



Practical principle 2: Recognizing the need for a governing framework consistent with international/national⁽²⁾ laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned.⁽³⁾

Rationale:

Uncontrolled access to biodiversity components often leads to over-utilization as people try to maximize their personal benefits from the resource while it is available. Resources for which individuals or communities have use, non-use, or transfer rights are usually used more responsibly because they no longer need to maximise benefits before someone else removes the resources. Therefore sustainability is generally enhanced if Governments recognize and respect the “rights” or “stewardship” authority, responsibility and accountability to the people who use and manage the resource, which may include indigenous and local communities, private landowners, conservation organizations and the business sector. Moreover, to reinforce local rights or stewardship of biological diversity and responsibility for its conservation, resource users should participate in making decisions about the resource use and have the authority to carry out any actions arising from those decisions.

Operational guidelines

- Where possible adopt means that aim toward delegating rights, responsibility, and accountability to those who use and/or manage biological resources;
- Review existing regulations to see if they can be used for delegating rights; amend regulations where needed and possible; and/or draft new regulations where needed. Throughout local customs and traditions (including customary law where recognized) should be considered;
- Refer to the programme of work related to the implementation of Article 8(j) with regard to indigenous and local community issues (decision V/16), implement and integrate tasks relevant for the sustainable use of biodiversity components, in particular element 3, tasks 6, 13 and 14;

⁽²⁾Where consistency with international law is referred to this recognizes: a) that there are cases where a country will not be a party to a specific international convention and accordingly that law will not apply directly to them; and b) that from time to time countries are not able to achieve full compliance with the conventions to which they are a party and may need assistance.

⁽³⁾See principle 2 of the ecosystem approach.



- Provide training and extension services to enhance the capacity of people to enter into effective decision-making arrangements as well as in implementation of sustainable use methods;
- Protect and encourage customary use of biological resources that is sustainable, in accordance with traditional and cultural practices (Article 10(c)).