

CARNEGIE COUNCIL *for Ethics in International Affairs*

How Rights for Indigenous Peoples Can Save the Environment

Asia Dialogues

Victoria Tauli-Corpuz, Amber Kiwan

Transcript

AMBER KIWAN: I'm Amber Kiwan from the Carnegie Council in New York. Last month I went to the United Nations to speak with Victoria Tauli-Corpuz, the UN Special Rapporteur on the Rights of Indigenous Peoples. Her mandate is to monitor and report publicly on the situation of indigenous peoples around the world. As part of the Council's Asia Dialogues program, we spoke about her home country the Philippines, and the role indigenous peoples play in protecting the environment.

Just to start, since this is the [Forum on Indigenous Issues week](#)—I know it's not over yet—have there been any highlights or key takeaways from the week so far?

VICTORIA TAULI-CORPUZ: Yesterday I [spoke](#) on the issue of human rights and indigenous peoples. There were a lot of contributions from the indigenous peoples.

I presented my paper, which basically looked at what I have seen in my mandate as a rapporteur. I went to Honduras, to Brazil, to Paraguay and I spoke about [Berta Cáceres](#), who was one of the people who helped me in my visit to Honduras and then a few months after, she was [killed](#). There are all these iconic cases of human rights violations against indigenous peoples simply because they are protecting their lands and their territories and, of course, the environment. Like Berta Cáceres was fighting against a big dam that was going to be built in the communities of her people, and that was the reason she was killed.

Those were some of the highlights directly linking the violence against indigenous peoples, the human rights violations, to the struggles and fights that they have to protect their lands.

AMBER KIWAN: Right. I saw that you hosted a dialogue on rights of indigenous peoples and incorporated conservation organizations. Can you just talk a little bit about how that went and maybe give examples of the conservation activities that were either discussed or proposed?

VICTORIA TAULI-CORPUZ: The reason why I did that is because I am going to make a report before the Human Rights Council on conservation and indigenous peoples that is looking at the impact of conservation activities on indigenous peoples. I have received some complaints about the territories of indigenous peoples being demarcated as national parks or conservation areas, and in the process they get kicked out of the parks, or they are not allowed to continue their activities and livelihoods in those parks, when in fact they say that they have been there since time immemorial. They were the ones who have protected these areas. There are policies and programs that have demarcated their areas without asking them. In the process, there are these kinds of violations that happen.

The first half day was a meeting with indigenous peoples who came to me to talk about the impacts of parks on them. There were people from Africa who were, of course, talking about the parks like the [Maasai Mara](#) or these famous parks where they live. In several cases, their houses get burned.

Building the parks is one thing, but when they allowed mining corporations or agricultural plantations to come in, then it is not really to preserve the park. It is for the state to have the possibility of taking over the land and putting something there that is in the interest of the state.

Those are some of the issues that came up in the meeting. We had people all the way from Latin America to Greenland to Russia and all the way to Africa and Asia, of course. It was a very rich conversation.

In the afternoon, I had meetings with the conservation organizations. These are the organizations under the [International Union for Conservation of Nature \(IUCN\)](#) umbrella. You have [Conservation International](#), the [Nature Conservancy](#), these big conservation organizations who have developed a new paradigm. They said that they are now talking about people and parks. The intent of my meeting was to ask them if they have really implemented a policy paper where they develop conservation in the human rights initiative. Of course, some of them said that they did but they have a lot of obstacles. Some of the things that they said were not necessarily consistent with what the indigenous peoples were saying in the morning.

I'll come up with a report on this, and I'll present that report before the IUCN World Conservation Congress that is going to happen in November of this year.

AMBER KIWAN: Okay. Can you tell you us a little bit about your background and how you got into this work? I understand that you started out as a leader in your own community and an activist against mining corporations, I think it is.

VICTORIA TAULI-CORPUZ: Yes. I was a student in the Philippines, and I had a scholarship that I won and I went to Manila. During that time, it was already the height of protests against the U.S. bases—we had 20 U.S. bases in the country at that time—against increasing repression until [martial law](#) was [declared](#) in 1972.

I became an activist at a very young age. I think I was around 16 or 17 when I became an activist. I started joining these anti-dictatorships struggles. But then I also got involved in the campaigns in my region because there was this big dam that was going to be built by the World Bank. I was part of those who had been going to the communities to tell the people about this project. Then, of course, it went through a very serious situation where the government militarized the communities to push them to agree, but the people fought back.

So, I became part of that whole struggle against the dam, but also against a project by the dictator, by [Marcos](#), to convert our pine forest into concessions. He was giving it to his cronies. That was the way he won the loyalty of his friends—giving them pasture lands or forest concessions.

This forest concession called Cellophil Resources Corporation was going to include my town, my province basically, so we also campaigned against that. That is how I got into the United Nations. People were getting arrested. Nobody knew where to get justice. Then we were told, "You know, there's a working group in the United Nations that is talking about indigenous peoples' rights." Then I got invited. In 1985, I joined the UN working group on indigenous populations, which was drafting the [UN Declaration on the Rights of Indigenous Peoples](#). I was involved in that until 2007, when it finally got adopted here in the UN General Assembly.

In between, of course, all the problems of indigenous peoples came up, and I established an [NGO](#) that is global that deals with issues of indigenous peoples, basically documenting what is happening in indigenous peoples' communities and raising this issue before the United Nations.

AMBER KIWAN: That sounds great. Thank you.

One of the questions we are focusing on with this Asia Dialogues project is to look at: How can the way that Filipinos are coping with extreme climate-change related weather and disasters inform the rest of the world in terms of response and resilience?

VICTORIA TAULI-CORPUZ: The Philippines is really one of the high-risk countries as far as climate change impacts are concerned. Of course, we are an archipelagic country. We have 7,100 islands. So whenever there are strong storms, it destroys a lot of the communities. The low-lying islands get flooded. Even Manila always gets flooded.

In a lot of places, the response of the government is not so effective, for instance, when [Haiyan](#) took place. There was a lot of concern, of course, and a lot of money has come in from the donors, but the government is just not equipped to really deal with these kinds of disasters.

There is a lot of infighting among the politicians on the national level. They were fighting with the mayor at that level. In effect, the response has not been very effective in terms of dealing with the people who lost their homes. Up to now a lot of people still are homeless. That happened almost three years ago, and up to now it is not yet being addressed. I think that can provide a very bad example of what not to do when climate change impacts happen.

You really need to be more organized in a way. You have to involve the people in the communities. They will be the ones who will have ideas of how to survive and rehabilitate the areas; in particular, if Haiyan happened to another island where indigenous peoples are. They are the ones who have been keeping the waters in a very good state. They fought for recognition of their ancestral waters, and this was delineated as their ancestral waters. So they were the ones who managed to bring back the fish from different parts. They really restored the destroyed corals.

When Haiyan came, it destroyed their areas, their houses, their boats. Many of their boats were floating away. They had to restore their livelihoods. They had to work together to be able to get support so that they could get boats in. The government didn't pay any attention to them, because they were very far away. Everything was in Leyte, whereas in the neighboring islands they were also affected.

The other thing is there was this island, also near Leyte, where the mangroves were kept in very good shape. Their communities were not devastated. It proved that if your mangroves are really kept intact, you will have protection from storm surges, even from tsunamis. That was really highlighted as a very good example that if you are able to sustain the ecosystem and let it remain in the way that it has—because that kind of ecosystem has adapted to all the changes—then there will be a big chance for you to survive these kinds of disasters.

The other issue in the Philippines is there's a phenomenon of red tide, this red algae that developed because of the pollution, but also because of the increase in temperature of the waters. I was speaking with [a government official] from Chile earlier. They had this [big problem in Chiloé Island in Chile](#) where they are raising salmon and the waters went up. All these millions of salmon died, and they polluted the whole rivers of the other part of the sea where the indigenous peoples were fishing, but not necessarily salmon. This pollution came there, so all the fish died as well. They were saying

that this is an impact of climate change, but it is exacerbated by the fact that you are engaged in an economic activity that is also not natural in the place. You have all these fish bans to produce salmon. You are putting all this food that is not necessarily the food of the—and then, of course, it exacerbated the situation.

Sometimes, if you think of climate change through that impact, the rising of the water, temperature is really going to have an impact. But the activities that have been happening around the community—whether the destruction of mangroves or the pollution of the waters because of this modern culture that you are promoting in the particular area—those will be the ones that also exacerbate the problems.

Now, hundreds of thousands of people don't have food. The government has to go to give them food, because they are totally reliant on the fish. That's really the kind of picture that we will be seeing more and more if the governments are not serious in their attempts to veer away from unsustainable activities that destroy the environment, but also destroy the livelihoods of indigenous peoples.

AMBER KIWAN: Going back to Haiyan, that, to me, was one of these moments that brought the Philippines into the international spotlight, which it never is. Do you think that attention brought anything good? Did it make the international community care more or was it just one of those media frenzies that everyone forgot about the next day and no action was taken?

VICTORIA TAULI-CORPUZ: I think it's both. It's a media frenzy, totally. [Anderson Cooper](#) went there and all these people went there. But after that, of course, the rehabilitation hasn't really happened in a way that addressed the needs of the poor people. Maybe the rich people were able to recover easily, but the poor people really didn't.

I think that also speaks about how incompetent the government agencies are in terms of dealing with this. It's always politicized the response to such kinds of high-profile disasters. Politicians use it to make themselves look good to be involved, but the bureaucracy is also not equipped. The situation there is so disastrous that before they even bring the relief, they want to have the name of the politician in the bag, so it's delayed because they want to take the stand that this comes from this particular politician. Even the immediate needs of people cannot be addressed because of all these politicians wanting to use it for their own names. That is one problem.

The good thing about it is that, of course, the consciousness about climate change has been increased. People now are aware that there is such a thing as climate change, so they are thinking more about what to do to be able to adapt in those kinds of situations and, of course, plan disaster preparedness. At least people are more aware that when there is something like these huge storms—and the strength of these storms is unprecedented—at least maybe people will know that they will have to take some action, either move up to higher ground or to leave for a while. You cannot do anything about it.

I think that consciousness has been raised, so maybe that is something good. But I think that there needs to be a much more comprehensive way of addressing it that really includes the needs of the poor people. Even when the disaster happened and then there were people who went there, even these relief operations, they really are not tailor-fit to meet the needs of the poor, not even the women. For instance, you have all these things women need—napkins, sanitary pads, all these different things—but, of course, nobody will think about it, because it's the men who are—they don't know about the needs of these people.

I think you really need to have a very thorough understanding of what people need. All these people

were donating their clothes. What do they need this for? Actresses were donating their clothes to whatever. Who will use those things? That is not what people need. It's the food, the water, the basics for the babies, and for everything. You think it is common sense, but actually it's not.

AMBER KIWAN: Yes, that seems to be a theme in development and aid generally.

VICTORIA TAULI-CORPUZ: Look at Haiti. Haiti is the same story.

For me, it's really a simple case of weak governance: lack of accountability, incapacity to allow for participation of those who are directly affected, lack of transparency; you don't even know where all these resources are coming from and how they are going to be used.

All the key problems that we see in terms of governance manifest when those kinds of situations happen. You would think that you would learn from it.

AMBER KIWAN: You do a lot of work around private sector interests in indigenous peoples' lands and the need for documented and secure land rights. This hits on a theme of this project as well. It is kind of looking at how to balance economic growth and development in that sense with environmental sustainability and those issues, because they are often working against each other.

What is the status of land rights in the Philippines for indigenous peoples?

VICTORIA TAULI-CORPUZ: The Philippines has a national law called [Indigenous Peoples Rights Act](#), which was adopted in 1997 as a result of the constitutional amendments that happened after the dictatorship [fell](#). So it has a law, and the law allows for the delineation of ancestral lands. After the delineation, you can get either an ancestral land title or an ancestral domain title. The land title is more for individuals. The domain title is for the collective. It's a very good law actually. The law also says that before any kind of development comes into the community of indigenous peoples, their free, prior, informed consent should be obtained. So, it's a strong law.

The problem is that the priority of the government is to really push for economic growth. They think that mining is the main avenue for them to achieve that economic growth, and they start to ignore the law, and push mining corporations into indigenous territories where a lot of the minerals are found. Then they manipulate the way free, prior, informed consent is taken. Even if you have the certificates of ancestral domain title, there is no support for them to help implement their own view and vision of development. Then they end up with a mining company in their ancestral domain. And then the community gets divided; they fight with each other. The ones who are protesting against the mine don't get any benefits. That's the kind of situation.

The implementation of the law is still problematic. Essentially, they are really, especially indigenous peoples, still in a very weak position. They can use the law to be able to claim their lands, but the process is so tedious. Before you can even get your land title, maybe it takes 10 years because you have to do your genealogy, you have to map. And the government is not paying for any of that. If the indigenous peoples who are so poor are wanting to do that, they will not have any possibility of doing that unless there is an NGO who is willing to support them. In some cases, it's even the corporation that wants to support them to do that. Then afterwards they give the corporation some privileges.

It's really a situation where there's a need to really support the indigenous peoples for them to be able to enjoy their rights to their lands that are already recognized under the law and then to also have a debate, have that discussion with the government.

When indigenous peoples say that they don't like this mine, for instance, because they would like the community to be more used to address their needs, the government cannot just bring the military to force the people to agree or to bring people who will cause the divisions against them. There has to be that kind of engagement of dialogue so that the government will stop doing those kinds of things.

Of course, the corporations also have to be reined in. They have to be regulated, because they cannot also come and cause all these divisions. The problem with the free, prior, informed consent is that usually the developer will be the one to pay the costs of the government officials who will go and do the field-based investigation and consult with the indigenous people. That in itself is a very big problem, because why should you bite the hand that feeds you? The government officials from the National Commission on Indigenous Peoples, instead of them supporting the indigenous peoples, they will be more biased towards the company, because the company is the one paying them to go there. Those are many of the loopholes that need to be addressed.

Again, the problem of the conflict between economic growth and the indigenous peoples' views, and of course, environmental protection, is a real problem that is faced in the Philippines precisely because of the priorities of government is extractive industries, expansion of agricultural plantation, building of hydroelectric dams or infrastructure that will provide energy to these mining operations. Those are not the priorities of indigenous peoples or the ones who care about the environment.

Some litigation is happening where some people will file before the courts their refusal of getting these companies to come in there. But that's not easy either. You have to have a lot of money to be able to file a case.

The thing that needs to happen really is to strengthen the indigenous peoples' communities, to be able to have the possibility of entering a dialogue with the government so that together the two will really discuss what is going to be the priority for the particular community and how will that be helpful to the government. I believe that indigenous peoples who are given the possibility can even contribute to the national economy, and they have. They are the ones conserving the forest and the ecosystem. They are the ones conserving the water. The forests are where many water systems are coming from. But these are not accounted for, because that's not included in the equation of development. That kind of contribution is disregarded.

The only way that they look at indigenous peoples is that they are the problem because they are obstructions to development. But if they see it from another angle where these are the people who are protecting the forest and the water sources, who have the knowledge and the system that allows for more effective adaption to climate change—and, of course, they have the rights to the lands and territories because that's what the law says—if they are seen in that light, they can be regarded as people who are contributing effectively to the country's development and the country's diversity.

But unfortunately, that's not the case. That is stemming from, really, discriminatory mindsets in which the Western systems, the market, these are all the superior and modern ways of doing things and indigenous peoples are backward, they are uncivilized, and whatever they bring to the table is not modern enough to meet the needs of the country, which is an ultimately false assumption. That's not true.

In the Philippines, there is a map that will show that the remaining forests in the country and the biodiversity hotspots coincide exactly with indigenous territories.

AMBER KIWAN: Oh wow.

VICTORIA TAULI-CORPUZ: Oh yes. There is an overlay of maps that you will see, even if it's a national park, the indigenous peoples' territory is inside that park. In the national park, all the trees are gone, but in the indigenous territory it is all green. So you can say that the government efforts to save the forest have failed. It is the indigenous peoples' efforts to save their forest that have really allowed for the last remaining forests in the country. The Philippines has been totally deforested because of the dictatorship. The indigenous peoples' territories, a lot of them are still okay. But it is not seen in that light. So you need to explain to them.

In fact, the maps are really very effective to show that, "Okay, this is the map, the whole country." I always say that. I say, "You know, in most countries in the world where indigenous peoples are, I suspect that's the situation." True enough, in Latin America, you can see it.

In the end who is really saving the environment? Is it the environmentalists? Is it the indigenous peoples? Is it the government? It's the indigenous peoples, and they don't even think of themselves as environmentalists. They just think of themselves as indigenous peoples defending their lands.

That is why I tell some of the environmentalists, "Come on. These are not environmental rights defenders. They are indigenous peoples defending their rights, their lands and territories. Why do you have to label it or frame it in that way? That's not fair to the indigenous peoples. They are protecting their lands and territories, their lives, their values, and all that. They don't think that there is such a thing as environment; they don't think in very dichotomized or fragmented ways. They are thinking more holistically. Do you want to extract that environment part and appreciate them and project them as such when, in fact, they are much more than that?"

AMBER KIWAN: That is a great ending note for me. Thank you so much. That was really interesting.

Audio

From Greenland to Kenya, indigenous peoples are fighting for their land against governments, corporations, and climate change. UN special rapporteur Victoria Tauli-Corpuz, herself an indigenous leader in the Philippines, discusses the challenges facing her country and how to navigate through the world of politics and big business.

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