

Seventh Session of the Permanent Forum on Indigenous Issues

New York, April 21-May 2, 2008

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Follow-up Statement of Native Children's Survival to the 2007 Joint Statement of Native Children's Survival, American Indian Law Alliance, Buffalo River Dene Nation, Indigenous World Association, Hawaiian Institute For Human Rights

Agenda item 9: Future work of the Permanent Forum including emerging issues.

Greetings Madam Chair, members of the Permanent Forum, our indigenous brothers and sisters, and to all in attendance here today. I wish to respectfully follow-up on the remarks and recommendations made under item 9 during the Sixth Session of the Permanent Forum with regard to specific private sector issues. Those recommendations were:

1. That the Permanent Forum restrain NGOs using their ECOSOC status with the PFII from providing Corporations access to Indigenous Peoples, Nations and Organizations for the financial exploitation of Indigenous culture, philosophy, creativity, resources, intellectual property, images, names and likeness; or to provide this forum as a vehicle for corporations or NGO's to promote themselves for bottom line profits at the expense of Indigenous Peoples.
2. That the PFII in conjunction with the OHCHR, WIPO, the Special rapporteur on human rights and fundamental freedoms of indigenous peoples develop guidelines regarding corporations' and NGOs activities with indigenous peoples that contain provisions recognizing indigenous peoples' right to Free, Prior and Informed Consent, intellectual property rights, traditional knowledge, collective rights over their lands and natural resources. These guidelines should also contain provisions dealing with access to benefit sharing and impact assessment measures.

Madam Chair, once more, I would like to call your attention to the behavior of corporations in relation to indigenous peoples' intellectual property rights, traditional knowledge, resources, images, names and likenesses, as well as to the NGOs that provide them, their public relation teams, and the media credentials and access to attend and hold events during the PFII sessions.

We are concerned that corporations and NGOs are using this Forum to promote themselves as examples of "best practices" to profit from Indigenous Peoples. For instance, the Aveda Corporation with the access provided by the Tribal Link Foundation, among other things, hosted a lavish luncheon for the media to promote their "best practices" that took place during the 5th

session of the PFII ironically on the same day that a trial was scheduled to commence against them for alleged bad faith dealings with Indigenous Peoples. During the Sixth Session of the Permanent Forum, in this room, Aveda and Tribal Link again co-hosted a parallel side event entitled "Dialogue for the future: Indigenous Entrepreneurship, Opportunities and Challenges" and on April 29th in this Seventh Session, Aveda Corporation and Tribal Link co-hosted a film screening in Conference room 4 entitled "4Real Yawanawa" another public relations effort in the shadows of the Permanent Forum.

These types of business practices should no longer be tolerated by this forum, nor should this forum be used in this manner, especially after a jury verdict was rendered on February 7, 2007 against the Aveda Corporation for failure to pay due compensation for the indigenous product line. Additionally, Indigenous Peoples who previously worked with Tribal Link sought transparency regarding funding Tribal Link received on their behalf from the Aveda Corporation but to no avail and therefore officially cut ties with Tribal Link.

There are other examples of "best practices" and "good examples" presented at this forum by international agencies, and transnational corporations that are also not transparent and not adequately monitored nor checked for their cultural, spiritual, and environmental impact on Indigenous Peoples, and Indigenous Peoples' homelands, territories, and natural resources. For example, the Jepirachi wind project in Colombia funded by the World Bank and the fast growing global industry of Carbon Trading and carbon offset mechanisms that provide big industry with loopholes to legally increase greenhouse emissions while not taking real actions to reduce greenhouse gasses.

Indigenous Peoples live at the point of impact and are the first to suffer the unnecessary desecration of land and life through such practices. Unfortunately, there are some, in these very halls, that continue to solicit individual Indigenous people to be their "indigenous poster children", and then claim they have the consent of all, to exploit our natural resources, culture, philosophy, creativity, resources, intellectual property, traditional knowledge, images, names and likeness in the name of "best practices". More often than not, they manage to circumvent Indigenous Peoples' rights to free, prior, and informed consent and to fair benefit sharing.

Therefore, Madam Chair, we would like to reiterate the recommendations made during the Sixth Session of the Permanent Forum On Indigenous Issues.

Thank you Madam Chair