

**Permanent Forum on Indigenous Issues
Eleventh session
New York, 7-18 May 2012**

**Agenda Item 5: Comprehensive dialogue with United Nations agencies and funds;
Report of the annual session of the Inter-Agency Support Group on Indigenous
Peoples' Issues**

**Joint Statement of Assembly of First Nations, Chiefs of Ontario, Grand Council of the
Crees (Eeyou Istchee) and Canadian Friends Service Committee**

**Secretariat of the Convention on Biological Diversity Exceeding Its Authority and
Undermining Indigenous Peoples' Human Rights**

In the interest of time, we are providing a condensed portion of a longer submission which will be provided to PFII members next week. The longer submission will address more generally the urgent need to reform the procedural rules of international organizations, consistent with the *Charter of the United Nations* and international human rights law. This would necessarily include the *United Nations Declaration on the Rights of Indigenous Peoples*.

In regard to the *Nagoya Protocol* on access and benefit sharing, we are concerned that the Secretariat of the Convention on Biological Diversity (CBD) is:

- taking positions that undermine the rights of Indigenous peoples
- attempting to diminish the voices of Indigenous peoples, human rights organizations and educational institutions that have provided analyses on problems in the *Protocol*
- criticizing the expert members of the Permanent Forum for expressing concerns.

The Secretariat has agreed to report on how PFII recommendations are being considered or addressed in relation to CBD-related instruments or processes. We expect the Secretariat to fulfill this role, in a fair and equal manner.

Last fall, at the meeting of the Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, concerns were expressed that the Secretariat had omitted from its own Report two key recommendations from the 2011 Report of the Permanent Forum.

As a result, the International Indigenous Forum on Biodiversity (IIFB) made the following "imperative" request at the Montreal meeting:

There are two additional recommendations of the Permanent Forum that we feel were left out of document UNEP/CBD/WG8J/7/7 and the IIFB feels that it is imperative that they are included in the report transmitted to the COP [Conference of the Parties] because of its relevance to the work of the Convention. These recommendations are from the 10th Session of the UNPFII ...

In regard to its 2011 annual meeting, the Inter-Agency Support Group (IASG) includes the following comments by the Secretariat of the CBD:

On the topic of indigenous peoples and the environment, the Secretariat of the Convention on Biological Diversity presented information on the Nagoya Protocol and recommended that the Permanent Forum seek the views of indigenous peoples from all regions regarding the Convention on Biological Diversity and the Nagoya Protocol processes, particularly when formulating recommendations.

In the same paragraph, the Secretariat encouraged in effect the Permanent Forum to not support "minority" views as follows:

Related to this issue was the propensity of a minority of indigenous participants in the Convention on Biological Diversity processes to seek redress at the Permanent Forum when their views were not supported by the indigenous caucus (International Indigenous Forum on Biodiversity). Such practices should be actively discouraged by the Permanent Forum. Also highlighted was the need for recommendations to be within the mandate of the intended United Nations agency in order to ensure that they would be actionable.

In making such comments, the Secretariat is exceeding its authority and politicizing its role. Since its inception, the Permanent Forum has invited Indigenous peoples and individuals from every region of the world to participate in its annual sessions. It is offensive for the Secretariat to suggest otherwise.

The Secretariat is also exceeding its authority in inappropriately suggesting to the PFII expert members which views or concerns should be embraced by them.

Even if the views put forward had been by a "minority", it is undemocratic for the Secretariat to suggest that the Permanent Forum members not support such concerns regardless of their merit.

An underlying concern is that the Secretariat of the CBD does not favour Indigenous and other organizations raising concerns that pertain to the legality or legitimacy of the *Nagoya Protocol*. However, the joint submissions that have been made to date in regard to the *Protocol* include Indigenous peoples, human rights organizations and educational institutions from different regions of the world. We have provided detailed analyses on major defects and other injustices in the *Protocol*.

We are especially concerned that the Secretariat has provided over 30 specialized agencies that comprise the IASG with erroneous and prejudicial information on the diverse peoples, organizations and institutions that have endorsed joint submissions – and on their fundamental concerns.

Recommendations

We recommend that the Permanent Forum inform the Executive Secretary of the Convention on Biological Diversity (CBD) of the inappropriateness of its Secretariat to send such a defective and misinformed response. Such response exceeds the authority of the Secretariat and significantly derogates from its important facilitative role within the CBD.