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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

Granada, Spain, 23-27 January 2006

Item 5 of the provisional agenda\*

### **ELEMENTS OF A PLAN OF ACTION FOR THE RETENTION OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES EMBODYING TRADITIONAL LIFESTYLES RELEVANT FOR THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY**

*Note by the Executive Secretary*

#### INTRODUCTION

1. In decision VII/16 E, paragraph 8, the Conference of the Parties requested the Executive Secretary, through the national focal points in consultation with and after approval of indigenous and local communities, to further develop the draft elements for an action plan contained in the annex to the decision, in particular with a view to identifying actors and timeframes, taking fully into account ongoing work under the Convention and relevant international organizations.
2. The elements of a plan of action contained in the annex to the decision were clustered under the following headings:
  - (a) Improved monitoring and reporting processes;
  - (b) Indicators on the state of retention of traditional knowledge;
  - (c) Research ethics;
  - (d) Research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge; and
  - (e) Capacity-building, education and training.
3. The issues of research ethics and indicators are addressed respectively under items 9 and 11 of the provisional agenda (see UNEP/CBD/WG8J/4/8 and 10). The present document focuses on the further development of the clusters not addressed under other agenda items e.g. improved monitoring and

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reporting processes; research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge; and capacity-building, education and training.

4. Section II provides an update on action already taken or work currently under way with regard to the elements contained in clusters A, D and E and suggests ways and means in which these elements could be further developed including, where appropriate: action required, the identification of actors and timeframes. Section III proposes draft recommendations that the Working Group may wish to submit to the Conference of the Parties.

5. Notification 2004/049 was issued on 4 June 2004 inviting views and suggestions concerning the further development of a plan of action. Indigenous and local communities were further consulted through the regional workshops held in accordance with decision VII/16 E, paragraph 4(a) and through the Advisory Group established pursuant to decision VII/16E, paragraph 4 (d) which met in Montreal from 11 to 14 July 2005. The information obtained through these consultations has been taken into account in the development of the suggestions below.

## II. ELEMENTS OF THE PLAN OF ACTION

### *Element A. Improved monitoring and reporting processes*

1. *National reports on Article 8(j) should be compiled by Parties in consultation with indigenous and local communities, based on a questionnaire to be produced by the Secretariat.*

6. *Status:* The questionnaire for the third national reports under the Convention as approved by COP decision VII/25B includes a set of questions on the implementation of article 8 (j). Responses to the questionnaire received by December 2005 are analysed in document UNEP/CBD/WG8J/4/2 and will be considered under item 3 of the agenda.

7. During the regional workshops, held in accordance with decision VII/16 E, further advice was provided by indigenous and local communities regarding strengthening of the national reporting process. Regarding the national focal points for the Convention, many indigenous participants who participated in the regional meetings emphasized that there remains much confusion as to who the national focal points are and what their obligations are concerning the Convention and dissemination of information to indigenous and local communities. Many participants complained about the lack of effectiveness of the focal points in disseminating information and in liaising with indigenous and local communities. Furthermore, the current mechanisms for obtaining relevant documentation for meetings are not practical and present difficulties to indigenous and local communities, especially if they are only available in English and through the Internet. Many participants called for the establishment of indigenous focal points concentrating specifically on Article 8(j) at the national level, which could be nominated through indigenous agencies or organizations that work on matters pertinent to indigenous and local communities and their traditional knowledge.

8. The recommendations from the three regional workshops relevant to national focal points and national report include:

(a) *Africa:*

- (i) Increased cooperation is required between governments and indigenous and local communities in national reporting and more importantly, in the implementation of the Convention on Biological Diversity;
- (ii) National focal points for the Convention should be strengthened and strongly encouraged to work with indigenous peoples organizations and networks to disseminate information to indigenous and local communities and to other government departments (to build capacity and sensitivity to indigenous issues);

(b) **Asia:** National reporting should incorporate or be complemented by parallel reports submitted by indigenous peoples organizations and non-governmental organizations to more accurately capture what is happening on the national and local levels;

(c) ***Latin America and the Caribbean:***

(i) Regarding national focal points on Article 8(j) and related provisions, nominations should be made by indigenous and community organizations in each country;

(ii) National focal points for the Convention should be strengthened and strongly encouraged to work with indigenous peoples organizations and networks to distribute information to indigenous and local communities and to other government departments (to build capacity and sensitivity to indigenous issues). An indigenous specific national focal point should be established through indigenous processes to ensure dissemination of information at the community level.

9. Detailed information is available in the reports of the regional meetings on the composite report on traditional knowledge held for Asia, Africa and Latin America (UNEP/CBD/WG8J/4/INF/10-12).

10. *Action required:* Parties to the Convention may consider enhancing indigenous and local community participation in national reports through such initiatives as establishing indigenous focal points for the dissemination of information to indigenous and local communities and to collect and collate information from indigenous and local communities for the national report.

11. *Actors:* Parties to the Convention.

12. *Timeframe:* ongoing.

2. *Reporting periods should be agreed upon and reviews of the status and trends of traditional knowledge, innovations and practices should be pursued on a regular basis*

13. *Status:* Parties report on a biennial basis and in the national reporting process, information relevant to the implementation of Article 8(j) and related provisions can be included, as appropriate. Alternatively, if deemed appropriate a specific reporting process could be established for traditional knowledge with distinct reporting periods. However, the latter alternative runs the risk of creating an excessive burden on Parties and indigenous and local communities.

14. *Action required:* No further action at this time.

15. *Actors:* Parties to the Convention.

16. *Timeframe:* ongoing.

3. *Mobilization of resources to undertake regular review should be promoted*

17. *Status:* The Convention liaises with donor governments and the Global Environmental Facility, to provide assistance to developing countries to build capacity and assist in the development of national reports.

18. *Action required:* The Secretariat of the Convention will continue to liaise with donors as required.

19. *Actors:* Secretariat and donors.

20. *Timeframe:* Ongoing.

4. *Mechanisms should be established to encourage representatives of indigenous groups and local communities to present information under the Convention on Biological Diversity, including capacity building and incentive measures*

21. *Status:* In decision VII/16/G, paragraph 10, the Conference of the Parties established a voluntary fund to assist the participation of indigenous and local communities in meetings under the Convention Furthermore in the same decision, the Conference of the Parties requested the development of selection

criteria in consultation with indigenous and local communities and taking into account United Nations practice in the field. Further to this, under item 9 of the provisional agenda (see document UNEP/CBD/WG8J/4/5) the Working Group will consider the criteria for the operation of the voluntary fund to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions with a view to making recommendations for consideration by the eighth meeting of the Conference of the Parties (March 2006). It is anticipated that the Voluntary Fund, pending the outcome of the Conference of the Parties, will be fully operational later in 2006.

22. Concerning electronic participation in the work of the Convention, the Secretariat has developed two parallel participatory mechanisms in an effort to ensure full and equitable participation by local and indigenous communities. The first mechanism developed makes use of web-based systems, and incorporated many communication and interactive components in an effort to facilitate dialogue, exchange of ideas and dissemination of knowledge and information among communities. The second mechanism relies on alternative communication tools, including fax, hard-copy, regular mail and other traditional means of communication and information exchange.

23. Electronic participatory mechanisms were integrated through an Internet-based portal located on the Convention's website at <http://www.biodiv.org/portals/tk/default.shtml>. An Internet-base portal is commonly referred to as a specialized web-site that provides a variety of services including Web searching, news, calendaring, discussion groups, interactive information exchange mechanisms, etc., developed for an audience in support of its goals and objectives. Parties, organizations and indigenous and local communities were notified of the activation of the portal on 16 December 2005.

24. Regarding capacity-building, where possible and subject to the availability of funds, the Secretariat has participated in a number of initiatives aimed at building the capacity of indigenous and local communities. In May 2004, the Secretariat participated in a capacity-building workshop focusing on indigenous women, in partnership with the United Nations Permanent Forum on Indigenous Issues and South Asia Indigenous Women Forum and the Indigenous Women's Biodiversity Network. The Secretariat also participated in the Expert Meeting on Traditional Forest-Related Knowledge and the Implementation of Related International Commitments, held in San Jose, Costa Rica, 8-10 December 2004, hosted by the International Alliance of Indigenous and Tribal peoples of the Tropical Forests. In 2005, the Secretariat participated in the Asia Capacity-Building Workshop on CBD Implementation (25-30 April, 2005), which preceded the Asian Regional Workshop on the Composite Report. Subject to the availability of funds, the Secretariat actively pursues partnerships to further the goal of capacity-building to enhance the participation of indigenous and local communities in the work of the Convention.

25. *Action required:*

(a) The Voluntary Fund will become fully operational after the adoption of selection criteria at the eighth meeting of the Conference of the Parties;

(b) The traditional knowledge portal will be activated in December 2005 and launched during the fourth meeting of the Working Group on Article 8(j);

(c) The Secretariat continues to liaise with donors and potential partners in order to identify opportunities for capacity building workshops.

26. *Actors:* The Convention Secretariat.

27. *Timeframe:* The Voluntary Fund is expected to be fully operational after the eighth meeting of the Conference of the Parties. The traditional knowledge portal will be operational in December 2005; Opportunities for capacity-building are ongoing.

5. *Mechanisms should be developed to ensure input from overseas territories and autonomous or semi-autonomous regions.*

28. *Status:* The Advisory Group member for Denmark on Article 8(j) advised the Secretariat during the Advisory Group meeting (11-14 July 2005), that in 2005, for the first time Greenland and the Faeroe

Islands would submit independent national reports as autonomous regions of Denmark. The Danish third national report also states that Greenland and the Faeroe Islands are submitting their own independent national reports.

29. Depending on their respective circumstances, other Parties with overseas territories and autonomous or semi-autonomous regions could conceivably replicate the Danish initiative.

30. *Action required:* Implementation, where appropriate through the national reports.

31. *Actors:* Parties to the Convention.

32. *Timeframe:* Ongoing.

6. *The thematic focal point on Article 8(j) under the clearing-house mechanism should be utilized to catalogue and share best practice*

33. *Status:* In its decision VII/16 G, the Conference of the Parties requested the Executive Secretary to further develop the role of the thematic focal point on Article 8(j) and related provisions of the Convention under the clearing-house mechanism with a view to: (a) Assisting national focal points, as appropriate and subject to available resources, to more effectively disseminate and make accessible Convention-related information to indigenous and local communities with particular emphasis on providing information in appropriate and accessible languages of indigenous and local communities; (b) Assisting indigenous and local communities, as appropriate and subject to available resources, in the use of information and communication technologies through the organization of capacity-building and training workshops at the local, national, and sub-regional levels; (c) Compiling information on existing networks, experts, tools, and resources relevant to meeting the needs of indigenous and local communities.

34. Issues related to the thematic focal point were discussed by the Advisory Group on Article 8(j) and Related Provisions, which met in Montreal, from 11 to 14 July 2005. Committee members emphasized the need for other participatory mechanisms including the development of information sharing-tools such as a Traditional Knowledge Information Web Portal aimed to promote awareness and enhance access by indigenous and local communities to information on issues relating to Article 8(j) and related provisions of the Convention. This matter will be examined under item 7.2 of the agenda of the Working Group (see. document UNEP/CBD/WG8J/4/6).

35. *Action required:* The traditional knowledge information portal will be launched in January 2006 and will require ongoing work as it further develops.

36. *Actors:* Focal point for indigenous and local communities and the Convention's clearing-house mechanism.

37. *Timeframe:* The traditional knowledge information portal is operational in January 2006.

7. *A survey of current activities of international organizations relevant to Article 8(j) should be undertaken with view to developing synergy.*

38. *Status:* An inter-agency support group on indigenous issues was established under the leadership of the United Nations Permanent Forum on Indigenous Issues (UNPFII) to develop synergies and coordinate actions by interested international organizations. A technical workshop on indigenous traditional knowledge was convened by the inter-agency support group on indigenous issues following a recommendation of the United Nations Permanent Forum on Indigenous Issues at its fourth session. The workshop identified indigenous perspectives on and experiences with indigenous traditional knowledge issues, gained a better understanding of the various programs relating to indigenous traditional knowledge of the United Nations system and other intergovernmental organizations, and formulated certain recommendations for the Forum's consideration. Recognizing the multiplicity of policy areas in which indigenous traditional knowledge issues arise, and the range of priorities, objectives and strategies relating to indigenous traditional knowledge of indigenous peoples, workshop participants identified a number of recommendations addressed to the United Nations system and other intergovernmental

organizations, governments, indigenous peoples and academia, as well as some recommendations addressed to the Forum itself. The Forum will consider the recommendations arising from the workshop at its fifth session. The advance unedited report of the workshop is made available for the Working Group in the language of submission as an information document (UNEP/CBD/WG8J/4/INF/17). The report of the workshop provides an effective survey of current activities of international organizations and its follow-up will provide a mechanism for further developing synergies.

39. *Action required:* The Working Group on Article 8(j) may wish to consider the report of the technical workshop for further action.

40. *Actors:* The Convention Secretariat, the Programme Officer for Article 8(j) and the inter-agency support group on indigenous issues.

41. *Timeframe:* Ongoing.

***Element D. Research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge***

42. *Status:* As the completion of the revised phase I, and phase II of the composite report has provided a detailed analysis of the underlying causes of the decline of traditional knowledge, the next stage of the work could focus on element D of the programme of work, which is to research and implement mechanisms and measures to address the underlying causes. It is important to note that in phase I of the composite report, many mechanisms and measures to address the decline of traditional knowledge have been discussed at length. In advancing element D, it is also important to note that some of the sub-elements of element D have been or are currently being addressed. An update on the sub-elements of element D is provided herein:

43. *Action required:* Research and implement to address the underlying causes of the decline of traditional knowledge.

44. *Actors:* Convention Secretariat.

45. *Timeframe:* The report will be made available to the fifth meeting of the Working Group on Article 8(j).

***13. Research should be undertaken on existing and new threats to the retention and use of traditional knowledge, innovations and practices***

46. *Status:* In decision VII/16 E, the Conference of the Parties requested the Executive Secretary to start work immediately on a second phase of the composite report, laying emphasis on sections 4 and 5 of the outline of the composite report, foreseeing respectively the identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge and the identification of processes at the local community level that may threaten the maintenance of traditional knowledge (decision VI/10, annex I).

47. Phase two of the composite report has been finalised and is available for the consideration of this Working Group meeting in the executive summary of the revised phase one and phase two of the composite report (UNEP/CBD/WG8J/4/4) and in the regional reports submitted as information documents (UNEP/CBD/WG8J/4/INF/2-8).

48. *Action required:* No further action.

49. *Actors:* The Convention Secretariat.

50. *Timeframe:* Phase two of the composite report together with the revised phase one of the composite report will be examined by the fourth meeting of the Working Group.

14. *Mechanisms to promote cooperation in order to address the cause of decline should be identified in cooperation with the Permanent Forum on Indigenous Issues of the United Nations and other relevant initiatives and organizations.*

51. *Status and action required:* Through close collaboration with the Permanent Forum on Indigenous Issues and the Inter-Agency Support Group on Indigenous Issues which contains representatives of all relevant international agencies and programmes concerned with indigenous issues and through such initiatives as the technical workshop on traditional knowledge (see para. 38 above) and regular participation in each others meetings, as appropriate, useful collaborative mechanisms have been established to promote cooperation in order, among other priorities, to address the cause of the decline of traditional knowledge. The Secretariat will continue to work closely with the Forum and other relevant agencies to strategize on mechanisms and measures to address the underlying causes of decline of traditional knowledge in the further development of the plan of action.

52. *Action required:* Cooperation among relevant organizations.

53. *Actors:* UNPFII, United Nations agencies and the Convention Secretariat

54. *Timeframe:* ongoing

15. *Parties should be encouraged, in accordance with national domestic law and international obligations, to recognize land tenure of indigenous and local communities, as recognized rights and access to land are fundamental to the retention of traditional knowledge, innovations and practices*

55. *Status:* Parties to the Convention have reported through their national reports on various initiatives to address land tenure and access to lands and waters traditionally occupied or used by indigenous and local communities. Some of the approaches have included constitutional amendments, legislation, treaties, contracts, licences, national policies and co-management of protected areas.

56. *Action required:* Agreements between Parties and indigenous and local communities.

57. *Actors:* Parties and Governments.

58. *Timeframe:* as soon as practicable.

16. *Subject to national legislation and international obligations, Parties should be encouraged to pursue the fair and equitable resolution of land claims as an essential element of efforts to facilitate the retention and use of traditional knowledge, innovations and practices.*

59. *Status:* As per the previous paragraph, Parties to the Convention are pursuing this sub-element subject to their unique and diverse national situations and their equally diverse national populations, including indigenous and local communities.

60. *Action required:* Secure land tenure for indigenous and local communities through agreement.

61. *Actors:* Parties to the Convention.

62. *Timeframe:* Ongoing.

17. *Indigenous and local communities should, where relevant, be actively involved in the management of protected areas.*

63. *Status:* In task 2 of the programme of work on Article 8 (j) (decision V/16, annex, element 1) on participatory mechanisms for indigenous and local communities, the Conference of the Parties emphasized that Parties should develop 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 biological diversity at international, regional, sub-regional, national and local levels,

including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.

64. In its decision VII/28, the Conference of the Parties adopted a programme of work on protected areas. In paragraph 25 of that decision, the Conference of the Parties decided to establish an Ad Hoc Open-ended Working Group on Protected Areas to support and review the implementation of the programme of work and report to the Conference of the Parties. The first meeting of the Ad Hoc Working Group on Protected Areas was held in Montecatini, Italy, from 13 to 17 June 2005 and was attended by sixteen indigenous organizations, as well as interested Parties and international organizations. It produced useful recommendations for advancing the involvement of indigenous and local communities in protected areas, which will be considered by the eighth meeting of the Conference of the Parties, in March 2006.

65. It is also useful to note that 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 under domestic and applicable international law. The programme of work on marine and coastal biodiversity contains five substantive programme elements, of which marine and coastal protected areas is particular relevant to this issue.

66. 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. In paragraph 27 of the same decision, the Conference of the Parties 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.

67. 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, appendix 4, priority 3.5). Under this priority, a potential pilot project was proposed for the development of 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).

68. *Action required:* Development of mechanisms at national level to allow for the active involvement of indigenous and local communities in the management of protected areas e.g. implementation of task 2 of the programme of work.

69. *Actors:* Parties and indigenous and local communities.

70. *Timeframe:* Ongoing.

18. *The rights of indigenous and local communities should given due respect when establishing new protected areas.*

71. *Status:* Appendix 3, paragraph 7, to the programme of work on marine and coastal biodiversity adopted by the Conference of the Parties in decision VII/5 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 (paragraph 7 in Appendix 3). It should also recognize traditional rights and customs, and other interests of indigenous and local communities and other relevant stakeholders in accordance with national law as appropriate (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 of decision VII/5).

72. *Action required:* Full involvement of indigenous and local community representatives in the implementation of the work programme of marine and coastal biodiversity and in the implementation of the relevant recommendations emerging from the eighth meeting of the Conference of the Parties regarding the Working Group on Protected Areas. Indigenous and local communities involvement at the national level in the establishment of protected areas.

73. *Actors:* Parties, Governments, indigenous and local communities and the Secretariat.

74. *Timeframe:* ongoing

19. *Parties should establish measures to ensure respect for the rights of unprotected or voluntarily isolated communities.*

75. *Status:* Recent regional initiatives include the International Symposium on Isolated Indigenous Peoples of the Amazon Region (held in Belem, Para, Brazil in November 2005). However, this emerging issue may require further dialogue with indigenous organizations with the view to reaching agreement on specific measures.

76. *Action required:* Consultations between indigenous and local communities and Governments and other stakeholders, as appropriate.

77. *Actors:* Indigenous and local communities, Governments, international agencies, the Secretariat and other interested stakeholders, as appropriate.

78. *Timeframe:* As soon as practicable.

20. *Restrictions on use of and access to sacred sites or otherwise culturally significant sites should be incorporated into appropriate local or national legislation, in consultation with and with full involvement of indigenous and local communities.*

79. *Status:* In decision VII/16 F, the Conference of the Parties adopted the Akwe:Kon Voluntary Guidelines for the Conduct of Cultural, Environmental, and Social Impact Assessment regarding Developments Proposed to Take Place or which are Likely to Impact on Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities. The purpose of the Guidelines is to provide guidance for Parties and Governments in the development and implementation of their impact assessment regimes. It is expected that impact assessments procedures and methodologies embodied in the Voluntary Guidelines will play a key role in providing information on the cultural, environmental and social impacts of proposed developments and thereby, help to prevent their adverse impacts on the lives of indigenous and local communities.

80. *Action required:* Adoption of national legislation.

81. *Actors:* Parties and Governments.

82. *Timeframe:* as soon as practicable.

21. *Legislation intended to protect, promote the use of traditional knowledge, innovations and practices should be consistent with the needs and views of indigenous and local communities, comprehensive and enforceable.*

83. *Status:* In the note by the Executive Secretary on the development of elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/4/7), possible elements of *sui generis* systems at national and local levels (including such issues as comprehensiveness and enforceability) are suggested for the consideration of the Conference of the

Parties, in developing *sui generis* protection for traditional knowledge, taking into account the needs and views of indigenous and local communities. The developed elements provide guidance for Governments in the construction of national and local protection and promotion of traditional knowledge.

84. *Action required:* Implementation of national and local *sui generis* systems of protection.

85. *Actors:* Parties and Governments.

86. *Timeframe:* Ongoing.

22. *Parties should be encouraged to work with indigenous and local communities to develop measures and mechanisms to mitigate the consequences of actions arising from perverse incentives leading to the decline of knowledge, innovations and practices embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.*

87. *Status:* In response to decision VII/16 E, on phase two of the composite report, obstacles at national and local levels, including perverse incentives, were identified with a view to advancing the next stage of work, which is to research and implement mechanisms and measures to address the underlying causes. This next stage of work is expected to commence in 2006, after the eight meeting of the Conference of the Parties.

88. *Action required:* The removal of perverse incentives and/or development of measures and mechanisms to mitigate the consequences of actions arising from perverse incentives leading to the decline of knowledge

89. *Actors:* Parties and indigenous and local communities to work together at national levels; Further research on and development and implementation of mechanisms and measures by the Secretariat, as appropriate, for the consideration of the fifth meeting of the Working Group.

90. *Timeframe:* This issue could be considered by the fifth meeting of the Working Group.

23. *Parties should share their experiences with incentive measures as well as other mechanisms and measures to support the retention and use of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.*

91. *Status:* The Conference of the Parties, in decision III/4, established the clearing-house mechanism as a crucial part of technical and scientific cooperation and recommended that (in paragraph 7) the clearing-house mechanism should disseminate information of policy and management issues relevant to the implementation of the Convention. Furthermore in paragraph 15, of decision IV/9, the Conference of the Parties encourages Governments, relevant international and regional organizations and representatives of indigenous and local communities to conduct and communicate to the Executive Secretary, case studies for dissemination through such means as the clearing-house mechanism to assist Parties to share their experiences to support the retention and use of traditional knowledge. Further information on the clearing-house mechanism is available in document UNEP/CBD/WG8J/4/6.

92. *Action required:* Parties, indigenous and local communities and other interested stakeholders may wish to document their experiences and send them to the Secretariat so that they can be shared through the clearing-house mechanism.

93. *Actors:* Parties, Governments, indigenous and local communities, other interested stakeholders and the clearing-house mechanism of the Secretariat including the focal point for Article 8(j).

94. *Timeframe:* Ongoing.

24. *Mobilization of financial and technical resources should be promoted to support the design and implementation of mechanisms and measures to support retention of knowledge, innovations and practices embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.*

95. *Status:* The Secretariat liaises with donors on a regular basis to secure resources to advance the programme of work of Article 8(j) and related provisions and to further develop and advance the plan of action. It is expected that after the eighth meeting of the Conference of the Parties, the plan of action will focus on mechanisms and measures to address the underlying causes of the decline of traditional knowledge.

96. *Action required:* Funding to support mechanisms and measures could be sought through appropriate guidance to the GEF Secretariat, other donor agencies and bilaterally as part of official development assistance.

97. *Actors:* The Secretariat and donors.

98. *Timeframe:* Ongoing.

25. *Parties, Governments and relevant organizations should be encouraged to facilitate strengthening existing indigenous organizational structures and organizations representing local communities*

99. *Status:* The Secretariat liaises with official indigenous organizations as recognition and support of indigenous community infrastructure. In the national reports 30 per cent of Parties identified Article 8(j) as a high priority and 30 per cent as a medium priority and many of these Governments fund various indigenous community organizations, including through international aid, to assist the further developed of indigenous structures and organizations. Such structures are essential to ensure the participation of indigenous and local communities in the work of the Convention both nationally and at the international level.

100. *Action required:* Recognition and funding of indigenous community infrastructure and organizations by Parties and Governments.

101. *Actors:* Parties and Governments, the Secretariat.

102. *Timeframe:* Ongoing.

26. *Specific capacity-building activities should be targeted at indigenous women and women in rural or otherwise marginal communities, and at traditional knowledge, innovations and practices.*

103. *Status:* Task 4 of the first phase of the programme of work provides that:

“Parties to develop, as appropriate, 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, taking into account the need to:

“(a) Build on the basis of their knowledge;

“(b) Strengthen their access to biological diversity;

“(c) Strengthen their capacity on matters pertaining to the conservation, maintenance and protection of biological diversity;

“(d) Promote the exchange of experiences and knowledge;

“(e) Promote culturally appropriate and gender specific-ways in which to document and preserve women’s knowledge of biological diversity.”

104. In order to ensure the full involvement and participation of indigenous women in the work of the Convention, the Secretariat takes into account gender considerations when selecting participants to meetings, in research work, when creating experts groups and in general in all activities related to policy-creation and implementation of the provisions of the Convention. In addition, traditional knowledge being a cross-cutting issue under the Convention, the promotion of the participation of indigenous women is applicable to meetings regarding each work programme and decision of the Conference of the Parties.

105. In light of the recognition of the role of women in the work of the Convention and, in particular, in the work programme on Article 8(j), the Secretariat participates in events related to indigenous women and biodiversity. For instance, the Secretariat delivered a presentation in a workshop for indigenous women on biodiversity and traditional knowledge on 6 May 2004, in New York. The workshop was organized by the Indigenous Women's Biodiversity Network (IWBN), an open network of Indigenous women interested environmental issues, initiated in 1998 at the fourth meeting of the Conference of the Parties to the Convention, held in Bratislava.

106. Finally, the Secretariat continues to cooperate with the Secretariat of the Permanent Forum on Indigenous Issues, among other relevant organizations, and with women representatives of indigenous and local communities to ensure that the perspectives and strategies of indigenous women in biodiversity related issues are taken into account in the work being done under the Convention with regard to traditional knowledge.

107. *Action required:* The Secretariat continues to liaise with donors and indigenous and local community organizations and networks to identify resources and opportunities for capacity building. Capacity-building activities targeting women, such as workshops, could be organized within the activities under the work programme on Article 8(j).

108. *Actors:* The Secretariat, donors, indigenous and local communities.

109. *Timeframe:* Ongoing.

27. *Where appropriate, traditional knowledge, innovations and practices should be integrated into formal, local, subnational or national systems of education, which are directed towards local or indigenous communities.*

110. *Status:* In 2006, the plan of action will focus on mechanisms and measures to address the underlying causes of the decline of traditional knowledge and in particular will consider education policy development and possible collaboration with relevant organizations such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the mandate of which includes the provision of advice to member States regarding the development of national education policies.

111. *Action required:* Research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge by the Secretariat and action by Parties and Governments.

112. *Actors:* The Secretariat, relevant international agencies (through the Inter-agency Support Group) including UNESCO, <sup>1/</sup> indigenous and local communities, Parties and Governments and other interested stakeholders.

113. *Timeframe:* The fifth meeting of the Working Group could consider relevant elements of the plan of action for further development and implementation.

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<sup>1/</sup> UNESCO provides advice and assistance to Governments in the development of national education policies and programme, refer [http://portal.unesco.org/education/en/ev.php-URL\\_ID=42332&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=42332&URL_DO=DO_TOPIC&URL_SECTION=201.html)

28. *Education and training should be offered to indigenous and local communities with special attention to the future role of young people so as to enable sustainable development, while being compatible with their traditions.*

114. *Status:* In the ongoing research and implementation of mechanisms and measures to address the underlying causes of decline of traditional knowledge in the plan of action for Article 8(j), the Secretariat will consider the usefulness of education systems and examine such issues as access to education and cultural appropriate service delivery and curricula content.

115. *Action required:* Research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge by the Secretariat and action by Parties and Governments.

116. *Actors:* The Secretariat, relevant international agencies (through the Inter-agency Support Group) including UNESCO, <sup>2/</sup> indigenous and local communities, Parties and Governments and other interested stakeholders.

117. *Timeframe:* The fifth meeting of the Working Group could consider relevant elements of the plan of action for further development and implementation.

29. *Parties, Governments and relevant stakeholders should be encouraged to learn about knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and to incorporate it in decision-making processes*

118. As demonstrated through the high and medium priorities afforded to Article 8(j) in the third national reports by 60 per cent of the reporting Parties, governments remain open to ongoing dialogue and partnerships with indigenous and local communities concerning their traditional knowledge and the conservation and sustainable use of biological diversity. Through dialogue and partnerships, governments and other relevant stakeholders build their capacity and learn about traditional knowledge so that it can be incorporated in decision-making processes.

119. The Secretariat also actively promotes learning about traditional knowledge through the traditional knowledge information portal at <http://www.biodiv.org/portals/tk/default.shtml>.

120. *Action required:* Further awareness raising of Parties, Governments and relevant stakeholders is required regarding traditional knowledge.

121. *Actors:* Parties and Governments and the Secretariat, through the clearing-house mechanism and the traditional knowledge information portal.

122. *Timeframe:* Ongoing.

### III. RECOMMENDATIONS REGARDING THE PLAN OF ACTION

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

(a) *Notes with appreciation* the advancement of many the elements of the Plan of Action and in particular, elements A, B, and C;

(b) *Urges* Parties and Governments to take appropriate measures to further advance the elements of the plan of action;

(c) *Requests* the Executive Secretary to continue to report on progress on the implementation of elements of the plan of action for the retention of traditional knowledge at the next meeting of the Working Group;

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<sup>2/</sup> UNESCO provides advice and assistance to Governments in the development of national education policies and programme, refer [http://portal.unesco.org/education/en/ev.php-url\\_id=42332&url\\_do=do\\_topic&url\\_section=201.html](http://portal.unesco.org/education/en/ev.php-url_id=42332&url_do=do_topic&url_section=201.html)

(d) *Requests* the Executive Secretary to continue gathering and analysing information, in consultation with Parties, Governments, indigenous and local communities, to further develop as a priority issue, section D of the plan of action – research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge, innovations and practices and to report on the advancement of this task to the Working Group at its fifth meeting;

(e) *Requests* the Executive Secretary to convene, subject to the availability of financial resources, regional and subregional workshops to assist local and indigenous communities in capacity-building, education and training with particular emphasis on the participation of indigenous women.

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