



## Convention on Biological Diversity

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

Eighth meeting

Item 3 of the provisional agenda\*

Montreal, 7-11 October 2013

### COMPILATION OF VIEWS ON PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES IN THE IMPLEMENTATION OF ARTICLE 8(j)

*Note by the Executive Secretary*

#### INTRODUCTION

1. As requested by the Conference of the Parties in paragraph 3 of decision XI/14 A, the Executive Secretary is circulating herewith, for the consideration of participants in the eighth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, a compilation of views and comments submitted to the Secretariat regarding participation of indigenous and local communities in the work of the Convention and implementation of Article 8(j) at national and subnational levels, to assist the Working Group in its discussions.

2. Submissions have been reproduced in the form and languages in which they were provided to the Secretariat.

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\* UNEP/CBD/WG8J/8/1.

## SUBMISSIONS

### A. Submissions from Parties

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| <b>Australia</b> |
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#### ***Indigenous Protected Area (IPA) Program***

Australia's Indigenous Protected Area (IPA) program has been very successful in supporting Indigenous communities to manage their land for conservation as part of Australia's National Reserve System. The IPA program commenced in 1998/1999 and was expanded under the Australian Government's *Caring for our Country* initiative. There are now 53 IPAs covering 36.5 million hectares of land or around 30% of Australia's terrestrial reserve system. The IPA program works closely with the Australian Governments *Working on Country* program which provides funding for Indigenous rangers.

The IPA program is successful because it builds on and values the knowledge, passion and commitment that Indigenous communities have for their land. It helps to build pride and self respect for those involved as well as contributing economic benefit to traditional communities, social cohesion of these communities and the ongoing education of children through the intergenerational transfer of traditional ecological and cultural knowledge. In addition, the IPAs are delivering important ecosystem services for all Australians by protecting the unique natural and cultural values of these often remote locations. IPA rangers conduct land and cultural management activities on their traditional lands and undertake training to build their skills and capacity. For more information see: <http://www.environment.gov.au/indigenous/ipa/index.html>.

#### ***Working on Country***

The *Working on Country* program is a successful, cross-cultural program that commenced in 2007 in Australia. *Working on Country* works in close collaboration with the Indigenous Protected Area program. *Working on Country* supports Indigenous aspirations in caring for country and provides opportunities for Indigenous people to deliver environmental services that protect and manage Australia's environmental and heritage values. This program provides training and career pathways for Indigenous people in land and sea management, in partnership with others and facilitates a partnership approach between Indigenous people and others to deliver environmental outcomes.

*Working on Country* projects are led by the local community and underpinned by community ownership and action. Traditional owners and local communities are involved in the design, development, implementation and leadership of projects to ensure they align with the needs and interests of the community, and benefit the environment.

Through the program, over 680 Indigenous rangers are currently employed in around 90 ranger teams across Australia to deliver environmental outcomes, and the program is on track to grow to meet a target of employing 730 Indigenous rangers by June 2016. For more information see: <http://www.environment.gov.au/indigenous/workingoncountry/projects/index.html>.

#### ***World Indigenous Network (WIN) and Conference***

At the United Nations Conference on Sustainable Development, with the support of New Zealand, Brazil and Norway, Australia's Prime Minister, the Hon Julia Gillard MP, announced the development of the World Indigenous Network (WIN). The WIN aims to connect Indigenous peoples and local communities around the world to share their experiences in using traditional knowledge and practices with contemporary management systems to better manage their environments and support sustainable livelihoods.

To launch the WIN, Australia is hosting a Conference to be held from 26-31 May 2013 at the Darwin Convention Centre. The Conference agenda will address five key themes: Territories, Lands and Waters; Communities and Relationships; Cultures and Knowledge; Resources and Livelihoods; and, Networks and Exchanges. The Conference will be followed by a development phase where stakeholder feedback will be integrated into the WIN design.

***Indigenous involvement in the management of Commonwealth marine reserves***

In November 2012, the Australian Government finalised the establishment of a representative system of marine protected areas in Commonwealth waters. The representative system covers a total of 3.1 million square kilometres and includes the Coral Sea Commonwealth Marine Reserve and five regional networks of Commonwealth marine reserves. Statutory management plans developed for the Commonwealth marine reserves recognise the opportunity for engagement of Indigenous people through a specific strategy aimed at supporting partnerships with Indigenous people in the management of sea country within Commonwealth marine reserves, and ensuring that Indigenous customs, practices and knowledge inform management planning and activities. The 10-year management plans will come into effect from July 2014 and incorporate a program of performance measurement and review.

***Traditional Use of Marine Resource Agreements (TUMRA)***

The Great Barrier Reef Marine Park Authority (GBRMPA) empowers Traditional Owner (Great Barrier Reef) cultural authority through both the development and implementation of Traditional Use of Marine Resource Agreements (TUMRA). TUMRA's describe how Traditional Owners work between themselves and with government to manage their sea country, including traditional use activities.

The development and implementation process for TUMRAs form a part of contemporary sea country management - recognising and respecting traditional governance and leadership within groups. Activities involved in a TUMRA may include:

- Establish a steering committee or working group to oversee the TUMRA – members represent Traditional Owner groups party to the TUMRA;
- Maintain a governance structure based on both western and traditional governance to provide strong leadership over the TUMRA;
- Conduct a minimum of 4 meetings annually to monitor work programs, discuss priorities, make decisions, resolve disputes and manage sea country;
- Generate and monitor an annual work plan detailing active sea country management (including hunting management systems, cultural heritage activities; species monitoring; scientific collaboration; enhanced compliance; sea country planning);
- Identify and monitor training in areas of interest and need, such as governance, scientific workshops (western science of sea country) and compliance/enforcement;
- Develop communication material (to let people know about their management arrangements).

The TUMRA, together with enhanced compliance, recognises and respects Traditional Owners management of sea country. It supports culturally based management approaches. The TUMRA governance approach supports negotiations within Traditional Owner groups to ensure the correct cultural process has been followed. The development of TUMRAs provides support for these important intra-Indigenous agreements to be achieved. A component of the management process, supported by this program, is how Traditional Owners organise and manage themselves. It provides support for Traditional Owners to come together as a group.

Funding support is provided to Traditional Owners to establish a representative group to develop a consolidated position. This requires strong leadership, cultural authority and the ability for the group to overcome diverging interests or conflict, including local inter clan and intra clan disputes. Dispute resolution processes or mediation is available to Traditional Owners if needed to resolve conflict.

Traditional Owners, through the TUMRA, discuss and make decisions around complex matters such as maritime estates (where lore governs boundaries), protocols and principles, sea country planning, hunting areas, community permits, management of traditional hunting activities (including the elimination of unauthorised practices such as poaching), cultural heritage management, development of intellectual property protocols and the identification of economic development opportunities, such as the delivery of ecosystem services and tourism. This process provides better practice decision making and final agreement may conclude over several meetings, also promoting higher order certainty amongst stakeholder groups, including government, as major investors.

- Currently 6 formal Traditional Owner management agreements (5 TUMRA/1 Indigenous Land Use Agreement (ILUA)) now cover 42,860 square kilometers of sea country and involve 14 Traditional Owner groups (21 Traditional Owner clans).
- An additional two new TUMRAs are in the final stages of accreditation assessment.
- The TUMRAs and ILUA cover approximately 22% of the Queensland coastline that is within the Great Barrier Reef Marine Park.
- The GBRMPA has expanded its engagement on the TUMRA Program from four Traditional Owner groups (Girringun, Woppaburra, Mamu & Wuthathi) to 11 (Lama Lama, Kuuku Ya'u, Pul Pul, Yuku Baja Muliku, Umpila, Yirrganydji, Port Curtis Coral Coast). Several of these groups represent multiple clans.
- Over 30 percent of Great Barrier Reef Traditional Owners have recognised formal management arrangements in place – empowering cultural authority through the TUMRA process and compliance planning. This means Traditional Owners can acknowledge and observe their traditional laws and customs within their sea country, but also enforce these customary laws through the Indigenous Compliance Program.
- A number of groups have exercised their cultural authority by imposing hunting bans in their sea country following the environmental damage caused by severe weather in early 2011. The bans, imposed on top of the limits already in place under their TUMRAs have been declared until there is satisfactory evidence that the environment has recovered to allow the resumption of hunting and other customary activities.

#### ***Caring for our Country Reef Rescue Land and Sea Country Indigenous Partnerships Program***

The Great Barrier Reef Marine Park Authority (GBRMPA) through delivery of the *Caring for our Country Reef Rescue Land and Sea Country Indigenous Partnerships Program* fosters and promotes the effective participation of Traditional Owners and local Indigenous communities in decision-making, policy planning, development and implementation of the conservation and sustainable use of biological diversity at international, national, regional, subregional and local levels, including access and benefit sharing, taking into account the ecosystem approach:

- The Indigenous Reef Advisory Committee meets at least twice a year to provide expert advice and guidance to the GBRMPA, including on its Reef Rescue Land and Sea Country Indigenous Partnerships Program. The Indigenous Reef Advisory Committee is expertise based and includes over half the membership held by Indigenous people.

- Increased Traditional Owner representation across 12 Local Marine Advisory Committee's (LMACs). The GBRMPA is advised on management issues about the Marine Park at a local level by voluntary community-based committees (LMACs). The purpose of the LMACs is to improve the involvement and support of local communities in the management, the ecologically, socially and economically sustainable use, and the conservation of the Great Barrier Reef World Heritage Area (World Heritage Area). This helps the GBRMPA and other management agencies to keep in touch with marine and coastal issues at a local level and understand the use of the Marine Park. LMACs provide both an advisory and a communication role between the community and the GBRMPA.
- Sea Country Partnerships Forum (SCPF) (Cairns, 28-30 May 2010). Close to 100 GBR Traditional Owners attended the SCPF in May 2010. The forum brought existing Traditional Use Marine Resources Agreements (TUMRA) and sea country Indigenous Land Use Agreement (ILUA) holders together along with the remainder of more than 70 Traditional Owner groups with sea country connection in the Great Barrier Reef Marine Park. This Forum shared relevant information between Traditional Owner groups, the GBRMPA and the Great Barrier Reef Marine Park Authorities Indigenous Reef Advisory Committee (IRAC).
- The Sponsorship Program has provided support to over 75 Traditional Owners to share and increase their knowledge and skills base in sea country management. This was achieved by participating in conferences, exchanges, formal and informal tertiary education and training.
- By 30 June 2013, the Sense Activity (Leadership) Project (piloted in Rockhampton) initially focused on Indigenous male students will have been held four times with 65 participants. It is based on sensory activities (touch, taste, look, smell, hear) where participants learn holistically from Traditional Owners (cultural mentors), GBRMPA and QPWS about connection, protection and conservation of land and sea country. It is based on a catchment to reef model and has four focused learning sites: Mountain; Wetlands; Mangroves and Island. The SAP has also been professionally written into learning modules.
- TUMRA Workshop (Townsville, 23-25 October 2012). This workshop implemented a priority from the Sea Country Partnerships Forum held in Cairns in May 2010. Over 30 Great Barrier Reef Traditional Owners from seven unique groups attended a TUMRA Workshop in Townsville to share information about their respective TUMRA development or implementation projects.

The Great Barrier Reef Marine Park Authority has also supported the Lama Lama Cape York Traditional Owner Group's recent successful application for a Fisheries Research and Development Corporation's (FRDC) Indigenous Development Scholarship. The scholarship will sponsor a Lama Lama representative to visit a Pacific Island community to exchange information and learn about their ways of sea country management; traditional ecological knowledge; partnerships other communities have established with groups such as conservation volunteers; and how communities have established turtle and dugong ecotourism ventures. Recognising the value of the knowledge exchange trip, the Authority is sponsoring an additional two Lama Lama Traditional Owners to join the trip through the Indigenous Partnerships Group Sponsorship Program. The information is expected to be shared with the broader Lama Lama community. The Great Barrier Reef Marine Park Authority will be the host organisation providing mentoring, technical and financial support. The FRDC scholarship will also sponsor five Lama Lama Land and Sea Rangers to visit the Torres Strait Regional Authority's Land and Sea Management Unit to complete their coxswain training, with technical and mentor support from the Authority.

### ***Indigenous Heritage***

The value of Indigenous knowledge as the source of information about Indigenous heritage values and requirement for the active participation of Indigenous people in the management of National and Commonwealth heritage values that are Indigenous heritage values are formally recognised as principles for the management of National and Commonwealth heritage.

Indigenous heritage values have been identified for many of the places on the National and Commonwealth heritage lists. The Indigenous heritage values of places in these lists are protected by law such that actions that would have a significant impact on these and other values of these places must be referred for approval to the Australian Minister for the Environment.

The Australian Government has deepened and strengthened its integration of Indigenous heritage values in the environment with recent listings of extensive areas of northern Australia: the West Kimberly and the Wet Tropics of Queensland.

***Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity***

The Australian Government has initiated consultation on implementation of the Nagoya Protocol to enable a decision to be taken on its ratification. Several tasks of the programme of work (e.g. 7, 10 and 12) are being addressed in this process.

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| <b>Brazil</b> |
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***XI/14/A Progress in the Implementation of Article 8(j) and related provisions and its integration into the various areas of work under the Convention on Biological Diversity***

3. With regard to the implementation of the programme of work for Article 8(j) and related provisions of the Convention, Brazil would like to reinforce its compromise with the preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. We are also taking actions to promote the wider application of these knowledge, innovations and practices with the approval and involvement of their holders and to encourage the fair and equitable sharing of benefits arising from their utilization.

4. As for our national regulatory system, the Decree n. 6040 has established, in 2007, a National Policy for the Sustainable Development of Traditional Peoples and Communities (PNPCT) whose coordination and implementation is under the competence of the National Commission on Traditional Peoples and Communities (CNPCT).

5. The PNPCT is guided by the following principles:

a) recognition, appreciation and respect for social, environmental, economic and cultural diversity; b) access to information and documents generated within the PNPCT in an accessible language; c) sustainable development and promotion of a better quality of life; d) promotion of a decentralized decision making-process with a broad participation of society in monitoring the implementation of this policy; e) promotion of the cross-cutting nature of the actions taken to implement this policy; g) recognition and consolidation of the rights of traditional peoples and communities; h) coordination with other public policies related to the rights of traditional peoples and communities in the different spheres of government; j) promotion of the effective participation of traditional peoples and communities in government's decision-making processes related to their rights and interests; h) coordination and integration with the National Food Security and Nutrition System; l) promotion of

awareness-raising activities to the importance of human rights, particularly, economic, social, cultural and environmental rights of peoples and traditional communities; and m) eradication of all forms of discrimination, including religious intolerance, with a view to guarantee the preservation of cultural rights, the exercise of community practices, cultural memory and racial and ethnic identity.

6. Brazil also counts with a National Plan for the Promotion of Goods derived from the Sociobiodiversity (PNPSB), which is another measure to implement and promote the maintenance of livelihoods of traditional communities. The PNPSB is a joint program of the Ministries of Environment, Ministry of Agricultural Development, Ministry of Social Development and Hunger Alleviation and the National Supply Company (Conab) to promote the conservation and sustainable use of biodiversity and the generation of alternatives sources of income for traditional peoples and communities by promoting sustainable technologies that meet their systems of social organization.

7. In terms of national policies, the Ministry of Health has also put in place a National Policy on Medicinal Plants, which counts with a National Programme on Medicinal Plants and Herbal Medicines. This program has among its attributions the creation of rules aimed at safeguarding, preserving and supporting knowledge and practices related to traditional and popular herbal, homemade medicines and other health products that are structured on ancient and immaterial principles. The program establishes and guarantees that the validation, efficacy and quality of these products must be countersigned by tradition. In addition, the program establishes that the encouragement, support and promotion of the technical improvement of its agents, processes and equipment may allow the inclusion of the holders of such knowledge and its products in the National Health Service (NHS) and in other markets.

8. With regard to the access and benefit-sharing of traditional knowledge associated to genetic resources, Brazil has a national legislation, since 2001, that establishes mutual agreed terms and prior informed consent to all access of traditional knowledge associated with genetic resources, aiming at the fair and equitable sharing of benefits derived from their utilization. Our ABS rules, therefore, are in consonance with article 8 (j) provisions and the promotion, protection and maintenance of traditional knowledge.

9. At the moment, the Brazilian government is working on the revision of the current regulatory framework in order to improve some of its provisions, while the Nagoya Protocol is being discussed at the National Congress. With a view to revise the current regulatory framework for access to genetic resources and associated traditional knowledge, the Brazilian Government has been working in conjunction with various sectors. Several meetings were held between public entities, private sector, academia and representatives of local communities to define the demands and interests of each of these stakeholders.

10. When it comes to the Brazilian contributions to the In-depth Dialogue on “Connecting traditional knowledge systems and science, such as under the IPBES, including gender dimensions”, the National Programme on Medicinal Plants and Herbal Medicines mentioned above is a good example of how public policies can encourage this sort of connections.

11. Communities initiatives related to that Programme, such as the project “Farmacopeia Popular do Cerrado”, put forward by an association of women from traditional communities that live in the cerrado biome (central region of Brazil) can also be mentioned as a successful experience of connecting traditional knowledge system and science considering the gender dimensions.

12. “Articulação Pacari de Plantas Medicinais do Cerrado” is a network that comprises environmental community groups in the central region of the country. It draws on local biodiversity for the health care, food security and product development for income generation and employment. This traditional practice is especially exercised by women's groups that are organized around

community enterprises aiming at promoting the sustainable use of local biodiversity and the protection of natural ecosystems that provide such goods and services.

13. Among the practices carried out by these women, one can mention the preparation of the "Pharmacopoeia of the People from the Cerrado", a book prepared on the basis of records of traditional knowledge associated with biodiversity adopted by local communities and indigenous peoples, with a view to protect and promote the use of medicinal plants by healers and root managers of the Cerrado biome. The research for its preparation was carried out in the period 2001-2005, in the states of Minas Gerais, Goiás, Tocantins and Maranhão, being published in 2009. The authors of the project are 262 women that hold knowledge on medicinal plants.

14. The production of "Pharmacopoeia of the People from the Cerrado" was recognized by the Ministry of The Environment as a precursor to the development of popular pharmacopoeias in different biomes. The Ministry of The Environment considers the adoption of the methodology used in this project as a model for dialogues between communities and other sectors of society in order to encourage the connection among different knowledge systems both the traditional and the scientific.

### **China**

In view of the implementation of Article 8(j) and Related Provisions in China, we would like to provide the following information:

In 2010, the Chinese government had issued the *National Biodiversity Conservation Strategy and Action Plan (2011-2030)* in which the protection of traditional knowledge and the establishment of mechanisms for access and benefit sharing of genetic resources and associated traditional knowledge have been identified as the strategy tasks and priority actions for biological diversity in China for the next two decades. In 2011, the *China National Committee on Biodiversity Conservation* was also set up to coordinate and stimulate biodiversity conservation and management. In recent years, the classification system of traditional knowledge associated with biological resources has been proposed, by which the traditional knowledge are classified into five categories 28 sub-categories. Based on the systematic survey, collection, and documentation of the traditional knowledge from 33 ethnic minorities in China, *Databases for the Traditional Knowledge Associated Biodiversity in the Ethnic Areas of China* has been developed. Up to 2011, four nationwide surveys of traditional Chinese medicinal resources have been completed. The general information of the traditional Chinese medicinal resources and related traditional knowledge, including types, distributions, reserves, and dynamics situation of resources, have almost been collected. According to these, the dynamic monitoring system and the management mechanism of the traditional Chinese medicinal resources have been established. Currently, the government is financially supporting case studies and pilot studies of access to and benefits sharing of genetic resources and related traditional knowledge and is commencing to develop national legislative and/or administrative measures.

China has also implemented the *Intangible Cultural Heritage Act* since 2011, which requires taking relevant measures, such as survey, identification, record and documentation to save and protect the intangible cultural heritages, and to publish the catalogue and inheritors list of national intangible cultural heritages. The *Act* also requests to develop a system for mandating the sanction of the representative inheritors and their obligations and authorities, which introduce a withdrawal mechanism for intangible cultural heritage items and inheritors. Those who fail to fulfill legal obligations will be excluded from the national-level list. By the end of 2012, 1219 national-level intangible cultural heritage items and 1986 representative inheritors have been ratified and

published, involving 10 categories, for instance the folk literature, the traditional skills, as well as the traditional medicine. Meanwhile, the provincial, municipal and county governments also have respectively published corresponding-level lists of the intangible heritage and its inheritors. So far the four level catalogue systems (national, provincial, municipal and county levels) of intangible cultural heritages and its inheritors have been basically built up.

China has already found several eco-museum groups in Guizhou Province and Guangxi Zhuang Autonomous Region, southwest China, which aims to exhibit and protect ecological environment and traditional knowledge with the participation of local ethnic minorities. Besides, several traditionally eco-agricultural landscapes have been granted the *Globally Important Agricultural Heritage* (GIAH) by the United Nations Food and Agriculture Organization (FAO) in China, for example, Qingtian rice-fish culture system, Dong rice-fish-duck complex ecosystem and Pu'er tea gardens and tea culture system. These GIAHs do not only maintain the livelihoods of ethnic minorities and local eco-agricultural systems, but also conserve lots of genetic resources of traditional crop and livestock and poultry, as well as relevant traditional knowledge. In China, the foundation of eco-museum and GIAH is the main measure for *in situ* preservation of traditional knowledge associated with biodiversity nowadays. We kindly suggest the secretariat to further cooperate with the United Nations Educational, Scientific and Cultural Organization (UNESCO), so as to learn the successful experience of culture heritage protection and to develop the best practice guideline of *in situ* preservation of traditional knowledge.

## **Finland**

### ***XI/14/A Progress in the Implementation of Article 8(j) and related provisions and its integration into the various areas of work under the Convention on Biological Diversity***

Finland has earlier submitted information regarding the implementation of the programme of work for Article 8(j) (The Finnish Contribution to the CBD Notification on March 29<sup>th</sup> 2011 (UNEP/CBD/WG8J/7/INF/1 Add.2): Programme of Work on Article 8 (j) and related provisions). In this submission Finland updates the progress for the years 2011–2013.

In 2009 the Ministry of the Environment set up the first national group of experts in accordance with Article 8(j) of the Convention on Biological Diversity regarding traditional knowledge of indigenous and local communities. The working group was tasked with co-ordination of Finland's national measures concerning traditional knowledge of indigenous and local communities, as referred to in the National Biodiversity Strategy and Action Plan 2006–2016, and the enhancement of general knowledge about the contents and objectives of the work programme relating to Article 8(j) of the Convention as regards the Sámi People of Finland in particular. It also aimed to promote the implementation of the work programme in Finland through cooperation between various ministries and stakeholders, and, on its part, to provide recommendations for the implementation of the Convention in Finland. The mandate of the working group covered the period from 18 June 2009 to 30 April 2011. During the last two years, relevant State authorities and the Sámi Parliament have been implementing the proposals of the working group.

The working group proposed that new measures should be included in the next NBSAP in order to protect traditional knowledge. The Finnish Government approved a resolution on 20 December 2012 for a new Strategy for the Conservation and Sustainable Use of Biodiversity in Finland for the years 2012–2020. The National Action Plan was adopted by the relevant ministries on 26 March 2013 in line with the programme of the current Finnish Government.

Finland's National Strategy and Action Plan for the Conservation and Sustainable Use of Biodiversity were updated to correspond to objectives defined under the Convention on Biological Diversity (CBD) and within the European Union. According to the Government's programme, the strategy will be implemented so that it will safeguard Finland's indigenous Sámi People's conventional forms of utilisation of nature. The National Biodiversity Strategy and Action Plan were prepared in close cooperation with the Sámi Parliament. The first 8(j) working group's proposals are included in the new NBSAP. Some of the proposed actions may be discussed, updated and amended by the second Article 8 (j) working group.

The Ministry of the Environment set up the second national working group on Article 8(j) and related provisions on 20 February 2013. The chair of the working group is Mr Klemetti Näkkäläjärvi, chairman of the Sámi Parliament. Five ministries, Metsähallitus Natural Heritage Services, the Centre for Economic Development, Transport and the Environment of Lapland, and the Arctic Centre at the University of Lapland have representatives in the working group. The tasks of the working group are to prepare, follow up and promote Article 8(j)-related issues according to the NBSAP and to coordinate cooperation in implementing Article 8(j). The working group also has an obligation to follow actively international activities and to prepare the Finnish contributions for international meetings on Article 8(j).

Metsähallitus Natural Heritage Services, in cooperation with the Sámi Parliament, has continued applying the Akwé: Kon Guidelines in the preparation of management plans for protected areas in the Sámi Homeland. The Akwé: Kon principles have proven to be a useful tool for structuring cooperation and impact assessments, providing much valuable information for both protected area managers and the Sámi People. The first report, where the Akwe: Kon Guidelines were followed, on the preparation process for a management plan for the Hammastunturi Wilderness Area will be published soon.

***X/40 Task 8, 9, 16, Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention***

Finland refers to the above-mentioned two national Article 8(j) working groups which have contributed to significant progress in the cooperation between Finland's State administration and the Sámi Parliament of Finland. Experiences with the practical application of the Akwé: Kon Guidelines have proven to be very useful for both administrators and the Sámi community. The Akwé: Kon Guidelines have helped in establishing a procedure for taking into account traditional knowledge in management planning. A significant part of the Sámi Homeland is included in protected areas and the Natura 2000 network. Because of this, cooperation between the protected area managers and the Sámi Parliament is needed and close, regular and open interaction has been realised. The Sámi Parliament participates in the preparations for CBD meetings and their representative is always welcomed in the Finnish Delegation.

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| <b><i>Honduras</i></b> |
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Como proceso a la Aplicación de las actividades de trabajo en la implementación del artículo 8j y la ratificación e implementación del Protocolo de Nagoya en ABS, Honduras ha realizado las siguientes Actividades:

1. **Proyecto Fortalecimiento Aplicación Nacional del Artículo 8j CDB-Honduras. (2008 - 2010)**

Honduras, como país con alta Diversidad Biológica, previo a la Decima Conferencia de las Partes de la (COP-10) en Nagoya, Japón, octubre 2010, ya había presentado en el año 2007 una propuesta de proyecto basado en el Fortalecimiento del Artículo 8j del Convenio de Diversidad Biológica.

Dicho Proyecto fue ejecutado desde Enero 2008 hasta Noviembre 2010. El objetivo Principal de dicho proyecto fue:

*“Apoyar la Aplicación Nacional del Artículo 8j del Convenio sobre la Diversidad Biológica, mediante diseño, promoción e implementación de procesos orientado al respeto, la preservación y el mantenimiento de los conocimientos y las prácticas tradicionales de los pueblos indígenas. Con el fin de la conservación y el uso sostenible de la diversidad biológica y distribución de los beneficios obtenidos.”*

El proyecto se ejecuta con la Dirección General de Biodiversidad (DiBio) de la Secretaria de Recursos Naturales y Ambiente (SERNA) como contraparte, y financiado a través de la Cooperación del Gobierno Alemán el proyecto Sectorial para la implementación del Convenio de Diversidad Biológica de la GTZ (actualmente GIZ) en Honduras.

El Proyecto 8j estaba destinado a beneficiar a los 9 pueblos indígenas y de las comunidades afrodescendientes de Honduras: Chortis, Garífunas, Lencas, Miskitos, Nahoas, Negros de habla inglesa, Pech, Tawahkas y los Tolupanes o Xicaques.

Como parte del Proceso de la Ratificación del Protocolo de Nagoya, y como propuesta dejada por el Proyecto 8j. Se realiza la propuesta de creación de una unidad dentro de la Dirección de Biodiversidad (DiBio) de la Secretaria de Recursos Naturales y Ambiente (SERNA), dicha “Unidad de Recursos Biológicos, Genéticos y Tradicionales”, tendrá como finalidad la promoción, investigación, y protección de los Recursos Biológicos, Genéticos y tradicionales de pueblos Indígenas y comunidades locales de Honduras

## **2. Seminario Nacional sobre Recursos Genéticos conocimientos Tradicionales y/o Folclore (23 de agosto 2012)**

Este seminario se realizo en la sala de Conferencias de la Secretaria Técnica de Planificación Externa (SEPLAN), Organizado por la Organización Mundial de la Propiedad Intelectual OMPI, en Colaboración con la Dirección de Propiedad Intelectual del Instituto de Propiedad y La Dirección General de Biodiversidad de la Secretaria de Recursos Naturales y Ambiente (SERNA), como proceso a la ratificación del Protocolo de Nagoya.

El Seminario Consistió en la realización de 6 exposiciones:

- a. ¿Qué son los Conocimientos Tradicionales y las Expresiones Culturales tradicionales (o expresiones del Folclore)? Principales aspectos con relación a su protección desde la perspectiva de la propiedad intelectual. **Dra. Begoña Venero**

**PROPIEDAD INTELECTUAL:** Son las creaciones de la mente (imágenes, dibujos, esculturas, etc.) se divide en **Propiedad Industrial:** patentes de invención, marcas y productos geográficos de procedencia, etc.; **Derechos de Autor:** obras literarias, artísticas, musicales, diseños arquitectónicos, etc.; **Derechos conexos:** interpretes, productores de fonogramas, difusores, etc.

El objetivo general es la PROTECCIÓN.

Patentes de Invención: **Creaciones técnicas**, inventos o invenciones que brindan soluciones a problemas técnicos (productos, aparatos, procedimientos, etc.) cuentan con una duración limitada de 20 años de derechos exclusivos y territoriales.

Condiciones de protección: novedoso y alejado lo suficiente para tener mérito inventivo **Paso Inventivo**

Derechos de Autor: **Creaciones artísticas**, proteger obras literarias o artísticas, no necesitan registrarse siempre, tienen derecho propio solo por crearlas. No protegen las ideas sino como se expresa esa idea.

**Las expresiones Culturales Tradicionales**, son formas tangibles e intangibles de expresar conocimientos y cultura; son parte de la identidad y del patrimonio de los pueblos; se transmiten entre generaciones.

La OMPI busca: a.- PROTEGER los conocimientos tradicionales contra la utilización abusiva y la apropiación ilícita; b.- PRESERVAR los conocimientos tradicionales evitando la pérdida y degradación, salvaguardándola para futuras generaciones.

- Protección positiva, impedir el uso no autorizado y darles derecho a ejercerlas, soluciones adecuadas a las características de la expresiones culturales tradicionales.
- Protección defensiva, evitar que otros patenen los derechos de propiedad intelectual, protección preventiva para impedir o invalidar patentes.

b. ¿Qué son los Recursos Genéticos yCuál es su vinculación con la Propiedad Intelectual?

**Dra. Begoña Venero**

Recursos Genéticos: material genético de valor real o potencial. Material Genético: material de origen vegetal, animal, microbiano o de otro tipo que contengan unidades únicas de herencia (genes)... La diferencia entre estos es el uso o no de la información genética allí contenida.

***“Los Recursos Genéticos no son propiedades intelectuales, no pueden ser directamente protegidas o sistemas de propiedad intelectual; las invenciones basadas en o desarrolladas utilizando recursos genéticos (asociados con conocimientos tradicionales o no) pueden ser protegidos a través de patentes de invención.”***

c. Protección de los Conocimientos Tradicionales y Folclore en Honduras. **Antropóloga Gloria Pinto.**

- Manifestaciones culturales de los pueblos indígenas vivos.
- Manifestaciones culturales de origen vernáculo vivos

Garantizar la viabilidad del patrimonio cultural inmaterial comprendido

- |                  |                  |
|------------------|------------------|
| • Identificación | • Protección     |
| • Documentación  | • Promoción      |
| • Investigación  | • Valorización   |
| • Preservación   | • Revitalización |
- Salvaguardar el patrimonio:
    - Lenguas
    - Conocimientos y técnicas

- Practicas terapeutas (enfermedad de Gúbida) y religiosas
- Manifestaciones artísticas y culinarias

- d. Presentación sobre El Protocolo de Nagoya sobre el acceso a los recursos genéticos y la participación justa y equitativa en los beneficios derivados de su utilización en el Convenio de Diversidad Biológica. **Abg. Amaro García**

Dando una descripción sobre el protocolo de Nagoya, sus antecedentes, objetivo, propósito e importancia

- e. Presentación de Experiencias sobre conocimientos tradicionales y folclore en Honduras. **Sr. Eddy McNab y Sr. Edgardo Benítez.**

Presentado por el Señor Benítez, como representante del pueblo Tawahka. En donde manifestó:

“La OMPI tiene interés económico sobre el conocimiento tradicional de los pueblos indígenas”

“Todo su conocimiento tradicional tiene que ver con el territorio, el bosque, la biodiversidad que rodea los pueblos”.

Actualmente El pueblo Tawahka tiene una demanda contra Estee Lauder, por derechos de propiedad.

- f. Presentación de Experiencias de recursos genéticos en Honduras, conservación tradicional *in situ* o conservación tecnológica *ex situ*. **Ph.D. Paul House**

“Los agrosistemas indígenas incorporan especies nativas en 2 formas una individual y otra masiva”

“EL modelo utilizado desde hace tiempo atrás por los grupos indígenas, sigue siendo el más optimo para su región”

### **3. Proyecto Reserva de Biosfera Transfronterizo “Corazón del Corredor Biológico Mesoamericano”**

El Proyecto Corazón es un Proyecto de Conservación para la propuesta de una Reserva de Biosfera Transfronteriza en conjunto con Nicaragua cuyo objetivo de desarrollo es Mejorar la gestión nacional y binacional del área de la propuesta Reserva de Biosfera Transfronteriza “Corazón del Corredor Biológico Mesoamericano”, respetando los derechos de los habitantes ancestrales y tradicionales.

El proyecto es binacional, con ejecución directa en las Repúblicas de Honduras y Nicaragua: en Honduras las áreas son la Reserva de la Biósfera del Río Plátano, Parque Nacional Patuca y la Reserva Antropológica Tawahka. En la República de Nicaragua comprende la Reserva de Biósfera Bosawás.

En Honduras el proyecto ha realizado numerosas acciones con las comunidades indígenas y locales de la Biosfera del Río Plátano, el Parque Nacional Patuca y la Reserva antropológica Tawahka (Miskitus, Tawahkas, y Pech) en general el proyecto a:

- Capacitación de 18 centro educativos en diferentes temas como, programas de reciclaje, cambio climático, manejo de recursos Naturales, practicas de producción sostenible, entre otras

- Equipado y Capacitado 2 comités ambientales Miskito y Pech en temas relacionados al combate contra incendios, legislación ambiental.
- Equipamiento y capacitación de Asociaciones y grupos de mujeres indígenas, en la elaboración de productos a base de tuno, y equipo como planchas de carbón, maquinas de coser, colorantes
- Equipamiento a los grupos de buzos lisiados artesanos Miskitos, los cuales elaboran artesanías con restos de conchas marinas, y a los cuales se le entrego materiales con los cuales pueden perfeccionar su técnica de artesanal.

#### 4. Protocolo Bio-cultural del Pueblo Miskitu

El protocolo Biocultural del Pueblo Miskitu, se lanzo oficialmente por MASTA, como organización representante del Miskitu, con el apoyo de la UICN, Natural Justice y la Cooperación Alemana.

Durante el lanzamiento del documento se dieron las bases e inicios del proceso para la obtención del Documento. Hace aproximadamente un año el pueblo Miskitu lleva realizando reuniones sobre la elaboración de este documento.

##### Antecedentes:

1. Constantes Amenazas:
  - Las riquezas marítimas
  - El Bosque Los ríos
  - El Territorio
2. La lucha Indígena en Perú, Bolivia, Panamá
3. Los engaños y las mentiras
  - Reunión KURPA
  - PATUCA III

“ En 1995 Honduras Firma el Convenio 169 de los derechos Indígenas)”

##### ¿Cómo nace la idea?

Como proceso en la incidencia de PATUCA III

- Taller con líderes MASTA, Consejos territoriales en febrero 2012
- Introducción al PBC por la UICN y Natural Justice
- Selección del tema específico del Consentimiento Libre Previo e Informado CPLI.

##### Desarrollo del PBC-Miskitu

- Capacitación legal en La Ceiba
- Proceso para el cano: 7 pasos para el proceso, estructura final del protocolo
- Formulación del PBC: taller y encuentro de pueblos indígenas.

##### Contenido del PBC-Miskitu

Está compuesto por 8 capítulos

- Historia
- Valores culturales en relación a la escases y usos de los recursos naturales
- Problemas y Desafíos locales
- Ley de la reforma agraria

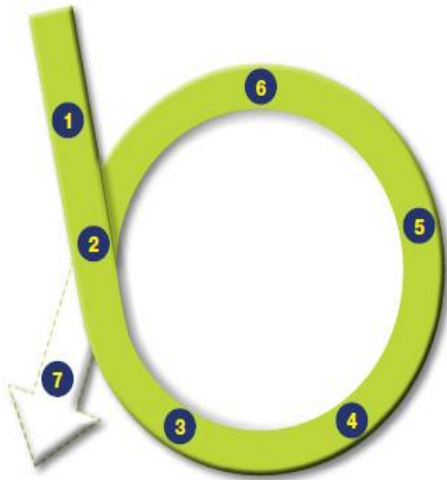


- Aspiraciones hacia el futuro
- Nuestros derechos según la legislación internacional y nacional
- Proceso del CLPI para el pueblo Miskitu
- Llamado a respetar el proceso sobre el CPLI
- Datos de contacto.

#### **El Proceso**

Consta de 7 pasos

- Primer contacto
- Acuerdo sobre el proceso
- Discusión de información relevante
- Toma de Decisión
- Negociación entre comunidades y actores relevantes
- Acuerdos sobre consentimiento
- Implementación y monitoreo



#### **Esquema del proceso del PBC-Miskitu**

Aunque no tiene un lanzamiento oficial con el apoyo de ninguna secretaria de estado y no ha sido aprobada de forma legal, la lectura y entendimiento de este protocolo ayudara a establecer las ideas claras que el pueblo Miskitu desea. Son muchos los vacios y solicitudes que presentan en dicho protocolo en relación al que se le puede dar al Convenio 169, es necesario un estudio detallado de este protocolo.

#### **5. Mesa Nacional Indígena y Afro hondureña de Cambio Climático (MNIACC) como cumplimiento a la estrategia Nacional de Cambio Climático (enero 2013)**

El 09 de enero 2013, después de un año de negociaciones, representantes del Gobierno y la Confederación de Pueblos Autóctonos de Honduras (CONPAH), firmaron un acta de compromiso de 15 puntos que establece los derechos de los pueblos indígenas y afrohondureños, en el proceso nacional que se consensua sobre la Reducción de las Emisiones por Deforestación y Degradación de bosques (REDD)

El acuerdo prioriza el cumplimiento de la Estrategia Nacional de Cambio Climático, a través del fortalecimiento de espacios de consulta intersectorial, para lo cual queda establecida la creación de la Mesa Nacional Indígena y Afrohondureña de Cambio Climático (MNIACC) que será liderada por CONPAH, sus federaciones y demás organizaciones indígenas y afrohondureñas del país. Cualquier acción que se realice en el territorio de estas comunidades, se desarrollará con el debido conocimiento y participación de la MNIACC.

Además queda conformada la mesa indígena y afro hondureña de cambio climático cuya iniciativa nace dentro de la Estrategia Nacional de Cambio Climático (2010-2020) como línea de acción de medida inmediata en la aplicación de la Estrategia y queda como compromiso interinstitucional en el acta de Compromiso de Cumplimiento entre La secretaria de Estado de los Despachos de Recursos Naturales y Ambiente (SERNA), El Instituto Nacional de Conservación Forestal, Áreas Protegidas y Vida Silvestre ICF, La Secretaria de Estado en los Despachos de Pueblos Indígenas y Afro hondureños SEDINAFROH, El Instituto Nacional Agrario INA y la Confederación de Pueblos Autóctonos de Honduras (CONOAH) y sus federaciones.

## **6. Creación del Departamento Recursos biogenéticos y bioquímicos asociados al conocimiento Tradicional dentro de la Dirección de Biodiversidad DiBio de la Secretaria de Recursos Naturales y Ambiente SERNA**

Que tendrá como finalidad fomentar la elaboración y aplicación efectivas de las actividades del programa de trabajo sobre el artículo 8j del Convenio de Diversidad Biológica y El protocolo de Nagoya; Siendo el Centro de coordinación como mecanismo de Intercambio de Información en la aplicación del Artículo 8j y acciones ABS del protocolo de Nagoya.

## **7. Educación Intercultural Bilingüe por la Secretaría de Educación:**

Información obtenida de la pagina web de la Secretaria de Educación, 2013. El concepto de educación intercultural o intercultural bilingüe se refiere a una modalidad de educación basada en el mutuo conocimiento, respeto y valoración de la diversidad cultural, dirigida a todos y cada uno de los pueblos y de la sociedad en su conjunto. Propone un modelo holístico e integral, que configura todas las dimensiones del proceso educativo, en busca de la erradicación de toda forma de racismo y discriminación. Se refiere a una educación orientada principalmente a abrir y mantener abiertos los canales de transmisión, adquisición, reproducción y desarrollo de las culturas, particularmente las que han estado ausentes de la educación oficial, junto con las otras culturas del país y del mundo. Con ello favorece el conocimiento de otros códigos de comunicación, conocimiento y comportamiento. Busca, para ello, el aprendizaje de otros códigos de referencia que permitan asimilar las diversas situaciones derivadas del contacto entre culturas. Por esto puede decirse que la educación intercultural es un «proceso que facilita la articulación armónica e integral de lo nuevo a partir de una matriz cultural propia» La educación intercultural o educación intercultural bilingüe, se reconoce por las siguientes características: toma como punto de partida el conocimiento de la cultura propia y la del otro; visibiliza valores y conflictos interculturales que hay que asumir y resolver; se dirige a todos los pueblos, a todas las generaciones y a todos los estratos sociales. En el caso de las poblaciones indígenas y afroamericanas, busca la preservación y el desarrollo de los idiomas originarios en pie de igualdad con el castellano.

### Productos en la Educación Intercultural Bilingüe

- Gestión del diseño del Plan de Estudio para la Licenciatura en Educación Básica con Orientación en EIB.
- Formación de 180 miembros de los Pueblos Indígenas y Afrodescendientes como Maestros de Educación Primaria.
- Capacitación a Estudiantes del Programa de Formación Docente sobre metodología de investigación en EIB aplicado al aula.
- Adjudicación de 3 Becas al Programa de Post Grado con especialización en estudio de Género de la UNAM /Fundación
- Adjudicación de 26 becas para Estudiantes en Educación Superior.
- Realización de dos diplomados en investigación en EIB, con metodología de Investigación Endógena: Investigación Acción, de 150 horas cada uno.
- Capacitación a 180 Estudiantes del Programa de Formación Docente de los Pueblos Indígenas y Afrodescendientes sobre metodología de investigación EIB aplicado al aula.
- Asignación de 16 becas para promotores de la lengua y cultura del Pueblo Maya-Chorti.
- Asignación de becas para 26 Estudiantes en Educación Superior.
- Adjudicación de cinco becas para estudiantes de nivel superior para realizar de investigación educativa sobre temática EIB.
- Investigaciones regionales sobre el estado del arte en EIB para el componente Honduras, en las áreas de materiales educativos y formación docente.

## 8. Actualización de la Estrategia Nacional de Biodiversidad ENB (2012-2022)



El año pasado Biodiversidad de Recursos

(SERNA), inicio el proceso de obtención de las bases para el proceso de actualización de la Estrategia Nacional de Biodiversidad ENB 2012-2022

2012, la Dirección de (DIBIO), de la Secretaría Naturales y Ambiente

Este inicio del proceso tiene como objetivo: “Identificar las bases para la Actualización de la Estrategia Nacional de Biodiversidad considerando el estado de avances en su implementación y los nuevos elementos en el contexto nacional e internacional relativos a la conservación de la biodiversidad de Honduras”.

En donde se conto con la participación de diferentes sectores: Secretarías de Estado, en Planificación, Finanzas, Medio Ambiente y Recursos Naturales, Industria y Comercio, Trabajo, Salud, Transporte, Forestal, Agricultura; Instituciones financieras nacionales e internacionales (bancos, organismos de crédito, cooperativas financieras, organismos de la cooperación internacional); organizaciones que representen a grupos principales, como mujeres, agricultores, jóvenes, sindicatos, sector privado, pueblos indígenas y ONG’s vinculadas con la Biodiversidad, La Academia.

## 9. Estrategia Nacional de Cambio Climático ENCC 2010 - 2020

Información obtenida del documento Estrategia Nacional de Cambio Climático ENCC 2010-2020.

El desarrollo de una estrategia nacional ante el cambio climático, responde a los esfuerzos encaminados al cumplimiento de los compromisos internacionales referidos, ya que constituye el marco de referencia fundamental para el establecimiento de un marco de políticas nacionales ante el cambio climático, así como para la definición y ejecución de los instrumentos más apropiados para su implementación efectiva, tanto en materia de adaptación como de mitigación. La Estrategia Nacional de Cambio Climático de Honduras (ENCC) y el marco de políticas asociado para su implementación, constituyen un componente intersectorial de carácter estratégico de la agenda nacional. La ENCC incorpora el abordaje del tema del cambio climático en las diferentes políticas públicas, tanto en lo social, como en lo económico y ambiental, y en el ámbito nacional, sectorial y municipal.

Dicha estrategia toma la participación e involucramiento de los pueblos indígenas y afrodescendientes en la aplicación de esta:

- Dentro de sus objetivos estratégicos: Implementar un adecuado manejo forestal para la protección y la producción ante la alteración de la riqueza, funcionalidad y relaciones simbióticas como efecto del cambio climático; con la articulación de una política social forestal que incorpore incentivos, beneficios y apoyo a las comunidades locales en el manejo sostenible del bosque, con énfasis en los pueblos indígenas y afrodescendientes.

- Dentro del fortalecimiento de los espacios de consulta y participación intersectorial y territorial
- Dentro de las Medidas inmediatas por las líneas de acción de la ENCC. Capacitación a los pueblos indígenas, etnias ancestrales y campesinos en las diferentes dimensiones pertinentes del cambio climático, con énfasis en la planeación y apropiación institucional del tema.
- Conformación de una mesa indígena como alcance para iniciar un proceso paulatino en el fortalecimiento de los espacios de consulta intersectorial, principalmente de grupos especializados.

## Peru

### II. Decisión X/40 Mecanismos para promover la participación efectiva de comunidades indígenas y locales en el trabajo del CDB

En el párrafo 7 invitó a las Partes a considerar la **designación de puntos focales nacionales** para el Artículo 8 j) y disposiciones conexas para facilitar las comunicaciones con las organizaciones de las comunidades indígenas y locales y fomentar la elaboración y aplicación efectivas del Programa de Trabajo del 8 j).

El Ministerio del Ambiente, como Punto Focal Nacional del CDB, cumplió con lo solicitado por la Secretaría Ejecutiva del Convenio sobre Diversidad Biológica, mediante Carta N° 09-2013-DM/MINAM, con fecha 15 febrero 2013.

## Sweden

### XI/14/A Progress in the Implementation of Article 8(j) and related provisions and its integration into the various areas of work under the Convention on Biological Diversity

The work on implementing article 8(j) nationally in Sweden has been slowly progressing since 2000. Several governmental studies, statements and proposals have been formulated to develop a national interpretation on how these issues should be handled. In the national environmental objectives system, the importance of local and traditional knowledge for conservation, sustainable use and public awareness has been stressed, but a general integration has not yet been reached in practice.

Since 2006, there is a Swedish National Programme for Local and Traditional Knowledge related to Conservation and Sustainable Use of Biological Diversity (Naptek), founded by the government, that together with the Swedish Sami Parliament is in a broad sense working on a Swedish implementation. This collaboration has involved dialogue and practical work regarding both policy and research. The Naptek-programme has also a consultative group consisting of different authorities, museums and representatives from stakeholder organisations and indigenous peoples and local communities. The work of Naptek has inter alia focused on the development of a national interpretation of local and traditional knowledge as well as indigenous peoples and local communities, for further implementation of these issues. In 2009–2010 a broad study on status and trends in Sweden in respect of the issues covered by article 8(j) and 10(c) was carried out to serve as baseline for further implementation work. Naptek has also translated and distributed texts in Swedish of the Programme of Work, the Ákwe: Kon-guidelines and the Tkarihwaí:ri – ethical code of conduct, to increase the possibilities for a broader and more effective local participation.

There has also been a broader project including a range of stakeholders on how to apply the Akwé: Kon-guidelines in the Swedish context and to what extent they could be seen as applicable to the present EIA legislation and praxis. It is possible to apply the guidelines in the present legal context; however, the EIA praxis would need to be changed. The experiences gathered during this phase of Naptek's work show that these issues are very complex and that there seem to be hindrances in the system that counteract the implementation process. To be able to reach the Aichi target 18 there is a need for a conceptual change in the society as a whole.

In Swedish environmental policy, the need to take account of local and traditional knowledge to identify, select, restore and manage valuable areas for protection is included in several, but not all, of the national environmental objectives. Furthermore, the importance of local biological heritage and local breeds and varieties is highlighted.

During 2012, the Swedish government asked Naptek to specifically look at three angles on traditional knowledge, i) enabling entrepreneurship based on local and traditional knowledge, ii) how to integrate traditional and local knowledge with academic research in decision-making on biodiversity and ecosystem services, and iii) the potentials and limitations of a national traditional knowledge portal on the Internet. Reports from these studies have been delivered to the government.

Furthermore, the Swedish Sami parliament has developed and is currently implementing a Living Environment Programme Eallinbiras – Iellembirás – Jielemen bijre, in which a strong focus is the use and promotion of traditional knowledge to achieve conservation and sustainable use of biological diversity. Consequently several projects are on-going with the purpose to strengthen the role of traditional knowledge in the Sami society and for a sustainable rural development in the Swedish parts of Sápmi.

#### **X/40 Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention**

When it comes to the participation in the national processes concerning the implementation of article 8(j), the national programme has had a consultative group with a fairly broad representation of farmers, artisanal fishermen, Sami as well as representatives from governmental agencies in order to create a dialogue regarding detailed issues concerning article 8(j) and related issues between some relevant actors. However, additional efforts are needed as well as mechanisms for an effective communication based on the equality of all actors.

In the new managing organization for the World Heritage Site Laponia, the Laponiatjuottjudus, the local Sami representatives have their own majority, but decisions will be made in consensus according to agreed common values.

### **B. Submissions from relevant organizations**

#### ***Communautés Autochtones et Locales de la forêt Hlanzoun- Benin***

**Tâche 7.** En se basant sur les tâches 1, 2 et 4, le Groupe de travail élabore des directives pour la mise en place de mécanismes, législation ou d'autres initiatives appropriées pour assurer: (i) que les communautés autochtones et locales obtiennent la part juste et équitable des avantages découlant de l'utilisation et de l'application de leurs connaissances, innovations et pratiques, (ii) que les institutions privées et publiques intéressées par l'utilisation de ces connaissances, pratiques et innovations obtiennent le consentement préalable, en connaissance de cause, des communautés autochtones et locales, (iii) la promotion de l'identification des obligations des pays d'origine, ainsi que des Parties et gouvernements où ces connaissances, innovations et pratiques ainsi que les ressources génétiques associées sont utilisées.

**Tâche 12.** Le Groupe de travail spécial élabore des directives pour aider les Parties et les autres gouvernements à établir des législations ou d'autres mécanismes, le cas échéant, en vue de l'application de l'article 8(j) et des dispositions connexes (qui pourraient inclure des systèmes sui generis) et des définitions des principaux termes et concepts pertinents, de l'article 8 j) et des dispositions connexes, aux échelons national, régional et international, qui reconnaissent, protègent et garantissent pleinement les droits des communautés autochtones et locales sur leurs connaissances traditionnelles, innovations et pratiques, dans le cadre de la Convention.

**Tâche 10.** Le Groupe de travail spécial élabore des normes et des directives visant à dénoncer et prévenir l'utilisation illicite des connaissances traditionnelles, des innovations et pratiques et des ressources génétiques

3 Décision XI/14, D, annexe, « Le but de la tâche 15 est d'élaborer des lignes directrices de bonnes pratiques qui faciliteraient le renforcement du rapatriement dans les pays d'origine, des connaissances autochtones et traditionnelles liées à la conservation et l'utilisation durable de la diversité biologique, y compris les connaissances autochtones et traditionnelles associées aux biens culturels, conformément à l'article 8(j) et au paragraphe 2 de l'Article 17 de la Convention, afin de faciliter la récupération des connaissances traditionnelles liées à la diversité biologique. »

### ***Rede Pacari de Plantas Medicinais***

Em atenção à decisão XI/14 parágrafo 7 da Conferência das Partes de que o tema para o diálogo a fundo seja “Conectar sistemas de conhecimentos tradicionais e ciências, tal como a Plataforma Intergovernamental Científico-Normativa sobre Diversidade Biológica e Serviços Ecossistêmicos”, a Rede Pacari de Plantas Medicinais apresenta informações ao Programa de Trabalho sobre o Art. 8j, de iniciativas das comunidades locais do Cerrado brasileiro, sobre este tema para contribuir com o diálogo a fundo na oitava reunião do Grupo de Trabalho sobre o artigo 8j e disposições conexas do Convênio:

- Comunidades locais do bioma Cerrado, região central do Brasil, fazem o uso da biodiversidade local para o cuidado da saúde, segurança alimentar e desenvolvimento de produtos para geração de renda e trabalho. Esta prática tradicional é exercida por grupos de mulheres que se organizam em torno de empreendimentos comunitários e promovem o uso sustentável da biodiversidade local e a proteção de ecossistemas provedores de recursos naturais.
- O aproveitamento desses recursos por comunidades locais, através do extrativismo de plantas oleaginosas nativas do Cerrado, é praticado cotidianamente, com um impressionante protagonismo de mulheres, e demanda por uma ação conjunta entre comunidades locais e cientistas para o desenvolvimento de produtos.
- O desenvolvimento de produtos por empreendimentos comunitários é uma estratégia de uso sustentável e de salvaguarda dos conhecimentos tradicionais associados porque agrega valor econômico aos recursos naturais, gerando renda às famílias envolvidas. A geração de renda local ocorre sem perder a identidade de origem do produto e a soberania de utilizar os recursos naturais para o cuidado da saúde e o bem estar local. E esta dinamização econômica local fortalece politicamente as comunidades para pressionar o poder público por áreas extrativistas comunitárias de uso sustentável.
- Neste contexto, as comunidades locais se organizam em redes de empreendimentos comunitários e, através dessas estruturas organizativas, propõe uma conexão com o conhecimento científico na perspectiva de que, a ciência possa contribuir com o manejo dos recursos em processos produtivos inovadores e gerar novos conhecimentos sobre a gestão sustentável dos ecossistemas.
- A conexão com conhecimento científico e o acesso à tecnologia poderá gerar benefícios para as comunidades locais como a revitalização da importância cultural e ambiental de determinados recursos genéticos no processo de desenvolvimento de produtos, e ampliar a perspectiva econômica dos detentores de conhecimento tradicional e de recursos naturais para além de meros

provedores de matéria-prima para a indústria ou de protetores dos ecossistemas naturais para receber pagamentos do governo por serviços ambientais.

- Nós comunidades locais do bioma Cerrado, que abrange 24%do território do Brasil, se estendendo de forma contínua por 09 estados, com uma população ainda predominantemente rural, que mantêm viva a cultura de uso tradicional da biodiversidade, demandamos por oportunidades de diálogo com a ciência e podemos proporcionar aos cientistas linhas de pesquisa aplicáveis a projetos estruturantes para o desenvolvimento local com a preservação da biodiversidade.
- Esta conexão entre os sistemas de conhecimento tradicional e científico poderá demonstrar ao mundo que o Cerrado brasileiro, possui um patrimônio cultural e ambiental de imenso valor e que merece estudos e proteção de sua biodiversidade que está sendo ameaçada pelos grandes projetos de monocultivo de soja, cana-de-açúcar e eucalipto, que submetem as comunidades tradicionais e indígenas a um processo de degradação, de perda de seus territórios tradicionais.
- Neste cenário a citada “magia do diálogo transformando conflitos em cooperação” (Yankelovich D. 1999), teria todo sentido.

***Red Indígena de Turismo de México A.C; Consejo Regional Otomí del Alto Lerma de México; Red de Mujeres Indígenas y Biodiversidad de Guatemala; Asociación IXACAVAA de Desarrollo e Información Indígena de Costa Rica; INBRAPI de Brasil; Plataforma Dominicana de Afrodescendientes y EcoHaina de Republica Dominicana.***

En la mayoría de los países, los aportes de los pueblos indígenas y comunidades locales no han sido tomadas en cuenta; no ha existido ese diálogo entre gobierno y pueblos indígenas y comunidades locales y se ha tenido aún menos participación plena y efectiva en los distintos espacios de toma de decisión sobre tierras, territorios y los recursos naturales. En la elaboración de los Informes Nacionales que cada Parte presenta, no ha habido la oportunidad de construirlo en conjunto, tampoco las acciones que se implementan en cada país para la preservación de la biodiversidad reflejan las necesidades reales de los pueblos indígenas y comunidades locales. Varias regiones del mundo como Latinoamérica, presentan territorios amenazados día a día por los megaproyectos como son la minería a cielo abierto, implementación de hidroeléctricas, introducción de productos transgénicos, llegada de centros comerciales, entre otros, lo cual evidencia que se han violado los derechos establecidos en el Convenio 169 de la OIT, la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas y el mismo Convenio sobre la Diversidad Biológica principalmente el artículo 8(j).

Con todo lo anterior, los pueblos indígenas y comunidades locales recomiendan al Grupo de Trabajo 8(j) que durante su Octava Reunión a realizarse del 7 al 13 de octubre de 2013, hagan un llamado a las Partes del CDB a adoptar medidas que garanticen el pleno ejercicio de los derechos de los pueblos indígenas y de las comunidades locales, asimismo que los Informes Nacionales incluyan información verídica de la situación de los pueblos indígenas y comunidades locales, para que a la vez se fortalezcan e impulsen las acciones comunitarias que realizan los pueblos indígenas y comunidades locales a través de sus conocimientos y prácticas tradicionales y locales a través de sus conocimientos y prácticas tradicionales.

En Guatemala en el Consejo Nacional de Áreas protegidas CONAP a través de la dirección de Pueblos indígenas y sociedad civil realizo en el 2010 una Política institucional de pueblos indígenas y biodiversidad con el fin de garantizar que dentro del mismo CONAP adhirieran el compromiso de hacer practico dentro de sus planes y programas de trabajo el tema del conocimiento tradicional y biodiversidad como un eje fundamental de trabajo en las diferentes áreas regionales a nivel nacional y trabajar sobre esas directrices respetando las practicas ancestrales de los pueblos indígenas, mayas, garífunas y Xinca de Guatemala, la cual se logró con ello la instalación de 4 técnicos indígenas quienes tienen el reto de

trabajar el tema de áreas protegidas pero reconociendo el papel protagónico que tienen mujeres y hombres dentro de la protección, conservación, uso, control y manejo de la biodiversidad desde un enfoque lingüístico y diverso siendo Guatemala un país multicultural, plurilingüe y reconocido también como un país mega diverso. De esta manera desde el año 2009 se inició este esfuerzo del trabajo de la dirección de pueblos indígenas del CONAP y así como la creación de un consejo asesor indígena conformada por organizaciones indígenas la cual la Red de mujeres indígenas y biodiversidad es parte de ella en donde el objetivo es asesorar a la Secretaria ejecutiva del CONAP la implementación y reconocimiento entre los programas de trabajo el compromiso de trabajar el tema de biodiversidad pero desde una cosmovisión de los pueblos indígenas.

### ***Inuit Circumpolar Canada***

#### **Participatory Mechanisms of Indigenous and local communities in the work of the convention**

There are existing mechanisms which can be utilized to raise awareness so the CBD, which includes indigenous self-government arrangements and other indigenous based decision making processes, includes the objectives of sustainable use of biological diversity. Such agencies may include wildlife management boards and co-management boards. Such boards could be examined, as a case study, to determine the opportunities for the application of the traditional knowledge and also, to identify the gaps to the full and effective participation according to the Aichi targets. These case studies may identify gaps an best practices of involvement at other levels and would be useful for the CBD work of the conventions as to the type of information that could be useful, and to what kind of information can be provided. These case studies could also be useful for the extent, that traditional innovations and practices are integrated into decision making. Other suggestions would be the examination of national strategy such as the SARA legislation as it relates to the Aichi targets and participatory mechanisms.

ICC strongly suggests, consideration of a series of regional workshops for capacity building and emphasizes that MEAs, especially the United Nations Framework Convention on Climate Change and the Stockholm Convention, be applied to facilitate the workshops, as MEAs relate to the impact on Arctic biodiversity. Further, how it is utilized in terms of the impact of climate change and the exposure to contaminants on bio-diversity in indigenous communities.

ICC fully supports the development of the mechanism and tools to provide ILCs with partnerships in training projects. ICC emphasizes that the training on indigenous to indigenous can work and that is a possible case study to developed in this regard.

### ***Articulation Pacari de Plantas Medicinaiis***

## **REPORTS ON THE IMPLEMENTATION OF THE AGREEMENT ARTICLE 8j - CBD / BRAZIL**

The Articulation Pacari, network community organizations that work with using traditional and sustainable biodiversity of the Cerrado biome, articulated a meeting with representatives of the Ministry of Environment to spark a discussion about government processes related to the implementation of Article 8j - CBD in view of the Eighth Meeting of the WG 8j, which will be held this year in Montreal, on next October.

This meeting with the *Ministry of Environmental* was held on 04 julho/2013 and with the participation of the coordination of the *Department of Genetic Heritage*, the *Secretary of Biodiversity and Forests* and the *Pacari Network*. The following issues were addressed and sent:

- The Brazilian government does not have yet a Focal Point for Article 8j. The government's priority is to advance the development, discuss and negotiate a *Draft Law on Access to Genetic Resources and Protection of Traditional Knowledge*, which is currently at the Ministry of

Environment to receive contributions and technical contributions and then be sent to Congress National to be voted. This bill is under discussion will replace the *Provisional Measure 2186-01*, (MP 2186-01), which is in force in our country.

- The Coordination Executive Network Pacari suggested, and was accepted, that the government hold a meeting with key civil society commissions that works with the theme traditional knowledge, (*National Commission on Traditional Peoples and Communities*, and the *National Committee for Medicinal Plants Herbal Medicines*) for these committees may become aware and contribute to the processes of implementing the CBD in the country, prioritizing issues related to benefit sharing (ABS) and protection traditional knowledge.
- The Department of Genetic Heritage of the Ministry of Environment, responsible for the implementation of Provisional 2186/01, which is the current legislation on access and protection of traditional knowledge, reported that the government has recognized the Pharmacopoeia of the People's Cerrado as an instrument sui generis protection of traditional knowledge associated with the use of genetic resources.
- The Ministry of Environment, through the Secretary of Biodiversity and Forests has recommended that this initiative of participatory development popular pharmacopoeia, which was developed by the Pacari Network, is reproduced in all five other Brazilian biomes, and reiterated that this experience can be purposeful for a sui generis system of protection in the context of the discussion of SCDB.
- The *Secretariat of Biodiversity and Forests* stressed the importance of including the *Institute of National Historical and Artistic Heritage of the Ministry of Culture (IPHAN)* in the discussion on the protection of traditional knowledge in the context of the implementation of Article 8j of the Convention on Biological Diversity. The proposed inclusion of *IPHAN* was prepared by Pacari Network under the *National Committee for Medicinal Plants and Herbal Medicines*, in which the Pacari Network participates as an effective member.
- The *Secretariat of Biodiversity and Forests* also recognized and reiterated the need to increase efforts to support training workshops for representatives of local communities and indigenous peoples on the processes of the CBD, especially if enabling on the importance of discussing the article 8j of the Convention on Biological Diversity.

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