

EDITORIAL

2012 marked 100 years since the publication of Roger Casement's report testifying to the atrocities being committed against the indigenous population of the Amazon by the British-registered Peruvian Amazon Company.¹ This report, together with his equally devastating report on the rubber extraction in the Congo, was the first systematic denouncement on the effects of large extractive economies on the mass extermination of indigenous peoples and local populations.

The rubber boom, which lasted from 1880 until 1914, fuelled European and American economies and was a key contributor to industrial development. Unknown to consumers of rubber products in the West was the fact that production was based on the inhumane exploitation of indigenous workers and gross human rights violations directed against them. Indigenous men, women and children were systematically captured, enslaved, displaced and forced to work under the most dreadful conditions in the rubber extractive industry, while colonial and local governments eager to develop their "remote areas" turned a blind eye. To commemorate the enduring importance of Casement's report as a testimony to and reminder of the human rights risks for indigenous peoples when extractive industries approach their territories and resources, IWGIA last year co-published the first ever Spanish copy of the Peruvian report, *El Libro Azul*, and supported various cultural events and public debates related to the book in South America.

Although 100 years old, the report tells a story that is of the utmost relevance today. Global development is as much driven by the extraction of natural resources as ever, many of these being found on indigenous peoples' traditional lands and territories. In Peru, for example, this year's country report informs us that the government has leased out 60% of indigenous peoples' territories for oil and gas concessions. Additionally, numerous legal and illegal mining and logging activities are taking place on indigenous land.

Extractive activities not only threaten the livelihoods of millions of indigenous peoples by means of environmental degradation and loss of biological diversity, but also all too often lead to violations of these peoples' land rights, including, in many cases, gross human rights violations, as was seen this year in Venezuela,

Colombia, Brazil, Mexico, Guatemala, Indonesia, the Philippines and the Democratic Republic of Congo to mention just a few of the many examples found in this book.

Consultations and access to justice

In different countries that have ratified ILO Convention 169, indigenous organizations have spoken out strongly in favour of implementing the consultation mechanisms established in this international treaty in relation to the economic activities taking place on their territories. Governments, however, tend to interpret consultations as information sharing processes after decisions are taken rather than ones aimed at seeking free, prior and informed consent. There is also a worrying tendency towards trusting the companies to conduct the consultation processes, and failing to provide adequate capacity building of indigenous communities or securing their access to redress.

The lack of genuine consultations is at the basis of innumerable social conflicts between indigenous peoples, companies and governments around the world. Increasingly, indigenous peoples are turning to the legal system to solve their land claims and seeking redress – seeking justice from international complaints mechanisms and regional human rights systems once national legal avenues have been exhausted.

The Inter-American Commission on Human Rights thus continues to receive numerous complaints from indigenous peoples, and several cases have been referred to the Court. In the case of the Kichwa people of Sarayaku, Ecuador, the Inter-American Court this year ruled in favour of the indigenous demand, forcing the state to pay compensation to the Kichwa for damages caused by the Argentinean oil company, CGC. The significant number of measures imposed by the Inter-American Human Rights system is, on the other hand, causing a reaction from several governments. Venezuela, Brazil, Ecuador and Bolivia in particular have called for a reform of the system to limit its powers. This would represent a serious setback for human rights defence in the region.

In Africa, the African Human Right system is playing an increasingly important role in the protection of indigenous peoples' rights. In 2012, the African Commission referred the Ogiek people's case against Kenya for unlawful evictions and gazetting of their land to the African Court of Human Rights. The Ogiek case is

the first indigenous rights case to come before the Court and builds on the successful litigation of the landmark *Endorois Communication* at the African Commission in 2010. As with many of the rulings of the Inter-American Human Rights system, the Endorois ruling has reportedly not yet been implemented.

Despite the lack of commitments from states to implement the recommendations and rulings of the regional human rights mechanisms, they nevertheless provide indigenous peoples with a very important and viable avenue for seeking justice, a path that is so far not available to the indigenous peoples of Asia. Indigenous peoples of South-East Asia therefore had high hopes this year for the adoption of a human rights declaration for the ASEAN countries, as a first step towards improving their access to justice at the regional level. Disappointingly, the drafting process completely ignored civil society and the final version of the Declaration made not a single reference to indigenous peoples' rights. A major problem for indigenous peoples in Asia remains their basic lack of recognition as indigenous peoples.

Tightened grip on civil society

The growing threat to indigenous territories increases the importance of monitoring extractive industries as well as related public policies, and of improving indigenous peoples' access to remedy and justice. The right to communication established in Article 16 of the UN Declaration on the Rights of Indigenous Peoples is also an ever more important issue for indigenous peoples in this regard.

There are, however, clear indications that the space for civil society to raise its voice against government interests is shrinking. In Ethiopia, resident NGOs receiving more than 10% of their annual income from foreign funding have, since the Charities and Association Law was adopted in 2009, not been allowed to work on human rights issues (see *The Indigenous World 2010*). This year, in Algeria, a new Law of Association further restricted individual and collective rights and freedoms, suppressing criticism of government policies and demanding that all contact with foreign NGOs obtain ministerial approval. This year's country reports from Laos and Bangladesh also testify to the increased constraints imposed on public debate and contact between local and foreign human rights defenders.

The Philippines is an example of a country in which the practice on the ground stands in stark contrast to laws and policies. Its legal and policy framework on indig-

enous peoples is considered among the most progressive in Asia, yet indigenous civil society leaders who are trying to assert their rights are silenced with guns. Of the 132 extra-judicial killings that happened since the current President took office in 2010, 31 have been indigenous leaders. In 2012 alone, 12 indigenous people were killed and by the end of the year not a single prosecution had been reported.

Also in Latin America, several governments are promoting campaigns against NGOs and indigenous organizations (many of which were instrumental in helping these governments to power) and, as mentioned above, against the Inter-American Human Rights system, which is currently one of the most outspoken mechanisms in the defence of human rights on the continent.

A particularly grim case of repression against civil society is reported from the Russian Federation, which this year passed a law to the effect that any NGO working with foreign donors would henceforward be required to register as a “Foreign Agent”. This tightening grip on Russian civil society was further exemplified when, in November, the Russian Ministry of Justice decided to suspend all activities of the indigenous umbrella organization, the Russian Association of Indigenous Peoples of the North (RAIPON). As a consequence, RAIPON was restricted in all its international and human rights activities and was not able to participate in Arctic Council meetings, where it has the status of Permanent Participant. Although the ban on RAIPON was withdrawn in early 2013 and the organization was allowed to celebrate its 7th triannual congress, such interference is unacceptable by all standards adhering to a democratic society and should be condemned by all human rights defenders and countries defined by a human rights-based approach.

These restrictions of indigenous organizations’ activities are in clear violation of a principle enshrined in Art. 9 of the UN Declaration on the Rights of Indigenous Peoples, by which indigenous peoples have the right “to have access to financial and technical assistance from states and through international cooperation, for the enjoyment of the rights contained in this Declaration.”

Business and human rights

While RAIPON was experiencing political harassment and restrictions in its work, its former first vice-president, Mr. Pavel Sulyandziga, took on an important role at the international level as one of five appointed expert members of the UN Work-

ing Group on Business and Human Rights (UNWG). In the fall of 2012, he called for an indigenous expert meeting in Copenhagen to prepare for indigenous advocacy with regard to the work of the UNWG and the implementation of the UN Guiding Principles on Business and Human Rights, which were adopted by the UN Human Rights Council in 2011. The outcome of the expert preparatory meeting, which included the participation of the UN Expert Mechanism on the Rights of Indigenous Peoples and the UN Permanent Forum on Indigenous Issues, was in the form of eight concrete recommendations brought to the Forum on Business and Human Rights in December. Although indigenous peoples were only represented by approximately 30 out of an estimated 1,000 participants, they managed to bring their problems to the forefront of the agenda. In acknowledgment of the specific vulnerability of indigenous peoples to human rights violations committed in relation to business interventions, especially from extractive industries, the Forum ended with a clear commitment from the UNWG to take the issue of indigenous peoples' rights forward by acknowledging that indigenous peoples' rights should be a central aspect of its mandate, dedicating the theme of its first thematic report to the UN General Assembly to indigenous peoples and undertaking to organize a meeting with indigenous representatives each year in connection with the Forum.

One of the clear conclusions from the indigenous participants at the Forum was the need for states to take an active role in holding companies accountable. The EU has stated that it will urge its Member States to produce national action plans for implementing the Guiding Principles and is itself currently preparing guidance notes for different business sectors on corporate social responsibility. In this connection, the conclusions and recommendations from the UNWG's thematic report will be very relevant.

Rio + 20 and the post-2015 process

Much of the world's focus was on the issue of sustainable development in 2012, and particularly on the issue of a Green Economy. Indigenous peoples were involved in the process leading up to the Rio+20 conference on Sustainable Development and were able to have their issues taken into consideration. The outcome document of this conference therefore clearly recognizes the UN Declaration on the Rights of Indigenous Peoples and acknowledges culture and local livelihood

as important contributors to sustainable development. These issues are crucial for indigenous peoples in a time where ever more states are looking for land that can be used for alternative energy production, such as wind parks, hydroelectric dams, biofuel plantations, etc. As is well-known, environmental campaigns and, particularly, conservation projects often have very negative impacts on indigenous peoples' rights and livelihoods. This year, examples of indigenous peoples being forcibly evicted from or refused entry to their traditional areas because of conservation bans relating to national parks or sites considered by UNESCO as part of world heritage come from, among others, Tanzania, Kenya, the DRC, Uganda and Cameroon.

Indigenous peoples were ignored in the process of formulating the Millennium Development Goals and have too often been prevented from enjoying the benefits of mainstream development due to their political, social and economic marginalization. Indigenous peoples represent unique cultures with distinct languages, knowledge and beliefs, and their contributions to the world's sustainable development is invaluable. For the post-2015 process to succeed in securing a more sustainable development model that is not based on the exploitation of indigenous peoples' land and resources and on violations of their rights, it is imperative that indigenous peoples are empowered to participate fully and effectively in the formulation of new development goals.

UN World Conference on Indigenous Peoples

The preparations for the upcoming High-Level Meeting of the UN General Assembly, to be known as the World Conference on Indigenous Peoples, was also on the indigenous peoples' agenda in 2012. Throughout the year, consistent coordination work, together with sustained advocacy efforts carried out by the Indigenous Global Coordinating Group Team, were crucial in ensuring indigenous peoples' effective engagement in the preparatory phase for this global event. The appointment of an indigenous co-facilitator by the President of the UN General Assembly to undertake consultations with governmental delegations and representatives of indigenous peoples on the format, organizational issues and possible outcomes of the World Conference of Indigenous Peoples was undoubtedly an important step forward in the practical implementation of indigenous peoples' right to participate in decision-making on matters that would affect their rights.

On the indigenous peoples' side, several regional preparatory processes were organized and regional declarations were developed. The regional processes, coordinated by the Global Indigenous Coordinating Group, will culminate in a global indigenous preparatory conference in June 2013 hosted by the Norwegian Saami Parliament in Alta.

It is the aspiration that the World Conference will take the implementation of indigenous peoples' rights a step further and that the outcome document resulting from the high-level plenary meeting of the UN General Assembly will reflect the demands and priorities of the indigenous global movement. IWGIA further hopes that the outcome document will be able to feed into the formulation of the sustainable development goals based on a human rights approach, taking into account issues of equality and sustainability, and endorsing the fundamental concept of development with culture and identity as well as recognizing the vital role indigenous peoples can play in the successful implementation of the Rio+20 Sustainable Development Goals.

About this book

First and foremost, IWGIA would like to thank all the contributors to this volume for their commitment and their collaboration. Without them, IWGIA would never be able to publish such a comprehensive overview of the past year's developments and events in the indigenous world. The authors of this volume are indigenous and non-indigenous activists and scholars who have worked with the indigenous movement for many years and are part of IWGIA's network. They are identified by IWGIA's regional coordinators on the basis of their knowledge and network in the regions. This year, the volume includes 55 country reports and 12 reports on international processes. All the contributions are offered on a voluntary basis – this we consider a strength, but it also means that we cannot guarantee to include all countries or all aspects of importance to indigenous peoples every year.

The articles in the book express the views and visions of the authors, and IWGIA cannot be held responsible for the opinions stated therein. We therefore encourage those who are interested in obtaining more information about a specific country to contact the authors directly. It is nonetheless our policy to allow those authors who wish to remain anonymous to do so, due to the political sensi-

tivity of some of the issues raised in their articles. A number of country reports presented here take their point of departure as ethnographic regions rather than strict state boundaries. This policy has attracted criticism from states that consider this a lack of respect for national sovereignty, but it is in accordance with indigenous peoples' worldview and cultural identification, which, in many cases, cut across state borders.

The Indigenous World should be seen as a reference book and we hope that you will be able to use it as a basis for obtaining further information on the situation of indigenous peoples worldwide. ○

Cæcilie Mikkelsen, editor, and Lola García-Alix, director
Copenhagen, April 2013

Note

- 1 Casement, who had in the early 1900s documented the carnage related to rubber extraction in the Congo, was sent out by the British government to investigate the work conditions of the Peruvian Amazon Company after public accusations had been raised by, among others, the British human rights organization *Anti-Slavery Society* (today known as *Anti-Slavery International*).