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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

Fifth meeting

Montreal, 15-19 October 2007

Item 4 of the provisional agenda*

PHASE TWO OF THE COMPOSITE REPORT ON THE STATUS AND TRENDS REGARDING THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES RELEVANT TO THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY

Executive summary and recommendations

Note by the Executive Secretary

I. INTRODUCTION

1. In paragraph 8 of decision VI/10, the Conference of the Parties adopted the outline of the composite report on the status and trends regarding the knowledge, innovations, practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.
2. In decision VII/16 E, the Conference of the Parties requested, through the national focal points, in consultation with and after approval of indigenous and local communities and in consultation with and with input from Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders as appropriate, to immediately start work on a second phase of the composite report, laying emphasis on sections 4 and 5 of the outline of the composite report, foreseeing respectively the identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge, innovations and practices and the identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge, innovations and practices.
3. In decision VIII/5 B, the Conference of the Parties noted the completion of phase one of the composite report and the progress made on phase two, requested the Executive Secretary to further develop phase two of the composite report and, in paragraph 8, renewed the mandate of the advisory group to Article 8(j) to continue to provide advice on the further development of phase two of the composite report. Section II of this document suggests recommendations for the consideration of the

* UNEP/CBD/WG8J/5/1.

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Working Group on Article 8(j) regarding these issues. Annex I provides executive summaries of phase two of the composite report: Part I, focuses on the identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge and the identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge; Part II responds to decision VIII/5 B, I, paragraph 6, which requested that research be conducted into indigenous and local communities highly vulnerable to climate change, *inter alia*, of the Arctic, small island States and high altitudes, with a focus on causes and solutions; and Part III responds to paragraph 7, which requests a report on possible measures to ensure respect for the rights of unprotected or voluntarily isolated communities taking into account their traditional knowledge and the development of access and benefit sharing regimes.

4. The full reports concerning these matters and including the various revised regional reports are available as information documents as listed in the annotated agenda UNEP/CBD/WG8J/5/1/ADD/1. The report on indigenous and local communities highly vulnerable to climate change and the report on protecting the rights of communities living in voluntary isolation were prepared by consultants and reviewed and revised by the Advisory Group to Article 8(j) and related provisions at its second meeting 30 April to 3 May 2007. The report of the Advisory Group is available as UNEP/CBD/WG8J/INF/11.

5. Finally, in paragraph 5 of decision VIII/5, the Executive Secretary was requested to explore the possibility of developing technical guidelines for recording and documenting traditional knowledge, innovations and practices and to analyse the threats of such documentation to the rights of the holders of traditional knowledge. Document UNEP/CBD/WG8J/5/3/Add.2 provides an overview of these issues and suggests recommendations for the consideration of the Working Group.

II. SUGGESTED RECOMMENDATIONS

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

Recognizing the need to respect, preserve and maintain the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity and promote their wider application;

Concerned by the special impact of climate change on indigenous and local communities and the threats climate change pose to indigenous and local communities' knowledge, innovations and practices;

Mindful of the cultural diversity of indigenous and local communities, including those in voluntary isolation, and the role played by their knowledge, innovations and practices in conserving and fostering biological diversity;

Mindful also of the progress in the research made available by the Secretariat, concerning the possibility of developing guidelines for documenting traditional knowledge; indigenous and local communities highly vulnerable to climate change; and protecting the rights of indigenous and local communities living in voluntary isolation.

1. *Takes note with appreciation* of the completion of phase two of the composite report concerning the identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge and the identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge and *notes* the underlying causes as outlined, as a useful basis for future work and specifically to inform the further development of Section D of the Plan of Action;

2. *Requests* the Executive Secretary to continue to gather and analyse information on the Plan of Action for the retention of traditional knowledge, focusing on sections B and D, and to report on advancement of this task to the sixth meeting of the Working Group on Article 8(j) and related provisions;

3. *Requests* the Executive Secretary, in accordance with section E of the Plan of Action¹, in collaboration with Parties, indigenous and local communities, and relevant international bodies, to convene, subject to the availability of resources, regional and sub-regional workshops to assist indigenous and local communities in capacity-building, education and training, in matters relevant to the programme of work and plan of action for Article 8(j) and related provisions;

4. *Invites* Parties and Governments and relevant international bodies to assist indigenous and local communities to address the underlying causes of the decline of traditional knowledge, innovations and practices through capacity-building and practical measures to develop action plans for its preservation, maintenance and promotion.

5. *Notes with concern* the specific vulnerabilities of indigenous and local communities of the Arctic, small island states and high altitudes, concerning accelerated climate change, including resulting accelerated threats to traditional knowledge, and *requests* the Executive Secretary to conduct further research, in collaboration with Parties, relevant international agencies and indigenous and local communities, into indigenous and local communities highly vulnerable to climate change with a focus on vulnerabilities and adaptation;

6. *Also requests* the Executive Secretary to conduct research into indigenous and local communities highly vulnerable to climate change *inter alia*, in low-lying river deltas, dry and sub-humid lands² and into the specific vulnerabilities of certain highly vulnerable indigenous and local communities, *inter alia*, nomadic and semi-nomadic indigenous communities and fishing communities experiencing accelerated climate change and to report on its findings to the Working Group at its sixth meeting;

7. *Encourages* Parties to the Convention to consider, as far as possible and as appropriate, introducing necessary measures, administrative as well as legislative measures, to mitigate and adapt to the impacts of climate change on vulnerable indigenous and local communities, and especially the harmful impact of climate change on indigenous and local communities' knowledge, innovations and practices relevant to conservation and sustainable use of biological diversity, with the full and effective participation of those communities impacted upon, and to make the information available to the Executive Secretary for diffusion through the Traditional Knowledge Information Portal and for its consideration by the Working Group on Article 8(j) at its sixth meeting;

8. *Notes* the report on possible measures to ensure respect for the rights of unprotected and voluntarily isolated communities taking into account their traditional knowledge and the development of access and benefit-sharing regimes;

9. *Invites* Parties to develop policies for protected areas, reserves and parks creation and management that ensures the respect for the rights of voluntarily isolated peoples living within the protected areas, reserves and parks, and proposed areas for protection, including their choice to live in isolation;

10. *Recommends* that Parties and Governments adopt and implement health protocols for local and indigenous communities in voluntary isolation, including health and food security plans for indigenous communities in first contact, in view of ensuring their continuance and that of their traditional knowledge relevant for the conservation and sustainable use of biological diversity.

^{1/} Decision VII/16 E, annex, section E (Capacity-building, education and training).

^{2/} Also referred to as semi-arid and arid lands (grasslands).

Annex

**EXECUTIVE SUMMARY OF PHASE TWO OF THE COMPOSITE REPORT –
IDENTIFICATION OF NATIONAL PROCESSES THAT MAY THREATEN THE
MAINTENANCE, PRESERVATION AND APPLICATION OF TRADITIONAL KNOWLEDGE,
INNOVATIONS AND PRACTICES AND THE IDENTIFICATION OF PROCESSES AT THE
LOCAL LEVEL THAT MAY THREATEN THE MAINTENANCE, PRESERVATION AND
APPLICATION OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES**

**PART I THE FURTHER DEVELOPMENT OF PHASE TWO OF THE COMPOSITE
REPORT – THE REGIONAL REPORTS**

Introduction

1. Phase two of the composite report aims to provide a compilation of the threats to the practice and transmission of traditional knowledge throughout the African, the Arctic, Asian/Australian, Latin American, Central American and Caribbean, Pacific and North American regions. As a global compilation, the report seeks to provide information on the broader trends of processes threatening the retention and use of traditional knowledge at various levels, including local, national and international. This ‘trends’ approach has been taken due to the manifest complexity of both the threats to traditional knowledge and the global nature of the report and the diverse regions involved. Both sets of indirect and direct threats are taken into account in order to build a comprehensive picture so as to develop mechanisms and measures to address the underlying causes of decline of traditional knowledge, innovations and practices.
2. These complexities are all matters that need to be taken into account, however, and they do not present insurmountable issues in relation to the discussion on threats to traditional knowledge. Using a trends approach, it is possible to broadly overcome many of these issues, and it is anticipated that the information provided in phase II of the composite report presents the foundation from which specific and positive actions are able to be taken in support of the practice and retention of traditional knowledge. Specifically, the identification of the underlying causes of the decline of traditional knowledge, innovations and practices, directly informs the development of the plan of action for the retention of traditional knowledge (decision VII/16 E, annex) and provides a sound base for the development of section D of the plan of action, which is measures and mechanism to address the underlying causes of the decline of traditional knowledge.
3. It is important to ensure that phase two is read in conjunction with the reports from phase one of the composite report on the status and trends regarding traditional knowledge.^{3/} This is important because phase two focuses on threats and outlines activities that are deleterious to traditional knowledge and therefore can emphasise negative aspects and actions without the balance of outlining positive activities that States and indigenous and local communities are engaged in, to support traditional knowledge (which are included in phase one of the composite report).
4. The second phase of the composite report is an examination of the threats to traditional knowledge that exist within the various regions, broken into classes and sub-divided into particular threats which are then discussed. The second phase seeks to identify a variety of threatening processes and where possible to suggest remedies and build upon phase one.

^{3/} This phase one report is: Langton, M. and Ma Rhea, Z. (2003). ‘Traditional Lifestyles and Biodiversity Use Regional Report: Australia, Asia and the Middle East. Composite Report on the Status and Trends Regarding the Knowledge, Innovations and Practices of indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biodiversity’, report prepared for the Secretariat of the Convention on Biological Diversity, Montreal (UNEP/CBD/WG8J/3/INF/4).

5. Hence, the composite report in its entirety, aims to provide for enhanced understandings of the pressures that face indigenous and local communities and their traditional knowledge, and may assist in laying the foundation for actions, which respond to the unique needs and interests of indigenous and local communities and the diverse circumstances of States.

Review by the Advisory Group

6. In October 2007, the members of the Advisory Group for Article 8(j)⁴ were sent the respective regional reports and asked to review the documents taking into account the comments made at the fourth meeting of the Working Group on Article 8(j)⁴ and to provide their comments and revisions to the Secretariat in time for the consideration of the second meeting of the Advisory Group. At its second meeting, held in Montreal, April 30th – May 3rd 2007, the Advisory Group reviewed phase II of the composite report, focusing on the revised phase II regional reports and element D of the plan of action for the retention of traditional knowledge. This review and the advice provided by the Advisory Group was provided in accordance with the Advisory Group's mandate, established by the Conference of the Parties in decisions VI/10, annex 1 and VII/16 E, and renewed in decision VIII/5/B/I. A complete summary of the comments and recommendations made by the Advisory Group during its second meeting is documented in UNEP/CBD/WG8J/5/INF.11.

7. The key message of the Advisory Group regarding the revised regional phase II reports was that the reports offer a comprehensive overview of the obstacles and threats to traditional knowledge, and now form a basis to undertake action to address the obstacles or underlying causes of the decline of traditional knowledge. The Advisory Group examined each revised regional report, which had been structured on elements 4 and 5 of the outline of the composite report⁵. The Advisory Group provided advice on the strengths and areas for improvements in each report. Where the Advisory Group indicated gaps existed in focus or information, these gaps were addressed, when possible, through electronic communication with the Advisory Group members from the relevant region in the two months following the meeting. For instance, the African report was revised to include a greater focus on the impacts of conflict and wars to traditional knowledge use and transmission, following the recommendations of and input from the relevant Advisory Group members.

Identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge

8. Many of the processes that may continue to threaten the maintenance and survival of traditional knowledge have their roots in the histories of many countries, such as in the processes of colonization involving conflict, introduced diseases, introduced religions, dispossession of territories, resettlement, forced assimilation, and the marginalization of indigenous and local communities. Some studies have indicated that national development programmes and policies, modernization of agricultural production and other natural resource-based industries, education and training programmes, and employment strategies often do not take into sufficient account the needs of indigenous and local communities. Similarly, there has been a lack of effective indigenous and local community involvement in the design of the necessary policies and programmes to enable such communities to protect their traditional knowledge or to capitalize on their innovative capacities for the conservation and sustainable use of biological diversity. In developing the regional reports, the consultants were requested to consider the following issues and these provided an initial structure to the various regional reports:

- Demographic factors;
- National development policies/programmes;

⁴ In accordance with decision VIII/5 b, I, paragraph 8.

⁵ "Identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge" and "Identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge" (decision VI/10, annex).

- Education, training and employment policies/programmes;
- National programmes for modernization through the development, transfer and adoption of new technologies;
- Identification of activities, actions, policies and legislative and administrative procedures that may discourage the respect for, preservation and maintenance of traditional biodiversity-related knowledge.

Conclusions

9. An overview of national processes that may threaten the maintenance, preservation and application of traditional knowledge of indigenous and local communities provides a picture of distinct peoples, often marginalization from modern nation States. Indigenous and local community participation in all matters affecting them, together with capacity building would provide a basis for improved outcomes regarding their disempowerment, social disadvantage and specifically such issues as the maintenance, preservation and application of their traditional knowledge.

10. In particular, the inclusion of traditional knowledge in national education policies and programmes and health policies and programmes, as well as its use in management of the environment and specifically protected areas and reserves, with the prior informed consent and involvement of the knowledge holders, provide real opportunities for the preservation of such knowledge for the benefit of all society.

11. Because of their unique attachment to the lands and waters traditionally occupied and use by them, indigenous and local community members relocate only as an option of the last resort. Traditional knowledge is intimately connected to these lands and waters and indigenous and local communities need to remain “*in situ*” if they are to be empowered to exercise their traditional knowledge relevant to the conservation and sustainable use of biological diversity. It is therefore important that these lands and waters remain viable to indigenous and local communities. Viability is tied up with issues of ownership, control, access, the right to develop in culturally appropriate ways (sustainable development) and the pursuit of opportunities. There is much that governments can do to ensure that traditional knowledge is incorporated into relevant national policies and programmes and that the lands and waters traditionally occupied and used by indigenous and local communities remain viable to those communities.

12. Phase II of the composite report has attempted to identify national and local processes that may threaten or present obstacles to the maintenance, preservation and application of traditional knowledge. An initial list of threats and obstacles was prepared by consultants under the direction of the Executive Secretary, and in consultation with the Advisory Group, for the consideration of the fourth meeting of the Working Group on 8(j) and related provisions. A detailed description of the 28 identified threats to traditional knowledge was provided in document UNEP/CBD/WG8J/4/4. The threats were then presented in a matrix which indicated both the priority level of the threat per region and whether the threat was best addressed at the local, national, or international levels. Following the second meeting of the Advisory Group, this matrix was refined and the ranking of threats was eliminated to avoid unnecessary complications and edited down to 25 threats and obstacles to traditional knowledge.

13. At the second meeting of the Advisory Group, participants confirmed that the regional reports which make up the core research of the second phase of the composite report, adequately capture the array of obstacles facing the retention and use of traditional knowledge at the local, national and international levels (the list is provided at the end of Part I as annex to Part I) and did not require further amendment or additional new threats at this time.

Identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge

14. A number of factors that may threaten the maintenance of traditional knowledge also occur at the local community level, by disrupting the processes of intergenerational transmission of languages,

cultural traditions and skills. The significance of these factors will vary from country to country, but they generally include changes to patterns of settlement; changes to patterns in demographics (especially age patterns of the population), the movement of young people to cities for employment, education and lifestyle opportunities; introduction of new technologies, foods and medicines, making people less reliant on traditional ways; low levels of life expectancy brought about by changes in lifestyle and new epidemics such as HIV/AIDS; and a host of new cultural influences disseminated through modern mass media. Many indigenous and local communities, while having a solid natural resource base and the traditional knowledge to conserve and use it sustainably, nevertheless, may not have sufficient capacity to be able to develop these assets for the benefit of their communities in today's economy. In some instances, this situation has encouraged the development of these assets by outside interests to the detriment of the communities and has resulted in their further impoverishment and marginalization.

15. In the terms of reference regarding local obstacles, the consultants were requested to address these issues as follows:

- (a) Territorial factors and factors affecting communal lands;
- (b) Cultural factors;
- (c) Economic factors (including the relationship between poverty and ecosystem stress);
- (d) Social factors (including demographic, gender and familial factors);
- (a) Constraints on the exercise of customary laws relevant to the management, conservation and sustainable use of biological diversity;
- (e) Lack of capacity to manage contemporary threats to biological diversity resulting from development, over-use and socio-economic pressures generated outside the community;
- (f) The impact of HIV/AIDS on the maintenance of traditional knowledge systems;
- (g) Impact of organized religions on traditional knowledge and practices.

16. Many of the issues raised under national and local obstacles are intricately related and indeed the division between local and national and even international is largely an arbitrary distinction often based on policy level or viewing perspective. Many of the local factors discussed, are in fact the result of international and national arrangements that have been imposed on indigenous and local communities.

Conclusions

17. As phase two of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biodiversity, provides a basis for section D of the plan of action "mechanisms and measures to address the underlying causes of the decline of traditional knowledge, innovations and practices" it is useful to consider initiatives for the protection and use of traditional knowledge that have already had success. This will help point to projects that should be strengthened and where capacity-building is particularly useful. In particular, many successful initiatives are carried out at the local level with support at national and international levels, were needed.

18. At the local level, there are several areas where certain types of initiatives have shown particular promise. Some of these are:

- (a) Traditional health care initiatives;
- (b) Strengthening opportunities to learn and speak indigenous languages;
- (c) Culturally appropriate tourism policies;
- (d) Environmental research projects and data collecting based on traditional methodologies;

- (e) Building of culturally appropriate business structures within communities (such as cooperatives);
- (f) Developing technologies (such as agricultural tools) that focus on traditional methods of harvesting;
- (g) Reestablishment of traditional spiritual/religious institutions (such as long-houses in North America);
- (h) Creation of media, such as radio, newspapers and television stations controlled by indigenous people and with indigenous content;
- (i) Creation of protected areas controlled by indigenous and local communities,
- (j) Initiatives bringing together youth and Elders;
- (k) Promotion of the creation of businesses offering traditional products and services;
- (l) Strengthening institutions that foster traditional collection and distribution of food and other resources.

19. In all types of mechanisms and measures used to promote traditional knowledge, as well as cultural, social and economic well-being, it seems that capacity-building is crucial. This involves a significant commitment to building the educational, governance, management and professional capacity of indigenous and local communities. It is also important to build the strength, infrastructure and capacity of indigenous and local institutions, such as governance structures, research bodies, economic structures, health care systems and education systems.

Identification of processes at the International level that may threaten the maintenance, preservation and application of traditional knowledge

20. In consultations and regional workshops with indigenous and local communities it was universally emphasized that in addressing processes at both local and national levels, there was also a need to take into account an international dimension. The international dimensions were therefore also taken up in the regional reports. Following is a brief listing of the international processes that may threaten the maintenance, preservation and application of traditional knowledge.

21. In particular, the following issues were considered to be of international significance, in addressing obstacles to the retention and use of traditional knowledge:

- (a) Climate change;
- (b) Globalization;
- (c) Ongoing effects of colonization;
- (d) Conflict and militarization;
- (e) HIV/AIDS;
- (f) Millennium Development Goals;
- (g) International intellectual property law;
- (h) International development and food aid and;
- (i) Indigenous participation at international levels.

Annex to part I

INTERNATIONAL, NATIONAL AND LOCAL PROCESSES THAT MAY THREATEN THE MAINTENANCE, PRESERVATION AND APPLICATION OF TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES.

1. Environmental threats (including environmental damage, climate change, invasive species).
2. Loss of indigenous languages.
3. Coerced imposition of foreign religions and value systems.
4. Continuing colonization and coerced assimilation.
5. Imposed foreign education systems.
6. Objectification through tourism.
7. Militarization, conflict, insecurity and war.
8. Application of new technologies where there is a lack of opportunity for ILCs to adopt and adapt new technologies within their value systems and to support respect, retention and maintenance of traditional knowledge.
9. Social disintegration, including high rates of suicide, incarceration and violent death.
10. Racism and discrimination.
11. Degraded health and well being including poverty, HIV, and restrictions on traditional health practices and practitioners.
12. Destruction or reduced availability of traditional foods and medicines and food aid.
13. Gender issues 6/
14. Lack of capacity, including infrastructure, training, and financial and social capital.
15. Increasing populations – including young populations and low life expectancy.
16. Increasing urbanization, forced relocations and coerced migration resulting from, among other things dispossession and environmental damage.
17. Restrictions on self-governance and lack of participation in decision making processes.
18. Lack of respect for traditional knowledge and customary law, including lack of formal recognition by government and academia, and denigration of traditional knowledge and traditional knowledge holders in the general public.
19. Lack of security for ILC land tenure/usufruct rights and restrictions on access to traditional territories including sacred sites and protected areas.
20. Unsustainable economic development and degradation of ILCs traditional economic bases.
21. Unsustainable exploitation of natural resources (with possible subcategories for fish, forests, etc.).
22. Globalization, including concentration of political and economic power and homogenization of cultural influences.
23. Misappropriation of traditional knowledge including through biotrade, bioprospecting, and weak/inappropriate intellectual property rights regimes.

6/ Gender issues need to be carefully presented from an indigenous perspective, i.e., men are often deeply and profoundly affected by the loss of traditional economic opportunities, such as the loss of the hunt, as this often goes to the heart of their feelings of self-worth as well as their esteem within the community; also, gender is a broad concept for indigenous peoples.

PART II INDIGNEOUS AND LOCAL COMMUNITIES HIGHLY VULNERABLE TO CLIMATE CHANGE, *INTER ALIA*, OF THE ARCTIC, SMALL ISLAND STATES, AND HIGH ALTITUDES

Introduction

1. In decision VIII/5 B, paragraph 6, the Conference of the Parties noted the specific vulnerabilities of indigenous and local communities ^{7/} to the impacts of climate change and the accelerated threats to traditional knowledge, innovations and practices. The Conference of the Parties requested that further research be conducted regarding indigenous and local communities highly vulnerable to climate change, with focus on causes and solutions. In response, the Executive Secretary commissioned the consultant report (UNEP/CBD/WG8J/5/INF/19), which focuses on the specific vulnerabilities of indigenous and local communities (highly vulnerable indigenous and local communities), *inter alia*, of the Arctic, small island States and high altitudes, concerning the impacts of climate change and accelerated threats, such as pollution, drought and desertification, to traditional knowledge, innovations and practices. Below is a summary of the main issues raised in the report for the consideration of the fifth meeting of the Working Group on Article 8(j).

Climate change and the Convention on Biological Diversity

2. In the context of the Convention, the report recommends that Parties to the Convention and Governments may wish to consider, as far as possible and as appropriate, introducing necessary measures, administrative as well as legislative measures, to mitigate and adapt to the impacts of climate change on vulnerable indigenous and local communities, and especially the harmful impact climate change poses to indigenous and local communities' traditional knowledge, innovations and practices relevant to conservation and sustainable use of biological diversity.

Physical basis of climate change

3. The emerging scientific consensus that climate change is occurring is evident in the unanimous conclusion contained in the report of Working Group I of the International Panel on Climate Change (IPCC), which predicts that the future direction of the climate change trend will involve continuing physical changes, including warmer and more frequent hot days and nights over most land areas, and increase in the area affected by drought and a rise in sea levels. The Arctic, small island States and high altitude areas are considered to be areas especially vulnerable to climate-change effects such as rising ocean levels and extremes in temperature and precipitation and may in fact be experiencing accelerated changes. The impact of climate change is already visible in many of these sensitive areas of the world.

Indigenous and local communities vulnerable to climate change

4. The IPCC predicts that climate change will likely have a profound effect on humanity. Indigenous and local communities are among the first to face the direct adverse consequences of climate change, due to their dependence upon and close relationship with the environment and its resources. While climate change may still be a distant threat for some people it is already a grim reality for many indigenous and local communities, especially those on the three regions mentioned. Climate change brings additional vulnerabilities to indigenous and local communities, which add to existing challenges, including political and economic marginalization, land and resource encroachments, human rights violations, discrimination, unemployment and substance abuse.

Traditional knowledge, innovations and practices

5. Climate change has a harmful affect on biological diversity and the related knowledge, innovations and practices of indigenous and local communities. Traditional knowledge is an inseparable

^{7/} *Inter alia*, of the Arctic, small island States and high altitudes

part of indigenous and local communities' culture, social structures, economy, livelihoods, beliefs, traditions, customs, customary law, health and their relationship to the local environment. It is the totality of all such elements that makes their knowledge, innovations and practices vital in relation to biological diversity and sustainable development.

Adaptation and mitigation

6. Dramatic changes in climate are already taking place, with consequent severe ecological, social, economic and cultural impacts for vulnerable indigenous and local communities. It is therefore necessary to implement mitigation measures designed to halt further changes and adaptation strategies and programmes developed to adjust to the impacts of climate change. Indigenous and local communities in areas highly vulnerable to climate change are already witnessing the impacts of climate change, and are developing their own adaptation strategies, based on scientific research, local observational data, and/or traditional knowledge. It is important that community-based adaptation strategies inform Parties' regional and national adaptation strategies, policies and programmes, through processes, which ensure the full and effective participation of indigenous and local communities.

7. In many instances, adaptation to new conditions requires additional financial resources and the transfer of technological capacity that most indigenous and local communities do not possess. Indigenous and local communities are engaging in strategies for immediate short-term adaptation. However, resource and capacity constraints limit the communities' ability to implement many needed adaptations. Further, indigenous and local communities will require financial and technical resources to develop and implement effective long-term adaptation strategies. Communities may need to be provided with additional necessary resources and assistance in order to enhance their capacity to undertake necessary adaptations. Mechanisms for funding indigenous and local community research and adaptation capacity may also be desirable.

8. Mitigation measures are essential to prevent further impacts which threaten indigenous and local communities vulnerable to climate change^{8/}. Thus far indigenous and local communities have been left out of the development of mitigation measures at the national and international level. However, in their role as stewards of biodiversity and as holders of traditional knowledge relevant for conservation and sustainable use, indigenous and local communities have a unique contribution to make in mitigation initiatives. Further, some mitigation measures may have undesirable direct and indirect consequences for indigenous and local communities. For instance, biofuel initiatives are a means of reducing greenhouse gas emissions but may lead to an increase in monoculture and an associated decline in biodiversity and food security of indigenous and local communities. The full and effective participation of indigenous and local communities is crucial in the elaboration of State-developed mitigation measures to ensure that such schemes do not negatively affect vulnerable communities.

9. The specific vulnerabilities of indigenous and local communities of the Arctic, small island States and high altitudes, concerning the impacts of climate change are discussed at length in the full report (UNEP/CBD/WG8J/5/INF/18). The report also notes that dry and sub-humid lands may be a fourth region experiencing accelerated climate change, making indigenous and local communities in this fourth region also highly vulnerable.

Further research

10. Further research is undoubtedly needed, in particular research that involves indigenous and local communities through the incorporation of their observations and application of their traditional knowledge. This will substantially enhance the understanding of local and regional impacts of climate

^{8/} Mitigation options currently focus on reducing greenhouse gas emissions (such as initiatives to decrease fossil-fuel use), and increasing the capacity of natural systems to absorb carbon dioxide (IPCC).

change. Additionally, research directed at how indigenous and local communities can adapt to changing conditions and on mitigation possibilities is needed. Specific research on the impact of climate change on indigenous and local communities, especially research driven by the communities themselves, is generally lacking.

11. Research that addresses the needs of indigenous and local communities and assists them in planning their adaptation strategies is required. It would be advantageous to identify and fill gaps in the research, as perceived by indigenous and local communities. Research results need to be communicated back to the indigenous and local communities through culturally and linguistically appropriate means. Indigenous and local communities need to be supported in initiating research, including through the development of networks between indigenous and local communities across vulnerable regions.

12. Research which engages indigenous and local communities, their organizations and institutions and which is aimed at studying and analysing possible adaptation is encouraged. Indigenous and local communities' traditional knowledge should be an integral part of any process, study and analysis aimed at elaborating on such communities' ability to adapt to changing environmental conditions. In addition, it is desirable the research be conducted in a way that recognizes and continues to support and develop the capacities of indigenous and local communities. Parties are urged to ensure full and effective participation of indigenous and local communities in the entire research process and in the development of adaptation strategies which affect them.

13. The climate change research programmes which emphasize the perspective and research needs of indigenous and local communities may serve as a model for further research initiatives. This research acknowledges that indigenous observations and documentation of existing knowledge of changes that have occurred and monitoring of future changes are important considerations in the context of climate change research. Programs such as the Arctic Climate Impact Assessment (ACIA) and the EALÁT-Network study (a component of the International Polar Year) employ a collaborative approach to research. The United Nations University is in the process of establishing a Research and Training Centre on Traditional Knowledge, which will focus on many aspects of traditional knowledge, including the impact of climate change on indigenous and local communities.

14. The present report is recognized as a starting point for understanding the impact of climate change on indigenous and local communities. To develop a greater understanding of the impacts of climate change on indigenous and local communities and their traditional knowledge, it is recommended that there be further research into the impacts of climate change and accelerated threats on traditional knowledge, innovations and practices, focusing on the specific vulnerabilities of indigenous and local communities in other highly vulnerable areas, including low-lying river deltas, semi-arid and arid lands / dry and sub-humid lands (i.e. grasslands). Other highly vulnerable indigenous and local communities which could be the focus of study include nomadic and semi-nomadic indigenous communities and fishing communities.

15. Recognizing that the issue of indigenous and local communities' vulnerability to climate change involves many aspects, the Secretariat is urged to work in partnership with other United Nations bodies that are addressing related issues, including the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Permanent Forum on Indigenous Issues (UNPFII), United Nations University – Institute for Advances Studies (UNU-IAS) Traditional Knowledge Training Centre, and the Inter-Agency Support Group (IASG) on indigenous issues. Indigenous and local communities should continue to be key partners in this research. Cooperation with funding agencies, including the Global Environmental Facility (GEF) and the UNDP, would also be beneficial.

PART III POSSIBLE MEASURES TO ENSURE RESPECT FOR THE RIGHTS OF UNPROTECTED AND VOLUNTARILY ISOLATED COMMUNITIES

INTRODUCTION

1. At its eighth meeting, held in Curitiba, Brazil, in March 2006, the Conference of the Parties to the Convention on Biological Diversity, recalling element 19 in the annex to decision VII/16 E (“Parties should establish measures to ensure respect for the rights of unprotected or voluntarily isolated communities”), requested that research be conducted regarding possible measures to ensure respect for the rights of unprotected and voluntarily isolated communities, taking into account their traditional knowledge and the development of access and benefit-sharing regimes (decision VIII/5 B, paragraph 7). At the request of the Executive Secretary, the research was conducted by World Conservation Union’s Regional Office for South America (IUCN-Sur) and the report is contained in UNEP/CBD/WG8J/INF/18.

2. The IUCN report has a global scope; it describes the situation of isolated indigenous peoples, the risks to their rights and their traditional knowledge, and identifies measures which may protect their rights. In preparing the report, IUCN undertook a consultation process with the Convention focal points, organisations belonging to the United Nations system, indigenous organisations, NGOs focused on the environment, human rights and indigenous rights, research centres, specialists and other social stakeholders with an interest in the issue. Although isolated peoples may occur in other regions, the report presents the situation of isolated indigenous peoples in the following countries: Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela (South America) and India (Asia). It should be noted that a recurring lack of information was a constraint in the preparation of the IUCN report, particularly as it relates to other regions.

3. This summary uses the information from the IUCN report and the information provided by the Advisory Group to Article 8(j), to provide a brief overview of the situation of voluntarily isolated peoples throughout the world, found in Section I. In Section II, possible measures to ensure respect for the rights of voluntarily isolated indigenous and local peoples are discussed. These measures and the need for coordination throughout the UN system to fully address the complex issues raised by the protection of voluntarily isolated communities form the basis of the suggested recommendations, provided at the end of the present report, for the consideration of the Working Group on Article 8(j).

I. VOLUNTARILY ISOLATED INDIGENOUS AND LOCAL COMMUNITIES, TRADITIONAL KNOWLEDGE AND BIODIVERSITY

4. There are still indigenous peoples in the world that remain in a state of voluntary isolation. Generally these are indigenous populations who have lived in the various regions for thousands of years and, due to a variety of different factors and pressures, have opted for a way of life separate from outside societies. Indigenous peoples in voluntary isolation continue to practice their distinct cultural forms, based on their unique relationship with nature. At least two types of indigenous peoples in isolation are recognised: peoples whose isolation has been sustained and who remain isolated in the present day and isolated peoples who are in first contact due to external agents as well as endogenous socio-cultural factors.

5. Isolated indigenous and local communities often live in globally important “hotspots” of biological diversity. Their management of the resources within their territories, based on their traditional knowledge, directly contributes to maintaining the richness of these biologically diverse ecosystems. Indigenous and local communities who are totally integrated into the ecosystem in which they live, as isolated communities are, can have an integral role in fostering the biodiversity within their territory.

Further, as recognized in the preamble to the Convention, indigenous and local communities have a close and traditional dependence on biological resources; voluntarily isolated communities rely entirely on the resources of the ecosystems in which they live, and therefore are committed to ensuring the health and diversity of those ecosystems. The traditional practices and innovations of voluntarily isolated indigenous and local peoples are extremely relevant for the conservation and sustainable use of biological diversity. Parties may wish to recognize the contributions of voluntarily isolated peoples, and the value of protecting isolated peoples, as related to their commitment under Article 8(j) of the Convention.

II. POSSIBLE MEASURES TO ENSURE RESPECT FOR THE RIGHTS OF UNPROTECTED AND VOLUNTARILY ISOLATED COMMUNITIES, CONSIDERED WITHIN THE MANDATE OF THE CONVENTION ON BIOLOGICAL DIVERSITY

6. Given the serious problems and threats faced by the indigenous peoples in voluntary isolation, the focus and challenge in working with them should be on preserving their way of life, ethnic persistence, and biotic and social stability, as well as safeguarding their territories and the exercise of their fundamental rights. Importantly, Parties can implement measures to protect the interests of isolated communities which are based on existing principles in international law, including international human rights instruments.

The process of free, prior and informed consent

7. The International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples, held by the UNPFII, in January 2005, provided a basis for a process that respects the principle of FPIC. ^{9/} According to the Report of the Workshop, the **Consent** process involves the crucial components of consultation and participation. Consent is arrived at when parties use dialogue to consult and negotiate in good faith, with all parties having full and equitable participation. Indigenous peoples should be able to participate through their own freely chosen representatives and organizations. **Free** signifies that consent is not obtained by coercion, intimidation or manipulation. **Prior** indicates that consent has been sought sufficiently in advance of any authorization or commencement of activities and that respect is shown for time requirements of indigenous consultation/consensus processes. **Informed** denotes that full and accurate information is disclosed in a language and manner that is understood. Importantly, if any of these elements are not met, free, informed and prior consent has not been given.

8. Indigenous and local communities who live in voluntary isolation haven made the choice to avoid contact, and may actively reject attempts to be contacted or consulted. When this occurs, consent for the proposed intervention is not obtained. The actions of indigenous and local communities that indicate that they do not wish to be contacted or consulted, such as actively avoiding contact or taking aggressive measures to prevent contact, should be understood as the communities withholding its consent for the proposed intervention or project.

9. Parties and Governments are urged to refrain from engaging in or approving of interventions or projects which affect the rights and territories of indigenous and local communities living in voluntary isolation. To protect these vulnerable communities Parties and Governments may wish ensure that the withholding of consent by indigenous and local communities in voluntary isolation is respected by governmental and private actors. This may be achieved through the enactment of legislation or adoption of policies to implement the principles and process of free, prior and informed consent.

^{9/} See "Elements of a Common Understanding of Free, Prior and Informed Consent (FPIC)", pp. 12-14 in the Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples, held by the UNPFII, January 2005, E/C.19/2005/3.

Protected areas and indigenous and local communities in voluntary isolation

10. The territories of indigenous and local communities living in voluntary isolation are located in areas that, until recently, were difficult to reach and removed from the majority of the population and commercial activities such as resource extraction and hydro-electric dams. However, as development spreads and populations increase and expand into previously undeveloped areas, the territories of voluntary isolated peoples are being encroached upon and community members are increasingly coming into contact with outsiders. Once the existence of a previously unknown isolated indigenous community is revealed to the outside world the risk of contact increases, as researchers, tourism operators, and evangelical missions attempt to make contact with the isolated community. The cumulative effect of the above pressures is that the territories, traditional lifestyle and health of isolated communities are endangered.

11. States may wish to protect voluntarily isolated peoples from the threats posed by loss of territory and contact with outsiders. One option is to recognize the communities' land rights to their traditional territories and grant the land title to the isolated communities. Another option is to adopt national legislation which will protect the territories of voluntarily isolated peoples through the creation of protected reserves.

12. Peru provides an important example of a State acting to protect the territory of indigenous and local communities in voluntary isolation. In 2002 Peru, working in partnership with FENAMAD, a coalition of 27 indigenous groups, established the over 7,500 square kilometre Territorial Reserve for Isolated Indians in the southern Peruvian Amazon. This Reserve protects the traditional territory of several indigenous peoples living in voluntary isolation, and eliminates the possibility of contact, and especially from oil exploration and extraction and timber operations, which had been threatening their very existence prior to the establishment of the reserve. ^{10/}

13. In some States the territory of some voluntarily isolated communities is already included in national reserves or parks. Parties may wish to implement no-contact policies to protect the rights of these isolated communities. Mechanisms for protection include processes for free, prior and informed consent and increased regulation to ensure that the territories of isolated communities remain untouched by outsiders.

Good neighbour policies

14. While isolated indigenous and local communities do not accept outsiders' attempts to communicate with them, they can have limited interactions with other indigenous and local communities in the area. Indigenous and local communities have an important role in helping maintain the rights of voluntarily isolated indigenous and local communities. In some areas organizations have been created by indigenous and local communities to support their neighbours who are living in voluntary isolation. For instance, the sixth session of the UNPFII recently welcomed the establishment of the International Committee for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact (CIDIACI) in the Amazon and Chaco Regions which recognizes the principal of good neighbours.

15. Parties may wish to consider implementing "good neighbour" policies which actively involves indigenous and local communities neighbouring those living in voluntary isolation in governmental planning and monitoring. Indigenous and local communities and their organizations can become the liaison between the government and the isolated communities, and be involved in the development of

^{10/} "A Voice for the Voiceless", Goldman Foundation, April 2007, online at <http://www.goldmanprize.org/node/608>.

plans, programmes and projects which directly or indirectly impact upon the isolated communities. In this sense, they become the voice for the voiceless and act as good neighbours.

Health and rights protection through programmes, plans and policies

16. The introduction of disease by outsiders is one of the greatest threats to isolated indigenous and local communities' survival. Historically, contact with outsiders has led to severe and devastating disease outbreaks among indigenous peoples. For instance, European contact with the peoples of South America in the fifteenth century introduced diseases, such as measles and smallpox, which led to the death of approximately 90 per cent of the original indigenous population ^{11/} in some areas. Voluntarily isolated communities are at present gravely threatened by disease contracted through contact with outsiders. Even brief meetings with only one or two outsiders can introduce diseases to which voluntarily isolated communities may have no resistance. ^{12/}

17. Key measures for the protection of voluntarily isolated indigenous and local communities are the adoption of strategies that aim at maintaining the health of isolated communities and the implementation of health protocols and plans for recently contacted isolated communities whose members are consequently affected by disease. Emergency medical care and food security programmes may be necessary to assist voluntarily isolated communities who are affected by contact-introduced disease. The involvement of other indigenous and local communities in the area in the planning and delivery of health programmes will help ensure isolated communities are helped, rather than harmed, by outside interventions.

Other issues

18. At this stage, it may be premature to establish strategies for an eventual access and equitable benefit sharing regime aimed at isolated indigenous peoples; the lack of awareness of their ways of life, together with the absence of their own system of external political representation, would hinder the development of informed and mutually agreed arrangements on genetic resources and associated traditional knowledge. However, Parties may wish work in partnership with indigenous and local communities and their organizations to establish area-specific trust funds to receive the benefits arising from the outside use of local genetic resources and associated traditional knowledge, relevant to isolated indigenous and local communities. Such resources may assist in protecting the boundaries and maintaining the isolation of such communities.

^{11/} Tudela F. Desarrollo y Medio Ambiente en América Latina y el Caribe Una visión evolutiva. Madrid: Ministerio de Obras Públicas y Urbanismo, 1990.

^{12/} Raul A Montenegro and Carolyn Stephens, "Indigenous health in Latin America and the Caribbean" *The Lancet*, vol 367 June 3, 2006, p. 1863. Online at: http://www.who.int/social_determinants/resources/articles/lancet_montenegro.pdf.