

Permanent forum on Indigenous Issues
Eighth session
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Statement of the Asia Indigenous Caucus

Item 3: Expert workshop on Indigenous Peoples, Corporate responsibility and extractive industries.

Madam Chair

The serious threat posed by extractive industries has been a constant theme in the reports of Indigenous Peoples both to the UNPFII and to other UN bodies including WGIP, HRC and others.

We therefore welcome the recent holding of the UN Expert workshop on Indigenous Peoples' Rights, Corporate Accountability and the Extractive Industries. We regret, but are not surprised by, the fact that none of the companies or industry bodies invited chose to attend the Expert workshop. It is in our experience typical of the actions of the mining industry that it avoids open and critical dialogue of the impacts experienced by real people at actual mines and prefers to finance and control a selective agenda of propaganda for the mining industry through financing of academic institutions, dependent consultancies, and industry, government and intergovernment controlled conferences and structures. Such meetings that speak in generalities of voluntary commitments to so called best practice are grossly inadequate to deal with the seriousness of the social and environmental impacts, military and para military interventions that so often are the experience of mines affected communities.

The sustained and continuing abuses committed by or in the service of the interests of mining companies is why indigenous peoples need better access to information, justice and redress. In this the Permanent Forum and other UN agencies could play an important role. We hope also that special rapporteurs and UN Sec Gen Representative John Ruggie will be increasingly active in upholding our rights.

We also welcome the parallel holding of an Indigenous Peoples Conference on Indigenous Peoples and Extractive industries hosted by Tebtebba Foundation and the final Manila Declaration arising from the conference. This conference included indigenous peoples with a wide range of often-bitter experience of dealing with the extractive industries. We urge the UNPFII to take careful note of the findings of the indigenous conference and incorporate its recommendations into your recommendations and action plan. We urge other Indigenous and indigenous support organisations to study the Manila declaration and consider signing on to it. In particular we urge indigenous organisations to come together to better raise and represent their concerns at all levels. The Manila Declaration calls for the development of a global indigenous network to face the problems generated by the extractives industries and by the support given by governments and military forces to mining operations.

Madam chairperson There is little time. But we wish to highlight some issues.

Corporations are currently responsible for or directly benefit from serious human rights and environmental violations. The seriousness and the frequency of such incidents require nothing less than strict regulation and punishment of criminal acts.

We welcome the workshop identification of the key role of indigenous authorities and the need for corporations to be accountable also to these authorities.

We also need mining company home states to recognise their responsibility and ensure more effective legal accountability and access to justice.

The Manila Declaration calls for a moratorium on new mining operations unless and until adequate safeguards and structures against a continuation of abuse are in place.

We welcome the call for moratorium. What is needed long term is a smaller mining industry based on respect for rights and respect for the earth .

We fully endorse the call for an end to state subsidies and international finance institutions financing of projects that violate indigenous rights. In the light of global warming it is also totally unacceptable that institutions like the World Bank posture on their concern over global warming while at the same time continuing to invest in coal, oil and gas projects that are the cause of the problem. Unless the World Bank and other financial institutions and corporations fully acknowledge and abide by the UN Declaration on the Rights of Indigenous Peoples, extractive industries will always be a source of conflict for indigenous peoples.

Finally we particularly welcome the recommendation to establish a mechanism or special rapporteur within the UN system to focus on the complex of issues of rights violations, environmental damage and issues relating to global warming generated by extractive industries.. We believe part of the mandate of such an office should be to work with states to recommend legal reforms to bring greater accountability to corporations and improved access to justice and redress for their victims.

We call on the Permanent Forum to call for the establishment of such an office and to call for, necessary resources to be allocated for this body to function the soonest possible.

Thank you.