



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/WG8J/6/2
23 September 2009

ORIGINAL: ENGLISH

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

Sixth meeting

Montreal, 2-6 October 2009

Item 7 of the provisional agenda*

PROGRESS IN THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS AND ITS INTEGRATION INTO THE THEMATIC AREAS OF THE CONVENTION

Note by the Executive Secretary

INTRODUCTION

1. In paragraphs 1 and 2 of decision IX/13 A, the Conference of the Parties encouraged further progress in the integration of the objectives of Article 8(j) and related provisions, including Article 10(c), Article 17, paragraph 2 and Article 18, paragraph 4, into the thematic programmes of the Convention and other important scientific and cross-sectional issues and noted the progress made in integrating Article 8(j) tasks as reflected through the national reports. It further requested the Executive Secretary to continue to report on 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 related provisions into the thematic areas and other important scientific and cross-sectional issues.

2. In paragraph 3 of the same decision, the Conference of the Parties requested Parties to submit 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 through, *inter alia*, the fourth national reports, where possible, and in time for the sixth meeting of the Working Group on Article 8(j) and requested the Executive Secretary to summarize and compile this information in a framework of best conservation and sustainable-use practices at the national, regional and community levels and make it available to the Working Group on Article 8(j) and Related Provisions at its sixth meeting;

3. Further to this request, the Executive Secretary has put in place an 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 meetings of the Working Group on Article 8(j) and Related Provisions.

*

UNEP/CBD/WG8J/6/1.

/...

Statistics concerning the voluntary fund for indigenous and local community participation in meetings held under the Convention, as well as statistics on the use of relevant Convention web-pages, are available in the note by the Executive Secretary on participatory mechanisms for indigenous and local communities in the work of the Convention (UNEP/CBD/WG8J/6/3). However, although general information has been received from various parties on the involvement and/or participation of indigenous and local communities, no actual statistics were received on the national participation of indigenous and local communities, in the fourth national reports received to date.

4. To assist the Working Group and to avoid duplication, section I includes only thematic areas that have made further advances since the fifth meeting of the Working Group on Article 8(j). Section II reports on progress on the implementation of Article 8(j) and related provisions based on the fourth national reports. Section III of this document contains a draft recommendation for the consideration of the Working Group.

I. THEMATIC AREAS

A. Introduction

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 the many thematic programmes and cross-cutting issues examined below. Hence consideration also includes such products as the Addis Ababa Principles and Guidelines on Sustainable Use, the Akwe: Kon Guidelines and others, and their implementation by Parties are directly relevant to the implementation of these articles.

B. 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. At its ninth meeting, the Conference of the Parties, in paragraph 8 (a) of its decision IX/17, requested the Executive Secretary to compile and publish a list of case-studies on scientific and technical knowledge including traditional knowledge regarding the management, and sustainable use of the biological diversity of dry and sub-humid lands. Building on the existing database on capacity-building, the Secretariat updated this information with a specific focus on those areas which were not well covered including traditional land-management practices, pastoralism and gender. The database is available online at: <https://www.cbd.int/drylands/cs/>.

8. In paragraph 8 (b) of the same decision, the Conference of the Parties requested the Executive Secretary to carry out a feasibility study for the development of a tool-kit to support the efforts of local and indigenous communities with regard to: sustainable pastoralism, adapted agricultural practices, control of soil erosion, valuation of natural resources, water and land-use management, carbon capture and identifying threats that have the greatest impacts on the biodiversity of dry and sub-humid lands. In addition to the feasibility study, the Secretariat developed a toolkit of good practices on “Pastoralism, Nature Conservation and Development”. This toolkit contains specific case-studies and examples on integrating traditional knowledge, innovations and practices and securing land rights.

C. Forest biological diversity

9. The Conference of the Parties, at its ninth meeting, reviewed the expanded programme of work on forest biodiversity¹ and urged Parties to strengthen the implementation of the programme of work, and to address as a matter of priority major human-induced threats to forest biodiversity, including unregulated and unsustainable use of forest products and resources (including unsustainable hunting and trade of bushmeat, and their impacts on non-target species), climate change, desertification and desert creep, illegal land conversion, habitat fragmentation, environmental degradation, forest fires, and invasive alien species (decision IX/5, para. 1(b)).

10. In paragraph 2 (a) of decision IX/5, the Conference of the Parties also invited Parties, other Governments, and relevant organizations to ensure that possible actions for reducing emissions from deforestation and forest degradation do not run counter to the objectives of the Convention on Biological Diversity and the implementation of the programme of work on forest biodiversity, but support the implementation of the programme of work, and provide benefits for forest biodiversity, and, where possible, to indigenous and local communities, and involve biodiversity experts including holders of traditional forest-related knowledge, and respect the rights of indigenous and local communities in accordance with national laws and applicable international obligations.

11. The Conference of the Parties further requested the Executive Secretary to facilitate thematic and/or regional workshops to support Parties in the implementation of the programme of work on forest biodiversity, and to support Parties efforts to reduce emissions from deforestation and forest degradation, by collaborating with the members of the Collaborative Partnership on Forests (CPF).

12. Pursuant to these requests, the Secretariat organized a global workshop for indigenous and local communities on Reducing Emissions from Deforestation and Forest Degradation (REDD) jointly with the United Nations University, Tebtebba, and the UN REDD Programme, which was held in Baguio City, Philippines, from 12 to 14 November 2008, and which resulted in a “Indigenous Peoples and Local Communities' Global Strategy on REDD”, outlining a number of recommendations to ensure that indigenous concerns are reflected in any REDD efforts.

13. The Secretariat organized a three-day subregional capacity-building workshop on forest biodiversity and climate change for South-Eastern and Eastern Asia, jointly with the United Nations Forum on Forests (UNFF) and the National Parks Board of Singapore, which was held from 2 to 5 September 2009, in Singapore City. Indigenous representatives were invited to the workshop, which aimed at improving coordination between National Focal Points of the United Nations Forum on Forests (UNFF), the Convention on Biological Diversity and the United Nations Framework Conference on Climate Change. Indigenous perspectives on REDD, as well as on climate-change adaptation and forest biodiversity were presented at the workshop.

14. The Secretariat further launched a bi-monthly electronic newsletter on REDD and biodiversity, which highlights current developments on REDD efforts, including activities, news and events related to REDD and indigenous and local communities.

D. Mountain biological diversity

15. In decision VII/27, the Conference of the Parties adopted a programme of work on mountain biological diversity. Goal 2.2 (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

¹

decision VI/22, annex.

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):

(i) 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;

(ii) 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;

(iii) 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,² 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.

16. In conclusion, although the analysis of the fourth national reports is in its early stages, implementation of Article 8(j)-relevant activities of the programme of work for mountain biodiversity, as revealed by the analysis of fourth national reports, is limited. Less than thirty 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. Some countries indicated that such measures are under development and many countries that no such measures had not been taken. Where measures have been taken they 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

² Decision VI/24.

E. Ecosystem approach

17. 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, principle 2 (Management should be decentralized to the lowest appropriate level); 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.

18. Subsequently, the Conference of the Parties at its ninth meeting urged Parties, other Governments and relevant organizations, as appropriate, and subject to funding and availability of technical capacity, to further facilitate, the full and effective participation of indigenous and local communities in the development of tools and mechanisms to strengthen and expand the application of the ecosystem approach. The Conference of the Parties also invited Parties to give consideration to the challenge of incorporating land and marine issues, including tenure, in the application of the ecosystem approach, in accordance with national policies, laws and guidelines and taking note of the United Nations Declaration on the Rights of Indigenous Peoples,³ and to provide, as appropriate, financial and technical support for indigenous and local communities to carry out case-studies and projects applying the ecosystem approach consistent with national laws and traditional sustainable-use and resource-management systems. Pursuant to the request by the Conference of the Parties, in paragraph 5 (a) of decision IX/7, the Executive Secretary has been publishing electronic newsletters on the ecosystem approach (<https://www.cbd.int/ecosystem/ea-newsletters/>), on quarterly basis, and disseminating them to Parties, other Governments and relevant organizations, including the representatives of indigenous and local communities.

F. Marine and coastal biological diversity

19. In decision VII/5, the Conference of the Parties adopted an elaborated programme of work on marine and coastal biological diversity. As basic principles of this programme of work, it is stated that “the programme of work will also use and draw upon scientific, technical and technological knowledge of local and indigenous communities in keeping with the contents of Article 8(j) of the Convention, as well as community and user-based approaches and the implementation of the programme of work should be carried out with the full and effective participation of indigenous and local communities as appropriate and respect of their rights under domestic and applicable international law. In this context, Article 6.18 of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations, which highlights the need to protect the preferential access rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to traditional fishing grounds and resources, should be noted”.

20. One of the suggested activities under the programme element 3 “to facilitate relevant stakeholder and indigenous and local community participation as an essential component of implementing operational objective 3.3 which is to achieve effective management of existing marine and coastal protected areas. The section on “Enabling Activities” refers to “formation of cooperative partnerships between countries or between international and/or regional organizations to enhance capacity for implementation, taking into account the special needs and difficulties experienced by stakeholders in developing countries and by indigenous and local communities”.

³ General Assembly resolution 61/295 of 13 September 2007, annex.

21. Subsequently, the Conference of the Parties, in decision IX/20, invited Parties to promote full and effective participation of indigenous and local communities, in accordance with the national legislation and applicable international obligations, when establishing new marine protected areas; also noting the United Nations Declaration on the Rights of Indigenous Peoples.⁴ In the same decision, the Conference of the Parties also called on Parties to integrate the traditional, scientific, technical and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention, and to ensure the integration of social and cultural criteria and other aspects for the identification of marine areas in need of protection as well as the establishment and management of marine protected areas.

22. Pursuant to the requests by the Conference of the Parties in decision IX/20, indigenous and local communities were invited to contribute to the peer-review of a draft report of scientific synthesis on the impacts of ocean fertilization on marine biodiversity (CBD notification No. 2009-082, issued on 16 July 2009) as well as the online discussion forum in preparation for expert workshop on scientific and technical guidance on the use of biogeographic classification systems and identification of marine areas beyond national jurisdiction in need of protection (CBD notification Ref No. 2009-068, issued on 25 June 2009).

23. Indigenous and local communities will be also invited to contribute to the peer-review of a draft report on the background document for the in-depth review of the progress made in the implementation of the programme of work on marine and coastal biological diversity in due course.

G. Protected areas

24. In its decision IX/18 A on protected areas, the Conference of the Parties adopted the following in relevance to programme element 2 and indigenous and local communities:

(a) In the last preambular paragraph of the decision, the Conference of the Parties recognized the need to promote full and effective participation of indigenous and local communities in the implementation of the programme of work on protected areas at all levels; also *noting* the United Nations Declaration on the Rights of Indigenous Peoples.

(b) In paragraph 4 (c) of the decision, the Conference of the Parties invited Parties to give special attention to the implementation of programme element 2 of the programme of work on protected areas;

(c) In paragraph 6 of the same decision: *Invites* Parties to, *inter alia*:

(i) Improve and, where necessary, diversify and strengthen protected-area governance types, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, indigenous, local and other community-based organizations;

(ii) Recognize the contribution of where appropriate, co-managed protected areas, private protected areas and indigenous and local community conserved areas within the national protected area system through acknowledgement in national legislation or other effective means.

25. Various Parties have reported taking action regarding these decisions and have reported on such, through the fourth national reports (see section II below). In particular, the recognition of community-protected areas appears to be gaining more widespread acceptance.

H. Other matters

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

Biodiversity and climate change

26. The second Ad Hoc Technical Expert Group (AHTEG) on Biodiversity and Climate Change was convened in response to decision IX/16 of the Conference of the Parties. The purpose of this AHTEG was to provide biodiversity-relevant information to the United Nations Framework Convention on Climate Change (UNFCCC) through the provision of scientific and technical advice and assessment on the integration of the conservation and sustainable use of biodiversity into climate change mitigation and adaptation activities.

27. The AHTEG met for the first time from 17 to 21 November 2008 and for the second time from 18 to 22 April 2009. Both meetings included participation from indigenous and local communities from Latin America and the Pacific Region. Finally the AHTEG convened a drafting committee meeting from 20 to 24 July, 2009. This meeting also included a representative from indigenous and local communities. The participants were selected based on nominations received by the Secretariat.

28. Two elements in the terms of reference of the AHTEG refer specifically to indigenous peoples and local communities including:

(a) Proposing ways and means to improve the integration of biodiversity considerations and traditional and local knowledge related to biodiversity within impact and vulnerability assessments and climate change adaptation, with particular reference to communities and sectors vulnerable to climate change.

(b) Identifying opportunities for, and possible negative impacts on, biodiversity and its conservation and sustainable use, as well as livelihoods of indigenous and local communities, that may arise from reducing emissions from deforestation and forest degradation;

29. Accordingly, the AHTEG mainstreamed traditional and local knowledge and the views of indigenous and local communities throughout its work and produced specific guidance on: (i) the integration of observations from indigenous and local communities within assessments of the impacts of climate change on biodiversity; and (ii) the role of indigenous and local communities in mechanisms to reduce emissions from deforestation and forest degradation.

30. In addition to supporting the work of the AHTEG, the Secretariat, with the kind support of the Government of Finland produced a publication titled “Indigenous Peoples and Traditional Knowledge Related to Biological Diversity and Responses to Climate Change in the Arctic Region”. This publication is the follow-up to the meeting held from 25 to 28 March 2008, on Opportunities and challenges of responses to climate change for Indigenous and Local Communities, their Traditional Knowledge and Biological Diversity.

31. Decision IX/16 further calls on the Executive Secretary to enhance collaboration with UNFCCC. Accordingly, the Executive Secretary prepared a submission on behalf of the Convention on Biological Diversity titled ‘Views on Issues Relating to Indigenous Peoples and Local Communities for the Development and Application of Methodologies’ as per the request for submissions on reducing emissions from deforestation and forest degradation issued by UNFCCC in FCCC/SBSTA/2008/L.23, paragraph 11.

32. Finally, decision IX/16 invites UNFCCC to adequately address traditional knowledge, innovations and practices related to the conservation and sustainable use of biodiversity noting relevant provisions of the Convention on Biological Diversity. In light of this invitation, the Executive Secretary communicated the text of the decision to the Executive Secretary of UNFCCC.

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

33. 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.

34. To further this task, the International Indigenous Forum on Biodiversity established a Working Group on Indicators which has organized regional and international expert workshops, to identify a limited number of meaningful, practical and measurable indicators on the status of traditional knowledge, innovations and practices, to assess progress towards achieving the Convention's Strategic Plan and the 2010 biodiversity target. Based on the proposed list of indicators, the Conference of the Parties, in paragraph 3 of decision IX/13 H recommended that a maximum of two additional indicators on the status of traditional knowledge, innovations and practices should be selected for inclusion in the framework.

35. The United Nations Educational, Scientific and Cultural Organization (UNESCO) continues to work on the development of the indicator on status and trends of linguistic diversity and numbers of speakers of indigenous languages”. As part of the 2010 Biodiversity Indicators Partnership project, supported by the Global Environment Facility, UNESCO has re-evaluated available data on languages and numbers of speakers and decided to focus its efforts on data derived from comparable country censuses. This information will be made available for the third edition of Global Biodiversity Outlook. The International Labour Organization (ILO) has provided advice through a technical workshop on indicators held in the Philippines, in November 2008 (refer UNEP/CBD/WG8J/6/INF/4) and is considering how it might assist in collecting information of traditional occupations/livelihoods. The indigenous working group on indicators will facilitate a technical workshop from 1 to 3 October 2009, to consider as an indicator status and trends of land use in indigenous peoples territories. Further information on work on indicators relevant to article 8(j) is available in UNEP/CBD/WG8J/6/2/Add.4.

3. *Tourism and biological diversity*

36. In line with decisions IX/13 E and VIII/5 D on Article 8(j) and decision VII/14, on tourism, the Secretariat has been working to support capacity-building of indigenous tourism operators by holding regional workshops on Indigenous Communities, Tourism And Biodiversity: New Information And Web-Based Technologies and by presenting the *Indigenous Tourism and Biodiversity Website (ITBW) Award* for excellence in sharing best cases in biodiversity management on their websites. While the workshops contribute directly to the capacity-building of operators and trade associations, the awards identify existing best practices and global leaders, as benchmarks for continuous improvements in communicating biodiversity concerns.

Indigenous Communities, Tourism and Biodiversity Workshops: New Information and Web-Based Technologies

37. Following the first workshop on the Arctic region which took place in Canada, in November 2007, a second workshop on islands was held at the offices of the Secretariat of the Pacific Regional Environment Programme (SPREP), in Samoa, in November 2008. The workshop focused, in particular,

on new information and web-based technologies and used tools that were developed during the first workshop. The specific objectives were:

- (a) To support the development and management of biodiversity-friendly tourism activities;
- (b) To support new information and web-based technology capacity of indigenous tourism operators;
- (c) To support the marketing and development of the culturally and biologically sustainable aspects of indigenous tourism products and experiences through the Internet;
- (d) Develop networks and exchange information; share and compile approaches to specific challenges in order to develop best practices;
- (e) Use successful tools from the first workshop and refine and add to them for application by current participants and in future workshops, to create a set of on-line resources that can be of value to island based tourism operators and planners.

38. A third tourism workshop on forest ecosystems is planned in Ecuador in November 2009. It is anticipated that subject to the availability of funding, future regional workshops will take place in Africa and Southeast Asia, with a focus on desert and mountain ecosystems.

Indigenous Tourism and Biodiversity Website (ITBW) Award for 2010, the International Year for Biological Diversity

39. As a complementary project to the [CBD workshop series](#), the Secretariat of the Convention on Biological Diversity, in partnership with the [Planeta.com](#), and the generous support of the Government of Spain, created the first [Indigenous Tourism and Biodiversity Website Award](#). The award is presented to an indigenous tourism operation for having a website that promotes sustainable practices and educates visitors on cultural protocols and biodiversity conservation. The award winners were announced in February 2009, at the Reisepavillion - International Fair for Alternative Travel, in Munich, in events co-organized with GTZ, UNEP, and UNWTO. The winning websites were highlighted during the Fair, on Planeta.com and CBD Tourism portal and received official recognition from the Executive Secretary of the Convention on Biological Diversity.

40. The second ITBW award will be launched in 2010 at a major trade fair on sustainable tourism in Germany. The two winners (one selected by experts/jury members and another by popular vote) will be invited to receive their prizes at the travel fair, and to participate in:

- (a) Award ceremony: with the two selected winners, at a press conference during the trade fair;
- (b) Meetings with German/European outbound tour operators active/interested in the destinations offered by winners (chosen in consultation with Forum Anders Reisen, an association of special interest operators, and the German Travel Association-DRV);
- (c) A training on Web 2.0 technologies for special interest tourism marketing (specifically aimed at indigenous micro-small and medium businesses attending the fair, but extensive to other interested participants). The training will begin at the trade fair with a one-day hands-on workshop, and will continue through an on line dialogue with the facilitator for up to three months following the fair;
- (d) An 8-page color brochure prepared by the Secretariat with the 8 runners up and 2 winners, explaining their best practices, and sharing guidelines and lessons learned.

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

A. *Introduction*

41. In the fourth national reports, Parties, especially Parties that have not yet submitted information regarding the implementation of the programme of work for Article 8(j) and related provisions, were asked, amongst other things, to submit information on national participation of indigenous and local communities through, *inter alia*, the fourth national reports. Parties have also reported on the implementation of the Akwe 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, amongst other things. This current progress report builds on the third national reports and takes into account seventy seven fourth national reports submitted by 30 August 2009. Of the seventy seven reports examined in detail only a minority reported significant developments concerning indigenous and local communities and traditional knowledge. The limited number of reports at this time has made it difficult to establish global trends. However some attempts are made based on information received.

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

42. Based on the reports received, over half of the Parties have 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. Some developed countries including Belgium, Spain and Sweden have reported on funding projects related to traditional knowledge in the developing world. 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 2nd and 3rd progress reports. 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.

43. For example, India and Nepal have started registering traditional knowledge related to biodiversity. India in particular is quite advanced in this area. India has actively promoted its traditional knowledge digital library as a useful model for recording and protecting traditional knowledge. Furthermore, India is actively pursuing domestic legislation to protect traditional knowledge and to ensure it cannot be patented. Nepal has also established district biodiversity committees for this purpose. One project called "Aconteceu", which is being implemented under Brazilian Indigenous Peoples' Programme, 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. Malaysia has reported on an interesting traditional knowledge documentation programme in Sarawak and the Ministry of Natural Resources has reported documentation of traditional

knowledge and may consider establishing a traditional knowledge digital library. Mexico reports that there has been also support for thirty-five projects aimed at making known and promoting work developed by indigenous peoples on conservation and use of their natural resources, in various states across the country. A few developed countries, such as Germany and Belgium, have provided support through their international development aid programmes to some developing 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 Akwe Kon Guidelines into national legislation and policies

44. Most reporting Parties have not undertaken such a review. However, several Parties have reviewed their relevant legislations and policies in light of the Akwe: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, observing its appropriate exploitation, ecological balance and leaning towards its expansion (art. 1).

Use of the Akwé: Kon Guidelines

45. Several 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. Sweden indicated that it had national guidelines in place equal to the standards contained in the Akwé: Kon Guidelines and the Akwé: Kon Guidelines are actively promoted by the Sami Parliament. 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/or 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

46. Many Parties reported that some measures are in place to involve indigenous or local communities in decision-making processes, depending upon the national circumstance. A few Parties have put comprehensive measures in place. Some Parties have not undertaken any measures or are considering taking some measures. These Parties have noted a lack of capacity at the local level as an obstacle to local involvement. 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 has advanced 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. Cuba also emphasized in its report, that it has a strong emphasis on the preservation of traditional knowledge in rural communities especially on the use of wild plants for medicinal and non-conventional feeds and other functions.

47. 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, Germany, Spain and Sweden, amongst others have 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

48. Parties were specifically requested in decision IX/13 A to supply information on national participation of indigenous and local communities to do so through, *inter alia*, the fourth national reports, although many reports reported generically on the involvement of indigenous and local communities, no report provided detailed statistics concerning the participation of indigenous and local communities. However, Canada reported on fostering indigenous participation, including on government delegations to relevant international meetings including the Convention but also to related for a such as CITIES and IUCN, in particular when relevant issues such as the fur trade are discussed.

49. Nearly all countries reported having legislative and policy frameworks for the equitable sharing of costs and benefits arising from the establishment and management of protected areas. However, few countries provided details and many countries indicated gaps in terms of equitable sharing of costs and benefits. One country indicated that all its states and territories have enabling legislation related to conservation covenants on the title of private lands. Some countries established joint/collaborative/participatory forest management programmes to share revenues with indigenous and local communities. Assessments of economic and socio- cultural costs and benefits of protected areas have not been undertaken in the majority of reporting countries. Many countries reported undertaking measures to avoid and mitigate negative impacts on indigenous and local communities through the establishment of protected areas, which *inter alia* include alternate livelihood options; acquisition compensation grants; covenanting programmes and revolving funds; and development of regulations to protect the rights and interests of indigenous and local communities.

50. A survey of 16 countries by IUCN-WCPA TILCEPA (see www.iucn.org/themes/ceesp/CCAlegislations.htm) found that six countries brought in legislation recognizing Indigenous and Community Conserved Areas (ICCAs) as part of their country protected area network.

Another six countries provided legal backing to ICCAs, but as part of more general laws providing recognition of indigenous or community territories, rather than as protected areas or specific conservation mechanisms. Four countries had no legal backing for ICCAs, though a few of them reported some level of administrative or financial support to ICCAs, and one country moved towards almost full community management of at least one protected area.

51. A majority of responding countries reported that their relevant laws and policies incorporate a clear requirement for the participation of stakeholders, including indigenous or local communities in the planning, establishment and management of protected areas. A few countries also reported that a process of public consultation particularly with local communities is undertaken at national or local level before protected areas are established. In general, multi-stakeholder protected areas advisory committees or conservation boards are important mechanisms to facilitate participation of all stakeholders. Many countries indicated measures taken to support areas conserved by indigenous and local communities, which, *inter alia*, include training, assistance through non-governmental organizations, dissemination of information, and funding. However some countries, particularly in the African region, noted that lack of capacity remains an obstacle for fully involving local communities in protected areas. A further obstacle remains inadequate tools for valuing traditional knowledge along side of scientific knowledge.

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

52. 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 Australia, 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 per cent of the total community forestry user groups are exclusively of women. Canada has the Aboriginal Women's Programme to enable Aboriginal women to influence policies, programmes, 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. Mexico reported that in 2008, it held the first indigenous consultation on the protection of traditional knowledge, cultural expressions, genetic resources and intellectual property rights with good results.

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

53. 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. Furthermore the European Union and the Government of Germany has facilitated two global meetings to assist indigenous and local communities in their preparations for the access and benefit-sharing process (see the reports of Vienna and Vilm at UNEP/CBD/WG8j/6/INF/13 and 14, respectively)

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

54. 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

C. Overall assessment of progress

55. The submission of seventy seven national reports has allowed for an initial 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 and in light of the elaboration and negotiations of the International Regime on Access and Benefit-sharing. However only some countries recognized the importance of traditional knowledge of indigenous and local communities to biodiversity conservation and sustainable use and its potential value in the local management of protected areas. Many indigenous and local communities are considering documentation projects concerning their traditional knowledge although indigenous and local communities particularly in the Latin American and Caribbean region are not in general, in favour of such measures. Some countries including Burundi complained of the lack of effective tools for properly valuing traditional knowledge along side of modern science and some noted they were preparing draft policies and laws to protect traditional knowledge. Some countries also noted cross-sectoral developments with greater interest being taken by health departments concerning traditional medicines.⁵ South Africa noted that more than 70 per cent of its population continues to rely on traditional medicinal plants as their primary source of health care. Uganda reported that the protection of traditional knowledge was aided by the help of government ministries including health and environmental, working together.

56. The implementation of the Awké: Kon Guidelines is still in the very early stages since few countries have reviewed their related policies and legislations in light of the Awke 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 Awke 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, including

⁵ In particular Burundi and South Africa.

indigenous advisory groups that encourage this, however, it is not clear as to what extent these mechanisms have been implemented and are effective. 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.

57. There remain several challenges and obstacles facing countries in the implementation of Article 8(j) that remain constant in an analysis of the last three national reports. These range from financial, capacity, social, political, public awareness and demographic obstacles. Parties continue to report 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 or valued;
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;

* Poverty remains a high challenge particularly among African countries.

III. RECOMMENDATIONS

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 seventh meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions;

(c) *Decides* that the future agenda of the Working Group should include a new agenda item⁶ entitled: “In-depth dialogue on thematic areas and other cross-cutting issues”, and *requests* the Executive Secretary to continue to report on progress on the implementation of Article 8(j) and related provisions, with a focus on two thematic areas/cross-cutting issues for the seventh meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, commencing with Protected Areas and Climate Change;

(d) *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 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 seventh 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 seventh meeting of the Working Group on Article 8(j) and related provisions;

(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 eleventh 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.

⁶ See document UNEP/CBD/WG8J/6/2/Add.6.