The Manila Declaration
of the International Conference on Extractive Industries and Indigenous Peoples

23-25 March 2009

Legend Villas, Metro Manila, Philippines

When all the trees have been cut down,
When all the animals have been hunted,
When all the waters are polluted,
When all the air is unsafe to breathe,
Only then will you discover you cannot eat money.

- Cree prophecy

Treat the earth well, it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children.

- Chief Seattle

We, Indigenous Peoples and support organisations from 35 countries around the world and representing many more Indigenous Nations, have gathered together in this International Conference on Extractive Industries and Indigenous Peoples. As Indigenous Peoples we have a unique cosmic vision, diversity of languages, histories, spirituality and territories which have existed since time immemorial. However, we now find ourselves within the borders of States which have established norms and laws according to their interests. On account of this situation, we have suffered disproportionately from the impact of extractive industries as our territories are home to over sixty percent of the world's most coveted mineral resources. This has resulted in many problems to our peoples, as it has attracted extractive industry corporations to unsustainably exploit our lands, territories and recourses without our consent. This exploitation has led to the worst forms of, environmental degradation, human rights violations and land dispossession and is contributing to climate change.

Environmental degradation includes, but is not limited to, erosion of our fragile biological diversity, pollution of land, air and water, and destruction of whole ecological systems. Extractive industries, and particularly those relating to fossil fuels, also have significantly contributed to the climate change that is destroying our Mother Earth.

Human rights violations range from violations of Indigenous Peoples' right to self-determination (which includes the right to determine one's own economic, social and cultural development), rights to lands, territories and resources, as well as displacement and violations of the most basic civil and political rights, such as arbitrary arrests and detention, torture, enforced disappearances and killings.

Our cultural diversity has also been grossly eroded because of the destruction of biological diversity and lands, territories and resources by extractive industries upon which our cultures are based. This erosion of our cultural diversity is also a result of the

imposition of colonial systems and the settlement of non-Indigenous Peoples. Corporations enter into our territories with the promise of “development” through employment, infrastructure building and payment of governmental taxes. Despite these promises, there still exists a situation of dire poverty in those living close to extractive industry projects. This situation has fuelled conflicts between Indigenous Peoples and the State and extractive industry corporations, as well as causing divisions within the Indigenous communities themselves.

On 6-16 May 1996, a first “Mining and Indigenous Peoples Conference” held in London produced the “Indigenous Peoples' Declaration on Mining”. This declaration highlighted conflicts occurring between our communities and corporations. It reiterated that Indigenous Peoples need to be the decision makers on whether or not mining should take place in their communities and under what conditions this may occur.

Almost 13 years have passed since this conference was held, but overall our situation on the ground has not noticeably improved. The opportunities and threats since the 1996 conference include:-

- the welcome adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) by the UN General Assembly on 13 September 2007;
- new UN mechanisms for the protection of the rights of Indigenous Peoples, such as the UN Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples;
- a greater interest on the relationship between human rights and corporate behaviour, including the work of the UN Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises;
- the recognition of corporate social responsibility and a claimed willingness on behalf of corporations to negotiate agreements directly with Indigenous Peoples, although so far much of this seems to be more on paper or promises, as opposed to practice;
- the climate change crisis, coming about mainly because of dependence of the current economy on fossil fuels. These resources are mined on our land and many of our peoples are disproportionately affected by such activities; and
- the global financial crisis, caused by the unregulated liberalisation of finance.

Based on the foregoing observations, we assert that:-

- Indigenous Peoples are rights holders, with an inextricable link to their lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, and should not be treated merely as stakeholders. We have a right to self-determination of our political condition and to freely choose our economic, social and cultural development (UN DRIP Article 3);
- our rights are inherent and indivisible and seek recognition not only of our full social, cultural and economic rights but also our civil and political rights;
- all doctrines, policies and practices based on the presumed superiority of colonial peoples and worldviews should be condemned;

- we contribute to the diversity and richness of the cultures that make up humanity and believe that we can teach valuable lessons to the rest of the world through our values and world views in how to tread gently upon the earth;
- destruction of Indigenous Peoples sacred sites and areas of spiritual and cultural significance by extractive industries must stop;
- the vulnerable position of women and youth with regard to the impacts of extractive industries, including loss of livelihoods, violence and impacts on health and well-being must be recognized;
- the development model premised on unsustainable consumption and production, and corporate globalisation, which fuels the entry of extractive industries onto our lands, must be rejected;
- respect for the preservation of life on earth, and our right to food, must have precedence over extractive industry projects;
- extractive industry projects must not take precedence over our right to land - regardless of whether our rights are based on legal recognition or usufruct rights;
- there must be an immediate end to the criminalization of community resistance, the violent intimidation, harassment, and murder of our leaders, activists and lawyers, who are working for the defence of our lands and lives;
- extractive industry projects must not take precedence over the human right to water. Water is especially important in our lives and is sacred to us. In addition the major reserves of fresh water are found in our territories;
- the right to water is a fundamental human right which must be recognized. We therefore condemn the conduct of the World Water Council which demotes the right to water a “basic need”;
- negotiations about climate change should not be conducted by States and international organisations unless there is full and effective participation of Indigenous Peoples. Furthermore, mitigation and adaptation measures related to climate change must be designed and implemented in keeping with Indigenous Peoples' rights;
- the failure to hold extractive industries to account in host and home countries must be addressed and mechanisms for accountability and enforcement must be created immediately; and
- implementation of interstate infrastructure initiatives - such as the South American Regional Infrastructure Initiative (IIRSA) - that lead to mega-projects on our lands and territories without first obtaining our free prior and informed consent (FPIC) are destructive to our cultures and survival, and a denial of our right to self determination.

Given the above, in order to ensure respect for the rights recognized in the UN DRIP, as well as the ecological integrity of our planet and communities, we call for:-

- a stop to the plunder of our lands, territories and resources;
- a moratorium on further extractive industry projects that affect or threaten our communities, until structures and processes are in place that ensure respect for our human rights. The determination of when this has been realized can only be made by those communities whose lives, livelihoods and environment are affected by those projects;
- due process and justice to victims of human rights violations who are resisting extractive industries;

- review of all on-going projects that are approved without respect for our FPIC and self determination rights; and
- compensation and restitution for damages inflicted upon our lands, territories and resources, and the rehabilitation of our degraded environments caused by extractive industry projects that did not obtain our FPIC.

We call on Indigenous Communities and their Supporters:-

- to actively participate in the global network of indigenous peoples on extractive industries which was established at this international conference and will be aimed at strengthening the capacities of local organization through sharing of information, education and training programmes, research and advocacy in the defence of our rights;
- to coordinate research on mining companies, processes and investment sources to empower communities, build strategic plans and ensure recognition and respect for our rights;
- to assert their right to control the authorization of projects, and where FPIC has been given, the conduct of extractive activities in indigenous lands and territories through the use of indigenous customary laws;
- to create a mechanism to compile legal precedents from relevant court decisions on Indigenous Peoples and extractive industries;
- to build relationships with non-indigenous groups concerned with the problem of extractive industries, nationally and internationally, to find common ground; and
- to establish an International Day of Action on Extractive Industries and Indigenous Peoples.

We call on Civil Society Organisations:-

- to increase their support, and solidarity in a manner that is sensitive to the issues of Indigenous Peoples; and
- especially conservation and other NGOs, not to impose themselves or their views upon us, but respect our legitimate leadership, and also seek the FPIC of communities before intervening; this also applies to academics including anthropologists.

We call on Companies:-

- to respect international standards as elaborated on in the normative framework of indigenous peoples rights, especially the minimum standards as set forth in the UN DRIP, ILO Convention 169 and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which includes in particular, the right to lands, territories and resources and attendant right to FPIC. This also applies to consultants;
- to submit to independent and credible monitoring;
- to be accountable for the environmental disasters, destruction and human rights violations as a result of their operations;
- to employ proven technology and adhere to the precautionary principle at all levels and in each project;

- to recognize the specific vulnerability of indigenous women to the negative impacts involved with extractive industries;
- to respect the traditional knowledge and intellectual property of Indigenous Peoples. This implies not appropriating the language or names of Indigenous Peoples for companies or projects;
- to ensure full transparency in all aspects of their operations, and especially to ensure affected communities have full access to information in forms and languages they can understand; and
- to conduct and implement environmental, social, cultural and human rights impact assessments to the highest international standards ensuring independent review and participation of indigenous peoples.

We call on Investors:-

- to ensure that policies in relation to investments in indigenous territories reflect the rights articulated in the UN DRIP, and that ethical index listings used by them should base their investment recommendations on third party information, as opposed solely to information from the company in which they may invest;
- to ensure access to information and transparency in relation to all investments in extractive industries in indigenous territories; and
- not to invest in fossil fuel related projects.

We call on States:-

- specifically those States that have not done so yet, to endorse the UN DRIP and ratify International Labour Organization (ILO) 169, and for those States who have to uphold the rights articulated therein;
- to establish, in consultation with Indigenous Peoples, clear mechanisms and procedures at national levels for the implementation of international juridical instruments, specifically the UN DRIP, ILO 169 and ICERD;
- to review laws and policies on extractive industries that are detrimental to Indigenous Peoples, and ensure consistency with the UN DRIP and international instruments protecting Indigenous Peoples rights;
- to recognize and enforce the rights Indigenous Peoples to FPIC as laid out in UN DRIP, in accordance with our customary laws and traditional practices;
- to recognize and ensure the demarcation and titling of our ancestral lands;
- to recognize our customary laws and traditional mechanisms of conflict resolutions;
- to support the efforts of Indigenous Peoples to develop economic alternatives to extractive industries, in order to alleviate the poverty that creates false dependencies on extractive industries;
- to abolish hedge funds and all forms of private equity that are not transparent and well regulated, and which distort the price of minerals;
- to legislate and regulate thorough processes for independently conducted environmental, social, cultural and human rights impact assessments, with regular monitoring during all of the phases of production and rehabilitation;
- to protect indigenous activists, human rights defenders and lawyers working on human rights issues, and where the State is the violator we demand an end to the violations against our peoples;

- to ban particularly harmful extractive practices, including riverine tailings disposal, gas flaring, effluent discharges, submarine tailings disposal, mountain top removal and large scale open-pit mining. Given the risks posed by climate change, serious re-consideration should be given to the construction of tailings containment in low-lying coastal areas and in areas exposed to increasingly severe weather events; and
- to ensure that their development cooperation policies and programmes respect Indigenous Peoples rights', in particular in the context of extractive industries and our right to FPIC.

We call on the UN Permanent Forum on Indigenous Issues (PFII):-

- to conduct a study, with the participation of Indigenous Peoples, on the impact of extractive industries on them, by consolidating all recommendations, observations and decisions of UN Treaty and Charter bodies pertaining to the subject and identifying the measures taken by States to adhere with these;
- to elaborate mechanisms and procedures for States to implement the minimum standards set forth in the UN DRIP, including in particular the right to FPIC and to call on other UN procedures, mechanisms, agencies and bodies and other multilateral bodies to do likewise;
- to establish procedures which provide indigenous communities with the opportunity to request the relevant UN agencies to assist them in the monitoring and provision of independent information in FPIC processes;
- to support the proposal that there be an international Mother Earth Day, and encourage all UN agencies, mechanisms and bodies to do likewise;
- to demand the full and effective participation of Indigenous Peoples in all discussions and decisions pertaining to international agreements and conventions that address issues of biological diversity and or climate change;
- to emphasize the need to address the direct and indirect impacts of extractive industry on climate change, including those associated with mitigation measures;
- to emphasize the need for the widespread diffusion of information and critical debate between Indigenous Peoples about the ongoing mechanisms and negotiations relative to carbon trading and the carbon market;
- to request that the Special Representative to the Secretary General on the issue of human rights and transnational corporations and other businesses, John Ruggie, to actively engage with impacted indigenous community through workshops addressing indigenous peoples rights and the extractive industry, and together with other UN procedures, bodies and agencies, promote the enactment of legislation in home states of transnational corporations that provides for extraterritorial jurisdiction in relation to their activities;
- to facilitate dialogue between indigenous peoples, investors, fund managers, extractive industry corporations and consultants;
- to recommend that the World Bank Group and other International Financial Institutions (IFIs) update their operational directives and safeguard policies pertaining to Indigenous Peoples to include the right to FPIC, as required under the UN DRIP. Specifically to recommend to the Asian Development Bank (ADB) that it include the requirement to obtain FPIC in its safeguard policies on Indigenous Peoples environment and resettlement;
- to recommend that the World Bank Group and other IFIs immediately stop funding, promoting and supporting fossil fuel related projects and large scale mining and

hydro electric projects on indigenous lands, and provide a set timeline for ending of all such funding;

- to recommend that the World Bank and other IFIs stop influencing the design of national policies in developing countries in a manner that promotes the interests of transnational mining corporations over the rights of indigenous communities;
- to recommend that the World Health Organisation consider conducting a study on the impact of cyanide and heavy metals on the right to health of communities impacted by mining;
- to address the urgent need for the genuine recognition of indigenous religious, cultural and spiritual rights, including their sacred sites in the context of extractive projects; and
- to recommend that all bilateral trade agreements should guarantee that Indigenous Peoples' human rights are respected.