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MEETING ON ARTICLE 10, WITH A FOCUS ON  
ARTICLE 10(c) AS A MAJOR COMPONENT OF THE  
PROGRAMME OF WORK ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE CONVENTION  
Montreal, 31 May–3 June 2011

**CUSTOMARY SUSTAINABLE USE INDICATORS**

*Note by the Executive Secretary*

1. The Executive Secretary is circulating herewith, for the consideration of participants in the meeting on Article 10, with focus on Article 10 (c) as a major component of the programme of work on Article 8(j) and related provisions, an information document on “customary sustainable use indicators” submitted by the Forest Peoples Programme.
2. The document is being circulated in the form and language in which it was provided to the Secretariat.

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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.

## CUSTOMARY SUSTAINABLE USE INDICATORS

Considering that the following were identified as main obstacles to protecting and encouraging customary sustainable use (Article 10(c)):

- a. Lack of secure land and resource rights
- b. Lack of recognition and respect for the importance of customary sustainable use for biodiversity protection
- c. Lack of recognition of customary laws and institutions
- d. Imposed protected areas and conservation policies
- e. Insufficient participation in biodiversity policy and decision-making processes
- f. External pressures on traditional lands and lack of application of free prior and informed consent (FPIC)
- g. Mainstream education and assimilation policies

Accordingly, the table here below includes indicators identified for each of these key issues. However, as the titles in the table do not correspond directly with the issues above, we could suggest that the various sections of the table be used as follows:

- 1.1 is relevant for customary use in general
- 1.2 (land, territories and natural resources) is already being addressed in land tenure under traditional knowledge, so it can be ignored in this context although it should be noted that it is very important for both TK and CSU
- 1.3 is relevant to c.
- 1.4 to f.
- 2.1 and 2.2 to b.
- 2.3 to g.
- 3.1 could become useful in the discussion on customary sustainable use and livelihoods
- 4.1 to e.
- 4.2 refers to participation in CBD processes; those indicators addressing CBD processes at the national and local level can be especially relevant to point e.
- 5 to d.

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<b>1. CUSTOMARY SUSTAINABLE USE</b>		
<b>Structural Indicators</b>	<b>Process Indicators</b>	<b>Outcome Indicators</b>
<b>1.1. General</b>		
<p>Has the state ratified relevant international treaties or law recognising the rights of IPs?  <i>[note: see example ‘ Right to Health’: all relevant treaties separately mentioned in indicator].</i></p> <p>Does the State’s Constitution include recognition of the rights of Indigenous peoples?</p>	<p>Number and percentage of (national and local) laws and measures adopted that are in accordance with signed international treaties.</p> <p>Number and quality of reports the State has submitted to the treaty-based bodies monitoring the signed treaties.</p> <p>Percentage of government budget allocated to the implementation of the rights of indigenous peoples.</p> <p>Extent to which these funds are accessible for Indigenous communities</p> <p>Is the recognition of the rights of Indigenous Peoples reflected in (national and local) laws and policies?</p> <p>Level of awareness, knowledge and understanding of (the existence) of these laws among Indigenous communities</p> <p>Quality, quantity and accessibility of these laws and policies for Indigenous communities.</p> <p>Does the State sanction violations of indigenous peoples’ rights?</p>	<p>Proportion of indigenous peoples that enjoy legal recognition of their rights, including the right to freely practice their traditional ways of life.</p> <p>Number of peoples who benefit from government budgets allocated to the implementation of the rights of indigenous peoples.</p> <p>Number of Indigenous peoples who know about their rights.</p> <p>Number of Indigenous Peoples who make use of these laws.</p> <p>Number of programmes, projects or activities contradicting indigenous peoples’ rights discontinued or cancelled by government <i>[Asia group indicator].</i></p> <p>Number of violations of indigenous peoples’ rights met with appropriate sanctions/penalties</p>
<b>1.2 Land, territories and natural resources</b>		
<p>Has the government adopted laws that recognise the (collective) rights of Indigenous peoples to own, use and manage land and natural</p>	<p>Number of policies, programmes and / or administrative measures that recognise the (collective) rights of IP to own, use and manage land and natural resources.</p>	<p>Number / percentage of Indigenous peoples who officially own, use and manage their self-demarcated areas (e.g. collective title)</p>

<p>resources? [use Akwe:kon Guidelines for formulation].</p>	<p>Existence of an implementing agency to implement programmes and / or administrative measures. [Asia group indicator].</p> <p>Accessibility of laws that recognise the (collective) rights of IP to own, use and manage land and natural resources?</p> <p>In case ownership, use and management rights are not officially recognised, do indigenous peoples have access to their land and resources?</p> <p>Does the government officially recognise (the use of) community resource maps?</p> <p>Have indigenous territories been mapped and demarcated with full consent of the indigenous peoples concerned?</p>	<p>Size and percentage of a country's land area that is officially owned, used, and managed by Indigenous peoples.</p> <p>Area of forest, agriculture and aquaculture ecosystems under sustainable management and under full and effective control of Indigenous peoples. [note: could some of this language be used in CBD indicator related to goal 4, target 4.1?].</p> <p>Number of indigenous peoples who have access to their land and resources (in case ownership, use and management rights are not officially recognised).</p> <p>Number of community compiled and validated maps of customary use of biological resources officially recognised.</p>
<p>Does the State effectively protect the indigenous communities against displacement and invasion of outsiders?</p>		<p>Number of successfully prevented cases of displacement of indigenous peoples from the indigenous territories</p> <p>Number of illegal immigrants entering indigenous communities</p>
<p>Does the State provide for land- or resource related grievance mechanisms? [Asia group indicator]</p>	<p>Total amount of national budget allocated to enhance the capacity of indigenous peoples in the management of their lands and resources (based upon their own knowledge)</p> <p>Level of awareness, knowledge and understanding of (the existence) of land- or resource</p>	<p>Number of Indigenous Peoples benefiting from capacity building programmes publicly funded.</p> <p>Number of Indigenous peoples who know about land- or resource related grievance mechanisms?</p>

	<p>related grievance mechanisms among Indigenous communities</p> <p>Quality and accessibility of land- or resource related grievance mechanisms</p> <p>Does the State sanction violations of indigenous peoples' rights to land and natural resources?  <i>[note: maybe it is enough to include this in the general section?]</i></p>	<p>Number of Indigenous Peoples who make use of land- or resource related grievance mechanisms.</p> <p>Number and percentage of indigenous communities that have unresolved customary use issues or disputes relating to ownership, use and management of lands and natural resources.</p> <p>Number of violations of indigenous peoples' rights to land and natural resources met with appropriate sanctions/penalties <i>[Asia group Indicator]</i>.</p>
<b>1.3. Traditional authorities / Indigenous institutions, and customary laws</b>		
<p>Does the government officially recognise that customary law and traditional institutions play an important role in the sustainable use and management of natural resources?</p>	<p>Number of public statement/declarations or official documents that reflect this recognition</p>	
<p>Has the government officially recognised customary law of all indigenous peoples?</p>	<p>Number of policies, programmes and / or administrative measures that recognise customary law.</p> <p>Accessibility of laws that recognise customary law</p>	<p>Number / percentage of Indigenous peoples that benefit or make use of these policies, programmes and measures.</p> <p>Number of national policies and management plans that include or reflect customary rules and regulations</p> <p>Number / percentage of Indigenous peoples whose customary law is recognised (if not all customary law is recognised)</p>
<p>Has the government legally recognised Indigenous peoples' traditional and/or representative institutions?</p>	<p>Accessibility of laws that recognise traditional/indigenous authorities/institutions</p> <p>Number of policies, programmes and / or administrative measures that recognise Indigenous peoples' traditional and/or representative</p>	<p>Number / percentage of Indigenous peoples that benefit or make use of these policies, programmes and measures.</p>

	institutions.	
Does the State officially recognise Indigenous peoples' traditional and/or representative institutions' jurisdiction over resources?	Number of policies, programmes and / or administrative measures that recognise Indigenous peoples' jurisdiction over resources.	Number of Indigenous peoples' traditional and/or representative institutions that have official jurisdiction over resources used according to customary use and traditional knowledge
<b>1.4. FPIC (and external threats)</b>		
Is FPIC enshrined in law? <i>[Asian group Indicator]</i>	Number of policies, programmes and / or administrative measures to implement FPIC.	Number / percentage of Indigenous peoples that benefit or make use of these policies, programmes and measures.  Number of programmes and projects completed using FPIC guidelines
Has the Government officially recognised the principle of FPIC in developing natural resource management plans and projects on indigenous lands, including extractive industry concessions (logging, mining, etc), major development projects (dams, etc.) or land allocation to outsiders?	Number of official government plans that take FPIC into account.  Number/percentage of extractive industry concessions (logging, mining, etc), major development projects (dams, etc.) or land allocation to outsiders issued by the government without our free prior and informed consent?	The number/percentage of indigenous peoples affected by extractive industry concessions, and/or land allocation to outsiders issued by the government without our free prior and informed consent
Has the government revoked all plans and projects on indigenous lands that were developed without FPIC of the Indigenous peoples concerned?		Number of revoked existing logging and mining concessions, major developments, and land allocation to outsiders that were issued without the Indigenous peoples' FPIC.
Has the government restored and returned all lands that were issued to extractive industry concessions, and land allocation (major developments) to outsiders without FPIC to indigenous peoples and indigenous peoples are fairly compensated?		Number of mining and logging areas restored and returned to indigenous peoples and indigenous communities are fairly compensated for any damage or degradation to their territories and resources as a result of extractive industries activities or land allocation to outsiders without their FPIC.

<p>Is the government willing to support the capacity building processes for indigenous peoples to enforce FPIC?</p>	<p>Number and quality of initiatives to support the capacity building processes for indigenous peoples to enforce FPIC.</p> <p>Accessibility of capacity building process</p>	<p>Number of indigenous peoples' organisations that have successfully applied FPIC</p> <p>Number of indigenous peoples' organisations capable of enforcing FPIC</p>



## 2. Protection of Traditional Knowledge, Innovations and Practices (TKIP)

### 2.1. Socio-cultural diversity of indigenous and local communities

Structural Indicators	Process Indicators	Outcome Indicators
<p>Do national laws officially recognize that Indigenous Peoples are an essential part of the socio-cultural diversity of the nation?</p>	<p>Number of indigenous and minority languages recognised as official languages [<i>Asia group indicator</i>].</p> <p>Number and nature of policies to protect and encourage indigenous peoples' cultural heritage</p> <p>Total amount of national budget allocated to protect and encourage indigenous peoples' cultural heritage</p> <p>Do policies and practices of major world religions that are practiced in the country respect the religious beliefs and traditional practices of indigenous peoples and traditional communities?</p>	<p>Status of cultural heritage (language, culture, traditions and beliefs etc.) of indigenous peoples [<i>Asia group indicator</i>]</p> <p>Number of Indigenous peoples benefiting from policies and national budget allocation concerning cultural heritage protection.</p> <p>Number of Indigenous Peoples whose sacred sites and spiritual practices are respected and protected</p>

### 2.2. Traditional knowledge

<p>Has the State ratified international treaties respecting Indigenous knowledge, customs, traditions and practices? Does the State's constitution include respect for TKIP?</p>		
<p>Do national laws and policies recognise, protect and promote TKIP (including recognition of traditional medical practices) <i>[note; leave traditional medicine out? Or move]</i></p>	<p>Extent to which indigenous peoples are in control of research and documentation of traditional knowledge in their areas.</p>	<p>Number and percentage in which FPIC is applied to researches relating to TKIP in indigenous peoples' areas.</p> <p>Percentage of research or studies (documentation) on TKIP that has been carried out by indigenous peoples themselves.</p>

	<p>Quality and quantity of legal initiatives and policies enacted at the national and local level with regard to TKIP</p> <p>Quantity and quality of indigenous organisations and public institutions actively implementing projects and activities related to the recognition, promotion and protection of TKIP</p> <p>Total amount of national budget allocated to protect and promote TKIP</p> <p>Observance of traditional practices related to agriculture, lifecycle, etc. allowed</p> <p>Number and quality of local and national policies addressing bio-piracy and intellectual property rights of indigenous peoples <i>[Asia group indicator]</i></p> <p>Existence and accessibility of grievance mechanisms on intellectual property rights</p>	<p>Number of Indigenous peoples benefiting from policies and national budget allocation concerning protection and promotion of TKIP</p> <p>Number of indigenous communities that are allowed to observe traditional practices.</p> <p>Number of indigenous groups that have patents / copyrights.</p>
<p>Extent to which traditional knowledge, innovation and practices are being protected and used by indigenous peoples</p>	<p>Extent to which indigenous knowledge is transmitted to next generation</p> <p>Extent to which indigenous peoples have access to traditional knowledge, innovation and practices (e.g. when living in the city)</p>	<p>Number of youth, women and elders participating in transfer of knowledge</p> <p>Number of indigenous groups who have made a (complete) inventory of TKIP <i>[Asia group indicator]</i></p> <p>Quality of inventories of TKIP</p> <p>Number of indigenous communities with documented and codified customary laws <i>[Asia group indicator]</i></p> <p>Number of indigenous Communities that keep a register of their traditional knowledge and practices <i>[Asia group indicator]</i>.</p> <p>Number of indigenous youth</p>

		interested in learning traditional music, dance, crafts, etc.
<b>2.3. Indigenous, bilingual and multicultural education</b>		
Does the State provide the opportunity to establish indigenous, bilingual and multicultural education?	<p>Number of policies, programmes and initiatives that provide information and establish a dialogue between government and communities on bilingual and multicultural education</p> <p>Are Indigenous knowledge, customs, traditions and practices respected and promoted as an integral part of the national curriculum to create learning and appreciation of indigenous cultures?</p> <p>To what extent do Indigenous peoples participate in the formulation of educational policy and curriculum? <i>[Asia group indicator]</i></p>	<p>Number of meetings which: are organised jointly by the representatives of the indigenous communities and relevant government and UN body (e.g. UNESCO); and are held at the community level; and provide the communities and relevant government institutions with information on indigenous peoples' right to bilingual and multicultural education as provided by international conventions</p> <p>Number of Indigenous persons that have a role in managing educational institutions <i>[Asia group indicator]</i></p> <p>Indigenous peoples' languages are medium of instruction in the education system <i>[Asia group indicator]</i></p> <p>Number of TKIPs integrated in the curriculum of the educational system (eg educational materials) <i>[Asia group indicator]</i></p> <p>Number of indigenous children who have access to indigenous schooling</p> <p>Number of indigenous knowledge centres/schools in a community</p>

### 3. Maintain goods and services from biodiversity to support human well-being

#### 3.1. Community self-reliance

Structural Indicators	Process Indicators	Outcome Indicators
<p>Has the government recognised that Indigenous peoples rely on local biodiversity to secure their livelihoods?</p>		<p>Percentage of IPs carrying out traditional activities that contribute to sustainable livelihoods.</p> <p>Number of communities that consider themselves self-reliant.</p> <p>Number people that can be fed by local produce.</p> <p>Number and size of common property resources ‘ reserved’ for indigenous communities.</p>
<p>Has the government adopted laws and policies that recognize the inviolable rights of indigenous people to live and to make a living in their traditional territories?</p>	<p>Has the government developed or supported plans and activities that recognize the inviolable rights of indigenous people to live and to make a living in their traditional territories?</p> <p>Quality and quantity of plans and activities that recognize the inviolable rights of indigenous people to live and to make a living in their traditional territories.</p>	<p>Number / percentage of people benefiting from these plans and activities</p> <p>Number of activities that lead to self-reliance, well-being and food security.</p> <p>Number of indigenous productive activities derived from their territory and/or resources (eg. ethno-cultural tourism, entrepreneurial activities, artistic activities)</p> <p>Number of species (domesticated/undomesticated) that are used for food, medicine and fibre.</p> <p>(No. micro-biota in the soil?) (No. of people dependent on traditional medicine)</p>
<p>Is the State taking action to prevent livelihood supporting biodiversity resources from being degraded?</p>	<p>The extent to which the use of modern technology, chemicals and equipment are controlled and monitored, to ensure minimum impact to biological resources.</p>	<p>Number of communities that have access to safe drinking water</p> <p>Period/length and severity of food deficiency</p> <p>Reduction in numbers of indigenous people leaving their communities</p>

**4. Effective Participation of indigenous and local communities in all processes affecting them**

**4.1. participation in general (national level)**

Structural Indicators	Process Indicators	Outcome Indicators
<p>Are all laws and measures affecting indigenous peoples been developed in accordance with international human rights standards and with the full participation and of the indigenous peoples concerned?</p>	<p>Are participation standards established? <i>[Asia group indicator]</i></p> <p>Do Indigenous Peoples participation in all plans and activities following these laws and measures?</p> <p>Do Indigenous groups participate in monitoring work programmes to ensure accountability?</p> <p>Do indigenous peoples participate in the reform of relevant policies, justice system and identification of development programmes and projects? <i>[Asia group indicator]</i></p>	<p>Number of policy/decision-making bodies of government (local, regional and national) where indigenous peoples' representatives are mandatory members <i>[Asia group indicator]</i></p>
<p>Are Indigenous peoples recognised as full citizens of the country? <i>[Asia group indicator]</i></p>	<p>Are Indigenous peoples are allowed to participate in elections and other political activities? <i>[Asia group indicator]</i></p>	

**4.2. participation in CBD processes**

<p>Full and effective participation of IPs in CBD processes and implementation at all levels</p>	<p>Level of human, financial, scientific, technical and technological capacity to implement the Convention</p> <p>Increased level of indigenous organisations' participation in CBD process.</p> <p>Increase in number of indigenous people aware of the international obligations of their governments to CBD <i>[Asia</i></p>	<p>Number of meetings with IPs' participation in relation to CBD processes</p> <p>Number and quality of partnerships involving IPs in CBD processes at national, regional and global level</p> <p>Number and types of audits undertaken between States and IPs in relation to CBD processes</p>
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	<p><i>group indicator]</i></p> <p>Number of indigenous organisations participating in National Biodiversity Strategies and Action Plan (NBSAP) and other relevant policies and programmes.</p>	<p>and implementation</p> <p>Number of communication, education and public awareness activities undertaken by IPs on CBD processes and implementation</p> <p>Number of mutually agreed procedures for meaningful and effective participation of IPs in CBD [processes and] implementation.</p> <p>Number of indigenous peoples' organisations organised to participate in CBD process <i>[Asia group indicator]</i></p>
<p>Recognition of IPs as right-holders within the Convention and throughout its implementation</p>		<p>Number of structures or mechanisms requiring IP's FPIC</p> <p>Number of cases/complaints made by IPs</p> <p>Level of recognition of traditional political authority</p> <p>Number of cases where indigenous lands and resource rights are legally recognised and protected</p> <p>Number of mutually agreed procedures for meaningful and effective participation of IPs in CBD [processes and] implementation</p>
<p>Enhanced status of IPs in the Convention</p>		<p>Number of mutually agreed procedures for meaningful and effective participation of IPs in CBD [processes and] implementation</p> <p>IPs as Permanent Observers?</p> <p>Participation in Global Biodiversity Partnership and other CBD partnerships (Biodiversity Indicators Partnership???)</p>

		Enhanced participation in expert groups convened by CBD Involvement of UNPF on Indigenous Issues
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## 5. Protected areas

Structural Indicators	Process Indicators	Outcome Indicators
<p>Is the government taking action to implement the CBD PoW on PA?</p>	<p>Number of policies and programmes promoting Indigenous protected areas and respect for IP's rights in establishment of Pas (draft)</p> <p>Are protected areas that overlap indigenous territories respect indigenous rights and are co-managed by indigenous authorities?</p> <p>Community resource maps officially included in conservation policy.</p> <p>Number of policies and programmes taking a pro-active approach to protect and encourage customary sustainable use of biological resources in accordance with traditional practices.</p>	<p>Number and extent of legally recognised indigenous protected areas (totally controlled by IPs).</p> <p>No protected areas established on indigenous peoples' territories without their free, prior and informed consent</p> <p>No forced resettlement of indigenous peoples from protected areas</p> <p>Number and quality of co-management agreements respecting indigenous rights</p> <p>Inter-institutional agreements in co-management or control over resources recognizing traditional authorities and incorporates traditional norms</p> <p>Percentage of indigenous claims to areas with protected area status that are (not yet) recognised</p>
<p>Protected area laws do not restrict access and control by indigenous peoples.</p>	<p>Protected area management does not compromise indigenous peoples' livelihoods and culture.</p>	<p>Indigenous peoples in protected areas are not malnourished, impoverished or denied access to services.</p>
<p>Protected areas in indigenous territories that have not been established with the free, prior and informed consent of indigenous peoples must be revoked.</p>		<p>Number of protected areas in indigenous territories revoked as they were not established with the free, prior and informed consent of indigenous peoples and did not recognize and protect the rights of indigenous peoples to own, use, control and manage the lands, territories and</p>



		resources they have traditionally owned, or otherwise occupied and used, in accordance with international human rights standards.
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