

**CONVENTION ON
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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

Grenada, 23-27 January 2006

Item 4 of the provisional agenda*

**PROGRESS REPORT ON THE INTEGRATION OF THE RELEVANT TASKS OF THE
PROGRAMME OF WORK ON ARTICLE 8(J) INTO THE THEMATIC AREAS OF THE
CONVENTION**

Note by the Executive Secretary

I. INTRODUCTION

1. In paragraph 2 of decision VII/16 B, the Conference of the Parties requested the Executive Secretary to prepare a progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into each of the thematic areas for the consideration of the Ad Hoc Working Group on Article 8(j) and Related Provisions at its third meeting.
2. Section II of this document examines the integration of the relevant tasks of the programme of work for Article 8(j) and related provisions into the thematic areas of the Convention. Section III proposes recommendations for the consideration of the Working Group.

II. THEMATIC AREAS

A. *Agricultural biological diversity*

3. The elements of the programme of work on agricultural biodiversity were adopted by the Conference of the Parties in decision V/5. In decision VI/5, the Conference of the parties adopted mechanisms for implementation including a detailed list of time-bound activities undertaken by various partners.
4. In decision VI/5:

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(a) Paragraph 1 (b) notes the need for emphasis and further action on the promotion of methods of sustainable agriculture that employ management practices, technologies and policies that promote the positive and prevent or mitigate the negative impacts of agriculture on biodiversity, focusing on the needs of farmers and indigenous and local communities, to participate efficiently in the process of meetings those particular goals;

(b) Paragraphs 18-24 refer to the impacts of the application of genetic use restriction technologies (GURTs) on smallholder farmers, indigenous and local communities and Farmers' Rights;

(c) Annex I, activity 1.3 (Knowledge, innovations practices of farmers, indigenous local communities) is to generate an assessment of the State of the world's traditional knowledge on biodiversity;

(d) Annex I, activity 3.3 (Capacity-building - Participation of farmers, indigenous and local communities in national strategies) proposes in-country multi-stakeholder workshops; and

(e) Annex II refers to the International Pollinators Initiative – activity 1.3 (b) requires an assessment of the state of scientific and indigenous knowledge on pollinator conservation including the knowledge, innovations and practices of farmers and indigenous and local communities in sustaining pollinator diversity and agro-ecosystem services for and in support of food production and food security; the objective of programme element 3 (capacity-building for the Initiative) is to strengthen the capacities of farmers, indigenous and local communities, and their organizations and other stakeholders, to manage pollinator diversity so as to increase its benefits, and to promote awareness and responsible action.

5. In decision VII/3, paragraph 11, the Conference of the Parties invites the Parties and other Governments to consider and promote, as appropriate and subject to national legislation and international law, the mainstreaming of agricultural biodiversity in their plans, programmes and strategies with the active participation of local and indigenous communities and the inclusion in the communities' plans, programmes and strategies on conservation, development and use of agricultural biodiversity, and to recognize and support the efforts of local and indigenous communities in conserving agricultural biodiversity.

6. In paragraph 2 of the same decision, the Conference of the Parties noted the postponement of the preparation of the final report of the comprehensive assessment of agricultural biological diversity and related milestones by two years. This has implications for the re-scheduling of related activities.

7. The Food and Agriculture Organization of the United Nations is the lead implementing partner for this programme of work will provide a summary of intersessional activities in relation to this programme of work for the information of the Conference of the Parties at its eighth meeting. Information on general progress with implementation of the programme of work is also reported in document a note by the Executive Secretary, which provides summary information on how the FAO implements the programme of work, particularly through its various commissions (UNEP/CBD/COP/8/26). In most of this work considerable attention is given to traditional and local knowledge and the role of indigenous and local communities in particular in relation to sustainable agricultural practices and the conservation and sustainable use of animal and plant genetic resources.

8. The Executive Secretary, in collaboration with FAO, the International Plant Genetic Resources Institute (IPGRI), and others, has undertaken the necessary consultations and brings forward options for consideration by the eighth meeting of the Conference of the Parties for a cross-cutting initiative on biodiversity for food and nutrition (para. 7 of decision VII/31). Progress on this issue will be reported in detail to the Conference of the Parties at its eighth meeting (UNEP/CBD/COP/8/26/Add.2). The draft elements of the initiative (to be considered at the eighth meeting of the Conference of the Parties) include

various references to Article 8(j) and related provisions including to traditional food systems, the contribution of traditional knowledge (in a manner consistent with the Convention on Biological Diversity and Article 8(j)), support to traditional forms of agriculture of indigenous and local communities, wild species that can be of particular significance for indigenous communities, activities that should be responsive to community needs, and developed with full community participation and engagement and that should seek to increase participation of local and indigenous communities in national and international institutions, programmes and processes, sustainable consumption by local and indigenous communities, and to strengthening the capacities of local and indigenous communities to manage local diversity so as to increase its benefits.

9. Regarding genetic use restriction technologies (GURTs), the Executive Secretary prepared a note on the report of the Ad Hoc Technical Expert Group (AHTEG) on the Potential Impacts of Genetic Use Restriction Technologies (GURTs) on Smallholder Farmers, Indigenous and Local Communities and Farmer's Rights which was considered at the tenth meeting of SBSTTA (UNEP/CBD/SBSTTA/10/15). This resulted in SBSTTA recommendation X/11. This issue will also be considered further by the Working Group on Article 8(j) under item 10 of the provisional agenda.

10. The Secretariat participated in the 36th biennial World Farmers' Congress of the International Federation of Agricultural producers (IFAP), which took place on 2 June 2004, in Washington, D.C., and delivered a statement on "How to Strengthen Farmers Involvement in Conserving Biodiversity". This was a significant opportunity to engage the private sector in relevant issues and participation was followed by an indication from IFAP that the body will become further involved with the process of the Convention on Biological Diversity including through participation in relevant meetings.

B. Biological diversity of dry and sub-humid lands

11. Paragraph 3 of the programme of work on dry and sub-humid lands (decision V/23), states that "implementation of the programme of work will also build upon the knowledge, innovations and practices of indigenous and local communities consistent with Article 8(j) of the Convention".

12. A refined programme of work was adopted at the seventh meeting of the Conference of the Parties, including several activities of direct relevance to Article 8(j):

Part A: Assessments

(a) Activity 6 - the identification and dissemination of best-management practices, including knowledge, innovations and practices of indigenous and local communities that can be broadly applied, consistent with the programme of work under the Convention of Article 8(j) and related provisions, among its activities.

Part B: Targeted actions

(b) Activity 8 - the promotion of responsible resource management, at appropriate levels, applying the ecosystem approach, through an enabling policy environment, including, *inter alia*:

(i) Activity 8(a) - strengthening appropriate local institutional structures for resource management, supporting indigenous and local techniques of resource use that enable conservation and sustainable use in the long term, and/or combining appropriate existing institutions and techniques with innovative approaches to enable synergies; and

(ii) Activity 8(b) - Decentralization of management to the lowest level, as appropriate, keeping in mind the need for common resource management and with due consideration to, *inter alia*, involving indigenous and local communities in planning and management projects.

13. Regarding implementation, it should be noted that collaborating partners, including FAO, IUCN-WCPA, the Global Mechanism, Noragric, CIFOR and WWF, are carrying out various activities which take into consideration Article 8(j) in dry and sub-humid lands. The joint programme of work with the Secretariat of the Convention to Combat Desertification also addressed relevant aspects of Article 8(j) and relevant provisions. There are also a number of GEF-facilitated projects that target implementation of Article 8(j) in dry and sub-humid lands.

14. The in-depth review of implementation was conducted during the eleventh meeting of SBSTTA (UNEP/CBD/SBSTTA/11/4), which took into account the second and third national reports, revealed a limited implementation of activity 6; less than five parties reported a case-study on traditional knowledge. Implementation of activities 8 (a) and 8 (b) was likewise limited with 10 or fewer Parties reporting relevant initiatives.

15. Reported initiatives include promotion of indigenous and traditional crops in view of ensuring food security, promotion of traditional medicinal plants, and increased levels of community participation and use of indigenous knowledge systems in land use and sustainable management practices.

C. Forest biological diversity

16. The third meeting of the Ad Hoc Technical Expert Group (AHTEG) on the Review of Implementation of the Programme of Work on Forest Biological Diversity met in November 2005 with the purpose of completing the work started at its first meeting, in November 2003 (report contained in document UNEP/CBD/COP7/INF/20), and its second meeting, in March 2005 (report contained in document UNEP/CBD/SBSTTA/11/INF/2), in order to make recommendations on concrete actions that will assist the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), and the Executive Secretary, in the preparations for the review of implementation of the expanded programme of work on forest biological diversity pursuant to paragraph 26 of decision VI/22, including the incorporation of outcome-oriented targets into the forest work programme as requested in paragraph 7 of decision VII/1.

17. Indigenous organizations that participated in this AHTEG included the Canadian Indigenous Biodiversity Network, the International Alliance of indigenous and Tribal Peoples of the Tropical Forests and the Russian Association of indigenous Peoples of the North (RAIPON).

18. The third meeting of the AHTEG proposed 11 global goals and 19 global outcome-oriented targets with associated indicators for the consideration of the eighth meeting of the Conference of the Parties. The goal most relevant to the programme of work of Article 8(j) and related provisions is Goal 9. "Maintain socio-cultural diversity of indigenous and local communities". The outcome-oriented targets are as follows:

Overall target 9.1: Protect traditional knowledge, innovations and practices.

Application to forest biological diversity: Traditional knowledge, innovations and practices associated with forest biological diversity are implemented, and the participation of indigenous and local communities in activities aimed at this are promoted and facilitated

Technical rationale

The Convention on Biological Diversity is the primary international instrument with the mandate to address issues regarding the respect, preservation, and maintenance of knowledge, innovations and practices of indigenous and local communities including those that depend on forests for their livelihood. The contribution of traditional knowledge to the conservation and sustainable use of forest biological diversity has been acknowledged by the Convention on Biological Diversity. The aim of this target is being addressed by the Ad Hoc Open-ended Inter-

Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, which is considering measures to enhance the capacity of indigenous and local communities to protect their own environment and their traditional knowledge against misuse and misappropriation. To reach the target, a participatory approach, as stated in the 1992 Rio Declaration, is also needed, to ensure the involvement of indigenous and local communities in decision-making and co-management. Activities in objective 3, goal 4, and element 1 are also essential for reaching the target.

Overall target 9.2: *Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit sharing.*

Application to forest biological diversity: *Traditional knowledge, innovations and practices regarding forest biological diversity are respected, preserved and maintained, the wider application of such knowledge, innovations and practices are promoted with the prior informed consent and involvement of the indigenous and local communities providing such traditional knowledge, innovations and practices, and the benefits arising from such knowledge, innovations and practices are equitably shared.*

Technical rationale

The aim of this target has been partially addressed by the Ad Hoc Open-ended Working Group on Article 8(j). To promote the wider application of traditional knowledge, innovations and practices, the development and implementation of education and awareness programmes is needed. Measures are needed to ensure that indigenous and local communities benefit from the broad use of their traditional knowledge, innovations and practices. Activities in objective 3, goal 4, element 1 are needed to reach the target, as well as objective 1, goal 5, element 1. ^{1/}

D. Biological diversity of inland waters

19. Paragraph 24 of decision VII/4 on the programme of work on the biological diversity of inland water ecosystems encourages Parties, other Governments and relevant organizations to ensure opportunities for the active participation of indigenous and local communities in all stages of rapid assessments of biological diversity of inland waters traditionally occupied or used by these communities. This is consistent with decision VII/16 F of the Conference of the Parties on the Akwé: Kon voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities. Paragraph 9 of the programme of work in the annex to that decision includes guiding principles for the programme of work including: to support indigenous and local communities to re-establish, develop and implement traditional approaches and/or adaptive management approaches to conserve and sustain the use of the biological diversity of inland water ecosystems; to promote the fair and equitable sharing of benefits gained from the use of inland water genetic resources and associated traditional knowledge based on prior informed consent in accordance with national laws; and to use and draw upon scientific, technical and technological knowledge of indigenous and local communities and relevant stakeholders, with their participation and prior informed consent in accordance with national laws.

E. Marine and coastal biological diversity

20. The elaborated programme of work on marine and coastal biological diversity (decision VII/5, annex I) states, in its preambular section, that its implementation should be carried out with the full and effective participation of indigenous and local communities, as appropriate, and respect of their rights

^{1/} “Promote the fair and equitable sharing of benefits resulting from the utilization of forest genetic resources and associated traditional knowledge”.

under domestic and applicable international law. In this context, Article 6.18 of the FAO Code of Conduct for Responsible Fisheries, which highlights the need to protect the preferential access rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to traditional fishing grounds and resources, should be noted (annex I, paragraph 7). In addition, the programme of work will use and draw upon scientific, technical and technological knowledge of local and indigenous communities in keeping with the contents of Article 8(j) of the Convention, as well as community and user-based approaches (annex I, paragraph 4).

21. The programme of work on marine and coastal biodiversity contains five substantive programme elements: integrated marine and coastal area management; marine and coastal living resources; marine and coastal protected areas; mariculture and invasive alien species. In addition, enabling activities are included. Of these, the first four programme elements contain activities that are of particular relevance to indigenous and local communities.

22. With regard to integrated marine and coastal area management (IMCAM), the work programme contains an activity (activity (i) under operational objective 1.1) relating to the provision of guidance on maintenance and wider application of local and traditional knowledge. There is no information available regarding how widely such guidance has been developed on the national or regional level, though it has not yet been considered globally through the Convention on Biological Diversity (the programme of work has a time span until 2010). However, the early results of the third national reports indicate that roughly half of the responding countries have incorporated local and traditional knowledge into management of marine and coastal resources.

23. In addition, the Ad Hoc Technical Expert Group on Implementation of IMCAM, which took place in Montreal, from 11 to 15 July contained expertise on local and traditional knowledge. The Expert Group identified obstacles to the implementation of IMCAM nationally and regionally, and proposed strategies, such as partnerships, tools and other means, to overcome those obstacles.

24. With regard to marine and coastal living resources, activity (e) under operational objective 2.1 refers to promoting capacity-building at local, national and regional levels, including local and traditional knowledge. Activity (h) under the same operational objective, which is based on the Plan of Implementation of the World Summit on Sustainable Development, requests countries to eliminate destructive fishing practices, and restore and maintain fisheries stocks to sustainable levels by the year 2015, including through financial assistance to developing countries, in particular small island developing States, for improved enforcement, surveillance and patrolling and recognizing the importance of use of sustainable fishing practices, including traditional fishing practices. However, all current assessments of marine and coastal biodiversity, including the Millennium Ecosystem Assessment, indicate that fisheries resources globally continue to decline rapidly.

25. With regard to marine and coastal protected areas (MCPAs), paragraph 18 of decision VII/5, in putting forward a global goal on MCPAs, recognizes that MCPAs can be established through different means, which include legislation, as well as traditional and cultural practices. The COP agreed that the full participation of indigenous and local communities and relevant stakeholders is important for achieving the global goal, and for the establishment and maintenance of individual marine and coastal protected areas and national and regional networks in line with decision VII/28 on protected areas (decision VII/5, paragraph 27).

26. Paragraph 7 of appendix 3 to the programme of work states that an effective marine and coastal biodiversity management framework should respect national legislation and also respect the interests of indigenous and local communities, such as spiritual and cultural practices and socio-economic interests and, as appropriate, opportunities for the participation of indigenous and local communities in the establishment and management of marine and coastal protected areas, and in accordance with Article 8(j)

and related provisions should respect, preserve and maintain traditional knowledge, innovations and practices. The guidance for the development of a national marine and coastal biodiversity management framework states that stakeholder participation would, *inter alia*, recognize traditional rights and customs, and other interests of indigenous and local communities and other relevant stakeholders in accordance with national law as appropriate (decision VII/5, annex II, paragraph 10 (c)). Facilitation of relevant stakeholder and indigenous and local community participation was seen as an essential component of achieving effective management of existing marine and coastal protected areas (operational objective 3.3, activity (c)). It was recognized that the type and extent of participation will depend on local circumstances, including issues such as the traditional rights, customs and traditions of indigenous and local communities in accordance with national law, available mechanisms and governance approaches, and the degree of interest of stakeholders (paragraph 11 of annex II to decision VII/5).

27. Developing effective methods for integrating traditional knowledge into the establishment and management of marine and coastal protected areas was also seen as a research priority (decision VII/5, annex I, appendix 4, priority 3.5). Under this priority, the following potential pilot project was proposed: Develop guidelines for integration of traditional knowledge, practices and innovation, with the participation of indigenous and local communities and with their prior informed consent in accordance with national legislation, into marine and coastal protected areas establishment and management, and support these by compiling and disseminating case-studies on a wide range of examples from places where such initiatives have been undertaken (for example, New Zealand, Chile, the Wider Caribbean).

28. With regard to mariculture, the application of environmental impact assessments for mariculture developments is recommended, as is the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities (see paragraph 45 (a) of decision VII/5). The same paragraph also recommends considering traditional knowledge, where applicable as a source to develop sustainable mariculture techniques (paragraph 45 (m)). In addition, an identified research priority on this topic relates to development of responsible aquaculture using native species, including through consideration of traditional knowledge (decision VII/5, annex I, appendix 5, (c) (ii)).

29. Finally, one of the enabling activities relates to formation of cooperative partnerships between countries or between international and/or regional organizations to enhance capacity for implementation, taking into account the special needs and difficulties experienced by stakeholders in developing countries and by indigenous and local communities. Some such partnerships, particularly in context of regional seas programmes, have already been undertaken.

F. Mountain ecosystems

30. In decision VII/27, the Conference of the Parties adopted a programme of work on mountain biological diversity. Goal 2.3 “to respect, preserve, and maintain knowledge, practices and innovations of indigenous and local communities in mountain regions”; and goal 3.6: “to promote the development, validation, and transfer of appropriate technologies for mountain ecosystems, including indigenous technologies in accordance with Article 8(j) of the Convention on Biological Diversity and related provisions” of the programme of work are especially relevant to Article 8 (j). A number of activities listed under these goals *inter alia* address the concerns and provisions of Article 8(j). In addition the following other goals and activities of the programme of the work takes into account the consideration of Article 8(j), for example:

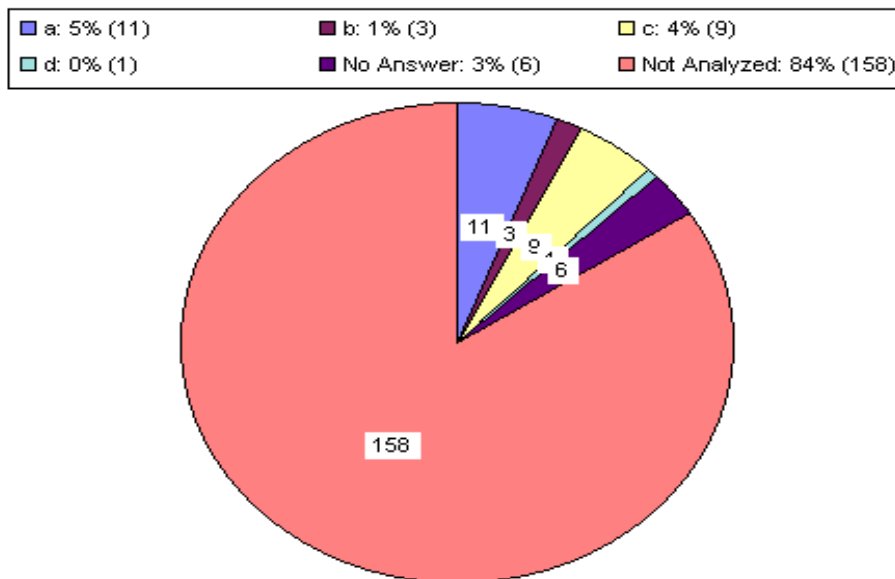
- (a) Under goal 1.3 (To promote the sustainable use of mountain biological resources):

- (i) Activity 1.3.2 aims to promote sustainable land-use practices, techniques and technologies, including those of indigenous/local communities and community-based management systems, for the conservation and sustainable use (including hunting and fishing) of wild flora and fauna and agro-biodiversity in mountain ecosystems, including biological pest control;
- (ii) Activity 1.3.3 aims to support activities of indigenous and local communities involved in the use of traditional mountain-related knowledge, in particular concerning sustainable management of biodiversity, soil, water resources and slope;
- (iii) Activity 1.3.4 aims to promote partnerships between all stakeholders, including indigenous and local communities, involved in the sustainable use of mountain biological resources.

(b) Under goal 1.4 (To promote access to, and sharing of benefits arising from the utilization of genetic resources related to mountain biological diversity in accordance with national legislation where it exists), activity 1.4.1 aims to strengthen the capacity of indigenous and local communities to engage in equitable benefit-sharing arrangements, taking into account the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, bearing in mind their voluntary character and that they do not purport to replace national legislation.

(c) Under goal 1.5 (To maintain genetic diversity in mountain ecosystems in particular through the preservation and maintenance of traditional knowledge and practices), activity 1.5.2 aims to implement provisions contained in Article 8(j) taking into account the needs of developing countries.

31. Implementation of Article 8(j)-relevant activities of the programme of work is very limited as revealed by the analysis of third national reports. Only one Party reported taking many measures for sharing the benefits arising from the utilization of mountain biological resources including preservation and maintenance of traditional knowledge. About one third of the respondent Parties stated that they have not undertaken any measures, while about 26 per cent of the respondent Parties indicated taking some measures.



G. *Other matters*

1. *Business and the 2010 Biodiversity Challenge*

32. In order to explore the opportunities for, and the potential benefits and risks of cooperation with the private sector, the Executive Secretary, the Department for Environment, Food and Rural Affairs of the United Kingdom (DEFRA), the Brazilian Ministry of Environment (MMA), the World Conservation Union (IUCN), the Brazilian Business Council for Sustainable Development (CEBDS), and Insight Investment co-sponsored the Business and the 2010 Biodiversity Challenge meeting in London on 20-21 January 2005. The small scoping meeting brought together individuals from business, civil society, government and local and indigenous communities to develop ideas, which could best be pursued through the Convention or in support of its objectives, for engaging business in biodiversity issues, as a means of working towards the 2010 target. In order to focus discussion, the meeting primarily addressed engaging industries with a direct footprint on biodiversity and those that impact biodiversity through their supply chains.

33. In Recommendation 1/7, the Working Group on Review of Implementation of the Convention noted the outcomes of the London meeting and welcomed the hosting of a second meeting to further develop the outcomes of the first meeting, and explore new ideas for engaging business in the implementation of the Convention by expanding participation and addressing two additional groups of industries: industries dealing with issues related to access and benefit-sharing and the financial services sector. The second Business and the 2010 Biodiversity Challenge meeting was held in São Paulo, Brazil, from 3 to 5 November 2005.

2. *Ad Hoc Technical Expert Group on Biodiversity and Adaptation to Climate Change*

34. The Ad Hoc Technical Expert Group (AHTEG) on Biodiversity and Adaptation to Climate Change was established to assist the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in its further work on the interlinkages between biodiversity and climate change (decision VII/15), by undertaking a supplementary assessment on the integration of biodiversity considerations in the implementation of adaptation activities to climate change, and preparing advice taking into consideration the thematic areas of the Convention for planning and/or implementing activities to address adaptation to climate change. The AHTEG met for the first time in September 2005 and included participation from indigenous and local communities.

35. The AHTEG considered further assessment of the integration of biodiversity considerations in the implementation of adaptation activities to climate change and in particular noted that “understanding changes of biological diversity due to climate change may include active participation of local and indigenous communities”. ^{2/} Sustainable development in light of adaptation to climate change needs to document, analyse and apply their traditional knowledge in ways that help to complement scientifically-based knowledge and *vice versa*. Enhanced competency is needed in indigenous organizations, their institutions, and their universities. New information technology will facilitate communication between local and indigenous communities, such as Web-based, multi-lingual tools.

III. 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:

^{2/} Report of the meeting of the Ad Hoc Technical Expert Group on Biodiversity and Adaptation to Climate Change, (UNEP/CBD/SBSTTA/11/INF/5).

1. *Notes* the progress made in the integration of the relevant tasks of the programme of work in the thematic programmes of the Convention;

2. *Requests* the Executive Secretary to continue reporting on progress achieved in the integration of relevant tasks of the programme of work on Article 8(j) into each of the thematic areas, for the consideration of the Ad Hoc Working Group on Article 8(j) and Related Provisions at its fifth meeting.
