



STATEMENT BY

MR. BRAULIO FERREIRA DE SOUZA DIAS

EXECUTIVE SECRETARY

CONVENTION ON BIOLOGICAL DIVERSITY

to the

**AD HOC OPEN-ENDED WORKING GROUP ON ARTICLE 8(j)
AND RELATED PROVISIONS
AT ITS NINTH MEETING**

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**Convention on
Biological Diversity**

Secretariat of the Convention on Biological Diversity
United Nations Environment Programme
413 Saint-Jacques Street, Suite 800, Montreal, QC, H2Y 1N9, Canada
Tel : +1 514 288 2220 Fax : +1 514 288 6588
secretariat@cbd.int www.cbd.int



Distinguished delegates,

First, I would like to extend my deep appreciation to Mr. Kenneth Deer and Mr. Charles Patton, Elders of the Mohawk Community from Kahnawake, Canada, for providing a traditional blessing and for sharing with us their rich cultural heritage, which is deeply rooted in this land. As is the custom of indigenous peoples, it has become our practice to open meetings of the Working Group by acknowledging the traditional peoples of this territory and their ancestors.

I also want to applaud the Mohawk for their continuing efforts to reintroduce and reinvigorate their traditional language through culturally appropriate education, which strengthens intergenerational transfer of traditional knowledge. Mr. Patton is a Mohawk teacher, and he has devoted much of his life to restoration of language and knowledge. As you are aware, status and trends in traditional languages is one of the four adopted indicators for traditional knowledge and Aichi Target 18.

The words of the Traditional Blessing call upon the King of all Trees, the Maple, the four Winds, the Waters, the Earth and all living things to help us in the work ahead, to unblock our ears and to help us to listen deeply to one another, in order to find, through consensus, a way forward. The Blessing serves as a reminder that we all have much to gain from recognizing convergences rather than focusing on differences and thus provides us with some practical advice about the way forward.

While reflecting on the Mohawk Blessing and the focus of the meeting before us, which is traditional knowledge, I recall the recent words of Pope Francis, who, in his Encyclical on Care for Our Common Home, called for respect to be shown for “the various cultural riches of different peoples, their art and poetry, their interior life and spirituality” and advised that, “if we are truly concerned to develop an ecology capable of remedying the damage we have done, no branch of the sciences and no form of wisdom can be left out”.

I would also like to call your attention to the recent report published by the Rights and Resources Initiative entitled *Who Owns the Land? A global baseline of formally recognized indigenous and community land rights*, which once again provides evidence to the scale and relevance of indigenous peoples and local communities as stewards for the conservation of biodiversity.

Distinguished delegates,

It is fitting that our meeting should coincide with the end of the harvest in North America. It reminds us of the benefits that nature's biological diversity so generously bestows upon us year after year. In return, it is our duty to respect nature, cherish and preserve its diversity and ensure that its benefits are shared fairly and equitably among us all, especially the most vulnerable, including the generations to come.

And these are fitting themes for the meeting before us. The Working Group on Article 8(j) will consider the development of guidelines that will assist Parties and Governments in the development of national measures to implement Article 8(j) on traditional knowledge and its related provisions. These guidelines shall also include guidance on prior informed consent or approval, the equitable sharing of benefits based on mutually agreed terms, and guidance to stop unauthorized access to and use of traditional knowledge and guidelines for the repatriation of traditional knowledge relevant for conservation and sustainable use of biodiversity.

The matters before the Working Group are of the utmost importance if Parties are to have measures in place by 2020 to achieve Aichi Biodiversity Target 18 so that the traditional knowledge of indigenous and local communities is respected and fully integrated and reflected in the implementation of the Convention.

My colleagues in the Secretariat and I, under the guidance of the Bureau, are working tirelessly to continually review and improve our processes. To that end, you will find that the agenda for this meeting has been streamlined and focuses on key areas which need to advance in order to enable us to achieve Aichi Biodiversity Target 18 by 2020. These advances may also concretely contribute to the effective implementation of the Nagoya Protocol.

In view of the very full agenda of this meeting, and taking into account the establishment of the new Subsidiary Body on Implementation, which is mandated with reviewing progress in the implementation of the Convention and its Protocols, I have proposed to the Bureau and they have agreed that items which have been dealt with by this Working Group that are at the implementation stage should be considered by the Subsidiary Body on Implementation in the context of its mandate. These items would include such

matters as: (a) progress in implementing Article 8(j) and related provisions at the national level; (b) progress in mainstreaming Article 8(j) and related provisions across the areas of work of the Convention; (c) participation of and capacity-building for indigenous peoples and local communities in the work of the Convention; and (d) implementation of the global Plan of Action on Customary Sustainable Use of Biological Diversity (Article 10(c)), which was adopted at the last COP.

Therefore, the Working Group may wish to refer these matters to the Subsidiary Body on Implementation at its first meeting and subsequent meetings, as appropriate. This strategy will also assist us in mainstreaming traditional knowledge and customary sustainable use in the work of the Convention and its Protocols.

And now to the business at hand. The Working Group has two major tasks before it in this meeting: item 4, covering the development of various guidelines for national arrangements to ensure traditional knowledge is respected and promoted, and item 5, on the repatriation of traditional knowledge.

The Secretariat, with your inputs, has developed draft guidelines for the effective implementation of Article 8(j) and related provisions, for consideration by the Working Group, which in general, build on existing work, and propose pragmatic ways forward that would avoid overlap and duplication of efforts. I hope that you will consider this approach positively.

Time is of the essence — with the 2020 Targets in place, the Conference of the Parties has requested that the Working Group, where possible, progress the guidance with a view to adoption at COP 13.

Additionally, I wish to draw your attention to the draft guidelines for the repatriation of traditional knowledge relevant for conservation and sustainable use of biodiversity. Given the historical injustices and losses experienced by many indigenous peoples and traditional communities, effective voluntary repatriation of their knowledge can assist these communities in knowledge and cultural restoration and strengthen conservation and sustainable use of biodiversity. Our efforts should support the good work already in process in many countries and promote good practices.

I also want to emphasize today that the work of the Convention and its Working Group on Article 8(j) and Related Provisions does not happen in isolation. Our efforts to ensure the effective participation of indigenous peoples and local communities in the work of the Convention and to respect, protect and promote traditional knowledge and customary sustainable use contribute directly to the Secretary-General's system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples. The action plan is in accordance with the mandate set out in the outcome document of the World Conference on Indigenous Peoples, held in September 2014 at the United Nations Headquarters in New York, in which the Secretariat participated.

The Secretariat of the Convention on Biodiversity, as member of the Inter-Agency Support Group on Indigenous Peoples' Issues, has been contributing to the development of the Secretary General's system-wide action plan to ensure that the plan's reporting framework allows for progress made by the Convention, within its mandate and of relevance to the United Nations Declaration on the Rights of Indigenous Peoples, to be recorded, especially those of relevance to traditional knowledge, customary sustainable use, and the effective participation of indigenous peoples in the work of the Convention. It is appropriate to note that the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, and the Working Group on Article 8(j), are the only United Nations bodies currently working actively on international laws, standards, guidelines, and capacity-building of relevance to indigenous peoples.

The reporting framework for the Secretary-General's system-wide action plan will allow our efforts to be recognized and permit us to proceed in coordination with other relevant actions within the international system.

Last but not least, let us remember that the Working Group has a strong emphasis on effective participation and, to that end, it has, through practice, adopted some unique participation mechanisms, but even more importantly, the effective participation of representatives of indigenous peoples, local communities and representatives of developing country Parties would not be possible at all without the generosity of the donors. I take this opportunity to thank the Governments of Australia, Finland, Germany, New Zealand, Norway and Sweden for your generous contributions to the voluntary fund to assist indigenous peoples and local communities in participating in the deliberations of the Working Group. Additionally, Canada, Finland, Germany, Norway and Sweden have made contributions to ensure the participation of representatives

of developing countries in this important work. Without their generosity, a productive meeting building on balanced and effective participation would not be possible, and consensus would be elusive. I would also like to thank the Government of Guatemala for hosting three back-to-back workshops in preparation for this meeting.

I am optimistic that this meeting will make real advances towards ensuring that everything we need to achieve Aichi Biodiversity Target 18 is in place by 2020. However, without effective implementation, hand in hand with indigenous peoples and local communities, it may not be sufficient to meet the Target by 2020.

Hence, I urge you forward with your efforts, keeping in mind the desirability of the adoption of guidance at COP 13 next year, so that we have some concrete achievements in sight.

Distinguished representatives, I wish you well in the important work before you.

I thank you for your attention.
