

**Conference of Parties to the Convention on Biological Diversity  
Ninth Meeting, Bonn 19-30 May 2008**

**UN PERMANENT FORUM ON INDIGENOUS ISSUES STATEMENT ON ACCESS  
AND BENEFIT SHARING OF GENETIC RESOURCES AND RELATED  
TRADITIONAL KNOWLEDGE (Agenda Item 4.1)**

**Victoria Tauli-Corpuz, Chairperson UNPFII, May 20, 2008**

Thank you, Madame Chair, for giving the floor to the UN Permanent Forum on Indigenous Issues to speak on the issues on the issue of access and benefit-sharing of genetic resources and related traditional knowledge.

The Forum welcomes the progress achieved in the negotiations at the 6th meeting of this WG. As you instructed us to focus on how to proceed, the Forum presents some views based on its assessment of where the negotiations are now. We are aware that the negotiations on an international regime has to be concluded by 2010. Indigenous peoples take this issue seriously as evidenced by their active engagement in the processes around this issue. As Namibia, on behalf of Africa, said this is an issue which should address the issue of justice and equity between developed and developing countries and I would like to add between the dominant society and indigenous peoples.

After the adoption of the UN Declaration on the Rights of Indigenous Peoples, the Forum believes that negotiations on issues that concern indigenous peoples should be less complicated as there will no more debates on whether they have such rights or not. The Declaration is mainly an instrument that addresses the cries of indigenous peoples against colonialism, racism, discrimination and exploitation of their genetic resources and traditional knowledge without them getting any benefits. Therefore, we certainly hope that the negotiations on ABS will affirm the importance of this newly adopted international human rights instrument. The Permanent Forum is mandated by the Declaration to effectively implement it and therefore we are eager to monitor and support the efforts States and other UN bodies, including the CBD, to implement the Declaration.

We are happy to see, therefore that, draft decision for the 9th COP includes a reference to the Declaration and its role in the negotiations and the future implementation of an international regime on access and benefit sharing. We urge all the Parties to retain this paragraph as it is part of the implementation of the Declaration and it will also send a strong signal to other Multilateral Environmental Agreements.

We find the Annex of the negotiating text as a good basis for continuing the negotiations. What is crucial for indigenous peoples is that the international regime acknowledges their ownership and rights over genetic resources found in their territories as well as their rights over related traditional knowledge. On this basis their

free, prior and informed consent should be obtained before access to their genetic resources and their traditional knowledge is facilitated. Equitable and fair terms of benefit-sharing should also be ensured.

As far as the road map is concerned, clearly there is a need to hold adequate consultations before the 2010 COP. We therefore request the Parties to allot enough resources to allow for needed consultations until an agreement is reached. We strongly support the proposal that an international expert meeting on traditional knowledge prior to the seventh meeting of the Ad-Hoc Open Ended Working Group on Access and Benefit Sharing. We also urge the parties to ensure the full and effective participation of indigenous peoples in all these processes.

On our part, as the Permanent Forum on Indigenous Issues, we will provide advice to the Working Group, as requested, on the basis of studies and reports we get from indigenous peoples. The further study on the role of customary law in protecting traditional resources is one of these studies which we will submit to the Working Group for their consideration.

Thank you Madame Chair.