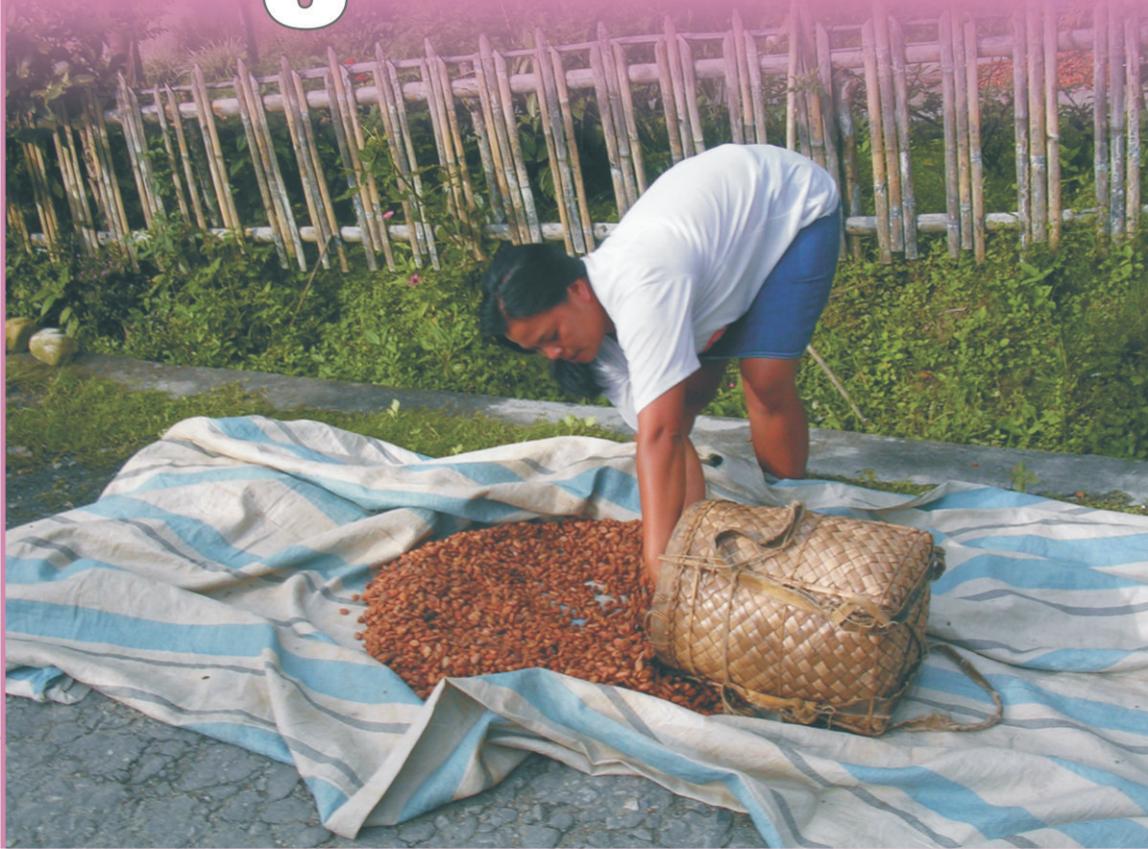


# Indigenous Peoples & The Convention on Biological Diversity

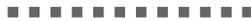
## 6 Asian Indigenous Women and the Convention on Biological Diversity





**Biodiversity - Our Life, Our Future**

# **Indigenous Peoples & the Convention on Biological Diversity**



Capacity Building & Advocacy Series No. 6:  
Asian Indigenous Women and the CBD



**Tebtebba**  
Indigenous Peoples' International  
Centre for Policy Research and  
Education



*Indigenous Peoples & the Convention on Biological Diversity*  
Tebtebba Foundation

Copyright © TEBTEBBA FOUNDATION, 2008

All rights reserved.

No part of this book may be reproduced in any form  
or by any means without the written permission  
of the copyright owner and the publisher.

Published by  
Tebtebba Foundation  
No. 1 Roman Ayson Road  
2600 Baguio City  
Philippines  
Tel: 63 74 4447703 Tel/Fax: 63 74 4439459  
E-mail: [tebtebba@tebtebba.org](mailto:tebtebba@tebtebba.org)  
Website: [www.tebtebba.org](http://www.tebtebba.org)

Writer: Maurice B. Malanes  
Cover Design and Production: Raymond de Chavez  
Lay-out: Raymond de Chavez & Paul Nera

Printed in the Philippines  
by Valley Printing Specialist  
Baguio City, Philippines

**ISSN 1908-0794**

**Biodiversity - Our Life, Our Future**

**Indigenous Peoples &  
the Convention on  
Biological Diversity**



Capacity Building & Advocacy Series No. 6:  
Asian Indigenous Women and the CBD

## **Acknowledgements**

Tebtebba wishes to acknowledge the Asian Indigenous Women's Network (AIWN) whose collaboration made the workshop succeed.

Deserving equal acknowledgment are the indigenous women participants from various indigenous communities in Bangladesh, Cambodia, China, East Timor, India, Indonesia, Nepal, Philippines, Thailand and Vietnam.

Finally, Tebtebba is grateful to SwedBio of Sweden and Evangelischer Entwicklungsdienst (EED) of Germany for its financial support.

## Contents

---

<b>Foreword</b> .....	vii
<b>Chapter 1:</b> Asia Workshop on Gender & Environment ...	1
<b>Chapter 2:</b> Indigenous Women’s Rights & Issues: A Brief Overview .....	4
<b>Chapter 3:</b> The CEDAW: Overview .....	7
<b>Chapter 4:</b> Human & Nature Relationships .....	13
<b>Chapter 5:</b> The Millennium Ecosystem Assessment .....	19
<b>Chapter 6:</b> Indigenous Women & Biodiversity .....	27
<b>Chapter 7:</b> Negotiating Biodiversity .....	40
<b>Chapter 8:</b> Implementation of the CBD .....	45
<b>Chapter 9:</b> The IIFB & IWBN .....	54
<b>Chapter 10:</b> Access to & the Fair & Equitable Sharing of Benefits arising out of the Utilization of Genetic Resources .....	60
<b>Chapter 11:</b> UN Structures: Women, Indigenous Peoples & Environment .....	70
<b>Chapter 12:</b> Indigenous Women & Political Advocacy ...	75
<b>Chapter 13:</b> Evaluation & Recommendations .....	90
<b>Annex:</b> List of Participants .....	93

**Capacity Building and Advocacy Series:**

Capacity Building and Advocacy Series No. 1:

*The Philippine Report*

Capacity Building and Advocacy Series No. 2:

*The Asia Report*

Capacity Building and Advocacy Series No. 3:

*The East Africa Report*

Capacity Building and Advocacy Series No. 4:

*Philippine Roundtable on Sui Generis Protection of  
Traditional Knowledge & Intellectual Property Rights*

Capacity Building and Advocacy Series No. 5:

*The Malaysia Report*

## Foreword

---

*We are the women of Asia,  
We are the peoples of the land.  
We are the women of Asia,  
We stand together hand in hand.  
We work on our native soil,  
Feel the sweat from our toil,  
With the power of our hand,  
We feed the people of the land.*

This refrain from *Women of Asia*, a song of unity composed during the first Asian Indigenous Women's Conference, and the whole song itself had become the battle hymn of Asian indigenous women who gathered for the 15-19 August 2007 "Workshop on Gender and Environment, Indigenous Women and Convention on Biological Diversity Implementation" in Baguio City, Philippines. The song composed by Joji Carino, Judy Carino and Nancy Jouwe articulates the role Asian indigenous women have played and continue to play in various spheres from sustaining and nurturing the land and its ecosystems to teaching and handing down values, cultures and traditional knowledge to future generations.

As they sang the song of unity during breaks to draw some inspiration, the participants during the workshops worked around one underlying goal - to have a stronger voice in various political arenas where decisions and policies are made. The participants were thus exposed to the processes and arenas offered not only by various international human rights conventions, but also by environmental agreements such as the Convention on Biological Diversity. And an emerging realization was that these indigenous women could make their voices heard if they could actively engage and participate in these various arenas and forums.

Participants have generally agreed that the exercise they went through was empowering. It was empowering in terms of building their knowledge and capacities. These

---

knowledge and capacities could be directed in mapping out strategies on how indigenous women could advocate their concerns over their environment and natural resources before government officials and before international arenas such as the Convention on Biological Diversity and the Convention on the Elimination of all Forms of Discrimination against Women.

With the goal of becoming agents of change, the participants pushed for more follow-up trainings on how indigenous women could effectively help implement the Convention on Biological Diversity. They particularly requested for more training methodologies, which they could use to train and educate other women. They also stressed the need to be oriented on climate change, forests, resource management, invasive alien species, and bio-piracy as they requested help on how to write Shadow Reports.

As change agents, they have to address various grassroots issues even as they link these to the international level. Within their own communities, the indigenous women participants have to wrestle with issues and problems they identified – illiteracy, livelihood needs, and language barriers (since English, for example, is a borrowed language). They felt all these had to be addressed, too, if they were to become effective change agents in the other political arenas.

In the workshop, the participants demonstrated how they had clearly graduated from a how-pitiful-are-we mindset to a we-can-make-a-dent paradigm. With enthusiasm and vigor, they mapped out plans for the future such as possibly holding another Asian Indigenous Women's Network conference in 2008.

Again, the spirit of unity and renewed vigor that the Asian indigenous women participants showed could be summed up by one of the stanzas of the *Song of Unity*, their battle hymn: *We the women are solid and fighting/ Hearts and minds and spirits uniting/ Fists in the air, feet on the earth/ A women's movement on the birth.*



## **1 Asia Workshop on Gender and Environment: Indigenous Women and the Implementation of the Convention on Biological Diversity**

A workshop on gender and environment has enabled indigenous women in Asia to see the link between indigenous women's rights advocacy and their role in helping implement environmental agreements such as the Convention on Biological Diversity.

The 15-19 August 2007 "Asia Workshop on Gender and Environment: Indigenous Women and the Implementation of the Convention on Biological Diversity" was done back to back with the Meeting of the Coordinating Council of the Asia Indigenous Women's Network or AIWN. The AIWN Coordinating Council first met on 15 August before the four-day gender and environment workshop, which

Tebtebba sponsored under its indigenous peoples' capacity-building on the CBD project.

Done at the Asian Institute of Management Training Centre in Baguio City, Philippines, the workshop drew 34 indigenous women representatives from Thailand, Cambodia, Vietnam, Bangladesh, India, Nepal, China, Indonesia, East Timor, and the Philippines. Five staff helped in the secretariat work.

The workshop aimed:

- To receive updates from the members of the Asian Indigenous Women's Network;
- To receive updates from the AIWN Secretariat and international indigenous women's networks;
- To discuss AIWN challenges and draw strategies, future perspectives and plans;
- To deepen understanding of indigenous women's rights and issues in Asia;
- To deepen appreciation of women's rights within the international system;
- To explore dimensions of gender and environment;
- To learn about the Convention on Biological Diversity and the role of Indigenous Peoples; and
- To strengthen indigenous women's capacities for policy advocacy at all levels.

**Hopes and Fears.** To gauge what they expected from the workshop, the participants were given an exercise in which they printed on cards their "hopes" and "fears." They were asked to list down what they hoped to learn from the workshop and what factors or obstacles would hinder their learning and participation.

The indigenous women's hopes revolved around improving or deepening their knowledge about the relation between gender, rights and the environment. Such acqui-

sition of knowledge, they hope, would redound to improving their skills in also educating other indigenous women and communities. They particularly pointed the need for technical skills in packaging information and modules, which could help empower their communities. And they hoped to learn from and adopt in their communities the experiences and best practices of other women. Others sought to learn how to source out funds and how to mobilize resources for capacity-building of other indigenous women.

The common fear was language barrier since English, the language used during the workshop, is not widely spoken in many of the participants' communities. Others feared the facilitators and resource speakers would use jargons, which would be too technical for the participants to understand. But one participant was optimistic, stressing that "we must turn our fears into hopes."



## 2 Indigenous Women’s Rights and Issues: A Brief Overview

---

The participants themselves, through workshop groups, provided the basic information on the status of indigenous women’s rights and related issues in their home countries. The participants were grouped into four workshop groups: Southeast Asia (Indonesia, Timor Leste, plus one Philippine representative), Mekong (China, Cambodia, Vietnam and Thailand), South Asia (Nepal, Bangladesh, and India), and the Philippines, which has a bigger representation.

The workshop groups were asked two main questions:

1. What are the issues and concerns in relation to women’s rights in your country/community?
2. How are indigenous women responding to these

issues and concerns at the local, national and international levels?

**Issues and Concerns.** Based on the four workshop groups, the common big issue identified was discrimination. This discrimination comes in the form of the lack of participation of indigenous women, and of indigenous peoples in general, in relation to the making of policies, programs and laws affecting lands and resources. Without involving and consulting indigenous communities, big companies in partnership with governments have embarked on big mining operations, dams, logging and other destructive industries, which more often have left indigenous communities at the losing end.

Discrimination also comes in the form of indigenous women's lack of access to basic social services such as health services and education. Because of economic difficulties and lack of equal job opportunities owing to the discriminated status of indigenous women, some have been forced into prostitution. Worse, some governments do not recognize the citizenship of some indigenous peoples, a situation which is deeply hurting indigenous women who generally end up at the hands of trafficking and prostitution syndicates.

Even within many Asian indigenous communities, women generally lack voice in dominantly patriarchal decision-making bodies such as elders' or tribal councils, and women do not have the right to inherit properties such as land. In some societies, the caste system, which still prevails in some parts of South Asia, strongly discriminates women.

As they continue to wrestle with structural and culturally-linked issues of discrimination, indigenous women have to battle various faces of violence both inside the home and within their communities. While wife-battering remains a fact of life in many homes, the rape of women, arrests and torture and disappearances of indigenous peoples – which have become part of militarization policies – are still happening day by day.

Still another big issue is trafficking of girls and women, which needs a concerted response from governments, the international community and civil society groups.

**Responses.** Despite their issues and suffering, indigenous women are doing something to uplift their lives and assert their right to dignity. They cited their organizing efforts from the grassroots and the national to the regional and international levels. They particularly cited the Asian Indigenous Women's Network or AIWN, which was formed through their own alliance and networking efforts.

Alongside their organizing and networking efforts, indigenous women under the AIWN have consciously begun building their capacities, deepening their knowledge and developing their skills in community health care, research and documentation, literacy programs, and on how to negotiate with governments. Through indigenous women's efforts, some governments have integrated in their programs gender issues and concerns.

With more battles to face and more victories to win, indigenous women have pressed on with their advocacy and campaign efforts. They have continued to issue statements on matters that affect their lives as they have continued to network among themselves while sharing funds and resources for capacity-building trainings. At the community level, indigenous women have helped in protesting against, if not negotiating with, outside forces such as governments and corporations, which have sought to exploit their lands and resources.



### **3 The CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women): Overview**

***By Ellen Dictaan-Bang-oa,  
Gender Desk, Tebtebba***

The common problems and issues of women date back to the colonization era when we were forced to be assimilated through colonial education and religion. But some developments in international lawmaking sought to address the long history of discrimination against women.

Earlier in the 1960s, the women's movements in the West were able to lobby for the protection and promotion of women's rights. Through the work of the Commission on the Status of Women (CSW), the Convention on the Political Rights of Women was adopted by the UN General Assembly in December 20, 1952; the Convention on the Nationality of women adopted by the Assembly in January 29, 1957; the Convention on Consent to Marriage, Mini-

imum Age for Marriage and Registration of Marriages adopted on November 7, 1962; and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on November 1, 1965. It should be noted that these were adopted prior to the International Bill of Human Rights in 1966. Women's lobby resulted to the recognition of political rights, at least the right to suffrage.

The international Bill of Human Rights lays the standards for people to live as human beings with dignity. But despite this and other international human rights instruments, women's human rights have remained neglected in the overall human rights scheme and discrimination of women as "second class citizens" has prevailed. Women still experienced double burden (reproductive and productive roles) and access to resources and services like education and health were still in favor of men. The men are given preference to access to education and they are taken cared of when they are sick while women perform their expected tasks even if they are sick. These are some of the manifestations of the non-enjoyment of women's human rights.

In 1979 the UN General Assembly adopted the Convention on the Elimination of all Forms of Discrimination against Women or CEDAW. Often described as an international bill of rights for women, the CEDAW consists of a preamble and 30 articles and defines what constitutes discrimination against women and sets up an agenda for national action to combat discrimination.

The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- To ensure elimination of all acts of discrimination against women by persons, organization or enterprises.

The Convention provides the basis for realizing equality between women and men by ensuring women's equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and employment. State parties are obliged to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty, which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire and change or retain nationality and the nationality of their children. State parties are also obligated to take appropriate measures against all forms of trafficking and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, every four years after the initial report which is due one year after accession on measures they have taken to comply with their treaty obligations. Currently, 185 countries

## Summary Provisions

Article Number	Provides for:
1	Definition of discrimination
2	Policy measures to eliminate discrimination
3	Guarantees basic human rights and fundamental freedoms on equal basis with men
4	Temporary special measures to achieve equality
5	Sex roles and stereotyping
6	Prostitution
7	Political and public life
8	Participation at the international level
9	Nationality
10	Equal rights in education
11	Employment
12	Health care and family planning
13	Economic and social benefits
14	Rural women
15	Equality before the law
16	Marriage and family
17-22	Establishment and functions of the Committee
23-30	Administration of the CEDAW

- over 90 per cent of the members of the United Nations - are party to the Convention.

## Open Forum

*Why are women still discriminated despite CEDAW and other conventions?*

In Nepal, eliminating discrimination against women may take time because of the well-entrenched patriarchal framework, which has permeated our policies and our consciousness.

*Are there national tribunals or other public institutions established to address cases of discrimination against women?*

In the Philippines, we have the National Commission on

the Role of Filipino Women or NCRFW. Other countries have similar bodies, like the Cambodia National Council for Women which are supposed to be the government bodies tasked to ensure state compliance to the CEDAW. While such national machineries have been created and policies enacted towards gender equality and equity, there is still a question of relevant and actual implementation in most countries.

*You mentioned about direct and indirect discrimination against women. Please cite some examples.*

In the Philippine setup, we talk of equal opportunities for work and advancement, but in the workplace, men dominate women not only in numbers but also in status. Moreover, men are usually preferred over women especially in private companies because of the burden of paying the maternity and other benefits for married women.

Indirect discrimination also happens when a job applicant is discriminated because of certain requirements such as “a pleasing personality, a certain height, and a certain age bracket.” These may not necessarily be relevant to the job and one’s performance. A common experience among Asian countries — such as in the Philippines and in Bangladesh — is labor discrimination between men and women where the latter are paid less for equal work.

Direct discrimination is reflected in job advertisements like: “Wanted: Male Workers.”

*In CEDAW, there are no provisions on indigenous women. Article 14 mentions rural women, but not indigenous women.*

Indigenous women are lumped in “vulnerable sector,” which includes rural women. The FIMI (International Indigenous Women’s Forum) organized an indigenous women caucus in 2005 on how they can engage the UN. In the end, the Commission on the Status of Women adopted the resolution filed by indigenous women from 60

countries. This is said to be the first resolution particular to indigenous women at the CSW.

*Please explain more about shadow reports for CEDAW?*

Shadow reports are submitted to the CEDAW Committee as alternative information to the state party report. These may focus on specific issues like reproductive health, or issues of a specific sector, i.e., indigenous women that governments, in their implementation of CEDAW, may have not addressed, therefore needing attention. These are initiatives of NGO and civil society to engage the CEDAW and governments in implementing effectively the substance of the Convention. In Thailand in 2005 a colleague was able to input on indigenous women.

*Recommendation:*

When we have to prepare this shadow report, we are required to have ECOSOC status. Tebtebba, which has ECOSOC status, must help on this. The Asian Indigenous Women's Network can also provide information on which doors to knock.



## **4** Human and Nature Relationships

*By Joji Cariño*

From a historical view of nature-human interactions, the interdependence of social, cultural and political systems with the natural system or ecosystems has been evident. Over time diversity and change in these systems have occurred.

**Formation of Continents.** The earth came from space. From a hard rock from space that has since revolved around the sun, the earth evolved into what it is now. The earth has a hot core made of molten rocks, which are covered by the crust. Triggered by activities inside the core, movements in the earth's crust have meant changes in the distribution of land mass. These movements manifested in "disasters" such as earthquakes, volcanic eruptions, and

tsunamis. These movements, in turn, have since determined the distribution of natural and mineral resources, as well as plants and animals.

**Natural Ecosystems.** Alongside the formation of continents came the formation of various natural ecosystems. These include grasslands, tropical rainforests, dry lands and deserts, coral reefs, islands, mountains, ice caps and polar regions (tundra).

**Settlement and Human History.** The settlement of the world approximately began one million years ago. The first human species first settled in Africa and later spread to frost-free areas of the Middle-East, India, south China and parts of Indonesia. Before 100,000 years ago, these human species then journeyed to Europe (approximately 80,000-120,000 years ago), Australia (40,000 years ago), and the Americas (13,000 years ago). Before 10,000 years ago, the Pacific and Indian Ocean islands were also settled. The rest of the world was settled 2,000 years ago.

Fossil evidence from Africa and Java showed that some 3.5 million to 2 million years ago, there existed what is now called the *Homo erectus*, a species with upright posture and large brain who used speech to communicate and crude tools to survive.

Later on about 100,000 years ago, fossil evidences of what is known as *Homo sapiens* were also found in southern Africa. Some 30,000 years ago, *Homo sapiens* were found in all continents. For the *Homo sapiens*, hunting and gathering were the primary means of subsistence.

**Human Tools and Technology.** For the past two million years, gathering, hunting and herding were the means of survival. The principal technology was the use of stone tools such as axes and spears. Later the discovery and use of fire helped improve technology. Some 5000 years BC, the global population was estimated at four to five million.

Since 10,000 years ago, humans discovered how to farm and, as a result, settled societies evolved. This shift from hunting and gathering to agriculture is called the

Neolithic Revolution, which first swept Southwest Asia, China and Meso-America. As cities eventually emerged, elites also appeared, controlling political and economic power. By 1000 BC, population began doubling every millennium by 50 million.

The Industrial Revolution that began more than 200 years ago paved the exploitation of the earth's fossil fuels. After this new revolution, the world's population shot up to 5 billion.

**Social and Natural Systems.** What are the different social and cultural systems? These actually include the family, clan, village, and communities, including gender. And what are the different political systems? These also encom-

**Worldwide Diffusion of Crops and Animals (Chief Centers for Diffusion of Major Crops and Animals)**

Southeast Asia	Europe	Americas	Africa
Sugarcane Rice Orange Lemon Lime Spinach Aubergine Banana	Wheat Barley Oats Sheep Cattle Horse Pig Bee Rabbit	Maize Tobacco Potato Tomato Manioc Cocoa Rubber Pineapple Avocado Peppers Squash/Pumpkin	Hard Wheat Sorghum Coffee

pass village political systems such as the *dap-ay*, an indigenous political system in Mountain Province in northern Philippines, elders' councils, nation-states, the United Nations, and the women's political movement.

On the other hand, what are the different economic systems? We have agriculture and the various industries controlled by corporations.

Now the question is: how do all these systems interrelate and interact with the natural ecosystem?

**Some Vocabulary.** One interesting new phrase is *social ecology*, which refers to the study of social systems in which beliefs determine how you use the natural system. This study recognizes the diversity of views on the social system, considering that there are 6,000 cultures worldwide, 95 percent of them indigenous. The other view is that the political system controls the economic system, and powerful groups, which control the political system, ultimately leads to destruction of the natural system.

Another is *political ecology*, the study of how political, economic, and social factors affect environmental issues. Since nation-states were established, it has been shown that those who control the political system also control the economic system.

We now have 190 countries with common views on development that were organized into the UN. Under the UN, the diversity in political system is less. As a carry-over of the colonization era, the more politically and economically powerful countries dominate the UN in the same way that the developed countries, in various degrees, control the poorer countries.

In the past national governments decide for their countries. Not anymore. Now it is rich transnational corporations that decide for poor countries such as in many extractive industries. There is thus an imbalance of power, which results in an imbalance in the governance and management of nature.

And as technology becomes more powerful, humans become powerful over nature. A view that first evolved in Europe was that man could control nature. European colonizers brought this view to the rest of the world, overtaking the previous view that nature is more powerful than humans.

**Crisis in Human-Nature Relationship.** We have begun to experience a crisis in human-nature relationship since the industrialization era when we had to extract fossil fuels and other resources. Such extractive activities have

not only changed and destroyed our environment but have also changed the climate of the world.

**Gender and Environment.** If there is inequality in men and women relationship, there is also inequality in the use of nature as men and women see and use nature differently. Men are more powerful and use nature in another way, and this shows in the relationship.

**Finding Linkages.** There are different social and cultural views on access and control of natural resources. Let us therefore look into the linkages between nature or the ecosystems and the economic, political, cultural and social systems. On the economic system, we will look into how corporations create commodities and get wealth from nature. The political system covers the system of nation-states and how they got together under the United Nations, which comprises more than 190 nation-states. Still under the political system, it is important to also note the relation between men and women. In looking into our cultural systems, we can come to appreciate that we have more than 6,000 indigenous cultures worldwide in contrast to the more than 190 nation-states. The social system encompasses our religious systems.

All these systems are actually interlinked. But how does each of these systems link with each other? We need first to understand all the relations of these systems. And are we the lowest of the low, the strongest, or somewhere?

And what is sustainable development? As nature becomes more degraded, our dry lands become deserts, our forests are cut, and our ice caps are melting, giving us an environmental crisis, which is now changing our climate. So we need to use our environment in a sustainable way. And so what is our role here?

Lastly we will look at how we can link our local, national, regional, and international work and what activities to build and pursue.

## Group Workshop

Taking off from the input on human and nature relationship, the participants were grouped according to sub-regions, and sat down to reflect on how all the different systems interrelate and interact with the natural system. They were guided by four questions:

1. What are the different social and cultural systems?
2. What are the different political systems?
3. What are the different economic systems?
4. How do these systems interrelate and interact with the natural system?

The various workshop groups commonly noted that under the indigenous view, all systems – from economic, political and social – revolve around the natural system. To help protect the natural system, indigenous communities developed norms and values, including taboos, which were also meant to govern conflicts of interests. And this gave rise to the development of social or cultural systems, which helped in using and managing land and resources in a sustainable way. But something is particular about the view from the Mekong workshop group: the social system determines how people use their natural resources.

On the economic sphere, indigenous communities have managed and used their land and resources for their survival and livelihood. So they hunt, gather and farm to survive. These economic systems, however, are changing with industrialization and modern technology. With the aid of technology and modern technique, extracting resources (through mining and logging) and producing food (through chemical farming) have led not only to the destruction of the environment, but also of traditional knowledge and many indigenous cultural systems.

The political system, the workshop groups agreed, has something to do with making laws or rules. Now done by government, these laws and rules are aimed at either protecting or destroying the natural system.



## **5** The Millennium Ecosystem Assessment

To help tie what was already discussed about the inter-linkages of the natural, political, economic, social and cultural systems, participants were briefed on what is called the Millennium Ecosystem Assessment or MEA. Commissioned by UN Secretary-General Kofi Annan, the MEA was the result of a study of the inter-linkages between the various systems. The MEA's findings and key messages only confirm or reinforce what we already know about our natural environment as indigenous peoples.

As it makes proposals on environmental governance, the MEA, for example, notes that those with interests in conserving biological resources such as indigenous peoples are excluded from the decision-making process.

The MEA also pointed that humans have altered the ecosystems to meet growing demands for food, fresh water, fiber and energy. But this is still a question because as resources are being taken away, others get poorer and more environmental catastrophes are happening as fishes and other resources are dwindling, if not disappearing.

When the colonizers came, they thought they could just get resources free, a kind of mindset that continues with governments and corporations up to now. These resources are not free because there are people there.

### **Key Messages of the Millennium Ecosystem Assessment**

- Everyone in the world depends on nature and ecosystem services to provide the conditions for a decent, healthy, and secure life.
- Humans have made unprecedented changes to ecosystems in recent decades to meet growing demands for food, fresh water, fiber, and energy.
- These changes have helped to improve the lives of billions, but at the same time they weakened nature's ability to deliver other key services such as purification of air and water, protection from disasters, and the provision of medicines.
- Among the outstanding problems identified by this assessment are the dire state of many of the world's fish stocks; the intense vulnerability of the two billion people living in dry regions to the loss of ecosystem services, including water supply; and the growing threat to ecosystems from climate change and nutrient pollution.
- Human activities have taken the planet to the edge of a massive wave of species extinctions, further threatening our own well-being.

- The loss of services derived from ecosystems is a significant barrier to the achievement of the Millennium Development Goals to reduce poverty, hunger, and disease.
- The pressures on ecosystems will increase globally in coming decades unless human attitudes and actions change.
- Measures to conserve natural resources are more likely to succeed if local communities are given ownership of them, share the benefits, and are involved in decisions.
- Even today's technology and knowledge can reduce considerably the human impact on ecosystems. They are unlikely to be deployed fully, however, until ecosystem services cease to be perceived as free and limitless, and their full value is taken into account.
- Better protection of natural assets will require coordinated efforts across all sections of governments, businesses, and international institutions. The productivity of ecosystems depends on policy choices on investment, trade, subsidy, taxation, and regulation, among others.

## **Facts and Figures on Poverty and Ecosystem Services**

- In 2001, just over 1 billion people survived on less than \$1 per day of income, with roughly 70 per cent of them in rural areas where they are highly dependent on agriculture, grazing, and hunting for subsistence.
- Inequality in income and other measures of human well-being has increased over the past decade. A child born in sub-Saharan Africa is 20

times more likely to die before age five than a child born in an industrial country, and this disparity is higher than it was a decade ago. During the 1990s, 21 countries experienced declines in their rankings in the Human Development Index, an aggregate measure of economic well-being, health, and education; 14 of them were in sub-Saharan Africa.

## **Facts and Figures on Poverty and Ecosystem Services**

- Despite the growth in per capita food production in the past four decades, an estimated 852 million people were undernourished in 2000–02, up 37 million from 1997–99. South Asia and sub-Saharan Africa – the regions with the largest numbers of undernourished people – are also the areas where growth in per capita food production has been the slowest. Most notably, food production per person has declined in sub-Saharan Africa.
- Some 1.1 billion people still lack access to an improved water supply, and more than 2.6 billion lack access to improved sanitation. Water scarcity affects roughly 1–2 billion people worldwide. Since 1960, the ratio of water use to accessible supply has grown by 20 per cent per decade.

## **Hunger and Thirst**

- More than 2 billion people live in the dry regions of the world, and they suffer more than any other parts of the population from problems such as malnutrition, infant mortality, and diseases related to contaminated or insufficient water.
- Areas such as sub-Saharan Africa are among those

where natural services are most threatened by human impacts. Bucking the trend of the rest of the world, the amount of food produced for each person living in this region has actually been going down. (Factors: conflicts, desertification, bad governance.)

- The prospects for drier areas are of particular concern as water supplies are largely being drawn from sources such as the “mining” of groundwater, not sufficiently recharged by rivers or rain, and they are therefore not sustainable in the long term. At the same time, population in these regions is rising rapidly. (The issue of water.)
- Poverty and degradation of nature can combine into a downward spiral—poor communities are often left with fewer options to conserve their natural resources, leading to further deterioration of the land and even greater poverty. (The issue of alternatives is critical: how can we find those ways?)
- The problem of degradation of dry lands, a process known as desertification, is acknowledged as a cause as well as a consequence of poverty. Poor farming practices can lead to serious soil erosion and lack of moisture, making survival from the land even more difficult. (Desertification and what actions can be done.)

### **Some win, others lose**

- In many cases, it is the poor who suffer the loss of services caused directly by the pressure put on natural systems to bring benefits to other communities, often in different parts of the world. (Flower farms’ products exported to Europe but local environment gets damaged.)

- The benefits of dams, for example, are mainly enjoyed by the cities to which they provide electricity and water, while the rural poor can lose access to land and fishing and even suffer increased diseases such as schistosomiasis carried by snails that thrive in artificial reservoirs.
- The negative impacts of climate change will fall disproportionately on the poorest parts of the world—for instance by exacerbating drought and reducing food production in the drier regions—but the buildup of greenhouse gases has come overwhelmingly from richer populations as they consume more energy to fuel their higher living standards. (Because indigenous peoples live close to their natural systems, they will be directly affected by the adverse impact of climate change.)

### **Natural decline hits us all**

Yet wealthy parts of the world cannot shield themselves entirely from these impacts, even if they are usually better able to find alternatives to natural services or to displace the damage to other regions and future generations.

While wealthier economies can more easily afford engineered alternatives to natural services, such as artificial flood defenses to compensate for the changes made to river banks and wetlands, the cost of such measures can place a heavy burden on public expenditure. Investment in measures to conserve the original function of these natural spaces is generally a far cheaper and highly effective option.

Loss of natural services in poor regions affects people with far fewer alternatives to protect their livelihoods. This can also put high financial and political strains onto the international community, either through increased disaster relief, the need to intervene in regional conflicts, or the migration of refugees.

## Seeking a better way: Improve policy, planning, and management

- Integrate decision-making between different departments and sectors, as well as international institutions, to ensure that policies are focused on protection of ecosystems. (The UN has different bodies and they don't work very well. But in the local level, we can see how the various systems work.)
- Include sound management of ecosystem services in all regional planning decisions and in the poverty reduction strategies being prepared by many developing countries.
- Empower marginalized groups to influence decisions affecting ecosystem services and recognize in law local communities' ownership of natural resources. (Best scientists have already said this: bring decision down to the communities.)
- Establish additional protected areas, particularly in marine systems, and provide greater financial and management support to those that already exist. (We cannot get good conservation unless we are part of decision-making.)

### Open Forum

*Has the Millennium Ecosystem Assessment been disseminated to the States so this can be implemented?*

The UN Secretary General asked for the assessment because countries asked for it. The Millennium Ecosystem Assessment is contained in a summary report. But the whole report is contained in four books. Governments know all about these.

*How can international agricultural trade agreements help address hunger?*

International trade agreements actually come at a cost on the environment. Under such agreements, for example, farmers are asked to plant soya to feed animals in Europe. To produce these feeds, swaths of land have to be cleared. So we cannot take a global view to make an assessment. There also is a need for a local view.



## 6 Indigenous Women and Biodiversity

*The participants were asked to present through posters and illustrations how indigenous peoples, particularly women, relate with their biodiversity. Participants from each country were particularly asked about how they conserve, use, and share the benefits from their lands and other biological resources. They were also asked about related issues in relation to how government laws and policies affect indigenous peoples and their natural environment. Their poster presentations are summarized, thus:*

The participant from **Thailand** illustrated how indigenous women in the past would plant vegetables like eggplant, cucumber, corn and sunflower in vegetable plots they could claim as their own. They also had communal lands. Women and children could also gather from the forests edible plants like bamboo shoots and also medicinal plants. The rivers had fishes, which, combined with raised livestock, helped bring food on every family table.

But the situation has changed in Thailand's indigenous communities. Indigenous peoples can no longer enter government-declared national parks. Many lands have also been privatized. Government land laws have dislocated indigenous peoples from their lands because, depending on land slopes, the laws require people to prove their ownership. Almost all policies are for the queen as projects such as national parks are done in the name of the queen.

Indigenous peoples have no choice but to follow government policies. "If you cannot follow these policies, you are forced to cease being an indigenous," said Saelee Kamonphan of IMPECT, one of the non-government organizations that work with indigenous peoples in Thailand.

This situation helped impoverish indigenous communities. Because of poverty and the absence of government program for them, many indigenous women migrate to cities like Bangkok and Chiangmai or to other countries to work and oftentimes are forced into prostitution.

Indigenous women in **Cambodia** also maintain farms and gardens where they raise vegetables and other crops. Indigenous communities have also learned to raise livestock. But the rivers also provide fish and other edibles, and the forests give wild vegetables and other food products, besides firewood.

Traditionally, indigenous peoples practice shifting upland cultivation, clearing a mountain patch and leaving it fallow after an average of five years to allow the clearing to grow trees again. The government bans this customary practice. The government is urging people to settle and it wants to immediately change traditional practices, a move which indigenous peoples find difficult.

On using the forests, Ms. Savy Ly of the Cambodia Indigenous Youth Association, said: "Indigenous peoples cut some trees from the forests for their basic needs but the government bans this, yet the government cuts trees in more massive scale."

Indigenous communities along the Yangtze River in Yunan, **China** are blessed with rich resources from the river, the forests, the mountains and valleys. Aside from providing fish, the river irrigates fields in the valleys planted to rice, wheat, corn, vegetables and fruits. The mountains and forests have rabbits and other wildlife, some of which are hunted for food. The communities have always protected their environment “because we believe that whatever we do to nature will return to us,” pointed Xue Mei Zhao, an assistant professor from the Lijiang Academy of Dongba Culture in Yunnan.

Asked on the fate of the indigenous Naxi and Dongba culture, Ms Zhao said many young people do not learn Naxi language because schools teach the Dongba language and tourism promotes the Dongba culture. One indigenous language plus the culture it represents, therefore, is in danger of becoming extinct, she says.

Life for indigenous communities in **Northeast India** used to be ideal. They would choose a patch of land in the mountains that would be cultivated as a *jhum* (upland swidden), which is planted to root crops and other wide array of upland vegetables and fruits. After some time, this swidden farm was left to fallow to allow it to regain the soil’s nutrients. Selecting a *jhum* involves rituals because a community member could not simply clear at random a patch of land in the forested mountains. Crops raised at the swiddens were augmented by wild animals community members hunted from the thick forests. Back then, every member of the community would share and partake of the animals hunted. But times have changed. Many people now hunt wild animals and sell these.

Indigenous communities maintain a variety of settlements. Land is traditionally owned by indigenous peoples who are now pushed to the forest. Most indigenous peoples have no access to land and are still fighting for the return of their land. Indigenous peoples practice customs, whether they are in government land or land of others. Indigenous peoples in the Northeast are fortunate for they have not

yet been pushed out of their land. So they strongly think and assert that they own the land they have occupied for generations.

The rivers used to teem with plenty of fish, which community members would catch through traps or with the use of a certain plant, which they crushed and put into the river just to make some fish dizzy. Fishing was also scheduled just once a year. Chemical fishing then was unheard of, unlike now.

“We hope to restore our rivers, mountains and forests and bring back the harmonious relationship we used to have with our natural environment,” said Ms. Gina Shangkham, convenor of the Indigenous Women’s Forum Northeast India (IWFNEI). “But the control and management of our resources are not in our hands.”

Still, the relatively rich flora and fauna in Northeast India could be attributed to the good resource management practices of indigenous peoples, including women. Indigenous women, for example, gather only dried branches of trees for fuel. “We use our forest resources according to our needs only,” explains the participant. “Indigenous peoples are actually scientific because they cut only during winter and not every season of the year. This is our concrete contribution to resource management.”

Government laws on lands and resources bar indigenous peoples from using and managing their resources as they used to do. Even lands are not given back to the indigenous peoples. The participant cited some laws, which are detrimental to indigenous communities. These are:

*National Level:*

1. Indian Forest Act, 1927
2. The Forest Conservation Act, 1980
3. The Wild Life Conservation Act, 1972
4. The Biological Diversity Act, 2002
5. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Dwellers) Act, 2006

6. Panchayati (Extension of Scheduled Areas) Act, 1996

*State Level:*

1. Manipur State Hill Peoples Regulation Act, 1947
2. Manipur (Village Authorities in Hill Areas) Act, 1956
3. Manipur Land and Land Revenue Act, 1960
4. Manipur (Hill Areas) District Council, 1972

At the local level, indigenous communities still assert that the land which they have occupied for ages is theirs. The problem is that government claims the surface is for the people and underground resources are government-owned.

“When I go back, I will meet with my community, discuss our issues, and see what we can do—as women, as youth, and as men — to address these,” the participant vowed.

As a thin peninsula, **Vietnam** lacks water to irrigate two-crop rice farms in the plains. There just is not enough water from the mountain region, which still has some forests. With its aim of increasing its food production, the country needs to increase its sources of irrigation. One of the plans is to tap the sea, which needs filtration technology.

The government has approved many forest laws and other laws to help the poor people but implementation is weak, reported Ou Thu Oanh Luong of the Center for Sustainable Development in Mountainous Areas (CSDM). One factor, she said, was the lack of funds to implement environmental laws.

In the **Philippines** thick forests still cover substantial parts of the southern island of Mindanao and the island of Palawan, which is also gifted with rich marine life. A few forest cover remains in northern Philippines’ Cordillera region.

Major environmental issues that indigenous peoples face in the Philippines include extractive industries such as mining and logging. They also have a problem with government laws such as a 1995 Mining Law and other policies and schemes such as the National Integrated Protected Areas System, the Integrated Forest Management Agreement, Agricultural and Fisheries Modernization Act (particularly Section 12), and intellectual property rights-related policies. Despite its imperfections, the Indigenous Peoples' Rights Act or IPRA has been hailed as a model law for indigenous peoples even in other countries. Despite IPRA, however, indigenous participants claim that their rights are not being recognized.

And whatever positive provisions of the IPRA have been made inutile by another law, which is the 1995 Mining Act. Presidential Decree 137 has also designated Nueva Vizcaya, a province in northern Philippines, as watershed of Cagayan Valley where no mining operations should be allowed. But government recently permitted a big mining company to mine in Nueva Vizcaya, even if a considerable number of indigenous peoples are opposed to the mining operations.

Some laws, if implemented, may yet help Philippine indigenous peoples. As mandated under Republic Act 7611, the Strategic Environmental Plan (SEP) for Palawan is supposed to protect Palawan's biodiversity. The Plan prohibits mining and provides and delineates tribal zones. But all these are not implemented so Palawan's biological resources are under threat of being wantonly exploited. Another factor that impedes the implementation of environmental laws and policies is the composition of the Palawan Council for Sustainable Development, which is dominated by government people. Ideally, the Council should be multi-sectoral to ensure checks and balances and effective implementation of laws and policies. The composition of the Council has influenced the position of the people of Palawan on mining. Now even a 70-member non-government organization is divided on the mining issue.

The destruction of the environment has helped push many indigenous peoples to migrate to the urban centers, if not to other countries. In the Cordilleras of northern Philippines, for example, the rate of out-migration has increased because once traditional sustainable livelihoods have been at stake because of destruction wrought by mining, big dams and logging, reported Emi Carreon of the Cordillera Women Education, Action and Resource Center. Due to these extractive industries, indigenous peoples could no longer expand their agricultural areas for better production and additional income. With their lands already used up, indigenous peoples could not sustain anymore their shifting cultivation farming method. So with hardly any other options in their communities, many community members would rather move out of their communities to find jobs in the urban centers or overseas. But many end up joining the ranks of the urban poor in the metropolis, many of them becoming ambulant sidewalk vendors, who play “hide and seek” with the police.

Given these related economic problems, indigenous peoples’ organizations have sought to help communities to expand their rice fields and have embarked on small infrastructure projects such as irrigation systems, foot bridges and rice mills. These organizations have also helped teach community people some simple technologies such as blacksmithing so they could make simple farm tools. These organizations likewise trained community members on the use of herbal medicines and basic community health care. To help in the pre-school education of children, organizations helped the communities set up day care centers.

Community health care is direly needed among the Subanen communities in the village of Siocon in Zamboanga del Norte in southern Philippines where a Canadian mining company operates. The company’s open-pit mining operations have contaminated the river and children get infected with skin diseases after taking a bath there.

## In Defense of Land and Resources

The role of Filipino indigenous women cannot be underestimated. Women of the indigenous Mandaya in Davao Oriental in southern Philippines, for example, had asserted their rights to their lands and resources through dialogues with mining and logging companies. But if dialogues fail, women were also armed with spears to help the men defend their lands and resources. "And if the men are not available, women are left alone to face the companies," said a woman participant from Mindanao.

Indigenous women of the Cordilleras in northern Philippines had had similar experiences. In the 1970s and 1980s, women in Kalinga dismantled structures of the National Power Corporation and brought these to the Philippine Constabulary detachment. In neighboring Apayao Province, women spread mats on the road and let their children play there to prevent the entry of logging trucks. In Mountain Province women bared their nude tattooed bodies to personnel of a mining company trying to survey the village of Mainit, forcing the personnel to pack up and leave. Up to now, Mt. Province is the only province in the Cordilleras with a no-to-mining provincial resolution. In Itogon town in Benguet Province in the late 1980s, women laid on the road to prevent the bulldozers of a mining company from entering their village.

The indigenous representatives from the Philippines seek to address their issues and problems through the following:

1. Formation of women's organization;
2. Continuous education;
3. Organizing/strengthening of elders (for the transfer of customary practices and traditional knowledge);
4. Continuous networking with organizations;
5. Policy advocacy;
6. Promote sustainable agriculture as an antidote to

- chemical farming and the use of multinational-controlled high-yielding hybrid varieties;
7. Document traditional medicine;
  8. Maintain indigenous seeds and seed banking and institutionalize seed exchange rather than using hybrid variety;
  9. Awarding of Certificates of Ancestral Domain Title;
  10. Instituting management plans through the Ancestral Domain Sustainable Development Protection Plan, particularly in indigenous communities;
  11. Enhance the FPIC or free and prior informed consent provision of the IPRA as one of the tools in helping protect traditional knowledge, which is being pirated;
  12. The National Commission on Indigenous Peoples, partner agencies and indigenous peoples' organizations must initiate public forums in which all stakeholders discuss the protection of community property rights and how it relates to intellectual property rights;
  13. Push for the institutionalization of a gender and development (GAD) code and the organization of a gender and equality council

Traditional or customary forests in **Indonesia** face several problems. Historically, indigenous peoples of Indonesia have the authority to manage the forests. But government has instituted a law designating national parks, which eventually deprived indigenous peoples from managing their customary forests.

Despite the policy, however, indigenous peoples, including women, have been able to continue managing their customary forests. Women still go to national parks to engage in shifting agriculture, harvest some wood to build houses and gather herbal medicines. But even after getting permission from the local government, indigenous peoples,

including the women, are still at risk of getting arrested and thrown into jail if the park police happen to be around.

Two of 62 villages in Sulawesi have been recognized to manage their customary forests. In an agreement with the government, the two villages would document indigenous natural resource management practices. Part of the agreement was for the government to also recognize the rule of customary law and the leadership of traditional institutions.

Still, indigenous peoples continue to struggle with the national government, which imposes US\$100 fine for any one who enters and harvests some resources from the national park. Indigenous peoples also have been vigilant against other villagers, including a few indigenous peoples, who bring pesticides or chemicals to the customary forests where indigenous communities derive and develop herbal medicines.

In **Timor Leste** indigenous peoples who live around forests are farmers who favor conservation. But outsiders come and burn the forest and cut trees. The new country, whose government remains in the process of being established after decades of war, apparently needs to come out with laws to preserve the environment and laws governing land use. Part of an environmental program must also include training people to conserve and manage the country's environment and natural resources.

On customary laws on natural resource management, neither government nor the private sector has some data. There was an attempt in 1975 to gather data on customary laws and traditional practices but this has remained a draft.

Indigenous peoples in **Bangladesh** have well-defined customary land uses and land designation. The indigenous peoples have common property rights over a village's common forest and land, which they themselves demarcated. Well-managed and sustained by indigenous peoples, the village's common forest is rich in biodiversity, thus providing the resource base (such as timber, fuel and wild ani-

mals) and income for many indigenous peoples. The common forest also showcases the indigenous peoples' lifestyle. Village leaders allow village members to harvest resources for community needs and to sell some for added income.

The rivers and streams also teem with fishes and snails.

The so-called forests of the government are actually mono-crop plantations, which are for commercial purposes. Government policies like Reserve Forest, Forest Act, Eco Park and Safari Park govern government 'forests'.

Traditional land rights over land are eroding because of government laws such as those in government-declared protected areas.

Fortunately, traditional institutions remain strong. Traditional institutions are guided by customary laws, especially laws governing families, lands, and traditional justice. A Chittagong Hill Tracts law in 1900 was based on customary laws. Indigenous communities have no traditional women institutions but have traditional women leaders.

As part of their many roles, indigenous women cultivate vegetables including marigold, which they believe is good for the land. They do not plow but just plant the land. They found out that plowing just erodes vital soil nutrients.

Indigenous women also engage in weaving but their designs are being copied.

**Nepal**, famed for its Mount Everest and other mountains, is composed of three regions: mountains where it is cold; hills, where it is temperate; and plains, where it is hot. Indigenous communities are found in the three regions. They protect the natural resources such as forests, herbal plants, etc.

Now the government has made many policies in favor of parks, dams and has controlled the resources at the national level. Royalties from the use of resources like mountain climbing is also controlled by the national government.

The country is rich in natural resources but controlled only by a few.

Similarly, international NGOs are implementing programs in the name of environmental conservation but indigenous peoples are not consulted or included. NGO workers are actually government people who can speak and understand the Nepali language. More than 100 local languages are spoken in the country but government's policy is "one language, one religion and one culture." Those who cannot speak and understand the Nepali language cannot join in the programs and projects.

As main source of their livelihoods, indigenous communities now depend on tourism. Tourism has helped lift the living standards of many communities as income derived from tourism-related livelihoods has continued to send many children to universities.

The concept of ecotourism is also now developing. People are being educated on what to get and what not to get from tourists. The downside is that the influx of tourists now endangers the culture of indigenous communities. Fortunately, some foreigners are passionate about helping preserve the local culture so the communities, even without government help, are preserving their culture on their own.

In helping develop the ecotourism industry, the indigenous peoples of Nepal follow several concepts to preserve natural resources. Each community shares knowledge and mechanisms, which do not adversely affect local culture. Tourists come to the villages to see the rich biodiversity as they learn about the still rich indigenous knowledge and culture of the communities.

There's some downside, however, to tourism in general. The traditional dresses of the Sherpa people, for example, was copied and commercialized. The Sherpa people filed a case on this, the results of which remain pending. "Until now, if I wear traditional dress to functions, other people ask me if I just got off the plane because our tradi-

tional dress is used by the stewardesses of an airline,” said Lucky Sherpa, an indigenous woman leader from Nepal.

Meanwhile, indigenous peoples in Nepal are currently facing three concerns:

1. Drafting a new Constitution;
2. Demand for federalism.

Demand for the recognition of indigenous communities including their languages, religions and cultures. Government has committed to this but it has yet to be implemented.



## **7** Negotiating Biodiversity<sup>1</sup>

This topic stressed the need for indigenous peoples' voices in influencing the implementation of the Convention on Biological Diversity. Hence, the need to develop indigenous peoples' capacity in negotiation processes. For one, people are part of biodiversity and this is much more so for indigenous peoples who directly rely on various ecosystems for their survival.

Specifically tackled under the topic is the third goal of the Convention - "access to genetic resources and the fair and equitable sharing of benefits arising out of the utilization of genetic resources" or ABS. This goal is particularly significant because one big business today is genes. Many governments see this as additional source of revenue and

so they enter into agreements with companies without the consent of indigenous peoples' consent.

One important provision governing ABS is Article 15, which recognizes state sovereignty over natural resources. Article 15 (1) states: "Authority to determine access to genetic resources rests with the national government and is subject to national legislation." Each Party will "facilitate access to genetic resources for environmentally sound uses" and not impose restrictions which are counter to the objectives of the Convention [Art. 15 (2)]. Similarly, access to genetic resources should "be on mutually agreed terms," and "shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party" [Art. 15 (4) and 15 (5)]p.

Since many governments tend to make ABS part of the Intellectual Property Rights (IPR) regime, it was pointed that one question indigenous peoples should be asking would be: "If the IPR regime cannot protect our indigenous knowledge, what should we use?"

## **Open Forum**

*What happens if indigenous peoples, for some reason, failed to get involved in the implementation of these provisions (such as those under ABS)?*

Indigenous peoples must really get involved to help influence government legislation. If government does not have a good legislation, the situation becomes favorable to companies engaged in extraction of genetic resources. So a big part of CBD implementation rests in the national level.

*How can the CBD ensure indigenous protection if its provisions are subject to national laws? And what happens if there are conflicting laws?*

This is one of the weaknesses of the CBD. So we need to be involved here. We need to watch out how national laws

are legislated and what governments are doing. So we are back to the original problem: does the government have good legislation?

*Who gives prior informed consent (PIC)?*

Article 15 says it is the government that does.

*On database, do we prefer documentation on the local level which we can control? And can we recover seeds and genetic material taken from us?*

The Convention provides for repatriation of information. One interesting case is how indigenous peoples of Peru were able to get back their original potato varieties from the CIP or International Potato Center. So maybe we can also recover our traditional rice seeds from the International Rice Research Institute.

*What happens if these seeds are already patented?*

Once it is patented, a product becomes privately owned, which is dangerous.

*So what should be our role given all these issues related to ABS?*

The Parties to the CBD target to come out with an international regime on ABS. So we have to be part of the discussion because the parties may push for a regime that is detrimental to us. This should not happen. We ourselves should be pushing our advocacy from the areas of national legislation to international standards. Thus we need to put forward what type of protection is appropriate for our communities.

If we look at the three goals of the CBD, the conservation and sustainable use parts are good.

But we have a lot of work to do in the area of ABS.

*This is my concern because even if the first two goals of the CBD are okay, the third is in conflict with the first two. And the CBD is subject to national legislation.*

We need to understand all these more deeply. It's hard to just act local. We need to understand the CBD. A lot of governments' environmental programs are actually based on the CBD. One example is Protected Areas, which are funded through GEF or Global Environmental Facility, the World Bank-supported funding mechanism of the CBD. Local-national-international processes are actually inter-related. Unless we understand the international framework shaping all these laws, we become at a loss in how to push our strategies for our advocacies. We have to be part of the discussion so we can help shape the laws and policies of governments.

*My fear is the control of local politicians. Unless we come together and raise our voices over our concerns as indigenous peoples, we cannot really push what we want.*

That is a legitimate fear. For example, we have to help influence those in government but we have to communicate with them so they know what we want. So we have to be clear about what we want.

*We have our own customary laws. But while we belong to our own tribe, we also belong to a national government. There is this Canadian community which opened its area to mining, but community members were able to get a good concession in getting directly involved in managing their resources. For a time they sacrificed their cultural integrity and their fight had been very long. Now that they manage their natural resources, they can now afford to bring back their cultural practices. So I appreciate the point of having to be very clear about what we want. But what are we going to do to balance these challenges?*

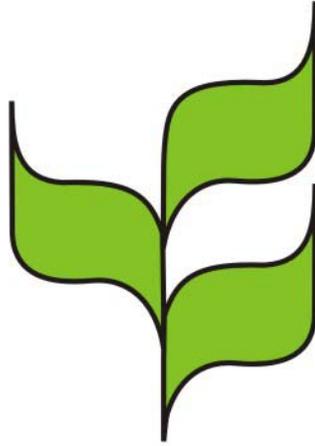
These are the challenges of self-determination. The problem is we have little choices so we have to find ways to expand spaces for choices.

*How can we go back to our traditional way of life when, surrounded by guards of mining and logging companies, we are being forced out of our own indigenous territories?*

That's why we have all these inter-linkages. Our learning on the CBD supplements what we have already been fighting for. We have to see some elements which we can apply. In Indonesia, indigenous communities used a law and a CBD provision, which ban mining in protected areas. There should really be an international standard banning mining in Protected Areas. For the indigenous communities struggling against mining in the Zamboanga peninsula in southern Philippines, the CBD can also be used as a forum.

#### **Endnotes**

<sup>1</sup> A good reference for this is *Negotiating Biodiversity: A Field Guide to the Convention on Biological Diversity* by Paul Oldham.



**CBD**

## **8 Implementation of the Convention on Biological Diversity**

---

Fourteen years have passed since the Convention on Biological Diversity was adopted and it has yet to be fully implemented.

To enable the participants to help take part in the CBD's implementation, some goals of the CBD's Strategic Plans<sup>2</sup> were reviewed:

- *Goal 1:* The Convention is fulfilling its leadership role in international biodiversity issues.
- *Goal 2:* Parties have improved financial human, scientific, technical and technological capacity to implement the Convention
- *Goal 3:* National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention. (This is where biodiversity becomes mainstreamed into all the other sectors of the gov-

ernment. Biodiversity thus becomes an interagency concern and thrust.)

- *Goal 4:* There is a better understanding of the importance of biodiversity and of the Convention and this has led to broader engagement across society in implementation.
- *Target 4.1:* All Parties are implementing a communication, education, and public awareness strategy and promoting public participation in support of the Convention.
- *Target 4.2:* Every Party to the Cartagena Protocol on Biosafety is promoting and facilitating public awareness, education and participation in support of the Protocol.
- *Target 4.3:* Indigenous and local communities are effectively involved in implementation and in the processes of the Convention, at national, regional and international levels.
- *Target 4.4:* Key actors and stakeholders, including the private sector, are engaged in partnership to implement the Convention and are integrating biodiversity concerns into their relevant sectoral and cross-sectoral plans, programmes and policies.

**Indicators.** To ensure that targets are reached, indicators based on the needs of specific communities were proposed. Some of these indicators include the following:

- Numbers of indigenous and local community representatives participating in official meetings of the convention disaggregated by region and country. (A participant recommended that the numbers should be disaggregated further according to gender.)
- Number of partnerships with and initiatives of indigenous and local communities in implementation

of programs of the Convention at national, regional and international levels.

- Finances spent to support effective participation of indigenous and local communities in the implementation of the Convention at all levels.
- On 2010 Biodiversity Target and Indicators, under the headline,

*Maintain goods and services from biodiversity to support human well-being:*

- ◆ Number of indigenous and local communities with land and resource use plans/strategies;
  - ◆ Status and trends in land-use patterns in the traditional territories of indigenous and local communities;
  - ◆ Budgets to support indigenous local communities' plans and strategies for land and resource management, food security and health.
- Indicators for the headline, *Protect traditional knowledge, innovations and practices* and Goal 9: *Maintain socio-cultural diversity of indigenous and local communities*, Target 9.1: *Protect traditional knowledge, innovations and practices*, and Target 9.2: *Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit-sharing.*
    - ◆ Status and trends in the practice of traditional occupations;
    - ◆ Number of governments legally recognising customary law, institutions and practices; and
    - ◆ Demographic trends.

Traditional occupations such as pastoralism, gathering, and beekeeping are other good indicators. What is happening to traditional occupations is a good indicator of the relationship of people with the environment.

All these indicators seek to measure the health of our environment because if our environment is healthy, the well-being of indigenous peoples will also be healthy.

**Article 10(c).** One area in which indigenous peoples can also help implement the Convention on Biological Diversity is through customary sustainable use of biological resources as provided for in the Convention's Article 10c. The Forest Peoples' Programme (FPP), an international environmental group helping indigenous peoples, for example, mapped customary use practices and made the studies as tools in helping convince governments to recognize indigenous customary practices. The FPP did these in Cameroon, Suriname, Thailand and in other countries.

## **National Implementation**

In 2002, Parties to the CBD thought it was time to implement the Convention at the national level.

Each government is mandated to assign its own national focal point, who is normally with the environment department or ministry, to oversee the national implementation of the CBD. So it is important to know your own national focal point.

Each government also is required to have a national biodiversity strategic and action plan or NBSAP, which serves as the framework for implementing the CBD in a country. And each country must have a national clearing house mechanism, complete with its own website, through which indigenous and local communities can get information about the status of CBD implementation at the national level.

The national focal point is also expected to come out with periodic national reports for the CBD secretariat. The fourth national report is expected to be submitted in 2009. This report contains the status of progress in the implementation of the CBD in a country. Indigenous and local communities as well as civil society groups can always scru-

tinize these national reports to determine the real status of CBD implementation at the national level. If they are not satisfied with the official national reports, indigenous and local communities as well as civil society groups can prepare parallel shadow reports.

Still another responsibility of the national focal point is to facilitate national multi-stakeholders' forums through which various sectors, including indigenous and local communities, can participate in discussing issues and concerns in relation to CBD implementation. These forums are part of the communication, education and public awareness (CEPA) program of the CBD.

### **Thematic and Cross-cutting Programmes**

The CBD work programs cover both thematic and cross-cutting issues. The thematic programs cover inland water biodiversity, marine and coastal biodiversity, forest biodiversity, agricultural bio-diversity, dry and sub-humid lands biodiversity, mountain biodiversity and island biodiversity.

Cross-cutting issues and programs include access and benefit-sharing, alien species, Article 8(j) and related provisions, tourism, education and public awareness, climate change, economics and trade, ecosystem approach, protected areas, and 2010 biodiversity target. Other crosscutting issues are incentive measures (which include developing proposals on removal or mitigation of perverse incentives), impact assessment, and liability and redress (which considers the recommendations of the Group of Legal and Technical experts).

### **Ecosystem Approach**

The Ecosystem Approach in implementing the CBD is similar to the discussion we had on the linkages of the

natural system with the political, economic, social and cultural systems.

The CBD is expected to be implemented through five steps under the Ecosystem Approach. Thus:

**Step 1:** Determine the main stakeholders, define the ecosystem area and develop the relationship between them.

**Step 2:** Characterize the structure and function of the ecosystem and set in place mechanisms to manage and monitor it (including integrating and supporting capacity-building for management).

**Step 3:** Identify the important issues that affect the ecosystem and its inhabitants.

**Step 4:** Determine the likely impact of the ecosystem on adjacent ecosystems.

**Step 5:** Decide on long-term goals and flexible ways of reaching and monitoring them.

**Things to Remember.** There are things to remember in applying the Ecosystem Approach. Firstly, there is no single way to apply the principles of the approach. Secondly, local stakeholders should be involved in development and implementation. Thirdly, you might already be using the Ecosystem Approach. Fourthly, principles related to livelihoods tend to focus on economic benefits. Lastly, issues related to securing livelihood, which has more to do with the resilience of the ecosystem to maintain the production of fundamental goods and services, is normally not considered.

### **Preparing for the ABS and WG8j Working Group Meetings in Montreal, Canada**

The Ad Hoc Open-ended Working Group on Access and Benefit-Sharing Fifth meeting on 8-12 October 2007 in Montreal, Canada seeks, among other agenda, to “continue the elaboration and negotiation on access and benefit-

sharing..." (Item 3 of Annotated Provisional Agenda).

Among other agenda, the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions meeting on 15-19 October 2007 in Montreal, Canada also aims to "address as a priority the timeframe to initiative work on the remaining tasks of the programme of work..." (Item 3 of Annotated Provisional Agenda).

## **Preparing for COP 9 in Bonn, Germany**

Climate change is the focus of discussions during the COP9 meeting in Bonn, Germany in March 2008.

### **Open Forum**

*What can CBD do to governments not submitting report?*

The Convention is 'subject to national legislation' so the CBD cannot force governments to submit reports. But public exposure can pressure governments to fulfill their obligations. At international meetings, you can make a public exposure that governments are not doing their commitments. So, through our own research, let us monitor if governments are doing good projects.

*When the government prepares this national report, indigenous peoples in Nepal are never consulted. So if we make a shadow report, where, when and how do we submit it? Are there any formats for this shadow report?*

The COP agreed on the format of the next National Report and the secretariat will help facilitate this. The GEF approved funds for this report. For our part, we have to be proactive: look for the focal point and look into their previous report. In Malaysia, we did a capacity-building workshop during which a government representative and indigenous organizations agreed to hold a roundtable meeting with the government. In the Philippines, we already

had a round table meeting where we invited concerned officials. As a women's network, we can do a shadow report.

*How can we push for our advocacy despite conflicting laws?*

If there are conflicting national laws, there are also conflicting international laws such as the CBD and the World Intellectual Property Office with its intellectual property rights regime. The best are human rights laws and the CBD. So we have to look into which can work better for us. On the other hand, we need to understand international laws such as World Bank and trade-related policies, which are working against us.

Governments have also accepted that they are weak in the implementation of Article 8j. So we can take advantage and make proposals for these, including proposals under Article 10c (which deals with sustainable use practices and natural resource management systems).

Governments are also supposed to support the CEPA (communication, education, public awareness) program of the CBD. We can get involved through this program.

*Can NGOs and indigenous peoples' organizations access GEF (Global Environmental Facility) funds for shadow report preparation?*

Unfortunately, the GEF funds go to the governments.

*How can indigenous peoples help implement the National Biodiversity Strategic Action Plan?*

Know first the lead agency (ministry or department) and the other collaborating agencies, which are in charge of biodiversity-related programs. Indigenous peoples are mentioned in *Goal 4, Target 4.3* of the CBD Strategic Plan so we really have to be involved. In the Philippines, indigenous peoples' involvement is still weak as there is no group do-

ing it.

*The Philippine government is currently working on the MDGs (Millennium Development Goals). But it is looking mainly into the economic dimension, and not on the environment. Government agencies are forced to follow the government program on poverty alleviation, which is the usual formula of trying to increase production and the like. So individuals and NGOs must really come together to influence governments on how to attain the MDGs in a more holistic approach.*

So how to push our concerns is really up to us.

*Are you familiar with the ILO-INDISCO project in the Philippines?*

The main donor for the INDISCO project is the Danish government. After an evaluation of the INDISCO early this year, the project is expected to undergo a major change and will use a new approach. The International Indigenous Forum on Biodiversity has a Working Group on Indicators, which is developing indicators on how the CBD is to be implemented. The ILO wants to cooperate in helping develop indicators at two levels - indigenous rights and status and trends of traditional occupations. The ILO has a Convention (Convention 169) to eliminate discrimination in occupations. This is important because if governments say mining generates jobs, we can cite indicators which, on the contrary, say that mining disrupts or threatens traditional livelihoods.

## **Endnotes**

<sup>2</sup> For more information about the Convention on Biological Diversity Strategic Plan, please visit [www.cbd.int/sp/default.shtml](http://www.cbd.int/sp/default.shtml).



## **9 The International Indigenous Forum on Biodiversity (IIFB) and the International Women's Biodiversity Network (IWBN)<sup>3</sup>**

### **History**

In the First Conference of the Parties in Nassau, Bahamas and in the Second in Jakarta, Indonesia, there was little indigenous participation.

In COP 3, held in Buenos Aires, Argentina in 1996, Article 8(j) was included as an agenda item. This encouraged indigenous organizations to organize themselves in order to participate. They convened a preparatory meeting for national and international indigenous organizations prior to the COP. The international Indigenous meeting was called International Indigenous Forum on Biodiver-

sity. The convenors of this first international meeting were indigenous organizations (such as the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests), which could facilitate communication between regions, and local indigenous organizations from Argentina. At the international meeting, they took into account the regional balance.

In 1997, the CBD organized a Workshop on Traditional Knowledge in Madrid in order to decide the elements, ways and means to address the issue of indigenous knowledge within the Convention. The Indigenous organizations reconvened again as IIFB and coordinated their work in technical teams in order to present a unified position before the Parties, advocating for the creation of an open-ended Working Group on article 8(j) and related provisions as the best mechanism to guarantee their participation in the discussions.

Prior to COP4, the IIFB organized again its preparatory meeting. The combined effort of the indigenous organizations and the support of certain “friendly countries” resulted, in spite of the opposition from some members, in the creation of the Working Group on article 8(j). From then on, the IIFB has held sessions prior to all the Working Group on article 8(j) and COP meetings.

A smaller group of IIFB Indigenous representatives follows the issue of access and benefit sharing (ABS) and the Indigenous Peoples’ Committee on Conservation monitors the meetings of the Working Group on protected areas.

The Indigenous Women’s Biodiversity Network also shares its history with the IIFB. It was created at the fourth meeting of the IIFB in Seville in March 2000. The Network meets every time the IIFB is convened and attempts to incorporate the gender perspective in the deliberations and decisions of the Convention from an indigenous women’s perspective. The Network is supported by NCIV of Holand and is chaired by Ms Lucy Mulenkei of the Maasai people in Kenya.

At the Fifth COP, which took place in Nairobi, Kenya, Parties appreciated and recognized the important role of the IIFB in the implementation of article 8(j) in their Decision V/16.

## **Mandate**

The IIFB is an indigenous open forum mandated to facilitate the full and effective participation of indigenous peoples in the CBD process in order to advocate for indigenous rights.

Any Indigenous organization or representative can participate in IIFB's meetings, prior to the official meetings of the CBD.

## **Functioning**

Over the years, the IIFB has been improving its ways of participation in the CDB meetings and its internal and inter-sessional organization. As an internal and inter-sessional organization, the IIFB is not too informal. Focal points are responsible in informing others in their region about upcoming activities and other concerns. The AIPP (Asian Indigenous Peoples' Pact) is the focal point in Asia.

The IIFB participates in the CBD process through case studies, participation in meetings (co-chairs, contact groups, liason groups, AHTEGs (Ad Hoc Technical Expert Groups), etc.), bulletins, thematic teams, press work, lobbying strategies, and parallel events.

There have been various attempts to consolidate a regional structure based on Communication and Coordination Committees, but without full success. Currently, it works through *ad hoc* committees, which help coordinate the work before and during the meetings.

## Future

To improve its role and function, the IIFB needs to better articulate the issues and concerns of indigenous peoples not only in the international, but also in the local and national levels.

Many also agree that it is necessary to create regional work teams with a balanced representation of technicians, local authorities, and political organizations, who will be in charge of the different task in coordination.

And there's a need to further enhance participation of IIFB by getting accredited in all CBD processes.

There also is a need to raise funds in the regions for more indigenous peoples' participation. But one problem is a disconnection among indigenous peoples' groups such as the IWBN because IWBN members are individuals. Thus, the need for regional women's networks such as the AIWO (Africa Indigenous Women's Organizations) through which African indigenous women can participate in the IWBN.

## Open Forum

*This is my third time to participate in a CBD workshop. I also participated already in a COP meeting but it is only now that I am beginning to piece together how all these participatory mechanisms (via the IIFB) work.*

You are not expected to understand everything in one sitting. But after a while, everything gets connected.

*I also attended CBD capacity-building workshop in Baguio City, Philippines and then the COP8 meeting in Curitiba, Brazil. And I am happy to inform you that since I want to help my community, I have been invited to talk about CBD in various commu-*

*nities. In the process, I came to learn that there is a need to push government to implement.*

That's part of capacity-building.

*Is there a secretariat of IWBN? Indigenous women are working on biodiversity but IWBN must be strengthened. Indigenous women must participate in COP and follow-up activities of this workshop.*

We need to propose to strengthen IWBN and formalize this with the IIFB

*Do you know donors funding indigenous women and biodiversity projects?*

Funds are a common problem. But we also need community-based ideas not top-down proposals. Donors also attend the COP and other meetings where you can meet them. Sometimes if they see your work, these donors themselves would be the ones to approach you.

*Can you share a story of IIFB in which it actually pushed for something concrete?*

The IIFB had asked COP to create the Ad Hoc Working Group on Article 8(j). The IIFB also contributed some elements into the CBD's program of work. We can do similar contributions again.

It was IIFB that also proposed social and cultural indicators because previously Parties relied only on biological indicators. And we proposed a process through the IIFB WG on Indicators. So on October 2007, the governments will discuss our report on the indicators.

*Can Asian indigenous women participate in the IIFB and IWBN through the Asian Indigenous Women's Network?*

That's fine. But AIWN must sustain its participation and

engaged in serious CBD-related activities in the national level.

*What are the guidelines in participating in the IWBN? It's hard for us because we have no support to gather women. How can this be done?*

There is a need to discuss this among yourselves in the same way you plan a campaign against mining. There might be a need to strengthen your women's organization and discuss how your programs can be included. It might be possible that a Philippine women's group plus other supporting NGOs can further discuss this.

*Do you support community projects such as the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) of the Philippine National Commission on Indigenous Peoples (NCIP)? Can we (at the NCIP) ask funding for community capacity-building?*

Not with this project, but I heard there had been clamors for community projects.

Our current project is focused on capacity-building workshops but not on directly assisting communities on ADSDPP. But if this is a need we can perhaps consider this later.

## **Endnotes**

<sup>3</sup> This presentation was based on a power point by the International Indigenous Forum on Biodiversity.



## **10** Access to and the Fair and Equitable Sharing of Benefits Arising out of the Utilization of Genetic Resources

### **CBD Guiding Principles**

The Convention on Biological Diversity has at least six articles relevant to access and benefit sharing. The first is Article 1, which provides for “fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including...appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.”

Article 1, however, poses some challenges. The article’s “all rights” seems dependent on who is interpreting — gov-

ernment or indigenous peoples. And if it is indigenous peoples of specific areas, will their specific concerns be taken into account?

Another is Article 15, which specifically tackles access to genetic resources and recognizes “state sovereignty” over natural resources. Article 15 (1) states: “Authority to determine access to genetic resources rests with the national government and is subject to national legislation.” Paragraph 2 also says that each Party will “facilitate access to genetic resources for environmentally sound uses” and not impose restrictions opposed to the objectives of the Convention. Finally paragraphs 4 and 5 provide that access to genetic resources should “be on mutually agreed terms,” and “shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.”

Access to and transfer of technology is covered in Article 16. This article is concerned with promoting access to and transfer of technology, including biotechnology, relevant to the conservation and sustainable use of biodiversity with due consideration for intellectual property rights.

Article 17 deals with exchange of information. It states: “Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programs, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.”

Technical and scientific cooperation is provided for in Article 18. “The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of this Convention. Parties shall also promote collaboration in the training of personnel and exchange of experts.”

Article 19 is on handling biotechnology and how to distribute its benefits. The article promotes the participation of developing countries in biotechnological research. It also promotes priority access to the results and benefits of the research by developing countries providing genetic materials. But what is developing is that the North can give the South the benefits of biotechnology on one condition: “give us access first to your biological resources.”

## **Bonn Guidelines**

A major achievement of the Fourth Conference of Parties (COP 4) to the CBD is what is called the Bonn Guidelines. These are voluntary guidelines meant to assist Parties, Governments and other stakeholders when establishing legislative, administrative or policy measures on access and benefit-sharing and/or when negotiating contractual arrangements for access and benefit-sharing. The guidelines also help serve as a manual for the negotiation and implementation of bio-prospecting contracts. The guidelines cover genetic resources after the CBD was ratified and other genetic materials not found in existing collections. All pre-CBD genetic collections are already accessible without ABS requirements.

## **Issues**

Various issues continue to have impacts on access to biological resources and benefit-sharing from the use of these resources. These include national sovereignty, biopiracy, certificate of origin and certificate of legal provenance, prior and informed consent, *sui generis* protection, public domain, protection through public disclosure, and customary law.

**National Sovereignty.** As discussed earlier, the issue on national or state sovereignty over biological resources as provided for in Article 15 poses a threat to indigenous peoples. For one, it is governments that decide PIC or prior informed consent.

**Biopiracy.** Biopiracy is the theft or unauthorized use of biological resources. The question is who is being taken from? Indigenous and local communities have biological resources found in their territories. The other question is for whom is the payment for these resources and the knowledge that goes with these?

**Certificates of Origin and Legal Provenance.** Certificates of origin and legal provenance are part of an international system of certificates to accompany genetic resources accessed in accordance with CBD and national legislation. These are also part of an international enforcement system for national access legislation comparable to the WTO TRIPs for national patent laws. Issued by a legally competent body in the providing country under a self-standing system comprised of national government agencies and coordinated by the CBD, these certificates are used mainly in intellectual property rights applications. But patent offices are not involved in processing and issuing these certificates.

These certificates also check whether formal requirements are fulfilled before admitting a patent application for examination. These certificates aim to easily track what happens to a certified resource. These can be used for other purposes such as applying for research funding and submitting finished products for marketing.

**Prior Informed Consent.** Prior informed consent is the consent an applicant obtains before bio-prospecting or exploring for genetic resources. Based on national legislation, the applicant obtains this from “designated government authorities, local community, indigenous people, the protected area or *ex situ* manager, or private land owner after disclosing fully the intent and scope of the bio-pros-

pecting activity, in a language and process understandable to all, and before any collecting of samples or knowledge is undertaken.”

Procedures for obtaining PIC are usually initiated when the access application is submitted to the designated government authorities. Most of the ABS policies require PIC from the providers of genetic resources and traditional knowledge. In certain cases, some governments have provided model contracts or guides to assist in PIC negotiation. Governments that employ best practices make explicit the need for mutually agreed terms, equitable and fair benefits, and informed consent.

One issue on PIC is that we have yet to see more defined guidelines on PIC for indigenous and local communities, which are the actual holders of biological resources and associated traditional knowledge on the use of these resources. We still have undefined guidelines in (1) identifying the representatives of the communities and assessing their representation power and capacity; (2) identifying all the parties affected by the project; (3) presenting the bio-prospecting project, legal concepts, and benefits for the community in a form and manner understandable to the target group; (4) identifying and presenting the implications of the project for the community; (5) identifying communities, which share the same knowledge; and (6) obtaining the PIC from several local and national government agencies that administer the same biological resource.

Bio-prospectors must keep in mind that traditional communities and governments may choose to deny access and this is a legitimate decision based on the national sovereignty recognized by the CBD and ABS laws and policies.

### ***Sui Generis Protection for Traditional Knowledge.***

Patents, trademarks and trade secrets are tools in the existing intellectual property rights regime that can help protect traditional knowledge. But new mechanisms beyond these existing IPR tools, which further protect indigenous and local communities, should also be developed. This is

the idea behind the need for *sui generis* systems to protect traditional knowledge.

Intellectual property rights systems alone cannot effectively protect traditional knowledge and respect for customary law because they are based on Western legal systems, and as such, protect Western industrial and cultural objectives.

*Sui generis* systems will necessarily not be uniform. International guidelines for their creation may exist, but the respective needs of different indigenous groups would require that a certain *sui generis* system is tailored for each group. Thus countries can decide whether *sui generis* systems must be applied as domestic law, or only by specific application to indigenous groups. At the community level, customary laws will define the *sui generis* system.

Graham Dutfield argues that a primary difficulty in creating *sui generis* systems is that the rights at issue straddle real and intangible property. Because of this difficulty, Dutfield proposes the division of *sui generis* systems into two categories: (1) national level *sui generis* systems that protect land rights; and (2) systems protecting traditional knowledge and genetic resources at the community level.

The proposal for a national level *sui generis* system for land rights must also ensure that protecting traditional knowledge must go hand in hand with simultaneously protecting the land rights that make possible the development of such knowledge. To propose otherwise would not be acceptable to indigenous peoples. There is also another proposed *sui generis* system – an ABS regime-established national level *sui generis* system on property rights based upon the principles of PIC and mutually agreed terms.

A *sui generis* system requires respecting the collective nature of traditional knowledge, as it may be difficult for an indigenous group to perceive traditional knowledge as something that can be divided into alienable units of property. Such a system can only be developed with the close collaboration of traditional knowledge holders and their communities.

At the community level, a *sui generis* regime based on indigenous and local community prior informed consent would govern the rules of engagement for accessing traditional knowledge and associated genetic resources. The new compliance rules should place obligations not only on those accessing genetic resources and traditional knowledge, but also on the providers, namely, indigenous and local communities. When establishing prior informed consent procedures, respect for customary law should be ensured and attempts to override customary law should be prevented.

**Public Domain.** On public domain, the native American Tulalip Tribes stated in 2003: "...Indigenous peoples have generally called for the protection of knowledge that the Western system has considered to be in the 'public domain,' as it is their position that this knowledge has been, is, and will be regulated by customary law. Its existence in the 'public domain' has not been caused by their failing to take the steps necessary to protect the knowledge in the Western intellectual property system, but from a failure from governments and citizens to recognize and respect the customary law regulating its use."

All information published in libraries and databases are considered part of the public domain. Published traditional knowledge is thus part of the public domain. But one issue is that quite a lot of information about genetic resources and their associated traditional knowledge went into the public domain without the consent of indigenous and local communities.

A number of the strategies proposed for "protecting" indigenous peoples' knowledge are inappropriate and inadequate. The requirements of demonstrating "prior art" within the patent system, for example, had led some to suggest the creation of public registers for disclosed knowledge. Since disclosed knowledge is already in the public domain, registers can help indigenous peoples more effectively "protect" their knowledge by providing patent examiners with accessible stores of prior art. But indigenous

peoples often dispute the contention that their disclosed knowledge exists in the public domain.

**Customary Law.** The International Indigenous Forum on Biodiversity or IIFB has pushed for a *sui generis* system, which factors in customary law. In an opening statement in February 2004 during a meeting of the Working Group on Article 8(j) and related provisions, the IIFB stated:

*...We welcome the introduction of customary law within the draft elements of a sui generis regime. We support this shift of focus from intellectual property rights-based systems of protection, including databases and registries, to recognize the primacy of truly sui generis systems of Indigenous peoples based on our customary laws and traditional practices. Therefore, we urge that CBD under the work programme on Article 8(j) develop sui generis systems that adequately address Indigenous concerns and needs. This must be done with our full and effective participation.*

*For Indigenous Peoples, the primary means of protection and transmission of biodiversity-related traditional knowledge continues to be through customary laws, traditional practices, and oral histories. The establishment and use of registries and databases to document Indigenous knowledge without the prior informed consent of Indigenous Peoples can be used to facilitate access by external entities, making our knowledge vulnerable to exploitation. Indigenous knowledge is dynamic and cannot simply be documented and fixed in a tangible form to suit Intellectual Property law standards.*

## **2010 Deadline**

Parties to the Convention are expected to iron out the ABS regime in 2010. This October 2007 in Montreal, Canada, the Working Group on ABS will be meeting and the Parties are expected to tackle issues we have been discussing here.

## Open Forum

*Why are Working Group 8(j) and Working Group on ABS meetings done back to back?*

One reason is so indigenous peoples can maximize their participation with less costs.

*Among the various certificates, what can best serve the interests of indigenous peoples?*

Maybe what we need is a mix of a certificate of origin from the community and a certificate of compliance.

*Can the Declaration on the Rights of Indigenous Peoples also help our right to better ABS policies or standards?*

Yes so we really have to win the Declaration. Although not legally binding but voluntary – which means it does not create new rights – the Declaration remains significant because it spells out the application of the rights of indigenous peoples.<sup>4</sup>

*In the Philippines, how does PIC (prior informed consent) principle of ABS apply as it relates with other laws such as the Indigenous Peoples' Rights Act or IPRA?*

Both the PIC principle under the CBD's ABS plus that provided for by IPRA must apply. So this depends on a country's legislation.

*In the Philippines, there's also an earlier forestry law which bans indigenous peoples from cultivating lands with 18-degree slopes. How does this relate with the IPRA?*

The IPRA supersedes that forestry law. So we need to know what's not covered by these laws.

## Endnotes

<sup>4</sup> As indicated in a succeeding footnote, the UN Declaration on the Rights of Indigenous Peoples was finally adopted by the UN General Assembly on 13 September 2007.



## **11 UN Structures: Women, Indigenous Peoples and Environment**

---

This session enabled participants to look into the organizational structure of the United Nations. This session particularly zeroed in on the bodies and programs, which indigenous peoples and women can closely work with in relation to their issues and concerns. Asked about which branch, agency or program of the UN they have worked with, some participants said they had attended meetings of the UN Permanent Forum on Indigenous Issues, the Commission on the Status of Women, International Labor Organization, Commission on Human Rights (now replaced by the Human Rights Council), and CBD-related meetings such as the Conference of Parties and Ad Hoc Working Group meetings.

It was pointed that we have to understand the structures of the UN so we could see how each structure relates with the others. Participants were also briefed about the various Charter bodies set up under the UN Charter. These include the following:

- *Trusteeship Council* – This takes care of those countries that are not yet independent. UN members are supposed to be independent, but a few are not.
- *Security Council* – Composed of 15 members, this body, which takes care of security, is the most powerful.
- *General Assembly* – All member-countries are part of the UN General Assembly.
- *ECOSOC (Economic and Social Council)* – Composed of 54 members, this council deals with economic and social affairs.
- *Human Rights Council* – This new body replaced the Commission on Human Rights. During its inaugural session in June 2006, the Human Rights Council adopted a resolution approving the UN Declaration on the Rights of Indigenous Peoples. It likewise advised the UN General Assembly to adopt the indigenous peoples' rights Declaration.

There are also treaty bodies, which see to it that legally binding treaties or conventions are being implemented by governments. Signatory governments are also obliged to report to the UN. There are various human rights conventions, which have their corresponding treaty bodies such as the Convention on the Elimination of All Forms of Discrimination against Women or CEDAW.

And there are the UN specialized agencies, which have special areas of responsibilities such as the International Labor Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Culture Organization (UNESCO), and the World Health Organization.

There are also UN bodies and processes through which indigenous women could participate. Indigenous women could engage the CEDAW committee. Women could make and submit to this committee shadow reports, which contain data and information not found in government reports or data and information that refute what governments reported in relation to CEDAW. At the Commission on the Status of Women (CSW), indigenous women could directly intervene during meetings where they could lobby and advocate for their concerns and interests. The CSW is under the ECOSOC, a charter body.

Other bodies which women can work with include the DAW or the Division on the Advancement of Women under DESA (Department of Economic and Social Affairs), the UNIFEM (United Nations Development Fund for Women) under Programmes and Funds, and INSTRAW (International Research and Training Institute for the Advancement of Women) under Research and Training Institutes.

Participants were also briefed about the Beijing Process, which took off from the fourth international conference on women in Beijing, China. That meeting came out with the Beijing Platform for Action, which the UN General Assembly adopted. It identified major issues of women under the Beijing Declaration on Women. Indigenous women participating in the conference, met to discuss and elaborate on their issues and perspectives as indigenous women. But these were not incorporated into the Beijing Platform for Action. These were articulated in the Beijing Declaration of Indigenous Women, which describes how indigenous women perceive their present situations, and recommended actions to address these.

The indigenous women participants were encouraged to be creative and to explore other UN bodies and processes such as the Convention on Biological Diversity and the other human rights bodies.

## Open Forum

*How different are human rights conventions from the Convention on Biological Diversity?*

In human rights conventions, there are treaty bodies to monitor governments. Not in environment conventions such as the Convention on Biological Diversity.

*How different is a charter body from a treaty body?*

Charter bodies are those established under the UN Charter and treaty bodies are those established under UN Conventions. Charter bodies include the Trusteeship Council, Security Council, the General Assembly, the Economic and Social Council, and the International Court of Justice. Some examples of treaty bodies include all bodies created under the various human rights conventions such as the following:

- *International Covenant on Civil and Political Rights* (Human Rights Committee);
- *International Covenant on Economic, Social and Cultural Rights* (Committee on Economic, Social and Cultural Rights);
- *Convention on the Elimination of All Forms of Discrimination against Women* (Committee on the Elimination of Discrimination Against Women);
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Committee Against Torture);
- *Convention on the Rights of the Child* (Committee on the Rights of the Child);
- *International Convention on the Elimination of All Forms of Racial Discrimination* (Committee on the Elimination of Racial Discrimination).

*The UN bodies need the participation of 'experts'. But who nominate experts?*

Each of the functional commissions in the UN has 54 members. But some bodies are expert bodies. For the UN Permanent Forum on Indigenous Issues, half of the experts were nominated by governments and half by indigenous organizations. Other experts are nominated by governments.

*What are the functions of the UN General Assembly?*

The UN General Assembly meets every third Tuesday of September. But the General Assembly can call for international special conferences such as the Beijing Women's Conference, the UN Conference on Environment and Development (UNCED) or Earth Summit, and the UN Conference against Racism. The Convention on Biological Diversity was borne out of the UNCED in Rio de Janeiro, Brazil in June 1992.



## 12 Indigenous Women and Political Advocacy

---

Through this session, the participants were oriented about the impact of indigenous peoples' participation in the United Nations. They were thus briefed about how an Indian chief summed up indigenous participation in the UN as a take-off point for discussion.

In 1997 speaking in commemoration of 20 years of active participation by Indigenous Peoples in the United Nations, Chief Oren Lyons of the Onandaga Nation and Haudenosaunee Confederacy declared before the UNWGIP (United Nations Working Group on Indigenous Populations):

*We came seeking justice on our homelands. We came here to appeal to the world at large to support our efforts to seek equitable solutions to discrimination, exploitation, racism, ethnocide and genocide of Indigenous Nations and Peoples...*

*We came here to speak on behalf of the natural world being plundered by governments and corporations. We spoke on behalf of rooted trees that could not flee the chainsaw. We spoke on behalf of salmon, herring, tuna and haddock killed in their spawning beds. We had alarming news from the Four Directions about fish, wildlife and birds, contaminated, sick and disappearing.*

*And today we continue to speak on their behalf. Today they are more endangered than ever, and if anything, their conditions are worse.*

*In these times, humanity must work together, not just for survival, but for quality of life based on universal values that protect the delicate inter-relatedness of life that protects us all.*

*Biodiversity is a clinical, technical term for this intricate interweaving of life that sustains us. We Indigenous Peoples say that we are related to this life; thus your 'resources' are our relations. It is all in how you look at it.*

*Indigenous Peoples have something to offer in this equation for survival ... We have common goals and responsibilities, and I say, that you, the leaders of this great hope of the world's people, the United Nations, should be working with us and not against us, for peace. We submit to you that as long as you make war against Etenoha (Mother Earth), there can never be peace.*

## **Goals of Indigenous Peoples as International Actors**

As they reflected on Chief Oren Lyons' speech, the participants were made to realize that they have a central role to play in helping assert indigenous peoples' human rights and claims for justice in the international arena. This was especially so because the social and ecological problems and challenges facing humanity today involve unbalanced relations between people and nature and conflicts between development and human rights. It was also shown that

people now needed to renew social and ecological relations in harmony with the natural web of life. In addressing these challenges, indigenous peoples have major contributions to make, considering that they have long engaged in activities, which have proved to bring balance between the natural world and their communities. Also having histories longer than those of most governments, indigenous peoples continue to interact with nature, thus embodying past, present and the future relationships between people and planet.

### **Indigenous Peoples and Political Advocacy**

In doing political advocacy we are strengthening our voices in decision-making about our social and ecological futures. When governments discuss sustainable use, conservation and access and benefit sharing, we must take positions and let these be known at all levels of decision-making: international, regional, national and local.

Advocacy includes activities to change the political balance in support of indigenous peoples. Of great impact are education and public-awareness raising, campaigning, communications, associated research and lobby work.

### **Indigenous Peoples as Social Learners/Actors**

What is important is for us indigenous peoples to consciously see ourselves as social learners/actors, alongside others in seeking solution to the contemporary social and ecological crises. So there must be a process of “learning our way out” of the current global ecological crisis taking place within appropriate learning units such as villages, communities, cities and institutions.

We cannot forge our identity or our politics outside. Sometimes we struggle on the outside because the change inside is too bad, but we must struggle and change our community from the inside. Unless we are participating

greatly inside we will not create much change.

It is useless to just blame others. Indigenous peoples, both men and women, are partly to blame and so we must change certain negative actions.

## **Popular Participation**

The United Nation Research Institute on Social Development defines popular participation as “organized efforts to increase control over resources and regulative institutions in given social situation on the part of groups and movements of those hitherto excluded from such control.”

Scholars Steifel and Wolfe contextualize “popular participations in development.”

They see development being a process of “incorporation” with “traditional groups” relationships and institutions gradually but inevitably being incorporated into new, modern, and larger economic, social, cultural and political settings. In the course of this process, pre-existing livelihood arrangements, values and channels of representation (usually vertical) would break down. Some social groups would dissolve and new ones emerge. All would have to struggle over the terms in which they would have a place in the new and larger social systems.

Steifel and Wolfe thus view participatory efforts as struggles over the terms of incorporation. The problem is not that some are being “included” and others “excluded.” The problem is that poorer groups were being incorporated – “included” – on highly unfavourable terms and are being excluded from control over the decisions and regulative institutions that govern these processes.

## Political Arenas in International Relations

What is a political arena? A political arena is a decision making-process defined at the intersection of different levels of governance, geographic space, language and political culture. A political arena is any place where decisions take place – from the family, the campus and the community to parliament or congress and international bodies such as the United Nations.

Most political arenas are geographically bound – local, national, regional, and international. Some are moving targets such as the group of eight (G8) meetings. Some are multi-layered. Tackling the European Union as a decision-making process requires at least one foot in Brussels, which happens to chair the EU at the moment. Some are institutional such as the World Bank.

International political arenas, which are important for indigenous peoples, are Human Rights and Peace, Environment and Sustainable Development, and Economic Trade and Investment and Finance. We need to understand each arena and analyze its strengths, weaknesses, opportunities and threats for indigenous peoples.

In the area of Human Rights and Peace, a very recent development was the approval in June 2006 by the UN Human Rights Council of the *UN Declaration on the Rights of Indigenous Peoples*. This is highly significant as governments will have to recognize the rights of indigenous peoples in all parts of the world. As Chief Oren Lyons said, one of our aims was to have our rights recognized. We started lobby work in the 1980s, attending Human Rights meetings and bodies to push for the recognition of indigenous rights internationally. And we have been successful. It is up for adoption by the General Assembly anytime this year.<sup>5</sup>

Discussions on the issues of environment and sustainable development started in 1972 during the first international conference on the environment. In 1992 a big con-

ference called the UN Conference on Environment and Development (UNCED) or Rio Earth Summit was held. This was the meeting that discussed what governments should do to protect the environment. It was at this same conference that the Convention on Biological Diversity (CBD) was adopted.

Governments make policies that have direct impact on communities, and international economic institutions play a major role in implementing programs and projects resulting from these. Two of the international institutions that dominate the global economic, financial and trade arena are the World Bank and International Monetary Fund. These institutions fund many of the government programs and projects that are carried out in our communities.

### **Linking Local, National and International Political Arenas**

International standard-setting is carried out by international organisations, and different types of documents are produced depending on the agreements or negotiations governments make. Treaties and conventions are legally binding on Parties that sign up, such as the CBD, Convention on the Rights of the Child, and the Convention on Civil, Political and Social Rights. Declarations, while not binding, lay down standards and guidelines on how governments should conduct their activities or formulate policy frameworks.

### **Global Environmental Negotiations as a Political Arena**

One of the vital agreements that came out of the UNCED was Agenda 21, a programme of action for sustainable development for the 21<sup>st</sup> century. In Agenda 21, governments for the first time recognized indigenous peoples as one of the major groups that play a role in implementing environmentally sound and sustainable develop-

ACTORS	STANDARD-SETTING	POLITICAL ARENA
INTERNATIONAL International Orgs Governments Industry Groups Indigenous Peoples NGOs, Others	Treaties/Conventions Declarations Policy Frameworks Criteria and Indicators Guidelines Programmes of Action	Human Rights/Peace Environment and Sustainable Development Economic, Trade, Finance
REGIONAL Regional Networks	Regional Co-operation and Coordination	Regional Institutions and Processes
NATIONAL National Coordination, Campaigns	Legal and Regulatory Framework	Exec/Administrative Legislative Judicial
SUB-NATIONAL/LOCAL	<b>Organising, Education and Public Information, Media Work</b>	<b>Networking, Lobby Work, Research, Communications</b>

ment. Among the other groups are women, farmers, youth, trade unions, NGOs, the scientific community, local governments and the business sector.

In its “basis for action,” Agenda 21 states: “They (indigenous peoples) have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous people and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. Their ability to participate fully in sustainable development practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities.”

At the World Summit on Sustainable Development (WSSD) held in Johannesburg, which assessed the progress made 10 years after UNCED, indigenous peoples reminded governments about their commitments in Agenda 21. In

turn, world leaders in their Johannesburg Political Declaration “reaffirmed the vital role of indigenous peoples in sustainable development.” On that occasion, Indigenous Peoples from all regions of the world also adopted the Kimberley Declaration and the Indigenous Peoples Implementation Plan for Sustainable Development.

Apart from the WSSD/UNCED, other arenas for environmental negotiations are:

- UN Commission on Sustainable Development (UNCSD);
- Convention on Biodiversity;
- Global Dialogue on Forests including the UN Forum on Forests (UNFF);
- UN Framework Convention on Climate Change (UNFCCC);
- Convention to Combat Desertification (UNCCD);
- RAMSAR Convention on Wetlands.

For us to be effective in our advocacy, these arenas have to be subject to our own SWOT (strengths, weaknesses, opportunities and threats) analysis.

The UN Commission on Sustainable Development is the main body that follows up on Agenda 21 and its linkages with other environmental agreements. Its meetings focus on a cluster of thematic issues over a two-year cycle covering review of implementation followed by policy recommendations.

## **Indigenous Peoples and Trade**

In trade, crucial to indigenous peoples are negotiations taking place at the World Intellectual Property Organisation (WIPO), especially the Inter-governmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGCTKF). Other important arenas are the

International Agreement on Plant Genetic Resources for Food and Agriculture under the UN Food and Agricultural Organisation, the World Trade Organisation's (WTO) Committee on Trade and Environment, and the BioTrade Initiative under the United Nations Conference on Trade and Development (UNCTAD).

## **Indigenous Peoples Formations**

How do indigenous peoples participate in these international arenas? There are various avenues available to us through the different formations and caucuses that indigenous peoples organize at the local, national, and international levels. At the international level is the indigenous peoples global caucus, one of which is the International Indigenous Forum on Biodiversity (IIFB). Here all indigenous participants and organisations come together for collaboration. They discuss issues, agree on positions and make statements in which indigenous peoples' speak as one through the IIFB. There are also opportunities for additional statements from indigenous organizations, other than the IIFB.

Indigenous peoples can also meet together as a region, i.e. as Asians or Latin Americans, as sectoral groups such as women's caucuses, or as distinct indigenous peoples and nations.

Other formations with which we can link up are regional or national networks and federations of indigenous

### **Indigenous Peoples Formations**

- Indigenous Peoples' Global Caucus (e.g. International Indigenous Forum on Biodiversity)
- Regional IP Caucuses
- Women's Caucus
- Indigenous NGOs with ECOSOC Status
- International and Regional IP Networks
- National IP Federations
- Indigenous Peoples and Nations
- Local indigenous organizations and Community-based Organizations

peoples, indigenous community-based organizations, and indigenous NGOs with ECOSOC status. In any of these formations we can participate directly as a community, as part of a broader network or as individual indigenous persons.

## Open Forum

The input on Indigenous Women and Political Advocacy inspired participants to share their insights from their own experiences. Their sharing and insights are summarized thus:

- In Nepal, we continue to lobby for women's genuine representation in government because the Women Ministry is headed by a man.
- Our organization, the *Innabuyog* (a women's federation in the Cordilleras of northern Philippines) made a breakthrough by letting women become part of the indigenous peace pact process and system called the *bodong*.
- Even in a highly male-dominated society such as Nepal, women came together to knock doors of political parties, including international NGOs and UN bodies. We were able to coordinate and synchronize our efforts as women and held a conference where we came out with a 10-point declaration, demanding, among other things, the recognition of our rights and roles as women. We were able to mobilize 3,000 women for that conference in Kathmandu, which government and UN agency representatives also attended. Right now, we are currently pushing for a special provision on indigenous women in a soon-to-be-drafted Constitution. Along with other indigenous peoples, we are also pushing for the right to self-determination, but the

government fears that indigenous peoples might use this to separate or secede.

- All the women born in Naga are members of the Naga Women's Organization. Through the campaign and advocacy of this organization, indigenous women's rights have been enshrined in the country's Constitution. Of course, we have yet to continue asserting our rights.
- In policy advocacy, one lesson we learned is that we need hard data to support our issues.
- We really need to marshal all evidence to influence policies. So we need strong research because information is power.
- I joined one government workshop on biodiversity recently as government was preparing report. I gave some information and asked if these would be included. But the government may not use these because they do not like their image to be tarnished.
- Some governments are useless so it's better to prepare shadow report. So it might be better not to participate because your government might place your name and reports that indigenous peoples participated. So we need to be wary of government agencies, which seek to get our participation based on token considerations. The challenge is to assert our genuine full and effective participation.
- One challenge is how to empower illiterate women because if we like to participate in political advocacies, we really need to understand and analyze policies. This is a challenge directed to our organizations.
- While seeking to empower our women through seminars and trainings, we realized we also need to help empower them economically. We also need to help women engage in some livelihood to help uplift their lot.

- Political empowerment and the need for livelihood are daily facts of life we face as we work with communities. For our organization in the Cordilleras in northern Philippines, we cannot separate women's issues from other issues. So in our community organization, we have committees to address literacy and economic needs. We have embarked on sustainable farming techniques that could help improve their production, for example. At the same time we have functional literacy programs. We also encourage indigenous women leaders to talk about their issues and concerns over radio and television. Capacity-building for and organizing women are really difficult but these need patience.
- From experience, the harder a situation gets the better for people to be organized. The illiteracy, lack of information and poverty of indigenous peoples, including women, are the very conditions why we need to empower them. For those engaged in organizing, these are precisely the things that must be overcome.
- In Siocon (in Zamboanga in southern Philippines), indigenous women are too poor to support children to school. Corporate mining and logging, which promised better economic opportunities, have invaded our community but we are still poor. With our difficult situation, it is really hard to organize campaigns against the invasion of mining and logging. So how can we get support for these issues?
- It is becoming clearer to us what the problems and needs are. So the AIWN should not ignore these problems being put on the table.
- One concrete example of addressing the economic needs of our organized communities aside from raising their awareness was a rice mill project, which they themselves identified. Powered by a community-managed microhydro-electric plant, the rice

mill has freed indigenous womenfolk and children from the burden of pounding rice, allowing them to do other productive work. Because of our experience in community organizing, other indigenous organizations in other countries such as Indonesia and Malaysia have been coming to our organized communities to learn about community organizing. In fact, our organization, the Cordillera People's Alliance, has developed a training and leadership module for community organizers.

- In Nepal, my concern is that we have to do many things in various levels – local, national, international. So we have to make commitments.
- Each time we encounter a problem or an issue, we make sure each member of our Aeta community in Bataan (south of Manila) becomes aware of it so that all of us can respond. This may be a research or a forestry project. When research members of the University of the Philippines Marine Science Institute came, they first consulted us and informed us about a project. They also have studied our customary laws. We have since been involved with this project. The same thing happened with a two-million-peso reforestation project given to us. We took the project and agreed as a community that we should succeed in reforesting our community in five years. Each of us is paid 200 pesos (US\$4) per day for planting trees, 100 pesos of which go for “food for work.” My participation in this (Tebtebba-AIWN gender and environment) workshop was also a community collective decision.
- My organization in Sulawesi, Indonesia helps strengthen women's capacity to negotiate with government. We document indigenous women's knowledge in various communities. We use this documentation as basis for negotiating with the government.

- We have difficulty doing research and getting data from government. Even setting appointments for interview with government leaders is difficult. So we still need a lot of work in terms of national policy advocacy in Vietnam.

From the insights and sharing, the following lessons could be drawn:

1. It is easier to organize and mobilize community members if they are organized;
2. The need for livelihood, literacy, and other challenges clearly show that we have to act on these at various levels and address them collectively. But the challenge is to continue pushing our demands so spaces are opened for indigenous peoples' participation in decision-making processes.
3. The bottom line is how to become agents of change by becoming part of the various decision-making processes;
4. The international arena is more effective for those living under repressive regime;
5. How and where we prioritize our actions require capacity-building.

## Endnotes

<sup>5</sup> Given the Human Rights Council's strong endorsement in June 2006, approval should have been a matter of course at the General Assembly's Third Committee meeting in November 2006. But the declaration's opponents lobbied small states to vote against it. That effort paid off when Namibia presented a procedural amendment calling for a delay in voting on the declaration until the end of the 2006 session of the General Assembly. That amendment was

backed by the entire bloc of African states and passed by a vote of 82 to 67 with 25 abstentions. The UN General Assembly finally adopted the UN Declaration on the Rights of the Indigenous Peoples on 13 September 2007 during which 144 voted for it, four against, and 11 abstained.



## 13 Evaluation and Recommendations

Reviewing the “hopes and fears” they listed at the start of the workshop, the participants assessed and evaluated how they fared during the past four days. There was a general consensus that the participants were able to build their capacities, particularly in locating where and how indigenous women could fully and effectively participate in the various processes of the Convention on Biological Diversity. Armed with basic understanding of the CBD and women’s rights through the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the participants also agreed they achieved a certain level of confidence in helping put into operation and popularize at the national and grassroots levels all

CBD-related programs for indigenous peoples, particularly indigenous women.

In their evaluation, they also identified some needs. These include the following:

1. Follow-up capacity-building training on indigenous women and the CBD, with special focus on training methodologies;
2. The need to improve proficiency in the English language and the need to define some technical terms (biological diversity, genetic resources, etc.); and
3. More orientation on issues and concerns such as climate change, women and forests, resource management, invasive alien species, and biopiracy.

Given all these needs, the participants listed the following recommendations:

1. Prepare and embark on English lessons and exchange programs for indigenous women;
2. AIWN (Asian Indigenous Women's Network) shall integrate the Convention on Biological Diversity in its education and training component;
3. Undertake training on how to prepare Shadow Reports;
4. AIWN magazine shall include regular updates on CBD;
5. AIWN must help ensure full and effective participation of indigenous women in CBD-related forums and meetings; and
6. For organizing clarify how the CBD can be implemented and how Access and Benefit Sharing issues can be analyzed even at the local level and who decides how much benefits.

Specifically for the trainings, the following were also recommended:

1. Undertake country trainings to address language barriers and to consider context;
2. Training modules needed could include basic orientation on the CBD, the CBD and Indigenous women, climate change, critique of the CBD, continuity of orientation on Human and Nature Relation, and training of trainers on CBD;
3. Undertake training on organizing including organizing at local level;
4. Use popular and more visual training aids such as posters, charts, documentary films and other visuals;
5. Deliver and conduct trainings are in the local language;
6. Also undertake training on research and documentation of indigenous women and CBD/biodiversity experience through concrete examples and case studies; and
7. Hold trainings on how indigenous women can help implement the CBD and how they can benefit in the process.

As part of the AIWN's organizational planning and programming, the participants pinpointed some who would participate in the meetings of the Ad Hoc Working Group on ABS and Ad Hoc Working Group on Article 8(j) in Montreal, Quebec, Canada in October 2007. Some would also participate in the Ninth Conference of Parties (COP9) meeting in Bonn, Germany in March 2008.

The AIWN also planned for a regional conference, which would be held any time during the International Indigenous Peoples' Month in 2008 in Nepal.

## ANNEX: List of Participants

Country	Name and Organization & Contact Details	IP Group
1 Bangladesh	Ms. NUKU CHAKMA Khagrapur Mahila Kalyan Samity (KMKS) Khagrapur, Khagrachari-4400, Khagrachari Hill District, Bangladesh Telefax: ++88 371 62351; nukuchakma2006@yahoo.com	Chakma
2	Ms. SUSMITA CHAKMA Executive Member, Taungya; Collage Road, Kallyanpur, P.O. Rangamati, P.S. Kotwali, Rangamati Hill District, Bangladesh Tel: ++88-0351-61817/62111 (office); Fax: ++88-0351-62073 (On request) email: smitachakma@yahoo.com or prorhdc@btbb.net.bd	Chakma
3 Cambodia	Ms. SAVY LY Cambodia Indigenous Youth Association 105 Chey Chumneas Primary School, Boeung Keng Kong 3 Khan Chum Kamorn, Phnom Pehn, Cambodia tel: ++855 12 380 159, +855 92 182 662; email: ly_savy@yahoo.com	Bunong
4 China	Ms. XUE MEI ZHAO Assistant Professor, Lijiang Academy of Dongba Culture Yunnan Branch, Academy of Social Sciences, Hei Longtan Park, Old Town District of Lijiang City, Yunnan Province, China  Tel No. +86-888-5161098/5122954; Fax: +86- 888-5128937 Email: snowplum0810110@sina.com; snowplum0810@126.com	Naxi
5 East Timor	Ms. MARIA INES DA CRUZ BERE Women's Justice Unit Coordinator, Judicial System Monitoring Programme; Rua Setubal, Colmera, Dili, P.O Box 275, Timor Leste  Telefax: (+ 670) 3323883; (+670) 7233723 email: info@jsmp.minihub.org; maria@jsmp.minihub.org	
6 India	Ms. GINA SHANGKHAM Convenor, Indigenous Women's Forum Northeast India (WIFNEI) Komalathabi, Chandel District, P.O. Pallel- 795135, Manipur, India Tel: ++91 3848 265231/202207; ++91 9863 353819/9436 031806 email: ginashangkham@yahoo.co.in	Moyon Naga

7	Indonesia	<p><b>Ms. RUKMINI PAATA-TOHEKE</b>  Director of the Indigenous Women's Directorate  Aliansi Masyarakat Adat Nusantara (AMAN) -  The Indigenous Peoples' Alliance of the Archipelago; Jalan B, Nomor 4, Rawa Bambu 1, Pasar Minggu, Jakarta Selatan, Indonesia</p> <p>Telefax: ++62 217 802 771; email: <a href="mailto:rukmini_opant@yahoo.com">rukmini_opant@yahoo.com</a></p>	Toro
8		<p><b>ERNA ANJARWATI</b>  22 Fabian dela Rosa Street, Loyola Heights, Quezon City  Metro Manila, Philippines  email: <a href="mailto:r_naisance@yahoo.com">r_naisance@yahoo.com</a></p>	Interpreter
9	Nepal	<p><b>Ms. LUCKY SHERPA</b>  Himalayan Indigenous Women Network  G.P.O Box 7238, New Baneshore, LeTM-34, Nepal  Telefax: ++9771 411 5590; email: <a href="mailto:hiwnnepal@gmail.com">hiwnnepal@gmail.com</a>;  Website: <a href="http://hiwn.org.np">hiwn.org.np</a></p>	Sherpa
10	Philippines	<p><b>AU CAIS-GUINDALOS</b>  No. 1 Roman Ayson Road, Baguio City, Philippines  Tel: ++6374 444 7703; Telefax: ++6374 443 9459;  email: <a href="mailto:au@tebtebba.org">au@tebtebba.org</a></p>	Kankanaey
11		<p><b>BERLINDA RESTUM</b>  Samahang Magbukun sa Kanawan  Sitio Kanawan, Barangay Banaritan, Morong, Bataan, Philippines</p>	Ayta Magbukun
12		<p><b>CRISLYN H. ZARATE</b>  National Commission on Indigenous Peoples-CAR  2nd floor Hillside Square, Km. 4 La Trinidad, Benguet, Philippines  Telefax: ++6374 422 4173</p>	Ibaloi
13		<p><b>ELLEN BANG-OA</b>  Tebtebba Foundation  No. 1 Roman Ayson Road, Baguio City, Philippines  Tel: ++6374 444 7703; Telefax: ++6374 443 9459  email: <a href="mailto:ellen@tebtebba.org">ellen@tebtebba.org</a></p>	Kankanaey
14		<p><b>EMI CARREON</b>  Networking and Advocacy, Cordillera Women Education, Action &amp; Resource Center    No. 16 Loro Street, Dizon Subdivision, Baguio City, Philippines  Tel: ++6374 442 5347; email: <a href="mailto:emicarreon@yahoo.com">emicarreon@yahoo.com</a></p>	Tinguian

15	<p><b>GERALDINE FIAG-OY</b>  Executive Director, Kataguan Watch  384 Magsaysay Avenue, Baguio City,  Philippines  Telefax: ++6374 442 1947;  fiagka5@yahoo.com</p>	Kankanaey
16	<p><b>GRACE PASCUA</b>  Director IV, National Commission on  Indigenous Peoples,  2<sup>nd</sup> flr N. dela Merced Bldg. Cor West &amp;  Quezon Avenues,  Quezon City, Philippines  Telefax: ++632 373 9636; Email:  mgtp_tinoc@yahoo.com</p>	Ifugao
17	<p><b>JANE MACAGNE</b>  Montana Research &amp; Development Center,  Inc. (MRDC)  Makamkamlis, Sagada 2619, Mountain  Province, Philippines  email: mrdcsagada@yahoo.com;  jumactree@yahoo.com</p>	Igorot
18	<p><b>JOJI CARINO</b>  No. 1 Roman Ayson Road, Baguio City,  Philippines  Tel: ++6374 444 7703; Telefax: ++6374 443  9459  or 111 Faringdon Road, Stanford-in-the-vale,  OXON SN7 8LD, UK  email: joji@tebtebba.org</p>	Ibaloi
19	<p><b>JOSEPHINE ALMIROL</b>  DAPON Indigenous Peoples Center  Don Edmarfi (Pimentel Subdivision) La Torre  South,  Bayombong, Nueva Vizcaya, Philippines; Tel:  ++63 926 748 8496;  email: dapon_philippines@yahoo.com;  samiweng@yahoo.com</p>	Isinai
20	<p><b>JULIET AKIA</b>  Development Management Officer V  National Commission on Indigenous Peoples  2/floor Delta Building corner Quezon &amp; West  Avenue  Quezon City, Philippines  Telefax: ++632 374 5950; email:  jgakia@yahoo.com.ph</p>	Bontoc-Aplai
21	<p><b>KATHERINE MANA-GALIDO</b>  Advocacy Officer, Environmental Legal  Assistance Center, Inc.  271-E Malvar Street, Puerto Princesa City,  Palawan, Philippines  Tel: +63 48 433 4076; Fax: +63 48 433 5183;  Email: airinekate@yahoo.com</p>	

22	<p><b>LEAH ENKIWE</b>          No. 1 Roman Ayson Road, Baguio City,          Philippines          Tel: ++6374 444 7703; Telefax: ++6374 443          9459          email: leah@tebtebba.org</p>	Ifugao
23	<p><b>MARLY CARINO</b>          No. 1 Roman Ayson Road, Baguio City,          Philippines          Tel: ++6374 444 7703; Telefax: ++6374 443          9459          email: carinomarly@yahoo.com</p>	
24	<p><b>MICHELE DAULAYAN</b>          DAPON Indigenous Peoples Center          Buenavista, Bayombong, Nueva Vizcaya,          Philippines          Tel: +63 927 211 6667</p>	Ifugao
25	<p><b>MILA SINGSON</b>          Secretary General, Innabuyog          No. 16 Loro Street, Dizon Subdivision, Baguio          City, Philippines          email: cweroc@mozcom.com</p>	Igorot
26	<p><b>NANCY ANN P. GONZALES</b>          Director for Research &amp; Development          Ifugao State College of Agriculture &amp; Forestry          (ISCAF)          Lamut, Ifugao 3605, Philippines          email: naggonzales@yahoo.com</p>	Ifugao
27	<p><b>NANIDA AGANAN</b>          Indigenous Women Chairman          Siocon Federation of Subanon Women          Association (SFSWA)          D. Riconalla, Siocon, Zamboanga del Norte,          Philippines</p>	Subanon
28	<p><b>NELLIE AG-AGWA</b>          BAI (National Indigenous Women's Network-          Philippines)          No. 16 Loro Street, Dizon Subdivision, Baguio          City, Philippines          Tel: +6374 442 5347</p>	Kankanaey
29	<p><b>OFELIA T. DAVI</b>          Indigenous Women Coordinator, Siocon          Federation of Subanon Women Association          (SFSWA)          Dungguan, Makiang, Siocon, Zamboanga del          Norte, Philippines          email: nodayskinet@yahoo.com</p>	Subanon

30		<b>ROSANA C. OTAO</b> Indigenous People's Advocacy Program Staff  SILDAP Southeastern Mindanao, Inc. 463 Prk. Camia, Mirafuentes District, Magugpo North 8100 Tagum City, Philippines Telefax: +6384 400 361; email: sildaps e@philcom.ph	Mandaya
31		<b>RUTH BACANI</b> No. 1 Roman Ayson Road, Baguio City, Philippines Tel: ++6374 444 7703; Telefax: ++6374 443 9459 email: ruth@tebtebba.org	Kankanaey
32		<b>TESS DELIU</b> No. 1 Roman Ayson Road, Baguio City, Philippines Tel: ++6374 444 7703; Telefax: ++6374 443 9459 email: tess tabs@yahoo.com.ph	Kankanaey
33	Thailand	<b>KAMONPHAN SAELEE</b> Inter Mountain Peoples Education & Culture in Thailand Association (IMPECT) 252 M.2 T. Sansai no 1, A. Sansai, Chaing Mai 50210, Thailand Tel: +66 53 49 2544; telefax: +66 5339 8952 email: kamonphansaelee@gmail.com	Lisu
34	Vietnam	<b>OU THU OANH LUONG</b> Center for Sustainable Development in Mountainous Areas (CSDM) No. 4 Tran Quang Dieu, Ochodua Dong Da, Hanoi, Vietnam Tel: +84 4 513 0487; Fax: +84 4 513 0835 email: luongthuocanh@yahoo.com	Thai
<b>SUPPORT STAFF</b>			
35.	Philippines	Bong Corpuz Tebtebba 1 Roman Ayson Road, Campo Filipino Baguio City 2800 Philippines Tel. (63-74) 444-77-03 Telefax: (63-74) 443-94-59	
	36	Clint Bangan Tebtebba	Kankanaey
	37	Raymond de Chavez Tebtebba	
	38	Helen Valdez Tebtebba	Ifugao
	39	Maurice Malanes Tebtebba	Kankanaey