International Indigenous Forum on Biodiversity
Opening Statement
Seventh meeting of the Working Group on Article 8(j) and related provisions (WG8j-7)
Montreal, Canada, October 31, 2011

Mr. Chairman, Co Chair, Executive Secretary of the CBD, Invited Guests, Ladies and Gentlemen-

We want to recognize the traditional territories of the Mohawk Nation and thank them for their ceremonial welcome this morning. On behalf of the International Indigenous Forum on Biodiversity (IIFB), we congratulate both of you on your election as co-Chairs for this meeting and thank the Secretariat for the preparation of the documents. We also thank the Executive Secretary and the Parties for facilitating the participation of indigenous representatives through the Voluntary Fund and through the support of various NGOs and donors.

The IIFB met in our preparatory meeting and we have prepared substantive responses on each of the agenda items for this meeting.

We wish to recognize the incremental achievements that have been made by the Working Group on Article 8(j) and Related Provisions and the implementation of its programme of work. However, we still feel that much significant work is ahead of us and the IIFB is ready for the completion of the outstanding remaining tasks.

As the work of the Convention progresses with a revised and updated Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the 2011-2020 period, we acknowledge that this is an overarching framework on biodiversity, not only for the environment related conventions, but for the entire United Nations (UN) systems.

Since September 13, 2007, when the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and in various commitments and recommendations thereafter, States and the UN family have resolved and declared that the family of humankind includes Indigenous Peoples. As such, we strongly feel that the term “Indigenous” alone is not appropriate. We must update the current phrase utilized in the text of the Convention to be “Indigenous Peoples and Local Communities” in the text of the Convention itself and all instruments and documents under its auspices. Affirmation of the status of Indigenous Peoples as “peoples” is important in fully respecting and protecting our human rights. Therefore, we reiterate the recommendation of the 9th and 10th sessions of the UN Permanent Forum on Indigenous Issues and call upon the Parties to the Convention on Biological Diversity, to adopt the terminology “indigenous peoples and local communities” as an accurate and true reflection of our distinct identities and cosmovisions.

In keeping with the evolution of the Indigenous Peoples movement for recognition and fundamental human rights, now recognized in the UNDRIP, it is no longer appropriate or acceptable for States to make decisions that affect Indigenous Peoples without their “full and effective participation”. Accordingly, the “full and effective participation of Indigenous
Peoples’ is an international standard and norm and must be upheld accordingly from 2011 onwards. We call on States to work with Indigenous Peoples and local communities through the principle of “full and effective participation”, in their work of the Convention, inter alia the development of ABS and other policies, strategies, and plans of actions. Bio-prospecting, bio-piracy, and denial of Indigenous rights and Indigenous resources are no longer acceptable in 2011.

The third pillar of the Convention is the “fair and equitable sharing of benefits arising out of the utilization of genetic resources”. Article 8(j) clearly notes that the holders of Indigenous Knowledge must be involved for equitable sharing of benefits. Article 10(c) calls on States to protect and encourage customary use of biological resources. Other CBD instruments such as the Bonn Guidelines, Akwe:Kon Guidelines, and Tkarihwai:ri Code of Ethical Conduct, in addition to human rights instruments such as UNDRIP, amount to clear obligations upon Parties to ensure free, prior, and informed consent, mutually agreed terms, and full and effective participation. Article 15.2 also states that “Contracting Parties are not to impose restrictions that run counter to the objectives of the Convention.” The notion that “with their approval” equates to “free, prior, and informed consent” is, in effect, an attempt of Parties to impose restrictions to a basic minimum. On its face is an unscrupulous attempt to acquire knowledge and/or genetic resources from Indigenous Peoples or local communities. The statement should clearly stress that free, prior, and informed consent is a fundamental basic for all States to respect.

In conclusion, Co-Chairpersons, distinguished delegates, we, the IIFB, look forward to further opportunities to contribute meaningfully in constructive discussions over the next few days in the plenary sessions as well as in contact groups.