

# Development in the Indigenous World

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## EXECUTIVE SUMMARY

Indigenous territories in the Americas are invested in by the extractive industries, often to the detriment of the local indigenous cultures and the surrounding ecology on which they depend. Although many efforts have been made to protect the rights of indigenous peoples to determine the fate of their territories and their resources, private sector development in these areas continues to be funded based on criteria determined by outside parties.

Consultation increasingly occurs, but the option to veto a project is not given to indigenous peoples. The efforts made by the World Bank and the private sector to create good practice based on a process of prior consultation does not address an underlying ethnocentrism that influences the consultation methods. The interpretation of the term *consultation* becomes skewed, as does that of the term *development*.

Individual countries promote legislation that serves to circumvent efforts made by the United Nations and other International legislative bodies to protect the Indigenous peoples rights to self determination and control over the natural resources found in their territories. The result is a loss of confidence on the part of the Indigenous communities and a perceived failed compliance with human rights obligations.

Additionally, although there is mention of a desire to move towards sustainable technologies and a sustainable energy sector, investment in oil and gas continues and is viewed as the means towards a solution for poverty in the third world even though it has been proven that the development of greener technologies would provide more gains in the long term and would be more cost effective for third world economies.

## Background

Since the 17<sup>th</sup> century the rationalization that non-indigenous peoples were better equipped to make use of lands has supported the continued expropriation of natural resources found on traditional indigenous territories. This view dates back to Sir Thomas Moore's Utopia that stated "when any people holdeth a piece of ground void and vacant to no good or profitable use", the seizure of it by another party who could make better use of it was justified. (Vecsey and Venables, 1980, p.65) In reality, indigenous societies most often have had a

highly rational, calculated and decisive approach to the management of their lands and resources.

Before 9,000 years ago, indigenous societies spanned the globe in small, nomadic groups whose societal structure and subsistence activity was in cyclical harmony with the surrounding ecological environment. These patterns were devised over thousands of years of trial and error and involved a meticulous assessment of ecological patterns and the sustainable management of resources and game for the expectation of future use.

It was only 9,000 years ago that sedentary villages began to appear in certain areas of the globe. With this began the domestication of animals and small scale farming. As societies became more focused on a centralized community structure, politicization occurred and from there villages expanded into chiefdoms and eventually large scale civilizations.

In certain areas of the world where resources were available to maintain a nomadic lifestyle, traditional indigenous cultures and lifestyles were able to persist. In these societies, where all needs were met on a cyclical basis and access to food was guaranteed and stable, the impulse to hoard material wealth never developed.

It is possible that large civilizations developed where resources became scarce and a highly managed and structured approach to resource allocation was necessary for survival. The fear of starvation may have allowed tighter control to take hold by a dominant elite, through whom most likely a system of control and discipline emerged. With this tightly controlled hierarchy developed symbols of maintenance to identify those who held power to determine the allocation of resources, and those who waited, or worked, to receive their share.

In earlier civilizations these symbols took the form of large temples or pyramids and elaborate personal adornments. With time these symbols became less material and more abstract. In modern civilization these symbols take the form of GDP values on a national level and pastimes, automobiles, watches and the size of dwellings on a personal, material level. (Bodley, 1999 p.9)

In recent times the development of civilizations expanded onto other continents and began to infringe on the territories inhabited by surviving indigenous societies. With this movement came a complete ignorance of indigenous management of local resources and an imposition of "civilized" preconceptions about development, land and resource extraction. An approach of desperation and unchecked extraction persisted as the approach to development based on the initial crises that initially inspired the conversion to agriculture. All sense of sustained cyclical subsistence had been long forgotten by these expansive civilizations.

In the case of the Americas, the promise of wealth and security that gold provided inspired the enslavement of local indigenous peoples for the extraction of this valuable commodity. Further desire for the wealth that these abundant territories offered led to the complete colonization, invasion and annexation of both continents. Many indigenous peoples were murdered as they were viewed as an obstacle to progress in the fight to secure these resources and lands.

As self-respecting societies, the aboriginal peoples of these territories resisted these efforts. Eventually, in certain cases, an initial solution to these debates involved the signing of treaties, granting limited land rights to indigenous peoples. Certain recognition was made of the inherent ownership of these lands held by the original inhabitants. However, if this recognition stood in the way of resource extraction, these rights were often ignored.

### **Mining in indigenous territories and its impact on indigenous cultures:**

Mining in Indigenous territories can have a variety of impacts. One of the main issues that arise with respect to mining operations on lands that have been traditionally occupied by indigenous peoples is a perceived inadequate approach to prior consultation. Individual corporations, such as Glamis Gold and the Marlin Mine project in Guatemala, have developed frameworks for the consultation process as seen in the UN Declaration of the rights of indigenous peoples.

Unfortunately this consultation process is often done in a top down fashion and more often takes the character of informing and negotiating within the parameters set out either by the Government Department, the Corporation itself or a combination of the two. (Tom Griffiths, 2005) Other issues that arise are the problems of pollution, contamination and the destruction of natural environments which directly impact an indigenous society's ability to subsist in a traditional fashion.

Many complaints relate to a lack of cultural sensitivity when benefits are being offered and lack of cultural appropriateness in development initiatives. A lack of structure and formalized consultation processes lead to dissatisfaction and misunderstanding

In many cases there have been painful consequences of mining in indigenous territories that have directly affected the health or self-determination of indigenous peoples. Through the mining of tungsten, titanium, gold, uranium, bauxite and tin in Brazil, the Yanomami have been exposed to mercury in the rivers and have become more susceptible to Malaria. At the El Cerrejon coal mine in Colombia, which was a joint project between Intercor and Carbocol, in the lands of the Guajiros, the Guajiros were not involved in the consultation process as it was considered vacant land in the Ecological Impact Assessment. (Gedicks p. 13-14)

According to a report issued by Peru's Office of the People's Defender, the \$1.6 billion Camisea pipeline has exposed the indigenous peoples of the area to infectious diseases such as syphilis, influenza, diarrhea, and respiratory ailments. Contact is prohibited by the Camisea project and also by the ILO Convention 169. Nevertheless, it is claimed that gas companies seek out indigenous peoples who live on lands that they are interested in for oil extraction.

In addition to the illnesses that the indigenous peoples are being exposed to is the issue of gas leaks. Apparently the pipeline that carries gas from the Amazon jungle to the pacific leaked four times in the first 15 months of operations. This occurred in what was previously pristine rainforest and most likely the hunting grounds of indigenous peoples. (Paez, p.1)

### **The Human Rights Factor:**

Extracting resources from indigenous territories without receiving free, informed and prior consent goes against international human rights treaties. The UN declaration of the Rights of Indigenous peoples emphasizes that having control over developments that directly affect them and their territories makes indigenous peoples better equipped to manage their societies, institutions and cultures as well as assist them in promoting their own development, on their terms.

It states that indigenous peoples have the right not to be forced to assimilate to a dominant culture and that they have the right to not have their own culture destroyed by outsiders. It obliges states to create structures and means for the prevention of these types of occurrences and also for compensation in the event that this type of human rights abuse is carried out.

The declaration outlines a process of obtaining "free, prior and informed consent" before the carrying out of any legal or administrative measure that might affect them. This point is stressed in many current debates over the rights of indigenous peoples with respect to mineral extraction projects. The declaration goes on to stress the rights of indigenous peoples to "control the lands territories and resources that they possess by reason of traditional ownership or other traditional occupation or use."

This clause conflicts with the national governments that lay claim in their respective constitutions to an overarching control of the lands of indigenous peoples. This also conflicts with the World Bank Group's inability to grant veto power to indigenous groups, a point which will be explored later. In addition, the government controlled and monitored compensation packages offered to

indigenous peoples are determined based on models of development formulated by outside parties.

The Conclusions and Recommendations of the UN Experts Seminar on Indigenous Land Rights and Claims included the suggestions that governments revise, within their legal structures, the use of the doctrine of *terra nullius*, the concept of lands held in trust, the extinguishment of land rights, titles or ownership, the exclusion of indigenous peoples from land claims processes established by state and the doctrine that states that indigenous peoples do not have the capacity to own their own land.

Land reforms are a persistent issue with human rights organizations who believe that land tenure security, the right to land title and legal demarcation of land will be critical for the alleviation of poverty for indigenous peoples. (Berardo, p.17)

### **The Legal Factor:**

Mining corporations are often granted leasing rights by government departments or through legal loopholes that create the conditions for EI investment without liability and responsibility towards the wishes of the indigenous communities who traditionally occupied the territories. Very often governments have created legal frameworks by which they claim responsibility over the alienation of lands or the use and management of resources within indigenous territories, which are often held in “trust” by the governments.

Often the negotiation process is carried out between the corporations and the government departments responsible for indigenous peoples. Indigenous peoples are consulted but only superficially and there is little institutional structure surrounding these consultations. Problems exist with respect to the availability of legal counsel provided to indigenous peoples as well as a comprehensive approach to determining participants, decision makers and the most appropriate negotiators from the indigenous communities for involvement in the consultation process. Proper representation is not often provided in terms of interpreters and council who have the best interest of the indigenous peoples in mind.

In 1991 the Convention 169 of ILO came into effect and established a system of protections for indigenous peoples and mechanisms for consultation. It was a revision of the 1958 C107. This convention was ratified by 17 countries, 13 of which are in Latin America. (Salazar, p.1) According to Bodley, “ Article 16 in the new Convention still permits forced relocations of indigenous peoples ‘when consent cannot be obtained’” (Bodley p.169)

In certain cases, such as in North America, the rights of indigenous peoples were recognized at colonization. The Royal proclamation of 1763 stated that

land that had not been ceded to the crown or purchased remained Indian lands and was reaffirmed in the United States with the 1787 Ordinance for the Government of the Northwest Territory.

This has not historically been respected. Unfortunately, the General Allotment Act of 1887 undermined these principles as it allowed only for the allotment of land to indigenous individuals for a 25 year period and the government purchase of the remaining land. This undermined the indigenous understanding of collective rights to territory and served to fragment indigenous sense of autonomous control over larger expanses of territory as whole communities. Later, the House Concurrent Resolution 108 of 1953 stated that any existing reservations should be terminated. These same lands have been leased by the Bureau of Indian Affairs to large scale mining corporations for uranium and coal mining.

Another example is the fact that in 1971 the Alaska Natives Claims Settlement Act (ANCSA) was signed to allow for the construction of an oil pipeline out of Prudhoe Bay in 1968 by extinguishing indigenous claims to the land. The settlement affected indigenous subsistence practices and the \$962.5 million dollars of which was the settlement had to be reinvested into native corporations. (Bodley, 1999 p.82)

A favourable development that was later changed occurred in 1957 when the Peruvian Supreme Decree No.3 established indigenous reserves. It was replaced however in 1974 by the "Law of Native Communities." and in 1975 by the "Forest and Wild Fauna law." Which was later revised in 2000. This has been overridden by priority being placed on corporations interested in investing in these lands. In 1978-80 the recognition of indigenous title to land was officially terminated. In 1994 Peru was one of the 17 countries that ratified ILO's Convention 169. The Peruvian government has not, however, made public the periodic reports submitted to the ILO.

Another example of policy not coming to fruition is the Venezuelan Agrarian Reform Act of 1960 which recognized indigenous peoples rights "to hold the lands, woods and waterways which they occupy or which belong to them in those sites where they customarily dwell." Unfortunately no rules for implementation were ever established and the peoples of the territories have not been defended against invasion.

More recently, in 2000, Venezuelan Law adopted Convention 169. According to the Forest people's Programme "Venezuelan law now recognizes the rights of indigenous peoples to the collective ownership of their lands and habitats, through the provision of collective title to be vested in their representative institutions. Imprecision in the laws remain about exactly which indigenous institutions should be vested with rights over lands and habitats and to negotiate with outsiders"(Bodley 1999, p.83-86)

Guatemala has a Republican constitution and indigenous peoples are only mentioned superficially between articles 66 and 70. In Guatemalan mining law, Article 2 declares all areas underground are property of the State and places the State in charge of the management of all energy and mines. The State is in charge of formulating all mining plans. The only mention of communities affected is in Article 23 c where it is stated that the company must compensate in full any damages suffered by third parties in the realization of mining operations. (Congreso de la Republica de Guatemala, Decreto Numero 48-97)

## **The Extractive Industries Review and its Criticism**

The EIR was commissioned in 2001 by the President of the WBG, James Wolfensohn, to examine the World Bank's Role in the oil, gas and mining sectors.

The problems that have arisen with respect to the Extractive Industries Review of the World Bank are related to a misunderstanding among stakeholders with respect to the definition of "development". Whereas the private sector may hold specific ideals with respect to the benefits that resource extraction could provide for the community as well as the overall growth of the economy, the indigenous peoples may hold a very different perception and/or point of view on the subject. The indigenous perspective on development is in fact varied and consists of many elements however, an ethnocentric view held by governing bodies and the World Bank supports policy that is often insensitive to these differences.

According to the World Bank Group, the 2004 Extractive Industries Review was geared towards "strengthening governance and transparency, ensuring that the poor benefit from extractive industries, mitigating environmental and social risk, protecting the rights of peoples affected by EI investments, promoting renewable energy and efficiency to combat climate change..."

The Management Response of the EIR stressed two points; that extractive industries can contribute to sustainable development and that there is a continuing role for the Bank in supporting EI investments. The bank claims that it has leveraged \$10 billion for renewable energy and energy efficiency in developing countries. Contradictory to this, later in the Management Response the Bank states that "oil and coal will *inevitably* continue to be major fuel sources for the world's poorest peoples....by staying engaged in oil and coal (we) can have an influential role in ensuring that the best environmental and social policies are followed and that the goal of sustainable poverty reduction is achieved."

It is the view of the World Bank Group that for many developing countries, investment and development in oil, gas and mining will help countries grow economically which would permit "increased spending on basic social services

and infrastructure that are needed to reach the MDGS” This investment is claimed to be carried out within what is identified as a appropriate framework of government oversight and regulation. According to the Management response of the World Bank Group, the good practice will involve local recruitment and training, health services, vocational training, education and infrastructure.

The World Bank Group insists that it is determined to engage communities in a consultation process (of free, prior and informed consent as outlined in the UN Declaration on the Rights of Indigenous Peoples), in order to achieve broad support for projects before implementation. However, the Management Response also clearly states that ”This does not mean a veto power for individuals or any group but it does mean that the Bank requires a free, prior and informed consultation with affected communities that leads to a broad support by them of the project”. This appears to be a process of consultation until capitulation.

In addition, adverse effects on communities are almost expected as is suggested in the WBG statement “ensuring the adverse impacts are minimized, mitigated, and compensated for....policy also requires that the benefits accruing to indigenous peoples are culturally appropriate.” This statement begs the question of how they could succeed in being culturally appropriate if they are based on a capitalist model, occur after the project is carried out or once the project is underway, and potentially have already caused the environmental or ecological damage that makes culturally appropriate benefits impossible. Cultural practices of indigenous peoples are often dependent on a pristine and biologically diverse environment.

### **The Indigenous Concept of Development:**

As modern civilization becomes aware of the environmental crisis that its unlimited use of resources is causing, the world is looking for sustainable solutions. Unfortunately this searching for solutions does not often include a humble recognition of the loss of sustainability that occurred at the onset of civilization. Indigenous peoples who carry with them thousands of years of knowledge and experience in the sustainable management of resources are treated as secondary advisors on the subject and are only consulted superficially.

Today, indigenous peoples have a vision of sustainability that is not isolated to the aboriginal community and is in fact representative of a broader movement towards sustainability that is being witnessed on all level of the social and political spectrum. There exists a population of highly educated aboriginal people who understand the importance of balancing a healthy economy with environmental impact mediation. A movement is necessary beyond a mentality that places the aboriginal perception in an incomprehensible and idealistic past.

In reality the aboriginal peoples are protecting their rights to have a lifestyle that is sustainable in a world that is seeking answers to the sustainability problem.

There is a need for more negotiation and learning from the aboriginal peoples themselves whether it be from the elders who have a wealth of traditional knowledge or from the educated youth who have developed a comprehensive multivarious perspective on the sustainability issues facing the world and, more particularly, the environment. Aboriginal peoples are suited to be active players and educated contributors to the dialogue on sustainability.

Their concept of development is linked to territory and is connected to their struggle for self-determination. Development for indigenous peoples is inextricably linked to their rights with respect to their territories and how those rights are either respected or abused in the context of self-determination and the capacity to determine the future of their lands. If development conflicts with indigenous social, political and subsistence structures, it becomes a territorial issue and a self-determination issue. However, at the heart of this desire for self-determination is a desire to have the power to return the land to a state of ecological sustainability.

There is proof of a strong desire within aboriginal communities for an end to mining practices. According to Friends of the Earth International “28,519 inhabitants of the municipalities of Colotenango, San Juan Atitan, Todos Santos Cuchumatanes, Concepcion Huista and Santiago Chimaltenango, of the Huehuetenango Department in Guatemala have said no to mining exploitation projects. They voted in a recent community referendum that took place on July 25 and 27 of 2006.” (Friends of the Earth International, 2006, p.1)

A potential model for consultation with indigenous, peasant or rural communities is the case of Tambogrande, a small farming village in northern Peru that was almost reduced to half its size through the proposed displacement of over 15,000 residents which was to be carried out for the creation of a gold mine. The government of Peru leased a large expanse of land to the Canadian mining company Manhattan Minerals. The gold to be extracted is found underneath the actual village of Tambogrande, which itself is located at the heart of an agricultural area dedicated to the cultivation of fruits such as mangoes and limes. These farms employ over 15,000 people and generate 2 billion dollars annually. In order to carry out the project, around 16,000 people would have to be displaced. The ecological dangers that the mine would present include the contamination of water systems that support the local agriculture as well as damage to the fragile tropical forests in the area.

In 2001 the peoples of Tambogrande organized a petition which called for a referendum on the project. The people of Tambogrande vehemently opposed the project and in 2002 received an award from the National Coordinator of Human Rights for their campaign to defend their right to decide on the issue of the mine.

Subsequently, in 2003, Manhattan Minerals was refused by the Peruvian government to carry out the project due to what the government deemed to be a failure to meet financing requirements. (No Mas Oro Sucio, p.1)

According to Echave, one of the main errors of Manhattan Minerals was its underestimation of the collective organizing power of the residents. Additionally, as the company provided information on the potential impacts of the project to the residents, it failed to provide accurate information on the environmental damage that the project would cause. There was an assumption that the people themselves would be receptive to any information provided by the company and that the possibility that the community would seek out other sources and find alternate means for acquiring accurate information did not exist. In reality, the community did acquire accurate information that proved unfavourable to the company's interests. (Echave, 2005, p.5) This failure to recognize the resourcefulness and decisive capabilities of affected communities, in essence, fueled a movement towards and fulfillment of a truly democratic exercise in public participation and self-determination, to the detriment of private sector initiatives.

### **Traditional Ecological Knowledge:**

As the industrialized world moves towards sustainability it is important that we also not lose sight, in our desperation to advance technology, of the fact that it is a deep loss and potentially suicidal move to not recognize the intellectual resource that is the aboriginal worldview. Scientists, indigenous elders, economists and social scientists are increasingly working together to solve these problems. No longer are these issues compartmentalized or politicized.

As the aboriginal religious, spiritual and cosmological view is, in the majority of cases, based on principles of sustainability, it is through communication with knowledgeable elders and educated aboriginal peoples that our region can move towards greater sustainability and reduced conflict

The Environment Canada 2002 Science and Environment Bulletin explains that Aboriginal traditional knowledge is accumulated through a direct relationship with the land through living on it. Their knowledge consists of an understanding of all of the various aspects of the environment including the geography, the economic possibilities, social allowances, cultural significance and spiritual meaning. Traditional ecological knowledge sees human beings as being an integral part of the environment. Aboriginal oral tradition involves the passing on of knowledge and awareness through stories and oral memoirs.

According to the report "This holistic view of the environment is based on underlying values that support sustainability. They include taking only what is needed and leaving the rest undisturbed, and providing for the well-being of the

community without jeopardizing the integrity of the environment.” There is a sense of responsibility towards future generations and that the conservation of wildlife populations will provide security for the future inhabitants of the region.

Traditional ecological knowledge “has helped scientists recognize and evaluate species and spaces at risk by providing information on broad trends in species distribution, abundance and seasonal behaviour patterns, and saved time and money by guiding field work.”(Environment Canada Website)

Toki Blah explained in his address to the 28<sup>th</sup> Session of IFAD’s governing council meeting in Rome of 2005, that creating an effective process of documentation is the first step in mainstreaming traditional ecological knowledge. (Blah, 2005, p.2)

### **The Environmental Factor:**

The extraction of minerals most often takes place on aboriginal land and, if not done carefully, contributes to a loss of wildlife habitats and subsequently a disruption of traditional aboriginal lifestyles that are dependent on a sound ecological environment.

Mining causes air and water pollution, soil erosion, destruction of habitats and radioactive contamination. It is imperative to collect or recycle minerals in a sustainable and respectful way and to continue with the development of green technologies. This will serve not only the environment but also a healthy evolution of the energy sector, which employs millions of people and supports important institutions such as hospitals, schools and communications technology corporations. These are the key players in the creation of a sustainable world.

This mentality is applicable to the protection of wetland and marine environments that are endangered by mining operations on land and at sea. Whether it be through oil spills in the ocean or contamination of lakes and river systems, all fresh and salt water marine habitats are at risk. The lives and integrity of indigenous peoples as well as the environments that they inhabit are being compromised.

### **Recycling- An Economical Alternative:**

A feasible approach towards the collection of minerals that would benefit the environment and also the rights of aboriginal peoples would be a concerted effort to explore the possibility of recycling as an alternative to mining. The recycling of minerals could significantly improve the situation for aboriginal peoples let alone benefit national economies.

Currently 30 to 60 percent of the metals consumed by the world are recycled. The amount of energy to be saved through the recycling of metals is notable. The savings are related to the fact that 60% of the energy consumed in the processing of metals is used during the process of crushing and grinding. The energy savings for each type of metal to be experienced through recycling are the following: zinc 60%, steel 74%, lead 76%, copper 85% and aluminum 95%.

In the case of Canada, according to the Canary Institute, “the Canadian metal recycling sector salvages an estimated 10 million tones of metal each year, valued at roughly \$3 billion”. Unfortunately the Canadian tax system favours the use of virgin metals through the offering of corporate income and mining tax incentives. According to the Institute “Canadian mining companies still receive large public subsidies and they spend huge amounts on exploration worldwide, estimated at \$837 million for 2002.” In addition, recycling is limited in Canada, as the Basel Convention of 1992 does not distinguish between hazardous waste and recyclable materials. (Fothergill, 2004, p.1-2) it would be beneficial for governments to recognize the social and environmental benefits that recycling could offer.

According to research carried out by Daniel Muller of Yale University, the amount of metal in circulation is around the same amount as that still in the ground and recycling could supply US demand for iron and steel alone (Biello, 2006). Recycling International claims that “the worldwide recycling industry employs the skills of more than 1.5 million employees. With a total annual turnover exceeding \$US 160 billion, it is also a very capital-intensive business. Annual investments and Research and Development in the Recycling Industry amount to around US\$20 billion. The Bureau of International Recycling has affiliations of 550 companies from 58 countries.” (Recycling International)

### **Green Economic growth:**

In the recent Sir Nicholas Stern Review, he explains that the lack of regard for the need for sustainability in terms of energy resources alone will have lasting impacts not only on the environment but also on the global economy. According to the review, the Global GDP could be reduced by up to 5% each year as a result of climate change resulting from the use of fossil fuels and the estimated overall damage could reach 20%.(Stern, 2006, p.1) It is in the best interest of the Energy Sector as well as the indigenous peoples of the world to work towards understanding sustainability in a holistic fashion that incorporates educated and knowledgeable expertise that crosses disciplines.

The World Bank’s Management Response to the Extractive Industries Review that recommended pulling out of funding oil and gas was the position that it would be through the oil and gas industries that poverty would best be alleviated.

Contrary to this, the Beijing Declaration on Renewable Energy for Sustainable Development put forth at the Beijing International Renewable Energy Conference in 2005, at which Ministers and representatives from 78 countries were present, urged the World Bank to significantly expand investments in renewable energy technologies and emphasized “the multiple benefits of increased energy efficiency and the use of renewable sources of energy for improving access to energy services, thereby contributing to the eradication of poverty as called for in the UN Millenium Development Goals”. Finally, it called for the International Community to “strengthen its commitment to the scaling up of renewable energy development and use, especially in developing countries.” (Beijing Declaration on Renewable Energy, BIREC 2005)

Without abandoning the advancement of technology which has served to create communication and collaborative webs and networks around the world which help fight threats such as HIV/AIDS and starvation, it is now important to modernize legal frameworks in accordance with International Human Rights Declarations and with environmental imperatives.

## **Conclusion**

Legislation has historically favoured private sector investment in natural resources and has failed to incorporate recognition of the basic indigenous right to secure land tenure, land title and the right to control the resources found on traditional indigenous territories. The UN Declaration on the Rights of Indigenous Peoples calls for a process of consultation with indigenous peoples on mining projects. This is often interpreted, however, as a top down mechanism that fails to grant legitimate rights of self-determination to Indigenous peoples.

Governments are increasingly recognizing the value of traditional ecological knowledge and the fact that consultation with indigenous people benefits projects, communities and the environment. A consultation process that is fully participatory and that possesses a solid institution framework is needed for the proper upholding of UN Human Rights Declarations.

The World Bank’s Extractive Industry Review offered recommendations with respect to the Banks involvement in extractive industries. Certain principles were adopted, such as a recognition of the need for consultation, but have been circumvented through contradictory clauses. Recommendations with respect to seeking alternatives to extraction have not been implemented. It is widely understood, however, that exploration of alternatives to mineral extraction such as recycling and alternatives to oil and gas extraction such as renewable energy technology make economic sense as well as being socially and environmentally responsible and just.

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