

doCip

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1. EDITORIAL

Previous Update issues this year have mainly explored the evolution of the international regime on Indigenous People's rights, focusing in particular on the institutional changes and transformations that currently provide an expanded framework for debate and advancement of indigenous themes worldwide.

The current issue of Update is quite different, and therefore special. We have chosen to introduce new information regarding the cooperation between the European Union and Indigenous Peoples in the context of the existence of new EU instruments for development and human rights. We also provide a platform for indigenous voices regarding some crucial areas of concern, namely the situation of indigenous women around the world, the challenges and opportunities faced by indigenous youth, and an update on the recent Conference of Parties (COP9) of the Convention on Biological Diversity that took place in Bonn during the month of May 2008.

The common idea running throughout the published texts emphasises that various indigenous issues are interconnected and hence cannot be tackled separately. The article concerning the EU, as well as the speech held by Ms. Hélène Flautre, Member of the European Parliament, show that the Union is committed to engaging with indigenous themes, which it views as cross-cutting a variety of fields. These range from economic development to social integration and project funding. The pieces focusing on indigenous women outline the challenges with which they are faced as a social group and illustrate how their mobilisation can harbour progress on crucial issues, such as article 8(j) of the Convention on Biological Diversity, for example. The articles on the subject of indigenous youth highlight several key issues: their struggle for recognition inside and outside their communities; their efforts to advance the aims of indigenous communities at both national and international levels; and the declaration made by the Indigenous Youth Caucus at the 7th session of the UN Permanent Forum on Indigenous Issues pointing to the areas of concern and action from the perspective of indigenous youth. The update on the Convention on Biological Diversity outlines how the UN Declaration on the Rights of Indigenous Peoples has been acknowledged in the decisions of the 9th Conference of Parties and presents the Opening and Closing statements delivered by the International Indigenous Forum on Biodiversity.

The value of these texts stems in the fact that their authors find themselves at the forefront of the indigenous struggle and bring forward first-hand information in a complex and highly debated field.

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2. THE EUROPEAN UNION AND INDIGENOUS PEOPLES

The European Union and Indigenous Peoples

In Update No. 59-60, doCip presented the legal and political framework structuring the relationship between the European Union (EU) and Indigenous Peoples. This article updates the previous information and brings new elements on the workings of the cooperation between the EU and Indigenous Peoples within the framework of the Instruments for development and the promotion of human rights that the Union has developed of late. In addition, we publish the speech held by Ms. Hélène Flautre, member of the European Parliament, at the United Nations Permanent Forum on Indigenous Issues in April 2008.

The EU institutions

Three main institutions govern the EU:

- ✓ The **European Parliament** adopts laws and, with the Council, decides on the annual budget of the Union.
- ✓ The **Council of the European Union** represents the governments of member states and is the main decision-making body of the EU.
- ✓ The **European Commission** represents and promotes the common interests of the Union, ensures the correct implementation of European treaties and legislation, and fund management.

Basic principles governing the cooperation with Indigenous Peoples

The basic principles of the cooperation with the Indigenous Peoples are:

- ✓ The importance of **self-development** that supposes respect for their social, economic and cultural organisation, as well as their cultural identity.
- ✓ The need to support the **active participation** of Indigenous Peoples in all the stages of project development (programming, identification, planning, implementation and evaluation), and getting their **free prior informed consent**.
- ✓ The right to compensation in case of negative impact of a project, namely in the issue of the preservation of natural resources.
- ✓ The recognition of the key role played by Indigenous Peoples, particularly with respect to the protection of natural resources.
- ✓ The recognition of the fact that cooperation with indigenous peoples is essential to the achievement of the goals of poverty eradication, sustainable development, respect for human rights and development of democracy.

In other words, indigenous issues are considered as **crosscutting**, meaning that they must be taken into consideration throughout all cooperation fields, such as development, human rights, management of natural resources or health. The **European Union considers them as primordial, such as, for example, the issue of children's rights**. (source: Paola Amadei, 2006)

Essential cooperation documents in the relation with Indigenous Peoples

The EU Council Resolution on Indigenous Peoples in the framework of the development of the Union and its member states' cooperation of 30 November 1998

http://ec.europa.eu/external_relations/human_rights/ip/res98.pdf

Conclusions of the EU Council on Indigenous Peoples of 18 November 2002

http://ec.europa.eu/external_relations/human_rights/gac.htm#hr181102

The European Consensus on Development of 2005

http://ec.europa.eu/development/policies/consensus_en.cfm

RELEX Programming fiche, Paola Amadei, 2006

http://ec.europa.eu/development/icenter/repository/F47_indigenous_peoples_fin_en.pdf

European Instrument for Democracy and Human Rights (EIDHR)

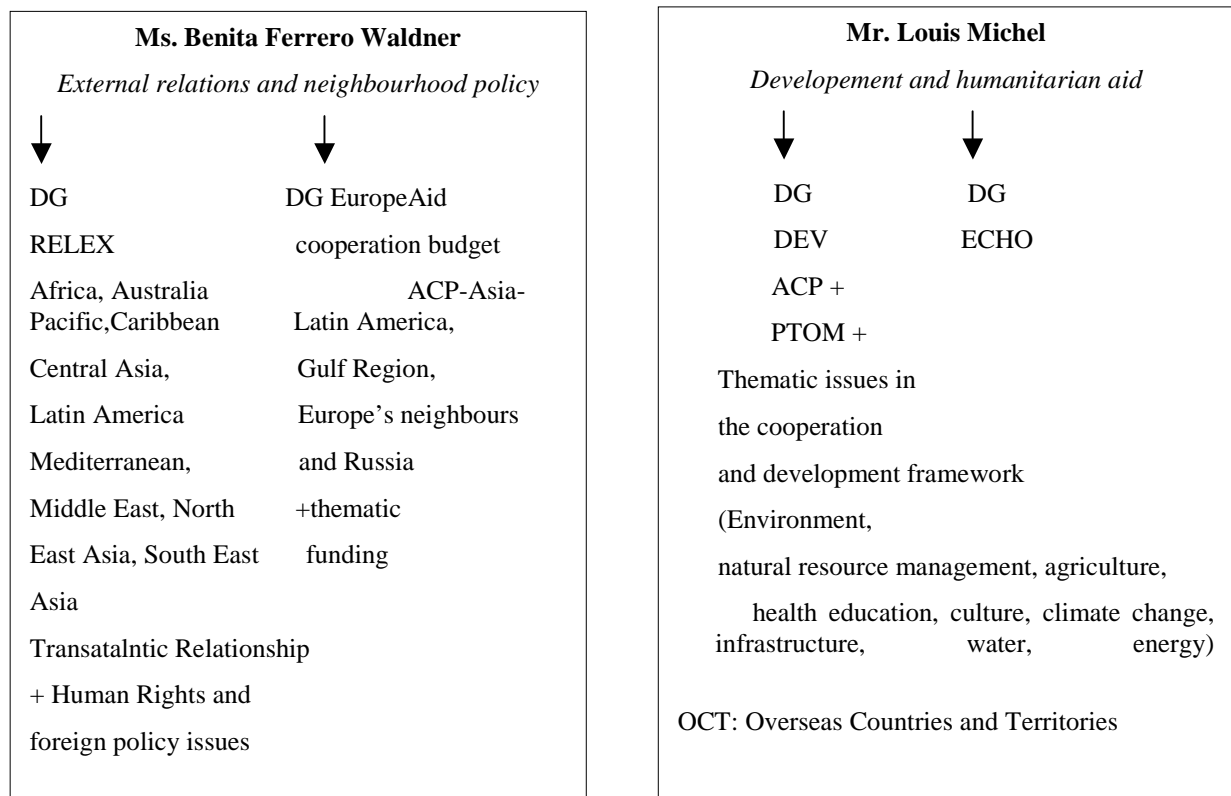
http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/eidhr-strategy-paper-2007_en.pdf

The European Commission (EC), executive body of the Union

The EC is directly involved in the cooperation with Indigenous Peoples. It is made up of Commissioners who are responsible for Directorates-General (DG) that govern the different aspects of European politics and develop thematic and country policies.

The Directorates-General in charge of indigenous issues are the Directorate-General for External Relations (RELEX), focusing on the political principles of cooperation and the EuropeAid Directorate-General, in charge of project selection and financing; these two Directorates-General are coordinated by the Commissioner in charge of the European external relations and neighbourhood policy; the Development Directorate-General (DEV), in charge with development related issues and policies, and the Humanitarian Aid Directorate-General (ECHO) are coordinated by the Commissioner for development and humanitarian aid; the Environment Directorate-General (ENV) and the Trade Directorate-General (TRD) are coordinated by other Commissioners. In this article we shall focus on the main elements relevant to Indigenous Peoples, located principally in DG RELEX, DEV, ENV and EUROPEAID. Please note, however, that the Trade Directorate-General is in charge of negotiations at the World Trade Organisation (WTO) and represents EU positions in this institution, fact that is important within the framework of article 8(j) of the Convention on Biodiversity, concerning traditional knowledge and its use.

Even if Directorates-General have specific mandates, it is important to remember that their programmes and policies are interconnected and interdependent, according to the themes and geographical areas with which they deal.



The aforementioned Directorates-General (except EuropeAid) develop thematic and geographic (or by country) policies. These policies or strategic papers are drafted by desks connected to the EU Delegations in the concerned countries or geographic areas. They are made public and civil society can express itself on their content. Following an extensive consultation process, they are discussed at the Council and Parliament levels, and finally adopted.

EuropeAid develops activity programmes following these policies, fact which enables their implementation. It manages thematic funds whilst geographical funds are managed by EU Delegations in the concerned countries. Therefore, it is important to consult regularly the site of the EU Delegation in your country, whose address you will find on the following internet website http://ec.europa.eu/external_relations/delegations/intro/web.htm It is even more important to make contact with the EU Delegation in your country and to insist in initiating a consistent dialogue with it and a continuous process of meetings and information exchanges. These contacts

must be institutionalised at the level of the indigenous organisation and the Delegation and must be independent of the periodical staff changes occurring in both contexts. In case of difficult access, doCip will support you in your approach and will try to find the right person at the EC headquarters.

The External Relations Directorate-General (RELEX)

The RELEX Directorate-General coordinates all the activities and programmes related to Indigenous Peoples, considered an important aspect of policies concerning human rights. The Directorate must follow closely the development of human rights related to Indigenous Peoples at the international level and its person in charge of “Indigenous Issues” generally attends UN sessions in this respect (the former Working Group on Indigenous Peoples, etc). The Directorate has equally contributed to the follow-up of recommendations of the special Rapporteur on the rights of indigenous peoples in the case of Guatemala and Mexico. The Directorate’s website (http://ec.europa.eu/external_relations/human_rights/ip/index.htm) gathers historical official documents of the cooperation between the EU and Indigenous Peoples as well as the contact details of people in charge of the issue in other Directorates. (see box at the end of the article).

The coordination part played by RELEX ensures the coherence between various agencies, policies and initiatives promoted by the EU in its external relations. Regarding Indigenous Peoples issues, the RELEX Commissioner has a specialised counsellor who is in permanent contact with the Parliament’s Human Rights sub-commission (http://www.europarl.europa.eu/committees/droi_home_en.htm), thus following all the relevant advances that could apply to indigenous issues. A special note is needed regarding policies towards Indigenous Peoples who live in EU countries. The EU is particularly concerned to keep its principles and activities coherent; as it has not adopted specific policies towards the Indigenous Peoples living inside the Union, the principles it has adopted in its cooperation with indigenous communities living in outside countries, should, in this respect, guide its activities inside the Union.

In addition to the link with the Parliament, the special counsellor on indigenous issues also coordinates an **Interservice Quality Support Group**, or “wise persons committee”, made up of independent experts in relation to the Directorates that constitute it. This entity is meant to evaluate every strategy, thematic, and by country paper (as mentioned above). Currently, these papers are drafted for the 5-10 years ahead. For their evaluation, the members of the Group have a scheme of criteria, including the presence of crosscutting themes, such as the Indigenous Peoples one. Hence, they check if the latter is mentioned in the strategy papers; what must be done for the improvement of the situation; if the programmed activities are in agreement with the analysis on which they are based.

The **consultation of civil society** is done through the European Commission’s website, http://ec.europa.eu/yourvoice/consultations/index_en.htm, which allows EU and beneficiary countries’ citizens to express themselves regarding the Union’s initiatives, its policies and development programmes. Regarding human rights and therefore, Indigenous Peoples, the last consultation happened in 2006, when the Union submitted to the public’s attention a strategy paper concerning the promotion of human rights and democracy theme. The communication of the Thematic Programme for the Promotion of Democracy and Human Rights under the future financial perspectives (2007-2013)

http://ec.europa.eu/external_relations/human_rights/doc/index.htm was approved by the Commission on 25 January 2007. It was brought for debate in the European Council and Parliament during the development of new legislative arrangements, and was approved by these bodies during 2007.

Civil Society consultation in ACP countries

The “Non State Actors (NSA) and Local Authorities (LA): Consultation in the Elaboration of the 10th European Development Fund (EDF) Country Strategy Papers in ACP countries” study of December 2007 (http://ec.europa.eu/development/icenter/repository/Consultation-non-state-Actor-and-local-Authorities-Public%20report_en.pdf) suggests that there are considerable discrepancies between countries insofar as civil society participation to the consultation processes in ACP countries. On page 15, the study mentions the situation of African Indigenous Peoples who are not taken into account in the consultations, due to their physical remoteness, the fact that they are not on the Delegations contacts lists due to lack of time or resources or because they do not speak the language used for the consultation. The study offers recommendations for addressing this basic unequal situation. The Delegations in the countries must also consult civil society on the programmes to come (for the next 5 to 10 years). Indigenous organisations must be part of this consultation and must make themselves known to the Delegations in order to be able to participate. This is a right and it is important that you act on it. This principle of consultation is valid for countries under the management of the RELEX Directorate-General as well as those under the management of the Development Directorate-General.

The Development Directorate-General (DEV)

The DEV Directorate-General is in charge of development strategies and of coordinating relations between the European Union and the Sub-Saharan African, Caribbean and Pacific (ACP) states; it also deals with relations between the EU and the African Union, as well as regional economic communities and Overseas Countries and Territories. The 2005 **European Consensus for Development** (http://ec.europa.eu/development/policies/consensus_en.cfm) is a political declaration that expresses the EU's will to eradicate poverty and to build a more stable and just world. The Consensus defines common values, objectives, principles and engagements that shall be implemented by the EC and by member states in their development policies.

The main aims of the Consensus are the diminution of poverty and the promotion of a development based on Europe's democratic values. One of its basic principles is that developing countries are first and foremost responsible for their development, principle whose implementation is based on **national strategies elaborated in cooperation with non-governmental bodies**, which mobilise national resources.

The Consensus includes indigenous issues as crosscutting ones in its programmes, dealing primarily with social cohesion and employment, mainstreaming, good governance and democratisation.

Thus, **article 97**, on social cohesion and employment affirms:

In its efforts towards poverty eradication, the Union aims to eliminate social exclusion and to combat discrimination against all marginalised social groups. It will promote social dialogue and protection, focusing above all on gender equality, Indigenous Peoples' rights, the protection of children from trafficking, armed conflict, the worst forms of exploitation and discrimination, and on the situation of people with disabilities. (p.15)

Article 101 on mainstreaming affirms:

In all its activities the Union will strengthen the mainstreaming of the following cross-cutting issues: the promotion of human rights, gender equality, democracy, good governance, the rights of children and **Indigenous Peoples**, sustainable environmental activity and the fight against HIV/AIDS. These cross-cutting issues constitute at the same time objectives per-se and fundamental elements in the strengthening of sustainability and cooperation (p.15)

Article 103 on democracy, human rights, children and indigenous peoples rights affirms:

Democracy, good governance, human and children rights will be promoted in partnership with all countries receiving help from the Union. These issues will have to be systematically integrated in the Union's instruments, in all the regional and country strategies. The basic principle in safeguarding **Indigenous Peoples'** rights is to ensure their effective participation and free prior consent (p.16)

The strategy papers elaborated by the DEV Directorate-General must integrate these principles. They are discussed with governments, and then published. They indicate how much money is allocated to which activities. The EC Delegations in different countries play an increasing part in the realisation of these projects and it is important that the dialogue with the Indigenous Peoples increases, because for the moment it exists in very unequal degrees across countries.

At a thematic level, the DEV Directorate-General focuses especially on (1) issues of resources and land access in various countries, particularly at the rural level, which is becoming a priority; (2) the Convention on the fight against desertification; a budget line exists for the implementation of International Conventions such as that on desertification or climatic change; (3) food security; (4) the exclusion of factors determining it, such as the denial of the right to land. In this respect, the EU affirms the importance of taking the customary right to land into consideration.

The Environment Directorate-General (ENV)

Like other Directorates-General, the ENV Directorate-General supports the RELEX and DEV Directorates-General, in the elaboration of environmental policies by country that are negotiated by RELEX and DEV with the concerned governments; therefore, there is a dialogue between these governments and the services of the EC Delegations and it is important that Indigenous Peoples make a lobbying effort in order to make their needs and knowledge known better in this area. Their worries can indeed be integrated in the comments that the ENV Directorates-General drafts for EuropeAid and the DEV Directorate-General, which are subsequently distributed to EC Delegations in the countries.

Problems of access to EU Delegations

Sometimes, indigenous organisations have problems of access to EU Delegations in their countries. If this is the case, it is recommended to get in touch by email with the EC delegate in the country, sending at the same time copies of the message to country desk officers in Brussels, to the person in charge of indigenous issues at the DEV and RELEX Directorates-General. If you are not aware of their names, ask for them the persons mentioned in the table below or ask **doCip** for help, who, as previously mentioned, will support you and will try to find you the right person. Be perseverant! Do not get discouraged! Very often, EC delegates are not even aware of your existence: introduce yourself to them, as well as your organisation, projects and achievements. Use all the available channels for civil society consultation.

At the international level the ENV Directorate-General is present in the UN Forum on Forests, the “Forests, law and governance implementation” programme and the Convention on Biodiversity. It formulates recommendations concerning the Advantage and Benefits Sharing (ABS) regime and supports the protected areas for the benefit of local populations, and the need for free prior informed consent.

The EuropeAid Directorate-General

EuropeAid is the EC Directorate-General in charge of the implementation of foreign development programmes. It works in close collaboration with the EU neighbourhood, Russia, African, Caribbean and Pacific regions. Latin America and Asia. In other words, EuropeAid coordinates the geographic and thematic programmes that stem in the geographic and thematic policies elaborated by other Directorates-General. It does it according to the various instruments developed by the EU for Indigenous Peoples, namely the **European Consensus on Development** and the **European Instrument for Democracy and Human Rights**.

Geographic programmes cover five regions, namely: Africa, Asia, Latin America, the Gulf region and the oriental and southern neighbours of the Union in the following cooperation areas: 1) the support and implementation of policies aiming to eradicate poverty; 2) the fulfilment of essential needs of the population, namely primary education and health; 3) promotion of social cohesion and employment; 4) promotion of governance, democracy, human rights and support for institutional reform; 5) assistance for neighbouring countries and regions in the fields of trade and regional integration; 6) promotion of sustainable development through environment protection and sustainable natural resources management; 7) support of sustainable and integrated management of water resources and promotion of an increased use of sustainable technologies in the energetic field; 8) assistance in post-crisis situations and to fragile states.

The five **thematic programmes** refer to: 1) investment in human resources; 2) the environment and the sustainable management of resources; 3) non state actors¹ and local authorities; 4) improvement of food security; 5) cooperation in the area of migration and asylum.

Indigenous Peoples and the European Instrument for Democracy and Human Rights (EIDHR)

This Instrument follows the existence of the European Initiative of the same name. It is important to note that the European Commission wanted to cancel the initiative when it reached its expiry date (2006). The latter has become an Instrument thanks to the concerted efforts undertaken by the human rights sectors of the European Commission and Parliament. Without these people, the EIDHR would have simply disappeared.

The rights of Indigenous Peoples are considered as a funding priority by the **European Instrument for Democracy and Human Rights (EIDHR)** for the 2007-2010 period

(http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/eidhr-strategy-paper-2007_en.pdf). The EIDHR aims to strengthen the part of civil society in the defence of human rights, political pluralism and in the democratic participation and representation. The general aims of the EIDHR are:

- ✓ The improvement of the respect for human rights and fundamental freedoms in difficult situations.
- ✓ Support and protection for those who defend human rights.
- ✓ The ban or restriction of the use of torture, physical violence and degrading treatments, as well as help for the rehabilitation of victims and for their access to justice.
- ✓ Support organisations who fight for the abolition of the death penalty and who help in the field of child protection and armed conflict.

The EIDHR also aims to strengthen the international framework for the protection of human rights, justice, as well as the defence of democracy. The thematic programme on democracy and human rights supports projects

¹ The EU considers non-state actors all actors other than the state who play an important part in a country, society or region. These are all the NGOs, enterprises and groups of enterprises, trade unions, religious groups, etc. All formal or informal organisation with a certain power in society. Traditional authorities are also part of this notion.

promoting the dialogue between Indigenous Peoples and neighbouring communities, the improvement of public authorities' capacity of understanding and respecting the rights of Indigenous Peoples and the improvement of the Indigenous People's part in the democratisation of a country. The EIDHR helps Indigenous Peoples participate in regional and international normative procedures. In this context, the projects financed under the EIDHR aegis, targeting international organisations, NGOs and indigenous organisations aim to:

- ✓ Support Indigenous Peoples and their representatives in their participation and follow-up of UN processes concerning Indigenous Peoples.
- ✓ Support civil society activities aimed at promoting ILO Convention 169 and its principles.

In its Strategy Document the EIDHR outlines five concrete objectives, each representing a platform for a call for project proposals, published on the specific internet website, <http://ec.europa.eu/europeaid/cgi/frame12.pl>.

The five objectives are:

1. Strengthening respect for human rights and fundamental freedoms in the countries and regions where they are most under threat.
2. Strengthening the part of civil society in the promotion of human rights and democratic reforms, in support of the peaceful reconciliation of private interests and the extension of political participation and representation.
3. Support actions connected to human rights and democracy in the fields covered by community orientations, such as the dialogue on human rights, human rights defenders, death penalty, torture, children in armed conflicts.
4. Support and strengthen the international and regional framework for the protection of human rights, justice, the state of law, and democracy promotion.
5. Increase confidence in democratic electoral processes and strengthen their reliability and transparency, through electoral observance, for example.

Indigenous Peoples are concerned by all objectives, and particularly by objective nr. 2. In order to access the invitations to tender, you must go on the EuropeAid website, <http://ec.europa.eu/europeaid/cgi/frame12.pl>, click "By Programme", then "Open" and "Grants". You will find there all the invitations to tender, including the EIDHR ones. EuropeAid also offers a Practical Guide for the drafting of projects at http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/documents/new_prag_final_en.pdf.

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Speech given in plenary session of the Seventh Session of the Permanent Forum on Indigenous Issues at the United Nations on April 29, 2008

Hélène Flautre, European Parliament Member and Chair of its Subcommittee on Human Rights

Speech given on behalf of the ad hoc delegation of the European Parliament at the Seventh Session of the Permanent Forum on Indigenous Issues of the United Nations (April 27-30, 2008)

Dear Colleagues:

First, allow me to introduce myself. As Chair of the Subcommittee on Human Rights of the European Parliament, I represent here a European Parliament delegation composed of six members from six different countries and originating from four different political groups.

This is the first time that the European Parliament has been represented during your Permanent Forum, and it is an honor. Thank you, then, for welcoming us among you. The European Parliament salutes you and salutes the tremendous work accomplished by your Forum that culminated in the adoption of the historic Declaration on the Rights of Indigenous Peoples.

It is an example of global cooperation for all groups and individuals that currently suffer from discrimination, from social injustice and from environmental plunder.

You, the Indigenous Peoples, are respected spokespeople. Respected by the Member States of the United Nations and their agencies, and respected by the European Union and its Parliament.

The European Union, Member States and the United Nations must now learn to listen to you and to take into serious consideration your interests and your advice on the various political and legislative alternatives that concern your peoples.

The European Parliament is aware of the incommensurable value for all of humanity—for its diversity and perhaps for its survival—of your cultural and linguistic heritage, of your memories, of your ancestral knowledge, and of the fruitful and exemplary relationship with the environment that you have developed over millennia.

The European Union is acutely aware of your historical contribution, which is irreplaceable and indispensable to human life on this Earth. Through a combination of actions and positions it takes, the aim of the European Union is to become an unflagging promoter and protector of human rights, including therein your rights to language, to culture, to self-management of land, to territorial development and to the well-being of your communities.

The European Union can and should undertake numerous initiatives in order to achieve the pinnacle of this ambition.

The issue of climate change, which has been at the heart of your work this past week, dramatically affects the life of your communities. Your way of life, despite incorporating development that is sustainable, restrained and respectful of nature and its resources, is the most directly affected. This climate injustice calls for involvement and for exemplary commitments on the part of the international community. The European Union is committed to reducing greenhouse gases and to promoting renewable energies, but it must now work towards including you in all international negotiations involving the struggle against climate change.

Toward this end, we European Parliament members are committed to promoting the recommendations that you have formulated on this issue. Your President will be invited to present them to the European Parliament, and we will maximise our efforts for your voice to be heard at the highest levels.

The European Parliament and the European Union can do even more: how many infrastructure or development projects undertaken by the European Parliament force your Peoples into exile or spoil your environment? How many European companies excavate the subsoils of your lands to extract fossil fuels, minerals and uranium, leaving the territories ruined and unfit for life?

Regarding all these difficult issues, the European Union must develop a normative framework that is respectful of human rights. The European Union, in its relations with third States, as well as us, European Parliamentarians in our relations with our counterparts, must offer to mediate in situations of conflict that your communities sometimes experience with their State authorities.

Furthermore, it is incumbent upon us to support projects that you outline on behalf of the welfare and implementation of the rights of your communities. The European Union has at its disposal several financial instruments that can support you, notably the European Instrument for Democracy and Human Rights.

In all your struggles, when you act peacefully in defense of human rights and democracy, you are human rights advocates. And, in this regard, the European Union, through representative channels such as the embassies of its member States, has the obligation to offer you assistance. Keep in mind also that, in this regard, you may benefit from emergency measures intended for human rights advocates in danger due to ongoing harassment, threats or financial difficulties resulting from your efforts in support of your rights. These emergency measures allow you to claim 10,000 euros or to obtain a visa allowing you to stay for a few months in Europe.

Be aware, then, that European Union policies on human rights pertain to you. They will not be alive and useful unless you make use of them. So do not hesitate to call upon us regarding how to address the European Union. The variety of current crises illustrates the limits and dangers of the development model that has nonetheless predominated thus far. The multitude of crises that confront us, whether involving finances, food or climate, requires critical evaluation and calls for new ways of working on a global scale: we must build new solidarities in order to ensure human security

3. INDIGENOUS WOMEN: CHALLENGES AND OPPORTUNITIES

Indigenous women worldwide are at the forefront of their communities' struggle for self-determination and recognition of social, political and cultural rights. The texts published below present an overview of the work that is being done and that still needs to be completed in order to achieve a fairer status for a population group that has traditionally come under great pressure from society.

International Human Rights Standards and Instruments Relevant to Indigenous Women²

by Ms Céleste McKay

Introduction

There are several international human rights standards and laws that are relevant to advancing the human rights of Indigenous women – as members of Indigenous nations and as individual women. The lived experiences of Indigenous women call for protection to be sought from a variety of sources – those that protect individual rights, such as the right to live free from violence, developed under the framework of “women’s rights”, as well as those rights that protect Indigenous Peoples as peoples, most notably, the United Nations *Declaration on the Rights of Indigenous Peoples*. The rights outlined below are set out according to the categories of rights, rather than by instrument. These include the rights to equality and non-discrimination, the right to self-determination, the right to live free from violence, the right to an adequate standard of living, the right to culture, the right to free, prior and informed consent, the right to participate in decision-making, and the right to property.

The Rights to Equality and Non-Discrimination

The rights to equality and non-discrimination are well established under international law. These rights are important both in relation to equality and non-discrimination between non-Indigenous individuals and Indigenous individuals (such as matrimonial property rights, for example) as well as between Indigenous women and Indigenous men (in relation to the right to live free from violence, for example).

Indigenous women often experience inequalities, both in comparison to non-Indigenous women and in comparison to their male counterparts. For example, Indigenous women may suffer from discrimination in housing and employment in urban settings from non-Indigenous peoples. At the same time, Indigenous women often face greater risk of domestic violence within their own communities. Thus, rights to equality and non-discrimination are necessary in order to reduce inequity within Indigenous societies and between Indigenous and non-Indigenous women.

This must be done in a way that promotes self-determination without subverting gender equality.³ For example, it could be asserted that a patriarchal Indigenous society does not need to institute protections for the female members of their society (such as matrimonial property laws that promote equal distribution of lands between a wife and a husband) and that their right to self-determination grants them the authority to disregard the equality rights of the women in their communities. This type of argument can be refuted by the assertion that the

² This article is adapted from previous article written by M. Celeste McKay for the Native Women’s Association of Canada entitled, “International Human Rights Standards and Instruments Relevant to Indigenous Women: An Information Paper Prepared for the National Aboriginal Women’s Summit, June 20-22, 2007 in Corner Brook, NL.”

³ See article 46(2) of the UN *Declaration on the Rights of Indigenous Peoples* which calls for a balancing of human rights and fundamental freedoms of all and article 46(3) which sets out the principles of “justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith” in the interpretation of the rights contained in the Declaration.

members of these communities have equality rights, or rights to non-discrimination, that are recognised not only in national but international instruments. International instruments apply universally, a fact that has been recognised by Indigenous Peoples who have worked within the United Nations system for its recognition of their right to self-determination for over 20 years (through the development of the UN Declaration on the Rights of Indigenous Peoples) and throughout the history of the UN.⁴

This legal principle of equality is often bolstered by traditional norms and customs of Indigenous Peoples, even in patriarchal societies, where egalitarian principles were traditionally upheld. In some countries, such as Canada, colonisation has had an impact on the egalitarian treatment of women in these societies. This is where the application of the principles of equality and non-discrimination can be very helpful.

These rights are contained within the following instruments:

The Right to Equality

- ✓ Articles 1 and 7 of the UN Universal Declaration of Human Rights (UDHR);
- ✓ Articles 3 of the UN International Covenant on Economic, Social and Cultural Rights (the ICESCR) and the International Covenant on Civil and Political Rights (the ICCPR), (specifically in relation to equality between men and women);
- ✓ Articles 2 and 44 of the UN Declaration on the Rights of Indigenous Peoples (DRIP);
- ✓ The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW) provides for equality between men and women. In particular, article 16(1)(c) of the CEDAW provides for appropriate measures to be taken by States to ensure “the same rights and responsibilities during marriage and at its dissolution” between men and women;

The Right to Non-Discrimination

- ✓ Article 2 of the UDHR;
- ✓ Article 2 (2) of the ICESCR;
- ✓ Article 2(1) of the ICCPR;
- ✓ Article 2 of the DRIP;
- ✓ The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) provides for the elimination of racial discrimination.

The Right to Self-Determination

Gaining recognition of the right to self-determination is critical to Indigenous women in addressing the historic wrongs experienced by their nations. This right is protected by article 1 of both the ICCPR and the ICESCR (although the application of article 1 to Indigenous Peoples is contentious).⁵ Article 1(1) of both the ICCPR and

⁴ See MADRE/FIMI, Marin Iwanka Raya: *Indigenous Women Stand Against Violence: A Companion Report to the United Nations Secretary-General’s Study on Violence Against Women* (New York: MADRE/FIMI, 2007) at 29 where the “rights versus culture” discourse is identified as a false dichotomy: “By the 1990s, the notion of culture as the exclusive purview of Indigenous, eastern, or other ‘primitive’ people had lost much of its legitimacy. But a new doctrine of ‘cultural relativity’ emerged, arguing an inherent tension between universal human rights standards and local cultural practices. The dichotomy maintains the assumption that cultures are monolithic and homogeneous, rather than dynamic, fluid processes.” The authors call for an integrated understanding of human rights, noting that “the work of Indigenous anti-violence activists is not predicated on a rejection of their culture as merely a site of oppression, but is grounded in the understanding that culture can be deployed in multiple, even conflicting, ways, including in defence of women’s human rights. Along with the notion of culture as static and sacred, there is another conception of culture that threatens Indigenous women, rooted in western colonial conquest. This view suggests that ‘culture’ is found only in ‘primitive’ or backward places, not in ‘western civilisation.’ (Thus, date rape and child beauty pageants in the US are not considered harmful cultural practice.” (at 29)

⁵ Indigenous peoples have asserted this right to self-determination on an equal basis to all other peoples throughout history. The UN General Assembly strongly recognised and reaffirmed this right when it adopted the UN Declaration in September 2007. For a discussion on the development of this right under international law see S. James Anaya, *Indigenous Peoples in International Law: Second Edition* (Oxford: Oxford University Press, 2004) at 8 and at 49 where he states, “Shaped by Western perspectives and political power, international law developed a complicity with the often brutal forces that wrested lands from indigenous peoples, suppressed their cultures and institutions, and left them among the poorest of the poor.” See also Rodríguez-Piñero *supra* note 4 at 261-262, “The political discourse of the international indigenous movement was founded on a critical

the ICESCR states that, “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” This wording is replicated in the DRIP, with the exception that the word “All” is replaced with “Indigenous”.⁶

This right should be used as a foundational principle in recognising the legal systems of the particular Indigenous People concerned. As discussed above, fears about the protection of individual rights can be allayed by the understanding that all self-determining nations are accountable to act in a manner that is respectful of all international peremptory norms, including equality and non-discrimination.

This right is contained within the following additional provisions:

- ✓ Article 3 of the DRIP explicitly recognises the right to self-determination of Indigenous peoples. Other articles, such as article 4, 5 and 7 elaborate upon the right of self-determination contained under article 3. The UN General Assembly adopted the Declaration on September 13, 2007;
- ✓ The International Labour Organisation’s Indigenous and Tribal Peoples Convention, 1989 (No. 169) (the ILO Convention 169) provides for a right to self-determination but this is generally recognised to be of a lower standard to that of the UN DRIP⁷;

The Right to Live Free From Violence

The right to live free from violence is strongly inter-related to the promotion of the overall socio-economic status of Indigenous women. This right under international law has developed over time.⁸ This right is highly inter-related with numerous other rights, such as equality, non-discrimination, sexual and reproductive rights and matrimonial property rights. It is well-recognised that where Indigenous women face violence they are left vulnerable to other human rights violations, such as lack of housing, lack of sexual and reproductive rights, etc. Statistics and the daily experiences of Indigenous women make it clear that this is a problem that disproportionately affects Indigenous women, as compared to both non-Indigenous women and Indigenous men.⁹

This right can be found in the following instruments:

- ✓ Article 22 of the DRIP;
- ✓ Article 5 (b) of the CERD;

reformulation of the bases of international law that did not recognise the legal personality of indigenous peoples and relegated them to a predicament of internal colonialism within their own territories. Indigenous peoples reminded the world that the consequences of colonialism persisted after formal decolonisation, and pleaded for recognition of their right to a full measure of self-determination as the cornerstone of their aspirations to cultural preservation and development, the exercise of full-government and jurisdiction, and control over their traditional lands and natural resources. The indigenous movement was successful in articulating those aspirations in human rights terms, contributing to the generation of new normative understandings concerning the specific catalogue of rights pertaining to these peoples *qua* peoples. [References omitted].

⁶ Article 3 of the UN *Declaration on the Rights of Indigenous Peoples*.

⁷ For a full discussion of the ILO Convention No. 169 see Luis Rodríguez-Piñero, *Indigenous Peoples, Postcolonialism, and International Law: The ILO Regime (1919-1989)* (Oxford: Oxford University Press Inc., 2005). There are many regional examples of instruments that recognise the right to self-determination, but it is beyond the scope of this paper to discuss these instruments.

⁸ See CEDAW, *supra* note 10, arts 1, 2, 5, 6. While CEDAW does not specifically include the right to live free from violence, several of its provisions are related to eliminating discrimination against women, for example, Articles 1, 2 and 5, as well as Article 6, which requires States to take appropriate measures to “suppress all forms of traffic in women and exploitation of prostitution of women”. However, the Committee on the Elimination of Discrimination against Women clarified that the right to live free from violence is a right contained in CEDAW in its General Recommendation No. 19: *Violence against women (General Recommendation No. 19)*, UN Committee on the Elimination of Discrimination against Women, 11th Sess., UN Doc. CEDAW/C/1992/L.1/Add.15 (1992).

⁹ See: *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Advanced Unedited Version: Canada*, UN Human Rights Committee, 85th Sess., UN Doc. CCPR/C/CAN/CO/5/ at para. 23, where it states that, “The State party should gather accurate statistical data throughout the country on violence against Aboriginal women, fully address the root causes of this phenomenon, including the economic and social marginalisation of Aboriginal women, and ensure their effective access to the justice system. The State party should also ensure that prompt and adequate response is provided by the police in such cases, through training and regulations.”

- ✓ The UN Declaration on the Elimination of Violence against Women;

The Right to an Adequate Standard of Living

The right to an adequate standard of living is particularly important to improving the socio-economic status of Indigenous women and is essential to ensuring that their basic human needs are not jeopardised.

Similar to the right to live free from violence, the right to an adequate standard of living calls for legislative and policy reforms aimed at ensuring that the underlying socio-economic conditions are addressed through effective measures.

This right is contained within the following instruments:

- ✓ Article 25 of the UDHR;
- ✓ Article 11 of the ICESCR;

The Right to Culture

The right to culture is important in asserting the rights of Indigenous women from a holistic perspective. In Canada, this right was successfully used by Sandra Lovelace to claim her right to live in her community when she was excluded under section 12(1)(b) of the *Indian Act*, which was inherently sexist and granted different rights to status to women than men. The United Nations Human Rights Commission ruled in favour of Ms Lovelace, determining that the provisions of the *Indian Act* were unilaterally enacted by the government of the day in violation of her right to culture.

The promotion of the right to culture must be understood in a way that recognises the right of all members of the society on an equal, non-discriminatory basis. Framing the right in such a manner requires a nuanced approach to understanding the universality of human rights and culture as a fluid concept, as discussed above.¹⁰ In this manner, forms of self-determination that do not respect peremptory norms such as equality and non-discrimination are challenged, as are forms of continued colonialism where oppression from states on Indigenous Peoples' rights to self-determination lead to continued suppression of Indigenous cultures.

This right is contained within the following instruments:

- ✓ Article 27 of the ICCPR provides that persons belonging to "...minorities shall not be denied the right, in community with the other members of their group, to enjoy their culture..." (*Lovelace v. Canada* (24/1977)(R.6/24), ICCPR, A/36/40 (30 July 1981) 166);
- ✓ Article 15. 1 (a) of the ICESCR provides for the right of everyone to "take part in cultural life";
- ✓ Article 5 of the DRIP provides for a right of Indigenous peoples to their distinct cultural institutions (as well as political, economic, legal and social ones);
- ✓ Article 8 of the DRIP provides for protection against "forced assimilation or destruction of their culture";
- ✓ Article 9 of the DRIP provides for the right to belong to an Indigenous nation in accordance with community customs and traditions. Regarding the protection of customs, languages and traditions, see also Articles 11 to 16, 27, 33, 34, 35 and 36 of the DRIP;
- ✓ Article 5 (e) (vi) of the CERD;
- ✓ Article 30 of the Convention on the Rights of the Child (the CRC);

The right to Free, Prior and Informed Consent

The principle that a state is required to obtain the free, prior and informed consent of Indigenous Peoples prior to development or removal of their lands, territories and resources is gaining recognition under international law.¹¹

This is a right that should inform any legislative framework. Without adequate protection of the right of Indigenous Peoples to make their own decisions over lands, resources and territories, the right to self-determination will remain unfulfilled in a meaningful way. Meaningful application of the principle of free, prior

¹⁰ *Supra*, footnote 3.

¹¹ See *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*, UN Permanent Forum on Indigenous Issues, 4th Sess., UN Doc. E/C.19/2005/3, (2005) (PFII FPIC) which outlines the origins of this right. In its Conclusions at 10, the report states that, "Various international instruments, such as the ILO Convention (no. 169) concerning Indigenous and Tribal Peoples in Independent Countries, and the Convention on Biological Diversity, as well as pronouncements of international human rights treaty bodies, provide a normative basis for free, prior and informed consent." For a complete listing of these instruments, see *ibid* at 24. See also *General Comment 23 supra* note 133. See also I/A Comm. H.R. *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgment of August 31, 2001, Ser. C. No. 79 (2001) (*Awas Tingni*).

and informed consent must be built on the full and effective participation of members of the particular community.

This right is contained in the following instruments:

- ✓ Articles 10, 19 and 32 of the DRIP;
- ✓ Article 16 of the ILO Convention 169;
- ✓ Article 8 (j) of the Convention on Biological Diversity;

The Right to participate in decision-making

Indigenous Peoples' right to participate in decision-making on matters affecting their rights is related to the above principle of FPIC. It is particularly pertinent to assertions that Indigenous women must have an equal voice at the legislative and policy levels. Under international law, the principle of the right to participate in decision-making is recognised in implementing economic, social and cultural rights.¹²

The right of Indigenous women to participate in decision-making processes is critical to the development, implementation and evaluation of any and all policy and legislative initiatives affecting them. This is because systemic discrimination in many circumstances has prevented Indigenous women from exercising their right to participate in decision-making.

This right is contained within the following instruments:

- ✓ Articles 18 and 22 of the DRIP;
- ✓ Article 7 of the CEDAW;

The Right to Property

The right to property is a basic human right that requires all individuals and collectivities, or in this case, all Indigenous persons and all Indigenous Peoples, respectively, to own property without arbitrary distinctions being made. For example, in this context, a claim that a traditional society could discriminate against women, on the basis of their right to self-determination, is inconsistent with this international right. Other instruments outlined below make it clear as well that non-discrimination on the basis of gender, race, etc. must be upheld in relation to property division.

The right to property without discrimination and on an equal basis to others, is contained within the following instruments:

- ✓ Article 17 of the UDHR provides that everyone has a right to own property individually and collectively and that no one should "be arbitrarily deprived" of one's property;
- ✓ Article 21 of the DRIP provides for the right, without discrimination, to socio-economic improvements, including housing;
- ✓ Article 5 (d) (v) of the CERD;
- ✓ Article 16 (1)(h) of the CEDAW;

Conclusion

The reality is that across the world, many Indigenous women suffer from grave human rights violations, at all levels – from the right to live free from violence, to the right to self-determination to the right to own property, to name only a few examples. It is hoped that this summary of some of the key human rights instruments and standards available to advance the human rights of Indigenous women will be of assistance in remedying the human rights violations facing Indigenous women, their families and their nations.

¹² See for example, *Women and Health (Article 12) (General Recommendation No. 24)*, UN Committee on the Elimination of Discrimination against Women, 20th Sess., UN Doc. A/54/38 (1999) 5 at para. 31 (a).

New High Commissioner for Human Rights

The United Nations General Assembly has appointed Navanethem (Navi) Pillay, of South Africa, as High Commissioner for Human Rights. The Secretary-General's nominee was confirmed by consensus in New York on 28 July 2008. Ms. Pillay's four-year term will start on 1 September 2008.

Ms. Pillay has served as a judge on two of the most important international criminal courts in the modern era, spending eight years with the International Criminal Tribunal for Rwanda, including four years as its President, and then the past five years on the International Criminal Court in the Hague.

Judge Pillay will be the fifth UN High Commissioner for Human Rights to be appointed since the office was founded 15 years ago. She will head an organisation that now has just under 1,000 staff working in 50 countries with a total annual budget of around US\$ 150 million.

The recovery of Working Group 8(j) in the framework of the Convention on Biological Diversity at the 9th Conference of the Parties, Bonn, May 2008

by Yolanda Terán Maigua Andes Chinchasyo Ecuador, Indigenous Network of Women in Biodiversity Ex Regional Coordinator for Latin America and the Caribbean for the group on indicators on Traditional Knowledge within the CBD

Article 8(j) of the Conference on Biodiversity (CBD) refers to traditional knowledge (TK), the heart and soul of Indigenous Peoples' life.

The indigenous women of Latin America and the Caribbean have participated in CBD meetings through the Indigenous Network of Women in Biodiversity (INWB). We, indigenous women, are the guardians, protectors and bearers of traditional knowledge; therefore, our participation in meetings where vital aspects of indigenous life in the world are negotiated is crucial.

The Working Group (WG) on article 8(j) has the following work programme for the implementation of its basic objectives and general principles.

Objectives

The objective of this work programme is to promote, within the CBD framework, a just implementation of article 8(j) and its related dispositions at a local, national, regional and international levels, as well as to guarantee the full and effective participation of local and indigenous communities in all the stages and levels of its implementation.

General principles

- ✓ Full and effective participation of local and indigenous communities in all the phases of definition and implementation of the elements belonging to the working programme. Full and effective participation of local and indigenous communities in all the activities of the work programme.
- ✓ Traditional knowledge shall be valued, respected and considered as useful and necessary as other types of knowledge.
- ✓ The existence of an integrated system of criteria in accordance with the spiritual and cultural values, as well as the practices of local and indigenous communities, including the respect for their right to control their traditional knowledge, innovations and practices.
- ✓ The focus on eco-systems is a strategy enabling the integrated management of the land, water and living resources that support the sustainable use and conservation of biodiversity in an equitable form.
- ✓ Access to the traditional knowledge, innovation and practices of local and indigenous communities should be placed under the need for free and prior consent or free and prior approval from the owners of the respective knowledge, innovation, or practices.

The WG 8(j) has made progress in the implementation of its programme, but there remain activities to be completed in order to protect our traditional knowledge, concerning the sui-generis protection systems based on our customary law and concerning the recovery and elaboration of an ethical code of conduct meant to avoid the exploitation and wrongful appropriation of our natural resources and traditional knowledge.

During the COP 9 of May 2008, a warning article concerning the potential "death" of WG 8(j), due to lack of political and financial will for its continuation was published on 26 May in Volume 23, Theme 6 of the Conference publication; it was said that "this Convention for life will become dead letter". The INWB received

the English version of this article. The indigenous women of the Latin American and Caribbean region, interested in the preservation of our traditional knowledge and genetic resources more than in their commercialisation, have immediately convened in order to analyse this critical situation and at the same time to request from the International Indigenous Forum on Biodiversity (IIFB) the permission to follow the negotiations concerning this Working Group.

The European Union (EU) and Canada were considering that enough had been done in the framework of WG 8(j) and as a consequence, certain themes had to be left aside; these themes were important to Indigenous Peoples, and the latter did not think they had been treated sufficiently.

In the Draft Decision of WG 8(j), the original version of paragraphs 7 (Decides to start work on themes 7,10, 11...connected to sui-generis protection systems and the code of conduct), 8 (Decides to start theme 15 connected to the repatriation of information in view of enabling the recovery of traditional knowledge in relation to biodiversity), and 9 (To receive contributions from the Parties, Governments and international organisations, local and indigenous communities and other interested parties, in order to let the Secretariat know their points of view on the themes referred to in paragraph no.7, taking into consideration the current work on sui-generis protection systems, the code of conduct, all of this in relation to the elaboration and negotiations currently ongoing under the International Regime on Access and Benefit Sharing, ABS), were in brackets. Faced with this complex situation and working with texts in English, a language that is foreign to Indigenous Peoples of Latin America and the Caribbean, the indigenous women coming from this region organised themselves in order to protect and recover the status of the WG 8(j). The group was lead by two comrades from Costa Rica and Bolivia and the members of the support team included women from Ecuador, Bolivia, Brazil, El Salvador, Argentina, Chile, Mexico, and Panama, including translators. Other indigenous persons helped occasionally, but the group mentioned above worked in a committed fashion with the theme of the 8(j), without looking at the time and convinced of the possibility of getting positive results out of this negotiation.

We had a first reunion in the morning with indigenous and non-indigenous representatives of Canada; it was a first encounter which helped clarify the Canadian and the IIFB positions. The beginning and the end of this session were punctuated by a speech made by the indigenous chief of the Canadian delegation. The atmosphere was quite tense. We were summoned for another meeting in the afternoon, this time only IIFB delegates and Canadian indigenous delegates. The indigenous chief of the Canadian delegation was committed to obtaining a positive result; he solicited greater clarity on the importance, significance and implications of paragraphs 7, 8 and 9 of the Draft Decision of WG 8(j). On the same day we had another meeting of IIFB representatives and Canadian delegates. The Canadian indigenous chief appealed to his national delegation and asked it to take into accounts the IIFB's worries; as a consequence, Canada prepared a new text concerning WG 8(j).

Concurrently, we spoke with some EU delegates in order to exchange our points of view on our worries concerning the future of the WG 8(j). Mexico and Colombia helped in this dialogue.

During this negotiation process the part of indigenous representatives coming from the governments of Ecuador, Panama, Bolivian and Guatemala was crucial, as they knew how to argue and defend the continuity of WG 8(j) and the need for IIFB representatives' effective participation. In the end, the Co-President of WG 8(j) solicited a meeting of governmental indigenous delegates with the EU and then with Canada. We obtained a text that was satisfactory to everyone and was approved with very few brackets.

Lessons learnt in this negotiation:

- ✓ It is vital that in CBD meetings indigenous representatives speak and write in English
- ✓ It is important to read and be aware in advance of the texts and projects that are debated during a conference
- ✓ It is important to organise regional meetings before CBD meetings
- ✓ We must confirm the working groups, including theme representatives, so as to be able to bring concrete proposals to COP 10 and other preceding meetings
- ✓ We must prepare texts concerning the IIFB's position on different themes and in addition to that pay attention to negotiations in order to create texts that are relevant to their progress
- ✓ It is imperative to be able to have working groups that are equitable and committed to a certain theme
- ✓ We must be able to have indigenous lawyers
- ✓ We must lobby the Parties within respectable limits
- ✓ The IIFB needs a permanent translator team for all the working groups and the following CBD and COP sessions. In this case translators worked with no schedule
- ✓ We need mobile phones and a couple of bikes in order to facilitate movement
- ✓ We must divide the work and responsibilities according to the participants' strengths
- ✓ We need a petty cash box with funds for unexpected expenditures
- ✓ We must create a cultural space for rest and recovery
- ✓ Create a permanent writing group in charge of publishing the evolution of the negotiation and its implications for Indigenous Peoples

- ✓ Continue to work in a trustworthy fashion with indigenous governmental delegates
- ✓ Take into consideration and use different indigenous protocols

I must say that during the closing session of COP 9, when the new text of WG 8(j) was approved, the IIFB group composed in its majority by women from Latin America and the Caribbean was very satisfied with the outcome.

TUKUY SHUNKUWAN YUPAYCHANIMI

4. INDIGENOUS YOUTH: CHALLENGES AND OPPORTUNITIES

Indigenous young people are amongst the world's most negatively affected population groups in terms of respect for human rights and the possibility of a positive future. Decades of marginalisation of indigenous communities constituted a serious obstacle to the peaceful development of a strong youth, able to carry forward the heritage of their ancestors. The texts published below, however, show that the mobilisation of indigenous youth is growing, both at local and international levels, bringing hope of justice and progress for indigenous people around the world.

Intervention to the Seventh Session of the UNPFII 2008 Youth Caucus Statement on April 24, 2008

Agenda Item 5: Human Rights

Good afternoon Madame Chair,

This intervention is submitted by the Indigenous Youth Caucus of the UN Permanent Forum on Indigenous Issues (UNPFII) for its Seventh Session, comprised of Indigenous youth from all over the world.

First, we acknowledge our ancestors and those leaders that have come before us. In addition, we acknowledge the traditional custodians of this region for allowing us to meet in their respective homeland. We give thanks to our relatives, the mountains, lakes, rivers, seas and all living beings that have inhabited this earth and provide us with the means to survive. We would also like to give thanks to all the states that have accepted the Declaration on the Rights of Indigenous Peoples and taken the first steps in a long walk of renewal and relationship building, and we encourage those that have not to do so.

The Indigenous Youth caucus would like to address the UNPFII and the wide range of human right violations that Indigenous peoples face worldwide and in particular, indigenous youth. As a whole, Indigenous Peoples face an inability to speak our indigenous languages, as stated previously by the youth caucus, a long list of environmental and health violations, an inability to identify and be recognised as peoples, blatant genocidal policies, state sanctioned repression of self-determination, racism, educational and institutional oppression, and the list goes on and on. Indigenous youth are particularly vulnerable to these human rights violation. These violations contribute to internalised self-hatred, the result of which contributes to the high numbers of suicide, alcoholism, and drug abuse among our youth.

Indigenous youth are precious commodities and make up over 50% of the world's indigenous population. Despite our large population, our voices, concerns, and distinct experiences are often rendered invisible and under-represented. Leaders/governments try to suffocate our voices on our issues and problems that we carry with us in our everyday lives. We, the Indigenous youth are the frontlines of our struggles, in Balochistan, Tyendinaga, Kenya, Burma, Tibet, Columbia, New Zealand, Lybia, and worldwide. Indigenous youth activists are being labeled as insurgents and terrorists. We are not terrorists, we are guided by our previous generations, elders and teachers carrying the sacred responsibility to maintain our culture, and to defend our precious mother earth. In addition, this problem is compounded by high infant mortality rates within indigenous communities. We are dying on the frontlines, we are dying in our communities, we the Indigenous youth are dying before our time. We have the right to life and fundamental freedoms; we have the right to safety, security, culture, and dignity. However, our rights under the Declaration of Indigenous Peoples are not being made readily available to Indigenous youth. We continually find that our rights are compromised and violated in the name of national progress, development, and natural resources extraction. In order to ensure the survival of indigenous nations, indigenous youth justice must be given priority and we must be seen as contributors to indigenous survival and the discourse of indigenous human rights. Now is the time for our elders and leaders to work with our young Indigenous peoples.

We respectively offer the following recommendations:

1. For Nation-States to fully implement Article 7 and 8 of the UN Declaration on the Rights of Indigenous Peoples.
2. For the UN to encourage and ensure that State governments impart the information within the Declaration on the Rights of Indigenous Peoples to Indigenous youth.
3. For Nation-States to recognise and fully incorporate the Indigenous youth voice into the discourse of human rights violations.
4. For the UN to encourage Nation-States to educate their populations on the rights of Indigenous Peoples.

In conclusion,

We are all interconnected and have the responsibility to uphold our rights together. Indigenous youth issues aren't just indigenous youth issues, they are community issues, community issues aren't just community issues but our nations' issues, and we need to address them together as a whole. We encourage the forum to help us become the leaders of today and tomorrow and help our nations and culture survive.

Fighting for language rights and self-determination. The Bodo Indigenous youth movement

by Dharmodip Basumatary, All Bodo Graduate Youth Federation, with Ruxandra Stoicescu, doCip

The Bodo indigenous youth movement constitutes a telling example of the importance of mobilisation and political awareness within indigenous communities striving to achieve self-determination and the recognition of their rights.

The Bodos represent one of the largest ethnic and linguistic groups of the Brahmaputra valley, in the state of Assam in north-east India. Their struggle for self-determination as a people spans several decades, with some accounts of Bodo history mentioning a delegation of Bodo youth sending representatives to the Indian Statutory Commission, who was in charge of the constitutional reform of India during the 1930s; at the time they are said to have requested the recognition of the Bodo people as an entity who had the right to its own state.

It was in 2003 that after decades of struggle and negotiation with the Indian federal authorities and the state of Assam, the Bodoland Territorial Council was created as the administrative unit for the Bodoland Territorial Areas District, representing the crowning of the Bodo people's efforts towards the goal of self-determination.

The Bodo youth has found itself at the forefront of the movement for self-determination, first through the "All Bodo Students Union" (ABSU), founded in 1967, who was later joined by the All Bodo Graduate Youth Federation (ABPGYF), a younger Bodo indigenous youth organisation, created in 2004. Both organisations are volunteer based. ABSU was initially created as a literary society focusing on the revival of the Bodo language that was in danger of being assimilated by the dominant Assam idiom. In the 1970s ABSU tied in to the wider "language movement" throughout India, in which various tribal peoples fought for the recognition of their languages, promoting the introduction of the Bodo language in schools and therefore highlighting the need for the protection of Bodo identity and culture. Although not a political entity per se, ABSU also led the land restoration movement, which strove to recover the land granted by the government of India to various tribal people, from those who had appropriated it abusively. In 1986, the ABSU led a direct political movement demanding a separate state for the Bodos, called the Bodoland movement, whose success was the constitution of the Bodoland Territorial Council in 2003. Although other specifically political movements and organisations had joined the struggle for an autonomous Bodoland, and they were the ones who eventually negotiated a settlement with Indian authorities, it must be remembered that youth groups had been the ones who had gathered the energy and knowledge that provided a platform for the self-determination campaign.

Currently, the ABSU, together with ABPGYF focus mainly on indigenous Bodo youth activities, developing programmes in a range of fields: primary education, higher education access and employment generating activities and protection of the environment. Indeed, education is a very important and sensitive issue for all Bodos, who for a long time lacked the opportunity and incentive to go to school or to university, not least because they were not speaking the necessary dominant languages, or English.

Thus, 2008 has been declared the "education year" for Bodo indigenous youth organisations, who lead campaigns encouraging parents to send their children to school, where now the Bodo language is taught. Literacy rates continue to be low amongst the Bodos and that is why putting small children in school is crucial. ABSU and ABPGYF organise workshops and language camps where the Bodo language is taught, and where they equally encourage the learning of English as a foreign language. They also lead awareness campaigns

amongst parents to let students pursue higher education, and organise private lessons to help students study for their university entrance exams.

A significant problem amongst Bodo people is unemployment. Youth organisations therefore, try to organise a number of employment generation activities, such as training for small individual projects, be them service or agricultural based (since the Bodos are an agricultural pastoralist people) in order to encourage entrepreneurship and self-employment. They also set up workshops on unemployment, inviting experts to communicate on the issue.

Education on political and social rights also constitutes a priority, as do activities aiming at the protection of the environment. Thus, the ABPGYF is concerned with developing programmes preventing the deforestation of Bodo lands and launching the aforestation drive in areas that have already been affected.

Concerning international activity, Bodo indigenous youth organisations have participated at the international level to different degrees. The ABPGYF is currently very active in trying to bring to the Bodo community a human rights perspective as developed in international fora and some of its members have taken part in the youth indigenous caucus created by the UN Permanent Forum on Indigenous Issues.

The programmes and workshops developed by the Bodo youth organisations demonstrate the importance of listening to indigenous youth as a force for community mobilisation and action. As individuals, young people are receptive to transformations in society and are capable of mustering the energy to push for change and reform. However, in order to do this, there is a need for awareness of their cultural heritage as well as the space for developing an active identity.

United Nations Indigenous Youth Caucus

Children and Youth have always been one of the main areas of work of the United Nations Permanent Forum on Indigenous Issues (UNPFII). One of the priorities of the World Programme of Action for Youth (A/Res/50/81) is to support the participation of youth in decision-making. The underlying principle to youth participation in the work of the United Nations is the need for better policy and programmatic responses to the problems facing young people today. Youth delegates enrich the debate and policy dialogue, and strengthen existing channels of communication and cooperation between governments and young people.

The Secretariat of the Permanent Forum on Indigenous Issues and the UN Programme on Youth along with the NGO Committee on Youth have facilitated the creation of an indigenous youth caucus to enable youth participation in the work of the Permanent Forum.

The caucus has its own programme page at <http://groups.takingitglobal.org/indigenous>, which keeps members up to date with the latest developments and lists a series of documents in connection to indigenous youth issues and the activities of the caucus.

Members of this caucus come from six of the seven regions defined by the Human Rights Commission in relation to indigenous peoples; those interested in becoming members can join online.

The Indigenous Youth Movement of the Russian Federation

by Polina Shulbaeva Director, Legal Information Center of the Numerically small peoples of the Northern Tomsk Region — “Kogolika”

The youth of the numerically small peoples of the Russian Federation (R.F.) have always constituted a special group among the planet's population; since the turn of the 21st century these youth have become more vulnerable and less capable of flourishing under the present economic conditions.

However, even in this situation, these young people have always stood out through their energetic activity and leadership qualities.

Today, in the Russian Federation, a particularly active youth movement has developed among the numerically small peoples of the North, Siberia and the Far East.

Youth representatives direct a network of information centers for Indigenous Peoples; they also work as volunteers in the regional Associations, and they assume the direction of Indigenous youth centers.

Each year, an increasing number of young people start studying their traditional culture and folklore, participating in national assemblies, singing in their native language, dancing their traditional dances and popularising the culture of their Peoples on a wide scale.

In 2007 in Murmansk, a regional forum for indigenous youth was held where further activism and the work of indigenous youth were discussed.

Similarly, in various areas of the Russian Federation, indigenous youth have set up seminars for their own young people, the main goal of which has been to have them discuss their problems and possible solutions in an effort to find a way out of their situation with respect to the lack of jobs and to getting an education.

In 2009 the First All-Russian Forum of the Numerically Small peoples of the North, Siberia and the Far East will take place in Moscow and will involve the participation of representatives of numerically small peoples of the North, including youth leaders and activists from the Russian Federation regions where indigenous peoples live. The numerically small peoples of the Russian Federation and their youth representatives also participate actively at the international level. Where possible, they are included in the delegation to the Permanent Forum on Indigenous Issues at the United Nations; they participate and make presentations in the Working Groups and Conferences related to the Convention on Biological Diversity, as well as in the work of the World Intellectual Property Organisation; they equally take part in international festivals and competitions of traditional culture.

In 2007 youth representatives from the Russian Association of Indigenous Peoples of the North (RAIPON) took part in the Asia Pacific Indigenous Youth Conference; they also took part in the youth caucus of the Working Group on the Implementation of Article 8(j) and the ABS Convention on Biological Diversity, and they presented a statement on the implementation of the corresponding Convention Article.

Certainly, problems arise in connection to the financing of the participation of indigenous youth of the Russian Federation in national as well as regional activities. As for international activities, two indigenous youth representatives from the entire Russian Federation are included twice a year. As a result, there are a minimal number of Russian Federation youth attending indigenous youth caucuses and other meetings. With respect to activities at the national level, the participation of youth representatives consists, as a rule, of approximately 5-7 people from only a few regions of the country.

Among the numerically small peoples of the Russian North there are very many active young people and leaders who have plans for future developments in their region, as well as for the youth of the numerically small peoples of the North, Siberia and the Far East of the Russian Federation as a whole; however, not all of them are able to establish themselves fully and realise their ideas.

The youth movement of the numerically small peoples of the Russian Federation is only in its inchoate phase, but it is growing and becoming more actively involved at all levels as time passes.

Batwa/Bambuti youth mobilisation in the Great Lakes region to support their elders' struggle for the respect and recognition of Indigenous People's rights

by Emmanuel Nengo, UNIPROBA co-ordinator

No individual can fight alone. Furthermore, it is important to know one must not work in isolation, and therefore there is a need for partners, other abilities, the international community and unity in order to reach realistic goals.

In November 2004, Unissons-nous pour la Promotion des Batwa (UNIPROBA) organised a training workshop with funding from the "UN Voluntary Contributions Fund for the International Decade of Indigenous Peoples" in Bujumbura. During this workshop 20 young indigenous leaders coming from Burundi, Rwanda and D.R. Congo became familiar with notions in the area of human and indigenous peoples rights, and had the opportunity to exchange information on the situation of indigenous populations in their respective countries. At the end of the training and in the ensuing recommendations, the youth identified the need of creating an indigenous youth network, called The Great Lakes Batwa/Bambuti indigenous youth network (RJB).

The idea regarding the creation of this youth network was motivated by information exchanges and the observation of daily instances of denial of Indigenous People's rights, and in particular of indigenous youth rights (exploitation, marginalisation, discrimination and exclusion) perpetrated by governments and other surrounding populations. Young indigenous people are discriminated in schools, in the public realm, in the matter of access to employment and in the participation in public policy management. In the Great Lakes region indigenous identity is denied and in Rwanda the situation has worsened to the level of formal interdiction to mention the Batwa indigenous people or ethnic group, under the pretext that this name would divide the

Rwandan people anew, potentially leading to another genocidal problem. As a consequence, the Rwandan indigenous organisation Communauté des Autochtones Rwandais (CAURWA, presently COPORWA Communauté des Potiers Rwandais) was refused juridical status.

Given the fact that this unjust situation risked spreading to neighbouring countries, the youth felt they needed to strengthen their elders' actions and perform a coordinated lobbying effort so that the region's Indigenous Peoples recover their rights. They had to look into the available actions and strategies that could be undertaken by Indigenous Peoples to confront their governments in order to have their rights respected.

Another reason behind the creation of the RBJ was the lack of information sharing between the region's NGOs. Young people are not informed of everything unfolding on the regional and international scene, such as courses and conferences organised every year on the themes of human and indigenous peoples rights, minority rights and environment protection. During these courses young people could learn in advance about the rights of their populations and could acquire more experience in capacity building concerning the defence of their rights. It was therefore very timely that the youth informed their elders of the need to become involved in the activities directly affecting them (education, sport, culture).

The NGOs working for the promotion of the Batwa/Bambutu must therefore take advantage of the existence of this network (vigorous young forces) and form a **STRONG UNITY** in the fight against human rights violations every time the opportunity arises. This unity will guide them through the concerted lobbying of their respective governments NGOs, and the international community concerned with indigenous issues.

Obstacles, challenges and achievements

Since its creation, the RJB network has encountered many obstacles and challenges. Amongst the obstacles, one can mention the lack of financial resources in order to achieve the set objectives.

Regarding the challenges, the contact reunions were not upheld, exchanges remain via email, and youth education continues to be an alarming issue, the poverty of indigenous communities affecting the morale of the youth. Our network should extend as far as Uganda, but communication does not happen because of the language, since Uganda is exclusively Anglophone, whilst the other countries members of the network are francophone.

With respect to achievements, we had some concerning the three-year plan, since the coordination committee of the RBJ has put in place a working system that improves communication. Hence, it has encouraged the "mother" organisations-Unissons-nous pour la Promotion des Batwa (UNIPROBA), Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP-Kivu) and the Communauté des Autochtones Rwandais (CAURWA) -to support the network's initiatives. Hence, the network was successful in establishing a meeting programme in the respective countries that would raise its visibility and inform about its value added to already existent organisations. This became reality because the network succeeded in holding five reunions in three of the region's countries with indigenous communities, two in Burundi, one in Rwanda and two in DR Congo. The Kigali reunion resulted in a Batwa/Bambutu youth declaration addressed to the Rwandan Minister of Justice. This declaration outlined the youth's opinion on the Rwandan authorities' refusal to recognise the indigenous identity of the Rwandan Batwa community. It received positive echoes since two representatives of the Rwanda Batwa youth were invited to express themselves on the subject. The Rwandan government nowadays supports the education of Batwa children.

The set up of youth association structures in these countries is complete and email accounts were created in order to facilitate communication and serve as a circulation framework for information and dialogue between members.

Other programmes concern the call for development activities for each association. The revenue productive activities were performed in this context.

For example, in Burundi, the representative of the Batwa youth has made contact with the Ministry of youth and sport, and did everything in his power for his community's youth to be taken into account by government programmes. This is currently visible in the new projects geared towards youth, as well as in the organisation of ceremonies or manifestations. He has already represented his community in several African regional meetings.

A lot has yet to be done at the level of network creation, and we hope to extend our collaboration with other youth in other regions of Africa and the world. We are pleased that young people have started to participate in national, regional and international reunions. These, however, are but a few inchoate projects, since often, participation in international meetings requires abilities for better representing the organisation, the sub-region or the region. The problem is that representatives from our region do not often participate in international reunions, fora or conferences. If participation is needed or called, organisations often send only one candidate, frequently

an older leader. In addition, Francophones are marginalised, meaning that they are ignored in international organisations; the communication language is English and if we do not master this language it is as if we had nothing to contribute.

Nevertheless, at the level of our region, we are changing things, trying to learn this language. Young people are starting to participate and I would like to give my country as an example, where there are a lot of youth taking part in national, sub-regional, regional and international reunions on the theme of human rights or the environment. Furthermore, the Minority Rights Group International (MRGI) has initiated youth capacity building projects and this greatly pleases us. We hope other NGOs will follow the MRG example in order to improve the education and capacity building of Batwa/Bambutu youth.

Raising awareness, access to information and education remain the main key to improving living conditions. In other words, indigenous sustainable development should get everyone's attention at all levels of intervention. The RJB is considering improving its efforts in collaboration with other NGOs, networks, human rights defence associations in order to help the Batwa/Bambutu get out of the stranglehold of marginalisation and discrimination, and recover and enjoy freely their rights.

5. THE CONVENTION ON BIOLOGICAL DIVERSITY

The Convention on Biological Diversity-9th Conference of the Parties, Bonn, 19-30 May 2008

The 9th Conference of the Parties (COP9) of the Convention on Biological Diversity (CBD) took place from the 19th to the 30th of May 2008. A total of 5,000 participants and observers coming from 190 Parties took part in this session, hailed as extremely important given the decisions reached at the end of the 11 conference days.

Amongst its most important accomplishments: the fact that for the first time the Parties recognised the UN Declaration on the Rights of Indigenous Peoples throughout all relevant decisions. It was equally recognised for the first time that biodiversity conservation must be implemented in cooperation with indigenous and local communities. To this end the Parties and the representatives of indigenous and local communities agreed to develop a strategy on the conservation and sustainable use of biological diversity in order to integrate better the contributions coming from indigenous and local communities by the next Working Group session. The High Level Segment of COP 9 held between 28-30 May also recommended the elaboration of an ethical code of conduct focusing on the respect for the cultural and intellectual heritage of indigenous and local communities, encouraging the latter's participation in CBD decision and policy making mechanisms concerning the use of traditional knowledge.

Other significant achievements of the session are the adoption of a clear roadmap for the next two years with the aim of enabling the adoption of an international Access and Benefit Sharing (ABS) regime at COP 10 in Japan; the launching of the LifeWeb Initiative, through which Germany and other states will provide additional funding, comprising the financing of existing or new forest protected areas; the adoption of a strategy for galvanising new funding sources; the adoption of criteria for establishing marine protected areas; a separate decision was reached on biofuels and biodiversity, emphasising the need for sustainability and the fact that the CBD remains the right framework for the development of a link between the two. The High Level segment also stressed the role of local authorities, indigenous and local communities, NGOs and that of the business community in protecting biodiversity, whilst at the same time pointing to the necessity of a better cooperation between politicians, scientists, business people and those directly affected by changes and transformations in biodiversity.

Sources:

- ✓ Key results of the 9th meeting of the Conference of the Parties to the Convention of Biodiversity in Bonn. Available at http://www.bmu.de/files/pdfs/allgemein/application/pdf/cop9_ergebnisse_en.pdf
- ✓ High Level Segment on the 9th Conference of the Parties to the Convention on Biological Diversity, Bonn, 28-30 May. Available at http://www.bmu.de/files/pdfs/allgemein/application/pdf/cop9_schlussfolgerungen_gabriel_en.pdf

International Indigenous Forum on Biodiversity at the Convention on Biological Diversity-9th Conference of the Parties, Bonn, 19-30 May 2008

Opening Statement

Thank you, Mr. Chairperson. This statement is made on behalf of the International Indigenous Forum on Biodiversity (IIFB).

We thank the Government of Germany and City of Bonn for hosting COP9. □ □ We are very proud to announce that the IIFB, counts more than 500 participants from Indigenous Peoples and local communities from all over the world. Mr. Chairperson, the vast majority of our Forum is able to participate through our own fundraising efforts and the generosity of both private and government donations, especially the Government of Germany, Norway and Sweden. Chairpersons, distinguished delegates, the IIFB would like to take this occasion to celebrate the United Nations Declaration on the Rights of Indigenous Peoples and express our sincere thanks to all the States that voted for its adoption. This Declaration affirms the existence and establishment of the universal human rights standards for the protection of the rights of Indigenous Peoples. The implementation of decisions under the Convention on Biological Diversity must be consistent with the rights enshrined in this Declaration.

We strongly support the statement of the Indigenous Women's Biodiversity Network together with that made by the indigenous youth.

In the upcoming two weeks we will offer specific recommendations to the Parties in the various working groups, but we offer these general comments.

Biodiversity and Climate Change

We call for a stronger collaboration between the CBD and the United Nations Framework Convention on Climate Change (UNFCCC) in order to address the issue of biodiversity and climate change. Therefore, we call on the CBD to take an active role in all climate change discussions. □ □ Climate change is threatening the food security and sovereignty of Indigenous Peoples despite the fact that we have contributed very little to its causes. We are likewise concerned that the mitigation and adaptation strategies being proposed and implemented to address climate change are causing more violations to our rights as Indigenous Peoples. These market based mechanisms urge industrialised countries to meet their Green House Emissions Targets in order to reduce the degradation of our biodiversity on which we rely for our very survival.

Protected Areas

Indigenous Peoples are very concerned about the continued expansion of protected areas. What we want is the recognition of indigenous bio-cultural territories and community conserved areas and their importance for the maintenance of cultural and biological diversity. We do not want the establishment of any new national protected areas in indigenous lands and territories until our rights to our lands, territories and resources are fully recognised and respected.

We urge the Parties NOT to subject the management, monitoring and evaluation of existing Protected Areas to national legislation which in almost all countries fails to provide for the participation of Indigenous Peoples. We also ask the Parties to adopt the recommendation made by the 2nd Working Group on Protected Areas which mentions the need to give priority to the implementation of Element 2 of the restitution of our lands and territories taken for protected areas without our free, prior and informed consent, so that Indigenous Peoples can re-establish control over our lands and territories.

Access and Benefit Sharing

Any proposed International Regime on Access and Benefit Sharing (ABS) must accord with the minimum standards set out in the UN Declaration on the Rights of Indigenous Peoples. This means that any Regime must recognise, inter alia, that Indigenous Peoples have rights over our genetic resources, and not just our traditional knowledge associated to genetic resources. Indigenous Peoples' free and informed consent must be obtained before access to our genetic resources and associated traditional knowledge can occur. The appropriate terminology – "Indigenous Peoples" – must be acknowledged and used in the instrument embodying any International Regime.

Article 8 (j)

We reiterate that the programme of the Working Group (WG) on Article 8(j) and Related Provisions is fundamental to the successful implementation of the Convention, and is vital to Indigenous Peoples. We welcome the positive outcomes of the 8(j) WG such as the AkweKon Guidelines and strongly support the

renewed focus on the completion of concrete items such as the elements of sui generis systems, the code of ethical conduct, and 8(j)-related elements of any possible International Regime on ABS. We are gravely concerned that the issues facing the ABS WG are threatening to undermine the work programme of the 8(j) WG and call on the Parties to respect, preserve and maintain the knowledge, innovations and practices of Indigenous Peoples through the commitment of holding separate meetings of the 8(j) and ABS working groups.

Financial Mechanisms

We are deeply concerned that the proposed elements for the four-years (2010-2014) framework for programme priorities related to the utilisation of the Global Environment Facility (GEF) resources for biodiversity have been elaborated without significant participation of Indigenous Peoples, and might lead to violations of Indigenous Peoples' rights. We request that the GEF creates direct funding modalities for programmes and projects designed and managed at all stages by Indigenous Peoples. Furthermore, we are very concerned that the CBD is accessing funds from financial mechanisms such as the GEF Adaptation Fund and the World Bank's Carbon Partnership Facility which are potentially violating Indigenous Peoples' rights and do not have effective Human Rights safeguards. □ □

Forest and Agricultural Biodiversity

The issue of agricultural biodiversity is crucial to Indigenous Peoples especially in the face of the growing global food crisis. We urge States to guarantee the rights of Indigenous Peoples to save, exchange and sell our seeds without restrictions.

We also call on States to end the perverse subsidies that hurt Indigenous Peoples. Parties must encourage Indigenous Peoples and small farmers' food systems, which protect us from biodiversity damage due to corporate driven agriculture and global trade.

Recognising the negative impacts of biofuels, we call for the stoppage of biofuel production. We also call for the termination of terminator and genetic modification technologies. In addition, we urge parties and international organisations to give priority to the protection and promotion of indigenous knowledge in agriculture and outlaw the patenting of knowledge and seeds.

With respect to Forest Biodiversity, we make an urgent call for the need to solve and deal with issues regarding our lands, territories and resources as priority issues.

Inland Waters/Invasive Species

The contamination of inland waters, the construction of hydroelectric power stations, the development of extractive industries and artificial diversion of rivers lead to loss in biodiversity and related traditional knowledge of Indigenous Peoples.

It is necessary that Parties recognise traditional water resource management and the customary laws of Indigenous Peoples and local communities with respect to access to bio-resources. We urge the Parties to support conducting studies on the impacts of dams and pollution of inland waters on biodiversity, including Trans-boundary waters.

Marine and Coastal Biodiversity/ Island Biodiversity

Indigenous Peoples have the ancestral knowledge to manage our marine eco-systems. Criteria, guidance and steps for managing existing marine and coastal biodiversity areas must be consistent with the ecosystem approach and include social, cultural, traditional, and spiritual elements, based on the free, prior and informed consent of Indigenous Peoples, with our full and effective participation.

The term "open-seas" and "deep-seas" are non-legal terms, understood differently by the scientific and legal communities and indigenous peoples. The definition of these terms must be clarified and Indigenous Peoples must be included in the definition process.

Indicators, Ecosystem Approach, National Biodiversity and Strategy Action Plan (NBSAP) implementation

The IIFB gives the highest importance to the implementation of the CBD Strategic Plan and the 2010 Biodiversity Target, consistent with securing the rights and well-being of Indigenous Peoples and local communities. The COP9 Agenda includes the consideration of a few practical indicators for assessing progress in the protection of traditional knowledge, innovations and practices. These emerged from a global consultation with Indigenous Peoples, culminating in the International Expert Seminar on Indicators Relevant for Indigenous Peoples, the CBD and the Millennium Development Goals. We urge parties to take note of these indicators, and to use them in the preparation of their 4th national reports. We call on the Parties to foster the full and effective

participation of Indigenous Peoples and local communities in the elaboration of National Biodiversity Strategies and Action Plans (NBSAPS) and in the monitoring of progress made towards their implementation.

Communications, Education, and Public Awareness

Indigenous Peoples have prioritised communication, education and public awareness (CEPA) as key components of our programme of work. We welcome decision VIII/6 that calls for the inclusion of representatives from indigenous and local communities in the informal advisory committee and we look forward to a useful collaboration in the future. The IIFB must play a key role in the implementation of CEPA in order to ensure that our rights are known and understood, and our full and effective participation guaranteed. We also believe that a fundamental message that must be incorporated into all CEPA activities should reflect the central role of Indigenous Peoples in the conservation and sustainable use of biodiversity. Finally, Mr. Chairman, the IIFB looks forward to working with the Parties in the spirit of trust, mutual respect, and collaboration over the next two weeks.

Closing Statement

I am reading this closing statement on behalf of the International Indigenous Forum on Biodiversity (IIFB).

Mr. Chairman and distinguished delegates, the COP 9 takes place at a time when Mother Earth is sending signals of her distress. The international community is facing multiple global crises caused by the impacts of climate change.

We thank the Parties that have supported our proposals. However, we regret that some key issues that concern the Indigenous Peoples have not been adequately addressed.

In this regard, we request that Parties, donors and NGOs implement the CBD in accordance with the UN Declaration on the Rights of Indigenous Peoples.

Indigenous children and youth make up more than 50% of the indigenous population worldwide and indigenous women are food producers, providers and guardians of the genetic resources of the food crops for future generations. We request that the Parties implement the Work Plan on Gender as a priority and allocate resources for ensuring the full and effective participation and capacity building of indigenous women and youth.

We urge the Parties to give priority under Article 8(j) to the implementation of regimes of sui generis protection of traditional knowledge, innovations and practices.

For us, it is fundamental that the Parties guarantee that Indigenous Peoples' rights to our traditional knowledge, innovations and practices related to genetic resources, products and derivatives, be a legally binding element of any future regime on Access and Benefit Sharing (ABS). Increased support is required in the process of capacity building for Indigenous Peoples for holding regional, sub-regional and national workshops to contribute to all CBD processes.

Recognising the negative impacts caused by the establishment and expansion of land or Marine Protected Areas in our territories, we reaffirm our position that we will not accept any Protected Areas until our rights are fully recognised and respected. We call on the Parties, the Executive Secretary, NGOs and donors to convene a series of regional workshops with our full and effective participation in order to review the implementation of the Program of Work on Protected Areas to prepare for the in-depth review at COP10.

We reject genetically modified seeds, biofuels, marine fertilisation experiments, monoculture plantations and other climate change mitigation and adaptation models because they destroy our lands, territories and resources and cause the displacement and forced relocation of our peoples. We reiterate our call for a moratorium on genetically modified trees. We demand the evaluation of climate change mitigation and adaptation policies.

The real test will be how the decisions of this COP are implemented at the local level with the full implementation of our rights and how they affect the daily lives of our people, and whether they give hope to our peoples and children. We do not want life to be turned into a commodity and sold. We want biodiversity to be protected.

In conclusion, Mr. Chair, we, the Indigenous Peoples of the world request that all Parties, delegates and agencies go beyond rhetoric and take action. The protection of biodiversity is a challenge for all of us because our very survival and the survival of future generations depends on our ability to halt the capitalist driven exploitation of biodiversity. We thank the governments, especially the Government of Germany for hosting Indigenous Peoples at this COP.

Mr. Chair, you probably heard the thunderstorms last night. Could it be that the Earth and Sky are protesting some of the decisions taken at this COP?

Members of the Expert Mechanism on the Rights of Indigenous Peoples

On June 18 2008, the Human Rights Council appointed the five members of the Expert Mechanism on the Rights of Indigenous Peoples as follows:

Ms. **Catherine Odimba Kombe** (Congo)

Mr. **Jose Mencio Molintas** (Philippines)

Ms. **Jannie Lasimbang** (Malaysia)

Mr. **Jose Carlos Morales** (Costa Rica)

Mr. **John Henrikson** (Norway)

In accordance with resolution 6/36 creating the Mechanism, the five members shall serve for a three-year period and may be re-elected for one additional period.

Expert Mechanism: first session: Global caucus and training

The first session of the Experts Mechanism on the rights of Indigenous Peoples (1-3 October 2008) will be preceded by an Indigenous Peoples Global caucus (29-30 September). Monday morning will be dedicated to a small training on the procedures and mandates of the Universal Periodic Review, the special procedures, and the Mechanism itself, all organised by doCip. Many thanks to Alberto Saldamando (IITC), Samia Slimane (OHCHR, in a personal quality) and Joan Carling (AIPP and the *Cordillera Peoples Alliance*) for having accepted to share their experience and competencies. Documentation in four languages will be distributed as well as interpretation in English, French, Spanish, and Russian

Human Rights Council: New President and Bureau for the third cycle

On 19 June 2008 the Human Rights Council elected the new President and the Bureau for its third cycle.

H.E. Ambassador **Martin Ihoeghian Uhomobhi** (Nigeria) was elected as President of the **Human Rights Council** by acclamation.

The four *elected vice-presidents* are:

H.E. Mr. **Elchin Amirbayov**, Permanent Representative of *Azerbaijan*, for the group of **Eastern European** states. (vice-president-rapporteur)

H.E. Mrs. **Erlinda F. Basilio**, Permanent Representative of the *Philippines*, for the group of **Asian** states

H.E. Mr. **Alberto J. Dumont**, Permanent Representative of *Argentina*, for the group of **Latin-American and Caribbean** states

H.E. Mr. **Marius Grinius**, Permanent Representative of *Canada*, for the **Western European and others** group states

Membership of the Human Rights Council for Third Cycle (19 June 2008 to 18 June 2009)

Angola (2010), Argentina (2011), Azerbaijan (2009), Bahrain (2011), Bangladesh (2009), Bolivia (2010), Bosnia and Herzegovina (2010), Brazil (2011), Burkina Faso (2011), Cameroon (2009), Canada (2009), Chile (2011), China (2009), Cuba (2009), Djibouti (2009), Egypt (2010), France (2011), Gabon (2011), Germany (2009), Ghana (2011), India (2010), Indonesia (2010), Italy (2010), Japan (2011), Jordan (2009), Madagascar (2010), Malaysia (2009), Mauritius (2009), Mexico (2009), Netherlands (2010), Nicaragua (2010), Nigeria (2009), Pakistan (2011), Philippines (2010), Qatar (2010), Republic of Korea (2011), Russian Federation (2009), Saudi Arabia (2009), Senegal (2009), Slovakia (2011), Slovenia (2010), South Africa (2010), Switzerland (2009), Ukraine (2011), United Kingdom of Great Britain and Northern Ireland (2011), Uruguay (2009) and Zambia (2011)

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- Individuals and small NGOs: US\$ 30
- Support price (International Organisations, Administrations, Universities, Large NGOs and others): US\$ 60

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