ABS Ignores Indigenous Human Rights

The International Indigenous Forum on Biodiversity is deeply concerned that the direction of the proposed international regime on access and benefit sharing will lead to gross violations of Indigenous Peoples' rights to our lands, resources, and traditional knowledge. The current draft on the nature, scope and elements of an international regime on access and benefit sharing has ignored core proposals of the IIFB. We believe that a precondition of the proposed regime must be consistency with international human rights law.

Indigenous Peoples are rights holders with inherent, proprietary, and inalienable rights to our Indigenous knowledge and biological resources. Genetic resources and traditional knowledge are inextricably linked. We have consistently stated that we are not participating in these discussions to facilitate access to our traditional knowledge nor the genetic resources in our territories. Rather, we participate to ensure our rights are recognized and respected by the Parties in the development of the proposed regime, and to further ensure that any proposed international regime must be consistent with international human rights law and standards.

National sovereignty over natural, biological, and genetic resources under the CBD does not amount to absolute political or legal authority. Sovereignty of states is limited by the Charter of the United Nations and by other principles of international law, including human rights treaties. State Parties to the CBD are obliged to achieve consistency between international human rights laws and any legislation on access and benefit sharing; both in terms of a proposed regime's international elements and in national legislation.

The IIFB believes that the insistence of governments to absolute sovereignty and exclusive control over genetic resources is inconsistent with international law. It is also a violation of the right of Indigenous Peoples fundamental human right of self-determination and the corresponding right of permanent sovereignty over natural resources, which is the fundamental premise upon which Indigenous peoples have asserted our proprietary, inherent, and inalienable rights over our traditional knowledge and natural resources, including genetic resources.

The IIFB will not support any developments or discussions which do not support, reflect, and respect our rights. At this time, the international regime does none of these things.
IIFB calls for full and effective participation

The IIFB believes that any regime on access and benefit sharing must recognize the unique role of Indigenous Peoples as traditional knowledge holders and we call for full and effective participation in the decision-making processes on access and benefit sharing.

Toward this end, the IIFB has submitted a proposal to the chair of sub-working group 2 which we hope will be considered by the plenary of this meeting. This proposal calls upon the ABS working group to adopt more progressive and inclusive working practices during the course of their deliberations. These practices are consistent with the processes of the CBD and are already in use by the Ad Hoc Open Ended Working Group on Article 8(j) and related provisions. The deliberations of the various bodies of the CBD have serious and direct impact upon the lives of Indigenous Peoples. These adjustments can be small but constructive steps toward full and effective participation in these forums.

The IIFB also fully supports the participation of Indigenous women in forums such as these. Indigenous women are central to our concepts of traditional knowledge and to our relationship with the environment. They are holders of our knowledge and central to the passing of that knowledge to future generations. Indigenous women are vital to any actions to conserve biological diversity and their rights must be recognized, protected, and guaranteed throughout these discussions if the CBD is to succeed.