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Interview with Victoria Tauli-Corpuz, Chairperson of the Permanent Forum

Now that the Declaration on the Rights of Indigenous Peoples has been adopted, what are the next steps for indigenous peoples at the international level?

Getting the Declaration adopted has really been a major endeavor and I think the process of reaching and agreeing on the Declaration has been equally important because it has allowed indigenous peoples from all over the world to come together and build a strong indigenous peoples' global movement. Now that it's adopted the biggest challenge is how to get the Declaration implemented by states, UN bodies and by indigenous peoples themselves and by society at large. The first thing is to raise awareness of the Declaration which means translating it into languages that are understood by indigenous peoples and others. Secondly, developing popular education materials, such as videos about the Declaration and what it means for an ordinary indigenous person and their communities and thirdly going into each of the articles and identifying what they say about specific issues. For instance when you talk about the right to lands, territories and resources, what does that mean in concrete terms? Does this mean ancestral land mapping or delineation? Does this mean changing the laws of the land to conform to respecting and promoting that right? In terms of health, how can we integrate traditional healing systems and how are they considered in the health delivery systems of countries?

In education, what do you do exactly in the case of bilingual and intercultural education? So, going through the different articles and identifying very concrete steps that need to be taken to implement that right and to have that right respected. That's really the most difficult part. All of these articles are responses to the issues brought by indigenous peoples before the UN so it is expected that these will be implemented to address such issues. Of course it will mean going against the established powerful interests which are basically against indigenous peoples' aspirations and demands.



The Declaration is an instrument that needs to bring together all different actors to sit down and discuss how this can be done considering the specificities of each country. We have to recognize that each country has its own history and particularity so different approaches need to be developed. But the basic principles of international human rights law which are equality and non-discrimination cannot be compromised. This is what has to be done in the coming years. I do realize that it's going to be very difficult and an uphill struggle.



You can just see the example of Bolivia now. There is an indigenous person who is in power now and he should have all of the possibilities to be able to make life better for indigenous peoples and yet we see what's happening there, the vested powerful interests are resisting the changes he wants to make to address the historical injustices against indigenous peoples. For me this is an illustration of what we are up against.

The Declaration is just over a year old now. Have we seen any examples so far of it making a real difference?

Oh yes. There are lots of examples. It has already been invoked in judicial decisions that have been made in some countries, like for example the decision in Belize where the Maya filed a case against the government because of the lands that were taken away from them for logging use and the Chief Justice made a decision that said that these lands should be returned to the Maya, that rightfully belonged to them. The decision referred to the UN Declaration which affirms that indigenous peoples have the right to the lands, territories and resources which they traditionally owned, occupied, used or acquired. The Chief Justice said Belize voted for the adoption of the Declaration so it should implement this. Then, in Suriname there is a similar case where the Saramaka peoples filed a case at the Inter-American Court of Human Rights. Again a decision was made in favor of the Saramaka and the Declaration was invoked to justify this. In Japan the Ainu people, who for thousands of years have been fighting to be recognized as indigenous peoples and now, because of the adoption of the Declaration, the Japanese Diet [parliament] came up with a resolution recognizing them as indigenous peoples. So we see that the Declaration is already influencing decisions, actions and policies and this is very important. Of course the Declaration is also an instrument to

strengthen indigenous peoples' movements. In the Philippines, for instance we held a national conference where we brought different indigenous peoples from the whole country, where we united to establish a national network which is mandated to work towards the effective implementation of the Declaration in the country. This is a significant development because various indigenous formations from all political colours came together under the banner of the Declaration. So the potential it has, in terms of uniting indigenous peoples is tremendous. – M The Declaration is the Magna Carta for indigenous peoples' human rights so it has to cut across political ideologies. .

How do you see the Declaration affecting the work of the Permanent Forum?

Since its establishment the Forum has been looking at the adoption of the Declaration, because the Forum needs to have a framework or a foundation upon which its work is grounded. The Declaration, which is now an international human rights instrument as it has been adopted by the UN General Assembly will now serve as the framework which will underpin everything the Forum does. The Forum has been mentioned in the Declaration in Article 42, as one of the UN bodies that shall promote respect for and full application of the provisions of the Declaration and follow up its effectiveness. Thus, this Article gave an added mandate for the Permanent Forum, very strong one/. The Forum should be discuss and define more concretely how it should play its role to for the effective implementation of the Declaration. All of the areas that the Forum is mandated to deal with are addressed in the Declaration, so we need to look at each mandated area and outline the steps that need to be taken to operationalize the rights. If we take the mandated area of Economic and Social Development for instance. What does the



Declaration say about economic and social development and how do we make sure that these rights are going to be addressed? Articles 26 to 30 are all on the rights to lands, territories and resources and Articles 3 and 20 are on the right of indigenous peoples to freely pursue their economic, social and cultural development. What can the Forum do to help in the implementation of the rights contained in these articles? The Forum has also said that it will be guided by the human rights based approach to development, so what better instrument can we use, if not the Declaration to guide the Forum's work? I think it will strengthen the capacity of the Forum to be able to implement its own mandates and also strengthen its moral authority in terms of pursuing the effective implementation and if there are transgressions or obstacles along the way, then the Expert members of the Forum have the possibility to issue to issue opinions, views and recommendation on how the Declaration can be better implemented. The Forum can also think of ways in which it can provide assistance to duty-holders to better implement the Declaration. This can be done jointly with the Inter-Agency Support Group on Indigenous Peoples Issues (IASG). One idea that has come up, so far, in relation to the Declaration is that every year we have an agenda item on the implementation of the Declaration and that will be an opportunity for different actors to come and say something on what they have done, the good practices they can site in terms of implementation but also the challenges they face. Within the Forum we can find out what are the possible steps we can take to address such challenges and to replicate and upscale the good experiences.

How do you see these issues and specifically article 42 affecting the next session of the Forum?

The eighth session will deal with the results of the Expert Group Meeting on the

implementation of the Declaration.¹ It will also deal with Economic and Social Development and indigenous women as cross-cutting issues. When you talk about development you are talking about issues such as indigenous peoples' rights to their lands and territories being respected, how they are able to continue practicing their traditional livelihoods and how their cultures are being further eroded or enriched because of development approaches. It's going to be an interesting session. Adding to the session, will be an expert group meeting on extractive industries – indigenous peoples rights and corporate accountability². Extractive industries, in particular oil, gas and mineral extraction, is one of the issues that indigenous peoples have been bringing to the attention of the Forum since day one. This EGM, which will be preceded by an international conference of indigenous peoples on extractive industries, will come up with very substantial information and recommendations which the 8th Session has to consider. Then we can also get a sense of what the different actors are are planning to do in relation to implementing the Declaration as this relate to extractive industries. For example, the implementation of the provisions on free prior and informed consent (Articles 10,11,19,28,29,32) is very relevant. The EGM can discuss in more detail the good and bad practices in relation to this. Then it can come up with a recommendation on what mechanisms can be used to ensure that these articles are effectively implemented. I am really looking forward to the eighth session because we have all of those expert workshops feeding into the Forum. On top of that we have a

¹ This is the International Expert Group Meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, held at UN Headquarters in New York on 14-16 January 2009. See the website for more information.

http://www.un.org/esa/socdev/unpfii/en/EGM_A42.html

² This meeting is held at the end of March in Baguio City, Philippines.



number of summits in climate change and indigenous peoples. There will be an Asian, African and Latin American Summit on indigenous peoples and climate change and these will all converge in the Global summit on indigenous peoples and climate change which will be held in Anchorage, Alaska from April 20-24, 2009. These are important processes which will allow indigenous peoples to share how they are affected by climate change and climate change solutions, how they are adapting to climate change and what are their contributions to mitigating or abating greenhouse gas emissions.



My colleague, Lars-Anders Baer and I will submit a report to the 8th session of the Forum on local adaptation and mitigation measures of indigenous peoples and climate change. The Forum should submit to the UN Framework Convention on Climate Change (UNFCCC) Secretariat these reports so these can be used as references for the various processes leading up to the Conference of Parties 15 (COP 15) of the UNFCCC in Copenhagen in December 2009. My organization, Tebtebba, which is organizing the Asia Summit on Climate Change and Indigenous Peoples, commissioned some indigenous researchers to document case studies at the village level on how they are adapting to climate change. The results of these will feed into the Special

Report I mentioned earlier which Lars-Anders Baer and I are making.

In your talk in Columbia University, you mentioned the ongoing global financial crisis and how during such times, investors tend to be very cautious, investing more in tangible assets, such as natural resources, and this may be a threat to indigenous people whose lands are often very rich in natural resources.

This financial crisis has both threats but also opportunities. The threat is that this financial crisis may bring down all countries in the world because the world is so globalized, so that anything that happens in the United States and other rich countries will have an impact on developing countries. Even in the Philippines, where I come from, we have seen a 12% decrease in remittances from migrants who work outside the country. These remittances are very important for strengthening the foreign currency reserves. The other issue of concern is exports. Many of the developing countries are shaped to be export oriented and for a long time our economies have been dependent on exports. So when there is a crisis in the rich countries, the markets for the exports suffers. So those indigenous peoples who have shifted from their traditional economies to cash crop production for export, for example to coffee production or palm oil, they will suffer when the markets for these products will Third is the issue of extractive industries. This whole crisis is caused by the bursting of the financial capital bubble which has been fed by legal and illegal speculative activities and has decreased the trust of investors on the finance market. These financial instruments, hedge funds, derivatives, etc., which are hardly subjected to regulations are all hot air. So now, the capitalists, instead of investing in the financial sector, will go back again to getting profits from tangible materials and this means of course the minerals, oil, gas, forests and so on. Even while the stocks of financial instruments are falling down, the



price of minerals is going up. So this might mean even more extractive industries in our communities. The opportunity is that this crisis has demolished the myth of that neo-liberal economics which has pushed for deregulation, privatization and liberalization. The OECD (Organization for Economic Cooperation and Development) countries have pushed this to be the economic model of all countries of the world. Now many of these OECD countries are eating their own words. They are nationalizing their banks, putting more regulations to control the various financial instruments, bailing out bankrupt financial corporations and even the automobile industry, etc. What is sad about this, however, is that the ones being bailed out are the rich corporations and not the most marginalized peoples who suffered because of the inequities created by this economic system. This is a situation where we can say “We told you so!” Indigenous peoples, in the main, have not been benefiting from this whole system which only regards them and their territories as resource bases for extraction. This is not the way an economy should be shaped in the first place. The economy should be shaped to serve the interests of all people, and not just the few who have become so rich because of this kind of system. It’s an opportunity to criticize further this system that has produced such severe inequalities, aside from the unsustainability. It has also pushed to the limits the values of individualism, consumerism and sheer greed through profit-seeking. These values can now be seriously challenged by indigenous peoples who still promote values such as caring for the earth, solidarity with each other, collectivity and reciprocity. These values now have a better chance of being understood and maybe even practiced. Maybe we should have some discussions about this during the next session. There can be reports on the impacts of the global economic downturn on indigenous peoples and what indigenous peoples’ responses are. This is relevant to the session in links to the

2010 which is going to deal with the whole question of development with culture and identity. This is an opportunity where indigenous peoples can bring to the table their own perspectives of self determined development or development with culture and identity, which they have been practicing and talking about for a long time but which have been ignored by the dominant world. Development means so much more than just financial growth. Sustainable development has to be sustainable not only for the private sector, the industry and the rich but for the poor and for indigenous peoples. We have also done so much work on developing indicators of well being and sustainability and poverty and that will have a bigger chance of being looked into by governments, I hope. We have to push them in that direction of looking at more than just economic growth or Gross National Product. They really should use other indicators to measure development.

Being a mother, grandmother and wife, what is it like to be a member of the Forum?

It’s very demanding. Especially being the Chair, because in between the session there is a lot of work for the Chair. It’s very demanding in terms of invitations to take part in various national and regional activities or in terms of UN bodies wanting you to take part in meetings where they are discussing indigenous issues and increasingly in terms of academic institutions wanting you to speak about the UN Declaration. The amount of travel is just too much. It affects my desire to be with my children, and now especially my grandchildren, because I am now a grandmother. But I when I entered into this kind of work I am very much aware of these responsibilities and the there are trade-offs that you have to make. Fortunately my children and husband understand very well my situation because they have been involved through the years in the indigenous peoples’ struggles from the local to the



national level. But of course they would still like you to be there a bigger part of the time which is not possible now. My husband and my daughter, who are working with me, also take part in many of the activities Tebtebba is involved with. Thus, they understand better the demands on me as the Chair of PFII.

What do you enjoy most about this work?

This is my life. This is what I have been doing for the past 30 years. So you are actually seeing the fruits of your struggles, movement and labour coming into being. For instance the adoption of the Declaration was such a fulfilling reward when your efforts result in this instrument that is going to be used widely by indigenous peoples. Also, being in the Permanent Forum allows you to engage different people, like the UN agencies which you cannot normally reach. In fact that is why we fought so much for [the establishment of] the Permanent Forum because in the mid 90s I had participated in Rio and World Conference on Populations and I was thinking, that if you have to participate in all these meetings then it takes us away from the work at the local level, so we thought we should have a forum where we can bring together these processes as well as the UN bodies and agencies where in one forum we can discuss all of these issues. I think we are seeing that happening now. I'm happy about that. Of course there are challenges to address. But we are blazing new frontiers – indigenous peoples issues are cutting edge issues, challenging the normal traditional ways of doing things at the UN. The Forum provides us access to decision makers, which indigenous peoples normally don't have. Whether these are governments or people within the UNDP, ILO, the World Bank or Asian Development Bank. Now there are promising developments. I've heard that the European Bank for Reconstruction and Development has come up with their own policy on dealing with indigenous

peoples and the Asian Development Bank has revised their policy on indigenous peoples and although it has yet to be approved by the executive board, the draft contains provisions on free, prior and informed consent as a principle that has to be followed. These are big things. This gives you a lot of encouragement and strength to continue working for the respect and promotion of indigenous peoples' rights and development.

This interview with Broddi Sigurdarson of SPFII was conducted in New York City in late October 2008.

