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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

Item 3 of the provisional agenda\*

### **PROGRESS IN THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS AND ITS INTEGRATION INTO THE VARIOUS AREAS OF WORK UNDER THE CONVENTION AND THROUGH THE NATIONAL REPORTS**

*Note by the Executive Secretary*

#### **INTRODUCTION**

1. In paragraphs 1 to 4 of decision X/43 on progress reports, the Parties noted 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, and requested the Executive Secretary to report on progress on the implementation of Article 8(j) and related provisions to seventh meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions. Further to this, Parties that had 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, were urged 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). The same decision also requested the Executive Secretary to analyse and summarize this information and make it available to the Working Group on Article 8(j) and Related Provisions at its seventh meeting.

2. Further to this request, the Executive Secretary has put in place infrastructure, through the guidelines for the fourth national reports and through the voluntary fund for indigenous and local community participation in meetings held under the Convention, to collect this information on an annual basis and to make it available to meetings of the Working Group on Article 8(j) and Related Provisions. 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/7/9). 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.

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\* UNEP/CBD/WG8J/7/1/Rev.1.

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3. To assist the Working Group and to avoid duplication, section I includes only thematic areas that have made further advances since the sixth meeting of the Working Group on Article 8(j). Section II reports on progress of the implementation of Article 8(j) and related provisions based on a comprehensive analysis of 167 of the fourth national reports.<sup>1</sup> Section III of this document contains a draft recommendation for the consideration of the Working Group. No views were received regarding this agenda item and therefore no compilation is available.

## I. THEMATIC AREAS

### A. *Introduction*

4. It should be noted that related provisions such as Article 10(c) and paragraph 2 of Article 17, 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 Akwé: Kon Guidelines and others, as their implementation by Parties are directly relevant to the implementation of these articles.

### B. *Access to genetic resources and the equitable sharing of benefits arising from their utilization*

5. A major accomplishment of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity was the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

6. The Protocol provides a transparent legal framework for the effective implementation of one of the three objectives of the Convention on Biological Diversity: the fair and equitable sharing of benefits arising out of the utilization of genetic resources, and it will enter into force 90 days after the fiftieth instrument of ratification.

7. At the core of the Protocol are obligations related to access to genetic resources, to the fair and equitable sharing of benefits arising out of genetic resources as well as to compliance with national access and benefit-sharing (ABS) legislation and mutually agreed terms. The Protocol contains important developments for indigenous and local communities. It addresses traditional knowledge associated with genetic resources held by indigenous and local communities as well as genetic resources that are held by indigenous and local communities, where the rights of these communities over these resources have been recognized.

8. The preamble to the Protocol provides a context for the interpretation of the text of the Protocol. It contains seven paragraphs of specific relevance to indigenous peoples and local communities and their traditional knowledge. These paragraphs includes references to Article 8(j), the interrelationship between genetic resources and traditional knowledge and their inseparable nature, the diversity of circumstances in which traditional knowledge is owned or held (including by countries), the identification of the rightful holders of traditional knowledge, the Declaration on the Rights of Indigenous Peoples<sup>2</sup> and the non-extinguishment of existing rights.

9. Contracting Parties are to take measures to ensure that the prior informed consent of indigenous and local communities is obtained in these situations and that there is fair and equitable benefit-sharing

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<sup>1</sup> As of 30 June 2011.

<sup>2</sup> General Assembly resolution 61/295, annex.

arising from the use of traditional knowledge associated with genetic resources as well as from the use of genetic resources in accordance with domestic legislation. It also requires that benefit-sharing is based on mutually agreed terms. In implementing their obligations, Parties have to take into account indigenous and local communities' customary laws, community protocols and procedures, as well as respect the customary use and exchange of genetic resources and associated traditional knowledge.

10. In addition, the Protocol sets out the obligation for Parties to ensure compliance with domestic legislation or regulatory requirements of provider countries related to access and benefit-sharing of traditional knowledge associated with genetic resources.

### ***C. Biological diversity of dry and sub-humid lands***

11. Paragraph 3 of the programme of work<sup>3</sup> on dry and sub-humid lands, 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”.

12. At its tenth meeting, the Conference of the Parties (COP), in paragraph 2 (a) (ii) of decision X/35, urged Parties and other Governments, where appropriate, to: develop and implement, or revise existing, drought-management plans and early warning systems at all levels, including regional and subregional and basin-level management plans, taking into account the impact of drought and desertification on biodiversity and the role of biodiversity and actions to combat desertification in increasing the resilience of dry and sub-humid lands, seeking to direct biodiversity management for the prevention of desertification, including through the involvement of all stakeholders, particularly women and pastoralists and other indigenous and local communities and, as appropriate, in accordance with traditional community-based strategies, particularly through customary use systems.

13. In the same decision, the Conference of the Parties:

(a) Urged Parties and other Governments, where appropriate, to “integrate issues related to dry and sub-humid lands into relevant national strategies, plans and programmes, in particular, revised national biodiversity strategies and action plans, national action programmes to combat desertification, and national adaptation programmes of action with a view to improving and harmonizing implementation where possible, with the full and effective participation of indigenous and local communities” (para. 2 (b));

(b) Urged Parties and other Governments to establish specific national and regional targets, in accordance with national circumstances and in line with the Strategic Plan for Biodiversity 2011-2020 to assess the implementation of the programme of work on the biodiversity of dry and sub-humid lands under the Convention on Biological Diversity in order to better reflect the particular challenges faced by such ecosystems and the people living in them, particularly indigenous and local communities (para. 4);

(c) Encouraged Parties, other Governments and relevant organizations to make use of the information contained in the note by the Executive Secretary on integration of climate change impacts and response activities within the programme of work on the biodiversity of dry and sub-humid lands,<sup>4</sup> as well as in decision IX/16, with the full and effective participation of indigenous and local communities, in their future work on integrating climate change into the implementation of the programme of work on the biodiversity of dry and sub-humid lands (para. 7);

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<sup>3</sup> Decision V/23, annex I.

<sup>4</sup> UNEP/CBD/SBSTTA/14/6/Add.1.

(d) Requested the Executive Secretary, in collaboration with the Secretariat of the United Nations Convention to Combat Desertification (UNCCD) and, as far as possible, the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC), as well as other relevant partners, to publish, subject to the availability of financial resources, a peer-reviewed special CBD Technical Series report on the value of dry and sub-humid lands similar to the Technical Series reports on valuing wetlands and forests, taking into account the role of pastoralists and other indigenous and local communities in the conservation and sustainable use of the biodiversity of dry and sub-humid lands and their associated traditional knowledge with a view to making the report available in time for the second Scientific Conference of the Committee on Science and Technology of the United Nations Convention to Combat Desertification (para. 8 (b));

(e) Requested the Executive Secretary to expand the existing Convention on Biological Diversity database of good practices and lessons learned with regard to linking biodiversity conservation and sustainable use to livelihoods in dry and sub-humid lands, particularly in the case of indigenous and local communities and to coordinate with the Committee on Science and Technology of the United Nations Convention to Combat Desertification efforts to set up a knowledge management system and with other relevant case-study databases including those developed by the Food and Agriculture Organization of the United Nations (para. 9 (a)).

14. In paragraph 10 of the same decision, the Conference of the Parties, noting the guidance on pastoralism contained in the good practice guide on pastoralism, nature conservation and development,<sup>5</sup> further requested the Executive Secretary to identify:

“(a) In collaboration with the Food and Agriculture Organization of the United Nations and the United Nations Convention to Combat Desertification, best practices to address conflicts between biodiversity conservation and sustainable use and pastoralism and agriculture in dry and sub-humid lands, including conflicts related to integrated water management and water shortages specifically where those conflicts impact on the water needs of biodiversity, in order to fill identified gaps in information with the full and effective participation of indigenous and local communities and subject to the availability of financial resources;

“(b) Good-practice examples of the involvement of marginalized groups, defined based on national circumstances, in the implementation of the programme of work on the biodiversity of dry and sub-humid lands, especially nomadic pastoralists and transhumant indigenous peoples.”

15. Pursuant to the above requests to the Executive Secretary, a revised joint work programme that includes the activities listed above has been concluded between the secretariats of the United Nations Convention to Combat Desertification and the Convention on Biological Diversity. Work has begun on the collection of relevant background material and the mobilization of funding to complete the compilation and publication. Additional partners have also been engaged for the implementation of these activities including the Food and Agriculture Organization of the United Nations (FAO), the World Initiative for Sustainable Pastoralism (IUCN-WISP) and the Indigenous Peoples of Africa Co-ordinating Committee (IPACC).

#### ***D. Biodiversity and climate change***

16. At its tenth meeting, the Conference of the Parties, in paragraph 8 (i) of decision X/33, invited Parties and other Governments, according to national circumstances and priorities, as well as relevant

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<sup>5</sup> <https://www.cbd.int/development/doc/cbd-good-practice-guide-pastoralism-booklet-web-en.pdf>.

organizations and processes, to “recognize the role of indigenous and local community conserved areas in strengthening ecosystem connectivity and resilience across the sea and landscape thereby maintaining essential ecosystem services and supporting biodiversity-based livelihoods in the face of climate change”.

17. In the same decision, the Conference of the Parties:

(a) Invited Parties and other Governments to enhance the benefits for, and avoid negative impacts on, biodiversity from reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries, and other sustainable land management and biodiversity conservation and sustainable-use activities, taking into account the need to ensure the full and effective participation of indigenous and local communities in relevant policy-making and implementation processes, where appropriate; and to consider land ownership and land tenure, in accordance with national legislation (para. 8 (q));

(b) Invited Parties and other Governments, “in planning and implementing effective climate change mitigation and adaptation activities, including renewable energies, take into account impacts on biodiversity and the provision of ecosystem services and avoid the conversion or degradation of areas important for biodiversity through considering traditional knowledge, including the full involvement of indigenous and local communities” (para. 8 (v) (i));

(c) Requested the Executive Secretary to “compile and synthesize available scientific information, and views and experiences of indigenous and local communities and other stakeholders, on the possible impacts of geoengineering techniques on biodiversity and associated social, economic and cultural considerations, and options on definitions and understandings of climate-related geoengineering relevant to the Convention on Biological Diversity and make it available for consideration at a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties” (para. (l)). Accordingly, the Secretariat is establishing a liaison group on geoengineering which will include participation by indigenous peoples and local communities. Furthermore, the outputs from the liaison group, prior to being submitted for the consideration of Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), will be submitted to Parties as well as indigenous peoples’ organizations for peer review;

(d) Invites “the conferences of the parties to the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification to collaborate with the Convention on Biological Diversity, through the Joint Liaison Group of the three Rio conventions, as appropriate, with a view to exploring the possibility of convening, subject to the availability of financial resources and prior to Rio+20, a joint preparatory meeting between the three Rio conventions, including, if appropriate, the participation of indigenous and local communities, to consider possible joint activities while respecting existing provisions and mandates, and to identify areas for Party-driven collaboration and submit these to the next Conferences of the Parties to each of the three conventions for their consideration” (para. 13 (b) (ii)). This invitation has not yet been taken up by the conferences of the parties of the United Nations Framework Convention on Climate Change or the United Nations Convention to Combat Desertification, so there is no progress to report at this stage.

### ***E. Monitoring, indicators and assessment***

18. The third edition of the Global Biodiversity Outlook,<sup>6</sup> published in May 2010, assessed the achievement of the target of achieving a significant reduction in the rate of biodiversity loss, including progress in 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. On the basis of ongoing work by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on this indicator, the report concluded that a large number of minority languages are in danger of disappearing, and linguistic diversity is likely declining.

19. The Global Biodiversity Outlook provided the rationale for the Strategic Plan for Biodiversity 2011-2020 which makes reference to the needs of indigenous and local communities for essential services provided by ecosystems (target 14) and calls for respect for the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources (target 18). Progress towards these targets will be assessed using the indicator on “status and trends of linguistic diversity and numbers of speakers of indigenous languages”,<sup>7</sup> as well as indicators adopted on “Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities”<sup>8</sup> and “Status and trends in the practice of traditional occupations”.<sup>9</sup> Additional indicators may be identified, in collaboration with representatives of indigenous and local communities, through the process laid out in decision X/7.

### ***F. International Union of Forest Research Organizations (IUFRO) contribution to the progress report for the Working Group on Article 8(j) and Related Provisions***

20. In 2011, the International Union of Forest Research Organizations (IUFRO) Task Force on Traditional Forest Knowledge,<sup>10</sup> to which the Secretariat of the Convention on Biological Diversity is a partner, completed a six-year effort to foster a broader understanding of traditional forest knowledge within the forest science and policy communities, and to critically evaluate the opportunities and limitations for enhanced collaboration with local and indigenous communities. Between 2006 and 2009, the Task Force organized a series of conferences in Europe, Asia, Africa and North America in partnership with numerous collaborating institutions and organizations. Several publications resulting from these meetings have helped to raise the profile of traditional forest-related knowledge within the global forest science community. IUFRO work in this area will be presented during a side-event during the fifteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, to be held in Montreal in November 2011.

21. A synthesis of the Task Force’s work, entitled “Traditional Forest-Related Knowledge: Sustaining Communities, Ecosystems and Biocultural Diversity”, will be published by Springer later this year with support from The Christensen Fund. This book provides an overview of the history, current status and trends in the development of traditional forest-related knowledge and practices by local and

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<sup>6</sup> Secretariat of the Convention on Biological Diversity, *Global Biodiversity Outlook 3* (Montreal, 2010).

<sup>7</sup> <http://www.cbd.int/2010-target/framework/indicators.shtml>

<sup>8</sup> Decision X/43, para. 14 (a).

<sup>9</sup> Decision X/43, para. 14 (b).

<sup>10</sup> See: <http://www.iufro.org/science/task-forces/former-task-forces/traditional-forest-knowledge/>

indigenous communities worldwide. It considers the historical relationship between traditional beliefs and practices and formal forest science and the often uneasy relationship between these different knowledge systems. It highlights efforts to conserve and promote traditional forest management practices to balance environmental, economic and social objectives of forest management in light of recent trends towards devolution of forest management authority in many parts of the world. The book includes a series of regional chapters for North America, Latin America, Europe, Africa, Russia and Central Asia, and the Western Pacific covering these topics as well as issues of special regional significance. It also include chapters on key policy issues and relevant programmes of regional and international organizations, research ethics and best practices for the scientific study of traditional knowledge, and traditional forest-related knowledge in relation to globalization and climate change issues (including climate change mitigation and adaptation).<sup>11</sup>

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

### **A. Introduction**

22. When preparing their fourth national reports, Parties were requested to provide information while focusing on the following: outcomes and impacts of actions or measures taken to implement the Convention; success stories and case-studies, if any; major obstacles encountered in implementation; and actions that need to be taken to enhance implementation. 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. Some Parties have also taken the opportunity to report on the implementation of the Akwé: Kon Guidelines, measures to strengthen indigenous and local communities' capacities for decision-making related to the use of traditional knowledge, as well as mechanisms to promote indigenous and local communities' participation, particularly women in relevant decision-making and policy-planning, amongst other things. This current progress report builds on the third national reports and takes into account 167 fourth national reports submitted by 30 June 2011. Of the 167 reports examined in detail, only a minority reported significant developments concerning indigenous and local communities and traditional knowledge. However that being said, some Parties, including Ecuador and Canada, have provided comprehensive reports containing many issues of relevance to indigenous and local communities. It is also true to say that some regions, and in particular the LAC region, have in general provided comprehensive reports outlining significant legal developments if relevant to indigenous and local communities.

23. The large number of reports analysed on this occasion has made it possible to establish some regional trends. For the purposes of this report and given the subject matter, the Secretariat has used the seven geocultural regions used by the United Nations Permanent Forum on Indigenous Issues (UNPFII).<sup>12</sup> Following is a regional analysis of developments in the before-mentioned areas.

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<sup>11</sup> For more information contact John Parrotta (Task Force coordinator) at [jparrotta@fs.fed.us](mailto:jparrotta@fs.fed.us)

<sup>12</sup> Africa; Asia; Central, Eastern Europe and the Caucasus; Europe and the Arctic; Latin America, including the Caribbean and Central America; North America; and the Pacific.

## B. Africa

24. In the African region, there is a growing awareness and appreciation for traditional knowledge, including the need for the adequate protection of traditional knowledge, as evidenced by the adoption of the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore<sup>13</sup> at a Diplomatic Conference held by the African Regional Intellectual Property Organization (ARIPO) and its member States in Swakopmund, Namibia, in August 2010. There is also a growing awareness of the role of local communities in achieving the goals of the Convention at national and international levels. It is also true to say that in light of the adoption and implementation of the Nagoya Protocol, the African region has embraced the concept of community protocols and the value of benefit-sharing.

25. Of particular note, Côte d'Ivoire has developed an inventory of traditional knowledge related to the protection of forests and sacred sites. In Madagascar, there have been approximately 500 transfers of natural resource management to local communities, covering an area of about 178,000 hectares. South Africa has an indigenous knowledge systems policy through which it compensates indigenous people for their efforts to conserve and protect biodiversity. South African has also recognized traditional healers and provides them with accredited training as primary-health-care providers. This has led to a more regularized approach to customary sustainable use of traditional medicinal herbs.

26. Algeria reports much interest in advancing work on traditional knowledge, but also that a major effort is needed at national level to preserve and develop local biological resources and the knowledge and practices associated with them. Furthermore, during research conducted in the various ecosystems of the country, the need for preservation of socio-cultural diversity of indigenous and local communities has been emphasized by managers of various related regional programmes. Moreover, traditional knowledge, innovations and practices has been defined for a long time as a primary axis of the national research program. Algeria has also developed a preliminary draft law which determines conditions of collection, circulation and use of biological resources and associated knowledge. For the purposes of the preliminary draft law, biological resources and knowledge are subject to a *sui generis* intellectual property rights granted to rural populations, in accordance with the State's sovereign rights over biological resources within its jurisdiction.

27. In Benin, the Paptia Botanical Garden is based on the traditional medicine knowledge of the Peul people. The garden is the result of cooperation between the Peul community, non-governmental organizations, other organizations and the local community, to capitalize on traditional knowledge related to biodiversity conservation. The garden contains 103 woody and 60 riparian species used in traditional medicine.

28. Zimbabwe reports that the establishment of environmental education centres at the community level to improve the effectiveness of existing education programmes by promoting the inclusion of both scientific and indigenous knowledge practices in formal, informal and non-formal teaching, learning, training and extension programmes. Also Zimbabwe reports on a recent amendment of the national seed law that recognizes the farmers' right to conserve, save, and market local seed is a major achievement but the lack of resources is hindering the execution of this strategy. Zimbabwe has also emphasized that non-governmental organizations and community-based organizations played a major role in promoting incentives for local communities in conservation and sustainable utilization.

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<sup>13</sup> [http://www.aripo.org/images/Swakopmund\\_Protocol.pdf](http://www.aripo.org/images/Swakopmund_Protocol.pdf)

### C. Asia

29. In some Asian countries, there is a strong culture of involvement of indigenous and local communities in all issues relevant to local conservation and use of natural resources. 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. China is ensuring that its genetic resource database identifies communities from where the genetic resources originate, so that benefits can flow back to local communities.

30. In the Asian region there is a strong understanding of the value of traditional knowledge and the need for its protection, as evidenced by the Government of India's creation of the Traditional Knowledge Digital Library (TKDL). India and Nepal have been registering traditional knowledge related to biodiversity for some time. 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 and has recently made the database accessible to European and North American patent offices in an effort to stop the granting of inappropriate patents based on its traditional knowledge. India is also actively pursuing domestic legislation to protect traditional knowledge and to ensure that it cannot be patented either at home or abroad. Nepal has also established district biodiversity committees for the similar purpose of recognizing and protecting traditional knowledge. Malaysia has reported on an interesting traditional knowledge documentation programme in Sarawak. Furthermore the Ministry of Natural Resources in Malaysia may consider establishing a traditional knowledge digital library.

31. China reported on the national programme for the conservation and use of biological species resources, the national intellectual property strategy and the eleventh five-year plan for ethnic minorities affairs, which amongst other things, addresses the protection of traditional knowledge and the protection of the rights of the knowledge holders. China also reports on the advantages of directly involving local communities in biodiversity conservation. Such involvement has allowed local communities to enjoy greatly improved working and living conditions. The project for returning farmland to forest covers more than 32 million farmer households and 124 million farmers in 25 provinces, autonomous regions and municipalities. By the end of 2006, each household whose farmland was restored into forest received, on average, 3,500 yuan of subsidies. The project also provided favourable opportunities for adjustment of agricultural structures towards sustainable-use models. Many local governments are actively testing efficient management models and advanced operation mechanisms, fostering ecologically friendly industries with regional comparative advantages and are achieving satisfactory economic benefits.

32. In Malaysia, the Sarawak Biodiversity Centre has been managing a Traditional Knowledge Documentation Programme since 2001. The main objective of the Traditional Knowledge Documentation Programme is to facilitate local indigenous communities in preserving their traditional knowledge through recording or documenting techniques, capacity-building workshops, and the propagation and management of useful indigenous plants. The project also encourages local indigenous communities to cultivate useful indigenous plants for their own uses.

33. The report of the Islamic Republic of Iran presents an interesting paradox: on the one hand, the Government stresses the importance of preserving "tremendous accumulation of indigenous knowledge in farming practices and food production", but on the other hand it notes that local populations continue to commercially harvest forest resources, which is in some cases the main cause of forest biological resource loss in the country. However, that being said, the Islamic Republic of Iran has developed a national target (No. 5) in its national biodiversity strategy and action plan (NBSAP), namely, "Comprehensive programme for protection of traditional knowledge, innovations and practices related to Convention of Biological Diversity". Until recently, the traditional political decision-making systems and

resource-management structures of farmers and the local communities were poorly understood or appreciated. However further steps are being considered to protect the traditional knowledge, innovations and practices, including the rights of local communities, and to study their scope. However, there is not any specific measure to share the benefits arising from the utilization of genetic resources at this time.

#### ***D. Central, Eastern Europe and the Caucasus***

34. Governments from this region report a general lack of capacity of indigenous and local communities regarding the Convention but a rich history of traditional knowledge. Kyrgyzstan notes the public health system is based on traditional knowledge of flora and fauna and traditional medicine that has been developed over centuries. These traditions are based on knowledge of medicinal herbs and approaches of health improvement in high altitudes. However, unregulated gathering of medicinal herbs and fauna undermines the species recovery rates. A law on protection of traditional knowledge was adopted in June 2007.

35. The Russian Federation reports that it is multi-ethnic State, in whose territory there are more than 180 ethnic groups, each of them has their own unique culture and own traditions of customary use of biological resources. The citizens of the Russian Federation speak a total of more than 150 languages, 24 languages officially recognized by the State. Several dozen languages are endangered with the number of speakers ranging from only 5 to 50 people. The largest linguistic diversity is in the northern Caucasus, and also correspondence with an area of great biological diversity. The report from Russia acknowledges the existing regulatory and legal framework at federal level requires improvement concerning the rights of indigenous peoples and local communities including benefit-sharing from biodiversity or the access and use of their traditional knowledge. However, Russia does have an overarching law on guaranteeing the rights of indigenous peoples of the Russian Federation.

36. The fourth national report of Bulgaria emphasizes that traditional knowledge and practices are an important characteristic of the national identity and it is the basis for the culture of the local communities and is conserved through their style of living and traditions. Conservation is encouraged as a part of the promotion of national diversity and originality and as a precondition for development of cultural and nature or eco-tourism. The development of local practices, based on the traditional use of nature is a priority for financial support for programmes related to culture, agriculture, tourism and the environment. As a result, attractive products and services are being created as a part of the local economy, leading to generation of income and increase in wealth. A large part of the report of Bulgaria focuses on medical plants which are used in traditional medicine, pharmacy and cosmetics. The collection of medical plants for business purposes is an important source of income for a large number of the local population. The annual consumption of medical plants is about 17 000 tonnes, and approximately half of this quantity originates from natural *in situ* populations. Over the last years increasing attention is paid to the production of herbs, and meeting the requirements for biological (organic) production. A major requirement is to ensure sustainable yield practices and protection of the species. This also contributes to the protection of the wildlife medicinal plants, as well as the habitats wherein they occur.

#### ***E. Europe and the Arctic***

37. A number of European countries, including Belgium, Germany, Spain and Sweden, have provided support to developing countries through their international development aid programmes 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. Developed countries including Belgium, Spain and Sweden have reported on funding projects related to traditional knowledge in the developing world. Norway is reviewing its biodiversity-

related legislations with adequate consideration given to the aspects related to traditional knowledge of indigenous and local communities.

38. In Finland, the Sami Parliament is a member of the Finnish National Biodiversity Committee and its monitoring group, who are mandated to safeguard the exchange of information including traditional knowledge, among others. In 2005, Norway put in place procedures for consultation between governmental authorities and the Sami Parliament, which will be used whenever new regulations or activities directly affect the Sami interests.

39. Spain has the Law 42/2007 that supports the creation of a Spanish Inventory of Traditional Knowledge on Natural Heritage and Biodiversity and an inventory of Traditional Knowledge related to the conservation and sustainable use of biodiversity and geographic diversity. Regarding international cooperation, the objective to protect traditional knowledge is recognized as a goal in the III Plan for Spanish Cooperation 2009-2012. There is also the Spanish Strategy for Cooperation with Indigenous Peoples, which is applied in very different ways, among them, through the Indigenous Programme of the Spanish Agency for International Development Cooperation (AECID), which has, among other priorities, the implementation of Article 8(j) of the Convention on Biological Diversity.

40. In the report from Sweden, the government draws attention to a joint Sami initiative (2007), which is an initiative on the documentation and maintenance of traditional ecological knowledge from a Sami perspective. Two sets of Sami grassroots pilot projects on community-based documentation on traditional Sami land tenure and use of biological resources has been initiated.

#### ***F. Latin America, including the Caribbean and Central America***

41. In general, in the LAC national reports there are some significant developments regarding indigenous and local communities, including recognition of rights and the establishment and development of specific policies and programmes, based on their effective participation in matters of interest to them. These broad developments impact directly on traditional knowledge, customary sustainable use, benefit-sharing and other matters of direct relevance to the Convention.

42. For example, Argentina in 2007, created within the Ministry of Environment and Sustainable Development, by Resolution No. 58/2007, a Directorate of Indigenous Peoples and Natural Resources (DIPOREN), to generate a state policy to ensure the management of the land of indigenous peoples, as well as their territories and natural resources, exercising their right to set development priorities from their own worldview. Argentina maintains banks of germ plasma of native varieties of maize that was selected by indigenous communities. Argentina has programs and national projects such as the Residents and Communities Program (P & C) which aims to strengthen policies and legislation towards the recognition of rights to settlers and native communities and the indigenous people within protected areas in their buffer zones.

43. Belize reports that the Toledo Healthy Forest Initiative is being implemented to involve indigenous communities in the sustainable management of forest resources, while assisting in poverty alleviation of these communities. Several important community based organizations (CBOs) have been established to promote indigenous rights and to maintain cultural identity. The Belize Association of Traditional Healers, referred to as *Ixchel*, has been instrumental in recording and preserving traditional sustainable use practices and identification of species and application of different medicinal plants.

44. Chile has adopted an Indigenous Law (Law 19253 of 1993), which created the National Indigenous Development Corporation (CONADI). This corporation, administers a Cultural and Educational Fund, which is within their program called "Management and Protection of Indigenous

Cultural Heritage" contributing to the promotion of traditional medicine as part of the ratification of the International Labour Organization (ILO) Convention No. 169. In addition, Chile has a programme called "Programme of Origins", which supports the development of forestry and the management of natural resources through projects that fit their culture, objectives and forms of indigenous communities.

45. In Colombia, indigenous people comprise 3.4 per cent of the national population. According to the latest population census (DANE 2006), Colombia has approximately 44 million people (49.5 per cent men and 50.5 per cent women), of which about 70 per cent reside in urban areas and 30 per cent in rural areas. In Colombia, the indigenous linguistic communities maintain 64 languages and 292 dialects. However in the past 50 years more than four ethnic groups have become extinct (the Carare and Opón, among others.) and it is estimated that ten more are about to disappear (Tinigua, Karijona, Kancuamo, Chimila, Sindagua, among others).

46. Colombia has a law requiring public hearings regarding all development projects that may affect minority populations but has not implemented the Akwé: Kon Guidelines. The ministries do not grant licenses or permits without complying with the requirement of consultation and information delivery. The constitution also gives minorities the right to have political representation in Congress (three senators). Colombia has a Programme for Community Ecotourism in protected areas within the national park system. The programme is supported by Community Ecotourism guidelines, including the planning and management tools with active community participation. Also the National Park Indiwasi Alto Fragua, Flora Sanctuary Orito Ingi Ande and Apaporis Yaigoge National Park have been declared to protect traditional and ancestral knowledge through co-management projects involving indigenous communities.

47. Costa Rica has developed and is implementing the Program to Integrate Ecosystem Management in the Indigenous Communities, which aims to strengthen the capacities of indigenous communities to the conservation of biological diversity in the indigenous reserves.

48. In Cuba, in support of local communities, the Association for Small Farmers (ANAP) promotes trade "from farmer to farmer", which consists of the exchange of experiences and knowledge between the peasants farmers, aimed at harnessing sustainable agriculture. Cuba also notes that there is harmonization between the Akwé: Kon Guidelines and the national legislation and processes.

49. The report from Ecuador provides one of the most comprehensive analyses of indigenous and local community issues of relevance to the Convention. Ecuador reports that in the Ecuadorean Amazon region, large areas of forest, pastures and small farms have been converted into crops for oil palm (*Elaeis guineensis*) and naranjilla (*Solanum quitoense*), displacing indigenous peoples and altering their traditional management and agricultural process (INIAP, 2008). The natural vegetation in the Andean region has been almost completely replaced by "modern" crops, and urban settlements. However, there is still a significant amount of indigenous and rural communities that have been growing and preserving traditional varieties of various crops such as maize (*Zea mays*), potato (*Solanum tuberosum*), sweet potato (*Ipomoea batata*), melloco (*Ullucus tuberosus*), oca (*Oxalis tuberosa*), white carrots (*Arracacia xanthorrhiza*), quinoa (*Chenopodium quinoa*), chocho (*Lupinus mutabilis*), bean (*Phaseolus vulgaris*) and other grains, tubers and Andean roots, for self-consumption and market. Taking into account other national sub-regions, Ecuador has over 10 million hectares of forest cover, which includes tropical rainforest, mountain forest, high Andean forest and dry forest. However, only 40 per cent of these forests are part of the National System of Protected Areas of Ecuador (NSPA) the other 60 per cent is in the hands of individual landowners, and indigenous communities.

50. Under the Programme of Sustainable Bio-Commerce, with support from the United Nations Conference on Trade and Development (UNCTAD) and the Ministry of Environment of Ecuador and

implemented by EcoCiencia CORPEI, initiatives have been promoted aiming to collect, produce, process and market goods and services obtained from the biological diversity within a sustainable environmental criteria, for the benefit of communities. INIAP also has a program to transmit germplasm to farmers, through a new programme with the community members of the Union of Peasant and Indigenous Organizations of Cotacachi (UNORCAC), which assist communities to reintroduce or maintain traditional crops and crop variety.

51. The fourth national report of Ecuador also draws attention to the many ecotourism initiatives developed by indigenous groups such as: the Kapawi (in the Achuar territory of the southeast), Quehueri'ono (in the Huaorani territory in the central East, near the Yasuni National Park), RICANCIE (in the kichwas network of nine communities, in Alto Napo – in the province of Napo), Red Union Guacamayos (11 communities at the foot of the Antisana Ecological Reserve) and the Atacapi-Opip (132 indigenous communities, Puyo) and notes that community-based tourism is a pillar of the national economy.

52. In Guatemala, the major ethnic groups are the Mayas, Xincas, Garifunas and Ladinos, or Mestizos, with 23 indigenous linguistic groups. Guatemala has a strategy of communal land, which includes the assessment and recovery of traditional knowledge. The National Council of Protected Areas of Guatemala (CONAP) has created an office of indigenous peoples and civil society, encouraging the incorporation of new methods of management of protected areas (PA's), such as communal land. In 1990, the Maya Biosphere Reserve (RBM) was created and remains a global example of the benefits arising from Environmental Services. This reserve is part of the Guatecarbon initiative arising from the global demand for emissions reduction credits in voluntary markets and is coordinated by the Rainforest Alliance (RA), the National Council of Protected Areas (CONAP), the Ministry of Environment and Natural Resources (MARN), the Association of Forest Communities of Petén (ACOFOP), representatives of forest concessions and representatives of private concessions. The benefits and beneficiaries include: (i) income for more than 1,000 families who depend on forests; (ii) new sources of local employment; (iii) support in the process of sustainable development and local government institutions; and (iv) direct private-sector participation.

53. The country's agrobiodiversity is seriously threatened by the loss of traditional practices for food and medicine due to the invasion of packaged foods and beverages, and large farms devoted to monoculture for export, mainly sugar cane, oil palm and pasture/grazing lands. Another threat is the continued migration from rural to urban areas (rural exodus), by indigenous and local communities seeking economic opportunities. The result is that people leave behind traditional practices (home gardens, wild plant-based diet, natural medicine, etc.) to take on urban lifestyles.

54. Guyana reports that it enacted the Amerindian Act in 2006, which recognizes and protects traditional and customary rights to titled lands. After the State, the Amerindians are the second largest legal land-holders in the country, with approximately 14 per cent of Guyana's total land area. Protected/conservation areas represent one of the many conservation tools used to protect and maintain Guyana's biodiversity. Significant progress has been made since 1999 in terms of identifying and designating areas for protection/conservation with just about 7 per cent of Guyana's surface area set aside for protection/conservation. Guyana has established its first Community Owned Conservation Area (COCA) in the Southern Rupununi (Konashen) under the Amerindian Act 2006. Further, the recognition of indigenous lands through the Amerindian Act 2006 and titling of approximately 14 per cent of their land thus far demonstrates Guyana's intent on fulfilling its obligations under the Convention and article 8(j). Most importantly, Guyana has recognized the need for cross-sectoral and intersectoral implementation of the Convention and the NBSAP as highlighted in the National Strategy for the Conservation and Sustainable Use of Biodiversity and NBSAP respectively. In reality, however, this can

be very challenging given the limited availability of resources, such as funding and human/technical. Despite such challenges, wide stakeholder engagements and national consultations through the NBC were held for some of the NBSAP projects, in particular, developing a national system of protected areas. Through the process of national consultations partnerships were established with local communities, thereby, resulting in less conflicts and more constructive dialogue, and as a result, moving the process forward on protected areas.

55. Honduras reports that the ILO Convention 169 represents the primary source of national legislation on the issue of participation of indigenous and native peoples, and has resulted, amongst other things in the creation of the National Land Council in which indigenous and local community organizations actively participate.

56. In Mexico, the territories of indigenous peoples and rural areas comprise more than 24 million hectares, 12.4 per cent of the national territory, of which more than two-thirds have a natural vegetation cover well preserved. For example, half of the cloud forests, tropical and rain forests of the country are located in indigenous/rural communities, plus 51 per cent of all cloud forests of the country are shared by 28 indigenous peoples (Boege, 2008). This shows that the custody of many ecosystems in Mexico is mainly in local peoples' hands. Half of the regions where the highest precipitation occurs are in the territories of indigenous peoples. These areas capture 21 per cent of all water of the country annually (Boege, 2008). This is very important to maintain the conservation of the water supply for urban areas. With regards to the conservation of agricultural biodiversity in the country, Mexico being the center of corn diversity, has established a programme of payments for the conservation of native maize and its wild relatives (teosinte and tripsacum). This program consists of direct payments to farmers who plant a variety of native maize in their fields or have teosinte and tripsacum.

57. Mexico has set up the Programme of Indigenous Peoples and the Environment 2007-2012, which aims to ensure that within the environmental sector are mechanisms to ensure that indigenous peoples have equal access and control of the resources implemented and disseminated, a fair participation of benefits and the respect for customary regulatory systems related to the use, and the sustainable management of ecosystems and their biodiversity and the associated traditional knowledge. These principles include informing and consulting the indigenous communities prior to the possible approval and design of public work in the infrastructure, and concessions for the use and exploitation of ecosystems and biological diversity, to carry out in the indigenous territories, based on free, prior and informed consent, avoiding negative cultural impact in creating protected areas in its various forms and any other instrument of environmental policy to recognize and strengthen the knowledge and the traditional knowledge of indigenous peoples and their use and management of forest resources and biological diversity.

58. Mexico has established areas of participation among them the Consultative Council for Sustainable Development (CCSD), the National Forest Council (CONAF) and state councils, the National Council of Protected Areas (CONAP) and their advisory boards, among others. Each council has 16 directors including by mandate indigenous representatives, as well as delegates from the social and academic sectors, NGOs, gender and youth legislators and federal and state government. Workshops were organized in protected areas with indigenous populations, during which the communities themselves diagnosed and planned their own activities according to their problems and needs, including gender, particularly in sectors producing handicrafts and medicinal plants.

59. Nicaragua as a country has seven ethnic groups, resulting in a very active genetic and cultural mixture. Nicaragua has 5 languages and 3 dialects. The State of Nicaragua has demarcated and given land titles to indigenous peoples. It has also promoted research work and the documentation of traditional

practices, developing language dictionaries and especially promoting the education in the languages and dialects of each indigenous community.

60. In Panama, the largest scale forest loss has occurred in the Ngöbe – Buglé basin, where forests have succumbed to the pressure of new farm lands. However, Panama, through the framework of the Mesoamerican Biological Corridor Project Environmental Authority (ANAM), is implementing programs for conservation and soil restoration, integrating water resources management and sustainable development. In Panama, the Kuna General Congress has adopted a moratorium to suspend the capture and consumption of sea turtles and lobsters (2005-2010). Also, two turtle conservation projects with rural communities in Bocas del Toro are being conducted in co-management with the National Environmental Authority (ANAM) and the indigenous Kuna. The national decree of 25 April 2009, on access to genetic resources and benefit-sharing has been implemented, requiring prior informed consent from indigenous authorities regarding any research project proposed for an indigenous area.

61. Saint Lucia reports that the Heritage Tourism Programme, involving all relevant stakeholders, particularly local communities, has brought benefits to local communities and contributed to the halting of the erosion of species and genetic diversity. This is done through the establishment of co-management agreements and enhancing the rights of communities and promoting their active involvement in management.

62. In Trinidad and Tobago, local communities organized themselves into formal groups for the purpose of making a more effective contribution to the co-management of natural resources of the country.

63. In its fourth national report, Uruguay has said that it is working on a new national law on access to genetic resources and associated traditional knowledge, taking into account the Nagoya Protocol.

#### **G. North America**

64. The report from Canada provides an excellent overview of possibilities towards indigenous self-management. Canada (as well as Australia and Nepal) has established some mechanisms that allow women, and in particular indigenous women, to participate in biodiversity-related activities. Canada has the Aboriginal Women's Programme to enable Aboriginal women to influence policies, programmes, legislation and the decision-making that affect their social, cultural, economic and political well-being within their own communities and Canadian society. Canada reported on fostering indigenous participation, including on government delegations to relevant international meetings including the Convention but also to related conventions such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the International Union for the Conservation of Nature (IUCN), in particular when relevant issues such as the fur trade are discussed. In order to strengthen traditional knowledge Canada is also working with indigenous communities to strengthen the retention and use of traditional languages, and reports that in the last decade indigenous peoples speaking traditional languages remain constant at about 29 per cent. The incorporation of traditional knowledge has been a significant contributor to the effectiveness of Canada's various biodiversity initiatives, providing information regarding the sustainable use of plants and animals, as well as the relationships and current stresses in ecosystems.

65. Canada has recently adopted the Inuit Impact and Benefit Agreement, negotiated between the Government of Canada, Nunavut Tunngavik Inc. and four regional Inuit associations. The agreement allows for the creation of three new national wildlife areas on Baffin Island. The agreement provides for the preparation of Cultural Resources Inventories, supporting the development of interpretative materials and management plans for the ten existing and three proposed protected areas in the Nunavut Settlement

Area, and will identify Inuktitut place names for these areas. Co-management and collaborative opportunities promote conservation and sustainable use through the inclusion of critical Inuit tradition and ecological knowledge in the development of any management plan.

## ***H. The Pacific***

66. The Pacific countries have an increasing awareness of the value of traditional knowledge; however, few countries have taken steps at this time to address Article 8(j) and related provisions. Many Pacific nations recognize the role of community-protected areas including marine-protected areas and the effectiveness of local management and the application of traditional knowledge. There have been real advances in this area.

67. Fiji reports on the establishment of a network of locally managed marine areas that have been under way since 2000, across 410 traditional fishing grounds. Fiji has also aimed to protect 30 per cent of its marine area as a network of ecologically representative and effectively managed areas within fishing grounds. This network has not only conserved Fiji's resources but also empowered local communities. This initiative has won the 2002 Equator Initiative Award.

68. Further to the issue of community protected areas, Samoa engages local villages' Councils of Chiefs to assume leadership, using village by-laws to enforce bans on the use of unsustainable fishing methods, and closed no-fishing zones for rebuilding stocks and marine ecosystem rehabilitation. Over seventy village-based fisheries reserves are functional according to latest reports. There is also an increasing use of a more integrated ecosystem approach to the management of community-owned fish reserves project, with actions to reduce land-based pollution enforced by many communities.

69. The Cook Islands report that poor management of traditional knowledge and practices related to customary use of biological resources in the Cook Islands remains a major obstacle. Understanding of traditional knowledge and practices in the Cook Islands is usually limited to local practitioners such as ta'unga (traditional healers), many of whom are reluctant to share their knowledge of biodiversity species used in traditional medicine due to fear of misuse and abuse by others, including foreigners. The Cook Islands also has poor policies and legislative frameworks in place to protect traditional knowledge and practices and the rights of the holders of such knowledge, as well as to prevent biopiracy.

70. Niue reports that a national committee is being established to oversee protection of and access to traditional knowledge and the establishment of *sui-generis* mechanisms for the protection of traditional knowledge.

## ***I. Overall assessment of progress***

71. The submission of 167 national reports has allowed for an assessment of the implementation of Article 8(j) and related provisions at the national level. Although there are good advances made by specific Parties, often with notably indigenous or local/traditional communities, the overall implementation of Article 8(j) and related provisions requires increased efforts and support and a strategic approach. Some aspects of Article 8(j) and related provisions, including Article 10(c), such as respect for traditional knowledge, is evident in certain regions and specific countries (including Africa and Asia) whilst other aspects, such as community conservation zones and specifically community marine protected areas, enjoy wide-spread support and application in the Pacific.

72. Support of 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 adoption and

implementation of the Nagoya Protocol. However only some countries recognized the importance of traditional knowledge or customary sustainable use of biodiversity as a contribution to biodiversity conservation and sustainable use and its potential value in the local management of protected areas.

73. 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.

74. Some countries have noted cross-sectoral developments with greater interest being taken by health departments concerning traditional medicines.<sup>14</sup> 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. South Africa has recognized traditional healers and provides them with additional training as primary health care givers. Uganda reported that the protection of traditional knowledge was aided by the help of government ministries in a cross-sectoral approach that includes health and environment.

75. The implementation of the Awké: Kon Guidelines remains in the very early stages since few countries have reviewed their related policies and legislations 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 Awké: 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 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 of indigenous and local communities for their efforts in developing their own community plans – including community protocols – appears lacking since only a few countries have clearly indicated that such support has been provided.

76. Most (87 per cent) Parties have co-management and/or community involvement in the management of biological resources. Fiji (also indicated in the reports of Samoa and other Pacific countries) cited a technical report prepared in 2009<sup>15</sup> on the status and potential of locally-managed marine areas in the South Pacific which confirms that the South Pacific has experienced a remarkable expansion in marine managed areas in the last decade. The management of these protected areas, implemented by over 500 communities spanning 15 independent countries and territories, builds upon a unique feature of the region – customary tenure and resource access, making use of, in most cases, community strengths in traditional knowledge and governance, combined with a local awareness of the need for action. The important role played by non-governmental organizations in involving local people in the management of natural resources was mentioned in several reports;

77. Some Parties report that they have been exploring ways and means to sustainably use biodiversity, such as through sustainable tourism or ecotourism, while linking biodiversity conservation with improvements in local livelihoods and poverty reduction. For example, in Guyana, the Iwokrama Canopy Walkway (which gives visitors to the Iwokrama Forest a unique view of the forest canopy and its wildlife) is a unique benefit-sharing example of a forest-based business partnership, involving local

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<sup>14</sup> In particular Burundi and South Africa.

<sup>15</sup> Govan et al. 2009. Status and potential of locally-managed marine areas in the Pacific Island Region. SPREP/WWF/Reefbase/CRISP. For the text of the report, see: <http://www.cbd.int/doc/meetings/pa/wspapac-01/other/wspapac-01-status-marine-en.pdf>

communities and private-sector businesses. This venture demonstrates how ecotourism can be financially successful and provide tangible benefits for and ownership by indigenous communities;

78. Some countries (38 per cent) mentioned that biodiversity has been included in their local and community-based plans and programmes, particularly community-based programmes related to fisheries, forestry and tourism management. Some countries (30 per cent) report that their local and community-based plans are linked with the objectives of national biodiversity strategies and action plans.

### III. DRAFT 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 eleventh meeting:

(a) *Notes* the progress made in the integration of the relevant tasks of the programme of work in the various areas of work under 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) *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, the implementation of the Akwé: Kon<sup>16</sup> guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities, and the Tkarihwaí:ri<sup>17</sup> Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity, to do so in consultation with indigenous and local communities, and to submit the information both directly to the Secretariat and through the fifth national reports where possible, and in time for the eighth 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 eighth meeting of the Working Group on Article 8(j) and Related Provisions in order to take this matter forward;

(d) *Requests* the Executive Secretary to examine the fourth and fifth national reports with a view to extracting a geographically balanced set of good practices, in consultation with Parties, indigenous and local communities and others, concerning the implementation of Articles 8(j), 10(c) and related provisions, and to make such case-studies and examples available in the form of a technical series report, as a resource for Parties and indigenous and local communities and interested stakeholders;

(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 twelfth meeting of the Conference of the Parties.

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<sup>16</sup> \*Pronounced {agway-goo}. A holistic Mohawk term meaning “everything in creation” provided by the Kahnawake community located near Montreal, where the guidelines were negotiated.

<sup>17</sup> Pronounced {Tga-ree-wa-yie-ree}, a Mohawk term meaning “the proper way”.

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