

*International Indigenous Experts Workshop on an International Regime on Access and
Benefit Sharing
Como, Italy, 22nd-30th November 2003*

Participants

1. DJ Ah Kee (*Australia*)
2. Merle Alexander (*Canada*)
3. Kyoko Arakawa (*Japan – Administrative Assistance*)
4. Alejandro Argumedo (*Peru*)
5. Tamara Dionne Stout (*Canada*)
6. Debra Harry (*United States*)
7. Christine Kabuye (*Uganda*)
8. Paul Kuruk (*Ghana*)
9. Jannie Lasimbiang (*Malaysia*)
10. Brian MacDonald (*Canada*)
11. Te Tika Mataiapo (*Cook Islands*)
12. Catherine Monagle (*Australia – Coordinator*)
13. Kent Nnadozie (*Nigeria*)
14. Margaret Raven (*Australia*)
15. Joan Shigekawa (*United States – Rockefeller Foundation Representative*)
16. Cassandra Smithies (*United States – Translator*)
17. Maui Solomon (*Aoteroa/New Zealand*)
18. Parshuram Tamang (*Nepal*)
19. Marcos Terena (*Brazil*)
20. Ana Valadez (*Mexico*)

AGENDA

DAY ONE – NOVEMBER 22nd

Review

9.30am – 11.30am

Welcome

Access and Benefit Sharing – History and State of Play

- The work under the Convention on Biological Diversity on ABS until the adoption of the Bonn Guidelines
- The Bonn Guidelines
- The World Summit on Sustainable Development and the International Regime on Access and Benefit Sharing

Coffee Break

11.45am – 1.00pm

- The positions of States and Regional Blocks
- The involvement of Indigenous Peoples

Lunch

2.00pm – 3.30 pm

A survey on national and regional experiences on ABS: Lessons from i.e. the Andean Community, Argentina, Association of South East Asian Nations (ASEAN), Brazil, Organization for African Unity (OAU), Peru etc

Coffee Break

3.45am – 5.00pm

Presentation of Preparatory Documents

DAY TWO – NOVEMBER 23rd

Indigenous Perspectives

9.30am – 11.30am

Analysis and discussion of indigenous peoples concerns and positions in regard to ABS with specific reference to an International Regime on Benefit Sharing, the Bonn Guidelines and the role of customary law.

Coffee Break

11.45am – 1.00pm

Discussion cont.

Lunch

2.00pm – 3.30 pm

Discussion cont.

Coffee Break

3.45am – 5.00pm

Preparation of Recommendations to the CBD Working Group on ABS - Defining the Structure of Recommendations

DAY THREE – NOVEMBER 24th

Finalizing Recommendations

9.30am – 11.30am

Preparation of recommendations – drafting breakout groups

Coffee Break

11.45am – 1.00pm

Preparation of recommendations cont.

Lunch

2.00pm – 3.30 pm

Conclude Preparation of recommendations

Coffee Break

3.45pm – 5.00pm

Discussion on participation at the ABS and collaboration with other indigenous organizations and NGOs to build a strong support network/coalition at the ABS meeting

Outcomes

The International Indigenous Experts Workshop on an International Regime on Access and Benefit Sharing held in Italy, 22nd-30th November 2003 was attended by 16 Indigenous experts and leaders from all regions of the world. A number of presentations on issues and fora were presented to participants and input documents discussed. Together, participants established a set of core principles to inform indigenous peoples' engagement with debates concerning Access and Benefit Sharing relating to traditional knowledge and cultural expressions. Participants emphasized that these principles represent a compromise position of those attending the meeting only. They should not be taken to represent the opinions of any organization or peoples. These principles are as follows:

The right to self-determination of Indigenous Peoples must be recognized as a fundamental principle and framework for the following points:

1. Indigenous Peoples hold sovereign rights over our knowledge, biological diversity and its components.
2. Our knowledge is intrinsically linked to our biological diversity and therefore our knowledge is inalienable from our biological diversity.
3. The Bonn Guidelines and any other international regime must enable the effective, implementation, application and enforcement of Indigenous customary laws.
4. In circumstances where there is a conflict of laws in respect of access and benefit-sharing of Indigenous Peoples' knowledge, biological diversity and its components, customary law shall prevail over the domestic law or international instrument.
5. Indigenous peoples reject patents on all forms of life.
6. Indigenous Peoples are rights-holders and not stakeholders. The Bonn Guidelines and any international regime must affirm our original prior rights.
7. Any international regime must expressly affirm the right of Indigenous Peoples to restrict and/or exclude access to their knowledge and biological diversity and its components.
8. Indigenous Peoples are custodians of their Indigenous Knowledge and have the exclusive right to control and manage their knowledge.
9. Any international regime must ensure that the right to prior informed consent of Indigenous peoples is guaranteed and protected, as a fundamental principle in the exercise of self-determination and sovereignty of Indigenous Peoples.

10. The right of prior informed consent must be maintained throughout any access and benefit sharing arrangements where there is potential change of permitted use or third party involvement.
11. Indigenous Peoples' knowledge and their biological diversity are inherently and collectively held and therefore are inalienable.
12. To encourage contracting states to assist in the enforcement of ABS arrangements which may be threatened by the removal or withdrawal of parties (persons and/or companies) from the jurisdiction of the courts where the contracts were initially entered into. This assistance may include the recognition and enforcement of judgement or arbitral awards given in another contracting state with regards to the ABS arrangements.

These principles were presented to approximately 50 government representatives, NGO's and other observers during a one hour side event on the 2nd December 2003 at the Second Meeting of the Ad Hoc Open Ended Working Group on Access and Benefit Sharing of the Convention on Biological Diversity Working Group on Access and Benefit Sharing in Montreal, Canada.

In addition, several participants of the workshop participated (in their individual capacities) as members of the International Indigenous Biodiversity Forum during both the Ad Hoc Open Ended Working Group on Access and Benefit Sharing of the Convention on Biological Diversity from 1st-5th December 2003, and the third meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity from the 7th to the 12th December 2003.