



International Indigenous Forum on Biodiversity Closing Statement

Sixth meeting of the Working Group on Article 8(j) and related provisions Montreal, Québec Canada, November 6, 2009

Thank you Madam Chairpersons. I am making this Statement on behalf of the Indigenous International Forum on Biodiversity (IIFB). We would like to begin by thanking you for your guidance on these deliberations and for supporting the participation of Indigenous Peoples.

We are pleased with many of the outcomes of this meeting specifically concerning Article 10(c), indicators, the ethical code of conduct, the submission of views on the ABS international regime for transmission to the ABS Working Group, and finally giving importance to customary laws in developing sui generis systems for the broad protection of our knowledge, innovations, and practices. We are ready to work further with Parties on all of these issues which we see as a way forward to the advancement of the rights of indigenous peoples.

Article 10c

Parties have acknowledged the importance of customary sustainable use and agreed that there should be a greater focus on 10(c) in the implementation of the Convention. We appreciate the support of Parties to our recommendation to make Article 10(c) a main component of the revised programme of work on Article 8(j) and related provisions. We are also pleased with the recommendation to convene an international meeting on Article 10 (c) and we look forward to this opportunity to share our experiences concerning customary sustainable use and to be fully involved in developing the future work on 10(c) in the implementation of the Convention at the local, national and global level. We also support the request to the Working Group on 8j and related provisions to develop a strategy to integrate Article 10(c) as a cross-cutting issue into the Conventions' programmes of work and we look forward to contributing to this process.

Ethical Code of Conduct

The IIFB welcomes the significant progress that was accomplished at this session with respect to the Elements of a Code of Ethical Conduct. It is our hope that these elements can prove of use and benefit to Indigenous Peoples and local communities in the respect of our rights and in the protection and promotion of our Cultural and Intellectual Heritage.

The Indigenous Women's Biodiversity Network feels that the inclusion of the full and effective participation of indigenous women in the code of ethical conduct is vital to advance in this process. We would also like to express our concern for the lack of recognition by some Parties of Indigenous peoples and local communities as owners of our traditional knowledge.

Codes of Ethical Conduct must be developed upon a foundation of respect and mutual benefit. While we note with concern some statements by Parties that seek to weaken the recognition and protection of our inherent rights, we welcome the positive steps that have been taken at this working group.

Access and Benefit Sharing

We congratulate the Working Group for its success in formulating views on the ABS international regime for transmission to the ABS Working Group, based upon the reports of the expert groups on compliance and traditional knowledge associated with genetic resources. In our opening statement, we called for the transmission of strong views, and we feel that the views we are transmitting have the potential to be the basis for strong language in the ABS international regime on the rights of indigenous peoples and local communities to our traditional knowledge and associated genetic resources, including our right to free, prior, and informed consent.

We lament the fact, however, that “indigenous peoples and local communities”, the terminology deliberately and carefully chosen by the experts in Hyderabad has not been retained in the views of this working group. This terminology is not new to the CBD, it is already contained in previous COP decisions. It is also in keeping with recent developments in international law and consistent with relevant international human rights and instruments, to use “indigenous peoples and local communities” in the CBD and not the outdated and imprecise term “indigenous and local communities”.

We feel compelled to make a statement regarding the actions of certain Parties who are opposed to using the UNDRIP as a minimum standard in these discussions. We are deeply concerned that this jeopardizes the protection and transmission of our traditional knowledge, innovations, and practices to the future generations.

In many international fora the UNDRIP has become a normative framework in elaborating on all of its work. The UNDRIP provides a vital context for interpreting Indigenous rights and responsibilities, as well as related State obligations. Therefore, we are troubled and cannot accept the comments made by certain State Parties such as Canada to oppose any use or reference to UNDRIP in the work of the CBD.

As in previous sessions, Indigenous peoples have come to these CBD meetings to participate actively and in good faith with States. We appreciate these crucial opportunities to work together in safeguarding and promoting biodiversity in our shared global environment.

Canada’s opposition to the UNDRIP can undermine the security of First Nations increasing their vulnerability and negatively impacts upon the rights of First Nations. Furthermore, Canada is contradicting its own Constitution, which guarantees Aboriginal and treaty rights and affirms its constitutional status as “Aboriginal peoples”.

Indigenous peoples are present here today to strengthen our relationships and partnerships with Parties and the international community. We respectfully urge all States to explicitly refer to and use the *UN Declaration on the Rights of Indigenous Peoples* as an integral part of the implementation of the CBD.

Finally we want to thank the secretariat for facilitating the participation of indigenous peoples and local communities in this meeting.

Thank you Madame Chairpersons.