

Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity

Fourth Meeting

Granada 23-27, January 2006

International Indigenous Forum on Biodiversity (IIFB)

Opening Statement

(23 January 2006)

The International Indigenous Forum on Biodiversity (IIFB) would like to express our special thanks to the Spanish government, the Executive Secretary, and the Secretariat for Article 8(j) for their collective efforts to facilitate the participation of Indigenous peoples to this meeting. We would like to greet and congratulate Dr. Ahmed Djoghla. We appreciate his will to collaborate with Indigenous Peoples in order to achieve the Convention's objectives.

Indigenous Peoples are the holders of our knowledge which is built on the wisdom and knowledge of our peoples and the role of women is a corner stone of this wisdom, which is linked to our control of our territories and resources. We emphasize our inherent and inalienable right of self-determination, which includes our rights to our territories. Indigenous Peoples reiterate that in order to implement the work plan for the CBD it is fundamental to recognize our right of self-determination.

We will be making some interventions in the course of the week but we propose general comments as follows.

Composite Report on Status and Trends of TK

We note that the process for creation of the composite report is lacking in that not all regions had the opportunity for consultations, and furthermore, even where there were consultations, they did not accommodate the full and effective participation of Indigenous Peoples. Although the composite report addresses the status and trends associated with the loss of TK, it must be strengthened by also identifying the threats to new generations of TK, and its innovations and practices. Further, the report fails to address appropriate principles and measures for the protection of trans-boundary TK. The composite report includes a report on registries as a way to protect traditional knowledge. We are very concerned that there were no adequate consultation with Indigenous Peoples and now there is a proposal to create an international registry of traditional knowledge without our free prior and informed consent and recognition of our collective rights.

Given the report's limitations, Parties must ensure more effective consultation, participation of Indigenous peoples and ensure our right of free prior informed consent in order to more fully develop useful strategies to protect Indigenous knowledge.

International Regime on ABS

The IIFB has consistently stated that we do not participate in the CBD work on ABS to facilitate access to our traditional knowledge nor the genetic resources in our territories. Our rights are not negotiable; our rights are inherent and inalienable and recognized in international human rights law. We look forward to the day when the parties to the CBD will uphold their obligations to protect our rights to both our territories and knowledge.

This Working Group on Article 8(j) finally presents an opportunity for Indigenous Peoples to have our concerns about the threats of the international regime heard. Therefore, we look forward to strong recommendations from this Working Group regarding measures to ensure recognition and protection of the rights of Indigenous Peoples in relation to ABS.

Sui Generis Systems for Protection of Traditional Knowledge

We note with deep concern that while the international regime on ABS seeking to facilitate access to, and use of, our knowledge has been fast-tracked, the CBD work on protecting our knowledge through sui generis systems has lagged far behind.

We urge Parties to recognize Indigenous Peoples' own sui generis systems to protect our knowledge which will in turn promote the objectives of conservation of biodiversity and sustainable use. True protection of Indigenous knowledge is found within our own customary laws.

Participatory Mechanisms

Indigenous Peoples are concerned about the lack of political will of the national focal points to fulfill the mandate approved at COP 7 in Decision VII/16G and we note a lack of willingness to implement Article 8(j) and related provisions. Furthermore, the focal points have not supported nor given attention to the initiatives of Indigenous Peoples such as organizing training workshops and disseminating information. Despite this situation, Indigenous Peoples have been consistently making initiatives to conserve biodiversity.

Ethical Code of Conduct

The IIFB welcomes the document outlining an ethical code of conduct guiding interactions with Indigenous Peoples as one measure to respect the cultural and intellectual heritage of indigenous and local communities. We see such an ethical code as an important step towards the protection of Indigenous peoples' rights. We look forward to opportunities this week to further strengthen this document.

We request the Parties support the adoption of document UNEP/CBD/WG8J/8 prepared by the Secretariat on the ethical code so as to guarantee a minimum standard of respect of the tangible, intangible and intellectual heritage of Indigenous Peoples.

Genetic Use Restriction Technologies (GURTs)

Indigenous Peoples have clearly stated that GURTs is a dangerous technology that threatens biodiversity, Indigenous knowledge systems, small holder farmers and global food security, as reflected in the Secretariat's report UNEP/CBD/WG8j/4/9. Any introduction of GURTs in our territories would pose a direct threat to our welfare and food sovereignty, and would constitute a violation of our human right of self-determination.

We strongly urge the parties to recognize the wide range of potential negative impacts of GURTs on Indigenous peoples, local communities and smallholder farmers, and ensure a lasting ban on field testing and commercial use of GURTs and granting intellectual property rights on GURTs.

Indicators for 2010 Target on the Status of Traditional Knowledge

The IIFB welcomes the start of the Working Group's work on indicators to protect traditional knowledge, innovations and practices. The related Target 9.2 to

“Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including the rights of benefit-sharing,”

also needs an indicator developed.

The IIFB sees the work on this indicator as part of a bigger, more substantial package of work on indicators to be undertaken by the Working Group on Article 8(j) and related provisions in the coming years.

The IIFB will present a comprehensive proposal for future work under this Agenda item.

In Depth Review of Implementation

The IIFB values the efforts of this Working Group and recommends renewing the mandate of this Working Group. Further, we recommend development and adoption of a progressive and supportive plan of work for the future. The IIFB further recommends that the Working Group, in taking stock of the current status of the implementation of the work of the Convention, should also assess the contribution of the Working Group on Article 8(j) and Related Provisions in other cross-cutting themes of the CBD, advice rendered to the other CBD Subsidiary Bodies, and synergies with other environmental agreements.

We look forward to further discussions on each of these agenda items in a spirit of mutual respect and collaboration for the benefit of our Earth's biodiversity for future generations.

Thank you.

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Closing Statement

27 January 2006

Mr. Chairman, the birds change their plumage, but not their song. Looking to the past, we are advancing into the future.

Indigenous Peoples present in this Working Group want to thank all those who made possible the organizing of this Fourth meeting on Article 8(j) and Related Provisions.

On the final day of the Fourth Session of the Working Group on Article 8(j), the International Indigenous Forum on Biodiversity wishes to celebrate the achievements attained, but also record our disappointment in what we see as a lack of good faith and genuine commitment by some Parties to ensure that the Working Group on Article 8(j) achieves all that it is tasked with.

The Indigenous Forum takes seriously its important role in the implementation of the CBD. We always contribute to the CBD process in a spirit of genuine good faith and with the teachings and visions of both our ancestors and future generations. The Forum wants this Working Group on Article 8(j) to be successful in all its responsibilities to become a model in the UN system. Parties will recall how many years it took to establish the Working Group on Article 8(j). It has not escaped our attention that many of the Parties that resisted the establishment of this very Working Group because they were skeptical of its ability to add value and deliver concrete outcomes, are the very same Parties who undermined the COP's mandates to this Working Group. We also note the absence of many Parties at this meeting.

We also wish to state that during this week we have been profoundly concerned about the lack of political will to recognize our rights and to respect those of us who have conserved and preserved Mother Nature for centuries. The final documents do not reflect our contributions and represents a step backwards.

The IIFB reaffirms our commitment to positively contribute to the implementation of the CBD and our ability to indicate and reorient the systems for biodiversity conservation and protection, the inherent knowledge that belongs to our peoples and that we have developed for thousands of years in our territories. We believe that currently the dominant models in the World are resulting in the sale of all the cultural heritage and lands of indigenous peoples.

Mr. Chairperson, the critical situation faced by indigenous peoples and local communities of the World has not improved. We continue to suffer from armed conflicts, human

rights violations, forced relocation from our territories, exploitation and expropriation of our natural resources and the consequential cultural demise. Therefore, much of our traditional knowledge is being lost and our peoples are disappearing. Nevertheless, we remain vigilant and committed to advocate for, and the protection of, our inherent and inalienable right of self-determination.

Indigenous peoples are aware of the possible negative impacts of GURTs on indigenous peoples, local communities, and small holder farmers. We will continue to work to ensure that a ban is passed on field testing and commercial release of GURTs and granting intellectual property rights on this dangerous technology. We urge the COP8 to reaffirm decision V/5, section III that demands the implementation of the precautionary principle. We also urge parties to evaluate the possible ecological, social, economic, and cultural impacts of GURTs on Indigenous peoples, local communities and small holder farmers and disseminate the results of Indigenous peoples' evaluation of these impacts.

We have consistently stated that we have very serious concerns about possible threats that the proposed international regime on access and benefit sharing poses to our ability to protect our rights related to our traditional knowledge and genetic resources. Nevertheless, we have always asserted our need to have full and effective participation throughout the CBD's ABS discussions. There is no doubt that the international regime seeks to facilitate access to Indigenous Peoples' territories and traditional knowledge. Therefore, we need measures that will protect our rights.

In the spirit of collaboration and cooperation, the Indigenous Forum extended our hand to the Parties and prepared an extensive proposal regarding measures for the two working groups to collaborate and to include the full and effective participation of indigenous peoples and local communities. We maintain that in order for the Working Groups to effectively collaborate, it is essential to secure the full and effective participation of indigenous peoples and local communities.

In looking ahead to both the Working Group on ABS and COP8, we must stress that unless we are invited to sit at the table with an open heart, there will be no equality, nor any justice for Indigenous Peoples. We are hopeful that Parties and Governments will operate in a spirit of cooperation and for the benefit of our Earth's biodiversity and the survival of all peoples. We look forward to working with you all in Curitiba upon the lands of our strong, indigenous Brazilian brothers and sisters.

Thank you.