

**Charter of the indigenous and tribal peoples of the tropical forests (IAIP  
Charter)**  
Penang, Malaysia  
1992

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Article 1.

We, the indigenous-tribal peoples of the tropical forests, present this charter as a response to hundreds of years of continual encroachment and colonisation of our territories and the undermining of our lives, livelihoods and cultures caused by the destruction of the forests that our survival depends on.

Article 2.

We declare that we are the original peoples, the rightful owners and the cultures that defend the tropical forests of the world.

Article 3.

Our territories and forests are to us more than an economic resource. For us, they are life itself and have an integral and spiritual value for our communities. They are fundamental to our social, cultural, spiritual, economic and political survival as distinct peoples.

#### Article 4.

The unity of people and territory is vital and must be recognised.

#### Article 5.

All policies towards the forests must be based on a respect for cultural diversity, for a promotion of indigenous models of living, and an understanding that our peoples have developed ways of life closely attuned to our environment.

Therefore we declare the following principles, goals and demands:

#### Respect for our rights

#### Article 6.

Respect for our human, political, social, economic and cultural rights, respect for our right to self-determination, and to pursue our own ways of life.

#### Article 7.

Respect for our autonomous forms of self-government, as differentiated political systems at the community, regional and other levels. This includes our right to control all economic activities in our territories.

#### Article 8.

Respect for our customary laws and that they are incorporated in national and international law.

#### Article 9.

Where the peoples so demand, nation states must comply with the different treaties, agreements, covenants, awards and other forms of legal recognition that have been signed with us indigenous peoples in the past, both in the colonial period and since independence, regarding our rights.

#### Article 10.

An end to violence, slavery, debt-peonage and land grabbing; the disbanding of all private armies, militias and their replacement by the rule of law and social justice; the means to use the law in our own defense, including the training of our people in the law.

#### Article 11.

The approval and application of the Universal Declaration of Indigenous Peoples, which must affirm and guarantee our right to self-determination, being developed by the United Nations, and the setting up of an effective international mechanism and tribunal to protect us against the violation of our rights and guarantee the application of the principles set out in this charter.

#### Article 12.

There can be no rational or sustainable development of the forests and of our peoples until our fundamental rights as peoples are respected.

### **Territory**

#### Article 13.

Secure control of our territories, by which we mean a whole living system of continuous and vital connection between man and nature; expressed as our right to the unity and continuity of our ancestral domains; including the parts that have been usurped, those being reclaimed and those that we use; the soil, subsoil, air and water required for our self-reliance, cultural development and future generations.

#### Article 14.

The recognition, definition and demarcation of our territories in accordance with our local and customary systems of ownership and use.

#### Article 15.

The form of land tenure will be decided by the people themselves, and the territory should be held communally, unless the people decide otherwise.

#### Article 16.

The right to the exclusive use and ownership of the territories which we occupy. Such territories should be inalienable, not subject to distraint and unnegotiable.

#### Article 17.

The right to demarcate our territories ourselves and that these areas be officially recognised and documented.

#### Article 18.

Legalise the ownership of lands used by non-indigenous peoples who live within and on the forests' margins in the areas that are available once title has been guaranteed to the indigenous peoples.

#### Article 19.

Land reforms and changes in land tenure to secure the livelihoods of those who live outside the forests and indigenous territories, because we recognise that landlessness outside the forests puts heavy pressure on our territories and forests.

### Decision-making

#### Article 20.

Control of our territories and the resources that we depend on: all development in our areas should only go ahead with the free and informed consent of the indigenous people involved or affected.

#### Article 21.

Recognition of the legal personality of our representative institutions and organisations, that defend our rights, and through them the right to collectively negotiate our future.

#### Article 22.

The right to our own forms of social organisation; the right to elect and revoke the authorities and government functionaries who oversee the territorial areas within our jurisdiction.

### Development policy

#### Article 23.

The right to be informed consulted and, above all, to participate in the making of decisions on legislation or policies: and in the formulation, implementation or evaluation of any development project be it at local, national or international levels, whether private or of the state, that may affect our futures directly or indirectly.

#### Article 24.

All major development initiatives should be preceded by social, cultural and environmental impact assessments, after consultation with local communities and indigenous peoples. All such studies and projects should be open to public scrutiny and debate especially the indigenous peoples affected.

#### Article 25.

National or international agencies considering funding development projects which may affect us, must set up tripartite commissions - including the funding agency, government representatives and our own communities as represented through our representative organisations - to carry through the planning implementation, monitoring and evaluation of the projects.

#### Article 26.

The cancellation of all mining concessions in our territories imposed without the consent of our representative organisations. Mining policies must prioritize, and be carried out under, our control, to guarantee rational management and a balance with the environment. In the case of the extraction of strategic minerals (oil and radioactive minerals) in our territories, we must participate in making decisions during planning and implementation.

#### Article 27.

An end to imposed development schemes and fiscal incentives or subsidies that threaten the integrity of our forests.

#### Article 28.

A halt to all imposed programmes aimed at resettling our peoples away from their homelands.

#### Article 29.

A redirection of the development process away from large-scale projects towards the promotion of small-scale, initiatives controlled by our peoples. The priority for such initiatives is to secure our control over our territories and resources on which our survival depends. Such projects should be the cornerstone of all future development in the forests.

#### Article 30.

The problems caused in our territories by international criminal syndicates trafficking in products from plants like poppy and coca must be confronted by effective policies which involve our peoples in decision-making.

#### Article 31.

Promotion of the health systems of the indigenous peoples, including the revalidation of traditional medicine, and the promotion of programmes of modern medicine and primary health care. Such programmes should allow us to have control over them, providing suitable training to allow us to manage them ourselves.

#### Article 32.

Establishment of systems of bilingual and intercultural education. These must revalidate our beliefs, religious traditions, customs, and knowledge; allowing our control over these programmes, by the provision of suitable training, in accordance with our cultures; in order to achieve technical and scientific advances for our peoples, in tune with our own Cosmo-visions, and as a contribution to the world community.

#### Article 33.

Promotion of alternative financial policies that permit us to develop our community economies and develop mechanisms to establish fair prices for the products of our forests.

#### Article 34.

Our policy of development is based, first, on guaranteeing our self-sufficiency and material welfare, as well as that of our neighbours; a full social and cultural development based on the values of equity, justice, solidarity and reciprocity, and a balance with nature. Thereafter, the generation of a surplus for the market must come from a rational and creative use of natural resources developing our own traditional technologies and selecting appropriate new ones.

### **Forest Policy**

#### Article 35.

Halt all new logging concessions and suspend existing ones, that affect our territories. The destruction of forests must be considered a crime against humanity and a halt must be made to the various anti-social consequences,

such as, roads across indigenous cultivations, cemeteries and hunting zones; the destruction of areas used for medicinal plants and crafts; the erosion and compression of soil; the pollution of our environment; the corruption and enclave economy generated by the industry; the increase of invasions and settlement in our territories.

#### Article 36.

Logging concessions on lands adjacent to our territories, or which have an impact on our environment, must comply.

#### Article 37.

The protection of existing natural forests should take priority over reforestation.

#### Article 38.

Reforestation programmes should be prioritised on degraded lands, giving priority to the regeneration of native forests, including the recovery of all the functions of tropical forests, and not being restricted only to timber values.

#### Article 39.

Reforestation programmes on our territories should be developed under the control of our communities. Species should be selected by us in accordance with our needs.

### **Biodiversity and Conservation**

#### Article 40.

Programmes related to biodiversity must respect the collective rights of our peoples to cultural and intellectual property, genetic resources, gene banks, biotechnology and knowledge of biological diversity; this should include our participation in the management of any such project in our territories, as well as control of any benefits that derive from them.

#### Article 41.

Conservation programmes must respect our rights to the use and ownership of the territories we depend on. No programmes to conserve biodiversity should be promoted on our territories without our free and informed consent as expressed through our representative organisations.

#### Article 42.

The best guarantee of the conservation of biodiversity is that those who promote it should uphold our rights to the use, administration, management and control of our territories. We assert that guardianship of the different ecosystems should be entrusted to us, indigenous peoples, given that, we have inhabited them for thousands of years and our very survival depends on them.

#### Article 43.

Environmental policies and legislation should recognise indigenous territories as effective 'protected areas', and give priority to their legal establishment as indigenous territories.

### **Intellectual Property**

#### Article 44.

Since we highly value our traditional technologies and believe that our biotechnologies can make important contributions to humanity, including 'developed' countries, we demand guaranteed rights to our intellectual property, and control over the development and manipulation of this knowledge.

### **Research**

#### Article 45.

All investigations in our territories should be carried out with our consent and under joint control and guidance according to mutual agreement; including the provision for training, publication and support for indigenous institutions necessary to achieve such control.

### **Institutions**

#### Article 46.

The international community, particularly the United Nations, must recognise us indigenous peoples as peoples, as distinct from other organised social movements, non-governmental organisations and independent sectors, and respect for our right to participate directly and on the basis of equality, as indigenous peoples, in all fora, mechanisms, processes and funding bodies so as to promote and safeguard the future of the tropical forests.



## Education

### Article 47.

The development of programmes to educate the general public about our rights as indigenous peoples and about the principles, goals and demands in this charter. For this we call on the international community for the necessary recognition and support.

### Article 48.

We indigenous peoples will use this charter as a basis for promoting our own local strategies for action.

Penang, Malaysia 15 February 1992

## Resolution of the Conference of Indigenous-Tribal Peoples of the Tropical Forests.

### Considering:

1. That in this conference we have proved that the problems of the indigenous and tribal peoples are similar in Africa, Asia and the Americas; that the same ecocide and ethnocide carries on regardless; and that those responsible are united and coordinated at the international policy-making level regarding both natural resources and the denial of the right to self-determination of our peoples.
2. That it is necessary for the representative organisations brought together here to respond to this by joining in a common struggle through unity and solidarity.
3. That two important steps towards this unity are the Charter of shared Principles, Goals and Demands; and a Joint Plan of Action that we have now approved. Nonetheless both steps may be insufficient to achieve concrete results for our peoples. Therefore, in order to give life to this programme and common plan, the next step must be to establish here and now a minimum of coordination amongst us.

### We therefore resolve:

1. To constitute the 'International Alliance of Indigenous-Tribal Peoples of the Tropical Forests', composed of the representatives of the people present here, but open to other sister organisations of the tropical forests of the world.
2. To call our Charter 'Charter of the Indigenous-Tribal Peoples of the Tropical Peoples' and to name this meeting the 'First Conference of the

international Alliance of the Indigenous and Tribal Peoples of the Tropical Forests'.

3. To structure this alliance, so as to deepen our mutual understanding and solidarity, by means of joint action; and to organise ourselves in the following way:
  - a. The fact of establishing the Alliance reinforces the solidarity in the common objectives but does not reduce or affect the autonomy of action of each organisation;
  - b. Responsibility for each working committee (established in 4, below) will be taken on by a representative indigenous organisation, which will appoint the person responsible, who will then organise a working committee based in her/his region;
  - c. The working committees will correspond to the activities approved in the action plan. Each one will be the responsibility of an indigenous organisation. The meeting of those responsible for these working committees will compose the 'Coordinating Committee of the Alliance';
  - d. The first conference of the Alliance will elect the organisations that will make up this Coordinating Committee which will stand until the Second Conference of the Alliance; when the organisational structure will be reviewed and adjusted.
  - e. That the second Conference of the Alliance will take place in an Amazonian city and within no less than 12 months. Its organisation will be the duty of the Coordinating Committee with the help of the WRM and other institutions.
4. To compose the Coordinating Committee of 5 Working Committees which will assume, in addition to those contained in the Plan of Action, the following main tasks:
  - a. Committee of Organisation and Campaigns:
    - Campaigns of solidarity and joint struggle in defence of the indigenous peoples, their territories and the tropical forests of the planet.
    - A special campaign in defense of our brothers from Sarawak (Asia), Batwa (Africa) and Amazonia (America).
    - To support the organisation of and participation at the 'Conference of Indigenous Peoples on Territory, Environment and Development' (Rio de Janeiro, Brazil 21-31 May 1992).
    - Coordinate the organization of the 2nd Conference of the Alliance.
  - b. Committee for Disseminating and Securing Support for the Charter:
    - International distribution and publicity dialogue with indigenous organisations to ensure it is understood and subscribed to relations with the international press.
  - c. Committee on Relations with UNCED and the UN System:

- Promotion of the Charter and indigenous participation in the UNCED and the institutions which it gives rise to. Promotion of the Charter and indigenous participation in the UN Plan for 1993; the FAO, the Human Rights Commission, GATT, WIPO etc.
- d. Committee on Relations with the Multilateral Agencies:
  - Promotion of the Declaration and of indigenous participation in agencies like the World Bank, ADB, IDB, ITrO, TFAP, IFAD etc.
- e. Committee on Relations with International Solidarity Movements.
  - Relations with environmentalists, consumer groups, indigenous rights groups, third world organisations, human rights groups etc.; in order to achieve support for the Charter and the Plan of Action.
- 5. The election of the Coordinating Committee shall proceed as follows:
  - a. The indigenous peoples' organisations from the following regions shall each appoint one member to the Coordinating Committee: Amazonia, Southern Cone, Central America and Caribbean, Africa, Continental Asia, Bahasa, Maritime Asia and Pacific
  - b. The seven organisations so elected will form the Coordinating Committee and will meet immediately to share out the responsibilities entrusted to 5 Working Committees mentioned in Paragraph 4 and will announce the names of those persons who will provisionally take on these tasks, until ratification by the base organisations.
- 6. The above was approved and the seven organisations then met and took on the following responsibilities. Region Organisation Responsibility for Working Committee Amazonia Coordinating Body for the Indigenous Organisations of the Amazon Basin D Southern Cone Mocovi Centre 'lalek Lav'a' C Central America Sejekto Cultural and Caribbean Association D Africa.

Association for Promotion of Batwa A

Continental Asia Naga Peoples' Movement for Human Rights B Bahasa Sahabat Alam Malaysia (Sarawak) E Maritime Asia KAMP - National Confederation of Indigenous Peoples of the Philippines A

**Charter and Resolution signed and approved by:**

- Vicente Pensoa, Confederacion Indigena del Oriente de Bolivia
- Freddy Mathew Sitau, Sahabat Alam Malaysia (Sarawak)
- Bah Tony Williams-Hunt, Centre for Orang Ash Concerns, Malaysia
- Jok Jau Evong, Uma Bawang Residen's Association, Sarawak, Malaysia
- Bonarge Pacheco, Congreso Embera, Panama
- Jose Dualok Rojas, Asociacion Cultural Sejekto, Coat. Rica

- Wan Kang, Sarawak Penan Association, Malaysia
- Montree Chantawong, Project for Ecological Recovery, Thailand
- Raajen Singh, Asia Indigenous Peoples Pact
- Luingam Luithui, Naga Peoples Movement for Human Rights, India
- Marilyn Quierrez, KAMP National Federation of the Indigenous Peoples of the Philippines
- Valerio Grefa, COICA - Coordinating Body for the Indigenous Organisations of the Amazon Basin
- Emerita T. Marrero, Cordillera Peoples Alliance, Philippines
- Viktor Kaisiepo, West Papua Peoples Front
- Ariel Araujo, Centro Mocovi '1alek Lava'a', Argentina
- Javier Armato, Asociacion Civil Indigena de Pueblos Yukpa, Venezuela
- Thomas Jalong, Sahabat Alam Malaysia (Sarawak)
- Francois Munyeshuli, Association for Promotion of Batwa, Rwanda
- Antonius Napitupulu, Association of Siberut People, Indonesia
- Felix Tiouka, Association des Amerindiens de Guyane Francaise, France
- Raymond Abin, Sahabat Alam Malaysia (Sarawak)
- Roberto Espinosa, COICA - Coordinating Body for the Indigenous Organisations of the Amazon Basin (Asesor)
- Daniel Cabixi, Komite Intertribal: 500 Anos de Resistencia, Brazil
- Jeoffrey Tating, Sahabat Alam Malaysia (Sabah)
- Edward Nyipa, Sahabat Alam Malaysia (Sarawak)
- Maximiliano Ferrer, Congreso Kuna, Panama
- Bardie Sawai, SPATF/NANGO, Papua New Guinea
- Penny Atkinson, Amerindian Peoples Association, Guyana

**Penang, Malaysia 15 February 1992**

**The Charter has subsequently been supported by the following organisations:**

- Marcus Colchester, World Rainforest Movement
- Chee Yoke ling, Sahabat Alam Malaysia
- Martin Khor, Third World Network, Malaysia
- Bram van Ojik, Novib, Netherlands
- Chad Dobson, Bank Information Centre, USA
- Roberto Bissio, Instituto Tercer Mundo, Uruguay
- Saskia Ozinga, Friends of the Earth (Netherlands)
- Carol Sherman, Rainforest Information Centre, Australia
- David McCoy, SOS Siberut, UK
- Tony Juniper, Friends of the Earth (England and Wales)
- Tony Juniper, Friends of the Earth (International)
- Ulf von Sydow, Swedish Society for Nature Conservation Heffa Schucking, World Economy Ecology and Development (WEED), Germany
- Chip Fay, Friends of the Earth (USA)
- Isagani Serrano, Green Forum - Philippines

- Carolyn Marr, Down to Earth: the International Campaign for Ecological Justice in Indonesia
- Witoon Permpongaacharoen, Project for Ecological Recovery, Thailand
- Yoichi Kuroda, Japan Tropical Forest Action Network
- Kazuko Matauc, Sarawak Campaign Committee, Japan
- Angela Gennino, Rainforest Action Network, USA
- Gus Gatmaytan, Legal Rights and Natural Resources Centre -Friends of the Earth (Philippines)
- Thomas Wallgren, Coalition for Environment and Development Concerns, Finland
- Grainne Ryder, TERRA - Towards Ecological Recovery and Regional Alliances, Thailand
- Mikael Stenberg, Friends of the Earth, Sweden
- Fiona Watson, Survival International, UK
- The Ecologist, UK

**For more information, contact:**

International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests

Alianza Mundial de los Pueblos Indigenas-Tribales de los Bosques Tropicales

<http://www.gn.apc.org/iaip/index.html>

The I.A.I.P. is the worldwide network of the organisations of Indigenous & Tribal Peoples living in tropical forest countries, namely in Africa, Asia, & the Americas. The Alliance was founded in 1992, during an Indigenous conference in Malaysia, where the Charter of the Alliance was agreed.

La I.A.I.P. es la red mundial de organizaciones de Pueblos Indigenas y Tribales viviendo en en paises de bosques tropicales, a saber, en África, Asia y leas Américas. La Alianza fue fundada en 1992, durante una conferencia indigena en Malasia, donde se aprobó la Declaración de la Alianza.