at the heart of the global struggle to protect rivers and the rights of communities that depend on them. International Rivers works with an international network of dam-affected people, grassroots organizations, environmentalists, human rights advocates and others who are committed to stopping destructive river projects and promoting better options.

www.forestpeoples.org: Forest Peoples Programme (FPP) was founded in 1990 in response to the forest crisis, specifically to support indigenous forest peoples' struggles to defend their lands and livelihoods. FPP works to create political space for forest peoples to secure their rights, control their lands and decide their own futures.

3 CLOSING WORDS

According to Joshua Cooper, Director of the Hawai'i Institute for Human Rights and Lecturer at the University of Hawai'i, the answer to the challenge of sustainable resource use is „the alternative worldview of respecting all life, and recognizing that we are all related to each other.“ He stresses that „the values, voices and visions of Indigenous Peoples are essential to safeguard the sacred spaces of our earth“ and that it is „the Indigenous Peoples' paradigm that promotes alternative ideas and institutions of interconnectedness and interdependence“.

For this reason he encourages Indigenous Peoples to experiment with international human rights mechanisms to exert influence on maintaining control of traditional lands and territories. He states that „the most important point to remember about all of the avenues for advocacy is that Indigenous Peoples are the experts. Indigenous Peoples are the important ingredient to all of the international instruments and institutions. Without the input from Indigenous Peoples of what is happening in the communities and at the country levels, the global machinery would not work.“ He addresses the Indigenous Peoples as follows: „You, the reader, of this booklet, must be bold. You are the heartbeat of the human rights mechanisms. The global movement depends on your ability to do direct action at the grassroots level and diplomacy at the global level. Without the evidence expressed creatively and concisely into the international human rights instruments and institutions, the international human rights initiative will fail. We, the peoples, are how the UN Charter begins and it is our duty to ensure these are not only words on paper but the primary philosophy of the United Nations daily work.“

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