

## Second International Indigenous Forum On Biodiversity and the Convention on Biological Diversity Workshop

THE CONVENTION ON BIOLOGICAL DIVERSITY IS THE FIRST INTERNATIONALLY BINDING AGREEMENT LOOSELY REQUIRING ITS 165 MEMBER NATIONS TO SUSTAINABLY USE THE WORLD'S BIOLOGICAL DIVERSITY. THE AGREEMENT WAS OPENED FOR SIGNATURE IN JUNE 1992 AT THE EARTH SUMMIT IN RIO DE JANEIRO, AND HAD RECEIVED 168 SIGNATURES BY JUNE 4 OF 1993.

**F**rom November 20-23, Indigenous people from around the world met at the Second International Forum on Biodiversity in Madrid, Spain to prepare a proposal for the Traditional Knowledge and Biological Diversity of the Convention on Biological Diversity (CBD) Workshop, which was held from Nov. 24th to the 28th. The Workshop focused on the implementation of Article 8j, as planned at the third Conference of Parties (COP) in Buenos Aires, Argentina, the previous year in November 1996.

What follows is the proposal drafted by the Indigenous Forum on Biodiversity and submitted to the Workshop on Traditional Knowledge and Biological Diversity. The results from the International Indigenous forum will be presented to the Fourth Conference of Parties in Bratislava, Slovakia, in May of 1998.

### Working document on the implementation of article 8j. and related articles

#### PREAMBLE

*Indigenous Peoples come from the land and have been given our life through the land. We do not relate to the land that we came from as property, we relate to the land as our Mother. That the land is our Mother cannot be denied, just as it cannot be denied that our human mother is our mother. In this respect we as Indigenous Peoples have responsibilities to honor and nurture our Earth to ensure that she can continue to give us life. Our role and responsibility is to protect our Mother Earth from destruction and abusive treatment, just as we would defend our human mother. In carrying out this responsibility over a period of thousands of years, we have become a central component of the biodiversity of the Earth.*

#### RECOMMENDATIONS FOR ELEMENTS FOR THE FORMULATION OF A WORK PROGRAM

1. Ensure that the implementation of article 8j, and related articles, take into consideration the existing Indigenous declarations and proposals, including the Draft Declaration on the Rights of Indigenous Peoples, the Kari Oca Declaration, the Mataatua Declaration, the Santa Cruz Declaration, the Leticia Declaration and Plan of Action, the Treaty for a Life Forms Patent Free Pacific, the Ukupeni Kuna Yala Declaration, and previous statements of Indigenous Forums convened at previous CBD/COP and intersessional meetings.

2. Ensure Indigenous Peoples' full and meaningful participation in the implementation of article 8j. and related articles: a) recognize Indigenous Peoples as Parties to the Convention on Biological Diversity b) adopt the recommendation of the Second International Indigenous Forum to establish an Indigenous Peoples' Working Group c) involve the Indigenous Peoples' Working Group in the interpretation and implementation of article 8j. and related articles, including the monitoring of the compliance of the Parties to the Convention to their obligations under the Convention d) develop mechanisms to ensure Indigenous Peoples' participation in decision making processes at the international level (UN, COP, IFF, etc.) e) develop mechanisms to ensure Indigenous Peoples' participation in decision making processes at the national level, including the development and implementation of legislation, environmental action plans and impact studies f) develop mechanisms to ensure the full participation of Indigenous Peoples in State Parties' strategies to designate and manage protected areas g) incorporate the right to objection in all mechanisms

to ensure Indigenous Peoples' participation h) incorporate the right to free and prior informed consent in all mechanisms to ensure Indigenous Peoples' participation.

3. Develop mechanisms to ensure the full and equal participation of Indigenous women in all processes related to the implementation of the Convention, and support the unique responsibilities of Indigenous women in the caring of their traditional lands and territories and the protection of biodiversity.

4. Develop mechanisms and processes to ensure Indigenous Peoples' control over lands and territories to affect the protection and enhancement of biodiversity: a) recognize the inalienable a priori rights of Indigenous Peoples b) recognize the relationship that exists between the lands and territories of Indigenous Peoples and their knowledge, innovations and practices relating to biodiversity c) develop processes to repatriate the lands and territories of Indigenous Peoples.

5. Incorporate indigenous customary resource uses, management and practices into sustainable development plans, policies and processes at international and national levels, recognizing transboundary issues important to Indigenous Peoples: a) encourage multilateral institutions, international agencies, research institutions and non-government organizations to involve indigenous knowledge, innovations and practices related to the use and management of resources in their plans and programs b) establish an indigenous global biodiversity monitoring system based on early warning systems using indigenous knowledge with the backing of satellite technology and geographic information systems c) require the incorporation of indigenous perspectives and social and cultural

*Continued on page 35*

Continued from page 26

dimensions into environmental impact assessment processes of research institutes, multilateral institutions, governments, etc.

6. Develop standards and guidelines for the protection, maintenance and development of indigenous knowledge, which: a) facilitate the development of sui generis systems of protection for Indigenous knowledge according to indigenous customary laws, values and world view b) recognize the concept of the collective rights of Indigenous Peoples and incorporate this in all national and international legislation c) take into account and incorporate existing Indigenous Peoples' political and legal systems and Indigenous Peoples' customary use of resources d) recognize traditional agricultural systems of Indigenous Peoples e) involve Indigenous Peoples in the development of research guidelines and standards

7. Develop standards and guidelines for the prevention of biopiracy, the monitoring of bioprospecting and access to genetic resources: a) affect a moratorium on all bioprospecting and/or collection of biological materials in the territories of Indigenous Peoples and protected areas and patenting based on these collections until acceptable sui generis systems are established b) affect a moratorium on the registering of knowledge c) recognize the rights of Indigenous Peoples' to access and repatriate genetic materials held in all ex-situ collections, such as gene banks, herbariums and botanical gardens.

8. Ensure the sharing of the benefits derived from the use of indigenous knowledge includes other rights, obligations and responsibilities such as land rights and the maintenance of Indigenous cultures to facilitate the transmission of knowledge, innovations, practices and values to future generations.

9. Ensure that relevant provisions of international mechanisms and agreements of direct relevance to the implementation of article 8j. and related articles, such as the Trade Related Intellectual Property agreement of the World Trade Organization, the European Union directive on the patenting of life forms, the Human Genome Diversity

Project, the Human Genome Declaration of the UNESCO, the FAO Commission on Plant Genetic Resources and national and regional intellectual property rights legislation under development, incorporate the rights and concerns of Indigenous Peoples as expressed in the ILO Convention 169, the Draft Declaration on the Rights of Indigenous Peoples, the Kari Oca Declaration, the Mataatua Declaration, the Santa Cruz Declaration, the Leticia Declaration and Plan of Action, the Treaty for a Life Forms Patent Free Pacific and previous statements of Indigenous Forums convened at previous CBD/COP and intersessional meetings.

10. Provide material and non-material support mechanisms and incentives to Indigenous Peoples for capacity building initiatives towards: a) the development of sui generis systems based on indigenous customary laws for the protection and promotion of Indigenous knowledge, innovations and practices b) institutional strengthening and negotiating capacity c) locally controlled policy, research and development strategies and activities for the maintenance and development of Indigenous knowledge

11. Require the revitalization and maintenance of Indigenous languages as part of the implementation of article 8j. and related articles and support the development of educational systems based on indigenous values and world view, including the establishment of an Indigenous university.

12. Require that research and development activities in the realm of Indigenous Peoples' knowledge, practices and innovation systems are given the same financial and policy support as "formal scientific" research and development activities.

13. Provide material and non-material incentives for maintaining and enhancing biodiversity, including land rights and the recognition of achievements by Indigenous Peoples in protecting biodiversity. ♣

Continued from page 27

ments and reforms to the Mexican state, rather it would be admitting that what is needed is a radical transformation to the corrupt structures of power in Mexico that have been dominated by the more than 70 year old PRI dictatorship. It would mean allowing for not only the Zapatistas, but all of Mexican civil society to have the right to transform the government into something that would govern by obeying the needs and consensus of the Mexican people, rather than continue to be mediator of elite global business interests and an instrument of repression.

Unfortunately Mexico acts with the reassurances of its trade partners, the United States and Canada. The only thing standing in the way of Mexico's unacceptable policy towards Indigenous peoples is civil society both in Mexico and globally. Civil society through both its political will and actions can put an end to this genocidal war. The Indigenous people are clear that the solution will come from nowhere else, nor can they do it alone. "Neither peace nor justice will come from the government. They will come from civil society, from its initiatives, from its mobilizations. To her, to you, we speak today." ♣

*Crystal Echobawk is a member of the Pawnee Nation, who works for the National Commission for Democracy in Mexico. She attended the University of Sussex in Brighton, England where she completed both a Bachelors in History and a Masters in Social and Political Thought, and wrote her thesis on the Zapatistas. In September 1996, she was asked to join the North American Indian Delegation to the United Nation's Working Group on the Draft Declaration on the Rights of Indigenous Peoples in Geneva. In December of that year, she traveled to La Realidad, Chiapas, Mexico and produced a comprehensive briefing report regarding the situation in Chiapas. Since she has been working with NCDM, Crystal has traveled nationwide to raise consciousness and mobilize people around the Zapatista struggle, especially focusing on organizing North American Indian communities to support the struggles of Indigenous peoples in Mexico.*