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## CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Fifth meeting

Nairobi, 15-26 May 2000

Item 11 of the provisional agenda\*

### REPORT OF THE WORKING GROUP ON THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS

Report of the first meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on  
Article 8(j) and Related Provisions of the Convention on Biological Diversity

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## INTRODUCTION

1. At its fourth meeting, held in Bratislava in May 1998, the Conference of the Parties decided in paragraph 1 of decision IV/9 that an ad hoc open-ended inter-sessional working group be established to address the implementation of Article 8(j) and related provisions of the Convention. The mandate of the working group would be:

(a) To provide advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

(b) To provide the Conference of the Parties with advice relating to the implementation of Article 8(j) and related provisions, in particular on the development and implementation of a programme of work at national and international levels;

(c) To develop a programme of work, based on the structure of the elements in the Madrid report (UNEP/CBD/COP/4/10/Add.1) as set out in the annex to decision IV/9;

(d) To identify those objectives and activities falling within the scope of the Convention; to recommend priorities taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits; to identify for which work-plan objectives and activities advice should be directed to the Conference of the Parties and which should be directed to the Subsidiary Body on Scientific, Technical and Technological Advice; to recommend which of the work-plan objectives and activities should be referred to other international bodies or processes; to identify opportunities for collaboration and coordination with other international bodies or processes with the aim of fostering synergy and avoiding duplication of work;

(e) To provide advice to the Conference of the Parties on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and make proposals for the strengthening of mechanisms that support such cooperation.

2. Accordingly, and following an offer of the Government of Spain to host the meeting, the first meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity was held from 27 to 31 March 2000 at the Meliá Sevilla Hotel in Seville, Spain.

## AGENDA ITEM 1: OPENING OF THE MEETING

3. The meeting was called to order at 10.05 a.m. on Monday, 27 March 2000.

4. Following a ceremony of prayer led by members of the indigenous and local communities attending the meeting, the meeting was officially opened by Ms. Isabel Tocino, Minister of the Environment of Spain. Opening statements were made by Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity; Mr. Fernando Riquelme, Ambassador on Special Mission for Multilateral Affairs; and Ms. Tocino.

5. Mr. Zedan extended his gratitude to the Government of Spain for hosting the meeting and to the Governments of Canada, the Central African Republic, Germany, Finland, Sweden, and the United Kingdom for their financial support, which had ensured a broad level of participation. He said that the establishment of the Working Group reflected the importance attached by the Parties to advancing the implementation of Article 8(j) and related provisions of the Convention. Remarkable headway had been achieved, to date, in ensuring that the traditional knowledge, innovations and practices of indigenous and  
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local communities lay within the very heart of the efforts to implement the Convention. The current meeting provided an opportunity to give shape to the future programme of work of the Convention in the area and to provide advice for consideration by the Conference of the Parties at its fifth meeting on related matters. That was a demanding and complex task; one that broke new ground. In preparing the draft work programme submitted to the consideration of the Working Group, the Secretariat had been mindful of the need to ensure consultation with, and involvement of, indigenous and local communities. The draft comprised some 18 different tasks under seven different programme elements, based on the structure of the elements that emerged from the Madrid Workshop on Traditional Knowledge and Biological Diversity, held in November 1997. The Secretariat had also prepared a number of background documents, which provided a framework to focus discussions on the main agenda items. He was sure that, if the spirit of collaboration most evident at the Madrid Workshop is maintained in this meeting, the Working Group would successfully achieve its mandate as laid down in decision IV/9 of the Conference of the Parties.

6. Mr. Riquelme said that indigenous knowledge was essential for achieving sustainable development. That knowledge represented a set of conservation practices that applied the ecosystem approach. Western countries had come a full circle in their relationship with indigenous peoples. Spain was aware of the need to respect biological and cultural diversity as vital for the survival of humanity. Indigenous peoples were the best stewards of their ecosystems, and therefore indigenous knowledge was becoming ever more valuable. For a number of years, Spain had been working in support of the integration of indigenous peoples in developmental objectives, which was the basis of the Spanish strategy for cooperation with indigenous peoples, a programme developed to support all indigenous self-development processes and the participation of indigenous peoples in decision-making. Spain had contributed to the participation of indigenous peoples in the Convention process, through, among other things, the organization of the Second International Indigenous Forum on Biodiversity and the Workshop on Traditional Knowledge and Biological Diversity in Madrid in 1997. At the fourth meeting of the Conference of the Parties to the Convention, Spain had supported the Third Indigenous Forum on Biodiversity as well as the establishment of the current Working Group, which had been hailed as the greatest success of the indigenous movement for the past ten years. Spain had also organized workshops on indigenous issues in Bolivia in 1998 and in Colombia in 1999. Its sponsorship of the recent Fourth International Indigenous Forum on Biodiversity and its hosting of the current meeting was clear evidence of its continuing commitment to the development of appropriate ways of ensuring the participation of indigenous and local communities in the implementation of plans and programmes on the conservation and sustainable use of biological diversity.

7. Ms. Tocino said that it was an honour for Spain to host the current meeting. Although there was still a long way to go on the issues before the Working Group, the initial stages of the process, including the Madrid Workshop, gave grounds for optimism. It was as a result of the Madrid Workshop that a number of new initiatives had been launched, including the establishment within the World Intellectual Property Organization (WIPO) of a working group to review intellectual property rights. There was a growing recognition of the need to safeguard collective as well as individual property rights. Spain supported a binding mechanism for traditional knowledge that would be as effective as those protecting intellectual property rights. Another outcome of the Madrid Workshop had been the convening by Spain of a workshop in Cartagena in November 1999 on practical experiences in the management of protected areas by indigenous peoples in Latin America. With regard to the current meeting, she said that it provided an opportunity to make progress towards the establishment of legal mechanisms to protect the knowledge, innovations and practices of indigenous and local communities. That was a challenge that must be met, given its implications for the future of those communities. There was a need to stimulate the application of traditional systems of intellectual property rights, sui generis systems and customary legal regimes. In that respect, Spain supported the establishment of a panel of experts as an appropriate forum for assessing the

implementation of Article 8(j). There was also a need to consider the link between sustainable development and traditional knowledge. Finally, she outlined Spain's contribution to several initiatives related to traditional knowledge, including national incentives measures for its protection. A Centre for the Study and Conservation of Biodiversity had been established in Seville and provided support to, among other projects, the Auracaria programme, the Biotrade Initiative of the United Nations Conference on Trade and Development and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

## AGENDA ITEM 2: ORGANIZATIONAL MATTERS

### A. Attendance

8. The meeting was attended by representatives of the following Parties to the Convention and Governments: Albania, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, European Community, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Guatemala, Guinea, Haiti, Honduras, India, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kenya, Kiribati, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Thailand, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia, Zimbabwe.

9. The following indigenous people and local community organizations were also represented: Aboriginal and Torre Straits Islander Commission, Abya Yala Fund for Indigenous Self-Development, Actividades Indígenas de Colombia, African Indigenous Women Organization, All Indian Coordinating Forum of the Adivasi, Alianza Mundial, ANIPA, Asia Indigenous Peoples Pact, Asian Indigenous and Tribal People Network, Asociación Ixacavaa de Desarrollo e Información Indígena, Asociación Napguana, Asociación ANDES, Assembly of First Nations, Awamkaroe, CALMpeople Services, CASS, Centro Maya Sagbe Guatemala, CIDCA, Coordinating Body for the Indigenous Peoples' Organizations of the Amazon Basin (COICA), Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Comunidad de Ixtián, CONAIE, Confederación Indígena Tayrona, Confederación Pueblo Indígena de Bolivia, CONFENIAE, Consejo de Todas las Tierras-Mapuche, Coord. Mapuche de Neuquen, Cordillera Peoples Alliance, COTAB, Cree Regional Authority, Dakota First Nation, Defensoria Maya, Emanzi Food and Peace Development Centre, Ethnic Minority and Indigenous Rights Organization of Africa (EMIROAF), FAIRA Aboriginal Corporation, Fédération des Organisations Amérindiennes de Guyane, Federation of the Saskatchewan Indian Nations, Foundation for Sustainable Nature Preservation Alusiaka Suriname (STIDUNAL), FSIN, Fundación de Médicos Tradicionales Zio-ai, ICTI-TANIMAR, IEPA-TEAN, Indigenous Biodiversity Information Network (IBIN), Indigenous People's Secretariat on the Convention on Biological Diversity, International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, International Indian Treaty Council, Las Cuatro Flechas de Mexico A.C., Naga People Movement for Human Rights, Naskapi Development Corporation, Nekaneet-Federation of Saskatchewan Indians, Nepal Tamang Women Ghedung, Nordic Saami Institute, OPIAC, OPIP-CONAIE, Organización de Médicos Indígenas del Estado de Chiapas (OMIECH), Organización de Mujeres de Seyninin (Pueblo Arhuco), Organización Nacional Indígena de Colombia, Organization of Indigenous Peoples in Suriname (OIS), Pacos Trust, Panamá Asamblea Legislativa, Programa de Conocimiento Indígena – Indigenous Community, Rethinking Tourism Project, RTS Staka Consulting, RUKAI/Natural Resource Conservation Foundation, Saami Council, Sámi Instituhtta, Sandama Women Empowerment Union, School of Indigenous

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Australia Studies- James Cook University, SEEWEPEMC, Southern Cross University, ST'AT'IML NATION, Tebtebba Foundation Inc. (Indigenous People's International Centre for Policy Research and Education), Traditional Indigenous Healers, Uraccan-Miskito, Waskaganish First Nation

10. Representatives from the following United Nations Secretariat units and specialized agencies also attended: Office of the United Nations High Commissioner for Human Rights (UNHCHR), Secretariat of the Intergovernmental Forum on Forests, United Nations Environment Programme (UNEP), Food and Agriculture Organization of the United Nations (FAO), Global Environment Facility (GEF), United Nations Educational, Scientific and Cultural Organization (UNESCO)/Man and the Biosphere (MAB) project, World Bank, World Intellectual Property Organization (WIPO), World Trade Organization (WTO).

11. The following other organizations were also represented: AINCO, Amigos de Africa, Associação Novo Encanto, Center for World Indigenous Studies, COBASE (Cooperativa Técnico Científico di Base), Colabora con Derechos Humanos, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Corporación para la Integración Social, Derecho internacional y Medio Ambiente, Dirección Cooperación Al Desarrollo, ECODESARROLLO, Ecologistas en Acción, Foundation for International Environmental Law and Development (FIELD), Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y El Caribe, Forest Peoples Programme, Fundación Ibero Americana de Derechos Humanos, Fundación Biodiversidad, Genetic Resources Action International (GRAIN), Geotecnica y Cimientos (GEOCISA), Gester Development Consultants, Gran Fraternidad Universal, Green Global, Harvard University, Healing Forest Conservancy, Institute for Ecology and Action-Anthropology (INFOE), Institut National de la Recherche Scientifique (INRS), Instituto de América, Instituto de Investigaciones Biológicas A.V. Humboldt, Instituto Socio-Ambiental, International Development Research Centre, International Plant Genetic Resources Institute (IPGRI), International Support Group for Sustainable Tourism, International Work Group for Indigenous Affairs, Klima-Buendis/Alianza del Clima e.V., KWS SAAT AG, Latin American University and Science and Technology, Mugarik Gabe, Netherlands Centre for Indigenous Peoples, Rainforest Foundation Norway, Red de Etnotecnología y Desarrollo Sostenible, Safari Club International Foundation, SOLAGRAL, UNIFEO, Universidad Carlos III de Madrid, Universidad Central de Chile, Universidad de Buenos Aires, Universidad de Marburgo, Universidad de Roma, Universidad de Sevilla, University of Chicago, University of Padova, University of Toronto, University of Vienna, UTC Colombia, WATU Acción Indígena, World Fisheries Trust, WWF-World Wide Fund for Nature.

## B. Officers

12. The Bureau of the fourth meeting of the Conference of the Parties served as the Bureau of the Working Group. Mr. Juan Luis Muriel (Spain) acted as Chair of the Working Group, on behalf of the President of the fourth meeting of the Conference of the Parties. The Working Group also agreed that Mr. Soumayila Bance (Burkina Faso) should serve as Rapporteur for plenary sessions of the meeting.

## C. Adoption of the agenda

13. At the opening session of the meeting, the Working Group adopted the following agenda on the basis of the provisional agenda that had been circulated as document UNEP/CBD/WG8J/1/1:

1. Opening of the meeting.
2. Organizational matters:
  - 2.1. Officers;

- 2.2. Adoption of the agenda;
- 2.3. Organization of work.
3. Application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities.
4. Implementation of Article 8(j) and related provisions, in particular the development and implementation of a programme of work at national and international levels.
5. Development of a programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity.
6. Priorities, opportunities for collaboration and implementation of the programme of work.
7. Measures to strengthen cooperation among indigenous and local communities at the international level.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

#### D. Organization of work

14. The Working Group agreed at the opening session of the meeting to approve the provisional organization of work proposed in annex II to the annotated provisional agenda (UNEP/CBD/WG8J/1/1), which included the establishment of two sub-working groups: Sub-Working Group I to consider agenda items 3, 4 and 5 (programme elements 1, 4 and 7) and Sub-Working Group II to consider agenda items 5 (programme elements 2, 3, 5 and 6) and 6. To ensure coordination in priority-setting and the full participation of small delegations, it was also agreed that items 4 and 6 would also be taken up in plenary session later in the week.

15. It was agreed that each sub-working group would be co-chaired by a representative proposed by the indigenous and local community organizations present at the meeting. It was also agreed that a Group of Friends of the Bureau should be established with a balanced regional membership of representatives of indigenous and local community organizations and that those organizations should be invited to join in any contact drafting groups that might be established, on the understanding that the final decisions rested with the Parties to the Convention.

16. At the 3rd plenary session of the meeting, on 28 March, the Working Group agreed that the co-chairs of the sub-working groups would be Mr. Damaso Luna (Mexico) and Mr. Antonio Jacanamijo (COICA), for Sub-Working Group I, and Mr. John Herity (Canada) and Ms. Aroha Mead (New Zealand), for Sub-Working Group II.

17. It was further agreed that the Group of Friends of the Bureau should be composed of the following six participants nominated by indigenous and local community organizations attending the meeting: Alfred Abora Ilenre (Africa), José Nain Perez (Latin America), Stephen Schneirer (Pacific), Nils Ole Gaup (Europe), Hubertus Samangun (Asia), Rhonda Weitzel (North America).

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E. Tribute to the memory of Mr. Arthur Campeau

18. At the 1st plenary session of the meeting, the Working Group observed a minute of silence in tribute to the memory of the late Mr. Arthur Campeau, former Canadian Ambassador for Environment and Sustainable Development and Senior Advisor to the Government of Canada on Environmental Affairs, who had been instrumental in the negotiation of the Convention on Biological Diversity and the preparatory work for the Madrid Workshop on Traditional Knowledge and Biological Diversity.

F. Opening statement by the Fourth Indigenous Forum on Biodiversity

19. Also at the 1st plenary session of the meeting, the Working Group heard a statement by Mr. Atencio Lopez (Asociación Napguana) and Ms. Lucy Mulenkei (African Indigenous Women Organization) on behalf of the Fourth International Indigenous Forum on Biodiversity, which had been held in Seville from 24 to 26 March 2000.

20. Mr. Lopez said that the indigenous peoples and local communities of the world were not a part of the Convention on Biological Diversity, although they were fundamental actors, with 90 per cent of the world's biological diversity having been conserved and developed in indigenous territories. It was necessary to move toward recognition of the existence and importance of indigenous peoples, which also implied the recognition of the collective sovereignty over their land and territories, the right to self-determination and the right to choose their own developmental priorities. Within the framework of the Convention on Biological Diversity, it was important to recognize the collective rights of indigenous peoples over their indigenous knowledge, science, technology, innovations and practices, which implied the right to participate in decision-making processes related to access to their knowledge and resources. Indigenous people were concerned that their knowledge and even they themselves were being used as research objects for bioprospecting or biopiracy. Indigenous peoples did not agree with the application of intellectual property rights regimes on different forms of life and associated traditional knowledge, under any circumstance. Likewise, they did not agree with the artificial distinction between tangible and intangible components in the case of genetic resources.

21. Ms Mulenkei said that it was sad that the Convention had not yet recognized the role of indigenous women's knowledge in the protection and maintenance of biological diversity. Indigenous women had the right to control and use the biological diversity in their territories and to be included in decision-making at all levels, in accordance with the principles of indigenous peoples. There was a lack of space for participation of indigenous peoples and local communities in the Convention process. There was a need to maintain the spirit of the Madrid Workshop for full and open participation at all levels of the Convention process, including in the Bureau and the contact groups, discussions and drafting committees. The indigenous peoples had the following recommendations and proposals to make:

(a) The Working Group should be continued as a mechanism of contact between indigenous peoples and the Convention process, with a mandate to develop a more detailed work programme and to monitor its implementation, but with improved indigenous participation in the Working Group:

(b) All necessary logistical resources should be provided for the full and effective participation of indigenous people, especially simultaneous interpretation in all official languages;

(c) An indigenous clearing-house should be established under the Convention;

(d) The liaison group between indigenous peoples and local communities and the Secretariat should be maintained, with its composition based on the criteria defined by the International Indigenous Forum and with the terms of reference defined by indigenous peoples;



- (e) Indigenous co-chairs should be appointed for the two working groups;
- (f) There should be indigenous participation, with voice and vote, in all contact groups, drafting groups and decision-making bodies during all sessions of the Working Group;
- (g) Funding should be secured for future sessions of the Working Group within the regular budget of the Convention;
- (h) The role of indigenous women should be articulated as an integral component at every stage of the Convention process and within every element of the programme of work;
- (i) The Working Group should be urged to consider at its future sessions, in an integral way, the themes of traditional knowledge, legal regimes and other appropriate mechanisms for the protection of traditional knowledge, intellectual property rights, human rights, customary rights, trade, tourism, protected areas, and so forth. Likewise, an integral approach to the process was needed with the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO) and other bodies and instruments.

22. Finally, she insisted that the report of the Working Group should be adopted by consensus where the voice of the Indigenous Caucus was taken into account. In addition, as long as there were no mechanisms for the effective and full protection of the rights of indigenous people, they called for a moratorium on the illegitimate access and use of genetic resources and knowledge.

#### AGENDA ITEM 3: APPLICATION AND DEVELOPMENT OF LEGAL AND OTHER APPROPRIATE FORMS OF PROTECTION FOR THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

23. As decided by the Working Group at the first plenary session of the meeting, agenda item 3 was considered in Sub-Working Group I.

24. At the 4th plenary session of the meeting, on 29 March, the Working Group heard a progress report under this item from Mr. Damaso Luna, Co-Chair of the Sub-Working Group.

25. At its 6th plenary session of the meeting, on 30 March, the Working Group took up a draft recommendation under this item submitted by the Co-Chairs of the Sub-Working Group. After a discussion, it was agreed that the Chair should prepare a revised draft of the recommendation, taking into account the views expressed by delegations, for the consideration of the Working Group.

26. At the 8th plenary meeting of the session, the Working Group took up the revised draft recommendation submitted by the Chair (UNEP/CBD/WG8J/1/L.4) and adopted it with amendments at the 8th plenary session of the meeting, also on 31 March, as recommendation 1/1, the text of which is contained in annex I to the present report.

#### AGENDA ITEM 4: IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

27. The Working Group took up agenda item 4 at the 6th plenary session of the meeting, on 30 March.

28. The representative of Guatemala made a statement.

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29. The Working Group decided that, since the subject-matter of the agenda item had been adequately covered under other items of agenda, there was no need for a separate discussion or recommendation.

AGENDA ITEM 5: DEVELOPMENT OF A PROGRAMME OF WORK ON ARTICLE  
8(j) AND RELATED PROVISIONS OF THE CONVENTION ON  
BIOLOGICAL DIVERSITY

30. As decided by the Working Group at the 1st plenary session of the meeting, agenda item 5 was considered in Sub-Working Group I and II. Sub-Working Group I considered programme elements 1, 4 and 7, and Sub-Working Group II focused on programme elements 2, 3, 5 and 6.

31. At the 4th plenary session of the meeting on 29 March, the Working Group heard progress reports under the item from Mr. Damaso Luna and Mr. John Herity, Co-Chairs of Sub-Working Groups I and II, respectively.

32. At the 5th plenary session of the meeting, on 30 March, the Co-Chairs of Sub-Working Groups I and II introduced a joint draft recommendation under the item.

33. Mr. Luna noted the spirit of goodwill and cooperation that had prevailed in the discussions on the item in Sub-Working Group I. He drew particular attention to the reference to the indicative list of activities in paragraph 4 of the draft recommendation and said that those activities were to be adjusted in line with the comments made during the discussion. During the discussion in Sub-Working Group I, a number of participants were concerned over the lack of legal protection for the use of traditional knowledge and stressed the need to consider interim measures for effective protection and access to traditional knowledge, including a possible moratorium on such access at national level. The strong relationship between indigenous territories and the protection of biodiversity as a general principle for traditional knowledge of the indigenous and local communities was also highlighted. In addition, in the course of the discussions in Sub-Working Group I, various indigenous participants pointed to the need for documents to use the expression "local communities and indigenous peoples" in the same way as it was used in other international forums and instruments.

34. Mr. Herity said that Sub-Working Group II had prepared an initial draft, which had later been reviewed and revised on the basis of comments made. The language included elements that went further than the terms of reference given to the Sub-Working Group, to include a preamble and some overarching ideas on capacity-building. The document currently before the Working Group was a combination of the text prepared by the two Sub-Working Groups. The draft also indicated to some degree an order of priority and division of responsibilities, thus partially covering some of the items taken up in plenary. As in the other Sub-Working Group, a spirit of cooperation had prevailed, which bode well for the future.

35. Mr. Antonio Jacanamijoy, Co-Chair of Sub-Working Group I, expressed his appreciation for the cooperation and support received from various delegations. While the document before the Working Group did not reflect all the concerns raised during the discussions, such as concerns relating to the relationship between the protection of biological diversity and indigenous territories and the possible moratorium on access to traditional knowledge, he hoped that those elements would be stressed in the future.

36. Ms. Aroha Mead, Co-Chair of Sub-Working Group II, echoed the sentiments expressed by the other Co-Chairs and expressed her appreciation for the cooperation shown in the process. She noted that there had been a gradual improvement in the way indigenous and local communities could participate in meetings held under the Convention, especially those relating to Article 8(j). The draft recommendations

did not reflect all the views expressed, but the fact that indigenous and local communities could raise issues in an open way was a significant step forward.

37. Following an extensive discussion on the draft recommendations, the Working Group agreed that the Chair should prepare a revised draft, taking into account the views expressed by delegations, for the consideration of the Working Group.

38. At the 7th plenary session of the meeting, on 31 March, the Working Group took up the revised draft recommendations submitted by the Chair (UNEP/CBD/WG8J/1/L.2) and adopted them with amendments at the 8th plenary session of the meeting, also on 31 March, as recommendation 1/2, the text of which is contained in annex I to the present report.

39. During the discussion of the draft recommendations, the representative of Canada stated that the term "prior informed consent" in the programme of work was too vague to be acceptable and should be replaced by the words "approval and involvement".

40. The representatives of Argentina, the European Community, France, Germany, New Zealand, Switzerland and the United Kingdom stated that they could not join in the consensus on task 16, as contained in the programme of work annexed to recommendation 1/2. They requested that the task should be deleted or the wording changed to refer not to the possible harmonization of legal instruments and the objectives of Article 8(j) but to ways of making them mutually supportive.

41. Following the adoption of the recommendation, the representative of Colombia reserved her delegation's position on the programme of work, stating that the text required further review and could not be considered to be a consensus document.

#### AGENDA ITEM 6: PRIORITIES, OPPORTUNITIES FOR COLLABORATION AND IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

42. The Working Group took up agenda item 6 at the 6th plenary session of the meeting, on 30 March.

43. The Working Group decided that, since the subject-matter of the agenda item had been adequately covered under other items of agenda, there was no need for a separate discussion or recommendation.

#### AGENDA ITEM 7: MEASURES TO STRENGTHEN COOPERATION AMONG INDIGENOUS AND LOCAL COMMUNITIES AT THE INTERNATIONAL LEVEL

44. The Working Group took up agenda item 7 at the 2nd plenary session of the meeting, on 27 March. In discussing the item, the Working Group had before it a note by the Executive Secretary on measures to strengthen cooperation among indigenous and local communities at the international level (UNEP/CBD/WG8J/1/4).

45. Introducing the item, the representative of the Secretariat recalled that, in paragraph 1 (e) of its decision IV/9, the Conference of the Parties had requested the Ad Hoc Working Group to provide advice on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity. In order to assist the Working Group in its task, the Executive Secretary had prepared the above-mentioned note, which provided examples of types of ongoing cooperation among indigenous and local communities, identified obstacles faced by such communities in their efforts to cooperate on an international basis, and

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put forward some proposals for strengthening mechanisms to support such cooperation. It also suggested a number of recommendations that the Working Group might consider making to the Conference of the Parties.

46. Under this item, the Working Group heard statements from the representatives of the following Parties and Governments: Argentina, Bolivia, Brazil, Canada, Ecuador, Georgia, Germany, Haiti, Honduras, India, Italy, Jamaica, Lesotho, Madagascar, Mauritania, Mexico, Namibia, Nepal, New Zealand, Peru, Senegal, Spain, Sri Lanka, Sweden, United States of America, Zimbabwe.

47. Statements were also made by the representatives of the following indigenous and local community organizations: Asian Indigenous and Tribal Peoples Network, Asociación Napguana, Australian Indigenous Delegation, Coordinating Body for the Indigenous Peoples' Organizations of the Amazon Basin (COICA), Consejo de todas las Tierras Mapuche, Global Network of Indigenous Peoples in Wetlands, International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, Nepal Tamang Women Ghedung, OIS/STIDUNAL, Programa de Conocimiento Indígena, SEEWEPEMC, Teblebba,.

48. The representative of WWF, speaking also on behalf of IUCN, also made a statement.

49. During the discussion, general appreciation was expressed for the documentation prepared by the Secretariat for the meeting.

50. Following the statements, the Executive Secretary clarified that if the Conference of the Parties accepted the recommendation that he should investigate how the clearing-house mechanism could best serve the cooperation needs of indigenous and local communities, the Secretariat would first seek the view of indigenous and local communities on their needs. Once those needs were defined, the Secretariat would seek the advice of experts on information exchange and communication to see how the needs could best be accommodated by the clearing-house mechanism.

51. With regard to certain points raised on the suggested convening of an inter-agency task force, he said that there were a number of separate initiatives being undertaken with regard to indigenous and local communities, but there was little coordination. Drawing attention to the similar arrangement instituted by the Intergovernmental Forum on Forests, he said that the proposal had no financial implications; those organizations working with indigenous and local communities would simply meet, exchange information, discuss ways of avoiding duplication, identifying gaps and increasing synergies and would convey their recommendations to the appropriate forum.

52. At its 6th plenary meeting, on 30 March, the Working Group took up a draft recommendation on the item submitted by the Bureau.

53. During the discussion, a number of organizations stressed the importance of the need to harmonize the use of the term "indigenous peoples" in the various international forums in which they participated. It was agreed that the Chair should prepare a revised draft recommendation, taking into account the views expressed by delegations, and submit it for the consideration of the Working Group at the 7th plenary meeting of the session.

54. At the 8th plenary meeting, the Working Group took up the revised draft recommendation submitted by the Chair (UNEP/CBD/WG8J/1/L.3) and adopted it with amendments as recommendation 1/3, the text of which contained in annex I to the present report.

## AGENDA ITEM 8: OTHER MATTERS

Statement by the secretariat of the Intergovernmental Forum on Forests

55. At the 4th plenary session of the meeting, on 29 March 2000, the Working Group heard a statement by Mr. Jaime Hurtubia of the secretariat of the Intergovernmental Forum on Forests (IFF). Having outlined the institutional results of the IFF process, Mr. Hurtubia focused on the IFF outcomes directly related to the mandate of the Working Group, first, with regard to traditional forest-related knowledge and, secondly, on matters related to environmentally sound technologies to support sustainable forest management. He drew attention to the information note before the Working Group (UNEP/CBD/WG8J/1/INF/5) with the conclusions and proposals for action adopted by IFF under those two topics. In conclusion, he said that the implementation of effective forest policies would require stronger synergies between the Convention on Biological Diversity, the Working Group and the follow-up to the IFF process. The inputs from the Working Group to the formulation of the programme of work of the new United Nations Forum on Forests would be most desirable as a concrete step forward in consolidating the collaborative process on forests recommended by IFF.

Statement by the World Bank

56. At the 7th plenary session of the meeting, on 31 March 2000, the representative of the World Bank reviewed the experiences of the World Bank on indigenous issues. He said that the World Bank was one of the few international agencies with a specific operational guideline on indigenous peoples. That guideline clearly indicated that, all projects funded by the World Bank that affect indigenous peoples should ensure informed participation in a culturally appropriate manner. As an implementing agency of the Global Environment Facility, the Bank had responded to funding needs through 25 projects in Latin America and elsewhere that included specific components and direct support for indigenous organizations. Those projects on the conservation and sustainable use of biological diversity gave priority attention to the participation of indigenous peoples in their design, preparation and implementation. The Bank was preparing a document summarizing those activities. Although much progress had been made, much remained to be done, and the World Bank remained at the disposal of its clients, including countries, non-governmental organizations, and indigenous organizations, to continue to support the full implementation of the spirit and letter of Article 8(j) of the Convention.

Tribute to the Government and people of Spain

57. At the 8th plenary session of the meeting, on 31 March, the Working Group adopted a tribute to the Government and people of Spain, on the basis of a proposal submitted by the Bureau (UNEP/CBD/WGBJ/1/L.5). The text of the tribute is contained in annex II to the present report

Statement by the Indigenous Caucus

58. Also at the 8th plenary session of the meeting, the Ad Hoc Working Group heard a statement on behalf of the indigenous organizations participating in the Working Group. In the statement, the indigenous organizations expressed concern that some of the fundamental principles of their peoples were not reflected in the final documents of the meeting. Those concerns were a matter of priority for the indigenous peoples and they requested them to be corrected and included in the final recommendations of the meeting to be presented to the fifth meeting of the Conference of the Parties. Those concerns were:

(a) The International Indigenous Forum on Biodiversity, established since the third meeting of the Conference of the Parties to the Convention, should be recognized as the forum among indigenous peoples for further consideration of matters relating to biological diversity;

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(b) The right of indigenous peoples to free prior informed consent, as recognized in the ILO Convention No. 169, must be taken into account;

(c) Parties and all Governments should take into account the expression "indigenous peoples and local communities", used in the way the people themselves used it to identify themselves;

(d) The rights of indigenous peoples to their lands and territories should be recognized as the fundamental basis, both material and spiritual, for the survival of their peoples, the conservation of biological diversity and the protection of indigenous knowledge. Those elements sustained their identity as peoples and constituted their cultural heritage in relation to Mother Earth.

59. There should be full participation of the indigenous representatives throughout the fifth meeting of the Conference of the Parties and, to that end, they should be provided with the necessary logistic support, including translation and availability of documents well in advance in the six official languages of the United Nations. Their participation should be funded from the regular budget of the Convention, taking also into account the possibility of establishing a voluntary fund, using as a possible model the current Voluntary Fund for Indigenous Populations of the United Nations, operated under resolution 1995/32 of the Economic and Social Council.

60. Finally, the indigenous peoples expressed their appreciation for the support offered by many Parties and other participants in recognizing the vital role of women among indigenous peoples and local communities.

#### AGENDA ITEM 9: ADOPTION OF THE REPORT

61. The present report was adopted at the 7th plenary session of the meeting, on 31 March 2000, on the basis of the draft report that had been circulated as document UNEP/CBD/WG8J/1/L.1/Rev.1.

#### AGENDA ITEM 10: CLOSURE OF THE MEETING

62. Following closing statements by the Executive Secretary and the Chair and a ceremony of prayer led by two members of the indigenous and local communities attending the meeting, the Chair declared the meeting closed at 4.20 p.m. on Friday, 31 March 2000

Annex I

RECOMMENDATIONS ADOPTED BY THE AD HOC OPEN-ENDED INTER-SESSIONAL  
WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE  
CONVENTION ON BIOLOGICAL DIVERSITY AT ITS FIRST MEETING

1/1. Application and development of legal and other appropriate forms of protection for the  
knowledge, innovations and practices of indigenous and local communities

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity recommends that the Conference of the Parties:

1. Emphasizes once again the need for case-studies developed in conjunction with indigenous and local communities requested in paragraphs 10 (b) and 15 of its decision IV/9, to enable a meaningful assessment of the effectiveness of existing legal and other appropriate forms of protection for the knowledge, innovations and practises of indigenous and local communities;

2. Requests the Executive Secretary to review activities relating to the knowledge, innovations and practices of indigenous and local communities being undertaken by United Nations organizations and agencies and other relevant bodies, including indigenous, local and regional organizations and activities, with a view to identifying areas of complementarities and synergy and mechanisms for promoting coordination and mutual supportiveness of activities aiming at implementing Article 8(j) of the Convention;

3. Reaffirms the importance of making Article 8(j) and related provisions of the Convention and provisions of international agreements related to intellectual property rights mutually supportive;

4. Recognizes the importance of sui generis and other appropriate systems for the protection of traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use to meet the provisions of the Convention on Biological Diversity, taking into account the ongoing work on Article 8(j) and related provisions, and transmit its findings to the World Trade Organization and the World Intellectual Property Organization, as suggested in paragraph 6 (b) of recommendation 3 of the Inter-Sessional Meeting on the Operations of the Convention;

5. Invites Parties and other Governments to review or, as appropriate, develop, with the participation of indigenous and local communities, national, regional and international legislation or other measures, including sui generis, interim and other appropriate systems for the protection of the knowledge, innovations and practices of indigenous and local communities as appropriate incorporating the elements recommended by the Panel of Experts on Access and Benefit-sharing;

6. Further invites Parties and other Governments to exchange information and share experiences regarding, national legislation and other measures for the protection of the knowledge, innovations and practices of indigenous and local communities;

7. Recognizes that the maintenance of knowledge, innovations, and practices of indigenous and local communities is dependent on the maintenance of cultural identities and the material base that sustains them and invites Parties and Governments to take measures to promote the conservation and maintenance of such identities;

8. Requests Parties to support the development of national registers of traditional knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for

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the conservation and sustainable use of biological diversity through participatory programmes and consultations with indigenous and local communities, taking into account the principles of strengthening legislation, customary practices and traditional systems of resource management, such as the protection of traditional knowledge against unauthorized use;

9. Invites Parties to ensure the participation of indigenous and local communities in the negotiation of the conditions for the access and utilization of their knowledge, innovations and practices, including, inter alia, their prior informed consent.

1/2. Development of a programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity recommends that the Conference of the Parties:

Recalling its decision IV/9,

Noting the need for a long-term approach to the programme of work on implementation of Article 8(j) and related provisions, within a vision to be elaborated progressively, in line with the overall objectives set out in Article 8(j) and related provisions,

Recognizing the need to 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,

Noting also that the methods of implementation of Article 8(j) and related provisions differ among regions and countries in approach and capacity,

Further noting the linguistic and cultural diversity among indigenous and local communities as well as differences in their capacities,

Further noting that there are existing international agreements, intellectual property rights, current laws and policies that may have influence on the implementation of Article 8(j) and its related provisions,

Emphasizing the fundamental importance of ensuring the full and effective participation of indigenous and local communities in the implementation of Article 8(j) and related provisions,

Recognizing the vital role that women play in the conservation and sustainable use of biodiversity, and emphasizing that greater attention should be given to strengthening this role and the participation of women of indigenous and local communities in the programme of work,

Noting, the importance of integrating with the full and effective participation of indigenous and local communities the work on Article 8(j) and related provisions into national, regional and international strategies, policies and action plans,

Noting existing declarations by indigenous and local communities to the extent they relate to the conservation and sustainable use of biodiversity, including, inter alia, the Kari Oca Declaration, the Mataatua Declaration, the Santa Cruz Declaration, the Leticia Declaration and Plan of Action, the Treaty for Life Forms Patent Free Pacific, the Ukupseni Kuna Yala Declaration, the Heart of the Peoples Declaration on Biodiversity and Biological Ethics, the Jovel Declaration on Indigenous Communities, Indigenous Knowledge and Biodiversity, the Chiapas Declaration, other relevant declarations and



statements of Indigenous Forums, as well as Convention 169 of the International Labour Organization, Agenda 21 and other relevant international conventions,

1. Endorses the programme of work annexed to the present decision, which shall be subject to periodic review during its implementation;
2. Urges Parties, other Governments and relevant organizations, to promote and implement this programme of work and to integrate the tasks identified into their ongoing programmes taking into account the identified collaboration opportunities;
3. Requests Parties, other Governments and relevant organizations to take full account of existing instruments, guidelines, codes and other relevant activities in the implementation of the programme of work;
4. Recognizes the proposals for action on traditional forest-related knowledge of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests as an important part of this work programme;
5. Requests Parties, other Governments, the financial mechanism and other international, regional and national organizations to provide appropriate financial support for the implementation of the programme of work;
6. Requests the Executive Secretary to facilitate the integration of the relevant tasks of the programme of the work in the future elaboration of the thematic programmes of the Convention;
7. Decides to extend the mandate of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity to review progress in the implementation of the programme of work and to report to the Conference of the Parties;
8. Recognizes the importance of the role of women in indigenous and local communities and requests Parties, other Governments, subsidiary bodies of the Convention, the Executive Secretary and relevant organizations, including indigenous and local communities, when implementing the programme of work contained in the annex to the present decision and other relevant activities under the Convention to fully incorporate women and women's organizations in the activities;
9. Urges Parties and other Governments, international organizations and organizations representing indigenous and local communities to examine ways and means to establish guidelines at national and international levels to promote equitable sharing of benefits arising from the utilization of knowledge, innovations and practices of indigenous and local communities,
10. Urges Parties and other Governments and, as appropriate, international organizations, and organizations representing indigenous and local communities, to facilitate the full and effective participation of indigenous and local communities in the implementation of the Convention and to this end:
  - (a) To provide opportunities for indigenous and local communities to identify their capacity needs, with the assistance of Governments and others if they so require;
  - (b) Include, in proposals and plans for projects carried out in indigenous and local communities, funding requirements to build the communications capacity of indigenous and local communities to facilitate dissemination and exchange of information on traditional knowledge, innovations and practices;
  - (c) Provide for sufficient capacity in national institutions to respond to the needs of indigenous and local communities related to Article 8(j) and related provisions,

(d) Strengthen and build capacity for communication among indigenous and local communities, and between indigenous and local communities and Governments, at local, national, regional and international levels, including with the Secretariat of the Convention on Biological Diversity and using the clearing-house mechanism, with direct participation and responsibility of indigenous and local communities;

(e) Use other means of communication in addition to the Internet, such as newspapers, bulletins, and radio, and increasing the use of local languages;

(f) Provide case-studies on methods and approaches for the recording the knowledge, innovations and practices of indigenous and local communities and for controlling such records.

### Annex

## PROGRAMME OF WORK ON THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

### Objectives

The aim of this programme of work is to promote in the framework of the Convention a just implementation of Article 8(j) and related provisions, at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation.

### I. GENERAL PRINCIPLES

1. Full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work.
2. Full and effective participation of women of indigenous and local communities in all activities of the programme of work.
3. Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge.
4. A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities and their rights to have control over their traditional knowledge, innovations and practices.
5. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way.

### II. TASKS OF THE FIRST PHASE OF THE PROGRAMME OF WORK

#### Element 1. Participatory mechanisms for indigenous and local communities

Task 1. Enhance and strengthen, with the approval and participation of indigenous and local communities, the capacity of those to control and be effectively involved in the decision-making related to the use of their knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity, subject to their prior informed consent.

Task 2. Develop mechanisms, guidelines, legislation and other appropriate initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological resources at

international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.

Task 3. On the request of the Executive Secretary, Parties and other Governments, with the full participation of indigenous and local communities, would establish a roster of experts based on the methodologies used for that purpose by the Conference of Parties, so that the experts support the implementation of this programme of work.

Task 4. Develop mechanisms for promoting the full and effective participation of women of indigenous and local communities in all elements of the programme of work, taking into account the need to:

- (a) Build on the basis of their knowledge,
- (b) Strengthen their access to biological diversity;
- (c) Strengthen their capacity on matters pertaining to the conservation, maintenance and protection of their biological diversity;
- (d) Promote the exchange of experiences and knowledge;
- (e) Document and preserve their knowledge and biological diversity.

#### Element 2: Status and trends in relation to Article 8(j) and related provisions

Task 5. The Executive Secretary to prepare, for the next meeting of the Ad Hoc Working Group, an outline of a composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, and a plan and a timetable for its preparation, based, *inter alia*, on advice submitted by Parties, other Governments, indigenous and local communities and other relevant organizations regarding sources and availability of information on these matters. Parties, other Governments and indigenous and local communities and other relevant organizations to submit the information and advice to address the requirements of this task and to Parties include in their national reports the current state of implementation of Article 8(j).

#### Element 3: Traditional cultural practices for conservation and sustainable use

Task 6. The Ad Hoc Working Group to develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application in accordance with Article 8(j).

#### Element 4. Equitable sharing of benefits

Task 10. The Working Group develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities attain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices; (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed consent of the indigenous and local communities; (iii) advance the identification of the obligations of countries of origin and Parties where such knowledge, innovations and practices and the associated genetic resources are used.

#### Element 5: Exchange and dissemination of information

Task 11. Identification of a focal point within the clearing-house mechanism to liaise with indigenous and local communities.

Element 6: Monitoring elements

Task 14. The Working Group to develop, in cooperation indigenous and local communities, guidelines and recommendations for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on sacred sites and on lands or waters occupied or used by indigenous and local communities. The guidelines and recommendations should ensure the participation of indigenous and local communities in the assessment and review.

Task 15. Develop standards and guidelines for the reporting and prevention of illicit appropriation of traditional knowledge and related genetic resources.

Element 7. Legal elements

Task 16. The Working Group assess existing national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge, innovations and practices of indigenous and local communities, with a view to ways of possible harmonization of these instruments with the objectives of Article 8(j).

Task 17. Develop guidelines that will assist Parties and other Governments in the establishment of legal instruments to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of key terms and concepts, at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities to have control over their traditional knowledge, practices, innovations, cultural heritage and customs, in countries of origin and use, within the context of the Convention. This work shall take into account, and as far as possible be carried out in collaboration with other relevant organizations, including the World Intellectual Property Organization (WIPO).

### III. TASKS OF THE SECOND PHASE OF THE PROGRAMME OF WORK

Element 3: Traditional cultural practices for conservation and sustainable use

Task 7. Develop a set of guiding principles and standards to strengthen the use of traditional knowledge and other forms of knowledge for the conservation and sustainable use of biological diversity, taking into account the role that traditional knowledge can play with respect to the ecosystem approach, in situ conservation, taxonomy, biodiversity monitoring and environmental impact assessments in all biodiversity sectors.

Task 8. Develop guidelines and proposals for the establishment of national incentive schemes for indigenous and local communities to preserve and maintain their traditional knowledge, innovations and practices and for the application of such knowledge, innovations and practices in national strategies and programmes for the conservation and sustainable use of biological diversity.

Task 9. Develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

Element 5: Exchange and dissemination of information

Task 12. Identify, compile and analyse, with the participation of indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.

Element 6: Monitoring elements

Task 13. Develop, in cooperation with Governments and indigenous and local communities, methods and criteria to assist in assessing the implementation of Article 8(j) and related provisions at the international, regional, national and local levels, and reporting of such in national reports in conformity with Article 26.

## IV. WAYS AND MEANS

The Executive Secretary to develop, in consultation with indigenous and local communities, Parties, other Governments, and relevant international organizations, a questionnaire, as a basis for the provision of information concerning: (i) existing instruments and activities relevant to the tasks of the programme of work; (ii) gaps and needs concerning the guidelines referred to in task 6 above; and (iii) priorities for the further development of the programme of work.

The Executive Secretary to solicit information from Parties, other Governments, indigenous and local communities and other relevant organizations, in preparation for consideration by tasks 7, 8, 9, 12 and 13 in a second phase of the work programme.

The Executive Secretary to consult with and invite relevant international organizations to contribute to the implementation of this programme of work, also with a view to avoiding duplication and to encouraging synergies.

Parties, other Governments, the financial mechanism and other international, regional and national organizations to provide appropriate financial support for the implementation of the programme of work.

1/3. Measures to strengthen cooperation among indigenous and local communities at the international level

The Ad Hoc Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity recommends that the Conference of the Parties:

1. Emphasizes the need for Parties to increase the participation of representatives of indigenous and local community organizations in official delegations to meetings held under the Convention on Biological Diversity and, in order to facilitate traditional approaches to networking, decision-making and consensus-building on the issues to be discussed, to allocate sufficient time and resources for indigenous and local community participants to meet together beforehand;

2. Requests that Parties, with due regard to their national legislation, strengthen ongoing international cooperation among indigenous and local communities and assist them in identifying other networking opportunities that would facilitate the implementation of the programme of work on Article 8(j), including through the organization of meetings on relevant topics, the provision of adequate financial support, communications projects (for example, radio and newsletters), and the development of collaborative and capacity-building projects addressing thematic areas and cross-cutting issues from the perspective of indigenous and local communities;

3. Emphasizes the need for arrangements controlled and determined by indigenous and local communities, to facilitate cooperation and information exchange among indigenous and local communities, for the purposes of, inter alia, helping to ensure that such communities are in a position to make informed decisions on whether or not to consent to the release of their knowledge, and, in this respect:

(a) Requests the Executive Secretary, with the expertise of the clearing-house mechanism, to cooperate closely with indigenous and local communities to explore ways in which such needs may best be addressed;

(b) Invites Parties to consider ways and means of providing the necessary resources to enable the Secretariat to undertake the above-mentioned tasks;

5. Requests the Executive Secretary to compile information on existing initiatives undertaken or commenced by indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity with a view to:

(a) Better articulating and understanding barriers and support-mechanisms for ongoing cooperation among indigenous and local communities;

(b) Increasing the respect and worth of indigenous and local community initiatives; and

(c) Fostering trust between such communities and others;

6. Requests Parties to strengthen the capacity of indigenous and local communities to promote their full and effective participation in the development and implementation of national biodiversity strategies and action plans and other activities carried out under the Convention;

7. Further requests Parties, international financial institutions and the Global Environment Facility to explore ways of providing necessary funding for these activities.

Annex II

## TRIBUTE TO THE GOVERNMENT AND PEOPLE OF SPAIN

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity,

Having met in Seville from 27 to 31 March 2000 at the gracious invitation of the Government of Spain,

Deeply appreciative of the special courtesy and warm hospitality extended by the Government and people of Spain, to the member delegations, indigenous people and local community participants, observers and members of the Secretariat attending the meeting,

Expresses its sincere gratitude to the Government of Spain and its people for the cordial welcome that they accorded to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, and to those associated with its work and for their contribution to the success of this meeting.

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