



CONVENTION ON BIOLOGICAL DIVERSITY

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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

Fourth meeting

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Item 3 of the provisional agenda*

PROGRESS REPORT ON THE IMPLEMENTATION OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS AT THE NATIONAL LEVEL

Note by the Executive Secretary

I. INTRODUCTION

1. In paragraph 3 of decision VII/16 C, the Conference of the Parties requested the Executive Secretary to prepare a report on progress in the implementation of the programme of work on Article 8(j) and related provisions based on information submitted in national reports, and other relevant information, for the next meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions.

2. In accordance with the above decision, the present note is based on information from the third national reports under Article 26 of the Convention on Biological Diversity, received by 30 October 2005. The common format agreed upon to ensure consistency in reporting across programme of work and issues is status and trends; achievements; and obstacles to implementation. The main issues addressed under these headings relevant to Article 8(j) and related provisions are the status and trends regarding the traditional knowledge of indigenous and local communities, the Akwé:Kon Guidelines, capacity-building and participation of indigenous and local communities, support to implementation, and GURTS.

3. Based on the agreed format, section II of this document analyses Status and Trends regarding the implementation of article 8(j) and related provisions. Section III examines Achievements and Section IV looks at obstacles to implementation of Article 8(j). Section V proposes recommendations for the consideration of the Working Group.

4. It should be noted that at the time this progress report was written, only thirty Parties had submitted a third National Report. Therefore, this progress report provides a limited picture of the implementation of Article 8(j) and related provisions. However, it provides a sampling of initiatives taken by various Parties and attempts to establish broad trends.

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II. STATUS AND TRENDS

General overview of the implementation of Article 8(j) and related provisions

Status and trends regarding the knowledge, innovations and practices of indigenous and local communities

Question 58: *Has your country supported indigenous and local communities in undertaking field studies to determine the status, trends and threats related to the knowledge, innovations and practices of indigenous and local communities (decision VII/16)?*

5. This section provides an analysis of information provided in the third national reports. A limited number of projects where the Government supports indigenous and local communities in undertaking field studies to determine the status, trends and threats of traditional knowledge were reported as being either implemented or under consideration by 15 out of 30 reporting countries. In fact, only Sweden described a nation-wide project covering all traditional uses of biological resources. The Swedish Biodiversity Centre has received Government support and in wide consultation with indigenous and local communities, has carried out a general assessment of the implementation of Article 8(j). The report to parliament of this assessment has led to the proposed elaboration an action plan for traditional knowledge in Sweden. Some countries described research projects within universities, such as Thailand. At least six major institutions in Thailand actively support community research with some interesting outcomes, in particularly confirming the capacity of indigenous and local communities to monitor and assess their local biodiversity. Several other national reports discussed projects funded largely by NGOs, such as China, Botswana and Thailand as well as international projects running out of Belgium and Germany. There were several government-run field studies focussing on specific areas or types of knowledge, as in China, Thailand, Lesotho, Estonia and Zimbabwe.

Priority Allocated to Implementation Of Article 8(J)

6. In the Third National Reports parties described the level of priority that they give to each article of the Convention. For each article, Parties prescribed the programme of work with a low, medium or high priority. With regards to Article 8(j), nine Parties considered Article 8(j) as a high priority of work, ten considered it to be a medium priority and ten considered it a low priority. Only one other provision, Article 16 (Access to and transfer of technology), had fewer Parties describing the programme of work as a high priority. Furthermore, Article 8(j) has the highest number of 'low priority' ratings. All countries that described Article 8(j) as a high priority have acknowledged indigenous or local communities, except Germany. Germany's international cooperation efforts, however, significantly involve work with indigenous and local communities. Of the countries that ranked Article 8(j) as a low priority, none had indigenous and local communities, except Morocco. Finally, those Parties that ranked 8(j) as a medium priority all acknowledge having indigenous and local communities.

LEVEL OF PRIORITY GIVEN TO ARTICLE 8(J) BY REPORTING MEMBER STATES		
High priority	Medium priority	Low priority
Bangladesh	Algeria	Belgium
China	Botswana	Cyprus
Turkmenistan	Congo	Israel
Finland	Estonia	Iceland
Germany	Hungary	Italy
Mauritania	Namibia	United Kingdom
Niue	Norway	Macedonia
Senegal	Poland	Morocco
Thailand	Republic of Korea	
	Sweden	

7. Although it is difficult to establish trends or to make comparisons with the Second National Reports, because of changes in reporting structure and different numbers and combinations of Member States reporting, compared to the Second National Reports, the priority given to implementing Article 8(j) appears to have decreased. In the Second National Reports, 44 per cent of the 92 parties that responded to the question on priority of work labelled Article 8(j) as a high priority, compared to only 30 per cent of the 30 Parties who gave it a high priority in the Third National Report.

GURTS

Question 57: Has your country created and developed capacity-building programmes to involve and enable smallholder farmers, indigenous and local communities, and other relevant stakeholders to effectively participate in decision-making processes related to genetic use restriction technologies?

8. There is little direct involvement of smallholder farmers, indigenous and local communities and other relevant stakeholders in decision-making processes related to genetic use restriction technologies. In fact, no Parties reported having comprehensive programmes for GURTS in place, which involve local stakeholders. Twelve countries, however, have implemented and are developing participation procedures. For example, Botswana uses community based natural resource management programmes, community based organizations and ecotourism as vehicles for participation in decision-making processes. Niue and the Republic of Korea stated that their frameworks to deal with GURTS involved all stakeholders, including local communities. Some countries, such as China noted that participation of these stakeholders is not possible because of various types of constraints. Hungary stated that this issue is not relevant because they do not use genetically modified plants in Hungarian farming. Finally, Sweden said that although no such programme existed within Sweden, they were involved in several international initiatives through its international development cooperation agency, various NGOs and regional gene banks.

Akwé:Kon Guidelines

Question 59: Has your country initiated a legal and institutional review of matters related to cultural, environmental and social impact assessment, with a view to incorporating the Akwé:Kon Guidelines into national legislation, policies, and procedures?

9. No country reported on the actual implementation of the Akwé:Kon Guidelines. However, Estonia and Thailand reported on review processes that are considering the protection of sacred sites and the improvement of environmental impact assessment mechanisms. Norway indicated that they already have sufficient legislation and mechanisms to protect Sami cultural heritage. Sweden has provided funding for indigenous communities in the developing world to hold workshops and build capacity regarding the implementation of the Akwé:Kon Guidelines. Zimbabwe reported that there is no review being undertaken, but present EIA legislation addresses some of the Guidelines.

Question 60: Has your country used the Akwé:Kon Guidelines in any project proposed to take place on sacred sites and/or land and waters traditionally occupied by indigenous and local communities? (decision VII/16)

10. Out of 30 Reports, six described projects in their countries that have used the Akwé:Kon Guidelines. However, Zimbabwe, Morocco and China suggested that present processes already incorporate many of the requirements under the Guidelines.

III. ACHIEVEMENTS AND DEVELOPMENTS

Support to implementation

Question 64: *Has your country established national, subregional and/or regional indigenous and local community biodiversity advisory committees? AND Question 65: Has your country assisted indigenous and local community organizations to hold regional meetings to discuss the outcomes of the decisions of the Conference of the Parties and to prepare for meetings under the Convention?*

11. Just over a third of reporting countries have established national, sub-regional and/or regional indigenous and local community biodiversity advisory committees. As well, five Parties have assisted indigenous and local community organizations to hold regional meetings to discuss the outcomes of the decisions of the Conference of the Parties and to prepare for meetings under the Conventions. For example, Mauritania, Morocco, Sweden and Zimbabwe held either national or regional workshops to assist indigenous and local communities to discuss some of the decisions of the Conference of the Parties and to prepare for meetings under the convention. Botswana has local meetings to discuss these issues. Lesotho mentioned the impossibility of hosting or financing such meetings because of lack of resources.

12. There is limited support to help indigenous and local communities in drafting their own development and biodiversity conservation plans. Some projects were described in China through their Law on Regional Nationality Autonomy and through development projects coming out of their Agenda 21 to support regional capacity building (such as the project of development of ecological agriculture and livelihood in mountainous areas of Yunnan). There are also limited projects in Bangladesh, Finland, Morocco, Sweden and Thailand. There are also international support programs coming out of the United Kingdom, Germany and Belgium

Capacity-building and participation of indigenous and local communities

Question 61: *Has your country undertaken any measures to enhance and strengthen the capacity of indigenous and local communities to be effectively involved in decision-making related to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biodiversity? (decision V/16)*

13. Most report submitting Parties discussed various initiatives undertaken or being considered to enhance the capacity of indigenous and local communities. For example, several mechanisms to redirect decision-making powers to the local level for issues particularly affecting that area have been implemented. Bangladesh has implemented a project to shift management over wetland and fisheries conservation to the community level. There is also a movement toward local decision-making in Senegal, Poland and Zimbabwe.

14. Furthermore, several projects focus on increasing the role of indigenous and local communities in national decision-making. Some examples of this approach are the Estonian Small Islands Act, the Sami Parliament in Finland and Norway, consultation requirements in Sweden, Morocco and China and help with the formation of interest groups in Lesotho.

15. Many projects are aimed at increasing the managerial and organizational capacity of local and indigenous communities in relation to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biodiversity, such as training and awareness programmes in Botswana, capacity-building efforts in Namibia through WWF Life+10, the River Basin Management Committee and the Programme to Combat Desertification (among others) or capacity-building institutions in Thailand such as the Community Organization Development Institution which has implemented the successful 'community mapping' project.

16. Finally, Germany and Belgium described several projects in Africa, Asia and Latin America that they fund to increase the capacity of local and indigenous communities, such as the Flemish Fund for

Tropical Forests and the Sahelo-Saharan Antelopes programme, the Belgium Development Cooperation (helping with two major sustainable use projects in Tanzania), or support for local NGOs such as Fondo Indigena in Bolivia or COICA in Ecuador.

Question 62: Has your country developed appropriate mechanisms, guidelines, legislation or other 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 biodiversity at international, regional, subregional, national and local levels? (decision V/16)

17. Several countries discussed mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of local and indigenous communities in decision making, policy planning and development and implementation of the conservation and sustainable use of biodiversity at international, regional, sub-regional, national and local levels. For example, Bangladesh has passed the Biodiversity and Community Knowledge Protection Act, Belgium uses their Development Cooperation to focus on local ownership over development projects for proposals for assistance received from foreign States and Botswana's Rural Development Policy promotes holistic approaches to natural resource based livelihood and sustainable trade in rural areas. Several countries have environmental legislation that promotes or requires participation of indigenous or local communities, such as Lithuania, Mauritania, Lesotho and Sweden. Decentralization of decision-making legislation has also been enacted in several countries, such as Thailand (i.e. the national Government Decentralization and Reform Act), Namibia and Estonia (Rural Development Plan) and China (Law on Regional Nationality Autonomy). Norway and Poland have developed guidelines to support indigenous and local participation, but they are not binding.

Question 63: Has your country developed mechanisms for promoting the full and effective participation of indigenous and local communities with specific provisions for the full, active and effective participation of women in all elements of the programme of work? (decision V/16, annex)

18. No country described mechanisms implemented specifically to promote the participation of women of indigenous and local communities in the Convention on Biodiversity's programme of work (decision V/16, annex). However, several countries have more general measures to promote equal participation of women in decision-making and capacity-building projects. For example, China has the Law on the Protection and Interests of Women and Lesotho has a 30 per cent quota for women in local Government community development councils, which are in charge of all development issues, including land management and conservation. Mauritania also has special funding available for women to create economic interest groups.

Question 65: Has your country supported, financially and otherwise, indigenous and local communities in formulating their own community development and biodiversity conservation plans that will enable such communities to adopt a culturally appropriate strategic, integrated and phased approach to their development needs in line with community goals and objectives?

19. Fifteen countries out of thirty reported useful activities relevant to question 65, which ranged from community-driven projects such as community mapping and local conservation strategies to international aid to indigenous and local community organizations. Five countries (Belgium, Finland, Germany, Sweden and the United Kingdom) who contributed international aid noted that the funding was aimed at broader socio-political issues such as development, capacity-building, indigenous languages, culture and human rights but that these broader issues impacted upon biodiversity and were therefore relevant. Many of these donor countries channeled their funds through GEF, international financial institutions (such as the Inter-American Development Bank) or well-known NGOs/IPOs (such as Fondo Indigena).

20. Sweden reported on voluntary initiatives of Sami reindeer herders who have decided to provide environmental plans for each local Sami community. These plans constitute part of the work to implement the national environmental quality objectives, especially the one for the mountain region. Sweden also noted that not enough is done to strengthen the participation of local communities and that nature conservation has a dominating top-down structure in Sweden but noted that environmental measures in CAP and other programmes invited locals work with conservation in practice. However, means to involve farmers and other locals in planning and decision-making has not been adequately developed. Furthermore, means and arenas for communication between locals and executives and experts have not been much fully considered.

21. China reported on their policies regarding regional autonomy in areas such as the development of practical science and technology and environmental management. Under the support of state policies, ethnic minorities and nationality districts, in accordance with the priorities in development of their communities and conservation of biological diversity, are adopting the strategies adapted to local culture. For example, the Association of Biodiversity and Traditional Knowledge of Yunnan Province, through multi-discipline research, capacity-building and the participatory approach to promote dialogues between different cultures, make the local populations of different indigenous cultures, scientific cultures, languages and knowledge systems in southwest regions, strengthen their cultural traditions and find new ways to improve their livelihood and elevate biodiversity. The objectives of the “Project of development of ecological agriculture and livelihood in mountainous areas of Yunnan” are to improve the security and sustainability of livelihood in mountainous areas of Yunnan, to improve the productivity of agricultural system in mountainous areas with sustainable manner, improve the sustainable use and management of forest resources, water resources and land resources by local communities, and strengthen and promote the traditional knowledge and practice of local ecological agriculture.

Box XLVII: Please elaborate below on the implementation of this article and associated decisions specifically focusing on: outcomes and impacts of actions taken; contribution to the achievement of the goals of the Strategic Plan of the Convention; contribution to progress towards the 2010 target; progress in implementing national biodiversity strategies and action plans; contribution to the achievement of the Millennium Development Goals; constraints encountered in implementation.

22. Overall, there seems to be limited progress towards the goals of the Strategic Plan of the Convention, the 2010 Target or implementing National Biodiversity Strategies and Action Plans. However, some countries have made steps in this direction, some with important successes. For example, Bangladesh has limited community driven projects to promote local decision-making and they have drafted the Biodiversity and Community Knowledge Protection Act, to ensure there is a legal basis for ensuring the conservation and sustainable use of resources and associated traditional knowledge. Bangladesh has also been investing in the restoration of degraded ecosystems to try and reduce poverty. China has been very active in researching, promoting and protecting traditional medicine throughout the country and has established local programmes, legislation and international agreements to ensure widespread protection of this important aspect of traditional knowledge. Comoros has acknowledge little research has been done in this area and there is no legal status or recognition of traditional knowledge, despite the continual loss of this knowledge. Estonia, along with Poland reported that while they have no separate indigenous communities, they are investing in the research, promotion and protection of traditional knowledge and lifestyles of local communities. Estonia noted, however, the limited effect of these measures to date (through, for example the Rural Development Plan). Poland, on the other hand, wrote that they have seen significant progress towards the 2010 Target.

23. Several other countries declared that Article 8(j) and associated goals and plans were inapplicable nationally because they have no local or indigenous communities, for example, Latvia, Lithuania, the United Kingdom and Germany. Belgium, the United Kingdom and Germany, however, did discuss the relevancy of these issues in the field of international cooperation (supported through several programmes, such as the Darwin Institute). Other countries, such as Lesotho and Morocco, noted the financial and

capacity restraints they face in implementing Article 8(j), the 2010 Target, the Strategic Plan of the Conference and so on. Mauritania and Morocco and Namibia reported positive advancements towards these goals and highlighted the important role of traditional knowledge in their economies as the significant role indigenous and local communities play in local and national decision-making. Thailand noted that it is mostly local needs and the constitution that drive implementation of 8(j) more than the Convention itself.

IV. OBSTACLES TO IMPLEMENTATION

24. There are several challenges and obstacles facing countries in the implementation of Article 8(j). These range from financial, capacity, social, political, public awareness and demographic obstacles. Parties reported that the ten most significant obstacles to implementation of Article 8(j) were the following, in order of the perceived level of challenge to implementation:

1. Lack of financial, human and technical resources;
2. Lack of economic incentive measures;
3. Lack of public education and awareness at all levels;
4. Existing scientific and traditional knowledge not fully utilized;
5. Lack of adequate scientific research capacities to support all the objectives;
6. Lack of horizontal cooperation among stakeholders;
7. Lack of capacities for local communities;
8. Lack of synergies at national and international levels;
9. Lack of appropriate policies and laws;
10. Inadequate capacity to act, caused by institutional weaknesses;

Poverty was also considered a high challenge particularly among African countries.

V. RECOMMENDATIONS

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties at its eighth meeting:

1. *Requests* the Executive Secretary to continue to report on progress on the implementation of Article 8(j) and related provisions based on information submitted in national reports for the next meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions;

2. *Decides* that next meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions be organized prior to the ninth meeting of the Conference of the Parties in order to ensure further advancement of the implementation of the work programme on Article 8(j) and related provisions.
