

Participation of Indigenous Peoples in the Earth Charter Consultation Process

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The Earth Council, with the collaboration of its partner institutions, has been making a greater effort to engage Indigenous Peoples in decision-making processes regarding sustainable development. Two major activities have been initiated under the framework of the Earth Council's strategy of empowering civil society to "make sustainability work."

First, in May 1996, efforts of the Earth Council and the Fetzer Institute came together at the meeting [Indigenous Peoples, Mother Earth and Spirituality](#), which brought together Indigenous Peoples from throughout the Americas in San José, Costa Rica. This workshop represented the beginning of a consultation process with spiritual leaders and elders, to strengthen and consolidate their capacity to influence decision-making mechanisms. A follow-up meeting was also held in August 1996, to evaluate the Action Plan which emerged from the May consultation, considered to be the key element in guiding this project toward the next phases. They also discussed their participation within the Earth Charter and the Rio + 5 processes.

For purposes of the aforementioned project, the participants came together in a Spiritual Consultative Council, for which the main objective has been to play a guiding role in preserving cultural and spiritual values among Indigenous Peoples, as well as in disseminating information about these principles to the rest of the world.

Since spirituality is a strong basis for all indigenous societies, their activities and livelihoods are ruled by the application of such values, which advocate a healthy environment. Furthermore, their intimate relationship with nature is based on the spiritual belief that Mother Earth and all forms of life are part of a same design. For said reasons, this project takes into consideration their **spiritual beliefs**, their **close relationship with nature**, their **science and technology**, as well their **conservation and restoration skills and knowledge**.

In June, the second process started with a technical consultation on "*Indigenous Rights, Environmental Law and Sustainable Development*". Co-sponsored by the International Labour Organization (ILO), with funding from the World Bank, the consultation gathered indigenous lawyers and experts in San José, to examine possible contradictions between the content of national and international laws in force, with regards to indigenous and environmental issues. Prior to the meeting, some of the participants developed concrete case studies to illustrate the experience of their own communities. Subsequently, during the working sessions, suggestions were proposed, which are expected to materialize into concrete actions to facilitate the implementation of these legal systems, limiting possible mistakes and future contradictions.

These two processes are aimed to acknowledge the importance of Indigenous Peoples within participatory mechanisms for decision making. It is expected that they will have the opportunity to participate in the Earth Charter process to voice their input on issues regarding sustainable development.

At the present time, the Indigenous Peoples Program of the Earth Council is also expanding its efforts to inform and invite indigenous leaders from other regions of the world to join this project or to initiate similar processes within their own communities.

I. The Earth Charter Consultation Process:

During their second meeting, *The Action Plan Workshop*, the members of the Spiritual Consultative Council arrived at the following conclusions:

- The Earth Charter consultation process is an ambitious effort to associate perspectives from different nations, which aim to achieve development in balance with Mother Earth.
- The Charter must take into consideration the gravest problems that humanity is facing at the present time.
- For said purposes, the members of this Council request that all nations of the world develop a working relationship in order to protect the environment and preserve Mother Earth for future generations.

1.1. What values, principles, and/or codes of conduct from your organization, field of endeavor, or moral tradition could contribute to the development of the Earth Charter?

Indigenous Peoples must be considered the keepers of life-sustaining resources. They have proven to be successful in developing mechanisms and techniques in harmony with their environment. For them, such resources represent a valuable asset, because their philosophy integrates nature with their spiritual beliefs, based on the respect for Mother Earth and community well-being.

a) Spirituality and Mother Earth

Our ancestors say that in the morning, before we are in contact with other human beings or animals, we must speak with the spirits and remember the sun, the Earth, the Universe; everything that exists in the sky. This is what we recognize by the force of the Spirit, which has great power. By this means, the spirit opens up the mind to obtain knowledge. The spirits of our ancestors are above in the volcanoes and in the water (...)

(Domingo Collueque)

Despite the many challenges of the modern world, spirituality is still the basis of indigenous societies and it governs all of their activities. From the moment they awake, they speak to the spirits and recognize the Creator as a masculine force and Mother Earth as a feminine one. It is also important to highlight that their cosmogonic vision does not consider natural resources as economic values; indigenous spirituality encompasses the belief that all forms of life have a soul. This belief has guided them to maintain the equilibrium of their environment..

The day we believe that trees, animals and all beings have a spirit, we will start respecting nature. If we do not come to the conclusion, if we continue to think that trees have only an economic value, we are going to finish Mother Earth

(Faustino Alba)

For said reason, there is a strong link between the Earth and their spiritual values, based on the holistic philosophy and the belief that women symbolize the Planet and, therefore, are sacred. Like Mother Earth, they bring life to the world and it is for life itself that human beings should learn to live in balance, respecting creation. The changes, however, that currently Mother Earth is suffering from, are a consequences of the destruction of natural resources and the environment. That is why lands are turning to deserts and no producing as they used to, rivers are drying up and the air and water are being polluted.

The Earth Charter is a process which aims to establish basic principles to guarantee the respect for the environment in the face of development. In order to take into consideration the opinion and beliefs of different sectors, including indigenous values related to regain the balance of the Planet, **human beings must learn how to walk in balance with Mother Earth and tread gently**. This is the message Indigenous Peoples want to share with other sectors and governments. If the warnings and the voices of Indigenous Peoples are not heeded, and the exploitation of natural resources continues, then, according to indigenous revelations, the voices of natural elements will speak louder. Disequilibrium leads to natural catastrophes, which are currently happening throughout the world.

Indigenous Peoples, however, talk about the beginning of a new era, the “*Pachacuti*”, which is the return to the light:

There exists a faith that in the same manner with which humans change their clothes every day, so too shall Mother Earth change and cleanse herself: new brooks, new vegetation and new hope will appear

(Taita Benito Mamani)

Indigenous Peoples also have their own concept of death. They are given the knowledge of the spirit world and the natural environment, to live in harmony with Mother Earth:

If we do not live out that knowledge, we die like fools, and they say it is like we do not deserve to die. But if we live a fulfilling life based on that knowledge, then we can say we do deserve to die. By dying we enter the real world: the spirit world

(Alvin Manitopias)

Alone, other sectors of society have not efficiently performed the task of compensating the damage caused to Mother Earth. For this reason, Indigenous Peoples wish to take part

in fulfilling this process, according to their own philosophy, spiritual beliefs and the prophecies they have foreseen.

b. Science and Technology

Although indigenous knowledge is different to the western paradigm of development, Indigenous Peoples embrace a science that has been in harmony with Mother Earth for thousands of years, which has enabled them to develop their communities in a sustainable manner.

Our ancestors were also mathematicians, anthropologists, scientists, engineer and doctors. However, some cultures do not recognize that we also have a science, which is not found neither written in books nor archives. What is science to us, for other people is empirical, and what is science for them, is a different thing for us

(José Luis Jimbiquiti and Sofja Painiqueo)

Although there is a lack of acceptance towards this science, some concepts and methods developed by Indigenous Peoples are now being used by other scientists and academic institutes. Ecology, for example, is a new subject and its terms have only been in use for some twenty years. Indigenous Peoples, on the other hand, have been living in a balanced eco-system for centuries. Thus, they refuse to use chemicals and other harmful products that some “modern” technologies rely on.

Indigenous Peoples question the fact that if science and technology are so advanced, why do they continue to contaminate the air, water and land?

We do not use products that are harmful to human beings, their health and the environment. For this reason, our ancestors have lived this long without contamination

(José Luis Jimbiquiti).

Concerning health, Indigenous Peoples also have their own medicine and doctors. Their medical science is based on the knowledge and use of plants with healing properties. This knowledge is passed down from traditional healers to the young through a long process.

To preserve these values and science, apprentices must be chosen. This is a way to consolidate ourselves as peoples. This wisdom could be shared with the world through a message that we can all bring to other sectors of the world society

(Pedro Rodríguez Macuna)

The global partnership the Earth Charter process insists upon, must not only take into consideration one perspective of civilization and development. It must be based on the respect of different approaches, including traditional science and technology, in order to reach consensus about development trends worldwide.

c. Conservation and Restoration Skills and Knowledge

Within the evolving process of contemporary international law, as well as national juridical systems, environmental issues must be analyzed from different perspectives. In that sense, at the Rio Earth Summit, in 1992, the leaders of the world recognized the knowledge and capacity that Indigenous Peoples possess to manage, in a sustainable way, natural resources and fragile environment.

Chapter 26 of Agenda 21 recognizes our peoples as environmental defenders and we have the cultural and spiritual richness to fulfill this role, thus we must participate in this process.

(Maximiliano Ferrer)

Indigenous Peoples are willing to share their sacred knowledge with other sectors of society. There exists an aspiration to work with those who wish to collaborate, on a basis of mutual respect. Indigenous teachings encompass techniques, methods and procedures to manage, preserve and restore the environment.

1.2. The Earth Charter will be designed as a new international “soft law” document and people's treaty and it can and should build on the principles that have already been articulated in international law.

a) Which of those principles already affirmed in international law merit inclusion in the Earth Charter?

Many international agreements, in particular some of those reached at the Earth Summit in 1992, are related to environmental issues and the recognition of the wisdom and practices Indigenous Peoples possess regarding sustainable development.

It is particularly important to highlight the significance of two international instruments: **Convention 169** of the ILO and the **Convention on Biological Diversity**. The first one is considered the most important international tool for the promotion and protection of Indigenous Peoples, because it has embodied indigenous demands and gave them international recognition. It is also the only international legal instrument that regulates those rights from different scopes of interest, because it resulted from various consultations beginning in 1986, not only with governmental and non-governmental agencies, but also with the participation of the Indigenous Peoples themselves.

On the other hand, the Convention on Biological Diversity recognizes the right of these peoples to participate in the conservation and protection of biodiversity, especially within their habitats. It also establishes the obligation of Nation States to respect, preserve and maintain the knowledge that the indigenous populations have in this field, advancing its application, but with the approval of those who possess that knowledge. Furthermore, the Convention does not only stipulates their participation in said process, but also

recognizes the knowledge, practice and technology that they manage and use, which, over the centuries, have proven to be sustainable.

Regarding the principles encompassed in these two international tools, the ones that should be included in the Earth Charter are the following:

ILO Convention 169:

Article: Area of Regulation:

- 2 Recognizes and promotes the fundamental social, economic and cultural rights of Indigenous and Tribal Peoples, and requests national governments to protect these rights and to guarantee respect for their integrity.
- 3 Recognizes the right of Indigenous and Tribal Peoples to fully enjoy their fundamental freedoms without hindrance, discrimination nor coercion.
- 4 Establishes the obligation of adopting special domestic measures, with the consent and acceptance of Indigenous Peoples, for safeguarding their property, institutions, cultures and environment.
- 5 Urges the protection, respect and integrity of the social, cultural, religious and spiritual values and practices of these people.
- 6 Stipulates that governments must consult Indigenous Peoples when considerations are being given to any measure which may affect them directly.
- 7 Stipulates, in relation to the preceding article, that Indigenous Peoples have the right to decide their own priorities with regards to the process of development, especially as it affects their lives, beliefs, institutions, spiritual well-being and the lands they occupy. It also requests governments to recognize the right these peoples have to exercise control over their economic

Article: Area of Regulation:

- 7 social and cultural development. Whenever appropriate, studies must be carried out to assess social, spiritual, cultural and environmental impacts on them and their lands, of planned development activities.

- 8, 9 and 10 Recognizes the right of Indigenous Peoples to retain their customs and consuetudinary law, to the extent compatible with the national legal system and internationally recognized human rights.

13 Recognizes the special importance that land has for the cultures and spiritual values of Indigenous Peoples.

14 Recognizes the right of Indigenous Peoples to land tenure.

15 Refers to the importance of safeguarding the right of these peoples to participate in the use, management and conservation of natural resources pertaining to their lands.

23 Promotes activities to strengthen indigenous cultures and their economic self-reliance and development.

27 Stipulates the importance of incorporating indigenous history, knowledge and technology, as well as their value systems, in education programs. It also recognizes the right of these peoples to establish their own educational institutions.

28 Stipulates the significance of preserving and promoting the development and practice of indigenous languages.

30 Requests governments to adopt measures appropriate to the traditions and cultures of Indigenous Peoples, to make known to them their rights and duties.

31 Requests governments to take educational measures among all sectors of national societies, with the object of eliminating prejudices in respect of Indigenous Peoples. History textbooks and other educational materials must provide a fair and accurate portrayal of indigenous societies and cultures.

The Convention on Biological Diversity:

(Analysis by Dr. Ruben Chacon)

Article: Area of Regulation:

Preamble Recognizes the relationship between Indigenous Peoples and their biological resources.

8 paragraph j). Establishes the indigenous right to manage, preserve and use in a sustainable way biodiversity resources within their territories.

10 paragraph c). Regarding the sustainable use of biological diversity, it is insisted on the protection and customary use of natural resources, according to traditional practices.

17.2. With regards to the exchange of information to preserve and use biological resources, traditional knowledge must be protected.

18.4. In the context of scientific co-operation, it is exhorted to exchange experience and information related to the development of technology, including autochthonous and traditional ones.

b) What new principles beyond those already formulated in international law should be included in the Earth Charter?

Regarding the Summary of Principles, the philosophy of Indigenous Peoples differs on some points presented, and it is possible that other nations will find significant differences between this first approach and their own cultures. The Earth Charter, therefore, must include concepts expressing the values of different peoples and cultures.

“This Charter must come from our peoples, our hearts and understanding. That is how we must present it within the process of achieving a universal consensus: in our own terms....”

Principle I: The Goal, a Global Partnership

The general objective of international environmental and sustainable development law is formation of a global partnership of all peoples and nations to ensure for present and future generations the well-being of humanity and the larger community of life by promoting equitable and sustainable development and by protecting and restoring the health and integrity of the Earth's biosphere, of which all life is a part and apart from which humanity cannot survive or realize its creative potential. This global alliance should be founded on commitment to an integrated framework of shared ethical principles and practical guidelines

Indigenous Peoples consider that the “*formation of a global partnership*” represents a common aspiration for most human beings. Those who live on and share the same planet, must firmly believe in the need of constituting a global community, a partnership in which a common objective is recognized and respected: **to safeguard the Earth for future generations.**

“This alliance includes our participation, because it proposes the participation of all human beings within a global partnership. Our ancestors have struggled to reach balance, to make the Earth a better planet. The goal of constituting this alliance embraces the ideals of Indigenous Peoples”.

The Spiritual Consultative Council considers that this partnership cannot be based only on “*ethical principles*”. The sense of this postulate must be enhanced, by reinforcing the basis of a global partnership through the attainment of deeper commitments among all nations, cultures and sectors of society.

On the other hand, a clear understanding of the term “*Global Partnership*” is needed because within the circles of economy, for example, it refers to a globalization of national markets, which does not necessarily represents a positive impact on peoples in general. Finally, concerns were raised about:

- How those who do not respect these ethical, human and universal principles will be compelled to change their attitudes

- How this global consensus and alliance will be reached

It is expected that these considerations will be taken into account and included within the Earth Charter.

“Our day-to-day acts are sacred and religious. They show reverence, gratitude and respect to Mother Earth. We wish to share this with other societies, in order to achieve this global alliance”

Principle II: The Human Situation

The environmental and developmental problems facing humanity involve a complex of interrelated issues including: increasing degradation of the global environment, deterioration and depletion of natural resources, excessive consumption, rising population pressures, perpetuation of disparities between and within nations, poverty, pollution, ignorance, injustice, and armed conflict. The decisions and choices humanity makes in response to the challenge of these critical problems will have major consequences for the future of life on Earth. Humanity stands at a defining moment in its history.

With regards to “*rising population pressures*”, this issue is closely linked to **Principle VI, Sustainable Development, point 6:**

6. The development and implementation of appropriate demographic policies, ensuring that human population levels remain within the carrying capacity of the Earth, are necessary to improve the quality of life for all people and to protect the environment.

Concern was expressed regarding the content of these principles, which imply that the rising population is one of the deteriorating elements of the environment, and that the development and implementation of appropriate demographic policies must be ensured. It is important, however, to add a clause based on the values of different peoples and the existing human rights regulations, to define the type of policies to be performed. Birth-control methods, for example, have been used on Indigenous Peoples and other communities, without their consent nor previous consultation.

This issue represents a delicate one since it could lead to the implementation of projects that, based on these principles, could produce a negative impact on indigenous communities. It is necessary to highlight that these peoples already have their own natural birth-control methods.

Principle III: World View

1. The biosphere is a unity, a unique and indivisible ecosystem, and all of its diverse constituent parts are interdependent.
2. Humanity is part of nature and the community of life, and all life depends for survival and well-being on the functioning of natural systems.

3. Every life form is unique and possesses intrinsic value independent of its worth to humanity. Nature as a whole and the community of life warrant respect.

The referred “*world view*” must take into account beliefs from different sectors, including the perception of Indigenous Peoples.

Regarding “*biosphere*”, this is a modern scientific term which the Oxford dictionary refers as “*regions of the Earth's crust and atmosphere occupied by living organisms*”. This concept is limited to living beings on the surface of the Earth and some forms of energy within the atmosphere. For Indigenous Peoples, however, the biosphere includes other elements such as the living mineral world, the spiritual dimension and other sources of energy which come from beyond the atmosphere.

Some of these elements are not tangible nor “scientifically” proven, but are considered by Indigenous Peoples as essential.

Principle IV: A Common Concern and Universal Responsibility

1. The well-being of the community of life and the protection of the environment are a common concern of humanity.
2. Nature as a whole, the Earth, and all life forms should be respected. All persons have a fundamental responsibility to respect and care for the community of life.
3. Protect, preserve, and, insofar as possible, restore the health and integrity of ecosystems, ensuring the functioning of essential ecological processes and life support systems throughout the Earth.
 - a. Provide special protection to fragile ecosystems such as are found in deserts, semi-arid lands, mountains, wetlands, and certain coastal areas and on small islands.
4. Conserve biodiversity including the diversity of species, the range of genetic stocks within each species, and the variety of ecosystems. (8)
 - a. Provide special protection to endangered species and their habitats.

The members of the Spiritual Consultative Council agree with what is established in this principle, except for a term in the second paragraph: “*Nature as a whole, the Earth, and all life forms should be respected*”. It is necessary to change “*should*” to “*must*” to strengthen the commitment of the respect to Mother Earth.

Principle V: The Rights of People

The Spiritual Consultative Council agrees with the points included in Principle V.

Principle VI: Sustainable Development

1. The purpose of development is to meet the basic needs of humanity, improve the quality of life for all, and ensure a secure future.
2. All humanity has the duty to integrate environmental conservation with development activity at all stages and levels so as to achieve sustainable development, keeping human resource use and related activity within the limits of the carrying capacity of supporting ecosystems. Sustainable development promotes the well-being of both people and ecosystems.
3. Protection of the environment is best achieved by preventing environmental harm rather than by attempting to remedy or compensate for such harm.
 - a. Activities which are likely to cause irreversible environmental change or damage should be avoided altogether.
4. Activities which are likely to cause potential or actual harm to the environment shall be preceded by a thorough environmental impact assessment.
5. Precautionary Principle: In situations where there is the risk of irreversible or serious damage to the environment, lack of full scientific certainty shall not be used as reason to postpone action to avoid potentially irreversible or serious harm to the environment.
6. The development and implementation of appropriate demographic policies, ensuring that human population levels remain within the carrying capacity of the Earth, are necessary to improve the quality of life for all people and to protect the environment.
7. The elimination of unsustainable patterns of production and consumption is essential and requires adoption of the following measures.
 - a. Minimize the depletion of non-renewable resources.
 - b. Ensure all renewable resources are used sustainably.
 - c. Use all resources with restraint and as efficiently as possible.
 - d. Develop and adopt technologies that increase energy efficiency.
 - e. Develop and adopt technologies that use renewable resources to generate energy.
 - f. Prevent, reduce, and control pollution.
 - g. Minimize waste: reduce the volume of materials used, reuse, recycle.
8. Governments, businesses and other organizations should cooperate in promoting the development and adoption of environmentally sound technologies.

9. Policy makers should adopt a system of economic indicators for measuring economic health and development that reflects the full social and environmental cost of human activities, thereby integrating environmental and economic measures.

10. The prices of commodities and raw materials should reflect the full direct and indirect social and environmental costs of their extraction, production, transport, marketing, and, where appropriate, ultimate disposal.

11. Peace and security, environmental protection, sustainable development, and respect for human rights and fundamental freedoms are interdependent and indivisible.

It is necessary to change “*should*” to “*must*” to strengthen the commitment of this global partnership, in order to achieve the goals and objectives specified.

With regards to paragraph 3, “*Protection of the environment is best achieved by preventing environmental harm rather than by attempting to remedy or compensate for such harm*”, an additional clause must be included. This clause must acknowledge that where community health is harmed, its members must be compensated.

Within this same paragraph, in point a) there is no specification of the activities which may cause environmental changes or harms. Examples of such activities must be included:

a. Activities such as (...), which are likely to cause irreversible environmental change or damage should be avoided altogether.

Regarding the Precautionary Principle, this concept must be clarified. The Spiritual Council supports the goal of developing such principle, since it represents a way of fighting harmful actions to the environment, even if the causes that produce such damage are not scientifically proven.

“We must decrease the development process, if we have reasons to believe that there are existing risks for the Planet and future generations, even if the consequences of some harmful activities are not scientifically proven”

Principle VII: Equity and Justice

This principle is considered to be one of the most relevant, because point 7) refers specifically to Indigenous Peoples.

After discussing its content, the Spiritual Consultative Council decided to propose the following changes, taking into consideration the perception of Indigenous Peoples. The original paragraph is written as follows:

7. The identity, culture, and interests of indigenous peoples, and especially their traditional approaches to sustainable development, should be respected and supported.

Indigenous peoples have the right to control their lands, territories and natural resources, and they should be provided opportunities to participate in decision-making processes that are likely to affect their interests in the area of environment and development.

The new paragraph proposed by the Spiritual Consultative Council is:

The life of Indigenous Peoples, their philosophy, and especially their approaches of developing sustainability must be recognized, respected and supported. Indigenous Peoples have the fundamental right to exercise full jurisdictional control over their lands, territories and natural resources. Their right to self-determination must be recognized, as well as their right to occupy land which is a natural law of humanity. Indigenous Peoples have the responsibility to protect their ancestral lands from environmental degradation, which affects their lives, health and livelihood.

Principle VIII: Governance and Security

After analyzing the issues included within Principle VIII, the Consultative Council agreed with what is established there.

Principle IX: Environmental Protection

Point 11) of this principle establishes that:

11. Natural and cultural areas, including Antarctica, of outstanding aesthetic, cultural, ecological, scientific, and spiritual significance should be identified, protected, preserved, and restored.

This is a relevant aspect for Indigenous Peoples because, in different occasions, their sacred sites have not been respected by other sectors of society. Therefore, it is considered essential to include an additional clause, as point 12), which must stipulate that:

12) Sacred sites of Indigenous Peoples must be protected, preserved and restored.

If the above point is included, point 12) of the Summary of Principles would become point 13).

The Spiritual Consultative Council concludes that its participation within the Earth Charter consultation is relevant, especially because it will gather the basic principles for the conduct of nations and peoples with respect to environment and development, to ensure the future viability and integrity of the Earth. A draft of the Charter will be presented before the United Nations for discussion and negotiation and, hopefully, a final document will be approved by the year 2000. It will be the sustainable development equivalent of the Universal Declaration of Human Rights.

This document must be based on the values of different sectors of society, taking into consideration a diversity of perspectives and approaches. Through this mechanism, a broad sense of ownership for the Earth Charter will be developed.

1.3. Many of the values and principles to be articulated in the Earth Charter are founded upon and reflect certain basic attitudes toward people, life and nature as a whole.

Should the Earth Charter give expression to basic human attitudes such as wonder, thanksgiving, humility, respect for people, reverence for life, a sense of the sacredness of life, a sense of belonging to the universe?

The above value statements are part of the philosophy and cosmogonic vision of Indigenous Peoples. Their lives are based upon the respect for Mother Earth and all living things. Their respect for other beliefs and value systems is deeply rooted; therefore, they wish it to be reciprocated.

This is the main concern of Indigenous Peoples within this global partnership: The working relationship to protect Mother Earth for future generations must be developed on a basis of equality, respect and non-discrimination.

This implies a process of reevaluating attitudes, and promoting tolerance and respect for all, because *“every group of human beings has its own civilization and values, but our task together is to save our common house: Mother Earth”*.

We, as Indigenous Peoples understand that our planet Earth is our common house. The problem is the attitude that each of us has while living in our own house. For us, life itself is a sacred ceremony.