

THE KIMBERLEY DECLARATION

International Indigenous Peoples Summit on Sustainable Development
Khoi-San Territory
Kimberley, South Africa, 20-23 August 2002

We, the Indigenous Peoples, walk to the future in the footprints of our ancestors

(Kari-Oca Declaration, Brazil, 30 May 1992)

We the Indigenous Peoples of the World assembled here reaffirm the Kari-Oca Declaration and the Indigenous Peoples' Earth Charter. We again reaffirm our previous declarations on human and environmental sustainability.*

Since 1992 the ecosystems of the earth have been compounding in change. We are in crisis. We are in an accelerating spiral of climate change that will not abide unsustainable greed.

Today we reaffirm our relationship to Mother Earth and our responsibility to coming generations to uphold peace, equity and justice. We continue to pursue the commitments made at Earth Summit as reflected in this political declaration and the accompanying plan of action. The commitments which were made to Indigenous Peoples in Agenda 21, including our full and effective participation, have not been implemented due to the lack of political will.

As peoples, we reaffirm our rights to self-determination and to own, control and manage our ancestral lands and territories, waters and other resources. Our lands and territories are at the core of our existence – we are the land and the land is us; we have a distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management.

We have the right to determine and establish priorities and strategies for our self-development and for the use of our lands, territories and other resources. **We demand that free, prior and informed consent must be the principle of approving or rejecting any project or activity affecting our lands, territories and other resources.**

We are the original peoples tied to the land by our umbilical cords and the dust of our ancestors. Our special places are sacred and demand the highest respect. Disturbing the remains of our families and elders is desecration of the greatest magnitude and constitutes a grave violation of our human rights. We call for the full and immediate repatriation of all Khoi-San human remains currently held in museums and other institutions throughout the world, as well as all the human remains of all other Indigenous Peoples. We maintain the rights to our sacred and ceremonial sites and ancestral remains, including access to burial, archaeological and historic sites.

The national, regional and international acceptance and recognition of Indigenous Peoples is central to the achievement of human and environmental sustainability. Our traditional knowledge systems must be respected, promoted and protected; our collective intellectual property rights must be guaranteed and ensured. **Our traditional knowledge is not in the public domain; it is collective, cultural and intellectual property protected under our customary law. Unauthorized use and misappropriation of traditional knowledge is theft.**

Economic globalization constitutes one of the main obstacles for the recognition of the rights of Indigenous Peoples. Transnational corporations and industrialized countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade Organization and other bodies which reduce the rights enshrined in national constitutions and in international conventions and agreements. Unsustainable extraction, harvesting, production and consumption

patterns lead to climate change, widespread pollution and environmental destruction, evicting us from our lands and creating immense levels of poverty and disease.

We are deeply concerned that the activities of multinational mining corporations on Indigenous lands have led to the loss and desecration of our lands, as exemplified here on Khoi-San territory. These activities have caused immense health problems, interfered with access to, and occupation of our sacred sites, destroyed and depleted Mother Earth, and undermined our cultures.

Indigenous Peoples, our lands and territories are not objects of tourism development. We have rights and responsibilities towards our lands and territories. We are responsible to defend our lands, territories and indigenous peoples against tourism exploitation by governments, development agencies, private enterprises, NGOs, and individuals.

Recognizing the vital role that pastoralism and hunting-gathering play in the livelihoods of many Indigenous Peoples, we urge governments to recognize, accept, support and invest in pastoralism and hunting-gathering as viable and sustainable economic systems.

We reaffirm the rights of our peoples, nations and communities, our women, men, elders and youth to physical, mental, social, and spiritual well-being.

We are determined to ensure the equal participation of all Indigenous Peoples throughout the world in all aspects of planning for a sustainable future with the inclusion of women, men, elders and youth. Equal access to resources is required to achieve this participation.

We urge the United Nations to promote respect for the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded between Indigenous Peoples and States, or their successors, according to their original spirit and intent, and to have States honor and respect such treaties, agreements and other constructive arrangements.

Language is the voice of our ancestors from the beginning of time. The preservation, securing and development of our languages is a matter of extreme urgency. Language is part of the soul of our nations, our being and the pathway to the future.

In case of the establishment of partnerships in order to achieve human and environmental sustainability, these partnerships must be established according to the following principles: our rights to the land and to self-determination; honesty, transparency and good faith; free, prior and informed consent; respect and recognition of our cultures, languages and spiritual beliefs.

We welcome the establishment of the United Nations Permanent Forum on Indigenous Issues and urge the UN to secure all the necessary political, institutional and financial support so that it can function effectively according to its mandate as contained in ECOSOC Resolution E/2000/22. We support the continuation of the United Nations Working Group on Indigenous Populations based on the importance of its mandate to set international standards on the rights of Indigenous Peoples.

We call for a World Conference on Indigenous Peoples and Sustainable Development as a culmination of the United Nations International Decade for the World's Indigenous Peoples (1995-2004) and as a concrete follow-up to the World Summit on Sustainable Development.

We continue to meet in the spirit of unity inspired by the Khoi-San people and their hospitality. We reaffirm our mutual solidarity as Indigenous Peoples of the world in our struggle for social and environmental justice.

* Including the Draft Declaration on the Rights of Indigenous Peoples; the Charter of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests; the Mataatua Declaration; the Santa Cruz Declaration on Intellectual Property; the Leticia Declaration of Indigenous Peoples and Other Forest Dependent Peoples on the Sustainable Use and Management of All Types of Forests; the Charter of Indigenous Peoples of the Arctic and the Far East Siberia; the Bali

Indigenous Peoples Political Declaration; and, the Declaration of the Indigenous Peoples of Eastern Africa in the Regional WSSD Preparatory Meeting.