



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/WG8J/7/5/Add.1  
8 September 2011

ORIGINAL: ENGLISH

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### AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Seventh meeting

Montreal, 31 October – 4 November 2011

Item 6 of the provisional agenda\*

### **REPORT OF THE MEETING ON ARTICLE 10 WITH A FOCUS ON ARTICLE 10(c) AS A MAJOR COMPONENT OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION**

#### INTRODUCTION

##### A. *Background*

1. In paragraph 10 of decision X/43, the Conference of the Parties authorized the Secretariat to convene a meeting on Article 10 (sustainable use of biological diversity) of the Convention on Biological Diversity, with a focus on Article 10(c) (customary use of biological diversity), with the participation of Parties, Governments and international organizations, and representatives of indigenous peoples and local communities, to provide advice on the content and implementation of the new major component of work for consideration at the seventh meeting of the Working Group on Article 8(j) and Related Provisions, to assist the Working Group in taking this component forward.

2. Furthermore, in accordance with paragraphs 8 and 9 of decision X/43, the international meeting is to provide advice, building on the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, on the development of further guidance on sustainable use and related incentive measures for indigenous and local communities; measures to increase the engagement of indigenous and local communities and governments at national and local level in the implementation of Article 10 and the ecosystem approach; and a strategy to integrate Article 10, with a focus on 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas.

3. The meeting on sustainable use (Article 10) and customary use (Article 10(c)) was held in Montreal, from 31 May to 3 June 2011.

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\* UNEP/CBD/WG8J/7/1/Rev.1

## ***B. Participation***

4. In accordance with paragraph 10 of decision X/43, the Secretariat issued notification 2011-048 (ref. no. SCBD/SEL/OJ/JS/DM/75211) dated 4 March 2011 requesting nominations from interested Parties. A total of 67 nominations were received. The selection of participants was completed by the Secretariat based on the expertise of nominees, the need to ensure fair and equitable geographic representation and gender balance. Thanks to the generous support of the Governments of Japan, Canada, European Union and Norway, the Secretariat was able to provide financial assistance to 34 participants from developing and least developed countries, including small island developing States, as well as indigenous peoples and local communities and experts.

5. The meeting was attended by experts nominated by Belarus, Benin, Botswana, Canada, Colombia, Costa Rica, France, Ethiopia, India, Mexico, Norway, Philippines, Vanuatu, and Sweden. The experts nominated by Bangladesh and Syria, who had been selected and invited to the meeting, were unable to participate.

6. Experts from the following organizations also participated in the meeting: Forest Peoples Programme, Unnayan Onneshan - The Innovators, Global Garden Consulting, United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization of the United Nations (FAO), United Nations University (UNU), International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), Asociación ANDES, Association OKANI, Kibale Association for Rural and Environmental Development, Tebtebba, Instituto Indígena Brasileiro para Propriedade Intelectual (Inbrapi), the Southern African Development Community, Corporación Serraniagua, Andes Chinchasuyu, the Tweed Byron Local Aboriginal Land Council and Southern Cross University, Red Indígena de Turismo de México (RITA), Fundación para la Promoción del Conocimiento Indígena (FPCI), Association of Kaliña and Lokono in Marowijne, Suriname (KLIM), Métis National Council, Sri Lanka Community Development Centre and Seneca International. Experts from Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT), South Central Peoples Development Association, and Russian Association of Indigenous Peoples of the North, Siberia and Far East (RAIPON) were selected and invited to the meeting but were unable to participate.

### **ITEM 1. OPENING OF THE MEETING**

7. The meeting was opened at 9:30 a.m. on 31 May 2011 by Mr. Olivier Jalbert, Principal Officer, Secretariat of the Convention on Biological Diversity, on behalf of the Executive Secretary.

8. In his opening remarks, Mr. Jalbert recalled the major achievements of the work programme on Article 8(j) and related provisions since its inception and recalled that, at its tenth meeting, the Conference of the Parties had decided on a new major component of the revised work programme, namely the sustainable use of biological diversity with a focus on customary sustainable use (Article 10(c) of the Convention on Biological Diversity). The mandate of the meeting within the broader framework of the programme of work on Article 8(j) and Related Provisions, and as instructed by the Conference of the Parties in decision X/43 was to provide expert advice, “building on the Addis Ababa Principles and Guidelines, to develop further guidance on sustainable use and related incentive measures for indigenous and local communities and to consider measures to increase the engagement of indigenous and local communities and governments at national and local level in the implementation of Article 10 and the ecosystem approach”. Therefore, participants in the meeting had an opportunity to give shape and substance to this major new task of the work programme, thereby guiding the work of the Parties in the implementation of the new Strategic Plan for Biodiversity 2011-2020, and to make recommendations on elements of a strategy to integrate Article 10(c) as a cross-cutting issue into the various work programmes of the Convention and thematic areas, beginning with the programme of work on protected areas.

## ITEM 2. ORGANIZATIONAL MATTERS

### 2.1 *Officers*

9. Participants elected Ms. Pernilla Malmer of Sweden and Ms. Joji Carino of the Tebtebba Foundation as Co-chairs of the meeting.

### 2.2 *Adoption of the agenda*

10. The meeting adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/8J/CSU/1/1) prepared by the Executive Secretary in accordance with decision X/43 of the Conference of the Parties:

1. Opening of the meeting.
2. Organizational matters.
3. Advice on possible content and implementation of the new major component of work on Article 10 with a focus on Article 10(c):
  - (a) Guidance on sustainable use and related incentive measures for indigenous and local communities;
  - (b) Measures to increase the engagement of indigenous and local communities and Governments at national and local level in the implementation of Article 10 and the ecosystem approach;
  - (c) Strategy to integrate Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas.
4. Refining and operationalizing the proposed indicators on traditional knowledge, as well as the development of appropriate indicators for customary sustainable use.
5. Other matters.
6. Adoption of the report.
7. Closure of the meeting.

### 2.3 *Organization of work*

11. At its opening session, the group decided to work initially in plenary to hear a number of presentations. On the second day the meeting broke into several small groups to consider the substantive items, then reconvened in plenary for the remainder of the meeting.

## ITEM 3. **ADVICE ON POSSIBLE CONTENT AND IMPLEMENTATION OF THE NEW MAJOR COMPONENT OF WORK ON ARTICLE 10 WITH A FOCUS ON ARTICLE 10(c)**

12. In addressing this item, the meeting had before it a note by the Executive Secretary on how Article 10(c) can be further advanced and implemented as a priority (UNEP/CBD/WG8J/6/2/Add.1). The document had been circulated in advance of the meeting to participants. The initial sessions were in plenary, with expert presentations from the governments, international organizations, and indigenous peoples and local community experts on the issue of customary sustainable use. This was followed by small group work and a report back by the chairpersons and rapporteurs in plenary. Following is a summary of the main points and proposals made.

13. Presentations by experts included the following issues: (i) introduction to Article 10(c) and the Addis Ababa Principles and Guidelines; (ii) sustainability of use; (iii) customary use; (iv) Article 10(c) case-studies and lessons learned; (v) customary use practices and customary management practices and *sui generis* systems; (vi) relationship between customary use and access to lands and resources including land tenure; (vii) recognition of Indigenous and/or Community Conserved Areas; (viii) issues of special access and general access; (ix) protected areas and customary use; (x) hunting and wildlife management; (xi) commercial use of biological resources; (xii) approaches to promoting access to and management of biological resources for customary and sustainable use; (xiii) customary sustainable use and gender perspectives; (xiv) customary sustainable use, livelihoods and sustainable development (to highlight the role of customary sustainable use to human well-being and sustainable development); (xv) biodiversity for poverty eradication and development; and (xvi) possible tasks for a new component of work on sustainable use with a focus on customary use.

14. After an initial introduction of the Addis Ababa Principles and Guidelines by the Secretariat of the Convention on Biological Diversity, the representative of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) provided an overview of the ITPGRFA and new work arising with a focus on Article 6 (sustainable use) and Article 9 (farmers' rights) of the treaty. In particular, issues of the interdependence of crops and food security, role of small farmers, sustainable use in agriculture, the usefulness of regional approaches, the multilateral system and access and benefit-sharing, the contribution of the Addis Ababa Principles and Guidelines to sustainable use, and the need for synergies between mutually reinforcing international processes and specifically the Convention on Biological Diversity, the Nagoya Protocol and the ITPGRFA.

15. The meeting commended the Benefit-sharing Fund of the ITPGRFA for its positive impact on sustainable use of agrobiodiversity by funding 11 existing benefit-sharing projects and investing an additional US \$10 million into projects for sustainable and customary use of crop genetic resources. Through these projects, the Benefit-sharing Fund was having a positive worldwide impact on the sustainable use of agrobiodiversity and the adaptation of farmers' food crops to climate change impacts. The meeting called for collaboration between the Convention on Biological Diversity and the ITPGRFA in the area of sustainable use, including customary use, and farmers' rights, and underlined the need to further scale up the Benefit-sharing Fund according to its strategic plan.

16. A representative and expert from the United Nations University addressed the meeting on *Satoumi*, a marine expression of *Satoyama*. It was based on fisher community traditional practices and customs in Japan. In Japan 30 per cent of marine protected areas were designed and managed by local communities. Japan enjoyed a long history of hereditary fishing rights which regulated the sustainable use of national waters. The traditional management of local fisheries had allowed limited resources to be used over time in a sustainable way. In recent times there had been attempts to codify and incorporate customary practices into modern legislation, with various degrees of success. Some communities were sometimes reluctant to reveal customs that could be codified in such ways as to make them inflexible and unable to deal with migrating species, or local changes including climate change. Such communities may value flexibility over official recognition. A specific study concerning matriarchal hereditary fishing rights provided a fascinating insight into gender and biodiversity management. The extensiveness and completeness of customary local management of marine environment was demonstrated by the various intricate aspects of biodiversity use including timing, seasons, zones, and decision-making regarding the adoption of new technologies amongst others. Local management also involved regeneration activities and promotion of cross-sectoral approaches to sustainable use.

17. Participants responded drawing attention to the first and second principles of the Addis Ababa Principles and Guidelines and specifically the need to get legal frameworks and governance right and the balance of ensuring flexibility and local approaches. Also the need for a respectful interface between traditional knowledge and science was emphasized.

18. The indigenous expert from Ecuador provided an in-depth view of customary sustainable use and poverty alleviation rooted in the epistemologies and cosmologies of indigenous peoples. So fundamental was the concept of biodiversity to the Kichwa people that there was no word for biodiversity – the closest equivalent being “life” (kawsay) or mother earth (Pachamama). The cosmologies of indigenous peoples included various world views that considered a spiritual dimension which interacted and required balance with the physical world. Such a fundamentally different world view provided customary laws which governed the use of resources including biodiversity, which had difficulty interfacing with modern legal systems. The expert presented examples of traditional practices including diverse permaculture, demonstrated food security, sustainability and companion planting. New forms of culturally appropriate sustainable development, including revisiting traditional practices including bartering and reciprocity, cultural revitalization and relearning and promoting traditional knowledge, and customary sustainable use for poverty alleviation were also investigated.

19. The chairperson of Unnayan Onneshan, from Bangladesh, provided an insight into the desirability of local management of biological resources. Detailed advice was provided on various cultural, social and legal concepts of property rights with a focus on a set of entitlements. The expert called for a decolonizing of legal systems to incorporate diverse and traditional forms of associations with resources, beyond primitive accumulation. New sustainable development models were needed for access to resources vis-à-vis accumulation by dispossession. He argued that models of governance based on individual property rights were incompatible with customary sustainable use. The expert also noted the need for law reforms to take into account the identification of the rightful users of forest resources and to secure operational-level access rights and the promotion of collective local action and management. His presentation drew attention to the need to strengthen principles one and two of the Addis Ababa Principles and Guidelines (legislation and governance).

20. The representative of the Southern African Development Community presented the regional approach adopted by 15 countries in Africa. He spoke on goals of sustainable and customary use for medicine, health, food, shelter, energy and poverty alleviation against a reality of a growing populations and depleting resources. The SADC members were increasingly interested in the role of local communities and the integration of traditional knowledge in protected areas management.

21. Some participants noted the current opportunity posed by the revision of the National Biodiversity Strategies and Action Plans (NBSAPs) for integration of customary sustainable use.

22. The indigenous expert from Peru spoke on the importance of Article 10(c) for indigenous peoples and the Convention on Biological Diversity. He emphasized the need to progressing thinking on new sustainable economic models based on low carbon green economies. A fascinating and time-proven initiative, the Potato Park, a community-driven bio-cultural heritage territory, was used to illustrate the importance of how key species could bind indigenous peoples together and give birth to conservation, a genetic resource bank, food security, sustainable development, women’s enterprises, poverty alleviation, creative and diverse economies based on traditional knowledge and customary use, local models for adaptation to climate change, and new equitable benefit-sharing models. The Potato Park initiative was committed to exploring and promoting the protection of traditional knowledge through creative and *sui generis* intellectual property models including geographic indicators and collective trademarks, enabling law reform for recognition of customary law concerning customary use. Through such activities the Potato Park provided indigenous peoples with an opportunity for the local implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

23. Having considered the presentations thus far, some experts noted that for some communities, tensions arose where distribution of cash occurred and suggested various models for equitable sharing of benefits that centred on indigenous structures able to exercise customary laws. Some suggested that identifying community needs and funding them as priorities had enjoyed some success. The need for a multiplicity of benefits was the desirable model to promote.

24. A local community expert from Uganda and a former Equator Initiative prize winner presented the community-driven conservation effort that had led to multiple improved outcomes for the participating communities. He discussed the primate conservation project and community procedures for the distribution of benefits accruing from this and related enterprises. An interesting example of flow of benefits was provided concerning a fund for neighbours of the swamp, which provided poor farmers with compensation for wild animal damage. However, challenges remain for the project, including ongoing human-wildlife conflict partially driven by increasing populations and emergent community needs, conservation versus development needs, limited technical capacity and academic knowledge, and the need to diversify community businesses beyond tourism.

25. Another Equator Initiative prize winner from Sri Lanka provided a case-study on the revival of traditional yams and effective alternative social development models. The restoration of the traditional yams led to community empowerment with multiple benefits including increased food security, a diverse gene bank and local-level insurance against climate change.

26. An Equator Initiative prize winner from Colombia discussed the characteristics of successful community projects involving conservation and sustainable use of biodiversity. Successful projects required diverse and broad-based stakeholder engagement. Local projects needed to take into consideration culture in their methodology and maintain a goal of collective social advancement. Protected areas and protected corridors required buy-in by relevant local communities and recognition of their community conservation areas. Each project had to consider various dimensions, including nature, social, cultural and economic. He also discussed small farmers and women farmers and customary use, and noted the usefulness of geographic indicators as a possible way of protecting local products arising from traditional knowledge. He also pointed to the fact that despite the successful implementation of ecological corridors and their formal and customary protection, threats still remained, in particular from mining and megaprojects driven by interests that may override the kind of protection granted for the corridors.

27. An indigenous representative of the Red Indígena de Turismo de México (RITA) discussed indigenous tourism initiatives and customary sustainable use. RITA had 150 members who were indigenous small business operators. The representative provided concrete examples on how indigenous tourism could contribute to conservation, sustainable use and the protection and promotion of traditional knowledge. Communities engaging in tourism activities developed a broad range of skills. In particular the representative was interested in peer sharing and scaling up of successful ventures. She also expanded on the cultural landscape approach favoured by many indigenous peoples, and emphasized that customary sustainable use had to be grounded in cultural restoration. Successful combinations included conservation – sustainable use – and promotion of local livelihoods.

28. The Equator Initiative prize winners answered questions from the floor and proposed some prerequisites for successful community projects that promoted sustainable and customary use and conservation. They emphasized that successful projects were driven from the bottom up although ideas and possibilities may come from the outside and could even be introduced and supported by Governments, as long as there was community buy-in and ownership. Successful projects required support of elders and commitment from community leaders. Project development sometimes required dealing with power structures, which might need to be confronted and mitigated. Scale-up success and replication remain goals of the Equator Initiative. Most successful projects were conducted on secure community territories. Security of tenure was a prerequisite for successful ventures.

29. A plenary session on Tuesday afternoon was managed and presented by the Forest Peoples Programme (FPP) and their participating indigenous peoples and local community partners, which for this meeting included: Unnayan Onneshan, Bangladesh; Association OKANI, Cameroon; Fundación para la Promoción del Conocimiento Indígena (FPCI), Panamá; and Association of Kaliña and Lokono in Marowijne (KLIM), Suriname, all members of the FPP 10c Network. The FPP 10c Network had a decade

of case-studies and experience on customary sustainable use and related issues. Examples of customary sustainable use included hunting, fishing, farming (including shifting cultivation), and gathering non-timber forest products including for medicine, housing, fishing nets, crafts and various tools and utensils. Indigenous territories were understood as regulated commons collectively owned and managed. Spiritual beliefs and cosmological views guided interaction with nature. Customary laws continued to guide customary sustainable use and included principles such as: don't take more than you need and can carry; ensure the resource can recover; do not hunt pregnant or young animals; avoid sacred and taboo sites or species; use rituals and customs when interacting with natural resources (seeking guidance and permission); take into account internal controls – including the views of elders and traditional institutions.

30. Explaining the challenges and key issues related to customary sustainable use, the FPP 10c Network emphasized that top-down decision-making and management undermined customary sustainable use. They also emphasized the crucial link between secure land and resource rights and customary use. Access and control of territories were vital prerequisites for customary sustainable use. It was noted that protected areas established without the involvement and consent of local communities restricted access and use of traditional areas and therefore threatened customary use, and might lead to increased pressures on other areas. The many issues faced by customary sustainable use were further exacerbated by climate change. Indigenous peoples were most vulnerable to climate change because they depended on the ecosystems for their livelihoods. Government policies sometimes banned or restricted community access and use of areas that were vulnerable to climate change. Customary sustainable use also had to adapt to climate change, such as changing seasons. At the same time, customary sustainable use could provide much experience to adapt to climate change.

31. Customary sustainable use was interconnected with traditional knowledge, and thus status and trends in traditional knowledge would have direct impacts on customary sustainable use. For the enjoyment of customary sustainable use, traditional knowledge had to continue to be transmitted to younger generations, and to be practised through “learning by doing” on traditional territories; this was why access to traditional territories was crucial. Traditional language remained an essential element of both traditional knowledge and customary use, as local ecological concepts could not be captured and explained in other languages. Enforced foreign languages and education could thus be harmful to traditional knowledge and customary use.

32. Some recommendations arising from the group presentation by the FPP 10c team included: recognition and promotion of traditional institutions and customary practices and laws; recognition of rights to territories (lands and waters) and resources; free, prior and informed consent must be applied in matters affecting indigenous territories; indigenous peoples and local communities need to be fully engaged in natural resource decision-making and management; and promotion of multicultural and multilingual educational systems.

33. The FPP 10c team also presented some community-based initiatives to enhance implementation of Article 10(c) at the national and local levels. One of these was the documentation of traditional knowledge and customary practices. Documentation of knowledge and practices provided an opportunity to re-evaluate traditional knowledge and practices in the light of new developments and or cultural revitalization and restoration. Another initiative was community mapping, which had become a useful and powerful tool for indigenous peoples and local communities dealing with Governments, protected areas and land tenure issues. Other initiatives included research on climate change impacts and community-based biodiversity monitoring, including monitoring and reporting of illegal logging and/or the removal for illegal trade of endangered species.

34. The lessons learned from the case-studies led to calls for the development of participatory models for protected areas and management of integrated landscapes which coincided well with traditional Japanese concepts of *Satoumi* presented by UNU.

35. On Wednesday morning, the meeting welcomed Professor Kazuhito Takeuchi, Vice Rector of UNU and representative of the International Partnership for the *Satoyama* Initiative (IPSI). Professor Takeuchi spoke at length of the *Satoyama* Initiative and linkages to conservation, biodiversity, customary sustainable use and the provision of ecosystem services. Socio-ecological production landscapes, the target areas of IPSI around the world, continued to be at risk at a time when pressures from human populations and climate change were accelerating. The *Satoyama* Initiative provided a space to consider and create new models of landscapes which could incorporate both ecosystem services and sustainable development. A number of case-studies of socio-ecological production landscapes were presented which demonstrated the value of diverse and integrated land-use systems including the tea forest of Yunnan Province in China, and mixed plantations in Brazil. Such examples provided sustainable multiple benefits and continued to deliver ecosystem services and enhanced cultural values. The expert also discussed the concept of socio-ecological production landscapes which in recent times had tended towards monocultures (such as plantations) and had thus become unsustainable. He also discussed the unique problem faced by Japanese socio-ecological production landscapes or *Satoyama* because of a declining and aging population of rural areas. The recent tsunami and earthquake disaster which had severely affected Japan had provided an opportunity to reconsider development in the light of *Satoyama*.

36. After the presentation on *Satoyama*, the Forest Peoples Programme and community representatives continued to present lessons learned from the 10(c) case-studies and focused on advice for a new component of work with an emphasis on concrete actions.

***Advice on content of a new component of work focused on Article 10(c)  
proposed by the FPP 10c Network***

37. Some proposals presented by the FPP team included the following: policy and law reform to take into account access and rights to territories and resources for customary sustainable use; inclusion of traditional knowledge and customary sustainable use in the revision and updating of NBSAPs; policies and programmes developed with the effective participation of indigenous peoples and local communities to strengthen traditional knowledge and customary sustainable use, including the recognition of customary laws through national legal frameworks; strengthening of customary institutions; measures to recognize and respect the rights of indigenous peoples and local communities to territories and resources; review and resolution of land claims to strengthen land tenure and recognize traditional and collective tenure (secure land tenure); restitution of territories taken, including for protected areas, without free prior and informed consent of the relevant indigenous peoples and local communities; promotion of the full and effective participation of indigenous peoples and local communities in conservation and landscape management; effective participation in decision-making processes at all levels; development of mechanisms for effective free, prior and informed consent (FPIC) in relation to matters affecting indigenous territories; integration of customary sustainable use and traditional knowledge in the programme of work on protected areas, including in e-modules; promote culturally appropriate and multilingual education; remove assimilationist policies and promote self-determination and community-based development.

38. Other recommendations included: that the Working Group on Article 8(j) and Related Provisions establish guidelines (complementary to the Addis Ababa Principles and Guidelines) to promote customary sustainable use and traditional knowledge, including in protected areas; collaborative on-the-ground projects to implement Article 10(c) and the ecosystem approach; decentralized decision-making and management processes (in line with the Ecosystem Approach); implementation of 10(c) as a cross-cutting issue across other programmes of work of the Convention on Biological Diversity; examination of how in-depth reviews of specific programmes of work can be used to integrate 10(c), such as the in-depth review of the programme of work on island biodiversity to be considered at the eleventh meeting of the Conference of the Parties; creation of a mechanism for the Working Group on Article 8(j) and Related Provisions to provide advice and views on matters of mutual relevance directly to the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) on a regular basis; promotion and support

(including financially) of on-the-ground implementation of 10(c) by indigenous peoples and local communities.

39. The representative of Benin presented on the protection of sacred forests in Benin. There were 2,940 sacred forests in Benin covering 18,360 hectares that were outside of official protected areas, and that had been preserved to date because of traditional beliefs and authorities. Recently, foreign cultural contact had caused erosion of traditional beliefs and authorities and the sacred forests had suffered as a result. Today the NGO of the Benin representative, Cercle pour la sauvegarde des ressources naturelles, was working to protect 20 per cent of the forest in partnership with traditional authorities and the Government. Local communities were restoring and strengthening sacred forests through direct intervention and through planting of local species and creation of buffer zones and corridors. The sacred forests continued to contribute to ecological services and social justice for local communities.

40. The expert of Colombia presented on opportunities and challenges in implementing Article 10(c) of the Convention. He noted the multi-ethnic society of Colombia included indigenous communities that in many cases had recognition and access to lands but also a large percentage of local peasant communities that often had no access the lands. Colombia recognized the importance of local authorities, including authority to manage lands. He emphasized that customary sustainable use could not be understood outside of the local institutions that shape local authorities. Special environmental management regimes (EMR) were used by the Government as tools to formalize and respect customary sustainable use. Colombia, through local environmental management, promoted the application of traditional knowledge. He further noted that there remained challenges, including: consolidating information systems based on a socio-economic framework that considered different scales of information; the need to strengthen local communities; the need to harmonize principles and guidelines for sustainable use and revitalize rural landscapes; and to develop mechanisms to promote collective actions for biodiversity conservation.

41. The expert from the Africa Resources Trust stressed the importance of community-based resource management. Governments in southern African understood the importance and effectiveness of partnerships with indigenous peoples and local communities for conservation and sustainable use of biodiversity. Community-based national park management contributed significantly to poverty alleviation throughout the region and contributed to community development. Local empowerment had also strengthened village identities. Local management had been so successful – including management of protected areas – that some communities were now facing the problem of how to manage cash generated by these activities.

42. The Executive Director of Seneca International presented on traditional knowledge and customary sustainable use and emphasized the need for Articles 8(j) and 10(c) to be read, understood and implemented together. She discussed the nexus between customary sustainable use, traditional knowledge and the need for market access. She called for actions to promote this approach at community, government and international levels. Revitalizing customary sustainable use could be an opportunity to create jobs, markets, enhance capacity and provide technical assistance.

43. Participants broke into small groups to discuss lessons learned from the presentations. Each group appointed a Chairperson and Rapporteur and was allocated 90 minutes to discuss lessons learned from the presentations and their applicability to the following three thematic areas:

(a) Guidance on sustainable use and related incentive measures for indigenous and local communities;

(b) Measures to increase the engagement of indigenous and local communities and Governments at national and local level in the implementation of Article 10 and the ecosystem approach;

(c) Strategy to integrate Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas.

44. With respect to the integration of Article 10 with a focus on Article 10(c) as a cross-cutting issue into the work programmes and thematic areas of the Convention, while recognizing that their guidance would be submitted to the seventh meeting of the Working Group on Article 8(j) and Related Provisions for its consideration, the meeting emphasized the desirability of bringing its advice to the attention of the fifteenth meeting of SBSTTA and requested the Secretariat of the Convention on Biological Diversity to take measures to do so.

45. The Chairperson and Rapporteur of each small group reported back to plenary under the three thematic areas. The recommendations emanating from the discussions are contained in annex I to the present report.

**ITEM 4.       REFINING AND OPERATIONALIZING THE ADOPTED  
INDICATORS ON TRADITIONAL KNOWLEDGE, AS WELL  
AS THE DEVELOPMENT OF APPROPRIATE INDICATORS  
FOR CUSTOMARY SUSTAINABLE USE**

46. In paragraph 18 of decision X/43, the Parties requested the Executive Secretary to explore, through further technical workshops, the ongoing refinement of the adopted indicators for traditional knowledge as well as the development of appropriate indicators for customary sustainable use and to report on this matter to the Working Group on Article 8(j) and Related Provisions at its seventh meeting. With this in mind, on 2 June, the meeting focused on indicators. The Secretariat had made available a note by the Executive Secretary on indicators for assessing progress towards the 2010 biodiversity target – status of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/6/2/Add.4/Rev.1). The document had been circulated to participants in advance of the meeting.

47. In the morning, the meeting discussed the ongoing refinement and use of the adopted indicators for traditional knowledge, also bearing in mind the implementation of Article 10, and the Strategic Plan for Biodiversity 2011-2020, and in doing so considered availability of data, methodologies and coordinating organizations. The three adopted indicators for traditional knowledge are: (a) Status and trends of linguistic diversity and numbers of speakers of indigenous languages; (b) Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities; (c) Status and trends in the practice of traditional occupations.

48. In the afternoon, the meeting considered the development of appropriate indicators for customary sustainable use and to what extent adopted indicators for traditional knowledge may be complementary. It was noted that preliminary work on customary sustainable use indicators was carried out by the FPP 10c network and the International Indigenous Forum on Biodiversity (IIFB) Working Group on Indicators, and data contained in two workshop/seminar reports (from Braziers Park 2006<sup>1</sup> and Banaue 2007<sup>2</sup>) could be used as the basis for further technical work on this matter.

49. To assist in advancing the discussion on indicators, the Secretariat of the Convention on Biological Diversity gave an update on indicators for monitoring the Strategic Plan for Biodiversity 2011-2020, Articles 8(j) and 10(c), and the following partner United Nations agencies made presentations: the United Nations Educational, Scientific and Cultural Organization (UNESCO), on status and trends of linguistic diversity and numbers of speakers of indigenous languages; and the Food and Agriculture Organization of the United Nations (FAO), on changing land use patterns. Ms. Joji Carino, coordinator of

<sup>1</sup> <http://www.cbd.int/doc/?meeting=8JCSU-01> (UNEP/CBD/8J/CSU/1/INF/1)

<sup>2</sup> <http://www.cbd.int/doc/?meeting=WG8J-05> (UNEP/CBD/WG8J/5/INF/2)

the IIFB working group on indicators reported on traditional occupations and recent collaborations with the International Labour Organization (ILO), and about related initiatives to monitor indigenous peoples' human rights, traditional knowledge and well-being, focusing on community-level monitoring through such tools as community mapping, VITEK (Vitality Index of Traditional Environmental Knowledge) and case studies on customary sustainable use.

50. After an in-depth discussion, the following possible steps forward were proposed by the experts working on indicators: consider local-global linkages for indicators work on traditional knowledge and customary sustainable use; identify institutional support and resources to implement continuing technical processes on indicators; hold a technical workshop on mapping land cover, land use and land tenure security indicator by considering overlays of data (global, regional, national and local); carry out further technical work on customary sustainable use indicators, with the aim of identifying a limited number of indicators to be proposed for development and adoption; strengthen gender dimension of indicators work; carry out workshops to consider availability of data, methodologies, and coordinating organizations to further refine the proposed indicators; strengthen the indicators work of indigenous peoples and local communities and its links to the community-based monitoring, reporting and verification tool (MRV) for reducing emissions from deforestation and forest degradation (REDD) and to the ongoing work for the inclusion of governance, social impact assessments, and benefit-sharing in evaluation processes concerning the effective management of protected areas.

51. The recommendations of the meeting on this agenda item are contained in annex II to the present report.

#### **ITEM 5. OTHER MATTERS**

52. No other matters were raised.

#### **ITEM 6. ADOPTION OF THE REPORT**

53. The present report together with its two annexes was adopted at the final session of the meeting, on 3 June 2011.

#### **ITEM 7. CLOSURE OF THE MEETING**

54. Following the customary exchange of courtesies, the meeting was closed at 6 p.m. on Friday, 3 June 2011.

*Annex I***ADVICE ON THE CONTENT AND IMPLEMENTATION OF THE NEW MAJOR COMPONENT OF WORK ON ARTICLE 10 WITH A FOCUS ON ARTICLE 10(c)**

1. Experts noted that the following considerations are of special relevance and constituted a point of departure for the recommendations following:

(a) Biodiversity, customary sustainable use and traditional knowledge are intrinsically linked. Indigenous peoples and local communities, through customary sustainable use, constantly shape and reshape social and ecological systems, landscapes, seascapes, plants and animal populations, genetic resources and related management practices, thereby adapting to changing conditions such as climate change, and contributing to maintaining biodiversity and ecosystem services, and strengthening of the resilience of the social - ecological systems. Thereby indigenous peoples and local communities and holders of traditional knowledge related to customary sustainable use also contribute to the generation of new knowledge for the benefit not only of indigenous peoples and local communities but of human well-being at large;

(b) Recognize that many indigenous peoples and local communities depend directly on biodiversity and its customary sustainable use and management for local livelihoods, resilience and cultures;

(c) Cultural and spiritual values and practices play an important role in maintaining sustainable use and transmitting its importance to the next generation;

(d) It is of primary importance for successful outcomes that the development and implementation of policies and programmes for customary sustainable use are made with the full and effective participation of indigenous peoples and local communities, with a focus on women and their crucial contribution to customary sustainable use;

(e) Take fully into account the 2011-2020 Aichi Biodiversity Targets 14 (ecosystem services) and 18 (traditional knowledge and customary sustainable use), the Nagoya Protocol, and the programme of work for Article 8(j) and related provisions;

(f) Respect for the territoriality of indigenous peoples and local communities includes cultural, social, economic and ecological elements associated with the traditional management systems of indigenous lands, waters and territories. Effective access, control and management by indigenous peoples and local communities of local territories are an essential requirement for customary sustainable use;

(g) Bio-cultural territories embody traditional indigenous land and marine tenure, land and marine use, ritual use, production and exchange systems, political organization and goals and cultural identity. Bio-cultural heritage expresses the indivisibility of indigenous peoples and local communities with their territories, biodiversity (genetic to landscape) and culture and includes traditional resource rights. Indigenous peoples and local communities are ecosystem-based, making indigenous peoples and local communities well placed to implement the ecosystem approach and to efficiently and economically manage ecosystems;

(h) Full consideration of social and cultural dimensions is vital to the ecosystem approach. Therefore traditional knowledge and customary sustainable use must be central to the implementation of the ecosystem approach;

(i) Full implementation of the ecosystem approach, in particular principles 1 and 2,<sup>3</sup> provides an important tool to strengthen the communities' capacity to fully practice customary sustainable use;

(j) Customary sustainable use is one dimension in the exercise of self-determination, and this right must be respected, ensuring the free, prior and informed consent of indigenous peoples and local communities consistent with United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

(k) Customary sustainable use not only provides for livelihoods of people and conservation of biodiversity but is also useful in building resilience for climate change adaptation and as a source for learning related to socio-ecological systems and possible innovations for productive landscapes and continued human well-being;

(l) Measures should be taken to address unsustainable use and revitalize and restore degraded landscapes (including seascapes and waters).

2. The advice of the meeting for consideration at the seventh meeting of the Working Group on Article 8(j) and Related Provisions is as follows:

#### **A. GUIDANCE ON SUSTAINABLE USE AND RELATED INCENTIVE MEASURES FOR INDIGENOUS AND LOCAL COMMUNITIES**

##### **A.1 Customary sustainable use and diverse local economies**

(a) Promote and encourage customary sustainable use of biodiversity for poverty alleviation and in the achievement of the Millennium Development Goals;

(b) Encourage, promote and develop innovative sustainable economic models and diverse local economies based upon sustainable use of biological resources and collective action;

(c) Strengthen and revitalize indigenous peoples and local communities to exercise their human rights including customary rights;

(d) Promote and encourage community-based resource management;

(e) Parties should explicitly consider customary sustainable use in National Biodiversity Strategies and Action Plans (NBSAPs), as a strategic way to maintain socio-ecological values and to achieve human well-being.

##### **A.2 Legislation and land and resource rights**

3. With the full and effective participation and free, prior and informed consent of indigenous peoples and local communities:

(a) Enact national and sub-national legislation to respect, recognize and promote customary sustainable use and traditional knowledge, consistent with indigenous peoples and local communities' customary laws, and procedures;

(b) Develop international, national and sub-national instruments and policies that support traditional institutions and the development of community bio-cultural protocols consistent with customary laws;

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<sup>3</sup> (see <http://www.cbd.int/ecosystem/principles.shtml>)

(c) Review national and sub-national laws and policies, with a view towards legal recognition of collective ownership and customary resources rights;

(d) Reconcile land use options and develop equitable models of landscape management where coexistence of indigenous peoples and local communities and others sectors of society is a reality;

(e) Ensure that free, prior and informed consent (FPIC) is respected and fully applied in all decisions, policies, actions and measures that may affect indigenous peoples' lands and territories, in accordance with UNDRIP and related international instruments.

### **A.3 Targeted support and funding**

4. Support and funds are needed for:

(a) Community redevelopment and the development of innovative economic models, with a focus on customary sustainable use, the promotion of traditional knowledge and cultural restoration and collective actions;

(b) Appropriate scale of projects and ability to scale up successful initiatives;

(c) Capacity-building initiatives and cross-cultural visits between successful projects and start-up projects;

(d) Promotion and strengthening of community-based initiatives by indigenous peoples and local communities and in particular women to implement Article 10(c) and to enhance customary sustainable use;

(e) Indigenous peoples in both developing and developed countries;

(f) Support for marketing of products from relevant community conservation projects including community based and managed tourism;

(g) Identification of economic models and market access strategies that are supportive of products and services from customary sustainable use at local, regional, national, and international levels;

(h) Exploring, developing and implementing provisions for economic incentives for sustainable livelihoods based on customary sustainable use and traditional knowledge;

(i) Encouraging and strengthening customary sustainable use through the repatriation and recovery of traditional knowledge and associated cultural property as per task 15 of the 8(j) programme of work and the repatriation of other indigenous bio-cultural heritage;

(j) Collaborate with the International Partnership for the *Satoyama* Initiative (IPSI) and the FAO's Globally Important Agricultural Heritage Systems (GIAHS) initiative and similar programmes, to revitalize local territories and economies based on traditional knowledge and customary sustainable use.

### **A.4 Opportunities and knowledge gaps for further exploration**

(a) Encourage the development of community-based knowledge systems on customary sustainable use and related issues to promote cultural restoration;

(b) Explore the nexus between customary use and sustainable use to develop economic opportunities for indigenous peoples and local communities, such as geographic branding and other forms of creative protection of intellectual property rights (IPR) to promote unique products;

(c) Expand on the methods used to put value on biodiversity and ecosystem services so as to incorporate indigenous cultural and spiritual values with their free, prior and informed consent.

**B. MEASURES TO INCREASE THE ENGAGEMENT OF INDIGENOUS AND LOCAL COMMUNITIES AND GOVERNMENTS AT NATIONAL AND LOCAL LEVEL IMPLEMENTATION OF ARTICLE 10 AND THE ECOSYSTEM APPROACH**

**B.1 Plan of Action and toolbox**

(a) Develop a Plan of Action, including gap analysis and toolbox, in collaboration with relevant agencies and in particular the FAO instruments and with the effective participation of indigenous peoples and local communities, for the promotion of customary sustainable use. The toolbox could include: regional approaches and sub-regional, concrete examples of success; educational curricula; non-monetary benefit-sharing (technology transfer, capacity-building, value added); support/stimulation of local economies; customary sustainable use-specific guidelines complementary to the Addis Ababa Principles and Guidelines; rights of indigenous peoples and local communities (including fishers, farmers and other social sectors); relevant instruments of the Convention on Biological Diversity; main messages including how customary sustainable use can benefit people and ecosystems; transparency and financial accountability; explanation of customary sustainable use rights and obligations; and concrete instruments and mechanisms to include in national laws tools about involving indigenous peoples and local communities in the management and conservation of biological resources. The development of the toolbox should take advantage of the toolbox to be developed for sustainable use and farmers' rights under the decision of the Fourth Regular Session of the Governing Body of the ITPGRFA;

(b) Ensure that information on Article 10 and customary sustainable use and the ecosystem approach is made available in appropriate languages and disseminated including through associated capacity-building workshops;

(c) Support the institutional and management capacity-building of communities and institutions, including networking of communities according to the needs and priorities identified by indigenous peoples and local communities, specifically regarding the capacity of women;

(d) Create and support and implement strategic, dynamic, specific, user-driven and participatory community management and development plans based on customary sustainable use, traditional knowledge and bio-cultural protocols;

(e) Ensure the full and effective participation of indigenous peoples and local communities, in particular women, in public policy making and biodiversity management and decision-making processes at all levels;

(f) Invite non-Parties to consider guidelines formulated under the Convention on Biological Diversity, concerning customary sustainable use, traditional knowledge and practices in accordance with free, prior and informed consent.

**B.2 Education**

(a) Mainstreaming biodiversity education, including issues of customary sustainable use, traditional knowledge and indigenous languages in the formal and informal education systems with the full and effective participation of indigenous peoples and local communities;

(b) Promote intergenerational transmission of traditional knowledge and indigenous languages relevant for customary sustainable use by indigenous peoples and local communities through

formal and informal education and cultural appropriate mechanisms, including strengthening oral traditions;

(c) Promote education and public awareness related to the importance of traditional knowledge and customary sustainable use (formal and non-formal);

(d) Recognize and support indigenous peoples and local communities to strengthen traditional institutions, including traditional forms of education in traditional languages;

(e) Promotion of collaboration amongst nations, countries and communities on customary sustainable use, traditional knowledge and practices and indigenous languages, including fostering of South-South cooperation.

### **B.3 Monitoring and evaluation**

Put in place a monitoring system to analyse the relationship between customary sustainable use and ecosystem services and human well-being and sustainable development, with the full and effective participation of indigenous peoples and local communities.

### **C. A STRATEGY TO INTEGRATE ARTICLE 10, WITH A FOCUS ON ARTICLE 10(c), AS A CROSS-CUTTING ISSUE INTO THE CONVENTION'S VARIOUS PROGRAMMES OF WORK AND THEMATIC AREAS, BEGINNING WITH THE PROGRAMME OF WORK ON PROTECTED AREAS**

(a) Identify opportunities to implement the Plan of Action for the promotion of customary sustainable use, including gap analysis and toolbox, in all of the Convention's various programmes of work and thematic areas;

(b) Promote and ensure the full and effective participation of indigenous peoples and local communities and civil society organizations in revising and updating of the NBSAPs in developing national targets and indicators in line with the strategic plan and in producing the national reports to the Convention on Biological Diversity so that customary sustainable use can be integrated into all of these processes;

(c) Promote and support the associations, networking and partnerships of the organizations of indigenous peoples and local communities for implementation and enhancement of the plan of action;

(d) Generation of information management mechanisms to facilitate the documentation of traditional knowledge and practices for customary sustainable use, with the effective participation and prior informed consent of indigenous peoples and local communities, that can be easily accessed by the various programs of the Convention and national governments, and address funding requirements;

(e) Promote understanding and broad public awareness that our most biodiverse systems are formed in interaction with humans, and that traditional knowledge and customary sustainable use contribute to and uphold biodiversity, landscapes and seascapes including in protected areas;

(f) Build common agendas across Multilateral Environmental Agreements related to the importance of preservation, protection and promotion of traditional knowledge, innovations and practices and promotion of customary sustainable use for sustainable development;

(g) Taking into consideration the three indicators adopted under the Convention on Biological Diversity for status and trends in traditional knowledge, explore and develop indicators for

customary sustainable use and incorporate indicators into national and sub-national programmes and policies;

(h) Recognize the importance of integrating traditional knowledge and customary sustainable use in the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES);

(i) Create a mechanism for the Working Group on Article 8(j) and Related Provisions to provide advice and views on matters of mutual relevance directly to SBSTTA on a regular basis;

(j) Explore and promote on-the-ground implementation of 10(c) by indigenous peoples and local communities;

(k) Develop further guidelines on protected areas legislation, to ensure that the establishment of protected areas takes place with the full and effective participation of indigenous peoples and local communities and their free, prior and informed consent;

(l) Promote innovative protected areas governance and management types, including Indigenous Community Conserved Areas (ICCAs), encouraging the application of traditional knowledge and customary sustainable use in protected areas;

(m) Ensure that the national multi-stakeholder committees for the implementation of the programme of work on protected areas (PAs) are established and include representatives of indigenous peoples and local communities and civil society organizations and that they are informed about the need to integrate customary sustainable use in the implementation of the programme of work on PAs;

(n) Include the integration of customary sustainable use into the programme of work on PAs, through customary sustainable use specific guidance in the web-based e-modules of the programme of work;

(o) To develop concrete agreements between indigenous peoples and local communities and PAs managers concerning the integration of customary sustainable use in PAs management plans.

*Annex II***INDICATORS**

The advice of the meeting for consideration at the seventh meeting of the Working Group on Article 8(j) and Related Provisions is as follows:

(a) Welcoming the work carried out under the auspices of the Ad Hoc Open-Ended Working Group on Article 8(j) and Related Provisions, and including the regional and international technical workshops organized by the Working Group on Indicators of the International Indigenous Forum on Biodiversity, to identify a limited number of meaningful and practical indicators on the status of traditional knowledge, innovations and practices and in other focal areas, to assess progress towards achieving the revised Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets;

(b) Building on previous indicator work and the outcomes regarding both traditional knowledge and customary sustainable use from the Banaue expert seminar (2007)<sup>4</sup> and the thematic workshop on possible indicators for customary sustainable use<sup>5</sup>;

(c) Taking into account the possible dual application and complementarity of indicators adopted for traditional knowledge as also being relevant for customary sustainable use;

(d) Recommends that international technical workshops and regional workshops, according to the seven geo-cultural regions recognized by the United Nations Permanent Forum on Indigenous Issues, be carried out on indicators for customary sustainable use, including consideration of the availability of data, culturally and linguistically appropriate methodologies, and coordinating organizations, with the aim of identifying a limited number of indicators to be proposed for development and adoption for consideration of the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

(e) Also recommends a technical workshop on mapping land cover, land use and land tenure security indicators by considering overlays of data (global, regional, national and local);

(f) Requests Parties to consider the pilot testing of indicators in collaboration with indigenous peoples and local communities and to report the results to a future meeting of the Working Group on Article 8(j) and Related Provisions;

(g) Invites UNESCO to collaborate with the Secretariat of the Convention on Biological Diversity to further the compilation and analysis of data on linguistic diversity and the status and trends of speakers of indigenous languages and to provide information on this indicator for the regular consideration of the Working Group on Article 8(j) and Related Provisions on a biennial basis;

(h) Invites the International Labour Organization to collaborate with the Secretariat of the Convention on Biological Diversity in association with indigenous peoples and local communities and relevant organizations to develop, pilot and monitor data concerning the practice of traditional occupations and to provide information on this indicator for the regular consideration of the Working Group on Article 8(j) and Related Provisions on a biennial basis;

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<sup>4</sup> <http://www.cbd.int/doc/?meeting=WG8J-05> (UNEP/CBD/WG8J/5/INF/2)

<sup>5</sup> <http://www.cbd.int/doc/?meeting=8JCSU-01> (UNEP/CBD/8J/CSU/1/INF/1)

(i) Further invites the relevant agencies, including the Food and Agriculture Organization of the United Nations and FAO's Globally Important Agricultural Heritage Systems (GIAHS), the International Fund for Agricultural Development and the International Land Coalition, to collaborate with the SCBD, in association with indigenous peoples and local communities and relevant organizations, to develop, pilot and collect information to effectively monitor the indicator "Status and trends in land-use change and land tenure in the traditional territories of indigenous peoples and local communities" for the consideration of the Working Group on Article 8(j) and Related Provisions at its seventh meeting;

(j) Requests the Executive Secretary, in collaboration with Parties, Governments, international agencies, the Working Group on Indicators of the International Indigenous Forum on Biodiversity and interested parties, including the 2010 Biodiversity Indicators Partnership, to pursue the ongoing refinement and use of the adopted indicators, also bearing in mind the implementation of Article 10(c) and the Strategic Plan for Biodiversity 2011-2020, including through further technical workshops, and to report to the Working Group on Article 8(j) and Related Provisions at its eighth meeting to take these matters forward.

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