

Fifth Session of the UN Permanent Forum on Indigenous Issues
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Statement by IIED, Andes (Peru) and Call of the Earth Llamado de la Tierra

Madame Chair and distinguished delegates, it is an honour to address this important forum. I would like to make a Joint Statement on behalf of IIED, Andes (Peru) and Call of the Earth, a group of indigenous experts. We would like to address the issue of Human Rights and the protection of indigenous bio-cultural heritage which is essential to improve the wellbeing of indigenous peoples. Trade agreements of the WTO and the proliferation of Free trade agreements are accelerating the privatisation and commercial use of indigenous knowledge and resources. While a number of UN agencies are developing valuable policy and standards to protect traditional knowledge, each agency is addressing a particular component of indigenous heritage. The fragmentation of indigenous heritage and rights over heritage is a major threat to its continued existence.

For example, some UN agencies are only addressing the intellectual or intangible aspects of heritage. The CBD, FAO and WIPO separate rights over TK and genetic resources, and separate these components of heritage from their cultural and territorial context. These agencies recognise the sovereign rights of states over natural resources, but do not recognise the rights of indigenous communities over their biological and genetic resources.

UNESCO has developed important conventions on intellectual and cultural heritage but these are controlled by governments, as opposed to indigenous peoples. All these processes marginalise indigenous peoples from decision-making and fail to recognise the right to self-determination, including customary laws.

In order to address these gaps we have started exploring the concept of Collective Bio-Cultural Heritage, which addresses biodiversity and culture together, rather than separating them; recognises collective as opposed to individual rights; and places these rights in the framework of 'heritage' as opposed to 'property'.

Collective Bio-Cultural Heritage emphasizes the need to protect rights to all the inter-linked components of indigenous heritage – including traditional knowledge, bio-genetic resources, traditional territories, cultural and spiritual values, and customary laws and institutions. It also stresses the need for the restitution of rights over heritage which has been taken away.

We therefore propose the following Recommendations for the UNPFII:

- 1) The UNPFII should work with UN agencies and member states to develop holistic and rights based approaches for the protection of indigenous heritage. Collective Bio-Cultural Heritage could provide a useful integrating framework to initiate this process.
- 2) In doing so, the Forum should request UN agencies and member states to review their policy, law and standards on traditional knowledge, genetic resources and cultural heritage in close collaboration with indigenous peoples.
- 3) The Forum should also promote the establishment of Indigenous-managed Bio-Cultural Heritage Areas as a means of protecting traditional knowledge, conserving biodiversity and meeting the MDGs.
- 4) Given that the Forum is the only UN agency focusing on the wellbeing of indigenous peoples, and given that it has the full participation of indigenous representatives, the Forum should consider initiating a process to develop a system, or binding treaty, for the protection of Indigenous Bio-Cultural Heritage. Such a system or treaty should bring together UN agencies, build on the valuable policy standards already developed, and be based on a bottom-up process of indigenous participation in all geographical regions.

Finally, we will be holding a roundtable on the protection of indigenous bio-cultural heritage at lunchtime today.

Many thanks.