Preamble

1. We the Indigenous Peoples gathered here in San Jose, Costa Rica, reaffirm the principles contained in the Kari Oca Declaration, the Leticia Declaration, the Kimberley Declaration and Indigenous Peoples Plan of Implementation for Sustainable Development and the Wendake Plan of Action. Through a range of actions such as community defense of forests, national consultations, documentation of case studies, and the application of indigenous knowledge, indigenous peoples are contributing to sustainable forest management and protection.

2. Indigenous peoples provide concrete solutions to many of the issues facing humanity today and by strengthening indigenous peoples’ roles through effective participation in areas such as forest management and sustainable development, indigenous peoples can contribute significantly to a sustainable future for all of humanity.

3. We are shocked at the accelerated deterioration of our lands, territories, forests, water and subsoil and at the continuing violation of our rights. Free access to and use of our lands, forests and waters is forbidden to us. The titling of our lands is postponed in order to favor third parties. Protected areas, oil, timber, fishing concessions and forest plantations are created that overlap with our lands, resulting in the eviction of and restrictions for our peoples. Leaders and communities defending their forests are imprisoned and arbitrarily harassed. Our fight for our rights is criminalized and our territories are militarized. The increasing number of these cases and the lack of legal redress is alarming, as the leaders and experts attending the meeting have pointed out.

4. We express our deep concern about the attitude of the United Nations bodies in treating traditional knowledge in a fragmented manner, without recognition of its holistic nature and its indissoluble unity with our collective rights as peoples.

5. We are concerned that national and international processes related to free trade agreements between states foster the usurpation and degradation of our forests, lands and territories, as well as biopiracy and uncontrolled access to genetic resources in our forests, lands and territories.

6. The greatest obstacles for the implementation of international standards and mechanisms related to the human rights and fundamental freedoms of indigenous peoples are the lack of political will of nation states, unfair and discriminatory laws, and the lack of sufficient funds and resources to allow the autonomous development and full participation of indigenous peoples in all processes.

7. Traditional Forest Related Knowledge (TFRK) of indigenous peoples is intrinsically interlinked with our life. It cannot be separated from our interrelationship to our territories. We emphasize the unique spiritual values, world views and cosmologies of indigenous peoples, all of which are interconnected to the sacred web of life and enrich the cultural diversity of all humanity. There is no knowledge without peoples or territories.

8. Traditional Forest Related Knowledge of indigenous peoples is not a commodity. It cannot
be extracted, documented and traded. It is linked to our intergenerational cultural development, survival, beliefs, spirituality and medicinal systems. It is inseparable from our lands and territories. Its use is confined to persons with the appropriate authority to use it in accordance with our customary laws.

9. Our traditional knowledge is much more than simply the knowledge of certain plants or animals. It is intimately linked to the spiritual world, to ecosystems, and to the biological diversity within our lands and territories and it transcends national boundaries. Fragmented misappropriation of this knowledge constitutes a deep violation of the integrity of our lives, territories and autonomous development.

In view of the above, we once more demand the recognition of the following principles in all forest policies and issues related to TFRK:

**General Principles:**

1. Indigenous peoples have the right to self-determination. We have legal and juridical systems based on our collective rights to our territories and natural resources, including subsoil resources.

2. The application of the principle of free and prior informed consent is fundamental in any decision which could affect our territories, lands, forests and development planning.

3. The issue of traditional knowledge must be regarded in a holistic manner, inseparable from our rights as peoples.

4. We are the owners and custodians of indigenous knowledge, and the ones to decide upon the nature of its use and application, and the conditions under which it can accessed or not. Indigenous peoples are opposed to a use of traditional knowledge which violates the spirituality and cosmovision associated with traditional knowledge.

5. We endorse a rights-based approach as the most appropriate way of dealing with the theme of forests and traditional knowledge, and also with efforts to eradicate poverty. Such an approach recognizes both the collective and individual rights of indigenous peoples, which include our rights to self-determination, our rights to the use and control of our natural resources, to our cultural heritage, to our self-development, to our languages and our traditional ways of life and livelihood.

6. Indigenous peoples have the right to a development that is appropriate and suitable for us, on our own terms and conditions, and at our own pace and tempo, managed and guided by our own leaders, institutions and processes. The right to use our forests, water and subsoil which we have protected and sustainably used over the centuries, in ways that we find appropriate, including contemporary innovative systems of forest use and forest management, is part of our right to development.

7. We emphasize the need to strengthen the major role of indigenous women in the preservation and transmission of indigenous knowledge. The role of elders and spiritual guides as owners and transmitters of traditional knowledge to the younger generations must also be recognized.

15.00 - adopted

*Indigenous leader of the Huetar people of Costa Rica*