



CBD



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/COP/10/INF/37
14 October 2010

ENGLISH AND FRENCH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Tenth meeting
Nagoya, Japan, 18–29 October 2010

RECOMMENDATIONS FOR AFRICAN NEGOTIATORS FROM THE 2ND PREPARATORY MEETING OF AFRICAN INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith, for the information of participants in the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, an information note submitted by GTZ Germany, on recommendations for African negotiators from the second Preparatory Meeting of African indigenous peoples and local communities organized by the Indigenous Information Network (IIN), Indigenous Peoples of Africa Co-ordinating Committee (IPACC) and the ABS Capacity Development Initiative for Africa.
2. The document is being circulated in the form and language in which it was provided to the Secretariat.

/...

In order to minimize the environmental impacts of the Secretariat's processes, and to contribute to the Secretary-General's initiative for a C-Neutral UN, this document is printed in limited numbers. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

**RECOMMENDATIONS FOR AFRICAN NEGOTIATORS FROM THE 2nd
PREPARATORY MEETING OF AFRICAN INDIGENOUS PEOPLES AND LOCAL
COMMUNITIES**

**ORGANIZED BY THE INDIGENOUS INFORMATION NETWORK (IIN), INDIGENOUS PEOPLES OF AFRICA
CO-ORDINATING COMMITTEE (IPACC) AND THE ABS CAPACITY DEVELOPMENT INITIATIVE FOR
AFRICA**

RECOMMENDATIONS ON THE REPORT OF THE 6TH MEETING OF THE WG 8j

Sui Generis Systems:

This meeting recommends that all Parties should develop effective sui generis systems for the protection of traditional knowledge.

In the development of such systems, principles such as the inseparability of customary law and traditional knowledge and the recognition by States of the traditional institutions of indigenous peoples and local communities must be taken into account.

Sui generis systems for the protection of traditional knowledge should be developed, monitored and evaluated with the full and effective participation of indigenous peoples and local communities and be based on their customary laws and community protocols.

**Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of
Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of
Biological Diversity:**

This meeting recommends to the African Group that the Code of Ethical Conduct must be compulsory.

Prior and informed consent should be maintained and approval and involvement should be removed. Although Article 8j uses the term 'involvement and approval' the various decisions on Article 8j have consistently interpreted this term to mean 'prior and informed consent'.

'Lands and waters traditionally occupied or used by indigenous and local communities' should be retained as the Parties to the CBD in COP 7 accepted this term by consensus in the adoption of the Akwe Kon Guidelines.

**Multi-year programme of work on the implementation of Article 8j and related provisions of
the CBD:**

This meeting welcomes the addition of the new agenda item, in-depth dialogue, and regards it as a useful method of work to ensure Article 8j is effectively addressed as a crosscutting issue by the thematic areas of the CBD.

Noting that there are three proposals on the table: 1) Benefit sharing modalities 2) Protected areas 3) Biodiversity and climate change- the first priority for the African region should be 'Protected areas because of the social, cultural, economic and political impact on indigenous peoples and local communities. Recognizing the value added by local governance and management as well as the application of traditional knowledge for healthy ecosystems.

RECOMMENDATIONS ON THE DRAFT PROTOCOL ON ABS:

This meeting recommends:

- 1) Strong compliance measures in the ABS Protocol that ensures users of traditional knowledge comply with the customary laws and community protocols of indigenous peoples and local communities (Articles 12 and 13)
- 2) That while the prior informed consent of indigenous peoples and local communities can be in accordance with national law and administrative or policy measures, it is important that their prior informed consent is not subject to national law, but based on their customary laws and community protocols. If Parties want to retain the term 'subject to national law' it is important that they include an additional term 'and in accordance with international obligations' (Article 5 bis)
- 3) Regarding the preamble to the draft protocol on ABS:
 - Traditional knowledge should be effectively taken into account in the preambular text
 - Remove brackets around the preambular text 'Noting the significance of the United Nations Declaration on the Rights of Indigenous Peoples as regards this Protocol'
 - Remove brackets around the preambular text 'Noting the interrelationship between genetic resources and traditional knowledge and the inseparable nature of these resources to indigenous and local communities'
- 4) The establishment of an office to support developing countries and indigenous and local communities to identify breaches of rights and to provide technical and legal support in ensuring effective redress of such breaches (Article 14 bis)
- 5) Considering the inseparable link between the traditional knowledge of indigenous peoples and local communities and the genetic resources associated with this traditional knowledge, special provisions should be made within the ABS protocol to recognize the rights of indigenous peoples and local communities over such genetic resources (Article 4 and 5)
- 6) That traditional knowledge associated with genetic resources should be reflected in a cross-cutting manner throughout the ABS Protocol
- 7) That the words 'indigenous and local community laws, customary law, community protocols and procedures' are retained in Article 9 of the ABS Protocol and is not substituted by 'community level procedures'
- 8) The removal of brackets around Article 11. 3. a(bis) 'Relevant competent authorities of indigenous and local communities' and Article 13. 1. v(bis) 'Indigenous and local communities, including their relevant competent authorities, that may grant access to traditional knowledge associated with genetic resources'

ILC organizations represented at the preparatory meeting:

African Indigenous Women's Organization (AIWO)	Sudan
Association des Peuples Autochtones du Congo (APAC)	Congo
Association Malienne d'Eveil au Développement Durable (ONG AMEDD)	Mali
Association OKANi	Cameroon
Bushbuckridge Traditional Healers Association	South Africa
Center for Indigenous Knowledge for Organizational Development	Ghana
Chibememe Earth Healing Association (CHIEHA)	Zimbabwe
Communauté des Potiers Rwandais (COPORWA)	Rwanda
Community Knowledge Service	Kenya
ENDA TIERS MONDE	Sénégal
Hadzabe Survival Council	Tanzania
Imerogo Women Group	Kenya
Indigenous Information Network (IIN)	Kenya
Integrated Development and Nature Conservation	Namibia
Indigenous Peoples of Africa Co-ordinating Committee (IPACC)	South Africa
Jinukun Network / Nature Tropicale	Benin
Land and Equity Movement	Uganda
Lelewal Barka	Cameroon
Lelewal Women Network	Cameroon
LIFE Network-Africa	Kenya
Ligue Nationale des Associations Autochtones Pygmées du Congo (LINAPYCO)	DRC
Maasai Cultural Heritage (MCH)	Kenya
Melca Mahiber	Ethiopia
Nadutari	Tanzania
Namanga Environmental Organization	Kenya
Ogiek Peoples Development Programme (OPDP)	Kenya
Porini	Kenya
Res jeunne	Rwanda
RVCWDA	Ethiopia
South African Endogenous Development Program (SAEDP)	South Africa
Tunga cross border	Uganda
UNIPROBA	Burundi
Unissons-nous pour la Promotion des Batwa (UNIPROBA)	Burundi
United Organisation for Batwa Development in Uganda (UOBDU)	Uganda
Khwedam Council	Botswana
Working Group of Indigenous Minorities in Southern Africa (WIMSA)	Botswana /Namibia
Zimbabwe Environmental Law Association	Zimbabwe
