



## **Convention on Biological Diversity**

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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**

Seventh meeting  
Montreal, 31 October-4 November 2011

**COMPILATION OF VIEWS ON THE DEVELOPMENT OF INDICATORS ON SECURE LAND  
TENURE AND A SUMMARY OF OTHER INITIATIVES CONCERNING INDICATORS  
RELEVANT FOR ARTICLE 8(j) AND ARTICLE 10(c)**

*Note by the Executive Secretary*

### **INTRODUCTION**

1. As requested by the Conference of the Parties in decision X/43, the Executive Secretary is circulating herewith, for the consideration of participants in the seventh meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, a compilation of views and comments submitted to the Secretariat regarding indicators on secure land tenure, in order to explore and better understand the adopted indicator on land tenure.
2. Submissions have been reproduced in the form and language in which they were provided to the Secretariat of the Convention on Biological Diversity.

## SUBMISSIONS

### A. *Submission from Parties*

#### Australia

AUSTRALIAN GOVERNMENT RESPONSE TO NOTIFICATION 2011-065 & 2010-210:  
PROGRAMME OF WORK ON ARTICLE 8(J) AND RELATED PROVISIONS:

***NOTE: No consultation with state and territory governments or Indigenous groups occurred due to the tight deadline for responding to this notification. All information provided below has been drawn from Australian Government agency inputs only.***

#### INDICATORS FOR TRADITIONAL KNOWLEDGE

*The Conference of the Parties also adopted two additional indicators for traditional knowledge to complement the adopted indicator of status and trends in linguistic diversity, those being status and trends in land-use change and land tenure, and status and trends in traditional occupations. The COP requested to Executive Secretary to pursue the ongoing refinement and use of the indicators and to report to the Working Group. In order to explore and better understand the adopted indicator of land tenure, Parties, indigenous and local communities and other relevant organizations are invited to submit:*

#### (a) **Views on the development of indicators on secure land tenure (decision X/43, paragraph 19);**

Any indicators developed must be sufficiently flexible to take into account national circumstances and differences between indigenous and local communities from area to area, region to region and country to country.

#### Norway

NORWEGIAN GOVERNMENT RESPONSE TO NOTIFICATION 2011-065 & 2010-210:  
PROGRAMME OF WORK ON ARTICLE 8(J) AND RELATED PROVISIONS:

#### **Indicators for Traditional Knowledge**

Norway recognizes the importance and need to identify a limited number of meaningful indicators relevant to traditional knowledge. The indicators adopted at COP10 (land use change and in the practice of traditional occupations), together with linguistic diversity will give us a better understanding of the status and trends of traditional knowledge. Without indicators it will be difficult for the member states to assess whether the policies and programmes to maintain traditional knowledge is working and to adjust them if they are not. However, the purpose for CBD to develop indicators on traditional knowledge should be to protect plants and animals.

<b>European Union and its Member States</b>
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The EU and its Member States is pleased to share with the Secretariat views on the below elements in response to CBD Notification 2010-210 on “the Programme of Work on Article 8(j) and related provisions consistent with relevant decisions of the tenth meeting of the Conference of the Parties”:

**Indicators on secure land tenure**

As much work relevant to indicators on secure land tenure has already been done and more work is ongoing, the EU and its Member States suggest at first hand studying the progress being done in the area, in particular building on work performed by indigenous and local communities themselves. For example, the publication on “Indicators Relevant for Indigenous Peoples: A Resource Book”, published by Tebtebba Foundation (Philippines) in 2008, should be considered as a reference document. It is important to link up the work including terminology and data collection under the CBD with the process under FAO on Land Tenure Governance, which is developing voluntary guidelines on responsible governance of tenure of land and other natural resources.

An international dialogue is needed for sharing the relevant outcomes related to the development of indicators on secure land tenure so far, in different countries and by different organizations. The dialogue could link to and follow-up on the outcomes from the IIFB (International Indigenous Forum on Biodiversity) technical workshop on Indicators for Land Use Change in 2010, and new experiences gained after that.

Based on such a dialogue, when indicators on secure land tenure are developed, it should be kept in mind that they have to be flexible enough to be relevant for local contexts yet allowing for comparison between different countries.

Development of indicators for secure land tenure is of relevance also as indicators related to Article 10c) of the CBD.

**Annex – Responses from EU Member States to Notification 2010-210**

**SWEDEN**

**Indicators for Traditional Knowledge**

The Conference of the Parties also adopted two additional indicators for traditional knowledge to complement the adopted indicator of status and trends in linguistic diversity, those being status and trends in land-use change and land tenure, and status and trends in traditional occupations. The COP requested to Executive Secretary to pursue the ongoing refinement and use of the indicators and to report to the Working Group. In order to explore and better understand the adopted indicator of land tenure, Parties, indigenous and local communities and other relevant organizations are invited to submit:

- (k) Views on the development of indicators on secure land tenure (decision X/43, paragraph

*It is an important step forward to link the issue of land use change in indigenous territories to secure land tenure, as it reflects an option to better relate to and understand the "legal pluralism" of overlapping tenurial instruments, sometimes conflicting with one another, leading to conflicts that per se could result in an insecure situation, affecting the ability to manage the land based on a traditional lifestyle and interconnected traditional knowledge on sustainable management of biological diversity. Thus, it is necessary that such an indicator reflects and illustrates the situation and perception of the indigenous*

peoples in the specific areas. The issue is of course much broader than questions of land ownership, as the tenure concept itself refers to a bundle of rights, and relevant indicators must reflect security of continued land use, containment of conflicting land use that may degrade its wealth, and the opportunity to exercise stewardship of the land. There is already work in place related to this, and in this respect it would be suitable to at first hand study the progress being done in the area, in particular building on work performed by indigenous peoples themselves. This kind of work could also contribute to important processes for strengthening and promoting indigenous knowledge and customary sustainable management of biodiversity as such. We will thus in the following refer to ongoing work we believe is of main relevance for the progress of the development of indicators on secure land tenure.

### **Arctic Social Indicator Project**

A concrete example of already developed proposals for indicators of relevance in this context comes from The Arctic Social Indicators Project (**Arctic Social Indicators** - a follow-up to the Arctic Human Development Report TemaNord 2010:519 © Nordic Council of Ministers, Copenhagen 2010). This project developed, among other things, indicators on Fate Control, which could be built on, as they focus on indigenous peoples' perception of their land tenure security, taking into account the complexity of the issue.

### **Ongoing initiative by the Swedish Sami Parliament**

The ongoing work of the Swedish Sami Parliament, carried out in collaboration with e.g. SLU, Centre for Biological Diversity, The Swedish Forest Agency, Umeå University et al., is relevant for all three indicators for CBD Article 8(j) (as named above), mostly status and trends of land use and status and trends of traditional occupations. Of course, the indicator of "status and trends of land tenure" is directly linked to the other issues, yet it is not being measured in a structured form at this time. We will list an overview of ongoing work here:

Extensive mapping of landscape level changes in the reindeer herding area in Sweden covering inter alia:

- Exploitation (e.g. hydro-power dams and reservoirs, mines, wind power, roads, tourism, etc)
- Change in forest composition (e.g. lichen abundance, age structure, species composition, etc)
- National inventory of biodiversity at habitat level of the landscape in Sweden, and documentation of natural changes as well as changes due to land use, ongoing cooperation with reindeer herders (NILS)
- Statistics of Sami livelihoods and businesses (ongoing at the Sami Parliament)
- Changes in land use (in work w. reindeer management plans etc.)
- Language revitalization linked to land and land use
- Historical land use, place names etc

A national research seminar has been held on the possible use of the status of reindeer herding as an indicator of ecosystem resilience and connectivity between habitats, in the context of the ongoing Swedish project "Green Infrastructure". Reindeer herding is the only occupation in Sweden, with its seasonal migration, which moves between all major ecosystem types from the mountains to the inland forests and coastal areas

In the reindeer grazing area, several ecosystems are formed by reindeer grazing, and their biological diversity is thus more or less dependent on a reindeer husbandry which functions socio-economically as well as ecologically. Alpine biotopes are to a high degree shaped by reindeer grazing, and this is very likely true also of certain other biotopes such as wetlands in the coniferous forest area.

*A functioning reindeer grazing is in turn dependent on a functional landscape, with a green infrastructure based on sufficient ecosystem integrity, resilience and connectivity. The integrity and connectivity of the reindeer grazing landscape can be disrupted by power dams and reservoirs, mining activities, roads, forestry operations, transboundary restriction of movement, etc.*

*Different aspects of reindeer husbandry can be identified as useful indicators of green infrastructure. They could also be used as indicators of effective secure land tenure, climate change and ecosystem services. The development of indicators based on aspects of reindeer grazing and reindeer husbandry should be developed in collaboration between researchers and Sami reindeer herders, where different kinds of knowledge is synthesized. This work has started in Sweden in collaboration between the Swedish Sami Parliament, the Swedish Biodiversity Centre and Swedish universities*

**Sweden's conclusions and recommendations**

- As much work of importance and relevance to indicators of secure land tenure is already done, and more work is ongoing, we recommend to at first hand study the progress being done in the area, in particular building on work performed by indigenous peoples themselves.
- We advice to link up with the process under FAO on Governance of Land Tenure, which will come out with Voluntary Guidelines and Implementation Guides. In this context, they will need to do work for development of indicators related to secure land tenure, to be adapted to the context of CBD Articles 8(j) and 10(c); e.g. management of the land based on a traditional lifestyle and interconnected traditional knowledge on sustainable management of biological diversity.
- We recommend that an international dialogue is initiated for the sharing of relevant outcomes of the development of indicators on secure land tenure so far, in different countries and by different organizations. The dialogue could link to and follow-up on results and outcomes from the IIFB technical workshop on Indicators for Land Use Change in 2010, and new experiences gained after that. Based on such a dialogue, a strategy could then be made to develop a system of indicators on secure land tenure, flexible enough to be relevant for local contexts yet allowing for comparison between different countries and contexts.
- Development of indicators for secure land tenure is of explicit relevance also as indicators related to CBD Article 10, in particular Article 10 (c), thus it is recommended that this indicator is developed in the spirit of a broader perspective of what could be achieved by implementing the use of it.

***B. Submission from relevant organizations***

<b>Forest Peoples and Biodiversity Project' (FPBP) and the Indigenous Women and Biodiversity Network</b>
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This is a joint submission by:

- Red Mujeres Indigenas sobre la Biodiversidad (Indigenous Women and Biodiversity Network)
- The South Central People Development Association (SCPDA) (Wapichan people, Guyana)
- Unnayan Onneshan – The Innovators, centre for research and action on development (Sundarbans traditional resource users, Bangladesh)
- The Association of Kaliña and Lokono Peoples in Marowijne (KLIM) (Kaliña and Lokono people Suriname)
- *The Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT) (Hmong and Karen people, Thailand )*
- Association OKANI (Baka people Cameroon)
- The Foundation for the Promotion of Indigenous Knowledge (FPCI) (Kuna people Panamá)

***Indicators for Traditional Knowledge***

The Conference of the Parties also adopted two additional indicators for traditional knowledge to complement the adopted indicator of status and trends in linguistic diversity, those being status and trends in land-use change and land tenure, and status and trends in traditional occupations. The COP requested to Executive Secretary to pursue the ongoing refinement and use of the indicators and to report to the Working Group. In order to explore and better understand the adopted indicator of land tenure, Parties, indigenous and local communities and other relevant organizations are invited to submit:

- (k) Views on the development of indicators on secure land tenure (decision X/43, paragraph 19).

Input: as one of the goals is to explore and better understand the adopted indicator on land tenure, and we remember that prior to the adoption, several Parties expressed to have limited understanding of what “land tenure” actually means, we are providing a short preamble / introduction to this issue before we present our suggestions on the development of the indicator.

**How do indigenous peoples and local communities understand land tenure and why is it important?**

For indigenous peoples and local communities, land tenure is more than access to resources or, for instance, permission to use or collect resources. It is about the right to own (individually and, most importantly, collectively), control and to have the authority related to decision-making on, the land and its resources. Only then we can speak of secure land tenure. The problem, however, is that many countries do not legally recognize the collective land rights of indigenous peoples.

Connected to rights is the responsibility / stewardship to take care of the land and resources. All our communities have a cosmology or philosophy of life that include a strong sense of stewardship of Mother Earth. This infuses a strong sense of responsibility to manage biological (as well as non-biological) resources in a sustainable manner for current and future generations, while deeply respecting the legacy of our past generations. This can also be demonstrated by the development of community-based land management plans; these can indicate how indigenous peoples have prepared or planned to manage the territory in a way that is compatible with conservation and sustainability.

Without secure land tenure (in the form of ownership and control), people are not certain that they can keep using and conserving the land based on their own systems, and they do not have the means to protect the land against influence of outsiders.

**Views on the development of indicator on secure land tenure**

We would like to propose that a number of sub-indicators be developed under this indicator. Below please find a table with a number of potential indicators that we have identified for this purpose.

## POTENTIAL INDICATORS ON SECURE LAND TENURE

### Structural Indicators

Have the national and/or local governments adopted laws that recognise the collective rights of indigenous peoples to own, use and manage lands, territories, and biological resources?

### Process Indicators

Number of policies, programmes and / or administrative measures that recognise the (collective) rights of indigenous peoples to own, use and manage lands, territories and biological resources.

Existence of an implementing agency to implement programmes and / or administrative measures.

Accessibility of laws that recognise the (collective) rights of indigenous peoples to own, use and manage land and biological resources

In case ownership, use and management rights are not officially recognised, do indigenous peoples have access to their land and resources?

Does the government officially recognise community resource use maps and the use of them?

Have indigenous territories been mapped and demarcated with full participation and consent of the indigenous peoples concerned?

Total amount of national budget allocated to enhance the capacity of indigenous peoples in the management of their lands and resources (based upon their own knowledge)

### Outcome Indicators

Number / percentage of indigenous peoples who officially own, use and manage their self-demarcated areas (e.g. collective title)

Size and percentage of a country's land area that is officially owned, used, and managed by indigenous peoples.

Area of forest, wetlands, coastal and marine, island and agricultural and other ecosystems under full and effective control of indigenous peoples.

Number of indigenous peoples who have access to their land and resources (in case ownership, use and management rights are not recognised).

Number of community compiled and validated maps of customary use of biological resources officially recognised.



Does the State effectively protect the indigenous communities against displacement and invasion of outsiders?

Number of successfully prevented cases of displacement of indigenous peoples from the indigenous territories

Does the State provide for land- or resource related grievance mechanisms?

Level of awareness, knowledge and understanding of (the existence) of land- or resource related grievance mechanisms among Indigenous communities

Number of illegal immigrants entering indigenous communities

Number of indigenous peoples benefiting from capacity building programmes publicly funded.

Number of indigenous peoples who know about land- or resource related grievance mechanisms

Quality and accessibility of land- or resource related grievance mechanisms

Number of indigenous peoples who make use of land- or resource related grievance mechanisms.

Does the State sanction violations of indigenous peoples' rights to land and natural resources?

Number and percentage of indigenous communities that have unresolved customary use issues or disputes relating to ownership, use and management of lands and natural resources.

Number of violations of indigenous peoples' rights to land and natural resources met with appropriate sanctions/penalties

**Indicator for Customary sustainable use**

Although this notification is calling for views on the development of the indicator on secure land tenure, we would like to take this opportunity to share with the Secretariat some preliminary work that we have done to advance the development of an indicator on customary sustainable use.

The COP10 Decision on the *Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity* (UNEP/CBD/COP/DEC/X/43) includes a paragraph concerning the development of indicators for customary sustainable use, as follows:

18. *Considering* the new emphasis being placed by Parties on the implementation of Article 10, requests the Executive Secretary, subject to the availability of funding, in collaboration with Parties, Governments, international agencies including the United Nations Permanent Forum on Indigenous Issues, the Working Group on Indicators of the International Indigenous Forum on Biodiversity, relevant non-governmental organizations, and the 2010 biodiversity indicators partnership, to explore, through further technical workshops, the development of appropriate indicators for customary sustainable use and to report on this matter to the Working Group on Article 8(j) and Related Provisions at its seventh meeting, so that this matter can be advanced within the framework of the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020.

In 2006 we held a *workshop on customary sustainable use indicators* in the UK. The outcome was a very broad list of possible indicators related to issues of significance to customary sustainable use of biodiversity. We feel these could be taken into consideration in the process to develop indicators for customary sustainable use. We attach the table as an annex to this submission for your information.

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