

On Partnership

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Recently, Tom Goldtooth (Member of the Indigenous Environment Network, IEN) and I were criticized in the mining press for “NGO posturing” and for “refusing to enter into dialogue with the mining industry” (Chadwick 2002). These accusations followed a public statement, “United Outcry Against Mining Greenwash,” that was issued by the Indigenous Peoples Caucus at the World Summit on Sustainable Development (WSSD).² In the statement, a broad coalition of civil society organizations criticized the World Conservation Union (IUCN) and the International Council on Mining and Metals (ICMM) for launching a “partnership” on mining and biodiversity that essentially marginalizes affected indigenous peoples and local communities who are opposed to past and current bad practices in the mining industry and who therefore question the gap between public rhetoric and corporate action.

The charge of “non-engagement” with the mining industry against me is inaccurate, to say the least. Over the past years, I have been involved with a number of activities and projects that have focused on mining and related issues. For example, I am currently participating in an independent research project on “Indigenous Peoples and the Extractive Industries” that is part of the Extractive Industries Review of the World Bank. Furthermore, I have authored an expert paper for a workshop on “Indigenous Peoples, Private Sector Natural Resource, Energy and Mining Companies and Human Rights,” that was convened by the Office of the High Commissioner on Human Rights. Finally, I am an advocate of the “Dapitan Initiative” to abolish the 1995 Mining Code in the Philippines as a seriously flawed piece of mining legislation.

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² The Indigenous Peoples Caucus convened over 200 representatives of indigenous peoples’ organizations and communities from all global regions to express our perspectives for social and environmental justice at the WSSD. The Indigenous Environment Network and Tebtebba Foundation (Indigenous Peoples International Centre for Policy, Research and Education) were among the convenors of the Indigenous Peoples Caucus.

It is particularly untrue to claim that I have not been willing to constructively engage the private sector. From 1999 to 2000, I served as a Commissioner on the World Commission on Dams (WCD), an independent multi-stakeholder process that addressed the deadlock in the controversy over large dams and proposed ways forward for decision-making about water and energy services, including large dams. An independent assessment of the WCD conducted by the World Resources Institute (WRI), Lokayan, and the Lawyers Environmental Action Team (LEAT) used the following framework to assess WCD's success as a multi-stakeholder process (see Dubash et al. 2001):

- Full representation of relevant stakeholder groups in the working process;
- Independence from external influence;
- Transparency to ensure the Commission's accountability to stakeholders' concerns;
- Inclusiveness of a range of views in compiling the knowledge base.

The evaluation report concludes that "although the process did have flaws," the WCD process was essentially robust, emphasizing that a good process "can expand the range and variety of information and perspectives that feed into decision-making" particularly the inclusion of marginalized groups, and "create broader space for dialogue among stakeholders." Finally, the review suggests that the full potential of the WCD may lie in its "promise of democratization, at both the national and global levels."

I consider the WCD an exceptional example of constructive multi-stakeholder engagement that allows for autonomous organizing and direct advocacy by indigenous peoples and affected communities (and by other interested parties), who demand and exercise their rights to shape the elaboration of policies and standards affecting their lands, resources, livelihoods, and welfare.

Unfortunately, the exclusion of indigenous peoples and affected communities from decision-making, and non-recognition of their human rights, continue to be the norm in governmental and corporate practice. Nevertheless, indigenous peoples, local

communities, and social movements have made incremental gains to strengthen democracy in many parts of the world as a result of local, national, regional, and transnational organizing and campaigns. These gains include grounded community development initiatives, stopping destructive development projects, local and multi-sectoral alliances to address priority concerns, constitutional, legislative, and policy reform, and elaboration of social and environmental standards. Understandably, they wish to build on these gains if and when they participate in global policy processes, and reject those that fail to adequately respect and promote their rights and welfare. Indigenous peoples and local communities are justified in questioning processes that will privilege global managers and technical experts to decide local social and ecological futures. Their historical and ongoing experience of human rights violations, and lost livelihoods resulting from the promulgation of parks and protected areas without local participation, present important lessons in this regard.

Today, the words “partnership” and “multi-stakeholder process” encompass a multitude of sins and a few good practices, requiring a high level of discretion and choice about one’s engagements, and a view to positive outcomes. My engagement with the WCD, as well as other experiences encompassing local-global political arenas, have fine-tuned my views and feelings of what constitutes constructive engagement for indigenous peoples and local communities at a time when all parties are superficially speaking the same language of “participation and sustainable development” in the wake of UNCED and the WSSD. I would like to return to the problems in the mining industry to provide an example.

The IUCN-ICMM “partnership” is the preferred vehicle of the mining industry to follow through on its Global Mining Initiative and the Toronto Declaration, namely, corporate initiatives to promote and elaborate the notion of “mining and sustainable development.” The World Conservation Union has come on board. Meanwhile, indigenous peoples and local communities most directly affected by the mining activities of these very same corporations are calling for redress and restitution for outstanding social and environmental damages to their lands, rivers,

livelihoods, and communities. They underline the necessity for international standard-setting processes under the auspices of the United Nations to prevent corporations responsible for mining crimes – such as the Marcopper (Placer Dome) toxic legacy in Marinduque, Philippines and the despoliation of the OK Tedi and Fly Rivers and surrounding forests by the OK Tedi Mine (BHP Billiton) – to escape liability for their actions. They call for a ban on unacceptably dangerous and damaging practices, such as cyanide heap leach processing and sub-marine tailings disposal; and they demand a moratorium on mining activities, including global mining policy initiatives which fail to respect the rights of indigenous peoples and affected communities (London Declaration 2001; International Mining Workshop 2002).

These are the concerns motivating the signatories to the public statement decrying the IUCN–ICMM “partnership,” a sentiment echoing the concerns of many civil society organizations about so-called “Type-II” outcomes of the WSSD. Hence, their call for a United Nations Convention on Corporate Accountability. Indigenous peoples and local communities reserve their right to say “no” to multi-stakeholder processes that fail to deliver concrete gains, not only for powerful global actors, but also for themselves. I remain convinced that inclusive dialogue processes can deliver on better policy outcomes and that one-sided processes will not only fail, but will discredit future efforts at dialogue and participation.

REFERENCES

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