



Economic and Social Council

Distr.: General
9 February 2006

Original: English

Commission on Sustainable Development

Fourteenth session

1-12 May 2006

Item 3 of the provisional agenda*

Thematic cluster for the implementation cycle 2006/2007

Discussion papers submitted by major groups

Note by the Secretariat

Addendum

Contribution by indigenous people**

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-12	2
II. Review of implementation: trends observed	13	6
III. Energy for sustainable development	14-19	8
IV. Climate change	20-27	8
V. Identification of obstacles/constraints experienced in advancing implementation	28-45	9
VI. Lessons learned and new opportunities to expedite implementation	46-71	12

* E/CN.17/2006/1.

** The present paper has been prepared by the Commission on Sustainable Development Indigenous Peoples' Caucus, Tebtebba — Indigenous Peoples' International Centre for Policy Research and Education, the Centre for Organization Indigenous Research and Education (CORE) and the Indigenous Environmental Network (IEN). The views and opinions expressed do not necessarily represent those of the United Nations.

A growing body of Western scientific evidence now suggests what Indigenous Peoples have expressed for a long time: life as we know it is in danger. We can no longer afford to ignore the consequences of this evidence. We must learn to live with this shadow, and always strive towards the light that will restore the natural order. How western science and technology is being used needs to be examined in order for Mother Earth to sustain life.

The four elements of fire, water, earth and air sustain all life. These elements of life are being destroyed and misused by the modern world. Fire gives life and understanding, but is being disrespected by technology of the industrialized world that allows it to take life such as the fire in the coal-fired powered plants, the toxic waste incinerators, the fossil fuel combustion engine and other polluting technologies that add to greenhouse gases. Coal extraction from sacred earth is being used to fuel the greenhouse gases that are causing global climate warming.

Indigenous prophecy now meets western scientific prediction. What we have known and believed, you also now know: The Earth is out of balance. The plants are disappearing, the animals are dying, and the very weather — rain, wind, fire itself — reacts against the actions of the human being.

– *Excerpts from the Albuquerque Declaration, Native Homelands Climate Change Workshop Summit, November 1998*

I. Introduction

1. The present indigenous major group discussion paper is submitted in preparation for the fourteenth session of the Commission on Sustainable Development, to be held at United Nations Headquarters New York from 1 to 12 May 2006. The fourteenth session begins the second cycle of the Commission's new work programme. At the session, the Commission will review progress in the following areas: energy for sustainable development; industrial development; air pollution/atmosphere; and climate change.

2. The review session will also address cross-cutting issues: poverty eradication, changing unsustainable patterns of consumption and production, protecting and managing the natural resource base of economic and social development, sustainable development in a globalizing world, health and sustainable development, sustainable development of small island developing States, sustainable development for Africa, other regional initiatives, means of implementation, institutional framework for sustainable development, gender equality, and education.

3. Representatives of countries throughout the world declared at the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, through the Johannesburg Plan of Implementation and the Political Declaration, that the Commission should continue to be recognized as the high-level commission on sustainable development within the United Nations system and should serve as a forum for consideration of issues related to integration of the three components of sustainable development.

4. The three components of sustainable development are economic development, social development and environmental protection, which are interdependent and mutually reinforcing pillars. Poverty eradication, changing unsustainable patterns of

production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives of, and essential requirements for, sustainable development.

5. The collective rights of indigenous peoples and their vital role as participants in sustainable development outcomes and implementation activities were recognized by over 100 Heads of States and Government in paragraph 25 of the Johannesburg Declaration on Sustainable Development (Political Declaration), which read: “We reaffirm the vital role of indigenous peoples in sustainable development.”

6. The United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, had provided the fundamental principles and the programme of action for achieving sustainable development. The countries taking part in the World Summit strongly reaffirmed their commitment to the Rio principles, and the full implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21. They also committed themselves to achieving the internationally agreed development goals, including those contained in the United Nations Millennium Declaration and the Millennium Development Goals and in the outcomes of the major United Nations conferences and international agreements since 1992, including the Johannesburg Plan of Implementation. The Johannesburg Plan of Implementation would further build on the achievements attained since the United Nations Conference on Environment and Development.

7. The commitments made in chapter 26 of Agenda 21, entitled “Recognizing and strengthening the role of indigenous people and their communities”, as well as other Rio commitments are recognized. Paragraph 26.1 of Agenda 21 states: “In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities.”

8. Indigenous peoples of the world assembled within the Khoi-San first tribal peoples’ territories in Kimberly, South Africa, for the Indigenous Peoples’ International Summit on Sustainable Development held from 19 to 23 August 2002, as a pre-summit to the Johannesburg World Summit. Three hundred indigenous representatives reaffirmed the Kari-Oca Declaration and the Indigenous Peoples’ Earth Charter and further developed an Indigenous Peoples’ Plan of Implementation on Sustainable Development and the Kimberly Declaration.

9. The Indigenous Peoples’ Plan of Implementation on Sustainable Development addressed energy concerns in sections 44 to 48, set out below:

44. We call for the declaration of governmental moratoria on the following activities:
 - a. The expansion of and new exploration for the extraction of oil, natural gas and uranium and coal mining within or near indigenous lands and territories, especially in pristine areas and environmentally, socially, culturally and historically sensitive areas.
 - b. The construction of large dams. Governments and multilateral institutions should utilize the framework proposed by the World

Commission on Dams for an approach to development based on the recognition of rights and the assessment of risk.

- c. New nuclear power plants. We call for a phase-out and decommission of all nuclear power plants.
 - d. The transportation and storage of radioactive waste on indigenous peoples' lands and territories. We firmly support the containment and monitoring of waste on-site for the duration of its radioactive life.
 - 45. We will support and commit ourselves to promote the use of renewable energy sources to meet the energy needs of our peoples and communities. We will work towards the development of international mechanisms to support capacity-building, financial mechanisms and technology transfer for our communities to address renewable clean energy development to promote sustainable development initiatives that embrace traditional knowledge.
 - 46. We will demand that, in addition to environmental impact assessments on energy-related activities, social, cultural and health impact assessments must be conducted, and we commit ourselves to participate actively in such impact assessments.
 - 47. We will urge Governments to establish laws, rules and constitutional provisions that prohibit the confiscation of indigenous lands for development of energy-related activities.
 - 48. We will identify government subsidies of unsustainable forms of energy and demand that such subsidies be phased out under a five-year time frame.
10. The Indigenous Peoples' Plan of Implementation on Sustainable Development addressed climate change concerns in sections 58 to 66, set out below:
- 58. We urge the United States of America and all other countries that have not done so to ratify and implement the Kyoto Protocol. We urge all countries to adopt equitable cross-sectoral strategies to halt the destruction of key carbon sequestration ecosystems.
 - 59. We demand that the Kyoto Protocol raise the 5.2 per cent carbon dioxide reduction target and implement the recommendation from the Intergovernmental Panel on Climate Change that greenhouse gas emissions be immediately reduced by 60 per cent in order to stabilize global temperatures.
 - 60. We renew our commitments to our practices and knowledge for minimizing the emission of greenhouse gases, and urge all countries to fulfil their commitments to reduce greenhouse gases emissions.
 - 61. We oppose the implementation of carbon sinks and carbon-trading mechanisms in the Clean Development Mechanism of the Kyoto Protocol and the United Nations Framework Convention on Climate Change.
 - 62. We urge States to promote equitable cross-sectoral socio-political processes, based on an ecoregion approach, for the economic mitigation of natural disasters caused by climate change.

63. We will give priority to our own scientific and technical initiatives based on our traditional practices, which generate knowledge on production systems that have a minimal greenhouse effect.
64. We demand that indigenous peoples be accorded special status in the United Nations Framework Convention on Climate Change process.
65. We demand the creation of an ad hoc open-ended intersessional working group on indigenous peoples and local communities and climate change with the objective of studying and proposing timely, effective and adequate solutions to respond to the emergency situations caused by climate change affecting indigenous peoples and local communities.
66. We call upon all Governments to implement climate impact assessments, which take into account indigenous knowledge systems and observations, as well as the full and equal participation of indigenous peoples in all aspects and stages of the assessment.

11. On matters related to climate change, a review was conducted of the following positions, statements and declarations of indigenous peoples who had assembled at meetings on climate change: Albuquerque Declaration, "Circles of Wisdom: Native Peoples/Native Homelands Climate Change Workshops", in preparation of the fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Buenos Aires, November 1998; intervention of the representative of the Coordinator of the Indigenous Organizations of the Amazon Basin and the Climate Alliance, for the fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Buenos Aires, November 1998; resolution of the indigenous organizations in the International Workshop on International Policies on Climate and Indigenous Peoples, Geneva 1999; Quito Declaration on Climate Change Negotiations, Quito, May 2000; Declaration of the First International Indigenous Peoples Forum on Climate Change, Lyon, France, September 2000; The Hague Declaration of the Second International Forum of Indigenous Peoples and Local Communities on Climate Change, for the sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, The Hague, November 2000; Bonn Declaration Third International Forum of Indigenous Peoples and Local Communities on Climate Change, for the second part of the sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Bonn, Germany, July 2001; Indigenous Peoples and Local Communities Caucus statement, for the seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Marrakech, Morocco, November 2001; International Indigenous Peoples Caucus statement, for the eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, New Delhi, October 2002; Bali Principles, for the fourth session of the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, Bali, Indonesia, June 2002; Kimberley Declaration and Indigenous Peoples, Plan of Implementation on Sustainable Development, for the World Summit on Sustainable Development, Johannesburg, South Africa, August 2002; Milan Declaration of the Sixth International Indigenous Peoples Forum on Climate Change, for the ninth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Milan, Italy, November 2003; declaration of the

indigenous peoples attending the tenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Buenos Aires, December 2004; and Tiohtiá:ke Declaration, for the eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Montreal, Canada, November-December 2005.

12. The Indigenous Peoples' Plan of Implementation on Sustainable Development addressed matters concerning crosscutting issues, including issues linking the rights and self-determination of indigenous peoples and sustainable development.

II. Review of implementation: trends observed

13. Review and analysis of progress and lack thereof in the commitment to developing national, regional and international energy and industry development activities based upon the sustainability paradigm that recognizes the rights of indigenous peoples and indigenous statements and findings from developing and developed countries relating to the main thematic topics of energy and its relation to sustainable development, industrial development, air pollution/atmosphere and climate change reflect the following consistent concerns:

(a) Economic globalization; regional, bilateral and global trading mechanisms; and Western forms of development have not been sustainable within indigenous and local communities;

(b) The rights of indigenous peoples, and their rights to land and water, are closely related to energy, industrial development, and protection of air quality and climate change impacts. The majority of governmental policies of nation States either did not address protecting the rights of indigenous peoples, treaty territories, land, air and water, biodiversity, food, culture, and sacred sites, or were not effective in doing so;

(c) Indigenous peoples, from the North and the South, historically and currently are experiencing poverty, and economic dependency from federalism and industrial development, and are also experiencing the symptoms of colonization, malnourishment and hunger;

(d) Within indigenous territories, energy-related natural resource extraction and development activities have historically destroyed and currently threaten indigenous subsistence, the pastoral and livestock-dependent way of life, culture and traditional food systems;

(e) Historically, energy development activities in indigenous communities have been based upon Western values of utilizing monetary profit to raise gross domestic product (GDP) at the expense of the rights of indigenous peoples and the recognition of their basic human rights. Indigenous values teach that money cannot fully compensate for cultural losses, losses of traditional lands, debilitating illnesses, death, impure water, threats to long-term food security, or diminished economic autonomy;

(f) Governmental agencies and private sector corporations have not responded sufficiently or responsibly to the massive energy-related natural resource developments that impact indigenous and local communities with issues encompassing assessment, clean-up and mitigation of natural resource damages,

human health and ecosystem impacts, and other environmental problems arising on indigenous land;

(g) There are large hydro dams that flood the lands that sustain indigenous peoples' food security, disrupt and destroy subsistence-based cultural practices, and forcibly displace entire communities. There are currently 1,600 dams under construction in 42 countries worldwide. According to the World Bank, the construction of 300 large dams each year will mean the displacement of more than 4 million indigenous peoples from their territories. In India, where more than 600 out of a planned 1,600 dams are currently under construction, 40 per cent of the people displaced are Adivasis, or the first tribal indigenous peoples. Almost all the larger dam schemes built in and proposed for the Philippines are on the land of the country's 6.5 million indigenous People;

(h) Oil and gas operations have devastated dozens of indigenous communities around the world, resulting in the loss of population, territory, economic stability and collective identity. Now, with the current wave of hydrocarbon exploration under way, the oil industry is entering new frontiers and regions, which are home to a myriad of indigenous cultures. From the Amazon and Asia to the Arctic, these indigenous peoples' ways of life are built on age-old traditions and deep ties to and interdependence with the ecosystems in which they live. In many countries, militarization has accompanied dam-building;

(i) The burning of oil, gas and coal, known collectively as fossil fuels, is the primary source of human-induced climate change. Global warming poses significant threats to indigenous and local communities from the Arctic, Latin America, Africa, Asia and South-East Asia, the Pacific islands, Northern America and every other region of the world. Climate change, if not halted, will result in increased frequency and severity of storms, floods, droughts and water shortage. Globally, climate change is worsening desertification. It is polluting and drying up the subterranean water sources, and is causing the extinction of precious flora and fauna;

(j) Increased climate variability and extreme weather have affected hundreds of millions of people worldwide and disrupted economies. Climate change is inevitable and owing to the properties of water has consequences for many cross-cutting issues. The communities most vulnerable to climate change are indigenous peoples and impoverished local communities occupying marginal rural and urban environments. Small island communities are threatened with the prospect of becoming submerged by rising oceans. Many countries in Africa have been suffering from unprecedented droughts;

(k) The recent push for energy and water projects through the building of more large dams continues to threaten the security of many indigenous communities, while many others are demanding reparations for past wrongs. Large dams have disproportionately impacted indigenous peoples and future dam building also targets indigenous lands disproportionately. Major impacts include: loss of land and livelihood; undermining of the fabric of their societies; cultural loss; fragmentation of political institutions; breakdown of identity; and human rights abuse. As already noted, in many countries, militarization has accompanied dam-building;

(l) Energy-related and industrial developments within territories where indigenous peoples reside have been characterized by weak mechanisms for

community participation in the planning and decision-making process. These developments have not included a clear-cut process for implementing mechanisms for prior and informed consent of indigenous peoples;

(m) The integration of the rights of indigenous peoples within the process of the fulfilment of the right to development is fundamental to any form of just and sustainable development. A critical first step is to include the commitment to indigenous rights in strategies for achieving the commitments under the Johannesburg Plan of Implementation, Agenda 21 and the Millennium Development Goals.

III. Energy for sustainable development

14. It is recognized that more than 2 billion people in developing countries, and some populations in developed countries, lack modern energy services. Many of these are rural poor and indigenous peoples who have no access to electricity. The lack of data on the proportion of indigenous peoples worldwide who do not have access to electricity is a serious problem.

15. Within developing countries, many of the rural populations, which include indigenous peoples and local communities of land-based cultures, use traditional fuels, such as wood, charcoal and dung for cooking.

16. Within developed countries, there are indigenous peoples within rural areas, many of whom are experiencing poverty, who, similarly, use traditional fuels such as wood and charcoal to supplement modern energy systems for cooking and heating.

17. Within both developing and developed countries, there are indigenous peoples who do not have access to affordable and sustainable energy services. This is a particularly difficult problem in rural areas, where conventional technologies, such as grid-connected electricity, are not available, or are expensive or impractical.

18. In almost every region of the world where indigenous peoples reside, their homelands are rich in the natural resources that the energy sector depends on for creating energy and electricity and for providing fuel for transportation and other services. These include large dams; uranium for nuclear power; oil, gas and coal-bed methane; coal for power plants; and large-scale geothermal energies from volcanoes and geysers.

19. One of the main problems noted, although there have been exceptions, was that, globally, much of the energy development in many regions was carried out on the land of indigenous peoples and used their natural resources without their prior consent and without them receiving any tangible benefits or energy services from energy-related development.

IV. Climate change

20. Climate change impacts can sabotage the efforts to achieve the goals of sustainable development and, in particular augments poverty in developing countries, especially the least developed countries and the small island developing States. Furthermore, industrial production and energy consumption patterns have

various impacts on the climate system. Owing to these impacts, climate change must be considered in the broader context including indigenous peoples and sustainable development and there is a need to ensure that climate policies are integrated into national development planning and national sustainable development strategies.

21. The indigenous statements and declarations listed in paragraph 11 above express the concerns of indigenous peoples, from every region regarding the crisis being compounded by climate change and global warming and the disproportionate and disruptive effect of climate change on the culture, property, residence, health, food security and livelihood of indigenous peoples and local communities.

22. It was alarming to hear reports at the recent eleventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change that many countries that had made commitments to reducing carbon dioxide ("carbon") emissions under the Kyoto Protocol might not be able to fulfil those commitments. Commitments under the Kyoto Protocol end in 2012.

23. At the eleventh session, countries made a commitment to entering into negotiations for the next round of carbon dioxide reductions, after 2012, in an attempt to keep the rise in temperatures below 2 degrees Celsius over pre-industrial levels, a key tipping point for the world's ecosystems.

24. Projected impacts are staggering. If the global average temperatures rises at least 2 degrees Celsius above pre-industrial levels, tens of millions of additional people worldwide are projected to be at risk from coastal flooding and hunger, hundreds of millions from malaria, and billions from water shortage. Up to one third of land-based species would be doomed to extinction by 2050 under mid-range warming scenarios. Climate change is already threatening the cultural survival of indigenous communities in the Arctic region.

25. Many countries are now beginning to understand the need to negotiate much deeper reductions in carbon and the broader greenhouse gas emissions that extend beyond the provisions of the Kyoto Protocol. However, many Governments, petroleum companies and international financial institutions are not halting the extraction of fossil fuels, the main source of greenhouse gases.

26. The adverse impacts of climate change will fall most heavily on the poor, mostly in developing countries, and indigenous peoples in developed and developing countries, since they have the least capacity to adapt owing to limited technical and financial resources.

27. The funding of adaptation is especially critical in regions or areas in which indigenous peoples and rural land-based cultures live, such as — but not limited to — Africa, small island States, India and the Arctic regions.

V. Identification of obstacles/constraints experienced in advancing implementation

A. Energy for sustainable development

28. Indigenous peoples and organizations within developed and developing countries report that energy development activities within their lands continue to focus primarily on non-renewable resources. They do not see energy paradigms

shifting towards alternative energy technologies that are cleaner and more efficient. Energy development must have positive impacts on poverty eradication and the improvement of the standards of living of indigenous peoples. There exist the following constraints.

29. Vulnerabilities to collusion of governmental decision makers with industry and commerce which prevents the diversifying of energy production and the supply of renewable, cleaner and more efficient technologies; and trust issues among local communities, the private sector and government.

30. Interference of financial mechanisms such as regional and international financial institutions and World Trade Organization commitments that still prioritize a dependency on fossil fuels, mining and non-renewable technologies.

31. Lack of teeth in human rights law and treaties compared with trade and commercial treaties, especially, within the Economic and Social Council in respect of cultural rights, conventions, treaties and human rights mechanisms.

32. Poor domestic legislation on environmental and human rights protection and low prioritization of such protection compared with revenue-generation and finance.

33. Misidentification of industrial development/capital-generation/market access as constituting human development despite evidence of growing and widening poverty.

34. Lack of transparency in the planning process by developed and developing countries and lack of mechanisms that would assure prior and informed consent of indigenous communities.

35. Lack of recognition and protection of, and respect for, indigenous peoples' unqualified right to self-determination.

B. Climate change

36. Indigenous peoples from developing and developed countries have identified obstacles to their full and effective participation in all levels of discussion, decision-making and implementation of mechanisms to address climate change, including disparities and vulnerability in terms of impact, mitigation, adaptation, poverty, social and cultural impact, and other climate change-related issues.

37. A need recognized by indigenous peoples related to issues of adaptation to climate changes was that for the creation and adequate financing of the Adaptation Fund, to be accessed by them for the purpose of addressing the potential and actual impacts of climate change in a manner compatible with their traditional knowledge systems, customs, culture, lifestyles and aspirations.

38. Indigenous peoples have expressed consistently within the sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change the need for "Indigenous peoples and climate change" to be a permanent item in the agenda of the sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change/Meetings of the Parties to the Kyoto Protocol, and of the meeting of the subsidiary bodies, including the establishing of in-session workshops, and meetings of indigenous experts. The fact that this has not been a permanent item in the agenda of the sessions of the

Conference of the Parties to the United Nations Framework Convention on Climate Change or of the Meetings of the Parties to the Kyoto Protocol has been a constraint for indigenous peoples. Participation of indigenous peoples would allow them to make specific references to disparities, successes and impacts in respect of the implementation of modalities, procedures and mechanisms for the evaluation and assessment of the Kyoto Protocol and its Clean Development Mechanism and Joint Implementation initiatives. Indigenous experts should be consistently involved in the monitoring, evaluation and impact assessment of all interventions in or affecting indigenous territories.

39. In reviewing other obstacles related to global mechanisms to reduce greenhouse gases, indigenous peoples expressed concerns that the modalities and procedures for activities under the Clean Development Mechanisms have not respected and guaranteed their right to lands, territories and self-determination. Many indigenous peoples organizations have expressed concerns that the Clean Development Mechanisms and sinks projects do not contribute to climate change mitigation and sustainable development.

40. Indigenous peoples in the global South have not been included to a sufficient degree in the design and implementation of the Clean Development Mechanisms and sinks projects.

41. Solutions to the climate change problem must emphasize real, verifiable reductions in fossil fuel emissions. There are reports that carbon reductions claimed through the Clean Development Mechanisms are not real and that they rely upon hypothetical baselines that can be manipulated to produce credits for imaginary reductions. Clean Development Mechanisms projects routinely fail to demonstrate that they are not giving credit to projects that would have occurred anyway; and there is no methodology that can truly show that the projects are additional. The Clean Development Mechanisms has no way of ensuring that reductions at one location are not undermined by carbon emissions produced at another location. Despite testimonies from promoters of the Clean Development Mechanisms, indigenous peoples are concerned that these problems have not been overcome, and the evidence shows that they never will be.

42. Sinks are particularly troubling to indigenous peoples, especially from the global South. Confusing fossil carbon with biological carbon results in sinks being phantom reductions which do not actually address the problem of climate change.

43. Clean Development Mechanisms shifts the responsibility for acting from those who have contributed most to the climate problem to those who have contributed least. This creates inequity between the industrialized countries of the North and the developing countries in the South. Under the Clean Development Mechanisms, the planting of timber plantations, for example, is being undertaken under the pretence of fostering sustainable development. These projects are neither “clean” nor “sustainable” nor are they a means of “development”: they have a documented negative impact on indigenous and local communities in the global South. This applies not only to Clean Development Mechanisms sinks projects, but also to most other Clean Development Mechanisms projects.

44. Within the domestic, regional and international climate change negotiations, indigenous peoples have indicated the lack of and need for special capacity-building initiatives that are undertaken for indigenous peoples. Such capacity-building would

strengthen their participation in climate change negotiations and ensure that the necessary funding was provided to guarantee such participation and strengthen their capacities.

45. Indigenous peoples see a need for their participation within climate impact assessments that would take into account indigenous knowledge systems, culture, social values, spirituality and ecosystems, as well as for the full and equal participation of indigenous peoples in all aspects and stages of assessments focusing on biological regions that impact the livelihood of indigenous peoples.

VI. Lessons learned and new opportunities to expedite implementation

46. Any dialogue or partnership with indigenous peoples on issues of energy and sustainable development, industrial development, air and atmosphere pollution and climate change must be based on recognition and protection of, and respect for, the fundamental principles of indigenous peoples' unqualified right to self-determination, which is the basic precondition for guaranteeing their ownership, permanent sovereignty, control and management of their lands, territories and natural resources.

47. Governments must establish specific legal frameworks, recognizing indigenous peoples' rights to self-determination and development and their land tenure systems and customary laws.

48. It is recognized that many countries have achieved constitutional, legal and institutional reforms that are reshaping the traditional relationship between indigenous communities and the nation State. These government actions must be further identified, and case studies must be prepared and made available to other countries that are struggling with the challenge of developing a better relationship with indigenous peoples. The constitutions of Bolivia, Ecuador, Mexico and Paraguay, for example, now recognize the multicultural character of States and the existence within them of indigenous peoples as constituting unique communities with specific rights and distinct cultures and languages.

49. Government policies based on assimilation and paternalism must change and new approaches must be found based on participation and consensus-building and a respect for the aspirations of indigenous peoples.

50. Sustainable development must be based on indigenous peoples' own identity. In this view, the start-up capital for development comprises the cultural and social assets of indigenous peoples, with their utilization to be catalysed by the addition of new mechanisms and resources.

51. The right to development is guaranteed to indigenous peoples in the Declaration on the Right to Development (adopted by the General Assembly in its resolution 41/128 of 4 December 1986), which was used as much of the basis for this discussion. Article 1 of the Declaration states that:

(a) The right to development is an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized;

(b) The human right to development also implies the full realization of the right of peoples' self-determination, which includes, subject to relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

There is a need:

52. For transparency and partnership.
53. For the proper regulation and implementation of domestic and international law on environment and social protection including human rights mechanisms.
54. For the recognition of groups of rights-holders, indigenous peoples and individuals with the teeth required to achieve enforcement on the domestic and international levels.
55. For the scrutiny and modification of trade and market regimes in terms of the value of human rights and social, cultural and environmental factors.
56. That industrialized countries have an addiction to the high consumption of energy is the general observation of many indigenous organizations worldwide. The Earth and its natural resources cannot sustain the consumption and production needs of this modern industrialized society. Agenda 21 highlights the fact that current levels of energy consumption and production are not sustainable, especially if demand continues to increase and stresses the importance of using energy resources in a way that is consistent with the aims of protecting human health, the atmosphere and the natural environment.
57. Developed and developing countries must accelerate the development, dissemination and deployment of affordable and cleaner energy efficiency and energy conservation technologies.
58. Lessons being learned are that countries that depend on fossil fuels for energy must take action to: reduce their dependence on a fossil fuel economy, phase out subsidies in this area that inhibit sustainable development, obtain support for the transition to a low carbon economy, and implement programmes for energy efficiency, and conservation and initiatives to address consumption issues.
59. New opportunities are emerging where by indigenous peoples within developing and developed countries possess land for wind, marine (wave/tidal), solar thermal and solar photovoltaic energy development. Indigenous peoples are promoting the use of renewable energy sources to meet the energy needs of their local communities, as well as exploring the potential to provide energy to the utility grid of the country. Indigenous peoples must have the support of international mechanisms for capacity-building, and of financial mechanisms and technology transfer in order for their communities to address renewable clean energy development and promote sustainable development initiatives that embrace traditional knowledge.
60. Renewable energy may be particularly appropriate for developing countries in rural areas, particularly remote locations where indigenous communities are located. Transmission and distribution of energy generated from fossil fuels can be difficult and expensive. Producing renewable energy locally can offer a viable alternative.

61. Access to renewable energy will not alleviate poverty unless it is seen as a development-related issue rather than as an energy-related one. Communities will not automatically gain income benefit from renewable energies.

62. To achieve economic development, renewable energy needs to be linked with, or to be part of, another project that improves community development, such as a solar-powered fish dryer, or a coconut dryer for making soap. Communities also need entrepreneurial skills in order to benefit fully from the economic opportunities provided by these projects. However, in situations where a community has a viable lifestyle that does not involve cash, renewable energy becomes a social issue, not one of economic development.

63. Lessons learned have demonstrated the need for the planning process to encompass an understanding of the economic and cultural needs of the target community. Renewable energy will be of interest to communities only if it can meet their needs. The needs of all the stakeholders in the community must be considered. The involvement of women and young people is critical to the development of an energy policy. In many indigenous communities, it is women who often have the most deeply thought-out views on energy needs and uses.

64. Technology transfer at the community level is important for sustainability, as it provides technicians trained locally to maintain and service equipment. Past experience suggests that taking training to the indigenous community is more effective than bringing people to the city for training.

65. Lessons learned on sustainable development models including intergovernmental bodies, countries and indigenous peoples are offered by the Arctic Council, which incorporates principles of genuine partnership between States and indigenous peoples, ecosystem approaches, collaboration between bearers of both traditional and scientific knowledge, and local, national and regional implementation plans.

66. New opportunities for addressing unsustainable hydro dam developments could entail calling upon Governments, international financial institutions, bilateral donors and the private sector to cease promoting large water dam projects by incorporating the recommendations of the World Commission on Dams into domestic energy planning processes, including reparations. This would include the core values of the Commission report, its strategic priorities, its “rights and risks framework” and the use of multicriteria assessment tools for strategic options assessment and project selection. Its rights-based development framework, including the recognition of the rights of indigenous peoples in water development, is a major contribution to decision-making frameworks for sustainable development.

67. Any climate change solution cannot and should not be separated from issues of social and environmental justice.

68. Sinks credits are unverifiable and ineffective and should not be included in policies addressing the climate change problem.

69. Polluters must pay. Those most responsible for causing the climate change problem — the global North — must fund solutions to the problem, and must do so in proportion to its responsibility and its capacity to pay. Climate change policies should not provide windfall profits to those corporations that have produced the climate problem. Emissions credits or allowances should not be given away for free.

70. A “just transition” must create opportunities for local and indigenous peoples’ communities, displaced workers and all affected communities to participate in a low-carbon economy. Vulnerable communities and workers must be protected from the impacts of climate change and climate change policies, and supported in local struggles against the fossil fuel economy and in efforts to mitigate and adapt to climate change. These efforts must receive economic and political support.

71. Indigenous and local communities have significant contributions to make in policy development and implementation of solutions to the energy and climate change problem. Mechanisms for community oversight must be included. Indigenous peoples and local communities are not only victims: they are also producers of solutions.
