

## **The Implications of the Nagoya COP10 of the Convention on Biodiversity: Emergence of a Right to Respect and to the Endogenous Development of Indigenous Peoples**

The 10<sup>th</sup> Conference of the Parties (COP10) to the Convention on Biological Diversity (CBD) took place in Nagoya in October 2010. The meeting was an occasion for the international community to develop a new world view on life and its diversity and strengthen the CBD insistence on the wisdom of indigenous peoples on life and its diversity, establishing a precious precedent for human rights insisting on the right to respect of the indigenous peoples.

The CBD specifies in its clause 8 (j) the need to: “Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices...”

This clause is especially important as it specifically uses the term “respect,” which is an unusual concept in international legal documents. It forbids State Parties from imposing exogenous values and principles as has been done for centuries by the “civilized” nations wanting to “civilize” or “modernize” the indigenous peoples. The right to respect of the indigenous peoples can be interpreted to be an application of the universal principle of human dignity. But it differs from it by the fact that the indigenous peoples as a community are by the CBD attributed a specific right to be respected. Their values and traditions should be preserved and maintained. This is, in other words, a right to development, specifically to endogenous development. The indigenous communities cannot be an object of unilateral imposition of “global standards.”

This is a new right of a community that is not universal to all human persons but refers to a specific autonomous wisdom that should not be ignored by impositions of exogenous global standards. It recognizes to the indigenous peoples a specific wisdom and imposes a new legal frame refusing the traditional colonial relationship between civilized or developed states over un-civilized and under-developed communities.

This right to respect and to the endogenous development of indigenous peoples is clearly related to the newly proposed right of peoples to peace, but we will not enter into details regarding this. Suffice it here to mention that it belongs to the same family of rights that protect and promote the endogenous development of human communities, especially of communities exploitable and often objects of neo-colonial exploitation by “civilized” nations of the North.

An interesting example of the resistance to such exogenous pressures by indigenous and other communities living in harmony with other life forms in their respective bioregions can be found in the Declaration of “Climate Communities” proclaiming their right to be listened to by the international community on the occasion of the Copenhagen Summit on Global Warming.

This Declaration, called the “Declaration Of The Leaders Of Climate Communities From Asia, Africa And Latin America,” at the UN Climate Summit in Copenhagen (Dec. 16, 2009), begins with the following:

“Right at the outset let us declare that we are not here to demand anything from the global political leaders who have gathered here in Copenhagen to negotiate their solutions for the Climate Crisis. We - the grassroots communities in the forests, the women, small farmers, pastoralists, nomads and fisher communities - are resource rich in our own right. We know how to use our resources wisely as we are the centers of ecological knowledge. Therefore there is nothing that you can give us to combat the climate crisis. On the other hand, if you want to reclaim life on this planet, it is you who have to demand this strength from us.

We want to register our strongest protest against the shutting out of our voices from the Climate Convention you are holding here in Copenhagen. This is unprecedented in the tradition of UN’s international conventions and already creates deep doubts in our minds on the intent of this meeting. Your negotiations are a farce and you will arrive at a solution that has already been pre-determined by you who have not lived and loved the earth and its resources as we have.”

The Nagoya COP10 was especially meaningful in terms of its “respect” paid to the Indigenous and Local Communities (ILCs). As was the case for all the preceding Conferences of Parties of the CBD, they were listened to by the State Parties. As NGOs

have been admitted in all the UN Conferences, the ILCs were invited to make statements during the conference. They were not treated as non-government organizations, but had a specific separate status - the ILCs.

On the NGO level, the citizens of Aichi, Nagoya, issued an Appeal that made a general statement on the necessity for the State Parties to the CBD to go beyond their Euro-centric rationalism treating all living beings as “biological resources” to which access and benefit sharing should be guaranteed. This commodification of life and of its diversity was found to be caused by the Euro-centric tendency to oppose humans and other life forms, attributing to the former the right to dispose from and exploit the latter for their own benefit. In contradistinction with this modern Western ideology, the Appeal insists on the importance for non-Western peoples and communities, beginning with the indigenous peoples, to develop a new mindset based on a new and also old approach to life that was exemplarily lived by the indigenous and other communities still maintaining their traditional lifestyles.

Let us quote some sections of this Appeal, since it will put into the context of the present neoliberal global economy, the importance of the right of respect of the indigenous peoples. The Appeal first stresses the existence of North-South polarizations in both the North and the South. It is at the bottom of the South in the South that the indigenous communities and other traditional communities continue to live according to their traditional wisdom a life of coexistence and mutual-benefit with all other life forms.

The Appeal points out the colonialist aspects of the present situation in the global economic context polarizing all the bioregions into rich and poor local communities. It is in the North/South polarized world that the indigenous communities and other local communities preserving a traditional lifestyle play a key role in the preservation of biodiversity.

“We specifically note that various issues of the divided bioregion caused by the ‘growth principle’ have the same structure as the new ‘North-South problems,’ which have been created by the global-scale expansion of the wealth divide. As gender activists in Japan point out, women and nature have become the final colonies sacrificed to the growth of the global economy.....

Since ancient times, non-migratory agricultural peoples have traditionally formed

communities within ‘human ecosystems,’ and have led sustainable lives, which have utilized local natural resources (many of which are biological resources) in a sustainable manner. However, the worldwide rampage of modern rationalism, which has been rapidly developing since the last century, is threatening local communities and ‘commons,’ a governance where local ecosystems have been shared as common wealth. The typical example of those being threatened is the lives of indigenous peoples; such collapses of ‘human ecosystems’ have had huge effects on diverse biomes composing ‘human ecosystems’....

In addition, it is also important to reconsider views on nature and communities that have sustained cultural life in different local communities. The traditional Japanese views of nature encompass polytheism and animism in perceiving the reality surrounding humans. Unlike western views on communities that consist of only human individuals, the Japanese traditional communities have nature as a component undividable from humans. In fact, what we, the Japanese people, thought of as ‘local communities’ were not the human communities but the very local ecosystems which included beside natural life forms, not only human individuals but also gods and ancestors undividable from nature in our polytheism and animism....”

This is why the Appeal concludes that, “ in order to fight against the ‘growth principle,’ which pursues only the growth of human economy at the expense of life and its diversity, we advocate as citizens of the venue of the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity that we are to rediscover the wisdoms to live in harmony with nature, which is on the verge of destruction because of the modern thought behind the ‘growth principle.’ We also reaffirm our solidarity with indigenous peoples, traditional local communities, and other peoples in Asia, Africa, and Latin America and our resolve to achieve together our common goal, to create a new world where life and its diversity is respected by all.”

This conclusion of the Aichi Nagoya Appeal represents well the message of the CBD/COP10 especially stressing the need to respect the values and lifestyles of indigenous communities. Their right for respect is based on their contribution to the survival of all lives on Earth. The right to peace and the right of life are undividable from their right to respect based on their specific wisdom. They deserve respect for their specific identity, culture and their lives in peace with all living beings. The CBD/COP10 was an occasion to point out the importance of respecting the endogenous development of indigenous peoples, which has been ignored by neo-colonialist claims of industrial

nations. Peace, freedom from fear and want, and human security cannot be achieved without respecting the wisdom of the indigenous communities. It is in opposition to the neo-liberal financial forces that we must reaffirm our solidarity with the indigenous and local communities in the present North-South context. We hope that this article can mobilize the world human rights community together with the world ecological community, and allow the citizens of the world to support indigenous and local communities and to rediscover the wisdom of indigenous peoples and support their inalienable rights to their community knowledge violated by the bio-piracy of multinational corporations.

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