



## CONVENTION ON BIOLOGICAL DIVERSITY

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

Second meeting

Montreal, 15-19 October 2007

Item of the provisional agenda\*

### REPORT OF THE SECOND MEETING OF THE ADVISORY GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS

#### INTRODUCTION

1. In decision VIII/5 B, section I, paragraph 3, on the composite report on status and trends regarding traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity, the Conference of the Parties requested the Executive Secretary to further develop phase two of the composite report, in the light of comments made at the fourth meeting of the Working Group on Article 8(j) and Related Provisions and to produce a revised version of it.
2. In paragraph 8 of the same decision, the Conference of the Parties renewed the mandate of the advisory group established by decisions VI/10, annex I, paragraph 28 (b), and VII/16 E, paragraph 4 (d), to continue to provide advice on the further development of phase two of the composite report, and in particular, element D, research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge, innovations and practices.
3. Pursuant to this request, the second meeting of the Advisory Group on Article 8(j) and related provisions was convened in Montreal, from 30 April to 3 May 2007. The meeting was made possible by the generous contribution from the Government of Spain.
4. As requested by the Conference of the Parties, the main purpose of the meeting was to review phase two of the composite report, focusing on the regional reports and element D of the plan of action for the retention of traditional knowledge and on new research requested by the Parties concerning possible guidelines for documenting traditional knowledge (including potential threats of documentation), indigenous and local communities and climate change and finally, protecting the rights of indigenous and local communities living in voluntary isolation. In addition, the Executive Secretary took the opportunity to draw upon the expertise of Advisory Group members to seek advice and guidance regarding a number of issues under consideration in the framework of the work programme on Article 8(j) and related provisions, which will be on the agenda of the fifth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, to be held in Montreal, from 15 to 19 October 2007.

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5. The revised regional reports for phase two of the composite report as well as other documents for the meeting of the Advisory Group have been made available on the website of the Secretariat prior to the meeting

## **I. ORGANIZATION OF WORK**

### **A. Attendance**

6. The meeting was attended by 12 experts, three consultants and five observers. The following Advisory Group members were in attendance: Mr. Lars Andreassen, Ms. Esther Ramírez Camac, Mr. Gladman Chibememe, Ms. Viviana Elsa Figueroa, Mr. Sandy Gauntlett, Mr. Jaji Manu Gidado, Mr. Preston Hardison, Ms. Erjen Khamaganova, Ms. Lucy Mullenkei, Mr. Stephan Schnierer, Mr. Librado Cecilio Solis, and Ms. Peigi Wilson.

7. The following consultants participated in the meeting: Ms. Neva Collings (consultant- plan of action, measures and mechanisms), Mr. John Bernard Henriksen (consultant- indigenous and climate change) and Ms. Manuela Gonzales (IUCN LAC consultant- indigenous and local communities living on isolation).

8. The following observers also attended: Mr. Fernando Coimbra (Brazil), Mr. Nigel Crawhall (observer- Indigenous Peoples of Africa Coordinating Committee- IPACC), Dr. Andreas Drews (Germany), Ms. Joji Carino (Chair of the IIFB working group on indicators) and Ms. Catherine Lussier (observer/ translator for Ms. Viviana Figueroa).

9. Apologies were received from the following Advisory Group members: Mr. Alejandro Argumedo, Mr. Mohamad Gad, and Mr. Vladimir Bocharnikov.

### **B. Documentation**

10. The Advisory Group had before it an agenda, an annotated agenda, 16 working documents and five information documents for the consideration of participants. A list of these documents is contained in annex II below.

### **C. Opening of the meeting**

11. The meeting was opened by the Executive Secretary of the Convention on Biological Diversity, Mr. Ahmed Djoghlaif, on Monday, 30 April 2007 at 9.30 a.m. The Executive Secretary, took the opportunity to thank the Government of Spain for its generous support for the programme for work for Article 8(j) and related provisions and in particular for its support to the Advisory Group meeting. In his opening address he drew attention to the impact of climate change on biological diversity and indigenous and local communities, which are highly vulnerable to climate change, and urged them to partner with the Convention to achieve the 2010 biodiversity target and in shaping international commitments after 2010. Furthermore, the Executive Secretary drew attention to the new era of implementation, as well as initiatives such as the revision of the Article 8(j) homepage and traditional knowledge information portal, as well as the translation of the Convention website into Spanish. He concluded by drawing attention to the recently published newsletter on traditional knowledge, *Pachamama*, which had been produced within existing resources, and would be a major tool for the enhanced implementation of the Convention and the engagement of indigenous and local communities. He invited Advisory Group members to contribute to the second edition. Finally, he emphasized that a strong relationship between the Secretariat and indigenous and local communities was vital and that the Advisory Group had a special role to play as a bridge between the Secretariat and world's indigenous and local communities.

12. In reply to the opening statement by the Executive Secretary, Ms. Lucy Mullenkei, Co-Chair of the International Indigenous Forum on Biodiversity (IIFB), added her thanks to the donors and to the Parties for showing confidence in the work of the Advisory Group by renewing its mandate.

13. Following these statements, the Secretariat representative recalled the purpose of the meeting as outlined in paragraph 4 above.

*D. Adoption of the agenda and programme of work*

14. The Group adopted the provisional agenda (UNEP/CBD/WG8J/AG/2/1) and agreed with the suggestion in the annotated provisional agenda (UNEP/CBD/WG8J/AG/2/1/Add.1) to conduct its work mainly in plenary and break into regional groups, as appropriate.

**ITEM 3. COMPOSITE REPORT ON THE STATUS AND TRENDS REGARDING THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES RELEVANT TO THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY: REVISION OF DRAFT REGIONAL REPORTS AND CONSIDERATION OF NEW RESEARCH ITEMS**

15. Item 3 was introduced by the representative of the Secretariat, who reviewed the objectives of the Advisory Group meeting, against the background of the programme of work on Article 8(j) and other relevant work programmes, as well as the expected outputs of the meeting. He then focussed the group on the item 3 of the agenda, the revisions of the regional reports.

16. Regional representatives of the Advisory Group broke into working groups to consider revisions on a regional basis and appointed a rapporteur who would later present back to plenary. Following regional discussions, the rapporteurs reported back on the relevant regional reports including Africa, Asia/Australia, North America, the Arctic, the Pacific and Latin America. Each presentation was followed by a discussion related to the reports presented. All the draft reports were considered in plenary in the second and third sessions of the meeting.

17. Substantive comments regarding the draft reports are available in annex of this report.

**ITEM 4. ELEMENTS B AND D OF THE PLAN OF ACTION FOR THE RETENTION OF KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES**

18. Under this agenda item, the representative of the Secretariat introduced elements B and D of the plan of action for the retention of traditional knowledge, innovations and practices of indigenous and local communities as contained in the annex to decision VII/16 E and concerning, respectively indicators and measures and mechanisms to address the underlying causes of the decline of traditional knowledge". He suggested that element B, be addressed under item 8, when the chair of the IIFB working group on indicators presented her report on indicators. A consultant then presented her draft report on measures and mechanisms to address the underlying causes for the decline of traditional knowledge to plenary. The participants were also invited to provide advice to enrich the draft report before them.

19. Participants viewed the draft document as an initial overview of a possible toolkit of measures and mechanisms to address the underlying causes for the decline of traditional knowledge. It was suggested that as such, it was up to Parties in partnership with indigenous and local communities to pick and choose a set of measures and mechanisms based of their unique national circumstances.

20. It was emphasized by the observer from Brazil that the document should retain and remain within the language of the Convention and not exceed its mandate. The issue of land tenure prompted an interesting discussion and some suggested that access was more important than ownership for indigenous and local communities and that in general the issue of land should not be compartmentalized. Some said that land tenure and extend of traditional territories should be distinguished.

21. The observer from the Indigenous Peoples of Africa Coordinating Committee noted that references to sacred sites should be extended to include sacred practices and another member noted that the two should not be differentiated.

22. The Advisory Group member from the Arctic suggested that the wording on protected areas needed updating and provided references.

23. Another member asked that the concept of prior informed consent be promoted in the section on protected areas and called for more work on legal frameworks for establishing protected areas.
24. Another member noted that the development of an international regime on access and benefit-sharing needed to be taken into account and also that the list of threats in the matrix (UNEP/CBD/WG8J/4/4, annex) could provide a more coherent structure to the document. Indigenous representatives suggested that the matrix be replaced by a list of obstacles and this will be incorporated in the revised executive summary.
25. The participants welcomed the discussion on incentives and perverse incentives both direct and indirect. Some participants said the environmental section was very good and could be further expanded.
26. An advisor from Latin America commented that the document was a good starting point and could be expanded to include current standards. Participants welcomed the examples but urged the inclusion of other regional examples of measures and mechanisms to address the underlying causes for the decline of traditional knowledge.
27. The representative of the Pacific noted that a flexible approach should be taken to gender issues and knowledge transmission. Another called for an assessment of the impact of no-take policies on indigenous and local communities. The representative from the Russian federation noted that mainstream education provided perverse incentives and call for inclusion of culturally appropriate education policies and effective implementation in partnership with indigenous and local communities.
28. In general many members of the advisory group considered the paper a good initial overview and the basis for further work.

**ITEM 5. MECHANISMS FOR THE PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION – ESTABLISHMENT OF A SELECTION COMMITTEE**

29. Under this item, the representative of the Secretariat drew Advisory Group member's attention to decision VIII/5 D, which, *inter alia*, requests the Executive Secretary to consult, through electronic means and long distance communication, with an Advisory Selection Committee consisting of seven representatives of indigenous and local communities nominated by indigenous and local communities from the seven geo-cultural regions applied under the United Nations Permanent Forum on Indigenous Issues, <sup>1/</sup> as well as the Bureau of the Conference of the Parties.
30. In order to solicit nominations for the Advisory Selection Committee, and implement this decision, the Executive Secretary in notification 2006-072, wrote to indigenous and local communities inviting them to nominate representatives for the Advisory Selection Committee, as soon as possible but no later than 30 September 2006. To date, the Executive Secretary has not received sufficient nominations to establish this committee. The voluntary fund to support indigenous and local community participation to meetings held under the Convention is now fully operational and it is important that all mechanisms are in place to ensure the smooth operations of the fund.
31. A representative of the Secretariat provided an overview of nominations received to date and the Members of the Advisory Group were requested to provided advice concerning the establishment of a selection committee as requested in decision VIII/5 D, II, paragraph (d) during the final session of the meeting. Members suggested that the Secretariat re-issue a notification and further suggested checks and balances, including the biennial rotation of members, attention to sub-regional considerations and that committee members should absent themselves from decisions in which they have a conflict of interest.

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<sup>1/</sup> Those being Africa; Asia; Eastern, Central Europe and the Caucasus; Europe and Arctic; Latin America including the Caribbean and Central America; North America; and the Pacific.

**ITEM 6. DEVELOPMENT OF ELEMENTS OF *SUI GENERIS* SYSTEMS FOR THE PROTECTION OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES**

32. Under this agenda item, the representative of the Secretariat introduced an initial overview of relevant material/s regarding *sui generis* systems for the protection of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/AG/2/9). Decision VIII/5 E, paragraph 4, requests the Executive Secretary to continue gathering and analyzing information, in consultation with Parties, Governments and indigenous and local community organizations to further develop as a priority issue, the possible elements, listed in the annex to decision VII/16 H, for consideration by the fifth meeting of the Working Group on Article 8(j), to enable the Working Group to identify priority elements of *sui generis* systems.

33. The participants were invited to contribute to the further development of elements of *sui generis* systems, taking into account the specific characteristics of the knowledge, innovations and practices of indigenous and local communities and bearing in mind that the issue of *sui generis* systems is related to the negotiation of an international regime on access and benefit-sharing. In particular, participants were encouraged to identify priority elements of *sui generis* systems for the consideration of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, at its next meeting.

34. The document was introduced by the Secretariat explaining structure and contents. Attention was drawn to the use of case-studies to demystify *sui generis* (unique) systems of protection which are often based on the customary laws on indigenous and local communities. The representative from Australia noted that objectives of *sui generis* systems should be informed by the meaningful consultation and be formulated after the consultation. It was further emphasized that indigenous and local communities should be involved from the very beginnings when the government gathers information. The representative of the Pacific noted that the case-study on the Cook Islands was very useful and that although the Fijian case-study is technically true, hotels and other businesses are owned by others and the wages for local Fijians are poor. Another member felt that the case-study on poaching in Northern Russia was not useful. An observer noticed that elements from a workshop in the Philippines were different from the ones proposed in the decision (such as recognition of lands). Indigenous meetings had cautioned against codification of knowledge or customary laws. It was clarified that what communities need is legal recognition of customary law. Other members cautioned that it was only certain elements of customary law that were being advocated. Another member stated that we must allow for legal pluralism and diversity. She further clarified that indigenous and local communities want recognition of *sui generis* systems which are already in place under customary laws. Brazil expressed interest in the issue of *sui generis* protection. Ongoing discussions at WTO on compatibility between the Convention on Biological Diversity and TRIPS were also noted. A representative from Africa noted that the concept of competent authority requires further consideration, taking into account national and local levels. Other participants noted that the use of the term "PIC" should be consistent throughout the document. It was noted that one objective of *sui generis* systems may be restitution/reparations for misappropriated knowledge. A representative from North America said there are intense discussions at WIPO around the concept of "public domain"- however this is not a universal concept in customary law. He added that local norms and customs need to be considered and emphasized the dangers of homogeneous PIC processes. He also added that in the indigenous world, traditional knowledge is under indigenous rules but when it escapes into foreign systems, the context is gone.

35. The Latin American representatives noted that this issue of *sui generis* protection had not moved forward and called for the adoption of the elements as contained in the document. She emphasized that no more further research was need and that the time had come for action. Others also felt that the elements are useful and could be adopted. Another representative from Latin America noted that energies are focussed on an international regime on access and benefit-sharing and not on protecting traditional knowledge (TK) and this is a serious concern for indigenous and local communities (ILCs). Protecting traditional knowledge and adopting *sui generis* systems should be a priority as well as an international regime on access and benefit-sharing. Another member noted that transboundary issues also need to be

considered in establishing *sui generis* systems. Another member requested that successful cases where indigenous and local communities have protected their traditional knowledge should be added to the document. The observer from Asia cautioned that the approval of elements may lead to codification and that this is an important issue to consider. Concerns were raised that discussions under the Convention on Biological Diversity may rule out *sui generis* IP protection when in fact indigenous and local communities want a broad *sui generis* protection that may encompass IP base protection and other forms of protection. This was supported by Brazil. Some participants suggested recommending the elements that indigenous and local communities have made some advancement in as priority elements. The representative from the Arctic noted that the approach being advocated by an observer seems overly defensive and would prefer a broader understanding of traditional knowledge and *sui generis* systems. Some felt the elements are too narrow. A representative from North America argued that the devil is in the detail and we need to go slowly so as not to miss the intent as we are trying to protect our ways of life. She emphasized that indigenous and local communities want respect for traditional knowledge and hence a deep conversation is needed about what we want before we can get to a system of *sui generis* law. Another member added that law is a set of standards agreed upon by the population and that the group should take a more academic approach to this issue. Another member argued that *sui generis* has been narrowed down too much and it was not the original purpose. Various members acknowledged that the group needs to give advice on the elements that indigenous and local communities want to progress regarding *sui generis* systems. Some members noted concerns about the need for a consultation process but emphasized that the elements have been on the table for four years and that the matter should not be delayed. Another member noted that some countries have already put some *sui generis* systems in place. The observer from Asia noted that section I on values could be further developed and the others elements such as the scope of the public domain and the universal declaration of the rights of indigenous peoples (as a legal framework) could be identified as priority elements. She felt that the danger is in making *sui generis* systems uniform which may not allow for the diversity of indigenous and local communities and their customary laws. We need to move forward – and recommend some elements as priorities. Other members felt a need to address the conflict of laws and identify elements of customary laws that should be prioritized.

## **VI. ETHICAL CODE OF CONDUCT FOR RESEARCH, ACCESS TO, USE, EXCHANGE AND MANAGEMENT OF INFORMATION CONCERNING TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES FOR THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY**

36. In decision VIII/5 F, paragraph 4, the Executive Secretary was requested to compile views and comments provided and make a compilation, as well as a revised draft on elements of an ethical code of conduct for the consideration of the fifth meeting of the working Group on Article 8(j). A compilation of views (UNEP/CBD/WG8J/AG/2/10) has been collated including input from Argentina, the European Commission, Ms. Kelly Bannister, Chair of the Ethics Committee of the International Society of Ethnobiology (University of Victoria), Mr. Tom Hammond, Senior Program Advisor, IUCN The World Conservation Union and Mr. Peter Croal, senior environmental specialist, Environmental Assessment and Compliance Unit, Canadian International Development Agency (CIDA). The representative of the Secretariat introduced the compilation and solicited comments from the Advisory Group, in plenary, to assist with the revision of the draft elements of the code. Many participants committed to sending written comments to the secretariat before the end of May so that their comments could be included in the compilation.

37. A number of representatives expressed support for the code and in particular for comments received from the Society of Ethnobiologists. Other members did not support the comments by Canada. Some wanted a code focussed on research but noted that this is much broader in response to the recommendation of the United Nations Permanent Forum on Indigenous Issues. Other members said a broad code was useful but it needed to stay within the mandate of the Convention on Biological Diversity. Many members undertook to send written comments to the Secretariat by the end of May so that they

could be added to the compilation of comments and used for the revision of the draft elements of the code. In general participants believe the code to be a useful document. As this document was a compilation, only limited advice was received from the members at this time

## **VII. INDICATORS FOR ASSESSING PROGRESS TOWARDS THE 2010 BIODIVERSITY TARGET: STATUS OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES**

38. A representative of the Secretariat drew the attention of participants to decision VIII/5 G and outlined the work carried out by the Secretariat in support of the International Indigenous Forum on Biodiversity (IIFB)'s initiative on indicators for traditional knowledge, sustainable use, the 2010 Biodiversity Target and the Millennium Development Goals (MDGs). The chair of the International Indigenous Forum on Biodiversity's working group on indicators, Ms. Joji Carino then presented the draft report of the expert meeting on indicators of the International Indigenous Forum on Biodiversity, outlining conclusions and recommendations.

39. This was followed by an interactive discussion focussing on the conclusions and recommendations of the report including proposed indicators, including but not limited to the retention and use of traditional knowledge, including status and trends of linguistic diversity and numbers of speakers of indigenous languages, as well as other possible indicators to assess the success or failure of measures to promote or preserve traditional knowledge, innovations and practices and others.

40. The Chair of the International Indigenous Forum on Biodiversity's working group on indicators presented the report from the International Expert Meeting on Indicators held in the Philippines from 5 to 9 May 2007. The purpose of this presentation was not to gather comments on the report but to raise awareness of the outcomes of the seminar amongst the members of the advisory group on article 8(j), as a courtesy presentation. Advisory Group members offered some comments and were directed to work through the structures established by this initiative if they wanted to further contribute to the draft report.

## **VIII. INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING**

41. Under this item, Mr. Tim Hodges, Co-Chair of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, briefed the Advisory Group on recent developments and preparatory work for the fifth meeting of the Working Group on Access and Benefit-sharing to be held in Montreal, in October 2007, back-to-back with the fifth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions. He said that, in accordance with decision VIII/5 C, the Working Group on Article 8(j) would be invited to consider at its fifth meeting how it could best contribute to the negotiation of an international regime on access and benefit-sharing in the Ad Hoc Open-ended Working Group on Access and Benefit-sharing. In accordance with paragraph 1 of the above-mentioned decision, the Working Group on Article 8(j) is "to provide views on the elaboration and negotiation of an international regime on access and benefit-sharing relevant to traditional knowledge, innovations and practices associated with genetic resources and to the fair and equitable sharing of benefits arising from their utilization". Mr. Hodges' presentation was followed by an interactive discussion with Advisory Group members.

42. Mr. Hodges stressed that Co-Chairs had established some working principles for ongoing work concerning an international regime on access and benefit-sharing, including principles of openness, transparency and predictability, through communication—meeting face to face with interested parties. He said that it was the intention of the Co-Chairs act as one and that they did not represent their countries or stakeholder groups but reflected views from the floor. They were also accountable to all Parties and not just those nominating them.

43. He informed the Advisory Group that the Co-Chairs had met with the Bureau, numerous Parties, and the Executive Secretary on a number of occasions. They had continued to reflect on the rights of indigenous and local communities and how they fitted into the larger agenda including the context of access and benefit-sharing and the connection between access and benefit-sharing and 2010 target and

future of the Convention. He noted that access and benefit-sharing is being attached to fundamental issues related to the fate of the world's biodiversity. He added that access and benefit-sharing should be linked to indigenous and local communities and their development. The issues presented problems for industry, which experienced internal conflicts on whether to protect their interests with the *status quo* or become part of the discussion about change. Industry needed to engage in a constructive way. His message to industry was engagement. He noted that there were challenges for Parties to involve the research community in the discussions. He added that it was crucial for negotiators to get a better idea of how genetic resources were used. He emphasized that traditional knowledge needed to be addressed and that the fifth meeting of the Working Group on Access and Benefit-sharing needed to launch discussions for the fifth meeting of the Working Group on Article 8(j) and Related Provisions, so that the Working Group on Article 8(j) could then feed into the sixth meeting of the Working Group on Access and Benefit-sharing.

44. He noted that there was no clear decision or advice about how to deal with the interactions between the two working groups or on how to enhance the participation of indigenous and local communities in working groups on access and benefit-sharing. In the absence of ideas on how to take these matters forward, he noted that the draft recommendations from the UNPFII Expert Group Meeting on access and benefit-sharing and human rights might be useful.

45. He emphasized that he wanted to avoid repeating the same discussions in previous meetings of the Working Group on Article 8(j) and the Working Group on Access and Benefit-sharing. He was aware that indigenous and local communities wanted equal participation in working groups on access and benefit-sharing but did not know if this is possible. He said there was a need to respect roles of both working groups. The Ad Hoc Open-ended Working Group on Article 8(j) needs to play an important role in the debate over access and benefit-sharing but not much guidance had been given on relevant issues such as associated traditional knowledge.

46. He informed the group that draft agendas have been sent to the Bureau for responses and that the Co-Chairs are planning regionally based visits over the next two years and will also take the opportunity to meet at other international gatherings such as the WIPO IGC. He said they would like to meet with WTO in July. He regretted that to date the Co-Chairs had not been able to go to indigenous meetings but noted that there will be opportunities. He noted that the need for indigenous and local communities meetings on the relevant issues but emphasized that time was short. He added that the views of indigenous and local communities could be provided through the IIFB and other indigenous and local communities and their organizations, and through the Ad Hoc Open-ended Working Group on Article 8(j). He thought that workshops on indigenous and local communities could inject the views of indigenous and local communities into the discussion and that an indigenous expert meeting may be useful. He added that there are competing demands for opportunities to speak during the Ad Hoc Open-ended Working Group on Access and Benefit-sharing also from other groups such as industry.

47. After his introduction many issues for further discussion were raised. It was noted that in these negotiations both negotiators and indigenous and local communities do not understand the scope and nature of what is being discussed. It was added that the discussion would benefit from bringing in scientists to explain genes and their use and how genetic resources are being used. It was suggested that pharmaceutical companies could be brought in to discuss practice. Issues were raised about certificates and there were further issues about samples. It was noted that, from an indigenous perspective, most genes are transboundary. It was emphasized by an Advisory Group member that companies want information and that local adaptations are useful. Generally, it was felt that the discussions needed to get a lot more technical.

48. Many participants in the briefing believed that many did not understand what is being negotiated or where the discussions are heading. The Co-Chairs needed to consider the context of their work and recognize the need to inject technical expertise into the debate. It was in the interest of the various jurisdictions to have a common approach that was not burdensome.

49. A representative from Asia noted that not much guidance had been provided by the Parties on how the Ad Hoc Open-ended Working Group on Article 8(j) would deal with access and benefit-sharing. She emphasized that indigenous and local communities wanted the chance to provide equitable input. She raised questions about how to provide clarity in the agendas and how indigenous and local communities could be effective participants? Many participants supported the establishment of an international regime on access and benefit-sharing because many issues could not be addressed at the local levels and a national level focus would not create level playing fields, should the matter be reduced to national legislations.

50. It was recognized that traditional knowledge was a special issue that required further discussion and negotiation. An expert meeting for indigenous and local communities might be a useful strategy and it could perhaps take the form of a technical seminar, combined with regional workshops.

51. A representative from North America noted that task 7 of the programme of work on Article 8(j) – equitable sharing of benefits – needs to address as part of the discussions on access and benefit-sharing and has not yet been taken up by the Conference of the Parties. Addressing this task would provide the Ad Hoc Open-ended Working Group on Article 8(j) with a chance for deeper discussions related to access and benefit-sharing (linked to tasks 1, 2 and 4). A representative from Latin America, recalled decision V/16, which states, among other things, as a general principle “the full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work” and noted that this applies equally to the Article 8(j) issues related to the negotiations and development of an international regime on access and benefit-sharing.

52. Participants pondered on how to resolve disparate epistemologies and find common ground. Indigenous participants emphasized that indigenous and local communities are sovereign nations not stakeholders such as industry. They further added that there was a need to be careful with the legal mandate under the Convention as Parties have rights to negotiate access to matters under their jurisdiction but not traditional knowledge (or genetic resources under indigenous control). Parties could not go beyond the mandate of the Convention. Indigenous representatives added that there would not be one position for the worlds indigenous and local communities on the issues and indigenous and local communities needed to express these divergent views. Indigenous and local communities therefore needed room to respond in their best interests.

53. A representative of the Secretariat confirmed that there was no guidance from Parties on starting new work at the last Ad Hoc Open-ended Working Group on Article 8(j) and that this was a lost opportunity and that the issue of new work, priorities and timing needs to be addresses.

54. Brazil cautioned that the mandates should be followed by both working groups and not get blurred and added that the guidance on participation from the eighth meeting of the Conference of the Parties should be followed.

55. Regarding the negotiations on access and benefit-sharing, an indigenous representative from Africa added that indigenous and local communities are most vulnerable and used the analogy that when bulls fight – it is the grass that suffers. He clarified that when Parties fought over biological resources and traditional knowledge, it is indigenous and local communities that suffered. It was added by a Latin American participant that language continues to be a barrier to the effective participation of indigenous and local communities.

56. In general the participants supported the establishment of a technical group on traditional knowledge and access and benefit-sharing for indigenous and local communities. Language barriers limit the participation of indigenous and local communities.

57. The observer from Germany emphasized that participants needed to know what we are negotiating. He recommended leaving the hard issues until last and emphasized the need for multi-stakeholder exchanges outside of the negotiations. He added that Germany, the Netherlands and France were facilitating such multi-stakeholder exchanges in the African region, which had been highly useful.

58. The Co-Chair of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, Mr. Tim Hodges finished by saying he would brief the other Co-Chair that afternoon and thanked to Group for providing him with some concrete ideas to take matters forward and address unresolved issues.

**ITEM 9. OTHER MATTERS**

59. In other matters the programme officer for tourism and sustainable use and small islands briefed the group on a proposed workshop and received informal advice. Advisory Group members applauded this initiative, expressed their support and encouraged the development of further regional workshops

**ITEM 10. ADOPTION OF THE REPORT**

60. The participants adopted the report based on the draft submitted by the Secretariat.

**ITEM 11. CLOSURE OF THE WORKSHOP**

61. The meeting was closed at 4 p.m. Thursday, 3 May 2007 by a representative of the Executive Secretary.

*Annex I*

**COMPOSITE REPORT - OBSERVATIONS REGARDING THE REGIONAL REPORTS  
AND NEW RESEARCH REQUESTED BY THE PARTIES**

1. Following is a brief synopsis of major items discussed. This is not intended as an exhaustive list of issues discussed by the Advisory Group but is an indication of the broad ranging discussions that occurred at the meeting and that will continue electronically in the lead up to the fifth meeting of the Ad Hoc Working Group on Article 8(j) scheduled for October 2007.

**A. *Revised African region report***

2. Participants requested that the concept of sacred sites be further examined and extended to include sacred practices. It was noted that standards promoted by organizations such as UNESCO were based on Western notions of patrimony and national patrimony that were not always compatible with indigenous and local community perspectives. It was further recommended that the work on the convention and other United Nations bodies such as UNESCO required further harmonization to ensure mutual supportiveness. Some participants called for an emphasis on the problems caused by conflicts and wars to traditional knowledge use and transmission. One participant requested further consideration of the social and cultural impacts of economic and trade related matters and an emphasis on access to natural resources. The issue of environmental degradation was also discussed. It was emphasized that many indigenous and local communities existed outside of the cash economy and that buying into the cash economy created barriers to traditional knowledge and traditional occupations. It was also noted that mainstream poverty models were not appropriate for many indigenous and local communities. Many participants emphasized the problems caused by invasive species and further problems caused in addressing invasive species after they had become established. The introduction of new technologies was also seen as potentially negative for traditional practices. Some participants discussed terminator technologies as a continuing threat although currently there remains moratorium of field testing. Many participants noted problems caused or exasperated by food aid. The issue of globalization was further discussed, including the impact of tourism and pressures to create more protected areas. Participants noted that the regional report had been revised and improved and recommended that a revised summary be developed to reflect the revisions of the regional report.

**B. *Revised Asian/Australian region report***

3. Some participants noted the desirability of further research on water (fresh and marine) environments as the report seemed to focus on terrestrial issues. This should include issues of over fishing and unsustainable fishing, as well as the impacts of introduced fish and other aquatic animal and plant life. Lack of employment opportunities were seen as a threat to traditional knowledge as it forced people to leave their territories in search of work, alternatively, poverty could lead to unsustainable use of biodiversity as indigenous and local communities seek to generate income. The concept of indigenous protected areas was discussed and the need for payment for ecosystem services for indigenous and local communities who remain on their territories to manage and protect biodiversity. Government support for private land owners to protect their biodiversity was regarded as a useful incentive. The issue of invasive species was discussed at length and participants agreed that indigenous and local communities over time can become reliant on invasive species as traditional food resources are displaced and that plans to control, manage and/or the eradicate invasive species should be developed with the full and effective participation of indigenous and local communities. Western based decision making processes applied to environmental management was seen as inappropriate for indigenous and local communities. It was noted that payment for ecosystem services should not detract from a sense of obligation to traditional territories and biological resources. Although it was emphasized that introduced religion can be very damaging to traditional knowledge systems and many participants noted that this issue needed to be dealt with in a sensitive manner. The regional advisor for the Asia/Australian report noted that the report was comprehensive and did not require major revisions. A representative from North America suggested that Part I of the Asia/Australian report, which dealt with the nature of traditional knowledge would be a

useful stand-alone document and provided a good explanation of the indivisibility of traditional knowledge. It was recommended that the conclusions be condensed into a summary and recommendations to assist future directions.

### ***C. Revised North American region report***

4. An advisory group member for North America noted the fundamental problem faced by indigenous and local communities and the retention and use of their traditional knowledge was a lack of “respect”. This was paradoxical as Article 8(j) of the Convention calls on Parties to “respect” traditional knowledge. Some participants elaborated on how “respect” is manifested (what does respect look like?). Some participants noted that respect, when applied, would include respect for indigenous jurisdictions and governance and that respect must be demonstrated by action and deed including by the inclusion of indigenous and local communities, as equals in decision-making processes. To achieve respect in equitable negotiations and decision-making, many noted the need for capacity-building to ensure that indigenous and local communities could participate as equals. Some noted that a redistribution of power and power sharing were requirements for respect. Some participants called for a strengthening of inter-cultural dialogue to promote respect. Denial of opportunities to pursue traditional lifestyles was also seen as a barrier to traditional knowledge use, retention and transmission. It was also noted that many obstacles to traditional knowledge protection involve transboundary issues. Many biological and cultural resources occur both within and outside of lands and waters traditionally used and occupied by indigenous and local communities, and laws and regulations outside of these areas may impact customary resources and associated traditional knowledge. Additionally, because ecosystems are interconnected with other ecosystems, culturally-important biodiversity and associated traditional knowledge may be negatively affected because of transboundary linkages through globalization, climate change, pollution, transport and other long-distance processes (“ecological teleconnections”). Some participants noted that a sustainable land based was a prerequisite as a healthy environment for traditional knowledge, as well as appropriate tools and infrastructure. It was further noted that the complexity of the North American continent and the limitations of the report made it difficult to capture the full diversity of indigenous and local communities. Some participants recommended further work on invasive species and climate change, including the interplay between the two. Latin American participants noted the value of ILO 169 as an international standard and called for its application and support. It was emphasized that all the reports could have benefited from a more comprehensive process and encourage direct interviews with indigenous and local community peoples rather than a desk-top research process.

### ***D. Revised Arctic region report***

5. A representative from the Arctic noted that the situation for indigenous and local communities in the Arctic was different than that of many indigenous and local communities in the developing world. However, he expanded that although the Sami enjoyed basic human rights in some of the four countries in which they live, their statistics of social disadvantage were deplorable. He emphasized that traditional knowledge for the Sami was both protected and threatened because of an implementation gap of laws and policies. He advised that the Arctic report had taken a terrestrial focus and it was important to also consider the marine environment, including fisheries, where there was also a lack of recognition of their rights. He also discussed the usefulness of self-governance as a tool to empower indigenous and local communities. Some participants noted that government decision-making practices were culturally inappropriate and that initiated accordingly to government priorities and not the priorities of indigenous and local community. Some participants emphasized that knowledge and culture needed to be connected to the landscape and that traditional knowledge was an integral part of the practicing of culture. Inclusion of innovations and practices allowed for indigenous and local communities to develop in their own ways. An advisory group member emphasized the inappropriate nature of Western development models and imposed Western research methodologies which could lead and encourage a lack of respect towards indigenous and local communities. Diverging concepts of knowledge and not valuing indigenous concepts were seen as major obstacles to the retention of traditional knowledge. In some regions the rise of nationalism had contributed to racism against indigenous and local communities. The absorption of indigenous territories by larger administrative areas was also seen as detrimental to traditional knowledge.

It was noted that stereotyping, the mass media and pop culture were hugely detrimental to traditional knowledge. Modern education which did not incorporate indigenous perspectives was seen as an obstacle to traditional knowledge and contributed to (indigenous) language loss. It was noted that many indigenous languages were spoken by small numbers of people but this was not the criteria on which to judge language health. Some participants noted the impact of tourism and objectification of indigenous cultures. It was also noted that the imposed administrative burdens of dominant societies was also detrimental to indigenous societies.

***E. Revised Pacific report***

6. The representative for the Pacific emphasized the demographics of the Pacific region as noted in the report and that the Pacific covered 1/6<sup>th</sup> of the earth surface but the land mass (of small islands) was less the 1/2 million square kilometres. He further noted the vulnerability of small islands of the Pacific to climate change and called for further emphasis of this. He also noted that the matrix of obstacles could be appended to the Pacific report although the ratings of obstacles may not be necessary. Some participants discussed the influence of overseas aide on local policy development and in general it had a negative affect of policies and laws to protect traditional knowledge. The participants discussed at length the rise of the bio-fuel industry and its potential negative impacts on small islands. In particular, development of mono-cultures of palm oil and sugar cane were seen as detrimental to biodiversity and traditional knowledge use and retention. Some participants also felt that mono-cultures increased the threat of invasive species and that further more practices to control some invasive species could cause further environmental damage. However, it was further noted that close examination of biofuels to include the potential benefits needed to be fully considered as well as the different impacts of such practices on small islands and in countries with larger land bases. Some participants conceded that biofuels may provide benefits but most importantly, indigenous and local communities needed to be involved in biofuel development from the beginning and that such proposals should be subject to social, cultural and environmental impact assessments. It was noted that many small islands had fragile economies and were highly vulnerable to environmental disasters as well as climate change. Invasive species both terrestrial and marine were seen as an area to expand upon in the report.

***F. Revised Latin American, South America and the Caribbean region report***

7. Many participants noted that the LAC regional report provided a good overview of obstacles and urged further development of the plan of action to address the obstacles. Many regional representatives noted that urban indigenous peoples and displaced indigenous peoples were not adequately considered in the report. Some participants called for an added emphasis on the cultural aspects of traditional knowledge. Many felt that both poverty and inappropriate development were obstacles that needed to be expanded upon further. Regional representatives emphasized the need for the effective participation of indigenous and local communities in decision-making processes in all matters that impact upon them. Many participants emphasized that respect meant taking into account indigenous and local community perspectives which should be visible in the outcomes of such processes. Some participants called for the economic value of traditional knowledge to be further expanded upon in the report and also taken into account in decision making, laws and policies at national levels. It was felt that the report did not emphasize the importance of traditional occupations to traditional knowledge use and retention. Some noted that since the report was written in 2005 some of the statistics required undated and undertook to send such information to the Secretariat for inclusion. Specifically, Brazil noted that information should be included such as the fact that prior and informed consent of indigenous and local communities was required before access the genetic resources was granted and that this was an effective measure to assist in protecting traditional knowledge. Brazil also drew attention to capacity-building programme initiated by the Government concerning relevant issues to the Convention and traditional knowledge such as the use of databases. Brazil also emphasized that the development of an international regime on access and benefit-sharing was a useful measure to protect traditional knowledge. Brazil also provided some interesting statistics concerning great improvements in reducing deforestation rates for inclusion in the revised reports and the introduction of new legislation to protect traditional knowledge. Some participants wanted further research on the impacts of extractive industries on traditional knowledge, including

mechanisms to evaluate consultation processes. It was further noted that prior informed consent is not an obstacle but a way to protect traditional knowledge.

**G. Concluding general observations regarding the regional reports**

8. In general, participants felt that the reports adequately capture the obstacles, at various levels and provided a good basis for the development of section D of the plan of action. Many participants noted the rating of obstacles per region was not useful and advised that it could be replaced with a revised list of obstacles and that the obstacles could be edited and reduced. Many participants suggested that the executive summary should be revised taking into account the revisions made to the regional reports. Some participants encourage further development of the issue of climate change within the context of traditional knowledge retention, use and transmission including the issue of adaptation – as a form of promoting traditional knowledge, innovations and practices. Many participants called for a strengthening of harmonization and complementarity between international bodies working on these issues such as the Convention on Biological Diversity, UNESCO (LINKS programme) and WIPO. Many participants also noted the inappropriateness of Western intellectual property systems for protecting traditional knowledge and emphasized the need for *sui generis* systems to be developed and implemented. Some participants requested that customary law be further expounded upon and added to the executive summary.

**H. Observations regarding the possibility of developing technical guidelines for documenting traditional knowledge, including the potential threats of documentation**

9. Participants noted that much of the previous advice supplied in the report on registers (UNEP/CBD/WG8J/4/INF/9) applies also to documenting traditional knowledge. The participants presented a diversity of views regarding the possibility of the Convention to develop guidelines for documenting traditional knowledge. Many participants emphasized that documenting traditional knowledge should be voluntary and not a requirement for protection and hence the guidelines would only be voluntary in nature. Some revisited the purpose of documentation which was to protect knowledge rather than facilitate access to it. A number of representatives supported the OCAP principles developed by NAHO (National Aboriginal Health Organization – Canada). Many participants were aware of the work of WIPO in this area but did not believe that this should exclude the Convention on Biological Diversity from developing guidelines as the mandates are different. The observer from Brazil requested the inclusion of more examples from the South. He further suggested that more research was needed including diverse case-studies and that we should study the issue further. Some participants discussed the work of UNESCO (LINKS Project) and recommend that work on documentation needed to occur in harmony with the work and mandates of other bodies. One participant from Latin American noted that it was difficult to determine ownership of traditional knowledge and that ecosystems can go beyond national borders and he urged research on recovery of traditional knowledge. An African participant expressed concern about the private sector and documentation of traditional knowledge. Many participants raised issues about the concept of the public domain. Many indigenous participants urged further research regarding the threats of documenting traditional knowledge and asked that the results be forwarded to other bodies engaged in the issue and specifically UNESCO, WIPO and WTO. A participant from Australia discussed the usefulness of community mapping exercises but noted that many people were not aware of the potential threats. Some suggested that it may be useful to have international guidelines which include potential threats. One participant noted the need for recovery strategies and the need for reparations for misappropriated knowledge. Some noted that data-based were useful tools that could stimulate and reignite interest in culture. A participant from Norway noted that the job of developing guidelines for documenting traditional knowledge was beyond the scope of WIPO and urged the Convention on Biological Diversity to consider developing guidelines which encompassed a broader understanding of traditional knowledge and including customary laws and traditional sustainable practices and both benefits and threats. Many participants noted the need for international bodies engaged in this issue to harmonize their efforts.

***I. Observations regarding indigenous and local communities highly vulnerable to climate change***

10. Participants noted the importance of this paper as an initial overview of the issue and emphasized that this paper provided a unique insight into the human face of climate change focussing on the social and cultural impacts. It was further noted that ways of life, culture and traditional knowledge could not be separated out and that climate change was a threat to all. One participant noted that the Convention on Biological Diversity was developed with the traditional development paradigm in mind and before climate change had become such a pressing issue but nevertheless had an obligation to address climate change in the context of biodiversity. Some participants requested further research into other vulnerable areas such as low-lying river deltas and semi-arid and arid lands (grasslands). Many saw the report as a spring board for further research into other forms of vulnerabilities and noted that some indigenous and local communities are highly vulnerable because of the potential loss of key and sacred species and that research should include these kinds of vulnerability also. It was noted that indigenous and local communities may not have rights to pursue key species that leave their territories because of climate change. Many noted that there was an obligation on the developed North to take responsibility for climate change and to assist the South and in particular indigenous and local communities who had done very little to contribute to climate change and yet were the most severely impacted. It was noted by some participants that climate change was manifesting in prolonged dry seasons (and el nineo) and climatic extremes and in particular, called for additional research into semi nomadic and nomadic pastoralists who were highly vulnerable. Another participant added that urbanization of nomadic peoples also contributed to destroying their lifestyles and traditional knowledge. Many participants support a future workshop on indigenous and local communities and climate change in collaboration with other interested bodies and specifically the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Permanent Forum on Indigenous Issues (UNPFII). One participant called for resources to assist indigenous and local communities in strategies to deal with climate change. Another participant noted that traditional knowledge was adaptable and indigenous peoples resilient and indigenous responses should be considered as innovations and practices. Another representative added that indigenous peoples had become the miner's canary of climate change and the experiences of indigenous and local communities were a dire warning for all humanity. One participant emphasized that adaptation was not merely compensation and it was not possible to compensate people for loss of their cultural base. It was also noted that moving indigenous and local communities from their territories has grave consequences. Climate change was seen as a culture killer as it literally moves the territories out from underneath the peoples concerned.

11. Some participants called for future research to include the indirect effects of climate change and in particular threats to security. It was noted by one participant that indigenous and local communities need to be fully engaged as some of the adaptations being proposed were also threats to indigenous and local communities. Hence climate change solutions should be analysed to include, benefits, risks and safeguards. Many participants called for a strengthening of cooperation between the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change (UNFCCC) and proposed an indigenous joint liaison group and joint projects. Some participants discussed the issue of climate refugees and the possible compensations. Many participants called for indigenous and local communities to be fully engaged in research on climate change. Many participants called for further research into climate change with a focus on but not limited to cultural and social impacts, the long term impacts, threats to food, water health and economic security and mitigation and adaptation strategies.

***J. Observations regarding protecting the rights of indigenous and local communities living in voluntary isolation***

12. Participants welcomed the document on protecting the rights of indigenous and local communities living in voluntary isolation and found that it provoked mixed reactions and an interesting moral quandary. Some participants noted that the absence of these peoples from the debate made it particularly difficult to deal with and some questioned what to do if such peoples were exposed to disease and require assistance. Some participants noted that there are different forms of isolation including political, economic, regulatory and geographic.

13. An observer from Africa noted that the research had not included African peoples living in isolation and offered the following information. There are indigenous peoples, particularly in the Congo Basin / equatorial rainforest, who are living in isolation. This is an expression of their choices of staying within the ecosystems which are integral to their culture and survival. This is not as a negative resistance to other options, or to their neighbours, but rather this is because they originate in these places and choose to maintain their location away from roads or services. A few of the children go to schools in the area, but generally there is limited access to schools and little or no access to health services. Most of the peoples do not have identity documents or any official relationship with the State. They are, in some cases, vulnerable to abuse by neighbouring, usually Bantu agricultural communities. Staying in the forest seems to be related to a combined strategy of sustainability and not wanting to get into a more vulnerable situation in villages run by other peoples. In Gabon consultations, these communities generally did not understand national legislation on National Parks. This may change overtime. He further noted that IPACC (Indigenous Peoples of Africa Coordinating Council) does not represent these communities as they have no civil society and therefore cannot be voting member organizations. However, IPACC is in touch with some of these communities and is in the position to provide them with information on United Nations mechanisms and processes as appropriate. Overtime, it is expected that some of them will create representative structures, a pattern which has already started. It appears that these peoples may not fall in the category covered by the directive of the Conference of the Parties or the Working Group report on people living in voluntary isolation.

14. The Observer from Brazil commented that the concepts are not clear and noted that isolation can be enforced by topography or cultural considerations. He inquired as to the role of the State and whether isolation should be interpreted as a decision of negative consent. Other participants argued that their violent reactions to contact made it obvious that their isolation should be interpreted a form of negative prior and informed consent. He cautioned to be careful in considering exceptions to free prior and informed consent. Brazil felt the conclusions were not clear, nor was the purpose of involving international organizations in protecting isolated peoples. Many participants noted that these peoples have free will and the same human rights as all other peoples. He noted that the reference to illegal military activities should be correctly called para-military activities. The observer from Asia noted that the focus of the report was on the protection of rights and hence the duty is on States to respect the rights of those peoples. Some participants called for further consultation with indigenous organizations and groups to provide a way forward. It was questioned as to whether States should declare peoples as isolated and if so what were their obligations towards these peoples i.e. restrict access to the area. Many indigenous participants called for strong effort should be made to involve their neighbours in the form of a “good neighbours” policy should some sort of information or contact be necessary and take the action of creating “no go areas”. One participant questioned why others want to contact them? The African representatives noted that many of these groups are hunter gatherers on the move – even living in trees. Some of these peoples can be violent when contacted. One participant offered that these peoples are fighting for their rights in a different way. They choose to avoid mainstream society but they have the same rights as everyone else. Many participants felt the strongest recommendation is to leave them alone. Some participants argued against creating a new category of rights for such groups, as it could be a dangerous precedent. A North American representative recalled the history of contact in Canada and how indigenous peoples wanted to live in isolation but were overrun therefore perhaps this is a temporal issue? Some participants noted that this issue is about fundamental rights – to be able to have respect for their territories and lifestyles. Some participants emphasized that isolation does not mean neglect and regardless, governments need to respect the rights (including self-determination) of these groups. The observer from Germany suggested the structure of recommendations in a hierarchy – as a mirror of the conclusions. He emphasized that recommendations 1 and 8 should be interpreted as negative consent and that this is an essential principle. One participant challenged the paper and concept – the whole concept of isolation can carry a negative connotation – they are simply living their traditional lifestyles and have the same rights as all indigenous peoples. In general, the Advisory Group found the paper a challenging and stimulating document and hoped that their suggestions would improve the text and assist the Working Group on Article 8(j) in taking the matter forward. Some members suggested that the matter be referred

to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with Office of the High Commissioner for Human Rights.

*Annex II*

**DOCUMENTS FOR THE SECOND MEETING OF THE ADVISORY COMMITTEE ON  
ARTICLE 8(J) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL  
DIVERSITY, MONTREAL, 30 APRIL–3 MAY 2007**

**Working documents**

1. UNEP/CBD/WG8J/AG/2/1

Agenda

2. UNEP/CBD/WG8J/AG/2/1/Add.1

Annotated agenda

3. UNEP/CBD/WG8J/AG/2/2/Add.1

Revision of the second phase of the composite report – Africa.

4. UNEP/CBD/WG8J/AG/2/2/Add.2

Revision of the second phase of the composite report – Arctic

5. UNEP/CBD/WG8J/AG/2/2/Add.3

Revision of the second phase of the composite report – Asia/Australia

6. UNEP/CBD/WG8J/AG/2/2/Add.4

Revision of the second phase of the composite report – Latin American and the Caribbean

7. UNEP/CBD/WG8J/AG/2/2/Add.5

Revision of the second phase of the composite report – Pacific

8. UNEP/CBD/WG8J/AG/2/2/Add.6

Revision of the second phase of the composite report – North America

9. UNEP/CBD/WG8J/AG/2/3

Draft Report on indigenous and local communities highly vulnerable to climate change

10. UNEP/CBD/WG8J/AG/2/4

Draft Report of measures and mechanisms to address the underlying causes of the decline of traditional knowledge - Element D of the Plan of Action for the retention of traditional knowledge, innovations and practices of indigenous and local communities.

11. UNEP/CBD/WG8J/AG/2/5

Draft report on protecting the rights of indigenous and local communities living in voluntary isolation

12. UNEP/CBD/WG8J/AG/2/6

Draft Report - Considerations for developing technical guidelines for recording and documenting traditional knowledge and potential threats of such documentation.

13. UNEP/CBD/WG8J/AG/2/7

Draft Document - An international regime on access and benefit sharing

14. UNEP/CBD/WG8J/AG/2/8

Draft Document on Mechanisms to promote the participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions: including monitor use of the Convention website and consult with ILCs to identify any gaps or shortcomings.

15. UNEP/CBD/WG8J/AG/2/9

Draft Document concerning further development of elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices to identify priority elements.

16. UNEP/CBD/WG8J/AG/2/10

Draft Document - Compilation of views concerning an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities

17. UNEP/CBD/WG8J/AG/2/11

Report of the IIFB regional consultations and international workshop on indicators - Indicators for assessing progress towards the 2010 biodiversity target: status of traditional knowledge, innovations and practices.

**Information Documents**

18. UNEP/CBD/WG8J/AG/2/INF/1

Submission concerning the regional African report by Advisory Group member, Mr. Gladman Chibememe, Zimbabwe.

19. UNEP/CBD/WG8J/AG/2/INF/2

Decision VIII/5, Article 8(j) and related provisions

20. UNEP/CBD/WG8J/AG/2/INF/3

Decision VII/16/E, Annex, 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

21. UNEP/CBD/WG8J/AG/2/INF/4/ENGLISH

Report of the Latin American (including Caribbean, Central America and South America) Report on indicators – English

22. UNEP/CBD/WG8J/AG/2/INF/4/SPANISH

Report of the Latin American (including Caribbean, Central America and South America) Report on indicators –Spanish

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