

## **Lessons from the Mohawk Nation**

*Le`a Malia Kanehe, Indigenous Peoples Council on Biocolonialism*

In recognition that this Working Group on Article 8(j) is taking place on the traditional territory of the Mohawk Nation, a delegation from the Kahnawake Mohawk reserve opened the plenary session on Monday. Certainly, the words and advice of their traditional leader, Thanenrishon (also known as Willie White), regarding Indigenous peoples' relationship and responsibility for Mother Earth rang clear. But the Mohawk delegation conveyed three slightly more subtle lessons too.

First, the traditional leader representing the Kahnienkehaka people noted that their traditional territory stretches from south of the Mohawk River east to the Green Mountains of Vermont, west to Lake Ontario and north to the St. Lawrence River. The traditional territories of North American Indigenous peoples stretch from east to west across the continent known by the Mohawks and other tribes as "Turtle Island." Recognition for the rights of Indigenous peoples to their traditionally used and occupied lands must be protected. Turtle Island is the very same territory that the nation-states claim as their own, creating an obvious conflict of sovereignties. There is clearly no denying that this simple fact underlies Canadian and American government opposition to the United Nations Declaration on the Rights of Indigenous Peoples (DECRIPS), including to Article 26 that states that Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Furthermore, this provision requires States to give legal recognition and protection to these lands, territories and resources.

Second, it should be noted that the speech on behalf of the Kahnienkehaka people was made in both English and the Indigenous Mohawk language. Obviously, we could not understand the words he spoke, but the message was loud and clear. Indigenous language retention and revitalization must be promoted in order for traditional knowledge relevant to conservation of biodiversity and sustainable use to be transmitted from generation to generation. One of the primary reasons underlying the loss of traditional knowledge is the rapidly alarming rate at which Indigenous languages are dying out as native speakers pass from this world without passing on their wisdom to the youth. The Kahnienkehaka people have prioritized language and culture perpetuation for their youth in what is known as the "Kahnawake Survival School." This name was chosen because it was felt that if the people of Kahnawake did not build their own secondary school designed for Mohawk needs, they would not survive as a people.

This address delivered in his native mother tongue appropriately set the stage for a packed agenda of the Working Group, centered on the protection of traditional knowledge, innovations and practices. For example, one of the recognized indicators for the 2010 biodiversity target is the number of indigenous language speakers. COP8 decided that collection of this data should be undertaken, including identifying the age of indigenous language speakers.

This brings us to the third lesson: the two Mohawk elders, one woman and one man, did not speak a word, but rather stood proudly behind their much younger spokesperson. This was a perfect lead in to the Indigenous Youth Caucus statement read later in the morning (reprinted inside this *ECO*), which noted the historic nature of their statement because it was the first time that such a caucus had been established and, furthermore, the first time that they spoke on their own behalf. The youth representative, Jacob Pratt, Dakota from Saskatchewan, Canada, began the youth statement in his native tongue and concluded by explaining the seventh generation principle followed by Indigenous peoples of North America, which requires that decisions made today must not harm the generations yet unborn.

While the Youth were quite clear that they accepted their responsibility as emerging leaders of the world to protect the earth's biodiversity for the benefit of all peoples, it will remain to be seen whether the states will meet *their* obligations to honouring Indigenous rights.

### ***Today's ECO***

- 1. Lessons from Mohawk Nation**
- 2. Respecting elder brother**
- 3. Indigenous Youth speak;  
Agrofuels and 8j**
- 4. ECO Notes**

**ECO and the CBD Alliance  
thank Swedbio, CIDA, and  
Hivos/ Oxfam Novib  
Biodiversity Fund for their  
on-going support!**

# Protecting and Respecting our Elder Brother

*Malia Nobrega of Indigenous World Association*

According to Hawaiian mythology, Wakea (a male god form associated with the sky), mated with Papa, (a goddess or woman-like form associated with the earth) and produced two offspring. The first born male child was called Haloa-naka. He died, and was buried. Haloa-naka grew as a taro plant from his burial mound to provide nourishment to those left behind.

Wakea and Papa then produced a second-born male child called Haloa. Haloa and his human progeny survived and became dependent on the life-giving taro. The spiritual interpretation is that the indigenous people of Hawai'i lives because of the kalo (taro) or colocasia esculenta plant.

Native Hawaiians were appalled to hear in 2006 that now the University of Hawai'i (UH) owns our elder brother. UH stated in their patent application that they "invented a new and distinct variety" by crosspollination of the cultivars 'Ngeruuch' from Palau and 'Maui Lehua' from Hawai'i. UH then filed for and received patents (U.S. & WIPO) on 3 hybrid varieties of kalo: Pauakea, Palehua and Paakala.

There were once over 300 kinds of Hawaiian taro, descended from a few types first brought to the Islands from Polynesia in the 4<sup>th</sup> to 5<sup>th</sup> century AD. Hawaiians bred these different varieties of taro to grow better in different environments, for higher yield to feed a growing population, for special qualities of color and taste, and for medicinal and ceremonial uses.

How did the University acquire the Palauan and Hawaiian kalo? Did they have the free

prior and informed consent of the indigenous people of Palau and Hawai'i? Did the University approach the traditional knowledge holders, the indigenous women of Palau and Hawai'i, to ask their permission for using their kalo?

"As a farmer, I strongly object to patents on taro or any other crop," said Hanalei, Kaua'i taro farmer Chris Kobayashi. "Why should farmers have to pay for huli? Our taxes have helped to fund UH. Some of us have been cooperators with UH on different taro research programs including breeding, cultivation and diseases. More importantly, how can anyone claim ownership of plants that have evolved and been selected or bred by farmers for specific environmental conditions and desirable properties over generations?"

Farmers wishing to purchase huli, or breeding stock, must sign a licensing agreement with UH. The licensing agreement states that "UH owns the taro cultivar...." It prohibits farmers from selling or breeding the patented plants, and requires payment of a royalty to the University.

In January 2006, Native Hawaiian activists and farmers demanded that the University of Hawaii give up its patents.

In May 2006, Native Hawaiian activists chained shut the doors of the UH School of Medicine in an attempt to facilitate dialog with the Board of Regents from the University. (see photo on this page) Any previous attempts to articulate our demands were ignored by the UH Administration.

In June 2006, the University of Hawai'i announced that it has officially dropped the patents on the three varieties of taro and filed a terminal disclaimer making every form of those three taro available for people to use worldwide.

Would we have been able to avoid all of this? Did the University of Hawai'i have the right to access these genetic resources and it's associated traditional knowledge without the free, prior, and informed consent of the indigenous peoples of Hawai'i and Palau? Do you want activists and farmers on your front yard and chaining up your doors?

Listen to the voices of the more than 370 million indigenous peoples around the world and look to the UN Declaration on the Rights of Indigenous Peoples for your guidance. It is a universal standard on the rights of indigenous peoples and has substantive provisions which are

highly relevant to the CBD, and any possible international regime on access and benefit-sharing. It must be viewed as an integral part of any potential international regime on access and benefit-sharing.

E holomua no kakou no ka pono o na oiwi a pau a no na hanauna e hiki mai ana. Aloha.



# Indigenous Youth Caucus Statement

---

I am speaking on behalf of the Indigenous Youth Caucus with representatives from Russia, North America, Latin America, Asia, Arctic, Pacific and Africa. This is a historical moment; young people have consistently participated in this Working Group, but it is the first time we have formed an Indigenous Youth Caucus, and it is the first time we have taken the floor to speak on our own behalf.

We the Indigenous Youth are the future holders of traditional knowledge therefore we call for full and effective participation and support of indigenous youth in all discussions and decision-making processes concerning indigenous peoples' rights, including those on access to genetic resources and associated traditional knowledge.

We encourage potential donors and the international community to assist the continuation and increased participation by Indigenous Youth in all the CBD processes. We request support for specific participatory mechanisms for Indigenous Youth in all Article 8(j) and Related Provisions processes, including capacity building for Indigenous Youth.

In regards to document UNEP/CBD/WG8J/5/5, we fully support and call for implementation of points (c), (e) and (f) in section C related to Communication, Education and Public Awareness (CEPA) of Annex I on Participatory Mechanisms For Indigenous and Local Communities in the Work of the Convention. We note that these points in annex I have particular importance for Indigenous Youth. We will more fully address these issues at the appropriate time in the sub-working group.

In reflecting on the upcoming agenda item on indicators, we note with great concern the increased mortality and suicide rate of Indigenous Youth. If the youth are slowly dying then who is there to protect, perpetuate and develop our peoples' knowledge?

In conclusion Mr. Chairperson, we declare our love for the earth which we live upon. We have great respect for the traditions that have been passed down to us from our ancestors and elders. We are the emerging leaders of the world and we will bear the burden of the decisions and actions States make today. We take our responsibility to the generations yet unborn very seriously. Traditionally, Indigenous peoples in North America plan seven generation ahead, unlike most governments who only plan for five or ten years down the road.

Imbedded within this principle is the responsibility and commitment to do no harm to the generations yet to come. We call upon Parties and governments to play their part to support our intergenerational responsibility passed down from our elders to protect the earth, the flora and fauna, and all peoples.

## The threat of agrofuels to traditional knowledge

---

*Simone Lovera, Global Forest Coalition*

We would like to draw the attention of the distinguished delegates to the report of the special rapporteurs of the UNPFII on "Oil Palm and Other Commercial Tree Plantations, Monocropping and the Impacts on Indigenous Peoples' Land Tenure and Resource Management Systems and Livelihoods." This report highlights, inter alia, that "Expanding plantations for biofuels or energy crops and for carbon sinks are recreating and worsening the same problems faced by indigenous peoples with large-scale monocropping, agricultural and tree plantations."

We would urge the participants of the working group on 8j to take these and other conclusions of this report into account during their deliberations this week, especially during their deliberations on agenda item 4,

where the impacts of biofuels on traditional knowledge are already highlighted in the composite report, and agenda item 5 on the underlying causes of the loss of traditional knowledge. In the light of the latter, we would also like to highlight the recommendations of the ad hoc technical expert group on forest biodiversity of the CBD, which recommended that governments should "implement more activities to analyse and address the underlying causes of forest biodiversity loss, especially those related to emerging issues such as biofuel". The expert group also emphasized that "The rapidly emerging threat posed to forest biodiversity by bioenergy production, in particular biofuels, should be addressed." These recommendations are particularly

important in the light of the fact that 60 million Indigenous Peoples depend on forests for their economic and cultural survival. We all know that forest peoples cannot survive without forests, and vice versa, and that traditional knowledge cannot survive without Indigenous Peoples.

The impacts of the expansion of large-scale monocultures of crops like oilpalm, sugar cane and soy that is triggered by the current agrofuel boom is already causing devastating impacts on the lands and livelihoods of Indigenous Peoples in many regions. They lose their forests and their pastoral lands. Their water resources dry up or are contaminated by agrottoxics, and their fish disappear.

**Continued on pg. 4**

# ECO Notes

## Sub-working Group I- IIFB's Key Points Regarding Research

*Compiled by Malia Nobrega*

Sub-working Group I began its work by looking at Agenda item IV-Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity. The intervention done by the International Indigenous Forum on Biodiversity (IIFB) pointed out some key points regarding research.

1. Any remaining work or further research linked to the Phase II Composite Report has to be

- Given a timeline,
- Prioritised vis-à-vis the tasks under the Programme of Working Group 8(j), &
- Ensure the full and effective participation of Indigenous peoples.

2. Indigenous Peoples are not opposed to research, but it has to be research that respects the rights of Indigenous Peoples, actually benefits Indigenous communities and needs to involve Indigenous Peoples as active participants, not just as subjects of research.

3. The IIFB requested that the Executive Secretary put out a call for participation from Indigenous Peoples when any desktop research is carried out and these comments can then be included in reports and further reviewed by the Article 8(j) Indigenous Advisory Committee.

4. Indigenous Peoples also emphasised the need to prioritise capacity building measures when conducting research that involves and includes Indigenous peoples, as well as partnerships with Indigenous organisations and individuals.

5. Indigenous Peoples also need mechanisms to support the research that is being developed by them, for example community based research initiated by indigenous peoples.

## Sub-working Group II- Web-based Systems

*Compiled by Malia Nobrega*

Sub-Working Group II began to look at mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions.

One of the mechanisms that was discussed is the use of web-based systems in an effort to facilitate dialogue, exchange ideas and dissemination of knowledge and information among indigenous and local communities.

Na Koa Ikaika o ka Lahui Hawaii, an indigenous peoples of Hawai'i organization, along with the Pacific board member of the Indigenous ICT Task Force, shared an indigenous peoples' initiative that began at the 2005 Tunis phase of the World Summit on the Information Society (WSIS). This project is an indigenous information portal ([indigenousportal.com](http://indigenousportal.com)) that is run, managed, and maintained by indigenous peoples from the 7 regions of the world. It was launched in May 2007 at the United Nations Permanent Forum on Indigenous Issues and an indigenous manager was recently hired on September 15, 2007.

The intervention requested the Executive Secretary to create a partnership and create linkages with the indigenous portal.

The Parties, Governments, NGOs, and relevant funding institutions and mechanisms were also invited to financially support the indigenous portal ([indigenousportal.com](http://indigenousportal.com)) that compliments the work of the

Traditional Knowledge portal and is being run by indigenous peoples for indigenous peoples.

The intervention also pointed out the importance of capacity building in this area and recommended that Indigenous ICT experts and trainers be involved in any capacity building workshops in indigenous communities and also ensuring that indigenous women and youth are always included.

## ...Agrofuels from p. 3

Women are disproportionately impacted by the expansion of agrofuels, as they lose their fuelwood, water, medicinal plants, and other resources their families depend on. Many Indigenous Peoples are forced to move to the cities, where they gradually lose their traditional knowledge related to their lands.

It is precisely for these reasons that the CBD SBSTTA has recognized biofuels as an important new and emerging issue, and the specific impacts of biofuels on Indigenous Peoples will be addressed again at next year's meeting of the UNPFII. In this light we would like to urge the participants to this meeting to address the impacts of agrofuels as a new and emerging threat to traditional knowledge.

**!!SIDE-EVENT!!  
THURSDAY OCT. 18  
13:15 - 14:45**

**Traditional knowledge,  
folklore, and genetic  
resources: Developments at  
WIPO and other  
multilateral fora**

**Sponsored by: CENTER  
FOR INTERNATIONAL  
ENVIRONMENTAL LAW**