
WHAT IS ARTICLE 8(J) ?

Date: February 25, 2000
Location: Museum of Anthropology
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Moderator: Ghillar (Michael Eckford)

MODERATOR

Secwepemc First Nation from the South Central interior of BC, these people did number * (unknown word), * (unknown word) his occupation and avocation in the last decade has been almost exclusively fisheries related and has become known for his work to recover wild fish population, and as an advocate for aboriginal rights responsibilities over fisheries. Fred works as the chairman of the Shuswap Nation Fisheries Commission on the Columbia River, and Tribal fisheries Commission and is responsible for coordination for fisheries management on the Columbia and Fraser Rivers involving the area bands including inter-government relations. Fred was recently appointed to the BC Aboriginal Fisheries Commission where he is responsible for the regional coordination of information and costs associated with Aboriginal Fisheries in the province. I keep referring to his work in the last ten years has been the development of an international working group of Indigenous people on * (unknown word) University * (unknown word) and as president, in related work with the convention on biological diversity. Fred sits on the board of the * (unknown word) Indigenous Knowledge Program and World Fisheries Task Force.

FRED FORTIER

Thank you, Mr. Chair, I'm going to move back and do a presentation on the overview of the CBD and the introduction of article 8(J). If anybody would like a book of the texts on the Convention on Biological Diversity we have some here free. I'll just move to the back. Good Afternoon, I'm Fred Fortier of the Secwepemc. I've been involved with the Convention of Biological Diversities since 1992 and part of the following conventions ever since. Today, I'd like to give an overview of the history of the convention and particularly, do an introduction to Article 8(J) which is very specific in the mention of Indigenous Peoples in the article.

Back in 1972 the Stockholm Declaration looked at the how the United Nations Conference on the Human Environment, and we're going to use the acronyms, so that you don't have to learn them. As you look at international arrangements, there are a lot of acronyms that come up. The Stockholm Declaration focused on environmental health, health issues, they mentioned that environmental health is a Human Right and this affected national legislation.

The IUCM, the World Conservation Union, this is the biologist's concept of Biodiversity dealing with endangered species, and ecosystems and bioregions. The proposed treaty for protecting endangered species

habitat and at the same time there were other conventions that were being developed. One is the World Heritage Conservation, or convention only on sites. Site means an endangered species, and trade grounds are dealing with wetlands and migratory species conventions dealing with migratory species.

At the same time, the a world commission on the environmental development put forward the Stockholm Report or referred to our common future and believed the environmental quality to national sustainable development and as you look at international conventions that deals with sustainable development and we all what know sustainable development means, depending on who you are.

Discussed the marginalization of indigenous peoples and recommended States respect land and cultural rights. It also recognized the value of indigenous knowledge in all indigenous societies. And the focus was more on Agricultural.

It also proposed an expanded role of United Nations environmental programs and environmental monitor and assessment. It also, suggested that there be a need for organized international environment laws. It called for a Universal Declaration and Convention on Environmental Protection and Sustainable Development. UNDP established what they referred to as an ad-hoc working group on creating an umbrella of Bio-diversity conventions. And this was '87.

The Droughtland Report and other events that moved forward included it. And governments unwilling to consider only species on ecosystem issues had to deal with in-situ and ex-situ, had to deal with wild and domestic species, sustainable use bio-safety, bio-technology and genetic resources.

There was other includances that at the same time, that was going on, the working group Indigenous Populations, the Draft Declaration, International standard setting at the United Nations and those who were that process it's been around twenty-five years, twenty-six years now, and they're still talking! That duration of international business representative groups, working groups on Indigenous people, * (unknown word) and that organization brought the whole issue of Indigenous Land Rights to the table. Also there was other includances that started to move, international concern for the tropical de-forestation in the mid-80's, and the recognition of Indigenous issues, and South American, and Pacific Islands and so on.

Also, there was a lot of criticism, from mega-projects mostly the dam projects, all through here and South America, and James Bay area and Quebec, so when it happens that, the information environmental program formally inter-governmental negotiated treaty, or convention on biological diversity in 91, drafting started with the drafting with the text, that was handed out here.

Working groups that had fundamental principles of in-situ and ex-situ those species inside those species that are outside of their habitats, that are ex-situ, relationship to other conventions there's a lot of other conventions that need to be integrated in a bio-diversity convention. We talked about genetic resources, access to benefit sharing, technology transfer and international cooperation.

As everywhere else, across one way in Canada, across the world, no indigenous instance for take-over. Because we were part of the process, there was a fellow who was the ambassador to the environment, who was Arthur Campeaux, a * (unknown word) to where he was going, he read an issue in Time magazine, Lost Products, Lost Knowledge.

At that time he convinced the working groups to draft an article on the knowledge of Indigenous and local communities. This created quite a debate, within the international arena, on indigenous issues being broken up

and placed in several separate articles of 8(J). 8 (J) was an article that encompassed a lot of access and a whole pile of areas. And what happened, in that debate, is that they started to break down the articles.

Technology transfers, information sharing. It moved on to the 1992 Rio summit, The Earth Summit sponsored by UNSAID in 92 and they looked at the outstripping of the resources, the balance of sustainable and other use of * (unknown word). Economic systems things to make your services, holistic approaches or solutions and Indigenous knowledge significant pooled inside an understanding, they didn't understand what Indigenous knowledge is, compared to scientific knowledge.

That brought forth the intended 21 chapter on Indigenous People and as a major group to be addressed and, we developed it, it was mentioned on bio-diversity. This is the article that is article 18, and it says within that we developed on as to what HA means.

It's a long statement. At the first meeting of the of conference parties they created what they called they called substat or subsidiary values and scientific technical and technological advise. They talked about procedures who would be the host financing the convention. And at that place, very few indigenous people attended.

The second meeting of the conference of parties, which Jakarta asked them to introduce in November 1994, there was informal discussion by the media each day. There was significant attendance by Indigenous peoples, there were a couple of hundred people I believe that were there and that's where we started to caucus amongst ourselves and we actually lobbied there for the states to have at that time put the agreement that to put * (unknown word) on the agenda to top three and we were allowed to speak first at that talk to the parties.

One of the areas that we addressed was unfiltered access. We had lobbied Canada and Norway and the other * (unknown word) countries of Indigenous peoples to have access unfiltered to the process so that we did not have to go to Canada, we did not have to go to any other state, and we could talk for ourselves and that's the unfiltered access portion.

At that time, only one area that there was discussed to mandate the program of work was dealing with the Jakarta mandate on the product of Marine Bio-diversity that was lead by Indonesia and Australia. The third meeting of the conference of parties and * (unknown word) was Argentina in November of 1996. We started to bring together the indigenous caucus.

We were also allowed to make direct press pack presentations to the conference of parties, which was very significant. If you have a friend that" here and you have to go and ask if you could do that and I think that we'd gain from ask us to the conference of parties. At that time the parties and also sub-technical values weren't prepared to deal with each day issues.

We were coached from protest of the outstanding issues. There was agreement to bind that the conference of parties, host an inter-sessional workshop group there was alot of discussion from inter-sessionals, ad-hoc, who to pay for it and so on. We also had the indigenous participation in practically the terms of reference for the workshop. There was two Indigenous people there were hooked * (unknown word), and helped to wrap the terms of reference for that workshop and we moved through three days of around thirty hours or more of debating the terms of reference with the smaller working group.

It was the first time I believe that indigenous people were asked and participated in drafting of any text of the convention. They moved on to the workshop of Indigenous Knowledge and Biological Diversity in Madrid, Spain in November of '97, it was the first gain of a stage of an indigenous people on bio-diversity there were was

approximately three hundred indigenous people only forty of the signatures to the Convention of Biological Diversity showed up, there was a, we have to deal with the friends of the chair, the procedures on how you participate within those working groups and drafting of the text, we have to, we were asked to host and be a chair of the sessions so we co-chaired or fund of the State signature and indigenous people so there was two working groups and we helped chair that and participate.

We developed a list of over two hundred issues to be addressed by the CDB, and we moved forward. The fourth meeting of the Convention on Conference of the parties in Bratislava and Slovak Republic in May 98, they created what they referred to as Ad-hoc inter-sessional open-ended working group on article 8(J) and related issues.

In the decision, there are prior to that decision 49 there was 40 actions by regards to indigenous people. We also at that time, looked at how we were going to deal with the rules of procedure with Indigenous participation, because in the rules of procedure at the International arena, that it is their treaty or convention and we aren't signatures to it, so we really don't participate as governments there. We participate as NGO's, so there they talked about the rules of procedures and still talking about how we're going to move forward with our participation.

All through these conference of parties Canada puts forth two indigenous reps sometimes there's more to be on the Canadian delegation. Our issue with that is as Canadian Indigenous people, is we did not want to get muzzled. So anything that you were going to say had to go through the Canadian Delegation, and Foreign Affairs had the final say there in Canada.

We are moving forward next month, in Saville for the open-ended inter-sessional working group, and they'll be meeting in the last week in March and we'll be talking about what the status within the Convention and how we will participate through the rules of procedures. We will also look at the integration of the work-plans of the convention of parties and the subsequent process. The unfiltered access area we can participate in.

All through this convention intellectual property rights are our main theme looking at natural resource management. Developing a program of work for the traumatic areas, and aquatics, forestry and endangered species, agriculture and so on. That process is in the works. Just bringing us back to the intro to the article 8J, when you look at this article, you need to understand how you break the article down.

The first area of breakdown, it says, "Subject to national legislation". That's an important statement right there, because everything that we deal with in the convention on what laws for diversity is subject to national legislation in Canada. The other parts, there are a couple of parts to the 8J in the way you look at it. How you respect, preserve and maintain knowledge, innovations and practices in indigenous and local communities and broaden traditional lifestyle. And the whole definition of what traditional lifestyles is, relevant to, for the conservation of sustainable use of biological diversity, so the argument was, "if you weren't living a traditional lifestyle, were you included?" And that's one of the keys.

But also looked at further on, is to promote through modern application with the approval and involvement of the holder's of such knowledge, innovations and practice prior to informed consent. As well as to encourage equitable sharing of benefit arising from the utilization of such knowledge, innovations and practices. Benefits sharing arrangements, how do we benefit from our knowledge being shared? For the conservation of biological diversity.

The impacts that very few involved with indigenous peoples and CDB, and workplans how do we that? The challenges of national implementation, Canada is moving towards national implementation, they say that we

are have lost that respect, indigenous knowledge. And we say, let's do a depth analysis of laws and legislation in Canada and see that is the true story. As well as it has to involve indigenous organizations around these issues in Canada, and that's the * (unknown word) Thank You. (Applause)

MODERATOR

Thank you very much for that presentation. Our next speaker is Jeanette Armstrong. Jeanette is Okanagan, has lived in reserves, proud speaker of Okanagan language. She has studied and has assembled a vast knowledge of areas of the Okanagan. She says native people of this land developed * (unknown word) for their unique worldview. Jeanette believes it's underlying values and structure are important contributions to the pool of knowledge as critical factors in reversing and reshaping a world view that values and fosters and * (unknown word) self-determination.

Jeanette is the director of the (native language) International School of Writing. Jeanette is an appointed traditional science council member of the Penticton Indian Band. She is an advocate of Indian Rights appointed to the council of business to the International Test Firings and Violations of Indigenous Sovereignty and recently was involved, invited to attend an International observer, as an international observer of the Front * (unknown word) Coordination Committee of Indigenous People in Peace Talks in Mexico.

She is an advocate of healthy environment and social change, in which peace between all peoples is central. She serves as a consultant to the Environmentalist and Social Change Organization including the * (unknown word)(native word) Institute, the * (unknown word) Institute, and the * (unknown word), and the Centre for Creating Change in World and Student Humanities. Jeanette has served on various international councils and wrote books with a wide variety of issues. She is appointed as one of the seven judges in the International Indigenous Court of Justice in 1997. I give you Jeanette.

JEANETTE ARMSTRONG

Good Afternoon, I just wanted to give greetings first of all to the people of this nation whose land that we're on, I was want to give my thanks and gratitude to the Union of BC Indian Chiefs and the UBC Law Society, for putting on this conference, and whoever who else made it possible. I just wanted to tell you I'm a little bit breathless cause I came down with something yesterday, and I've been taking a lot of drinks while I'm talking.

My topic is mostly on what article 8J isn't rather than what it is, so that's just how I'd like to proceed. First of all, I wanted to talk about just a general note on all international binding agreements at the UN level. There are a couple of legal aspects that one should keep in mind in regards to International Binding Agreements. Terms such as, adequate or effective or appropriate have broad and multiple interpretive interpretations where they're implemented by national governments as each of those conventions is binding agreements must be interpreted within a national form.

So it allows for each party who signs on to the convention, or who signs to the agreements in this case the Convention on Bio-Diversity to interpret them according to it's own interests nationally, so that means alot of the wording in the convention allows for countries to do whatever they want with it basically.

Wording such as, "Wherever possible", especially makes it clear that they don't have to it. And also, when indigenous peoples shall be consulted, it means that you talk to them maybe. So those are some of the, some of just the overview things that I wanted to mention. You'll notice that some of that wording in the convention, on bio-diversity that Fred was bringing on also another aspect to just * (unknown word) over generally, I think that Fred brought it up no international outrules over national law.

The dialogue and the use of the convention is to persuade, persuade a national government to come into, or to conform into what the rest of the world agrees to. So, binding agreements do not become part of the national legal system. In terms of the countries which have signed on. They do not become part of the national law systems of countries, which have ratified them.

Instead governments are required to change their national laws to reflect the principles of the agreement. So just because the convention is signed it doesn't mean that it becomes national law. It means that the national government has to pass legislation, which reflects the intent of that convention. This also means that, Indigenous Peoples cannot make a legal claim against a government for not conforming to the principles, by not passing legislation, which conforms, to the principle.

So there's also one other thing that I want to mention just in general too, is that there's a difference between adoption of a convention and ratification of a convention. Ratification means a country engages formally to take on the obligations of that agreement by implementing laws. Adoption simply means that, those parties who have participated in the talks and in negotiations of the wording. So that's another find in terms of who adopts and who ratifies.

This convention on bio-diversity, is one of the few legally binding. There are 165 signatories to conserve sustainable use of resources. It's, in terms of a international legal framework it's concern is bio-diversity and it provides for, it seems to do two things, now I'm just doing a bit of an analysis, is that it's an international legal framework concerning bio-diversity, but also provides for a shift in monetary resources and technology from developed countries to developing countries.

So that's one of the issues, that I want to talk about in the convention, particularly, where 8J is concerned. First of all, I just want to mention that for all of the work that indigenous people have been involved with all of the good that 8J does, and that it's better than nothing, it does not mean the expectations of indigenous peoples. In fact, the bulk of it is discussions not article 8J, but the whole convention.

The bulk of it, is a discussion on how best to exploit biological diversity without destroying it completely. So that's what the bulk of it addresses. And while indigenous people had also hoped for infrastructure, which would guarantee protection of indigenous knowledge, land, and genetic resources, it actually glosses over those issues about setting in place any concrete standards of guarantees on those issues.

Article 8J, itself is weakly worded, "as far as possible", is one of the words, that it uses, "as appropriate", is another word that it uses, and allows for governments to interpret or to inform themselves. In terms of the article 8, we're looking at in-situ conservation. The conservation on bio-diversity, encourages countries to establish norms, encourages is the key word there. In terms of looking at what that might mean in relation to Canada or the US.

It encourages countries to establish norms for the inclusion of the indigenous peoples in benefit sharing. So it doesn't actually say, that it has done that, it just encourages that. In benefit-sharing agreements when indigenous knowledge is used for commercial purposes. This however, does not include genetic resources. So that's another issue, that's excluded form article 8J, from article 8 itself.

8J says,” Governments promoting the use of indigenous knowledge, must ensure they approve an involvement of indigenous communities that are providing it. So the wording there again is says that governments promoting the use of indigenous knowledge must ensure they approve an involvement of indigenous communities.

It doesn't require benefit sharing in terms of its legal framework. It doesn't show in that article 8J that particular phrasing of it. Anything that requires approval or anything that actually asks for a standard of approval or rules or regulations around the approval mechanism that might be put in place. It just says approval involvement. And it's really a wide and broad-based wording, which actually weakens article 8J to a great degree.

Now one the things that I wanted to mention too, is that the convention on bio-diversity also one of the points that I wanted to make about it is that it changes this state of genetic resources. In terms of making it property of National governments. Now prior to the convention on bio-diversity, everything that was on the land was considered the common heritage of humankind. Genetic Resources not owned by anyone, but since the convention on bio-diversity, genetic resources become the properties of national government.

Article 15, on the convention on bio-diversity, leaves it up to the national governments to establish who actually owns genetic resources within a country. And so that's a very difficult position where it comes to indigenous people. It forces in this case, if the governments are the owners of genetic resources, then it puts indigenous peoples and their knowledge at vulnerability in terms of what their governments and national policies might be, or might not be in place.

It forces bio-prospectors to deal with governments, so in that way it promotes bilateral agreements between corporations and governments and the tendency there is always to leave out indigenous peoples in those bi-lateral agreements. And so that makes it really dangerous pitting corporations and governments against indigenous peoples. And we see that happening all over the world. And the convention on bio-diversity does not (speaker pause), it doesn't add, the convention on bio-diversity doesn't add many subjects that are important to indigenous peoples, even though it recognizes that indigenous peoples are important what it does is recognize it that indigenous peoples are important to the conservation of bio-diversity.

But, it only encourages respect and that's the wording it uses, it only encourages respect of indigenous peoples rights to their knowledge, it does not establish rules, it does not establish regulations or not provide framework for those rules and regulations specifically in regards to bio-prospecting in indigenous territory. So just basically, it says, "Well respect them but go ahead and do your bio prospecting". And that's what's been happening.

Now it does not strengthen the role of indigenous peoples in conserving biological diversity. And I think that it's one of the most important ones, is that it does not provide a strong support system or infrastructure for assisting indigenous peoples in terms of conservation in biological diversity, in traditional knowledge, and in traditional use of their resources.

Most importantly it does not establish an infrastructure to guarantee that protection. There's no guarantee at all in that wording. It does not provide infrastructure that guarantees protection of indigenous knowledge, land, and genetic resources. It appears more to be a tool which maintains the, this is the whole convention on bio-diversity, it appears more to a tool which maintains the northern developed countries access to southern genetic resources. And that's what seems to be the reason for whole convention on bio-diversity.

Now, I don't want to be a wet blanket here, but I see very little in it which actually does in view work unless indigenous organizations, indigenous peoples, traditional peoples, traditional science councils really do a lot of

work, to inform or lobby their leaders in putting in place guarantees at the national level and support at international level. It's very weak. The work has to be done by us. Thank You.

MODERATOR

* (unknown word)(native word) Our next speaker is Nilo Cayuqueo. He is a * (unknown word) from the southwestern parts of Argentina. He came to the United States at the end of 1981, to live in San Francisco in that area, * (unknown word) (several words not understood). * (unknown word) (Native name) has been actively involved in the rights of indigenous peoples in the Americas of indigenous peoples from the south to the north. Now * (unknown word) (several words) come from any critical training of organizational development, in communication and administration fund-raising, that major projects. The fund also provides grants to small sets of community projects in south and Central America, and Mexico. He has also organized and helped to organize and participate in numerous regional and international conferences such as the working group on Indigenous populations and human rights at the UN and based on bio-diversity, and the issues facing indigenous people today. The issues included but are not limited to human rights, protection of those territories of indigenous peoples particular to that environment, Eco-tourism, international property rights, international treaties, international forum on globalization and health.

Nilo has visited almost all of the countries in Latin America, and worked with hundred of organizations representing Indians from the north, central and south America, in the issues of bio-diversity, economic development and human rights and * (unknown word) organizations. I give you Nilo.

NILO CAYUQUEO

Thank you very much Michael. I want to thank again [First Nations], for [Union of Indian Chiefs] for organizing this conference and all the brothers and sisters, and friends who came to this conference have been wonderful and I feel very good here, I feel at home, so I really appreciate that and I think we should do more than this and organizing more conferences and related * (unknown word) on other topics relating to indigenous issues.

So, I just want to make a few comments and then we can have some dialogue of, and you might have any questions. So I just want to make some perspectives on the forum of indigenous people in meeting, prior to the conventions. From six or seven years we have been meeting, about what we can do about this convention on bio-diversity and we know that the convention on bio-diversity is a binding instrument trying to legalize the moral exploitation of our so-called resources.

For us our resources are our way of life, are part of the life of the community. If there are no resources, I mean resources are when you say something is emergency you can, so this is another way to see, we are getting trapped into this language of the western world you know, how to, is resources, what is appropriate to say that, what is not appropriate, * (unknown word) genetic saying. This is a critique and the question is asked, what can we do, we should participate or not. And we decide at some point to say yes let's go and participate [to the convention], trying to push the government to respect the meaning of our rights, as a indigenous people [to the traditional land].

So at that conference, we have been * (unknown word) and we've had many concerns we addressed to the government and those concerns have [no] been listened by the government at all. The only thing that we got from them, they finally agreed to set up this working group to how to implement the article [J] and 8J and other articles relating to the conventions, especially 8J pertinent to indigenous people. All the articles of the conventions are dealing with indigenous people and they are [want to go much into that].

That's another big question because when you [talking] about convention and bio-diversity, you're talking about bio-diversity. What is the Bio-Diversity anyway? It's an indigenous territory, right? So if you're talking about our territories, our land, our mother earth, we should be involved in all conventions, because you are talking about us, and they are not allowing us in the name of the sovereignty of the states. [Sovereignty of nations what you call it.]

And so this is a big problem right there. So and also they are * (unknown word) to conventions and those meetings where they are decisions, procedures and rules by government, the colonial governments and also you have to use certain language to be appropriate to the convention or the United Nations language. And I want to ask how many of our elders know about this appropriate language in the United Nations, or the articles, or the conventions?

So and this is kind of tricky and [sometime we in trouble to this] legality of this instrument. The other thing is that our great concern is how what does we get from this? The convention on bio-diversity is under the environmental program of the United Nations. However, we said this morning the United Nations today doesn't have so much power, for the power is in the hands of the international corporations, and the world trade organization.

So they are the governing body for the world today so they the United Nations doesn't have so much power at all, even the governments [have puppets] of the WTO. So even though we get some kind of good participation, in the conventions, there's nothing for sure that if they will be shown to the World Trade Organization to respect indigenous rights.

Because they have another agreement the World Trade Organization, with governments to complete access to world's resources in indigenous territory and other territories. So this is the very key point. And the government has to go apply that. [With that agreement because they sign it]. So when we have all this spectrum and is kind of complicated, and we as indigenous activists we need help in this matter we cannot afford to be just on our own. [We need it the participation of the community], and I hope this in Canada and United States, and all the countries especially in the north, people can start to talk more about these issues. What is at stake is our future, our children, is very important. So I can see that some people, think that bio-diversity is only in the Amazon, in the Rainforest, and that's not, when they are talking about bio-diversity they are talking about every piece of land on the earth. Because bio-diversity exists in all parts of the earth.

In all the indigenous territories we have the diversity even if we live in the mountains, in the plain areas, the coast or the jungle. So that's what we have to keep in mind. We are talking about us all the time, if won't stand up we can jeopardize the future of our children. And this is very important issues. That's what I'm trying to make a call to our brothers and sisters in Canada, hopefully in North America.

We in the South, people are very strong organizing resistance to this new era of Globalization, to provide a prospect in the community. They have many meetings talking about these issues, and many times different visions and this is very grave concern, that we have is that our decision. But, still we need to link more the issue, we need to be more on top of that, and we need because you know all the powers those corporations are coming mostly from the north, the United States and Canada.

We need to have this linkage among indigenous people in the south and the north. And when the corporations from here are accessing indigenous territories there we should be able to, you know cut, come on sort of * (unknown word), you go to Ottawa or Vancouver wherever the corporations and to you know try to stand up and a letter or be there, talk to them, what they are doing on indigenous territories in the south. Because I, you know one of the things I hear in, I went in Rio to do a little research and many of the corporations who are acting in the south, are in based, or have offices in Vancouver.

Vancouver is a lot of dirty money, you know, which is coming from our so-called resources in the south. Going back to the convention, how to implement the convention, when they have a paragraph to replace the indigenous knowledge and maintain and preserve. When they have to resolve the national legislation, the national legislation especially in the south is completely obsolete.

They are legislation from two, three hundred years ago. They are completely obsolete; they don't respect the rights, even the existence of indigenous people in many times. We are all of us subject to a national legislation, which is very racist, very western, pro-western, and they are the nine they exist in our indigenous people. What we are talking of how to amend those articles? Because it is just wishes, it is an expression but I talked with them to get something for that, and hopefully achieve something, with this meeting or that meeting.

But you know in other meetings, we have a kind of frustration among indigenous delegates because we don't see any willingness on the part of the government to give us participation. Next month, we are going one more time, we are insisting to have these meetings in First Nations in Saville; it's Savilla in Spanish. We are right now in the process of networking and organizing a delegation of indigenous people from the north and the south to be there. That will be from March 23rd to March 31st. As usually we are always trying to have a broad participation of indigenous people, [but always it's resources, you know the tickets is very expensive].

When those Europeans, are paying * (unknown word) are studies of government papers and ticket, [not in Canada and the United States we have so much interested in this issues.] so we don't have so much support to raise funds to take a big delegation of indigenous people there, we have a committee trying to organize in fall prior to the working group we meet three days before, meeting with the government with the indigenous forums. We meet the 3rd right? * (unknown word) I think.

So we went to meet again to have a strategy for the meeting with the government, so that we need both delegations representing indigenous people there. This is a bunch of issues of related international arena too, which is for example, the government and trying to divide the conventions. Trying not to relate to each other for example, when we demand in the convention on bio-diversity this convention should be related to the International Labour organizations to article 169, it should be related to the Declaration of Indigenous Rights, basic rights, they did not accept that, because this is just talking about a convention.

They don't, we cannot separate the bio-diversity [with] Indigenous rights into the United Nations like the Declaration of Rights of Indigenous People the article 169 or International Labor Organizations well now the permanent forum of Indigenous People, which is a project of Indigenous people trying to set up an permanent * (unknown word) body on the United Nations. What this on discussion two weeks ago, in Geneva so the government will consider I think it's in December, of next year.

This kind of thing that is our thing going on International area so they want to separate the issues, and they were trying to keep Canada divided. So that's an issue that we [should not permit that]. We need really, help and there's got to be some way of communication between the people, young people, and middle aged people, and the elders. Because the elders have to know what's going on. We cannot act alone just saying, you know we are talking on behalf of our nation.

We have to talk to the elders and let them know what's going [on International arena.] What's going on in the United Nations, what those bodies are. So we can at least kind of dialogue with our elders our communities and also, passing the goals to the young people, so they can take the torch and keep going because, you know we've been around for so many years now, we will sometime, we need young people to take over this because it is the stake of future of our people our children, our existence of indigenous people. I guess we can go to the questions, and have a dialogue. Thank you very much. (Applause)

MODERATOR

Just before we do ask people if they want raise any questions with speakers, something that's just been raised, and from Jeanette's discussion as well about the weaknesses of that exists in this bio-diversity convention, and how do we help ourselves and our people to be protected against such abuses thlat exist in some these international conventions which we're privy to * (unknown word) indigenous speaker, but, don't commit anything in terms of committing ourselves to respecting our rights.

Over the past year, myself and the organization I've been involved with, * (unknown word), in Australia, we've been travelling the world looking at all the possibilities of treating ourselves against the abuses of human rights and against the abuses of our own national country, but also the United Nations, and organizations such as, World Trade Organization.

To have some possibilities for * (unknown word) us and * (unknown word) because of the limited resources we really can't explore them thoroughly. But one thing that we have found, and that is a multi-national corporation that operates round the world in indigenous lands, in our communities, but have used what we've called our human rights. Under the European Union's articles on human rights, there is in the European Parliament and the European Union a court of human rights that belongs to the European Union.

And within this, indigenous people throughout the western world, and the Southern Hemisphere and other places, are not really taking full advantage of the European courts of Human Rights. I say this to you, that what we can do is if these multi-national corporations whose head offices are located in any of the twelve nations that make up the European Union, any multi-national corporations whose head offices in any of those countries, are liable to prosecution for human rights, to the European Union's Human Right's Courts.

And we don't make use of that, we are * (unknown word). And we should really explore those possibilities of prosecuting these multi-national corporations for violations of our human rights, as indigenous people. We don't make use of it. There is another one. In the United States, in the USA, the United States, now I don't have, don't quote me on this, but, it's the equivalent of an overseas' assistance act to foreign countries. And under this venue, monetary assistance other types of assistance, whether it be in kind or money.

There is a clause in that Act that, in the United States which says that if there any country is found to be in violation of any human rights then those countries, * (unknown word) of the United States to then withdraw and then withhold all financial assistance and or other loans, and these are to enacted. Now what we need to do and at present from Australia we have some international lawyers doing this for us in New York, is trying to get a hearing before the Senate Committee and the Congress Committees on this * (unknown word) to ask them to now to stop paying Australia if they are, we've got people back home finding out what payments were given from the United States and the main ones that we have in Australia is International sort of cooperative aid and corporations including military programs, because we have Australia right, they wouldn't be able to bomb Sadaam Hussein.

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And so what we're asking the senate, what we'll be asking the senate, in the conference is to withhold any type of assistance or aid, aid in kind in cooperation with Australia because they have now been found, Australia's been found as the only western country in the world to violate human rights. But certainly last march and we're going up against them in the United Nations this march, the end of this month in two weeks time.

And so we'll be asking if the United States Congress and the Senate refuse to withdraw and withhold for any aids that they give you or cooperation then we have an avenue through the American Supreme Court in which to prosecute the American government for violating their own acts and we will be too sure of that. So there are avenues in what we need to do. We've not only pooled our concerns, but also pooled the resources and knowledge we have gained over the years on the art of combat and fight for our own rights. Thank you.
(Applause)