

1.51 Indigenous Peoples, Mineral and Oil Extraction, Infrastructure and Development Works

RECALLING that the extraction of mineral resources and oil constitute a significant part of the global economy;

CONSCIOUS that these activities are a significant source of income for many countries;

RECALLING that the extraction of minerals and oil in areas inhabited by indigenous peoples has in most cases not directly and substantially benefited these peoples and has led to a deterioration of the quality of life and their cultures;

RECOGNIZING that even if in many countries it is the State which has or exercises rights over the use of the subsurface and the extraction of subsurface resources, it is the State which must also ensure the common good and the rights of indigenous peoples;

CONSIDERING that it is possible to extract minerals and oil with methods which are environmentally adequate and economically equitable, and that some countries and companies have made significant progress in these matters;

CONCERNED about the negative impacts generated by mineral and oil concessions granted in the lands or territories of indigenous peoples in different parts of the world;

CONCERNED also that in many instances the participation and approval of indigenous peoples are excluded from the process of decision-making regarding investments and activities involving non-renewable natural resources and infrastructure works in their lands or territories including coastal areas;

CONSIDERING the recommendations and guidelines established in Chapter 26 of Agenda 21;

TAKING INTO ACCOUNT the principles under consideration in the draft UN Declaration on the Rights of Indigenous Peoples;

RECOGNIZING that *Caring for the Earth* highlights the role of indigenous peoples in sustainable development and their rights in the management of natural resources;

TAKING INTO ACCOUNT Recommendation 18.16 of the 18th Session of the IUCN General Assembly and Resolutions and Recommendations 19.20, 19.21, 19.22, 19.23 and others of the 19th Session that refer to indigenous peoples;

The World Conservation Congress at its 1st Session in Montreal, Canada, 14–23 October 1996;

REQUESTS the Director General, the Secretariat and its technical programmes, the Commissions, members and Councillors of IUCN, within available resources, to participate in the development and support of a clear policy on the use of non-renewable natural resources which includes criteria for the conservation of natural resources and respect for the rights of the world's indigenous peoples, based on the following principles;

- a) recognize, respect and comply with the rights of indigenous peoples over their lands or territories and natural resources, as a condition for achieving sustainable development;
- b) consider the adoption and implementation of the objectives of ILO Convention No 169 and the Convention on Biological Diversity, and comply with the spirit of the draft UN Declaration on the Rights of Indigenous Peoples, as well as adopt policies, programmes and laws which implement Chapter 26 of Agenda 21;
- c) respect the rights and interests of indigenous peoples in all activities connected with extracting non-renewable natural resources, including geological surveys, mineral exploration, claim-staking, infrastructure and development works, and adopt adequate measures to minimize environmental, health, cultural and social impacts;
- d) adopt measures to compensate indigenous peoples for damages to their lands or territories;

- e) design and execute development plans with the equitable participation of all parties concerned recognizing their needs and cultural characteristics;
- f) promote effective participation and previous agreements with indigenous peoples in the design, adoption, implementation and monitoring of processes, projects and legislative and administrative policies regarding the exploration and exploitation of non-renewable resources that might affect their lands or territories and natural resources;
- g) facilitate the establishment of mechanisms for the negotiation between indigenous peoples, the State and other interested parties to promote the equitable resolution of conflicts arising from the use or potential use of natural resources.

Note. This Resolution was adopted by consensus. The delegations of the State members Australia, Germany, New Zealand, Norway, Switzerland, United Kingdom and United States indicated that had there been a vote they would have abstained, in the case of New Zealand and the United States for the reasons given under Resolution 1.49. The delegation of the State member India dissociated itself from this Resolution for the reasons given under Resolution 1.49.

The use of the term "indigenous peoples" in this Resolution shall not be construed as having any implications as regards the rights which may attach to that term in international law.