



**Convention on
Biological Diversity**

Distr.
GENERAL

UNEP/CBD/WG8J/8/7/Rev.1
4 October 2013

ORIGINAL: ENGLISH

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

Eighth meeting

Montreal, 7–11 October 2013

Item 4(a) of the provisional agenda**

**ARTICLE 10, WITH A FOCUS ON ARTICLE 10(c), AS A MAJOR COMPONENT OF THE
PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE
CONVENTION**

Revised note by the Executive Secretary

INTRODUCTION

1. In its decision XI/14 F, the Conference of the Parties agreed on the development of a plan of action on customary sustainable use, as a new major component of the revised programme of work for article 8(j) and related provisions. In paragraph 10 of the same decision, the Conference of the Parties also agreed on three priority tasks, those being:

(a) **To incorporate customary sustainable use practices or policy**, as appropriate, with the full and effective participation of indigenous and local communities, **into national biodiversity strategies and action plans**, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports;

(b) **To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c)** and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c);

(c) To identify **best practices** (e.g. case studies, mechanisms, legislation and other appropriate initiatives) to:

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- (i) Promote, in accordance with national legislation and applicable international obligations, the full and effective participation of indigenous and local communities, and also **their prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas**, including marine protected areas, that may affect indigenous and local communities;
- (ii) **Encourage the application of traditional knowledge and customary sustainable use in protected areas**, including marine protected areas, as appropriate;
- (iii) **Promote the use of community protocols** in assisting indigenous and local communities to affirm and promote customary sustainable use in protected areas, including marine protected areas, in accordance with traditional cultural practices;

2. In paragraph 4 of the same decision, the Conference of the Parties requested the Executive Secretary to **develop a draft plan of action for customary sustainable use**, building on the Addis Ababa Principles and Guidelines, the ecosystem approach and relevant materials, in particular from other multi-lateral environmental agreements and relevant instruments of the Food and Agricultural Organization of the United Nations, based on the priority tasks, submissions and other relevant information, including a gap analysis. The Executive Secretary was also requested, when developing the draft plan of action, to include a proposal **for phased implementation, based on the priority tasks, submissions and other relevant information, including a gap analysis and consideration of funding and technical support for developing and least developed countries**.

3. Taking all this into account, the Executive Secretary has made available, in annex I of this document, a draft Plan of Action for Customary Sustainable Use, as a major component of work of the programme of work on Article 8(j) and related provisions. The draft plan of action builds on the objectives and general principles of the programme of work on Article 8(j) and related provisions¹ (as contained in section I) and contains, in section II, a set of specific principles.² Section III contains a rationale and section IV, the draft plan of action for customary sustainable use, including main actors, possible actions, timeframes for phased implementation and possible indicators of success. Finally section V contains some guidance on possible actions.

4. In support of this agenda item, the Executive Secretary has also made available a compilation of views received on the development of the plan of action for Article 10(c) on customary sustainable use of biological diversity (UNEP/CBD/WG8J/8/INF/12). Further to this, a submission from Canada referred to as *Working Together: Our Stories* is made available in English and French as an information document (UNEP/CBD/WG8J/8/INF/12/Add.1). Also in order to take advantage of relevant input received from a related multi-party initiative, the report of the World Indigenous Network Conference (WIN) *Connecting Indigenous Peoples and Local Communities Land and Sea Managers*, held from 26-31 May 2013 in Darwin, Australia is made available as an information document for the meeting (UNEP/CBD/WG8J/8/INF/14).

5. To assist the Working Group on taking forward the draft plan of action for customary sustainable use, section I of this document includes considerations for the development of a draft plan of action, including an overview of submissions from Parties, Governments, relevant organizations, representatives of indigenous and local communities and NGOs. Section II proposes some draft recommendations for the

¹ Decision V/16, annex.

² Requested by the Forest Peoples Programme and 72 associated ILC organizations, drawing from the report of the meeting on Article 10 with a focus on Article 10(C) as a major component of the programme of work on Article 8(j) and related provisions of the Convention (UNEP/CBD/WG8J/7/5/Add.1).

consideration of the Working Group, including consideration of funding and technical support for developing and least developed countries. The Working Group is requested³ to review the draft plan of action for customary sustainable use (annex) and provide guidance on its possible adoption and implementation.

I. CONSIDERATIONS FOR THE DEVELOPMENT OF A DRAFT PLAN OF ACTION FOR CUSTIOMARY SUSTAINABLE USE

A. *The Addis Ababa Principles and Guidelines*

6. Sustainable use entails the utilization of biodiversity in a manner that maintains its potential to meet current and future human needs and aspirations and to prevent its long-term decline. It is also an effective tool for achieving sustainable development, eradicating extreme poverty and hunger and ensuring environmental sustainability. It can also generate and regenerate incentives for the conservation and restoration of biodiversity because of the social, cultural and economic benefits that people derive from it.

7. In order to operationalize the concept, the Parties to the Convention adopted the Addis Ababa Guidelines as practical principles and operational guidelines to advise Parties and other Governments in their efforts to achieve the sustainable use of biological diversity, within the framework of the ecosystem approach.

8. The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity are based on the assumption that it is indeed possible to use biodiversity in a manner in which ecological processes, species and genetic variability remain above the thresholds needed for long-term viability, and that therefore all resource managers and users have the responsibility to ensure that their use does not exceed these capacities. It is therefore crucial that the biodiversity in ecosystems is maintained, or in some cases recovered, to ensure that those ecosystems are capable to sustain the ecological services on which both biodiversity and people depend. In this context, the Guidelines are yet another tangible tool in keeping with the commitment of Parties to the Convention to focus on its practical implementation and the target to achieve, by 2010, a significant reduction in the current rate of biodiversity loss, which is at the heart of the strategic plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets.

9. The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity provide a framework for assisting Governments, indigenous and local communities, resource managers, the private sector and other stakeholders, in finding ways to ensure that their uses of biological diversity will not lead to its long-term decline.

10. In order for the draft plan of action for customary sustainable use to build on the Addis Ababa Principles and Guidance, it is useful to reflect on key areas already covered in this adopted standard.

11. The Addis Ababa Principles and Guidelines are organized under overarching principles which include operational guidelines. They include many references to both customary sustainable use and indigenous and local communities. Section A on underlying conditions for sustainable use recognizes that indigenous and local communities and their cultures often depend directly on the uses of biological diversity for their livelihoods. Specifically, section A, paragraph (g) applies the provisions of Article 8(j), Article 10(c) and other related provisions and their development in relevant decisions of the Conference of the Parties, in all matters that relate to indigenous and local communities. In all of these instances, Governments should have adequate policies and capacities in place to ensure that such uses are sustainable.

³ In decision XI/14 F, paragraph 6.

12. Principles 1, 2, 4, 6, 9, 12 and 14 have provisions directly relevant to customary sustainable use and indigenous and local communities. Principle 1 (Supportive policies, laws, and institutions are in place at all levels of governance and there are effective linkages between these levels) notes the desirability to have congruence in policies and laws at all levels of governance associated with a particular use and offers operational advice to consider local customs and traditions (and customary law where recognized) when drafting new legislation and regulations. It also recognizes the need to identify existing and develop new supportive incentives measures, policies, laws and institutions, as required, within the jurisdiction in which a use will take place, also taking into account Articles 8(j) and 10(c).

13. Principle 2 recognizes the need for a governing framework consistent with international and national laws, local users of biodiversity components to be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned and notes that sustainability is generally enhanced if Governments recognize and respect the "rights" or "stewardship" authority, responsibility and accountability to the people who use and manage the resource, which may include indigenous and local communities, private landowners, conservation organizations and the business sector. Moreover, to reinforce local rights or stewardship of biological diversity and responsibility for its conservation, resource users should participate in making decisions about the use of resource and have the authority to carry out any actions arising from those decisions.

14. To operationalize this principle, the guidelines recommend, where possible, that Parties and Governments should: (a) delegate rights, responsibility, and accountability to those who use and/or manage biological resources, as well as review existing regulations to see if they can be used to delegate rights; (b) amend regulations where needed and possible; and/or draft new regulations where needed; (c) consider local custom and traditions (including customary law where recognized); (d) refer to the programme of work related to the implementation of Article 8(j) with regard to indigenous and local community issues (decision V/16) and implement and integrate tasks relevant for the sustainable use of biodiversity components, in particular element 3, tasks 6, 13 and 14; (e) provide training and extension services to enhance the capacity of people to enter into effective decision-making arrangements as well as in the implementation of sustainable use methods; and (f) protect and encourage customary use of biological resources that is sustainable, in accordance with traditional and cultural practices.

15. Resonating with recent discussions on IPBES and knowledge systems interface, Principle 4 emphasizes that adaptive management should be based on science and traditional and local knowledge, arguing that it is preferable to use all sources of information about a resource when deciding how it can be used. In many societies, traditional and local knowledge has led to much use of biological diversity being sustainable over long time-periods without detriment to the environment or the resource. Incorporation of such knowledge into modern use systems can do much to avoid inappropriate use and enhance sustainable use of components of biodiversity.

16. To operationalize Principle 4, Parties and Governments are requested to: (a) ensure that adaptive management schemes are in place; (b) that adaptive management plans incorporate systems to generate sustainable revenue, where the benefits go to indigenous and local communities and local stakeholders, to support successful implementation, including in setting up and maintaining monitoring and feedback systems, (c) respond quickly to unsustainable practices, and finally (d) when using traditional and local knowledge, to ensure that approval of the holder of that knowledge has been obtained.

17. Practical Principle 6, support and promotion of interdisciplinary research into all aspects of the use and conservation of biological diversity should be promoted and supported, suggests this could be operationalized through cooperation between researchers and biodiversity users (private or local communities), in particular, involve indigenous and local communities as research partners and use their expertise to assess management methods and technologies.

18. In line with Principle 6, Principle 9 calls for an interdisciplinary, participatory approach to be applied at the appropriate levels of management and governance related to the use. It recognizes that

social, cultural, political and economic factors are equally important as is the need to involve indigenous and local communities and stakeholders, including the private sector, and the people experienced in these different fields, at all levels of the decision-making process.

19. The most significant principle for indigenous and local communities is arguably Principle 12 which calls for the needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, to be reflected in the equitable distribution of the benefits from the use of those resources. The equitable sharing of resources has been most recently advanced through the Nagoya Protocol and is being explored through task 7 of the revised programme of work on Article 8(j) and related provisions.

20. Principle 12 argues that indigenous and local communities and local stakeholders often shoulder significant costs or forgo benefits of potential use of biological diversity, in order to ensure or enhance benefits accruing to others. Many resources (e.g., timber, fisheries) are over-exploited because regulations are ignored and not enforced. When local people are involved as stakeholders such violations are generally reduced. Management regimes are enhanced when constructive programmes that benefit local communities are implemented, such as capacity training that can provide income alternatives, or assistance in diversifying their management capacities. To operationalize Principle 12, Parties and Governments are encouraged to (a) Promote economic incentives that will guarantee additional benefits to indigenous and local communities and stakeholders who are involved in the management of any biodiversity components, e.g., job opportunities for local peoples, equal distribution of returns amongst locals and outside investors/co-management; (b) adopt policies and regulations that ensure that indigenous and local communities and local stakeholders who are engaged in the management of a resource for sustainable use receive an equitable share of any benefits derived from that use; (c) ensure that national policies and regulation for sustainable use recognize and account for non-monetary values of natural resources; (d) consider ways to bring uncontrolled use of biological resources into a legal and sustainable use framework, including promoting alternative non-consumptive uses of these resources; (e) ensure that an equitable share of the benefits remains with the local people in those cases where foreign investment is involved; (f) involve local stakeholders, including indigenous and local communities, in the management of any natural resource and provide those involved with equitable compensation for their efforts, taking into account monetary and non-monetary benefits; and (g) in the event that management dictates a reduction in harvest levels, to the extent practicable assistance should be provided for local stakeholders, including indigenous and local communities, who are directly dependent on the resource to have access to alternatives.

21. Finally, Principle 14 on education and public awareness programmes on conservation and sustainable use suggests, as an important element, increased awareness of the contributions of knowledge, practices and innovations of indigenous and local communities for the sustainable use of biological diversity.

22. The Addis Ababa Guidelines are practical principles and operational guidelines to advise Parties and other Governments in their efforts to achieve the sustainable use of biological diversity, within the framework of the ecosystem approach. The Addis Ababa Principles and Guidelines and actions taken to date, provide an effective platform to launch further work on customary sustainable use.

B. The Ecosystem Approach

23. The Addis Ababa Principles and Guidelines, along with other tools established under the Convention on Biological Diversity, are established under the guiding framework of the Ecosystem Approach that provides and overarching framework for action on the environment. In taking the Ecosystem Approach into consideration regarding a draft plan of action for customary sustainable use, there are a number of important references that should be noted.

24. In particular Principles⁴ (management) recognizes the need for the effective participation of indigenous and local communities, taking into account their economic, cultural and societal needs and their rights and interests. Principle 1 recognizes both cultural and biological diversity as central components of the ecosystem approach and that management should take this into account. Societal choices should be expressed as clearly as possible. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way. It emphasizes that good decision-making processes incorporate all interested parties (particularly including indigenous and local communities).

25. Principle 7⁵ (temporal and spatial scales) recognizes that boundaries for management will be defined operationally by users, managers, scientists and indigenous and local peoples.

26. Principle 11⁶ calls for indigenous and local knowledge along with science and other information, to be taken into account in managing the environment.

27. The implementation guidelines for the ecosystem approach recognize the need to deal with complex issues such as law enforcement, land tenure rights, and the rights of indigenous and local communities.

28. In this regard, implementation of both approaches requires political will, including that of institutions and communities. Regarding indigenous and local communities, emphasis is placed on involving all stakeholders, by clearly articulating, defining and agreeing upon the goals of management; defining problems and making choices (in Principle 12). In summary, the Ecosystem Approach provides a basis for the effective participation of indigenous and local communities and also for the inclusion and promotion of their knowledge, innovations and practices relevant to managing ecosystems.

C. Other multi-lateral environmental agreements

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

29. The ITPGRFA provided an overview of the Treaty and new work arising with a focus on Article 6 (sustainable use) and Article 9 (farmers' rights) of the treaty. In particular, issues of the interdependence of crops and food security, the role of small farmers, sustainable use in agriculture, the usefulness of regional approaches, the multilateral system and access and benefit-sharing, the contribution of the Addis Ababa Principles and Guidelines to sustainable use, and the need for synergies in mutually reinforcing international processes and specifically the Convention on Biological Diversity, the Nagoya Protocol and ITPGRFA. The Benefit-sharing Fund of ITPGRFA has had a positive impact on sustainable use of agro-biodiversity by funding 11 existing benefit-sharing projects and investing an additional US\$ 10 million into projects for sustainable and customary use of crop genetic resources. Through these projects, the Benefit-sharing Fund is having a positive worldwide impact on the sustainable use of agro-biodiversity and the adaptation of farmers' food crops to climate-change impacts. Increased collaboration between the Convention on Biological Diversity and ITPGRFA in the area of sustainable use, including customary use, and farmers' rights, is highly desirable and underlines the need to further scale up the Benefit-sharing Fund according to its strategic plan.

D. Submissions and other relevant information

30. Submissions from Parties, Governments, indigenous and local community organizations and NGOs are made available in an information document (UNEP/CBD/WG8J/8/INF/12). The complete copy

⁴ Principle 1: The objectives of management of land, water and living resources are a matter of societal choice.

⁵ Principle 7: The ecosystem approach should be undertaken at the appropriate spatial and temporal scales.

⁶ Principle 11: The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.

of the submission from the Government of Canada referred to as *Working Together: Our Stories* is made available as an addendum to the information document (UNEP/CBD/WG8J/8/INF/12/Add.1) in English and French.

Australia

31. Australia notes that a review of other conventions working on traditional ecological knowledge could be undertaken to identify linkages and opportunities for working in collaboration on the issue of customary sustainable use across conventions to enhance implementation. A review of related work in other international bodies is included above..

32. Australia poses the example of the Pacific Heritage Hub which is working to incorporate the Aichi Biodiversity Targets relevant to Traditional Ecological Knowledge. Australia also notes other synergies with implementation of the World Heritage Convention in terms of promoting customary land management.

33. The Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture (Pacific Islands Forum 2002) includes a Model Law for the protection of Traditional Knowledge and Expressions of Culture. This may be a valuable case study for the Working Group in reviewing the role of traditional ecological knowledge in small island developing States.

34. Australia defines customary or traditional use of biological resources within Australia as the undertaking of activities as part of Aboriginal and Torres Strait Islander people's customs or traditions, for the purposes of satisfying personal, domestic or communal needs and may include: fishing, collecting (for example, shellfish), hunting, and looking after cultural and heritage sites. Furthermore, Australia notes that many Aboriginal and Torres Strait Islanders undertake traditional use of marine resources activities to educate younger generations about traditional and cultural rules, protocols and for activities on traditional territories; practice their 'living culture'; and provide traditional food for families.

35. Australia provides a useful case study which brings together the Great Barrier Reef Marine Park Authority and traditional owner groups along the Great Barrier Reef, who are working together to establish cooperative arrangements for sea territory management. Traditional use of marine resources agreements (TUMRAs) are being developed by Traditional Owner groups to describe formal management arrangements for a range of traditional use of marine resources activities within their sea territory. The TUMRAs recognizes indigenous customary law for managing sea territory through a formal partnership arrangement with the Great Barrier Reef Marine Park Authority and Queensland's Department of National Parks, Recreation, Sport and Racing. The Great Barrier Reef Marine Park Authority has developed partnerships with many Traditional Owner groups adjacent to the Region. The five currently accredited TUMRAs and Marine Indigenous Land Use Agreement represent over 14 groups and cover approximately 21 per cent of the Queensland coastline that is within the region.

36. The Australian submission recognizes the usefulness of partnerships through formal agreements as effective instruments to secure customary sustainable management and use.

Brazil

37. Brazil emphasizes the need for the draft plan for customary sustainable use to take into account different perspectives and legal regimes.

38. Brazil is working on the consolidation of its National System of Conservation Units (NSCU) and on the recognition of other protected areas, such as indigenous lands and areas traditionally occupied by afro descendent communities (former *quilombos*) to identify best practices to promote the participation of indigenous and local communities in the establishment, expansion, governance and management of protected areas and to encourage the application of traditional knowledge and customary sustainable use in protected areas.

39. Brazil is facing the challenge of expanding the protection of biomes and consolidating the existing protected areas (PA) through, *inter alia*, increasing social participation in the creation and management of conservation units and enhancing the social and cultural role of protected areas, by supporting the local communities directly or indirectly involved. Though it's highly successful "The Amazon Protected Areas Program" (ARPA), which aims to preserve approximately 60 million hectares of forest, Brazil is working towards the ultimate goal of ensuring that a significant and ecologically representative portion of the Brazilian Amazon biodiversity is preserved in interaction with local communities.

40. Brazil has high expectations of achieving long term sustainability of the implementation of these PA, offering ecosystem services and a new and innovative solution for the conservation of biodiversity.

41. Brazil has recently adopted a National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI)⁷ in order to ensure and promote the protection, restoration, conservation and sustainable use of natural resources from indigenous lands and territories, ensuring the integrity of indigenous heritage, improving the quality of life and the full conditions of physical and cultural reproduction of current and future generations of indigenous peoples, respecting their sociocultural autonomy, according the national legislation. This policy was developed with the full and effective participation of indigenous peoples of Brazil, gathered in intercultural dialogues organized by the National Indigenous Foundation (FUNAI). PNGATI is guided by, *inter alia*, the following principles: A) recognition and respect for the beliefs, customs, languages, traditions and specifics of each indigenous people; B) recognition and appreciation of the contribution of indigenous women and the use of their knowledge and practices for the protection, conservation, restoration and sustainable use of natural resources essential to the well-being and physical and cultural reproduction of indigenous peoples; C) contribution to the maintenance of ecosystems biomes of indigenous lands for the protection, conservation and restoration of natural resources essential to the physical and cultural reproduction of present and future generations of indigenous peoples; D) protection and strengthening of knowledge and practices of indigenous peoples and their systems of management and conservation of natural resources.

42. Amongst its tools for territorial and environmental management of indigenous lands, the PNGATI adopts the ethno mapping⁸ (participatory mapping of areas of environmental, social, cultural and productive significance for indigenous peoples, based on indigenous knowledge) and the ethno-zoning (participatory planning tool aimed at the categorization of areas of environmental, social, cultural and productive significance for indigenous peoples, developed from ethno mapping).

Canada

43. Canada's submission approaches customary sustainable use through partnership and cooperative management of protected areas. In the 1990s, Parks Canada began to establish parks that included a provision for cooperative management boards. The term "cooperative" meant the signatory Aboriginal groups would have an opportunity to participate in making decisions related to the planning and operation of the proposed park.

44. Including the voices of First Nations, Inuit and Métis peoples in the planning and management of heritage areas is now a common practice within Parks Canada. Advisory bodies range from informal structures that provide ad hoc advice, to ones that are set out in formal agreements such as cooperative management boards established through park establishment agreements. These bodies have equal Aboriginal and government representation; provide advice to the minister on cultural matters and other issues of importance to Aboriginal partners; provide input into park, site or national marine conservation area management plans; and operate by consensus. Parks Canada is striving to build meaningful relationships with First Nations, Inuit and Metis peoples to ensure a more holistic stewardship of the land

⁷ Decree n. 7747 of 5 June 2012.

⁸ Sometimes referred to as community mapping, customary sustainable use mapping, etc.

that includes the cultural values and knowledge of its people. Further to this, Parks Canada supports an aboriginal working group and an Aboriginal Leadership Development Programme with a goal to develop a cadre of Aboriginal leaders within Parks Canada as a knowledgeable, skilled network of individuals in a variety of functions and levels within the organization aimed at the long-term retention of Aboriginal leaders through skill development and personal learning plans.

45. Parks Canada is developing a framework that engages Aboriginal communities in the planning and management of national parks, national historic sites, and national marine conservation areas. These formal relationships are a broad spectrum of collaborative structures as each one is guided by the specific cultural and legal context of their community. Increasingly parks and sites are being set aside for protection at the request of Aboriginal communities.

46. Because of past historical processes that saw the first parks and historical sites created without indigenous involvement, Parks Canada continues to work with Aboriginal communities on healing and reconciliation through such mechanisms as the Jasper Aboriginal Forum, which is helping to reintegrate dialogue, sharing and gathering of all indigenous peoples with past links to Jasper National Park.

47. In areas such as the Kluane National Park, indigenous peoples were effectively pushed out when the area became a game sanctuary in 1943. While the hunting and trapping ban was lifted in 1976, it took until 1993 for the Champagne and Aishihik First Nations, and 2003 for the Kluane First Nation, to be allowed to resume traditional harvesting. While signed agreements provide the legal framework for cultural reintegration, decades of alienation require additional efforts. *Healing Broken Connections* is a multi-year project organized with both of these First Nations to encourage reconnection to their traditionally used territories through the participation of elders and youth in culture and science camps. It supported their efforts to collect, stabilize and store their knowledge of the park and use it to improve the park's management and ecological integrity. Having First Nation partners who are willing and keen to work with and support Kluane National Park and Reserve of Canada has resulted in unprecedented levels of involvement and cooperation. A similar project on the Labrador Peninsula (KANGIDLUASUK Based Camp) aims to reconnect Inuit with traditional homelands and strengthens culture and traditional knowledge through Inuit guides and cultural events.

48. Parks Canada is also exploring employment initiatives for indigenous Canadians within protected areas, including park rangers and guides, park monitoring, sustainable tourism including cultural tourism, training in heritage protection and assessment, as well as positions within Parks Canada itself. Indirectly, this could be seen as sustainable use as it is directly or indirectly creating livelihoods and employment based on traditional territories now under protected areas. Also, by involving indigenous Canadians in inventory projects and species identification, the knowledge of local indigenous communities is filling important gaps regarding a region's ecology and helps others to get a better understanding of changes in the environment. In some areas, traditional fire management is being reintroduced and Parks Canada is developing a better understanding of the ecological, social and economic implications of letting an area burn as opposed to suppressing flames.

49. Parks Canada treats the various engagements with indigenous Canadians as a unique learning experience, ever evolving and improving.

50. A good example is the New Brunswick First Nations Advisory Committee which was formed in October 2010 with the Chiefs of the Assembly of First Nations in New Brunswick, *Kouchibouguac National Park of Canada and Fundy National Park of Canada*. The committee ensures that the interests of the Mi'gmaq and Wolastoqiyik are considered in the management of all New Brunswick's national parks and national historic sites. From this and similar structures, Parks Canada has learned useful lessons including the importance of seeking partnerships, connecting at different levels, being realistic, incorporating indigenous world views, being patient by allowing time for relationships to develop, thus building trust, write down information and signed agreements (helps when there are changes in

leadership), ask for early input, get legal advice, set-up tents (culture and science camps), document the work, hold gatherings within national parks, and welcome and involve Aboriginal children and youth.

51. Parks Canada has also developed memorandums of understanding (MoU) with indigenous peoples that assist in integrating traditional knowledge and science in wildlife and landscape management. MoUs and stock assessment and restoration agreements have also been used for species restoration such as the plains and wood bison (Elk Island Park) and Atlantic salmon (Kouchibouguac National Park).

52. Indigenous communities are also being empowered to spread the word about Aboriginal harvesting protocols. The community of Nahanni Butte is facilitating workshops and preparing a pamphlet - *Nah?q Dehé K'éodii – Taking Care of Nah?q Dehé* - based on the Dene principles of sharing and respect. The community has made the protocols very clear to ensure people's safety, protect the park's ecology, respect wildlife and maintain resources for future generations.

53. Based on its many engagements with indigenous Canadians, Parks Canada is committed to learning from successes and to scaling them up (in such initiatives as *Ensuring the Future of American Eel in Canada*).

54. Lessons learned show that consultation is the key to establishing an effective force through consensus building. Through collaborations with indigenous Canadians, Parks Canada continues to learn lessons including the importance of paying a visit (get to know people in their own environment), take your time, keep an open mind, brainstorm, create synergy, encourage stewardship, bank on it (explore leveraging financial mechanisms to fund cooperative efforts, and knowing when to let go (when to hand-over).

55. The Canadian submission emphasizes the need for flexibility and diverse national approaches to agreements and other arrangements with indigenous communities concerning many Convention related issues, including customary sustainable use.

Sweden

56. In the Swedish work to implement Article 8(j), a special effort has been made to take a broad approach to issues concerning Article 8(j) involving both indigenous peoples and local communities. The overarching question has been local and traditional knowledge in relation to biological diversity. Consequently, issues related to customary use have been the focus and the work has dealt with both Articles 8(j) and 10(c).

57. Work in Sweden to implement the programme of work on protected areas is ongoing, including the parts related to the full and effective participation of indigenous peoples and local communities and relevant stakeholders. In recent years, there has been an increasing focus on the involvement of local communities in the designation of protected areas in order to create acceptance for protection and also to find the best ways to manage the protected area while at the same time benefitting the people. This way of working has proven very successful and has several times turned an initial massive local opposition to plans for national parks into broad support. In order to facilitate the kinds of processes needed for this, the responsible authority (the Swedish EPA) has invested in the education of conservation officers at all levels in the so-called "dialogue for nature conservation". Also, other forms of participative action to conserve landscape and nature have received increased attention in Sweden, for instance areas in the Man and Biosphere Programme of UNESCO.

58. The process of developing a management system for the Laponia World Heritage Area is a very good example of a new way of working inclusively in protected areas, in this case with a focus on indigenous communities. Reindeer husbandry as well as the hunting, fishing and farming practices of the Sami communities, have been and are part of shaping the ecosystems in the Laponia World Heritage Area in Sweden, an area of 9 400 km² with nine Sami villages, 65 000 reindeer, 300 local enterprises, 4

national parks and 2 large nature reserves. The process to form a management structure for Laponia has been a genuinely participatory one. The outcome, in 2011, is a management structure where the Sami villages are in majority in the management board, Laponiatjuottjudus. Both the process and the outcome set a new precedent in Swedish protected area management.

59. The following are some of the important achievements and underlying common values of the Laponia process, some of them shared with other work on protected areas, some more specific to this area:

- Decision-making in the form of consensus.
- Understanding of nature and culture based on an understanding of the landscape as a whole.
- People who live and work in the land have valuable competence and experience for land management.
- Seeking knowledge and solutions from the indigenous and local culture and local perspectives.
- Development and renewal to ensure that development of norms build upon local and traditional knowledge.
- Language as an important part of the creation and development of culture.
- A time perspective.
- Searvelatnja – an arena and meeting place where all can participate and learn: different generations, different cultures, languages and peoples.

Forest Peoples Programme and Natural Justice supported by another 72 organizations and networks

60. The Forest Peoples Programme and 72 associated organizations (FFP), building on the Addis Ababa Principles and Guidelines, have provided a detailed submission proposing advice on a possible structure for the plan of action for customary sustainable use, a rationale, a set of guiding principles, as well as possible ways and means of achieving the three initial tasks.

61. The FPP suggests that the tasks have clearly identified actors and timelines, as well as possible ways and means or activities towards achieving the tasks. The FPP also suggests that ways and means of implementing the initial tasks are defined, concrete and contribute to the achievement of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, especially Target 18. Concrete steps forward should also be undertaken with the effective participation and collaboration of the relevant indigenous peoples and local communities. FPP also noted that the initial tasks are interlinked and should be advanced in a complementary fashion.

62. In particular, the FPP and partners wish to explore the potential role of National Focal Points for Article 8(j) and related provisions, including in facilitating national and subnational dialogues with indigenous and local community on customary sustainable use (CSU); possible involvement in collating national inventories of existing or planned CSU, including those by indigenous and local communities; promoting national good practices that support and encourage customary sustainable use; as well as a role in the revisions on national biodiversity strategies and action plans (NBSAP) to include CSU.

63. Finally the FPP has proposed a detailed example or template of an action plan, which includes suggested rationales, background information and guidance for implementing proposed tasks, some of which have been included in the draft plan of action, in the annex to this document. Parties and observers may wish to peruse the full submission which is made available as an information document for the meeting (UNEP/CBD/WG8J/8/INF/12) and import ideas, text or sections that may assist in advancing the draft plan of action.

Assembly of First Nations (AFN)

64. The Assembly of First Nations (AFN) emphasises partnerships rather than regulation in their submission, noting that achieving support for customary sustainable use and recognition of stewardship implicates a wide range of government actors within a State Party. The AFN welcomes the development of an international plan of action with the full and effective participation of indigenous peoples.

65. The AFN recognises that Articles 8(j) (traditional knowledge) and 10(c) (customary sustainable use) are mutually reinforcing and thus preservation of traditional knowledge, innovations and practices can only be achieved when the First Nation's inherent rights to their lands and resources are respected. Both preservation and promotion of traditional cultural practices are closely linked to customary sustainable use. AFN notes there are constitutional and international legal basis for Canada to develop a strategy to implement its responsibilities under Article 10(c) of the Convention.

66. AFN strongly supports a work plan to implement Article 10(c) that includes a strong component to provide capacity-building assistance to indigenous peoples in developing countries.

67. AFN also strongly supports Parties to report on customary sustainable use and all customary uses in their national biodiversity strategies and action plans, with the effective participation of indigenous peoples which would assist in providing an "on the ground" perspective. AFN also notes that determination of whether a particular customary uses is sustainable or not is often contentious and welcomes Canada's openness to include a biodiversity goals which reflects the distinction between customary use and customary sustainable use. The AFN submission provides a number of examples of partnerships between First Nations and the Canadian Government, and its Provinces.

68. AFN supports efforts to provide capacity-building assistance to indigenous peoples in developing countries related to Articles 10(c) as customary sustainable use is linked to health, food security, cultural sustainability, and linguistic diversity. AFN also notes that a lack of funding for community based conservation initiatives is consistently cited as a barrier to First Nations and calls on Parties, especially Canada to allocate sufficient funding domestically to ensure that indigenous peoples can engage in customary sustainable use of resources, as well as to recognise the inherent territorial rights of First Nations within Canada.

69. In brief, the AFN makes a number of recommendations, urging Canada and Parties to recognize the term indigenous "peoples"; to adopt a reporting strategy on Aichi Target 18; to renew or make available domestic funding for community based conservation initiatives that facilitate the proper implementation of Article 10(c); and that best practices be examined with a view to developing the framework for Article 10(c). Finally, the AFN urges all parties to recognize that fulfilment of land rights is vital to enable the implementation of Article 10(c).

Inuit Circumpolar Canada (ICC)

70. The ICC requests that the development of a plan of action be advanced with the full and effective participation of indigenous peoples and should include a focus on indigenous and local communities (ILC) involvement and community engagement. Plans of action will necessitate collaboration between ILCs, Parties and other stakeholders. Capacity-building should assist ILCs in the development of regional and local plans. The recognition and acknowledgement of the challenges for ILCs implementation of the action plan, as well as the acknowledgement of opportunities and the examination of existing legislation, and other tools for implementation may be included in the framework of the action plan.

71. The ICC also notes that the cultural and traditional components of the communities in the customary sustainable use is worthy of consideration. Cultural heritage including traditional place names of ILCs are to be a key component of this action plan. Projects for the action plan may include the mapping of indigenous customary sustainable use locations, the documentation of traditional knowledge

surrounding the respective customary sustainable use of biological diversity. In addition, other projects could entail the gathering and collection of customary laws and indigenous legal traditions which apply to the customary sustainable use in the respective community, subregional and regional levels of the customary sustainable use in question. The ICC also notes that the Aichi Biodiversity Targets should be integrated into actions plans, as well as a use of best practice case studies, and addressing policy on the application of traditional knowledge for customary use.

Other related initiatives

72. In June 2012, the Prime Minister of Australia, Julia Gillard, with the support of Brazil, New Zealand and Norway, launched the World Indigenous Network at the United Nations Conference on Sustainable Development (Rio+20) in Brazil, in support of the goals of the Convention and Articles 8(j) and 10(c). The Multi-Party initiative is referred to as *the International Indigenous Land and Sea Managers Conference* (26-31 May, 2013, Darwin, Australia) and the *World Indigenous Network* (WIN). A report of that meeting is made available as an information document for the meeting (UNEP/CD/WG8J/8/INF/14).

73. The World Indigenous Network aspires to bring together indigenous peoples and local communities land and sea managers, as custodians of traditional ecological knowledge and expertise, to share stories, cultural experiences and ideas to better manage ecosystems, protect the environment and support sustainable livelihoods.

74. The overall aim of the World Indigenous Network is to encourage:

- Better conservation of biological diversity and sustainable use of natural resources
- Improved social cohesion
- Increased economic opportunities and the alleviation of poverty.

75. Ultimately, the Network underpins the important role indigenous peoples and local communities' knowledge, connection to traditional territories and ability to care for their territories, play in the protection and sustainable management of the Earth's natural resources, and reinforces the Australian Government's commitment to the utilization of traditional ecological knowledge alongside contemporary land management practices to ensure their better management.

76. A key outcome of the Network is to foster engagement and share better practices between indigenous land and sea managers through on-ground exchanges. Ultimately the aim of WIN is to build enduring relationships for knowledge exchange and it has the potential to advance and implement both Articles 17.2⁹ and 18.4.¹⁰ To this end, the Australian Government funded six exchanges in the lead-up to the WIN Conference. The exchanges provided an avenue to share regional approaches and experiences using contemporary and traditional knowledge and local practices to better manage the environment and support sustainable livelihoods. Exchange participants presented their experiences at the conference to showcase how exchanges can be used to strengthen global relationships amongst land and sea managers.

77. The six international exchanges were delivered in partnership with the Pew Environment Group, The Nature Conservancy, The Thin Green Line, Parks Forum and Ocean Revolution. Participants in these exchanges included indigenous people from the African, Pacific and North American regions, while host

⁹ Article 17.2 on Exchange of Information: Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

¹⁰ Article 18.4: 4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

organizations in Australia included the Kimberley Land Council, the Torres Strait Regional Authority, Yalata Community and Kakadu National Park.

78. The World Indigenous Network Conference, hosted by the Australian Government and the traditional owners of Darwin, the Larrakia People, saw approximately 1200 delegates from more than 50 countries participate in over 70 presentations, workshops and plenary addresses across three action filled days.

79. The event, a world first, provided a unique and exciting opportunity for indigenous peoples and local communities land and sea managers to come together, connect and share ideas to better manage the environment, develop innovative solutions to environmental challenges and support sustainable livelihoods in communities. The conference also offered a platform for delegates to consider, debate and contribute towards building an enduring World Indigenous Network.

80. At the WIN Conference it was announced that the United Nations Development Programme (UNDP) Equator Initiative would be the interim host of the WIN Secretariat. In making the decision, the Australian Government looked for an established organization that was already actively supporting the work of indigenous land and sea managers around the world and had significant international partnerships and capacity. The Equator Initiative brings together the United Nations, Governments, civil society, businesses and grassroots organizations to recognize and advance local sustainable development solutions for people, nature and resilient communities. The Equator Initiative recognizes outstanding local initiatives through the biennial Equator Prize, has a case study database for sharing knowledge and conducts community to community meetings that have so far involved more than 600 local and indigenous community representatives.

81. From July 2013, the Equator Initiative will take carriage of the WIN Secretariat. They will look at integrating stakeholder feedback in the WIN design, the WIN governance structure, securing ongoing funding and how to best connect indigenous peoples and local communities land and sea managers from around the world.

82. Establishing an Australian, indigenous led, domestic network also received broad support at the conference. A process to establish a domestic network is being discussed with stakeholders.

E. Gap analysis

83. To assist with a gap analysis, the Executive Secretary wrote to the following International organizations, programmes and funds, including the Food and Agricultural Organization of the United Nations and its subsidiaries, including the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification to ascertain their mandate and current work concerning customary sustainable use of biological diversity.

84. Based on information received, ITPGRFA argues that increased collaboration between the Convention on Biological Diversity and ITPGRFA in the area of sustainable use, including customary use, and farmers' rights, is highly desirable and underlines the need to further scale up ITPGRFA's Benefit-Sharing Fund according to its strategic plan.

II. RECOMMENDATIONS FOR THE CONSIDERATION OF THE WORKING GROUP

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties at its twelfth meeting adopt a decision along the following lines:

The Conference of the Parties

1. *Endorses* the plan of action for customary sustainable use, as annexed to this decision;
2. *Invites* Parties, Governments, international organizations, non-governmental organizations and indigenous and local communities to implement the various tasks of the plan of action and to report progress to the Secretariat;
3. *Requests* the Executive Secretary to compile and analyse the information received further to paragraph 2 and to make this information available to the next meeting of the Working Group on Article 8(j) and Related Provisions and through the Traditional Knowledge Information Portal of the Convention;
4. *Invites* Parties, Governments, international organizations, programmes and funds, including the Global Environment Facility, to provide funds and technical support to developing country Parties, and indigenous and local communities for the implementation of programmes and projects that promote customary sustainable use of biological diversity.

Annex

DRAFT PLAN OF ACTION

OBJECTIVE

The objective of this programme of work is to promote, within the framework of the Convention, a just implementation of Article 8(j) and related provisions at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation.

I. GENERAL PRINCIPLES

1. Full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work, particularly the full and effective participation of women of indigenous and local communities in all activities of the programme of work.
2. Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge.
3. A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities and their rights to have control over their traditional knowledge, innovations and practices.
4. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way.
5. Access to traditional knowledge, innovations and practices of indigenous and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.

II. SPECIFIC PRINCIPLES

Considerations of special relevance:

- (a) Biodiversity, customary sustainable use and traditional knowledge are intrinsically linked. Indigenous and local communities, through customary sustainable use, constantly shape and reshape social and ecological systems, landscapes, seascapes, plants and animal populations, genetic resources and related management practices, thereby adapting to changing conditions such as climate change, and contributing to maintaining biodiversity and ecosystem services, and strengthening of the resilience of the social - ecological systems. Thereby, indigenous and local communities and holders of traditional knowledge related to customary sustainable use also contribute to the generation of new knowledge for the benefit not only of indigenous and local communities but of human well-being at large;
- (b) Recognizing that many indigenous and local communities depend directly on biodiversity and its customary sustainable use and management for local livelihoods, resilience and cultures;
- (c) Cultural and spiritual values and practices of indigenous and local communities play an important role in maintaining sustainable use and transmitting its importance to the next generation;
- (d) It is of primary importance for successful outcomes that the development and implementation of policies and programmes for customary sustainable use are made with the full and effective participation of indigenous and local communities, with a focus on women and their crucial contribution to customary sustainable use;

(e) Take fully into account the Aichi Biodiversity Targets 14 (ecosystem services) and 18 (traditional knowledge and customary sustainable use), the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and the programme of work on Article 8(j) and related provisions;

(f) Respect for the territoriality of indigenous and local communities includes cultural, social, economic and ecological elements associated with the traditional management systems of traditional lands, waters and territories. Effective access, control and management by indigenous and local communities of local traditional territories are an essential requirement for customary sustainable use;

(g) Bio-cultural territories embody traditional indigenous and local community land and marine tenure, land and marine use, ritual use, production and exchange systems, political organization and goals and cultural identity. Bio-cultural heritage expresses the indivisibility of indigenous and local communities with their territories, biodiversity (genetic to landscape) and culture and includes traditional resource rights. Indigenous and local communities are ecosystem-based, making indigenous and local communities well placed to implement the ecosystem approach and to efficiently and economically manage ecosystems;

(h) Full consideration of social and cultural dimensions is vital to the ecosystem approach. Therefore traditional knowledge and customary sustainable use must be central to the implementation of the ecosystem approach;

(i) Full implementation of the ecosystem approach, in particular principles 1 and 2,¹¹ provides an important tool to strengthen the communities' capacity to fully practice customary sustainable use;

(j) Customary sustainable use is one dimension in the exercise of self-determination, and this right must be respected, ensuring the free, prior and informed consent of indigenous and local communities consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

(k) Customary sustainable use not only provides for livelihoods of people and conservation of biodiversity but is also useful in building resilience for climate-change adaptation and as a source for learning related to socio-ecological systems and possible innovations for productive landscapes and continued human well-being;

(l) Measures should be taken to address unsustainable use and revitalize and restore degraded landscapes (including seascapes and waters).

III. RATIONALE

1. Incorporating customary sustainable use with the effective participation of indigenous and local communities into national biodiversity strategies and action plans (NBSAPs) is an important and strategic way to integrate Article 10(c) (and its implementation) as a cross-cutting issue in the Convention's Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, the importance of which was reiterated in decision XI/14.¹²

2. Many indigenous and local communities are engaged in community-based initiatives to enhance implementation of Article 10(c) at the national and local levels. Such initiatives include research and documentation of traditional knowledge and customary practices, education projects to revitalize

¹¹ (see <http://www.cbd.int/ecosystem/principles.shtml>)

¹² UNEP/CBD/COP/DEC/XI/14, preamble.

indigenous languages and traditional knowledge associated with CSU, community mapping, community-based sustainable resource management plans, and biodiversity and climate change (impacts, mitigation and adaptation) monitoring and research. An overview of such initiatives was presented at the meeting on Article 10, with a focus on Article 10(c) as a major component of the programme of work on Article 8(j) and related provisions¹³ and more detailed cases were presented at a Philippine workshop on Community-based Monitoring and Information Systems held in February 2013.¹⁴ By supporting such initiatives, or by getting involved in collaborative on-the-ground projects and monitoring of relevant CBD indicators, Parties and conservation organizations gain better insights in CSU issues in their countries, can more appropriately respond to existing needs or challenges, and can become more effective in implementing Article 10(c) and in contributing to the achievement of Target 18 and other relevant targets of the Strategic Plan for Biodiversity 2011-2020.

3. Protected areas established without the approval and involvement and/or prior and informed consent of indigenous and local communities can restrict access and use of traditional areas and therefore undermine customary practices and knowledge associated with certain areas or biological resources. At the same time, conservation of biodiversity is vital for the protection and maintenance of CSU and associated traditional knowledge. CSU and traditional knowledge can provide important contributions to the effective conservation of important biodiversity sites, either through shared governance or joint management of official protected areas or through indigenous and community conserved territories and areas.¹⁵ Community protocols and other community procedures can be used by indigenous and local communities to articulate their values, procedures and priorities and engage in dialogue and collaboration with external actors (such as government agencies and conservation organizations) towards shared aims, for example, appropriate ways to respect, recognize and support customary sustainable use and traditional cultural practices in protected areas.

¹³ See UNEP/CBD/WG8J/7/5/Add.1, para 33. This presentation was based on a synthesis paper on examples, challenges, community initiatives and recommendations relating to CBD Article 10(c) by the Forest Peoples Programme and partners (October 2011): <http://www.forestpeoples.org/customary-sustainable-use-studies>.

¹⁴ The report of the Global Technical Workshop on Community-based Monitoring and Information Systems which took place in Bonn, from 26-28 April 2013 will be made available as UNEP/CBD/WG8J/8/INF/7.

¹⁵ Overlap with bracketed task 15 *bis*: To examine best practices (e.g. policy, legislation) to enable indigenous and local communities to voluntarily identify, designate, govern, manage and conserve protected areas and sacred sites, as a way to maintain their customary sustainable use.

IV. DRAFT PLAN OF ACTION ON CUSTOMARY SUSTAINABLE USE OF BIOLOGICAL DIVERSITY

TASKS	Main Actors	Possible Actions¹⁶	Timeframes for phased implementation	Possible Indicators
<p>(a) To incorporate customary sustainable use practices or policy, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports;</p>	<p>Parties with the effective participation of indigenous and local communities.</p>	<p>Revision of the NBSAPs to incorporate CSU.</p>	<p>Through the revision and implementation of NBSAPS 2014-2015 and reported through the fifth national reports and to the Working Group on Article 8(j) and Related Provisions, in time for the mid-decade review.</p>	<p>Customary sustainable use incorporated by Parties, with the full and effective participation of indigenous and local communities, into NBSAPs and also reported on through national reports, commencing with the fifth national report.</p>
<p>(b) To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c);</p>	<p>Parties, Governments, the Secretariat of the Convention on Biological Diversity, relevant international organizations, donors, funders and indigenous and local communities.</p>	<p>Fund or seek funds to promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and promote good practices.</p>	<p>Reported through fifth national reports and to the Working Group on Article 8(j) and Related Provisions commencing at its ninth meeting¹⁷.</p>	<p>Progress report for the Working Group on Article 8(j) and related provisions, from 9th meeting onwards, includes in the analysis of the national reports, diverse examples of community-based initiatives that support and contribute to the implementation of</p>

¹⁶ Refer to following section on Guidance for Possible Actions

¹⁷ The ninth meeting of the Working Group on Article 8(j) and Related Provisions may take place in 2015.

				Article 10(c)
<p>(c) To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) to:</p> <p>(i) Promote, in accordance with national legislation and applicable international obligations, the full and effective participation of indigenous and local communities, and also their prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas, including marine protected areas, that may affect indigenous and local communities;</p> <p>(ii) Encourage the application of traditional knowledge and customary sustainable use in</p>	<p>(c) Parties, Governments, Indigenous and Local Communities and the Secretariat of the Convention on Biological Diversity and other relevant organizations, programmes and funds.</p>		<p>Reported through the fifth national reports and to the Working Group on Article 8(j) and Related Provisions commencing at its ninth meeting¹⁸.</p>	<p>Publication and dissemination of a CBD technical series of best practices concerning case studies, mechanisms, legislation and other appropriate initiatives that support CSU.</p>
	<p>(i) The Working Group on Article 8(j), Parties and Governments, with the full and effective participation of indigenous and local communities</p>	<p>The Working Group on Article 8(j) to develop guidelines on prior and informed consent and/or approval of, and involvement in the establishment, expansion, governance and management of protected areas and make them available within E-learning Curricula and tools and for protected areas.</p>	<p>Guidelines for prior informed consent and/or approval and involvement could be considered through the ninth meeting of the Working Group on Article 8(j) and Related Provisions , as early at COP-13.</p>	<p>Adoption and implementation of guidance for prior informed consent and/or approval and involvement reported through future national reports.</p>
	<p>(ii) Parties and</p>	<p>Revision of the</p>	<p>Revision on NBSAPs</p>	<p>Revised NBSAPs</p>

¹⁸ The ninth meeting of the Working Group on Article 8(j) and related provisions may take place in 2015.

<p>protected areas, including marine protected areas, as appropriate;</p>	<p>Governments, with the effective participation of ILCs.</p>	<p>NBSAPs to incorporate CSU and TK.</p> <p>Active involvement and effective participation of relevant ILCs (TK and CSU) in managing PAs</p>	<p>2014-15</p> <p>Reported in fifth or sixth national reports.</p>	<p>include promotion of TK and CSU.</p> <p>National reports include good practices in TK and CSU.</p>
<p>(iii) Promote the use of community protocols in assisting indigenous and local communities to affirm and promote customary sustainable use in protected areas, including marine protected areas, in accordance with traditional cultural practices;</p>	<p>(iii) Parties, Governments, Secretariat of the CBD, other relevant organizations, programmes and funds, ILC organizations and NGOs.</p>	<p>ILCs in the development of community protocols.</p> <p>Active promotion by Parties of the development and use of and respect for community protocols.</p>	<p>Ongoing and reported through the progress reports at future meetings of the Working Group on Article 8(j) and Related Provisions.</p>	<p>Parties recognize and support and ILC develop community protocols and other mechanisms, as appropriate, that affirm CSU and TK.</p>

V. GUIDANCE FOR POSSIBLE ACTIONS

Task 1: To incorporate customary sustainable use practices or policy, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports.

Guidance

- Consider the establishment of and potential role for the national focal point for Article 8(j) (or the CBD national focal point) in promoting dialogue and creating bridges with indigenous and local communities to promote the incorporation of customary sustainable use practices and traditional knowledge into national biodiversity strategies and action plans.
- Promote the effective participation of representatives of indigenous and local community in the revisions of the NBSAP and in the drafting the relevant sections of national reporting.

Task 2: To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c).

Guidance

- Parties, through the NFP for Article 8(j) may wish to facilitate discussions with the relevant indigenous and local communities, and compile an inventory of relevant existing or planned community-based initiatives at the local and subnational levels in order to assist in the revision of NBSAPS and for submission to the national reports.
- Parties, through the NFP for Article 8(j) may wish to facilitate discussions with the relevant indigenous and local communities regarding the value and contributions of these CSU initiatives, as well as on existing and perceived obstacles and possible actions to overcome them.
- Parties, through the NFP for Article 8(j) may wish to facilitate discussions with the relevant indigenous and local communities to support community initiatives and potential collaboration.

Task 3: To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) to:

Guidance

- Parties, through the NFP for Article 8(j) for protected areas (or CBD focal points where national focal points for Article 8(j) and for protected areas have yet to be established), with the effective participation of indigenous and local communities may wish to develop an inventory of best practices for promotion.
- In identifying best practices, Parties and other relevant stakeholders may wish to draw on existing international initiatives, reference materials and tools for best practices in relation to protected areas and customary use, such as the CBD Technical Series No. 64: *Recognizing and Supporting Territories and Areas Conserved by Indigenous and Local Communities - Global Overview and National Case Studies* on indigenous peoples and community conserved territories and areas, the Whakatane Mechanism (<http://whakatane-mechanism.org>),¹⁹ and community protocols (www.community-protocols.org).

¹⁹ This mechanism, which is an outcome of the 4th World Conservation Congress, aims to support conflict resolution and best practices in protected areas by ensuring that conservation practices respect the rights of indigenous and local communities.