

3rd Session of Permanent Forum on Indigenous Issues
Agenda Item: 46 Environment
South Asia Women Forum Statement
Presented by Suraporn Suriyamontorn



I am making this statement on behalf of the participants of the Capacity Building Training on Indigenous Women, Biodiversity and the Permanent Forum held from May 6-7, 2004 in New York organized by the South Asia Indigenous Women Forum (SAIWF) with the financial support from the SwedBio, and co-sponsored by the Secretariat of the Permanent Forum.

We the participants from 16 countries would like to make the following recommendations which were among some of the outcomes of the training:

General Concerns and Recommendations

1. For most Indigenous communities access to & communication of information through the internet is not effective, for example for the Maasai women of Kenya.
2. VISA denial to the U.S. Indigenous Peoples are not Terrorists, nor do they want to stay in the United States, they just want access to the United Nations.
3. Access to the Security Council on urgent issues/exigent circumstances, specially with regard to armed conflict.
4. Effective participation requires capacity building to engage in the processes of the United Nations system.

Biodiversity Related Concerns and Recommendations

CBD & UNEP

1. Under the CBD, the cultural value of biodiversity must be recognized and not just the economic and market value of biodiversity.
2. Although it is important to recognize that 150-200 species become extinct everyday, it is also important to consider the thousands of Indigenous peoples that are endangered. The livelihood of Indigenous Peoples parallels the extinction of other species.
3. CBD must recognize and uphold non-Western intellectual property based protection of Indigenous Knowledge.
- ④ We request the Permanent Forum to advise the Conference of the Parties (COP) of the Convention on Biological Diversity (CBD) that the obligations of States under international human rights instruments and the human rights of Indigenous Peoples protected under international human rights instruments must be upheld in the creation of an International Regime on Access & Benefit Sharing (ABS), as well as in the designation of protected areas. We also request the participation of the Permanent Forum in the Working Groups on ABS and Article 8(j) and Related Provisions.

UNESCO

5. We request the Permanent Forum to urge the UNESCO that designation of World Heritage Sites must not occur without the consent of Indigenous Peoples.

Designation of World Heritage Sites occurred largely without the consent of Indigenous Peoples, for example in St. Lucia. Designating these sites by the UN and member states is happening because it creates economic value for tourism.

UNDP

6. Many UNDP country offices are not upholding the UNDP Policy on Engagement with Indigenous peoples and are not appropriately consulting with Indigenous Peoples in those countries. We request assistance from UNDP headquarters to facilitate the appropriate engagement with Indigenous Peoples by country offices
7. In the UNDP development of a policy on Indigenous Knowledge, Indigenous Peoples must be included and consulted and provided effective participation in such consultations.

WIPO

8. The creation of databases of indigenous knowledge by member states of WIPO and international entities such as the World Bank constitute a misappropriation of our knowledge and a violation of our rights of self-determination and sovereignty. We request the Permanent Forum to urge States, WIPO, and relevant UN agencies and bodies to repatriate Indigenous Knowledge held in these databases without the Free Prior and Informed Collective Consent of Indigenous Peoples.
9. Western intellectual property law protections are insufficient and inappropriate methods to protect Indigenous knowledge, innovations, and practices. For example, community patents or trademarks proposed by WIPO are not appropriate forms of protection because they remain based on Western intellectual property rights of patents and trademarks. Both of these are only short term exclusive protections for the sole purpose of commercialization. Once the exclusive period of time expires, that knowledge will be considered part of the public domain- open for all to exploit. Indeed, the most appropriate methods are the *sui generis* systems of Indigenous Peoples, which in turn must be recognized by States.

CLIMATE CHANGE

10. We recommend to the Permanent Forum to urge the Conference of Parties of the Convention on Climate Change to provide for, and encourage participation of Indigenous Peoples in its processes.

CONCLUSION

11. We request the Permanent Forum to facilitate and coordinate further capacity building training for Indigenous Peoples, with particular attention to Indigenous Women, relating to Indigenous Knowledge.
12. We request that the Permanent Forum set "Indigenous Knowledge" as the 2005 theme of the Permanent Forum.

Thank you.



Third Session, UN Permanent Forum on Indigenous Issues
New York, 10-21 May 2004

Collective Statement of Indigenous Peoples of the Pacific Region
Agenda Item 4(b): Environment

Agreeing Organizations:

Kamakakuokalani Center for Hawaiian Studies
Na Koa Ikaika o Ka Lahui Hawai'i
Waikiki Hawaiian Civic Club
Ka Lahui Hawai'i
Ilioulaokalani Foundation
Dewan Adat Papua
Bureau of Consultation for West Papua
Indigenous Community Development
Solidaritas Perempuan Papua
Pacific Concerns Resource Center
Bangsa Adat Alifuru

Rapa Nui Parliament
Te Runango o Ngai Tahu
Te Rapunga o Poutama
Aboriginal and Torres Strait Islander Commission
(ATSIC)
Foundation for Aboriginal and Islander Research
Action (FAIRA)
National Association of Community Legal Centres
National Aboriginal Community Controlled
Health Organisation
Presentation Association
World Council of Churches (Australia)

This Pacific Caucus statement represents 21 organizations joining together from our region. Some of our recommendations have originated from the First Pacific Region Permanent Forum Consultation held on March 15-17, 2004 in Nadave, Suva, Fiji. This consultation was organized by the Pacific Concerns Resource Center (PCRC) that represents 200 affiliated organization in 33 countries. PCRC is a NGO with ECOSOC status. Indigenous peoples from Australia, Bougainville, Fiji, Guam, Hawai'i, Kanaky, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tahiti, Tonga, Vanuatu, and West Papua attended. Regional Civil Society Organizations represented included the Council of Pacific Education, the Foundation of the Peoples of the South Pacific, the Pacific Conference of Churches, God's Pacific Peoples Programme, the Pacific Islands Association of NGO's and the Pacific Island Broadcasting Association/PAC News. In addition two diplomatic missions, Nauru and the Federated States of Micronesia sent indigenous participants. We would like to thank Pacific Region Indigenous Expert Permanent Forum Member Mililani Trask for attending the consultation and for her work to prepare a report to Permanent Forum. We would also like to thank the World Bank, IWGIA and NZAID for funding this first Pacific Region Consultation.

I. RECOMMENDATIONS

1. We recommend that the UNPFII request DESA to take an active role in advocating for industrial powers commitment to the Rarotonga Treaty, the Waigani Convention and the Kyoto Protocol to safeguard the rights of Pacific islands indigenous peoples to live in a safe and secured environment without threats of military bases, toxic and plutonium wastes and sea level rise.
2. We request that the UNPFII request UNEP to constantly monitor the status and management of Persistent Organic Pollutants in Pacific Island States.
3. We request that the UNPFII request the secretariat of the Commission on Sustainable Development to ensure that Agenda 21 of the Rio Declaration, which specifically relates to the Barbados Plan of

Action and Johannesburg Declaration continue to provide the basis for the UN Review Conference on Small Islands Developing States in Mauritius.

4. We request that the UNPFII encourage UN agencies to conduct institutional and capacity building skills for indigenous peoples in the Pacific region in line with our cultural characteristics on our environmental issues.
5. We request that the UNPFII request UNIFEM to formulate a clear policy on the role of indigenous women as custodians of knowledge on biological diversity and their place in high level environmental decision making processes.

On May 6-7, 2004, the "Indigenous Women's Biodiversity Capacity Building Training" was held to encourage more effective participation of women in biodiversity within the UN System. About 20 women from Asia, Pacific, Africa, and Central and South America participated. We can already see an increased ability by the women to participate at these Permanent Forum meetings as a result of the education and training provided. We would like to thank our sisters Stella Tamang and Lucy Mullenkei for their excellent work to coordinate the two-day workshop. We also thank the South Asia Indigenous Women's Forum and SwedeBio for their support. As a result of the presentations by various UN agencies and Indigenous brothers and sisters experienced in the intricate workings of the UN system, the following concerns and recommendations related to biodiversity were raised.

CBD & UNEP

1. Under the CBD, the cultural value of biodiversity must be recognized and not just the economic and market value of biodiversity. Although it is important to recognize that 150-200 species become extinct everyday, it is also important to consider the thousands of Indigenous peoples that are also endangered. The livelihood of Indigenous peoples parallels the extinction of other species.
2. We commend the work of the Working Group on Article 8(j) and the COP for the adoption of the Akwe Kon Guidelines on development on sacred sites on lands and waters traditionally used and occupied by Indigenous peoples. Nevertheless, because these are only voluntary guidelines, we recommend that work be continued to secure binding rules and encourage UN member states to integrate these Guidelines into national and local legislation.
3. CBD must recognize and uphold non-Western intellectual property based protection of Indigenous knowledge.
4. We request that the Permanent Forum advise the Conference of the Parties (COP) of the Convention on Biological Diversity (CBD) that the obligations of the states under international human rights instruments and the human rights of Indigenous peoples protected under international human rights instruments must be upheld in the implementation and future development of the CBD, especially in regard to the creation of an International Regime on Access & Benefit Sharing, as well as in the designation of protected areas.
5. We also request the continued participation of the Permanent Forum in the Ad-Hoc Working Groups on ABS and Article 8(j) & related provisions.

UNESCO

6. To date, designation of World Heritage Sites by UNESCO occurs largely without the consent of the Indigenous peoples whose lands, sacred sites, and otherwise culturally significant areas are encompassed within these World Heritage Sites. Designating these sites by the UN and member states is happening because it creates economic value for tourism. Any further designation must occur only in consultation with Indigenous peoples and only after their free prior and informed consent has been given.

UNDP

7. Many UNDP country offices are not upholding the UNDP Policy on Engagement with Indigenous peoples and are not appropriately consulting with Indigenous peoples in those countries. We request assistance from UNDP headquarters to facilitate the appropriate engagement with Indigenous peoples by country offices. In the UNDP development of a policy on Indigenous knowledge, Indigenous peoples must be included and consulted and provided full and effective participation in such consultations.

WIPO

8. Databases of Indigenous knowledge created by member states of WIPO, such as China & India, and international entities such as the World Bank are misappropriations of Indigenous knowledge and a violation of Indigenous peoples right of self-determination and sovereignty. Indigenous knowledge that is held in these databases without the free prior and informed collective consent of the relevant Indigenous peoples should be repatriated. We further encourage Indigenous peoples to officially put WIPO on notice that they do not want Indigenous knowledge originating from their peoples and territories to be stored in such databases.
9. Western intellectual property law protections are insufficient and inappropriate methods to protect Indigenous knowledge, innovations, and practices. For example, community patents or marks proposed by WIPO are not appropriate forms of protection because they remain based on Western intellectual property rights of patents and trademarks. Both of these are only short-term exclusive protections for the sole purpose of commercialization. Once the exclusive period of time expires that knowledge will be considered part of the public domain – open for all to exploit. Indeed, the most appropriate methods are sui generis systems of Indigenous peoples, which then in turn must be recognized by states.

Climate Change

10. To date, participation in the work of the Convention on Climate Change has been very limited. The Conference of the Parties of the Convention of Climate Change is requested to provide for and encourage participation of Indigenous peoples in its processes.
11. Indigenous peoples should oppose monoculture plantations because it is inconsistent with the protection and promotion of biological diversity. Monoculture planting is a ploy of developed countries to earn credits to facilitate further release of pollution into our environment.

Conclusion

12. Request that the Permanent Forum set “Indigenous Knowledge” as the 2005 theme of the PF.
13. Request the Permanent Forum to facilitate and coordinate regional capacity-building training for Indigenous peoples, with a particular attention to the needs of Indigenous women, relating to Indigenous knowledge.