

CONVENTION ON BIOLOGICAL DIVERSITY

Distr.
GENERAL

UNEP/CBD/WG8J/5/2
28 August 2007

ORIGINAL: ENGLISH

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

Fifth meeting

Montreal, 15-19 October 2007

Item 3 of the provisional agenda*

PROGRESS IN THE IMPLEMENTATION OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS AND ON THE INTEGRATION OF THE RELEVANT TASKS INTO THE THEMATIC PROGRAMMES OF WORK UNDER THE CONVENTION AND AT THE NATIONAL LEVEL

Note by the Executive Secretary

INTRODUCTION

1. In decision VIII/5 A, paragraphs 1 and 9, the Conference of the Parties requested the Executive Secretary to continue to report of progress on the implementation of Article 8(j) and related provisions based on information received through the national reports and in the integration of relevant tasks of the programme of work on Article 8(j) and relate provisions into the thematic areas. In paragraph 2 of the same decision, the Executive Secretary was requested to compile a statistical report identifying participation of indigenous and local communities in different bodies of the Convention. In paragraph 5, the Working Group is requested at its sixth meeting to address, as a priority, the timeframe to initiate work on the remaining tasks of the programme of work for Article 8(j) and related provisions. Furthermore, in paragraph 6, the Working Group is requested to analyse work initiated and/or advanced on related provisions, in particular Articles 10(c), 17, paragraph 2, and 18, paragraph 4, of the Convention and to provide advice on how these related provisions may be further advanced and implemented.

2. In order to address paragraph 2, the Executive Secretary has put in place infrastructure through the guidelines for the fourth national reports and through the voluntary fund for indigenous and local community participation in meetings held under the Convention, to collect this information on an annual basis and to make it available to future meetings of the Working Group on Article 8(j) and related provisions. In response to paragraph 5, the addendum to this document 1/ contains the programme of

* UNEP/CBD/WG8J/5/1.

1/ UNEP/CBD/WG8J/5/2/Add.1.

work on the implementation of Article 8(j) and related provisions, 2/ identifying the status and remaining tasks not yet initiated for the consideration of the Working Group.

3. In regard to paragraph 6, the initiation or advancement of work on related provisions, such as sustainable customary use (Article 10(c)) and technology transfer (Article 17.2), are taken up in section I, under thematic areas, which also examines progress in the integration of the relevant tasks of the programme of work for Article 8(j) and related provisions into the thematic areas of the Convention. To avoid duplication, section I, includes only thematic areas which have made further advances since the fourth meeting of the Working Group on Article 8(j).

4. Section II reports on progress on the implementation of Article 8(j) and related provisions based on the third national reports. Section III of this document contains draft recommendations 3/ for the consideration of the Working Group.

I. THEMATIC AREAS

5. It should be noted that related provisions such as Article 10(c) and Article 17, paragraph 2, are taken up not through distinct programmes of work but through integration into thematic programmes and cross-cutting issues such as economic, trade and incentive measures; sustainable use; and technology transfer and cooperation.. Hence such products as the Addis Ababa Principles and Guidelines on Sustainable Use and their implementation by Parties are directly relevant to the implementation of these articles.

A. *Biological diversity of dry and sub-humid lands*

6. Paragraph 3 of the programme of work on dry and sub-humid lands (decision V/23, annex I), states that “implementation of the programme of work will also build upon the knowledge, innovations and practices of indigenous and local communities consistent with Article 8(j) of the Convention”.

7. In response to the findings of the in-depth review of implementation of the programme of work, the Conference of the Parties, at its eighth meeting, requested, in decision VIII/2, that the Executive Secretary identify land-use options that promote biodiversity and generate income for indigenous and local communities, particularly options for transboundary and community based natural resource management. As such, the Executive Secretary prepared document UNEP/CBD/SBSTTA/12/8 for review by the Subsidiary Body on Scientific, Technical and Technological Advice.

B. *Forest biological diversity*

8. The fourth meeting of the Ad Hoc Technical Expert Group (AHTEG) on the Review of Implementation of the Programme of Work on Forest Biological Diversity met in Rome from 28 May to 1 June 2007 at the Food and Agriculture Organization of the United Nations (FAO) in order to analyse the state of implementation of the work programme, and make recommendations for improved implementation, in accordance with the mandate of the AHTEG established by decisions VI/22 and specified in decision VIII/19.

9. Indigenous organizations that participated in this AHTEG included the Pacific Indigenous Peoples Environment Coalition (PIPEC), and the Canadian Indigenous Biodiversity Network. Experts agreed during the fourth meeting of the AHTEG on 77 points for improvement of the scientific and

2/ Decision V/16, annex.

3/ The draft recommendations also include recommendations based on the issues contained in the addendum of this document.

technical background document for the review; 56 conclusions from the draft review; and 28 recommendations for improved implementation. The points most relevant to the programme of work of Article 8(j) and related provisions are:

(a) Recommendation for the improvement of element 1, goal 1, objective 3 of the programme of work: “Improve collaboration between the Secretariats and Subsidiary Bodies of the CBD and UNFCCC, and enhance coordinated implementation of both conventions at the national level, and include biodiversity experts, including holders of traditional forest related knowledge, into the current discussions on reducing emissions from deforestation.”

(b) Recommendation for the improvement of element 1, goal 4, objective 3, of the programme of work: “Provide adequate financial resources for capacity building and organizational structures for the management of natural resources used by indigenous peoples.”

(c) Recommendation for the improvement of element 2, goal 3, objective 1 of the programme of work: “Ensure full and informed participation of indigenous people, local communities, women, other major groups and the general public in the decision making process related to the conservation and management of forest biodiversity.”

(d) Recommendation for the improvement of element 3, goal 3, objective 1 of the programme of work: “Prioritize research on the importance of forest biodiversity and specific ecosystem functions for women, in particular indigenous women taking into account the work done on Article 8(j).”

10. In accordance with the mandate of the AHTEG, these recommendations will form the basis of the information document on the in-depth review of the expanded programme of work on forest biological diversity to be submitted to the Subsidiary Body on Scientific, Technical and Technological Advice at its thirteenth meeting. The full procedural meeting report is available at <http://www.cbd.int/doc/meetings/for/tegfor-04/official/tegfor-04-03-en.doc>

C. Mountain biological diversity

11. In decision VII/27, the Conference of the Parties adopted a programme of work on mountain biological diversity. Goal 2.3 (“To respect, preserve, and maintain knowledge, practices and innovations of indigenous and local communities in mountain regions”) and goal 3.6 (“To promote the development, validation, and transfer of appropriate technologies for mountain ecosystems, including indigenous technologies in accordance with Article 8(j) of the Convention on Biological Diversity and related provisions”) of the programme of work are especially relevant to Article 8(j). A number of activities listed under these goals inter alia address the concerns and provisions of Article 8(j). In addition the following other goals and activities of the programme of the work take into account the consideration of Article 8(j) and Article 10(c), for example:

- (a) Under goal 1.3 (To promote the sustainable use of mountain biological resources):
 - Activity 1.3.2 aims to promote sustainable land-use practices, techniques and technologies, including those of indigenous/local communities and community-based management systems, for the conservation and sustainable use (including hunting and fishing) of wild flora and fauna and agro-biodiversity in mountain ecosystems, including biological pest control;
 - Activity 1.3.3 aims to support activities of indigenous and local communities involved in the use of traditional mountain-related knowledge, in particular concerning sustainable management of biodiversity, soil, water resources and slope;

- Activity 1.3.4 aims to promote partnerships between all stakeholders, including indigenous and local communities, involved in the sustainable use of mountain biological resources;

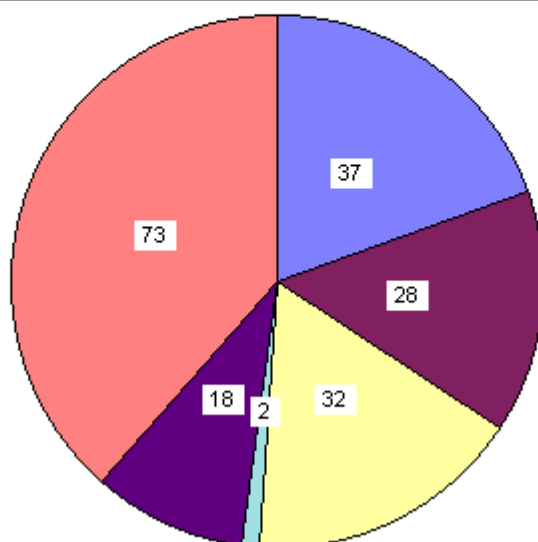
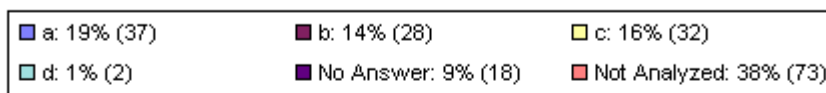
(b) Under goal 1.4 (To promote access to, and sharing of benefits arising from the utilization of genetic resources related to mountain biological diversity in accordance with national legislation where it exists), activity 1.4.1 aims to strengthen the capacity of indigenous and local communities to engage in equitable benefit-sharing arrangements, taking into account the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, bearing in mind their voluntary character and that they do not purport to replace national legislation.

(c) Under goal 1.5 (To maintain genetic diversity in mountain ecosystems, in particular through the preservation and maintenance of traditional knowledge and practices), activity 1.5.2 aims to implement provisions contained in Article 8(j) taking into account the needs of developing countries.

12. In conclusion, implementation of Article 8(j)-relevant activities of the programme of work for mountain biodiversity, as revealed by the analysis of third national reports, is limited. Thirty-five per cent of responding countries have taken measures for benefit sharing from the utilization of mountain genetic resources, including preservation and maintenance of traditional knowledge. Twenty-seven countries indicated that such measures are under development and 37 countries that no such measures had not been taken. Measures taken include: traditional medicine surveys and studies, ex-situ conservation, traditional knowledge inventory, policy and legal frameworks, incentives for organic farming. A number of countries have developed strategies, laws, programmes or mechanisms for sharing benefits arising from use of genetic resources, including those from mountain ecosystems, or protection of traditional knowledge associated with use of mountain genetic resources. For example, Brazil requires that contracts be agreed for access to genetic resources and benefit-sharing from their use, including those of mountain ecosystems

CBD Parties

196. Has your country taken any measures for sharing the benefits arising from the utilization of mountain genetic resources, including preservation and maintenance of traditional knowledge?



D. Ecosystem approach

13. In decision V/6, the Conference of the Parties adopted 12 principles for the application of the ecosystem approach. A number of these imply the full and effective participation of indigenous and local communities in decision-making, in particular, principles 11 (the ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices) and 12 (the ecosystem approach should involve all relevant sectors of society and scientific disciplines). Effective application of the ecosystem approach, therefore, automatically would include this consideration. However, the extent of the effective implementation of these principles at national level is difficult to ascertain.

14. The Secretariat co-organized a workshop on the ecosystem approach and customary practice in protected areas in small islands, in Bangkok, from 12 to 16 December 2006. A central theme of the workshop was the value and utility of customary practice and indigenous knowledge in managing natural resources better. The workshop had a high level of participation of indigenous and local communities' representatives and demonstrated the value of promoting their effective and full participation.

E. Agricultural biological diversity

15. In decision VIII/23 D, the Conference of the Parties requested the Executive Secretary, in partnership with FAO and in consultation with other relevant international organizations, to prepare a full review of the programme of work on agricultural biodiversity for consideration at its ninth meeting, which will be held in Germany in May 2008.

16. As an input to the in-depth review process, the Secretariat has prepared a preliminary analysis of information on the programme of work on agricultural biodiversity contained in the 127 third national reports that were submitted to the Secretariat as of 1 May 2007. Two questions ^{4/} in the third national report related to the programme of work on agricultural biodiversity will be of significant interest to indigenous and local communities. In response to these questions, 60 per cent of the Parties reported having undertaken assessments of the knowledge, innovations and practices of farmers and indigenous and local communities. A few Parties mentioned having conducted ethno-biological studies on the traditional use of animals and plants, and socio-economic studies on the use of traditional crop varieties. In response to Q.170, less than one third of the Parties (29%) reported having made progress on improving the policy environment to support local-level management. However, where improvements have been made, examples of such improvements included: measures to support conservation of plant and animal genetic resources, indigenous peoples' rights, agro-forestry, conservation of small-scale landscape elements, preservation of landscapes and historical features, integrated farm management and organic agriculture. A limited number of Parties have established benefit-sharing arrangements (14%) and provided economic incentives (18%) to farmers to support local-level management of agricultural biodiversity.

F. Other matters

1. Ad Hoc Technical Expert Group on Biodiversity and Climate Change

17. The Ad Hoc Technical Expert Group (AHTEG) on Biodiversity and Climate Change was established to assist the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in its further work on the interlinkages between biodiversity and climate change (decision VII/15), by

^{4/} Q.165: Has your country carried out an assessment of the knowledge, innovations and practices of farmers and indigenous and local communities in sustaining agricultural biodiversity and agro-ecosystem services for food production and food security? (Activity 1.3); and Q.170: Has your country improved the policy environment, including benefit-sharing arrangements and incentive measures, to support local-level management of agricultural biodiversity?

undertaking a supplementary assessment on the integration of biodiversity considerations in the implementation of adaptation activities to climate change, and preparing advice taking into consideration the thematic areas of the Convention for planning and/or implementing activities to address adaptation to climate change. The AHTEG met for the first time in January 2002 and included participation from indigenous and local communities. The last meeting of the AHTEG was held in September 2005 and also included representatives from indigenous and local communities; there is no mandate for an additional meeting. The reports of the AHTEG are published as CBD Technical Series No. 10 and No. 25.

18. The AHTEG considered further assessment of the integration of biodiversity considerations in the implementation of adaptation activities to climate change and in particular noted that “understanding changes of biological diversity due to climate change may include active participation of local and indigenous communities”. ^{5/} Sustainable development in light of adaptation to climate change needs to respect and promote indigenous and local community’s traditional knowledge in ways that help to complement scientifically-based knowledge and vice versa. The full and effective participation of indigenous and local communities in such matters with require capacity building indigenous organizations, their institutions, and their universities and the use of their knowledge will depend upon their approval and/or prior and informed consent. New information technology such as Web-based, multi-lingual tools may facilitate and enhance communication between local and indigenous communities and other stakeholders in pursuit of the goals of the Convention and in particular in matters related to sustainable development and climate change.

19. As a follow up to the AHTEG, the eighth meeting of the Conference of the Parties, in its decision VIII/30 encouraged Parties and other Governments, when addressing research needs and activities on the impacts of climate change on biodiversity, to involve indigenous and local communities and other relevant stakeholders, particularly on issues related to ecosystem health, human health, traditional knowledge, and livelihoods.

2. *Incentive measures*

20. The Conference of the Parties at its eighth meeting adopted decision VIII/25, on the application of tools for the valuation of biodiversity and biodiversity resources and functions. In paragraph 6 of the decision, the Conference of the Parties invited national, regional and international funding institutions to identify gaps and needs to support the building or enhancement of national capacity as well as research and training for undertaking valuation; to support the further development of regional and international capacity, and to explore options for interlinked funding mechanisms with a view to supporting the design and the harmonized application of valuation tools among different multilateral environmental agreements. In paragraph 7 of the same decision, the Conference of the Parties encouraged relevant national, regional and international research institutions to strengthen research activities including research cooperation and exchange at national, regional and international levels, in order to promote a common understanding of valuation techniques among governments and stakeholders, on a number of issues spelt out in the decision.

21. In paragraph 8 of the decision, the Conference of the Parties encouraged relevant institutions, in carrying out the work described in paragraphs 6 and 7 of the decision, to support the participation of indigenous and local communities, in order to facilitate the inclusion of cultural values in work on valuation of biodiversity resources and functions and associated ecosystem services with a view to generate valuation mechanisms that are suitable to indigenous and local communities.

^{5/} Report of the meeting of the Ad Hoc Technical Expert Group on Biodiversity and Adaptation to Climate Change, (UNEP/CBD/SBSTTA/11/INF/5).

22. Options for the application of tools for valuation of biodiversity and biodiversity resources and functions are annexed to decision VIII/25. Paragraph 16 of the annex states that:

“The full involvement of all relevant stakeholders as well as indigenous and local communities is another important means of increasing the credibility and acceptability of decision-making processes including the application of valuation methods. By ensuring that sample groups are representative, their full and effective involvement can also contribute to the quality of applying certain valuation tools. Institutions should therefore have mechanisms in place that ensure the full and effective involvement of relevant stakeholders as well as indigenous and local communities in appraisal processes including the application of valuation tools.”

23. In paragraph 6 (c) of decision VIII/26, on incentive measures, the Conference of the Parties encouraged relevant national, regional and international institutions and organizations, such as IUCN and the Organisation for Economic Co-operation and Development, as well as representatives of indigenous and local communities and relevant stakeholders, to strengthen research activities, including research cooperation and exchange at national, regional and international levels, on, inter alia, the development of mechanisms, including policy, legal and institutional measures in full consultation with representatives of indigenous and local communities that ensure the fair and equitable sharing of benefits arising from positive incentive measures.

3. *Transfer of technology and scientific and technological cooperation*

24. The programme of work on transfer of technology and scientific and technological cooperation, adopted by the Conference of the Parties at its seventh meeting and annexed to decision VII/29, invites the relevant actors responsible for its implementation to take into account a number of strategic considerations, inter alia, that the participation, approval and involvement of indigenous and local communities and all relevant stakeholders is key for the successful transfer and diffusion of technology for conservation and sustainable use of biological diversity; and that mechanisms for ensuring that technology transfer and cooperation fully respect the rights of indigenous and local communities need to be taken into account in the implementation of the programme of work (decision VII/29, annex, paragraphs 4 (c) and 4 (d)). Task 15 of the programme of work for Article 8(j) and related provisions is mutually supportive as it requests the Working Group on Article 8(j), to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention in order to facilitate the recovery of traditional knowledge of biological diversity, but this task is yet to be initiated.

25. The programme of work calls for, inter alia, the development or improvement of national systems of information exchange on technology transfer and technology cooperation, in consultation with indigenous and local communities and all relevant stakeholders, with a view to fostering dialogue between technology holders and prospective users through, inter alia: (i) the application of ways and means to ensure effective linkages with existing national, regional and international information systems; (ii) accessibility and adaptability of such systems by indigenous and local communities and all relevant stakeholders; and (iii) information on local needs for adaptation, and related capacity, to be effectively channelled into national systems. Further to this activity, the Secretariat is providing training courses on the clearing house mechanism for indigenous and local communities, which include a section on technology transfer and cooperation. The first workshop in a series of clearing-house mechanism and Article 8(j) joint training activities, took place in Quito, from 14 to 16 December 2007. The next training workshop is tentatively scheduled to take place in Africa in April 2008.

4. *Monitoring and assessment of progress towards the achievement of the 2010 target*

26. In decisions VII/30 and VIII/15, the Conference of the Parties adopted a framework for assessing progress in the implementation of the Strategic Plan of the Convention, including the target to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth. Under the focal area on “protecting traditional knowledge, innovations and practices” the Conference of the Parties agreed to test the indicator on “status and trends of linguistic diversity and numbers of speakers of indigenous languages” and to request the Working Group on Article 8(j) to develop additional indicators.

27. To further this task, the International Indigenous Forum on Biodiversity established a working group on indicators which proposed an initiative to organise an international expert seminar of indicators relevant for indigenous and local communities and the Convention and this was supported by the Conference of the Parties in decision VIII/5 G, paragraph 5. The results of the process, the regional seminars and the international expert meeting are made available for the consideration of the fifth meeting of the Working Group on Article 8(j) in UNEP/CBD/WG8J/5/8.

28. UNESCO has taken the lead on the development of the indicator on “status and trends of linguistic diversity and numbers of speakers of indigenous languages”. An initial compilation of available data was carried out with the support from the Secretariat and reported in Global Biodiversity Outlook 2. Further work is scheduled once the 2010 Biodiversity Indicators Partnership project, supported by the Global Environment Facility, becomes fully operational.

5. *Tourism and biological diversity*

29. The Secretariat is planning to hold a series of regional and subregional workshops aimed at capacity building for indigenous and local communities in support of the enhanced implementation of the Guidelines on Biodiversity and Tourism Development with the view to support and strengthen indigenous and local initiatives in this area. A first three-day workshop is planned for the Arctic region, in recognition of the International Polar Year 2007-8, and will consider the distinct challenges of remote rural Arctic destinations. This first workshop will be held from 19 to 23 November 2007 in Quebec City, Canada.

30. The objectives of the workshop are to:

(a) Exchange knowledge and experience developing biodiversity-friendly tourism activities in the Arctic region including through implementation of the Guidelines;

(b) Build capacity for participants to use new information and web-based technologies more effectively to develop and market tourism products through implementation of the Guidelines;

(c) Build capacity in areas of interest to indigenous and local communities and in particular under Article 8(j), including the revised 8(j) homepage and the Traditional Knowledge Information Portal;

(d) Test and assess participative planning tools, while refining needs assessment for future training workshops, in collaboration with Jacques Chevalier, an anthropologist from Carleton University and expert on participative planning.

31. It is anticipated that subject to the availability of funding, future regional workshops will take place in Latin America, Africa and Southeast Asia, with a focus on forest basins, islands and other ecosystems. The Secretariat has invited Carleton University to technically assist in researching and

developing policy planning tools and a needs assessment specifically aimed at indigenous tourism product managers.

II. PROGRESS REPORT ON THE IMPLEMENTATION OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS AT THE NATIONAL LEVEL

A. Introduction

32. In the third national reports, Parties were asked to report on the support provided to indigenous and local communities to determine the status and trends of, and threats to traditional knowledge. Parties were also requested to report on the implementation of the Akwé: Kon Guidelines, measures to strengthen indigenous and local communities' capacities for decision-making related to the use of traditional knowledge as well as mechanisms to promote indigenous and local communities' participation in relevant decision making and policy planning. The third national reports also included various types of support Parties were requested to provide for the implementation of Article 8(j) and related provisions. The previous progress report for the 4th meeting of the Working Group on Article 8(j)6 took into account the thirty reports that had been received at that time. This current progress report takes into account one hundred and twenty one, third national reports submitted by July, 2007.

B. Synthesis of responses and comments

Support provided to indigenous and local communities in determining the status and trends of and the threats to traditional knowledge, innovations and practices.

33. In response to these questions, 60 per cent of the Parties reported having undertaken assessments of the knowledge, innovations and practices of farmers and/or indigenous and local communities. A few Parties mentioned having conducted ethno-biological studies on the traditional use of animals and plants, and socio-economic studies on the use of traditional crop varieties. This is a considerable improvement as less than a quarter of Parties had provided such support to indigenous and local communities in determining the status and trends of, and threats to the traditional knowledge, innovations and practices in the previous progress report. Some countries had formulated relevant policies and laws that support indigenous and local communities' involvement in biodiversity conservation and sustainable use as well as encourage the application of traditional knowledge, innovations and practices for biodiversity conservation and sustainable use. A number of countries have supported studies (ethno-botany) on traditional knowledge related to medicinal plants and some other species in whose conservation traditional knowledge and practices of indigenous and local communities plays an important role. A few countries are taking steps to document traditional knowledge, innovations and practices related to biodiversity conservation and sustainable use. For example, India and Nepal have started registering traditional knowledge related to biodiversity. Nepal has also established district biodiversity committees for this purpose. One project called "Aconteceu", which is being implemented under Brazilian Indigenous Peoples' Program, has produced relatively comprehensive information on the status of indigenous knowledge related to biodiversity in Brazil. In Colombia, the group Plebio (Policy and legislation on biodiversity, genetic resource and traditional knowledge) from the National University of Colombia is preparing a legal-technical proposal for the protection of traditional knowledge, with the support of indigenous youth. Mexico reports that there has been also support for 35 projects aimed at making known and promoting work developed by indigenous peoples on conservation and use of their natural resources, on various states across the country. A few developed countries, such as Germany and Belgium, had provided support through their international development aid programs to some developing

^{6/} See UNEP/CBD/WG8J/4/2

countries' efforts to preserve traditional knowledge related to biodiversity and support indigenous and local communities' involvement in biodiversity conservation.

Legal and institutional review of cultural, environmental and social impact assessments with a view to incorporating the Akwé: Kon Guidelines into national legislation and policies

34. Most reporting Parties have not undertaken such a review. However, several Parties have reviewed their relevant legislations and policies in light of the Akwé: Kon Guidelines. For example Norway is reviewing its biodiversity-related legislations with adequate consideration given to the aspects related to traditional knowledge of indigenous and local communities. Uganda and Zambia indicated that their EIA-related laws and practices had taken into account some aspects of the Akwé: Kon Guidelines. A few countries, such as Colombia and India, had included provisions in their biodiversity-related laws that require impact assessments of those activities that impact indigenous and local communities. Cuba notes that there is harmonization between the Akwé: Kon Guidelines and the national legislation and processes. Chile reports that Law 19.253 recognizes the duty of society in general and of the State in particular to protect, respect and promote the development of indigenous peoples, their cultures, families and communities, adopting adequate measures towards that end and protecting their lands, ensuring their appropriate exploitation and ensuring and improving the ecological balance thereon.

Use of the Akwé: Kon Guidelines

35. Several reporting Parties reported that they are using the Akwé: Kon Guidelines in projects proposed to take place in sacred sites and/or land and waters traditionally occupied by indigenous and local communities. Detailed information was not provided. However, Colombia reported that it has regulations in place on this issue, which are supported by the Political Constitution of 1991 and by Decree 1320, and which regulates previous consultations with indigenous and black communities for the exploitation of natural resources within their territory. Only a few Parties indicated that they require environmental impact assessments for any project that may have negative impacts on protected areas, including those traditionally areas occupied by indigenous and local communities. However, a few Parties mentioned the use of the Akwé: Kon Guidelines in undertaking such assessments.

Capacity strengthening of indigenous and local communities for effective involvement in decision making related to the use of traditional knowledge, innovations and practices

36. Many Parties reported that some measures are in place. A few Parties have put comprehensive measures in place. Some Parties have not undertaken any measures or are considering taking some measures. From the information provided by Parties, some countries indicated that they have developed mechanisms and policies that encourage participation of indigenous and local communities in the decision making processes that affect indigenous and local communities and the use of their traditional knowledge. For example, India's Biodiversity Act 2002 provides for mandatory consultation on all issues relating to access to biological resources and associated traditional knowledge, thereby ensuring involvement of local communities in the decision making process. In Finland, the Sami Parliament is a member of the Finnish National Biodiversity Committee and its monitoring group to safeguard the information exchange, among others. Norway put in place in 2005 procedures for consultation between governmental authorities and the Sami Parliament, which will be used whenever new regulations or activities directly affect the Sami interests. In Chile, since 2001, the Ministry of Planning started a Program of Integral Development for Indigenous Communities, "Origenes" (Origins), aiming at improving living conditions and promoting the development of the identity of the Aymara, Atacameño and Mapuche peoples in the rural area. Within this framework, the Ministry of Health is developing actions for the recognition, validation and recovery of the knowledge and medical indigenous practices, such as those associated with diets, herbs, childbirth, developed with the approval and participation of their indigenous medicine practitioners (traditional healers) or by the community as a whole. Some

countries had undertaken some specific activities to strengthen the capacities of indigenous and local communities. For example, Brazil has undertaken a number of projects, such as Capacity Building Project-Access to Genetic Heritage and Associated Traditional Knowledge, North Network of Intellectual Property, Biodiversity and Traditional Knowledge, to disseminate information to indigenous communities for better understanding of related national and international legislations and to protect intellectual rights over traditional knowledge on biodiversity of the Amazon region. Nepal is implementing people's empowerment programmes to enhance and strengthen the capacity of local communities. In some countries, indigenous and local communities took the initiatives for biodiversity conservation and sustainable use as well as benefit-sharing. In Trinidad and Tobago, local communities organized themselves into formal groups for the purpose of making a more effective contribution to co-management of natural resources of the country. A few developed countries such as Belgium and Germany had provided support through their international development aid programmes to some developing countries to encourage their indigenous and local communities' involvement in the decision making processes that relate to use of their traditional knowledge, innovations and practices and in access and benefit sharing developments.

Development of appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote effective participation of indigenous and local communities in decision making, policy planning and implementation of the conservation and sustainable use of biodiversity at international, regional, subregional, national and local levels

37. Many countries indicated that some mechanisms and legislations in this regard are in place. Some countries have not developed or are yet to develop such mechanisms or legislations. Specifically, a number of countries have included provisions in their constitutions or biodiversity-related laws or regulations that require the involvement of indigenous and local communities in those activities that may have impacts on the environment of these communities, including biodiversity.

38. For example, the Philippine's Constitution contains provisions that protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and natural well being. In addition, the Philippines has enacted the Indigenous People's Rights Act that protects, among others, the rights of indigenous people to exclude others in exploiting natural resources within their ancestral domain.

39. National biodiversity strategies and action plans or national environmental policy encourage participation of indigenous and local communities in activities of biodiversity conservation and sustainable use. Some countries' sectoral plans or programmes, such as forest management or agricultural development, include mechanisms to involve indigenous and local communities in the implementation of these plans and/or programmes. Some countries such as Australia and Canada have established some specific mechanisms to involve indigenous and local communities in the decision making related to biodiversity conservation and sustainable use, such as Indigenous Advisory Committees to departments of environment.

40. In Chile, indigenous communities have developed communal and or territorial development plans through the Origins Program (Programa Orígenes). Chile has reported that it has developed the National Plan of Development and Indigenous Peoples –Law 812 of 2002, which states it will “facilitate indigenous people to develop their own way of life in accordance with their cosmology”.

41. In Colombia, the Ministry of Environment, Housing and Territorial Development (MAVDT) has created two advisory structures which are inter-institutional and inter-ethnic committees, and in which delegates from ethnic communities across the country participate. These committees have acted as a project adviser on the development of the regional work strategy and on the collective construction of a

document on needs analysis. This document is the result of the work of over 200 leaders representing indigenous peoples, afro-Colombian communities, peasant communities and others.

42. A few countries require participation of indigenous and local communities in the processes of undertaking environmental impact assessments, particularly of those projects or activities that have impacts on the environment and biodiversity of these communities. It should be noted that most of these mechanisms and legislations are national or local level in nature. In addition, several countries mentioned that they had signed a regional agreement such as the Aarhus Convention for European countries which provides for access by the public to environmental information and stakeholder participation in relevant environmental decision making processes. However, in decision VIII/5 D, the Parties to the Convention have adopted selection criteria for the voluntary fund to enable the effective participation of indigenous and local communities to meetings held under the Convention, and the fund is now fully operational and is assisting in promoting indigenous and local community participation in meetings relevant to conservation and sustainable use.

Mechanisms for the full, active and effective participation of women in all elements of the programme of work on Article 8(j) and related provisions

43. Some Parties indicated that such a mechanism is in place. However, many countries indicated that they had not developed mechanisms particularly for involving women in the implementation of the programme of work on Article 8(j) and related provisions. A number of countries reported that their relevant laws and policies encourage women participation in biodiversity-related activities. For example, India's Biodiversity Rules 2004 provide that not less than one third of the members of the local-level Biodiversity Management Committees should be women. A few countries, such as Canada and Nepal, have established some mechanisms that allow women to participate in biodiversity-related activities. For example, Nepal has institutionalized women involvement in natural resources management through the formation of community forestry user groups. At present about 24% of the total community forestry user groups are exclusively of women. Canada has the Aboriginal Women's Program to enable Aboriginal women to influence policies, programs, legislation and decision making that affect their social, cultural, economic and political well being within their own communities and Canadian society. Mexico reported that in projects implemented by INIFAP (Instituto Nacional de Investigaciones Forestales, Agrícolas y Pecuarias - National Agriculture and Forestry Research Institute) the participation of women is considered as an important factor in the selection and conservation of germ plasma and of techniques to be used.

Assisting indigenous and local community organizations to hold regional meetings to discuss the outcomes of the decisions of the Conference of the Parties and to prepare for meetings under the Convention

44. Though some countries said that measures or activities had been undertaken to raise local communities' awareness or involve them in the related international processes. However, only a few Parties have organized regional meetings for indigenous and local community organizations to discuss the outcomes of the decisions of the Conference of the Parties. For example, in Botswana, local communities under village development committees, village trust committees, resource user committees, wetlands committees and conservation committees hold meetings where some decisions of the Convention are discussed. A few countries mentioned that some NGOs organize such meetings for indigenous and local communities to make them aware of relevant outcomes of meetings of the Conference of the Parties. Two developed countries (Sweden and Germany) had provided support through their international development cooperation to indigenous and local communities in a number of developing countries to allow them to participate in the relevant processes and meetings under the Convention.

Financial or other support to indigenous and local communities in formulating their own community development and biodiversity conservation plans

45. Some countries indicated that such support is made available through various means to indigenous and local communities to assist them in undertaking activities related to biodiversity. For example, India has provided financial support to local communities in developing the People's Biodiversity Registers. A number of developed countries have provided financial support to programmes that target and involve indigenous and local communities, such as the support provided by the United Kingdom to the Inter-American Development Bank's Indigenous Strategy and funding of programmes in Latin America that target indigenous groups. Mexico reported that since 2002, UCPAST (the Coordinating Unit for Social Participation and Transparency), carries out a Contest on successful experiences in management and conservation of natural patrimony and indigenous culture. During the period of 2003-2004 a total of 35 projects were funded in relation to this.

Development of capacity-building programmes to involve and enable indigenous and local communities in the decision making processes related to genetic use restriction technologies: overall assessment of progress

46. The completion of 132 national reports has allowed for a more comprehensive assessment of the implementation of Article 8(j) and related provisions at the national level. However, the overall implementation of Article 8(j) and related provisions requires increased efforts and support. Support to the efforts to determine the status and trends of traditional knowledge, innovations and practices of indigenous and local communities has progressed in many countries, because of an increasing awareness of its value across a wide range of areas however only some countries recognized the importance of traditional knowledge of indigenous and local communities to biodiversity conservation and sustainable use. The implementation of the Akwé: Kon Guidelines is still in the very early stages since few countries have reviewed their related policies and legislations in light of the Akwé: Kon Guidelines and made proper adjustments, though it is encouraging to note that some countries had developed and are implementing some policies and legislations which are consistent in principle with some aspects of the Akwé: Kon Guidelines. For mechanisms of participation of indigenous and local communities in relevant decision making processes, some countries have put in place policies, laws and mechanisms that encourage this, however, it is not clear as to what extent these mechanisms have been implemented. The same can be said regarding the participation of women of indigenous and local communities in relevant decision making processes and activities. Financial support to indigenous and local communities to their efforts to develop their own community plans appears lacking since only a few countries have clearly indicated that such support has been provided.

47. There remain several challenges and obstacles facing countries in the implementation of Article 8(j). These range from financial, capacity, social, political, public awareness and demographic obstacles. Parties reported that the ten most significant obstacles to implementation of Article 8(j) were the following, in order of the perceived level of challenge to implementation:

1. Lack of financial, human and technical resources;
2. Lack of economic incentive measures;
3. Lack of public education and awareness at all levels;
4. Existing scientific and traditional knowledge not fully utilized;
5. Lack of adequate scientific research capacities to support all the objectives;
6. Lack of horizontal cooperation among stakeholders;
7. Lack of capacities for local communities;

8. Lack of synergies at national and international levels;
 9. Lack of appropriate policies and laws;
 10. Inadequate capacity to act, caused by institutional weaknesses.
48. Poverty also remains a high challenge, particularly among African countries.

III. RECOMMENDATIONS

49. The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties at its ninth meeting:

(a). *Notes* the progress made in the integration of the relevant tasks of the programme of work in the thematic programmes of the Convention and through the national reports;

(b). *Requests* the Executive Secretary to continue to report on progress on the implementation of Article 8(j) and related provisions based on information submitted in national reports and on the integration of the relevant tasks of Article 8(j) and related provisions in the thematic areas for the sixth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions;

(c). *Requests* Parties, and especially Parties that have not yet submitted information regarding the implementation of the programme of work for Article 8(j) and related provisions, including information on national participation of indigenous and local communities, to do so in consultation with indigenous and local communities, through the fourth national reports where possible, and in time for the sixth meeting of the Working Group on Article 8(j) and *requests* the Executive Secretary to analyse and summarize this information and make it available to the Working Group on Article 8(j) and Related Provisions at its sixth meeting;

(d). *Requests* the Executive Secretary to continue to analyse work on related provisions, including, but not limited to, Article 10(c), Article 17, paragraph 2, and Article 18, paragraph 4 of the Convention, through the progress report for Article 8(j) and related provisions and based on this information, to provide advice to the Working Group at its sixth meeting on how these related provisions may be further advanced and implemented;

(e). *Decides* that one meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions be organized prior to the tenth meeting of the Conference of the Parties, preferably back to back with a meeting of the Working Group on Access and Benefit-sharing to further advance the implementation of the work programme on Article 8(j) and related provisions.
