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Items 1.7 and 7 of the provisional agenda*

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

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INTRODUCTION

A. *Background*

1. The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (the Working Group) was established by decision IV/9 of the Conference of the Parties. It held its first meeting in Seville, Spain, from 27 to 31 March 2000, and its second and third meetings in Montreal, from 4 to 8 February 2002, and from 8 to 12 December 2003, respectively. The fourth meeting was held in Granada, Spain, at the kind invitation of the Government of the Kingdom of Spain, from 23 to 27 January 2006, while the fifth and sixth meetings were held in Montreal, from 15 to 19 October 2008, and from 2 to 6 November 2009, respectively. In its decision X/43, the Conference of the Parties revised the programme of work of the Working Group and decided that the seventh meeting was to be organized prior to the eleventh meeting of the Conference of the Parties to further advance the implementation of the work programme. Accordingly, the seventh meeting of the Working Group was held from 31 October to 4 November 2011, in Montreal, at the headquarters of the International Civil Aviation Organization (ICAO), back-to-back with the fifteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice.

B. *Attendance*

2. The meeting was attended by representatives of the following Parties and other Governments: Angola, Antigua and Barbuda, Argentina, Australia, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Ethiopia, European Union, Finland, France, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, India, Iraq, Japan, Jordan, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Philippines, Poland, Republic of Korea, Republic of Moldova, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uruguay, Yemen, Zambia.

3. Observers from the following United Nations bodies, specialized agencies and other bodies also attended: International Treaty on Plant Genetic Resources for Food and Agriculture, United Nations Environment Programme, World Intellectual Property Organization.

4. The following organizations were also represented by observers:

African Indigenous Women Organization (Nairobi)	Chibememe Earth Healing Association
African Union	Communautés Locales, riveraines de la Forêt Marécageuse Hlanzoun de Koussoukpa
ALMACIGA-Grupo de Trabajo Intercultural	Consejo Autonomo Aymara
Andes Chinchasyo	Coordinator of Indigenous Organizations of the Amazon Basin – (COICA)
Articulacao Pacari	ECOROPA
ASEAN Centre for Biodiversity	ETC Group
Asia Indigenous Peoples Pact Foundation	Federation of German Scientists
Association ANDES	First Peoples Human Rights Coalition
Canadian Environmental Network	Forest Peoples Programme
Canadian Friends Service Committee (Quakers)	German International Cooperation/Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
CBD Alliance and Kalpavriksh	Global Biodiversity Information Facility
Centre for International Sustainable Development Law	
Centro de Estudios Multidisciplinarios Aymara	

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Grand Council of the Crees (Eeyou Istchee)
 IKANAWTIKET, Maritime Aboriginal Peoples
 Council
 Indigenous Network on Economies and Trade
 Indigenous Peoples of Africa Co-ordinating
 Committee
 Indigenous Region of Avjovárri
 Indigenous World Association
 IUCN - International Union for Conservation of
 Nature
 Japan Bioindustry Association
 Japan Committee for IUCN
 McGill School of Environment
 McGill University
 Metis National Council
 Municipality of Guovdageainnu/Kautokeino
 (Indigenous Region of Avjovárri)
 Natural Justice (Lawyers for Communities and
 the Environment)
 Nepal Indigenous Nationalities Preservation
 Association (NINPA)

Red de Cooperacion Amazonica
 Red de Mujeres Indigenas sobre biodiversidad
 Russian Association of Indigenous Peoples of
 the North (RAIPON)
 Saami Council
 Saami Hunting and Capture Organisation
 Seneca International
 SOTZIL (Centro para la Investigación y
 Planificación del Desarrollo Maya-SOTZ'IL)
 South Asia Co-operative Environment
 Programme
 South Central Peoples Development Association
 Tebtebba Indigenous Peoples' International
 Centre for Policy Research & Education
 The Nature Conservation Society of Japan
 Tulalip Tribes
 Union of Indigenous Nomadic Tribes of Iran
 University of Goettingen
 University of Montreal - Faculty of Sciences
 Waikiki Hawaiian Civic Club (WHCC)
 Watego Legal and Consulting Pty Ltd

ITEM 1. OPENING OF THE MEETING

5. The meeting was opened at 10.15 a.m. on Monday, 31 October 2011, by Mr. Kazuaki Hoshino, the representative of the President of the Conference of the Parties to the Convention on Biological Diversity, who invited Mr. Kenneth Deer and Mr. Charlie Patton, Elders from the Mohawk Community from Kahnawake, to perform a ceremonial prayer of welcome during which Mr. Patton spoke “the words that come before all things”.

6. Mr. Hoshino then welcomed participants and thanked the leaders of the Mohawk community for their ceremonial opening and prayer. He said that the presence on the podium of the Minister of the Environment of Iraq, Mr. Sargon Lazar Slewa, was evidence of the country’s determination to protect its important biodiversity, and he invited the Minister to address the meeting.

7. Opening statements were made by the Minister of Environment of Iraq, Mr. Sargon Lazar Slewa, Mr. Kazuaki Hoshino, and Mr. Ahmed Djoghlaflaf, Executive Secretary of the Convention on Biological Diversity.

8. Mr. Sargon Lazar Slewa said that Iraq’s aim was to strengthen its links with the Convention on Biological Diversity and that Iraq intended to repair the damage that had been done by war and to protect its biodiversity for the sake of humanity and for future generations. Iraq had completed its national report within six months of acceding to the Convention on Biological Diversity and had developed its national strategy on biodiversity. Iraq was also undertaking public consultations on the protection of biodiversity and was working with others to update its biodiversity database. However, Iraq needed additional technical support to fulfil its commitments for the implementation of 2011-2012 targets. In closing he presented the Executive Secretary, Mr. Ahmed Djoghlaflaf, with a model of the shield of Iraq’s Ministry of Environment.

9. Mr. Hoshino thanked Minister of the Environment of Iraq, for his statement and wished Iraq every success in the future. He also reminded the Working Group that among its recent achievements was its contribution to the adoption by the tenth meeting of the Conference of the Parties of the Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for Cultural and Intellectual Heritage of Indigenous and Local Communities. The Working Group had also contributed in a significant way to the successful conclusion of the Nagoya Protocol on Access and Benefit-sharing. The Working Group was now moving to a new phase in its work, namely the incorporation of a new major component of the programme of work dealing

with Article 10(c) on customary use of biological resources in accordance with traditional practices compatible with sustainable use of biodiversity. The Working Group would also initiate work on several other tasks of the programme of work, namely tasks 7, 10, 12 and 15, as decided in Nagoya. The present meeting was taking place in the early stages of the United Nations Decade on Biodiversity, and indigenous and local communities could make a key contribution to the objectives of the Convention and to the achievement of the Aichi Biodiversity Targets.

10. Mr. Djoghlaif, welcomed participants and in particular, Mr. Sargon Lazar Slewa, the Minister of Environment of Iraq, whose presence was a vibrant testimony of the determination of the people of Iraq to protect their rich biodiversity and their commitment to achieving the objectives of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets. The current meeting had a major contribution to make in ensuring the effective implementation of the Nagoya Biodiversity Outcomes, particularly Target 18, which provided that by 2020, traditional knowledge was respected and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities. He expressed his heartfelt thanks to the representatives of the Mohawk community and through them to all indigenous communities for reminding participants, through the welcoming ceremony, of the intrinsic link between culture and nature and the unique contribution of indigenous peoples and local communities in protecting life on Earth.

11. He thanked the Governments of Spain and Sweden who had provided the funds for the facilitation of the meeting and the participation of developing and least developed country delegates, as well as the Governments of Australia, Finland, Germany, Japan and Norway, who had provided resources to ensure that 20 participants from indigenous and local communities could be funded to attend the meeting. He also expressed gratitude to Japan, which despite the economic downturn and the catastrophic tsunami that had struck the country earlier in the year had maintained its strong commitment to the Convention through the Japan Fund.

12. He emphasized that the Working Group on Article 8(j) and Related Provisions was a living example of the unique partnership between indigenous and local communities and the Parties to the Convention. At the current meeting, it was called upon to establish a new major component of work on customary sustainable use of biodiversity, as well as a number of tasks that would contribute to the effective implementation of the Nagoya Protocol on Access and Benefit-sharing. Addressing customary sustainable use was essential to the achievement of all three goals of the Convention. The Working Group had great potential to ensure that lessons learned from customary sustainable use could be applied to sustainable use in general. It could also assist in ensuring that traditional knowledge was more fully taken into account in an increased focus on implementing the ecosystem approach, which was very much aligned with both Article 8(j) and Article 10(c), and, in doing so, contribute to shaping the outcome of the eleventh meeting of the Conference of the Parties, which would provide the first opportunity to assess initial progress and put in place further measures to implement the Strategic Plan and the Aichi Biodiversity Targets.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

13. In accordance with established practice, the Bureau of the Conference of the Parties acted as the Bureau of the Working Group.

14. On the proposal of the Bureau, Ms. Snežana Prokić (Serbia) served as Rapporteur.

15. In keeping with past practice, indigenous and local community representatives were also invited to designate seven “Friends of the Bureau” to participate in Bureau meetings as well as to act as co-chairs of possible contact groups. On the proposal of the International Indigenous Forum on Biodiversity, the following were elected by acclamation as “Friends of the Bureau”:

Arctic:

Ms. Gunn-Britt Retter (Saami, Norway);

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Africa:

Ms. Lucy Mullenkei (Maasai, Kenya);

Asia:

Mr. Gam Shimray (Asia Indigenous Peoples Pact Foundation, India)

Latin American and Caribbean region:

Ms. María Eugenia Choque Quispe (Centro de Estudios Multidisciplinarios Aymara, Bolivia);

Pacific region:

Ms. Malia Nobrega (Hawaii);

North America:

Ms. Yvonne Visina (Metis National Council, Canada);

Central and Eastern European region:

Ms. Polina Shulbaeva (Russian Association of Indigenous Peoples of the North (RAIPON)).

16. At the same time, it was also agreed that Ms. Gunn-Britt Retter would serve together with Mr. Kazuaki Hoshino as Co-Chair of the Working Group.

2.2. Adoption of the agenda

17. At the 1st session of the meeting, on 31 October 2011, the Working Group adopted the following agenda, on the basis of the provisional agenda (UNEP/CBD/WG8J/7/1/Rev.1).

1. Opening of the meeting.
2. Organizational matters.
3. Progress report on the programme of work for Article 8(j) and related provisions of the Convention on Biological Diversity.
4. Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention.
5. In-depth dialogue on thematic areas and other cross-cutting issues: ecosystem management, ecosystem services and protected areas.
6. Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity:
 - (a) Tasks 7, 10, and 12 of the revised multi-year programme of work;
 - (b) Task 15 of the revised multi-year programme of work;
 - (c) Development of elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices;
 - (d) A new major component on Article 10 with a focus on Article 10(c) in the revised programme of work on Article 8(j) and related provisions;
 - (e) Development of indicators relevant for traditional knowledge and customary sustainable use.
7. Recommendations from the United Nations Permanent Forum on Indigenous Issues.
8. Other matters.
9. Adoption of the report.

10. Closure of the meeting.

2.3. Organization of work

18. At the 1st session of the meeting, on 31 October 2011, the Working Group approved the organization of work for the meeting on the basis of the proposal contained in annex II to the annotations to the provisional agenda (UNEP/CBD/WG8J/7/1/Add.1/Rev.1).

19. To ensure the full participation of delegates and observers in the deliberations of the Working Group, it was decided that the Working Group would work in plenary on the understanding that, where necessary and appropriate, contact groups could be established to examine specific issues.

20. At the 4th session of the meeting, on 2 November 2011, the Co-Chair reminded participants that the Working Group on Article 8(j) was a subsidiary body of the Conference of the Parties to the Convention on Biological Diversity, and that therefore the rules of procedure of the Conference applied *mutatis mutandis*, including the rules relating to the conduct of business and officers. Thus, the representatives duly nominated by Parties conducted the business of the meeting and, as such, were responsible for decision-making. In a spirit of partnership and in the light of its mandate, it had been the practice of the Working Group since its inception to encourage the fullest participation possible of indigenous and local communities in all meetings of the Working Group, including plenary and contact groups. Representatives of indigenous and local communities had also been welcomed as Friends of the Chair, Friends of the Bureau and co-chairs of the contact groups. That arrangement, which was an important feature of the Working Group on Article 8(j), was nevertheless without prejudice to the rules of procedure applicable to the conduct of business. It followed that any text proposed by indigenous and local community participants in plenary or in contact groups for inclusion in recommendations must be supported by at least one Party. He invited the Working Group to continue to apply that well-established practice at the present meeting in the same spirit of cooperation that had characterized its work over the years.

2.4. Opening statements and general comments

21. At the 1st session of the meeting, on 31 October 2011, the representative of the International Indigenous Forum on Biodiversity thanked the Mohawk Nation for their ceremonial welcome and the Executive Secretary and the Parties for facilitating the participation of indigenous representatives through the Voluntary Fund for Facilitating the Participation of Indigenous and Local Communities in the Convention Process and through the support of various non-governmental organizations and donors. She noted the progress made in the work of the Convention and said that with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly the use of the term “indigenous” alone was no longer appropriate and did not reflect indigenous peoples’ distinct identities and cosmovisions. In keeping with the developments in the area of indigenous peoples’ rights, their full and effective participation in decisions that affected them must be upheld by all States as an international standard and norm. She reiterated the recommendation of the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues that the Parties to the Convention on Biological Diversity adopt the terminology “indigenous peoples and local communities” in the text of the Convention itself and all the instruments and documents created under it. She reminded the Working Group that the Bonn Guidelines, the Akwé:Kon Guidelines and the Tkarihwaí:ri Code of Ethical Conduct amounted to clear obligations on Parties to ensure free, prior and informed consent, mutually agreed terms, and the full and effective participation of indigenous peoples and local communities. The term “free, prior and informed consent” could not be used interchangeably with the phrase “with their approval”. Free, prior and informed consent was a fundamental minimum requirement for all States to respect.

22. The representative of the Indigenous Women’s Biodiversity Network said that, although the United Nations Declaration on the Rights of Indigenous Peoples was an important milestone in the recognition of those rights, States often lacked the political will to implement international instruments pertaining to indigenous peoples’ rights as they related to their territories, lands and traditional knowledge. Indigenous women must be taken into account in decisions relating to traditional knowledge and access and benefit-sharing and be provided full and effective participation in the work of the Working

Group on Article 8 (j). In the framework of capacity-building initiatives for indigenous and local communities in Latin America and the Caribbean in the period 2009-2011, the Indigenous Women's Biodiversity Network of Latin America and the Caribbean, with financial support from Spain and the Convention Secretariat, had organized a series of regional workshops on Article 8(j) and access and benefit-sharing. The workshops had been conducted in a culturally sensitive manner, taking into account the real needs of indigenous peoples and local communities of the region. They could serve as a model for similar activities in other regions and she encouraged States parties to lend their financial support. Noting with appreciation the enhanced visibility of indigenous peoples and local communities in the process of the Working Group, she expressed concern that the development of elements of *sui generis* systems and implementation of tasks 7, 10 and 12 of the multi-year programme of work were still pending. The persistent lack of recognition of indigenous territories as the places where traditional knowledge was developed, practiced and transmitted from generation to generation, and of indigenous peoples' right to free, prior and informed consent, were also cause for concern.

23. The representative of the International Forum of Local Communities thanked the Mohawk Nation for the ceremonial welcome. Endorsing the statement made by the International Indigenous Forum on Biodiversity, she welcomed the convening of the Ad Hoc Expert Group Meeting of Local Community Representatives from 13 to 16 July 2011 and the recommendations emanating from the meeting and thanked those parties and organizations who funded the meeting. She called on States to pay special attention to issues of full and effective participation and targeted outreach of local communities when considering those recommendations. Biodiversity and its conservation and sustainable use were crucial to the livelihood and of local communities and contributed to poverty eradication. States should take account of the role of women as key leaders in their local communities, traditional caretakers of ecosystems and providers of environmental services, especially those related to health and food security. Noting the interconnection between traditional knowledge and biodiversity and the custodianship of local communities over their environment, she said that local communities played a critical role in the conservation of the world's biological diversity found in different landscapes and ecosystems within their habitat. She encouraged the effective and balanced participation of local communities in the implementation of the goals and objectives of the Convention. In the light of their limited participation to date, it would be useful to set up an expert group or other mechanism of cooperation to ensure the full and effective participation of local community representatives.

**ITEM 3. PROGRESS REPORT ON THE PROGRAMME OF WORK FOR
ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON
BIOLOGICAL DIVERSITY**

24. The Ad Hoc Open-ended Working Group took up item 3 at the 1st session of the meeting, on 31 October 2011. In considering the item, the Working Group had before it a note by the Executive Secretary on progress of the implementation of Article 8(j) and related provisions and its integration into the various areas of work the Convention and through the national reports (UNEP/CBD/WG8J/7/2).

25. Introducing the item, the Co-Chair reminded the Working Group that the note also included information on the progress Parties had made in implementing Article 8(j), and he asked for views on the draft recommendations contained in section III of the document.

26. Statements were made by the representatives of Argentina, Brazil, Cameroon (on behalf of the African Group), Canada, China, Colombia, Ecuador, Ethiopia, the European Union and its member States, India, Japan, Jordan, Malawi, Namibia, the Republic of Korea, Sudan, the Syrian Arab Republic, Thailand, Ukraine and Yemen.

27. The representative of the World Intellectual Property Organization (WIPO) informed the meeting of recent developments at WIPO that were of relevance to the Working Group. He said that in September 2011, the General Assembly of WIPO had agreed to renew the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and had also agreed to expedite the text-based negotiation of an international legal instrument that would ensure the effective protection of genetic resources, traditional knowledge and

culture expressions and would provide for the *sui generis* protection of traditional knowledge. He also said that the IGC was reviewing its procedures for the contribution of observers from indigenous and local communities and that WIPO had prepared a documentation toolkit on traditional knowledge that was intended to help design and plan the documentation process for traditional knowledge and provide guidance as to whether and how the tools of intellectual property might be usefully used. In closing he said that the Secretariat of WIPO looked forward to continuing its relationship with the Secretariat of the Convention on Biological Diversity and would continue, in line with the mandate of the IGC, to closely follow the work of the Convention of Biological Diversity.

28. A statement was also made by the representative of the International Indigenous Forum on Biodiversity.

29. Following the exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group.

30. At the 4th session of the meeting, on 2 November 2011, the Working Group took up the revised text proposed by the Co-Chair.

31. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.2 and Add.1.

Action by the Working Group

32. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.2 and Add.1 adopted it, as orally amended, as recommendation 7/1. The text of the recommendation, as adopted, is contained in annex I to the present report.

ITEM 4. MECHANISMS TO PROMOTE THE EFFECTIVE PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION

33. The Ad Hoc Open-ended Working Group took up item 4 at the 2nd session of the meeting, on 31 October 2011. In considering the item, the Working Group had before it a note by the Executive Secretary on local community representatives within the context of Article 8(j) and related provisions (UNEP/CBD/WG8J/7/8), the report of the Expert Group Meeting of local community representatives within the context of Article 8(j) and related provisions of the Convention on Biological Diversity (UNEP/CBD/WG8J/7/8/Add.1) and notes by the Executive Secretary on participatory mechanisms for indigenous and local communities in the work of the Convention (UNEP/CBD/WG8J/7/9) and the capacity-building initiative for indigenous and local communities in Latin America and the Caribbean on Article 8(j) and access and benefit-sharing (UNEP/CBD/WG8J/7/INF/3).

34. Introducing the item, the Co-Chair said that, under that item, the Working Group might also wish to address further mechanisms to promote indigenous and local community participation, including capacity-building, development of communication mechanisms and tools, and the participation of indigenous and local communities in the work of the Convention.

35. The representative of the Secretariat drew attention to the dedicated work of a small Secretariat team led by Mr. John Scott, Programme Officer, Traditional Knowledge, which had conducted a series of workshops in implementation of the decisions taken at the tenth meeting of the Conference of the Parties.

36. Statements were made by the representatives of Argentina, Botswana, Brazil, Canada, Colombia, Ecuador, the European Union and its member States, India, Japan, Jordan, Mexico, Norway, Lebanon, and New Zealand, Niger, the Republic of Korea, Senegal (on behalf of the African Group) and Thailand.

37. Statements were also made by representatives of the International Indigenous Forum on Biodiversity, the International Union for the Conservation of Nature, the Indigenous Women's Biodiversity Network and the Maritime Aboriginal Peoples Council.

38. The representative of Canada also suggested that the draft recommendations should be modified to encourage the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to support the participation of indigenous peoples and local communities in its deliberations.
39. The representative of the Secretariat said that although the Working Group had, in the past, provided guidance to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, it had done so at the request of the Conference of the Parties.
40. Following the exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group.
41. At the 4th session of the meeting, on 2 November 2011, the Working Group took up the revised text proposed by Co-Chair.
42. At the 5th session of the meeting, on 2 November 2011, the Working Group continued its discussion of the revised text.
43. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.3.

Action by the Working Group

44. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.3 and adopted it, as orally amended, as recommendation 7/2. The text of the recommendation, as adopted, is contained in annex I to the present report.

ITEM 5. IN-DEPTH DIALOGUE ON THEMATIC AREAS AND OTHER CROSS-CUTTING ISSUES: “ECOSYSTEM MANAGEMENT, ECOSYSTEM SERVICES AND PROTECTED AREAS”

45. The Ad Hoc Open-ended Working Group took up item 5 at the 6th session of the meeting, on 3 November 2011. In considering the item, the Working Group had before it notes by the Executive Secretary on in-depth dialogue on thematic areas and other cross-cutting issues: ecosystem management, ecosystem services and protected areas (UNEP/CBD/WG8J/7/6) and a compilation of views on in-depth dialogue on ecosystem management, ecosystem services and protected areas (UNEP/CBD/WG8J/7/INF/4).
46. Introducing the item, the Co-Chair said that the Secretariat had put together a regionally balanced panel to inform the discussion on ecosystem management, ecosystem services and protect areas.
47. Presentations were made by Mr. Jon Petter Gintal (Sami Parliament, Norway), Ms. Marie Kvarnström (Swedish Biodiversity Centre, Sweden), Mr. Mdumiseni Wisdom D. Dlamini (Swaziland National Trust Commission), Mr. Mohammed Abdul Baten (Unnayan Onneshan - The Innovators, Bangladesh), Mr. Kid James (South Central Peoples Development Association, Guyana), Mr. Onel Masardule (Foundation for the Promotion of Indigenous Knowledge, Panama), Mr. Peter Cochrane (Director of National Parks, Australia) and Mr. Sakda Saenmi (Inter Mountain Peoples Education and Culture in Thailand Association, Thailand). A question-and-answer session ensued.
48. At the 9th session of the meeting, on 4 November 2011, the Working Group took note of a summary of the panel presentations and the question-and-answer session contained in document UNEP/CBD/WG8J/7/L.1/Add.1, which is attached as annex II into the present report.

ITEM 6. MULTI-YEAR PROGRAMME OF WORK ON THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

A. Tasks 7, 10 and 12 of the revised multi-year programme of work

49. The Ad Hoc Open-ended Working Group took up sub-item 6 (a) at the 3rd session of the meeting, on 1 November 2011. In considering the item, the Working Group had before it notes by the Executive Secretary on elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/7/3); tasks 7, 10 and 12 of the revised multi-year programme of work (UNEP/CBD/WG8J/7/4 and Corr.1); extracts covering the evolution of the issue of definitions within *sui generis* agenda item from the Working Group on Article 8(j) and related provisions (UNEP/CBD/WG8J/7/INF/1/Add.1); a compilation of views on tasks 7, 10 and 12 of the programme of work on Article 8(j) and related provisions (UNEP/CBD/WG8J/7/INF/2) and a compilation of views on the development of indicators on secure land tenure and a summary of other initiatives concerning indicators relevant for Article 8(j) and Article 10(c) (UNEP/CBD/WG8J/7/INF/6); and the Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge (WIPO/GRTKF/IWG/2/INF/2).

50. Introducing the item, the Co-Chair drew attention to the draft recommendation contained in section III of the note by the Executive Secretary on tasks 7, 10 and 12 of the revised multi-year programme of work (UNEP/CBD/WG8J/7/4 and Corr.1).

51. Statements were made by the representatives of Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Ethiopia (on behalf of the African Group), the European Union and its member States, Guatemala, India, Japan, New Zealand, Norway, Mexico, the Philippines,, the Republic of Korea and Thailand.

52. Statements were also made by representatives of ECOROPA, the International Indigenous Forum on Biodiversity and the Maritime Aboriginal Peoples Council.

53. Following the exchange of views, and after consulting with the Bureau, the Co-Chair asked Mr. Jose Luis Sutera (Argentina) and Ms. Yvonne Visina (Metis Nation, Canada) to co-chair a contact group to further discuss the draft recommendation contained in the note by the Executive Secretary.

54. At the 4th session of the meeting, on 2 November 2011, Mr. Sutera, co-chair of the contact group, reported that the group had completed its work and the revised draft recommendation for consideration by the Working Group would be made available shortly. The Co-Chair said that the Working Group would take up the text of the contact group at a subsequent plenary session.

55. The text of the contact group was taken up by the Working Group at the 7th session of the meeting on 3 November 2011.

56. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.4.

Action by the Working Group

57. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.4 and adopted it, as orally amended, as recommendation 7/3. The text of the recommendation, as adopted, is contained in annex I to the present report

B. Task 15 of the revised multi-year programme of work

58. The Ad Hoc Open-ended Working Group took up item 6 (b) at the 3rd session of the meeting, on 1 November 2011. In considering the item, the Working Group had before it a note by the Executive Secretary containing consideration and development of terms of reference for task 15 of the programme of work for Article 8(j) and related provisions (UNEP/CBD/WG8J/7/4/Add.1); a compilation of views on task 15 of the programme of work on Article 8(j) and related provisions

(UNEP/CBD/WG8J/7/INF/2/Add.1 and 2); and the list and brief technical explanation of the various forms in which traditional knowledge can be found (WIPO/GRTKF/IC/17/INF/9).

59. Introducing the item, the Co-Chair said that task 15 involved developing guidelines on the repatriation of information, including cultural property, in order to facilitate the recovery of traditional knowledge of biological diversity in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity. He invited the Working Group to consider the draft terms of reference for task 15 contained in section I of the note by the Executive Secretary (UNEP/CBD/WG8J/7/4/Add.1).

60. The representative of Brazil noted that there were some differences of wording between the draft terms of reference as contained in section I of the note by the Executive Secretary and those contained in the annex to decision X/43 adopted by the Conference of the Parties. She suggested that the meeting should use the annex to decision X/43 as the basis for the present discussions.

61. Ms. Gunn-Britt Retter, Co-Chair, confirmed that the meeting would start its discussions using the text contained in the annex to decision X/43.

62. Statements were made by the representatives of Argentina, Brazil, Canada, China, Colombia, the European Union and its member States, Guatemala, India, Mexico, and the Syrian Arab Republic.

63. A statement was also made by a representative of the Tulalip Tribes.

64. Following an exchange of views, the Co-Chair said that she would prepare a revised draft recommendation, taking into account the annex to decision X/43, to serve as a basis for further deliberations.

65. At the 7th session of the meeting, on 3 November 2011, the Working Group took up the revised text proposed by Co-Chair.

66. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.9.

Action by the Working Group

67. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.9 and adopted it, as orally amended, as recommendation 7/4. The text of the recommendation, as adopted, is contained in annex I to the present report

C. Development of elements of sui generis systems for the protection of traditional knowledge, innovations and practices

68. The Ad Hoc Open-ended Working Group took up item 6 (c) at the 6th session of the meeting, on 2 November 2011. In considering the item, the Working Group had before it notes by the Executive Secretary on elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/7/3); a compilation of views on elements of *sui generis* systems for the protection of traditional knowledge (UNEP/CBD/WG8J/7/INF/1); Extracts covering the evolution of the issue of definitions within the *sui generis* agenda item from the Working Group on Article 8(j) and related provisions (UNEP/CBD/WG8J/7/INF/1/Add.1); and a compilation of views on the development of indicators on secure land tenure and a summary of other initiatives concerning indicators relevant for Article 8(j) and Article 10(c) (UNEP/CBD/WG8J/7/INF/6); and the Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge (WIPO/GRTKF/IWG/2/INF/2).

69. Introducing the item, the Co-Chair said that as a basis for its work the Executive Secretary had updated his note on the subject of the *sui generis* systems for the protection of traditional knowledge, innovations and practices contained in document UNEP/CBD/WG8J/6/5 and reissued it as document UNEP/CBD/WG8J/7/3. He said that section II of the revised note contained a draft recommendation for the consideration of the Working Group.

70. Statements were made by the representatives of Argentina, Australia, Brazil, Canada, Colombia, Ecuador, the European Union and its member States, Guatemala, India, Jordan, Mexico, South Africa (on behalf of the African Group) and Thailand.

71. Statements were also made by representatives of the Indigenous Women's Biodiversity Network and the International Indigenous Forum on Biodiversity.

72. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group.

73. At the 7th session of the meeting, on 3 November 2011, the Working Group took up the revised text proposed by Co-Chair.

74. At the 8th session of the meeting, on 4 November 2011, the Working Group continued discussion of the revised text proposed by the Co-Chair.

75. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.5.

Action by the Working Group

76. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.5 and adopted it, as orally amended, as recommendation 7/5. The text of the recommendation, as adopted, is contained in annex I to the present report.

D. A new major component on Article 10 with a focus on Article 10(c) in the revised programme of work on Article 8(j) and related provisions

77. The Ad Hoc Open-ended Working Group took up item 6 (d) at the 2nd session of the meeting, on 31 October 2011. In considering the item, the Working Group had before it a note by the Executive Secretary 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 (UNEP/CBD/WG8J/7/5 and Corr.1), 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), and a note by the Executive Secretary containing a Compilation of Views on Article 10 with a focus on Article 10(c) (UNEP/CBD/WG8J/7/INF/5).

78. Introducing the item, Ms. Pernilla Malmer (Sweden), Co-Chair 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, introducing the report of the meeting (UNEP/CBD/WG8J/7/5/Add.1), said that the meeting had been attended by representatives of indigenous communities, Governments, international organizations and experts. Participants had agreed that customary sustainable use was important, both for indigenous peoples and society at large, as a tool for taking care of the planet. The meeting, tasked to give shape and substance to the major new task of the work programme relating to Article 10, had made proposals relating to three major components, namely: guidance on sustainable use and related incentive measures for indigenous peoples and local communities; measures to increase the engagement of indigenous and local communities and Governments at national and local level in the implementation of Article 10 and the ecosystem approach; and a strategy to integrate Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas. She encouraged the Working Group to pay special attention to implementation on the ground when discussing the proposals.

79. The Co-Chair drew attention to the draft recommendations contained in the note by the Executive Secretary on the subject (UNEP/CBD/WG8J/7/5 and Corr.1), which related to the three components mentioned by the co-chair of the Meeting on Article 10.

80. Statements were made by the representatives of Argentina, Australia, Brazil, Colombia, Ecuador, Ethiopia, the European Union and its member States, Jordan, New Zealand, the Philippines, the Republic of Korea, South Africa (on behalf of the African Group) and Thailand.

81. Statements were also made by representatives of the Forest Peoples Programme, the Maritime Aboriginal Peoples Council and the Tulalip Tribes.

82. At the 3rd session of the meeting, on 1 November 2011, further statements were made by the representatives of Canada, the European Union and its member States and Norway.

83. A statement was also made by a representative of the International Indigenous Forum on Biodiversity.

84. Following the exchange of views, and after consulting with the Bureau, the Co-Chair proposed the establishment of a contact group to discuss the agenda item further and report back to the Working Group at a subsequent session. The Co-Chair asked Ms. Tone Solhaug (Norway) and Ms. Jocelyn Cariño (Tebtebba) to act as co-chairs of the contact group.

85. At the 4th session of the meeting, on 2 November 2011, Ms. Solhaug, co-chair of the contact group, reported that although considerable progress had been made, further deliberations would be required in the contact group.

86. The Co-Chair of the Working Group thanked the co-chairs and asked the contact group to continue its work for another session. He also asked the co-chairs to report again at a subsequent plenary session of the Working Group.

87. At the 6th session of the meeting, on 3 November 2011, Ms. Solhaug, co-chair of the contact group, reported that although the contact group continued to make good progress, it would also still need further time to complete its deliberations.

88. The Co-Chair of the Working Group thanked the co-chairs and asked the contact group to continue its work.

89. At the 7th session of the meeting, on 3 November 2011, Ms. Cariño, co-chair of the contact group, reported that the contact group had not yet been able to complete its discussion of the draft recommendation, or the annex to the draft recommendation, and asked that the contact group be given additional time to complete its work.

90. The Co-Chair of the Working Group thanked the co-chairs and asked the contact group to complete its work as soon as possible.

91. At the 8th session of the meeting, on 4 November 2011, Ms. Solhaug, co-chair of the contact group, reported that the group had completed its work and she submitted the text of a revised draft recommendation for consideration by the Working Group.

92. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.6.

Action by the Working Group

93. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.6 and adopted it, as orally amended, as recommendation 7/6. The text of the recommendation, as adopted, is contained in annex I to the present report.

E. Development of indicators relevant for traditional knowledge and customary sustainable use

94. The Ad Hoc Open-ended Working Group took up item 6 (e) at the 4th session of the meeting, on 2 November 2011. In considering the item, the Working Group had before it 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), a note by the Executive Secretary on development of indicators relevant for traditional knowledge and customary sustainable use (UNEP/CBD/WG8J/7/10) and a compilation of views on the development of indicators on secure land tenure and a summary of other initiatives concerning indicators relevant for Article 8(j) and Article 10(c) (UNEP/CBD/WG8J/7/INF/6).

95. Introducing the item, the Co-Chair recalled decision X/43 by virtue of which the Conference of the Parties had adopted two additional indicators for traditional knowledge and invited the Working Group to offer views on the draft recommendations contained in the note by the Executive Secretary (UNEP/CBD/WG8J/7/10).

96. Statements were made by the representatives of Canada, China, Ethiopia, the European Union and its member States, India, Japan, Jordan, Norway, and the Republic of Korea.

97. A statement was also made by representatives of the Indigenous Women's Biodiversity Network and the International Indigenous Forum on Biodiversity.

98. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration by the Working Group.

99. At the 8th session of the meeting, on 4 November 2011, the Working Group took up the revised text proposed by the Co-Chair.

100. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.7.

Action by the Working Group

101. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.7 and adopted it, as orally amended, as recommendation 7/7. The text of the recommendation, as adopted, is contained in annex I to the present report.

ITEM 7. RECOMMENDATIONS FROM THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII)

102. The Ad Hoc Open-ended Working Group took up item 7 at the 4th session of the meeting, on 2 November 2011. In considering the item, the Working Group had before it a note by the Executive Secretary containing the recommendations of relevance to the Convention on Biological Diversity arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues (UNEP/CBD/WG8J/7/7).

103. Introducing the item, the Co-Chair invited the Working Group to consider the new recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues pertaining to the Convention on Biological Diversity for consideration by the Conference of the Parties at its eleventh meeting.

104. Statements were made by the representatives of Argentina, Brazil, Ethiopia (on behalf of the African Group), the European Union and its member States, Guatemala, Jordan and the Philippines.

105. The representative of the Philippines said that the recommendation of the United Nations Permanent Forum on Indigenous Issues to use the term "indigenous peoples and local communities" instead of "indigenous and local communities" should be taken seriously. He invited the Bureau to explore options for incorporating the term proposed by the Forum in all documentation produced under the Convention.

106. Statements were also made by representatives of the International Indigenous Forum on Biodiversity and the International Union for the Conservation of Nature.

107. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group.

108. At the 7th session of the meeting, on 3 November 2011, the Working Group took up the revised text proposed by Co-Chair.

109. Following an exchange of views, the Co-Chair said that he would prepare a revised draft recommendation for the consideration of the Working Group, which was subsequently circulated as draft recommendation UNEP/CBD/WG8J/7/L.8.

Action by the Working Group

110. At the 9th session of the meeting, on 4 November 2011, the Working Group took up draft recommendation UNEP/CBD/WG8J/7/L.8 and adopted it as recommendation 7/8. The text of the recommendation, as adopted, is contained in annex I to the present report.

ITEM 8. OTHER MATTERS

Statement by the representative of the Maritime Aboriginal Peoples Council

111. At the 9th session of the meeting, on 4 November 2011, the representative of the Maritime Aboriginal Peoples Council (speaking on behalf of Mi'kmaq Aboriginal Peoples of Nova Scotia, New Brunswick and Prince Edward Island, Canada, and attending the meeting at the request of the Keptins of the Mi'kmaq Sante Mawiomí and the National Chief of the Congress of Aboriginal Peoples) said that it was important to ensure the consistency of the language being used especially when referring to "indigenous and local communities" and "indigenous peoples and local communities". He observed that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) had established the use of "indigenous peoples" in order to afford respect to, and conform with, the human rights and dignity of indigenous peoples. He therefore requested that the Working Group transmit to the President of the Conference of the Parties the request of the Maritime Aboriginal Peoples Council that the Bureau establish a forum or mechanism to discuss and adopt the language of UNDRIP and also make a recommendation to the eleventh meeting of the Conference of the Parties that the use of the phrase "indigenous peoples" should be preferred. Similarly, the phrase "free, prior and informed consent of indigenous peoples" should be preferred to "approval and involvement", and he requested the Bureau to make a recommendation to the Conference of the Parties to adopt the use of the phrase "free, prior and informed consent" in place of "approval and involvement".

112. He also reminded the Working Group that indigenous peoples and local communities were important actors in the implementation of the Convention on Biological Diversity. The results of the Working Group would be presented to the Conference of the Parties, which would have little reason to doubt that the full and effective participation of indigenous peoples and local communities had taken place at the present meeting. However, replicating the formality required at the meetings of the Conference of the Parties during the present meeting had the effect of excluding the full and effective participation of indigenous peoples and local communities. He urged that the Conference of the Parties be requested to provide guidance for the fuller participation of indigenous and local communities in the Working Group, especially during contact group meetings. The value of hearing another voice, of learning another world-view and of having other suggested language was undermined by requiring State support for those contributions to be taken into account by Working Group. Requiring State support for the contributions of indigenous peoples and local communities harkened to the paternalism that those communities had experienced in the past.

ITEM 9. ADOPTION OF THE REPORT

113. The present report was adopted, as orally amended, at the 9th session of the meeting, on 4 November 2011, on the basis of the draft report prepared by the Rapporteur (UNEP/CBD/WG8J/7/L.1).

ITEM 10. CLOSURE OF THE MEETING

114. Following the customary exchange of courtesies, the Chair declared the seventh meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions closed at 5 p.m. on Friday, 4 November 2011.

Annex I

**RECOMMENDATIONS ADOPTED BY THE AD HOC OPEN-ENDED INTER-SESSIONAL
WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION
ON BIOLOGICAL DIVERSITY AT ITS SEVENTH MEETING**

Montreal, 31 October – 4 November 2011

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7/1. Progress in the implementation of Article 8(j) and related provisions and its integration into the various areas of work under the Convention on Biological Diversity

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity *recommends* that the Conference of the Parties adopts a decision along the following lines:

The Conference of the Parties

1. *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;

2. *Requests* the Executive Secretary to continue to report on progress in 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 the programme of work on Article 8(j) and related provisions in the thematic areas of work under the Convention for the eighth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions;

3. *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 of the Convention, 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;

4. *Calls upon* Parties to fully integrate target 18 of the Strategic Plan for Biodiversity 2011-2020 (decision X/2, annex) in their revised and updated national biodiversity strategies and action plans, respecting traditional knowledge and customary practices that are of interest for the conservation and sustainable use of biological diversity, and to report progress in their fifth national reports, using relevant indicators;

5. *Requests* the Executive Secretary to examine the fourth and fifth national reports with a view to compiling a geographically balanced set of good practices in order to benefit from them and understand difficulties encountered in other geographical areas 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 CBD Technical Series report, as a resource for Parties and indigenous and local communities and interested stakeholders;

6. *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;¹

7. *Further decides* that the topic for the in-depth dialogue to be held at the eighth meeting of the Working Group shall be:

[“Nomadic, semi-nomadic local communities, transhumance and dry and sub-humid lands]

[“Marine and coastal biodiversity and indigenous and local communities”]

[“Inland waters biodiversity and indigenous and local communities”]

[“Climate change and biodiversity with special focus on traditional knowledge and sustainable customary use”]

¹ Preferably back to back with a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA).

["Education and research with a special focus on reviving and transmitting traditional knowledge and sustainable customary-use practices"]

["Economic sustainability of protected areas and protection of traditional knowledge"]

[" Organization of local communities for an important role in the conservation and sustainable use of biodiversity"]

["Biodiversity and livelihoods"]

["Women's wisdom"]

["Biosecurity"]

["Food and a living planet"]

["Traditional knowledge to counter climate change crisis"]

["The economics of ecosystems and biodiversity and traditional knowledge"]

["Integrating traditional knowledge in the work of the intergovernmental platform on biodiversity and ecosystem services"];

8. *Noting* the apparent lack of financial support of indigenous and local communities for their efforts in developing their own community plans, including community protocols, *urges* Parties, *requests* the Global Environment Facility (GEF), including through the GEF Small Grants programme, and *invites* other donors to support indigenous and local communities to organize themselves, to ensure they can effectively participate in national and international dialogues concerning the Convention on Biological Diversity.

7/2. *Participatory mechanisms for indigenous and local communities in the work of the Convention*

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity *recommends* that the Conference of the Parties adopts a decision along the following lines:

The Conference of the Parties,

Capacity-building

Welcoming with appreciation the recent focus on the integration of indigenous and local community representatives into other capacity-building efforts of the Secretariat, including the Nagoya Protocol, the revision of the national biodiversity strategies and action plans, and the sub-regional workshops on capacity-building for implementation of the programme of work on protected areas under the Convention on Biological Diversity,

Welcoming the regional and subregional workshop series aimed at capacity-building for indigenous and local communities in support of the implementation of the Convention on Biological Diversity Guidelines on Biodiversity and Tourism Development through web-based technologies, with the view to support and strengthen indigenous and local initiatives in this area,

1. *Requests* the Executive Secretary to continue his efforts to ensure the effective implementation of decisions X/40 A, paragraphs 3, 4 and 5, and IX/13 D, and E, concerning capacity-building and taking into account decisions VIII/5 B, and C and VII/16 annex, and V/16, annex II, task 4, including through development of appropriate methodologies, including new electronic means, with a view to increasing the number of indigenous and local community representatives, particularly women, who are familiar with Convention processes and participate in the work of the Convention, including its implementation at the national and local level, and invites donors to continue their support for indigenous and local community capacity-building workshops at regional and subregional level;

2. *Requests* Parties, Governments international organizations, and indigenous and local community organizations, to consider collaborating with the Secretariat to facilitate indigenous and local community specific workshops and in particular, where possible, and subject to the availability of funding, develop medium and long term strategies, to raise awareness of and facilitate their full and effective participation in Convention processes including the revised programme of work for Article 8(j) and related provisions, and the recently adopted new element of the programme of work concerning customary sustainable use (Article 10(c)), as well as in the implementation of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets, particularly target 18;

3. *Requests* the Executive Secretary to continue to convene, subject to the availability of financial resources, the series of regional and subregional workshops aimed at capacity-building for indigenous and local communities in support of the implementation of the Guidelines on Biodiversity and Tourism Development through enhanced marketing strategies and web-based technologies;

4. *Requests* the Secretariat to explore facilitating joint capacity-building workshops with other multilateral environment agreements, to promote harmony and maximize the use of limited resources;

Communication, education and public awareness (CEPA)

5. *Requests* the Executive Secretary to ensure the full and effective participation of indigenous and local community representatives in the development of a CEPA strategy for the United Nations Decade on Biodiversity 2011-2020, and continue to develop diverse CEPA activities and products in the six United Nations languages, including with the contributions of indigenous and local communities, to inform indigenous and local communities about the work of the Convention and also

raising awareness of the general public about the role of indigenous and local communities, their traditional knowledge and customary use, in the conservation and sustainable use of biodiversity;

Development of communications, mechanisms and tools

6. *Notes with appreciation* the ongoing work concerning electronic mechanisms, such as the Article 8(j) homepage and the Traditional Knowledge Information Portal, related initiatives including partnerships with the www.indigenousportal.com by the Secretariat and *requests* the Executive Secretary to have an ongoing partnership with the indigenous portal and to continue to report on the advancement of this work at the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

7. *Requests* the Executive Secretary, subject to the availability of resources, to continue to develop both electronic and traditional and diverse means of communication, education and public awareness materials, and to ensure that such materials are well publicized through high-profile events in collaboration with Parties, international organizations, indigenous and local communities, and other stakeholders;

8. *Invites* Parties, Governments, donors, civil society, the private sector, and relevant funding institutions and mechanisms, to provide the needed resources to indigenous and local communities and to partner with them, in the development and implementation of “indigenous to indigenous” “community to community” training projects focusing on the role of traditional knowledge and customary sustainable use of biodiversity, including “elders-and-youth”, “women-and-children” initiatives that are rooted in indigenous languages, cultures and traditional knowledge and that are fundamental in validating and affirming the self-esteem and identity of indigenous and local communities;

9. *Further invites* Governments to facilitate and encourage the use of national and local media and ensure the provision of an enabling environment for access and use of these facilities by indigenous and local communities;

10. *Requests* the Executive Secretary, subject to the availability of financial resources, to continue to develop, update and translate the various electronic communication mechanisms, including the Article 8(j) homepage and the Traditional Knowledge Information Portal and to report on progress to the next meeting of the Working Group, and *urges* Parties and *invites* Governments to support the translation of essential Convention documents into national and local languages, with the view to supporting the Executive Secretary in these tasks;

11. *Also requests* the Executive Secretary to continue to monitor the use of the Convention website and in particular the Article 8(j) homepage and the Traditional Knowledge Information Portal, and to consult with indigenous and local communities that are participating in the work of the Convention, to ensure that the interactive mediums are being adapted to the actual needs of indigenous and local communities and are provided in a language and a format that are readily understandable and *further requests* the Executive Secretary to identify any gaps or shortcomings and to report thereon to the eighth meeting of the Working Group;

12. *Further invites* Parties to share information on national laws, policies, programmes and other initiatives, actions and, as appropriate protocols, towards the implementation of Article 8(j) and related provisions, and their experiences of implementation and *requests* the Executive Secretary to make it available in the Traditional Knowledge Information Portal;

Participation including through the Voluntary Fund for the Participation of Indigenous and Local Community Representatives (VB Trust Fund)

13. *Notes with appreciation* the ongoing efforts by the Secretariat to promote the Voluntary Fund for Facilitating the Participation of Indigenous and Local Communities in the Convention process (VB Trust Fund), and *requests* the Executive Secretary to continue his efforts and to report on results, along with the relevant statistical data concerning the full and effective participation of indigenous and

local communities, including through information provided through the national reports, at the eighth meeting of the Working Group;

14. *Invites* Parties, Governments, donors and relevant funding institutions and mechanisms to contribute generously to the Voluntary Fund;

15. *Requests* the Executive Secretary, subject to the availability of financial resources, to provide the opportunity for the participation of one indigenous and local community representative from each country represented at regional and subregional capacity-building workshops;

Other initiatives

16. *Welcomes with appreciation* creative initiatives and partnerships between indigenous and local communities and stakeholders in pursuit of the goals of the Convention and *requests* the Executive Secretary to continue such efforts and to continue to report on progress made at the next meeting of the Working Group on Article 8(j) and Related Provisions.

Local communities

Recognizing that the involvement of local communities in accordance with Article 8(j) has been limited,

Also recognizing that the full and effective participation of local communities is crucial for the achievement of the objectives of the Convention and implementation of the Strategic Plan for Biodiversity 2011-2020, including the Aichi Biodiversity Targets,

17. *Takes note with appreciation* of the report of the Expert Group Meeting of Local Communities Representatives (UNEP/CBD/WG8J/7/8/Add.1) and *encourages* Parties to consider this report as a potentially useful input to the promotion of the full and effective participation of local communities in the work of the Convention;

18. *Takes note* of the characteristics listed in section I of the annex to the report of the Expert Group Meeting, as potentially useful advice in identifying local communities, within the mandate of the Convention;

19. *Requests* the Executive Secretary to take practical steps to ensure that representatives of local communities have equitable access to the Voluntary Fund for the participation of indigenous and local community representatives in meetings held under the Convention, as well as capacity-building workshops, and to commence disaggregation of data and statistics on local community representatives and report on these measures to the eighth meeting of the Working Group for its consideration;

20. *Takes note with appreciation* of sections II and III of the annex to the report of the Expert Group as potentially useful advice for developing measures and mechanisms to assist in the implementation of the Convention and the achievements of its goals, and for developing targeted outreach through CEPA for local communities, to more effectively encourage their participation in the work of the Convention, including at national and subnational levels;

[21. *Proposes* that 13 July be declared the International Day for Local Communities.]

7/3. Tasks 7, 10 and 12 of the revised multi-year programme of work

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity *recommends* that the Conference of the Parties adopts a decision along the following lines:

The Conference of the Parties,

Taking into account the adoption of the Nagoya Protocol (decision X/1, annex I), the Strategic Plan for Biodiversity 2011-2020 (decision X/2, annex) as well as the Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities (decision X/42, annex), while building on the work of the Convention concerning *sui generis* systems for the protection of traditional knowledge,

Taking also into account the work of other relevant international bodies, in particular the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO-IGC), the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO),

Recognizing the importance of close cooperation, and the need for communication and exchange of information between the Convention, its Working Group on Article 8(j) and Related Provisions and other relevant international bodies,

Having considered and reviewed tasks 7, 10 and 12, and with a view to adapting their implementation in light of recent developments, while avoiding duplication of efforts and ensuring compatibility and complementarity,

1. *Decides* to advance tasks 7, 10 and 12 by initially identifying how their implementation could best contribute to the work under the Convention and its Nagoya Protocol;
2. *Requests* the Executive Secretary to commission three studies on tasks 7, 10 and 12, respectively, subject to the availability of financial resources, to identify how the implementation of these tasks could best contribute to the work under the Convention and its Nagoya Protocol, taking into account, as appropriate, the work of other relevant bodies such as the WIPO-IGC, UNPFII and UNESCO. The studies will consider all relevant information, including the views referred to in paragraph 3 below;
3. *Invites* Parties, Governments, relevant international organizations and indigenous and local communities to submit their views on the draft studies on how tasks 7, 10 and 12 could best contribute to the work under the Convention and its Nagoya Protocol;
4. *Further requests* the Executive Secretary to make the studies available to the eighth meeting of the Working Group on Article 8(j) and Related Provisions for its consideration with a view to the Working Group making a recommendation to the Conference of the Parties to the Convention on further implementation of tasks 7, 10 and 12, including the possible convening of an expert meeting;
5. *Invites* the Working Group to inform the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization or the Conference of the Parties serving as the meeting of the Parties to the Protocol on the progress of work under tasks 7, 10 and 12 of relevance to the implementation of the Nagoya Protocol.

7/4. Consideration and development of terms of reference for task 15 of the programme of work for Article 8(j) and related provisions

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity *recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties

1. *Decides* to adopt the terms of reference annexed to the present decision to advance task 15 in the light of other related and ongoing activities;
2. *Emphasizes* that task 15 is:
 - (a) To be interpreted in accordance with the provisions of the Convention, in particular Article 8(j) and related provisions and Article 17, paragraph 2;
 - (b) Intended to build on, and enhance, existing repatriation activities undertaken by Parties, Governments and other entities including international organizations, museums, herbaria and botanical gardens, databases, registers, gene-banks, etc.;
3. *Invites* Parties, other Governments, relevant international organizations, non-governmental organizations, and indigenous and local-community organizations to submit to the Executive Secretary information on national and/or international best practices relevant to task 15;
4. *Requests* the Executive Secretary to compile the information received and make the compilation available to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions at its eighth meeting;
5. *Recognizing* that cultural property and heritage is within the mandate of the United Nations Educational, Scientific and Cultural Organization (UNESCO), its treaties and programmes while the Convention and its Parties seek to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, including the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, *requests* the Executive Secretary to cooperate with UNESCO in analysing whether and how the different international legal instruments that address cultural property and heritage of indigenous and local communities contribute to the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biodiversity;
6. *Requests* the Executive Secretary, based on an analysis of the information received pursuant to paragraph 3 above and on the analysis prepared in cooperation with UNESCO, to develop draft best-practice guidelines for the national [and international] repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of the indigenous and traditional knowledge associated with cultural property, in accordance with Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity;
7. *Requests* the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions to consider at its eighth meeting the draft best-practice guidelines referred to in paragraph 6 above.

Annex

TERMS OF REFERENCE TO ADVANCE TASK 15 OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS

1. The purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the existing repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with

cultural property, in accordance with [Article 8(j) and] Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity.

[2. The repatriation of knowledge relevant to the customary sustainable use of biological diversity, including indigenous and traditional knowledge associated with cultural property, should not impede the continued use of such knowledge in the Party that decides to repatriate it.]

3. Task 15 is to be interpreted in accordance with the provisions of the Convention, in particular [Article 8(j) and related provisions, and] Article 17[, paragraph 2. In particular:

(a) The terms “indigenous and traditional knowledge” or “traditional knowledge” are understood to refer to the “knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity”;

(b) The scope of information to be repatriated includes indigenous and traditional knowledge, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, including indigenous and traditional knowledge associated with cultural property].

4. Task 15 is intended to build on, and enhance, existing repatriation activities undertaken by Parties, other Governments and other entities including international organizations, museums, herbaria and botanical and zoological gardens, databases, registers, gene-banks, etc.

5. Stakeholders may include, *inter alia*:

(a) Parties and Governments;

(b) Museums, herbaria, botanical and zoological gardens and other collections containing information on the knowledge, innovations and practices of indigenous and local communities relevant for conservation and sustainable use;

(c) Relevant international organizations, in particular the United Nations Educational, Scientific and Cultural Organization, as well as its relevant treaties and programmes, the Food and Agriculture Organization of the United Nations, the United Nations Permanent Forum on Indigenous Issues, and the World Intellectual Property Organization;

(d) Representatives of indigenous and local communities;

(e) Relevant non-governmental and indigenous peoples’ organizations with expertise on these issues;

(f) Academic societies and research scientists;

(g) The private sector;

(h) Individuals.

6. The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions will further determine how work on task 15 might usefully complement the effective implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from Their Utilization, when in force.

7/5. Development of elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices

The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity *recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties

1. *Decides* to extend and broaden the dialogue regarding *sui generis* systems to include the preservation and promotion of traditional knowledge relating to biological diversity;
2. *Invites* Parties, Governments, international organizations, non-governmental organizations and indigenous and local communities to communicate to the Secretariat, their experiences, case-studies and views regarding a broad range of *sui generis* systems and their mechanisms including community protocols, policy, administrative or legislative measures, which have contributed to the respect, preservation, protection and promotion of the wider application of traditional knowledge in order to assist countries to evaluate which mechanisms may be applicable in their national context;
3. *Requests* the Executive Secretary, in light of the input received, to compile and analyse that input, and to revise and complement his note on elements of *sui generis* systems for the protection, preservation and promotion of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/7/3) for the consideration of the eighth meeting of the Working Group on Article 8(j) and Related Provisions;
4. *Invites* Parties and Governments, in light of the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization, to report on any regional measures that have been taken to protect traditional knowledge, innovations and practices of indigenous and local communities relevant to biological diversity that is held across national and international boundaries, including *sui generis* systems that are being developed or have been developed and/or implemented, including evidence regarding the effectiveness of such measures, and *requests* the Executive Secretary to compile and analyse information received and to include it as a new element on regional measures in the revision of his note (UNEP/CBD/WG8J/7/3), for the consideration of the eighth meeting of the Working Group on Article 8(j) and Related Provisions;
5. *Further requests* the Executive Secretary to carry out an electronic discussion on *sui generis* systems for the protection, preservation and promotion of traditional knowledge, innovations and practices;
6. *Decides* to organize an ad hoc technical expert group, subject to the availability of funds, for the preparation of a report in the CBD Technical Series;
7. *Requests* the Executive Secretary to support the exchange of experiences and developments of *sui generis* systems and further consider the monitoring and evaluation of advantages and disadvantages of documentation of traditional knowledge and other measures;
8. *Also requests* the Executive Secretary to facilitate capacity-building activities for indigenous and local community representatives, where possible, back to back with other meetings under the Convention with an aim of strengthening the capacity of indigenous and local communities in communicating their experiences and views as called for by this decision, and *urges* Parties to support these activities;
9. *Encourages* Parties and Governments to support and promote the development of local *sui generis* systems for the protection, preservation and promotion of traditional knowledge related to the conservation and sustainable use of biological diversity by indigenous and local communities, including through the development of community protocols, and to report on these initiatives through the national reporting process and the Traditional Knowledge Information Portal and to the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

10. *Invites* Parties to consider the terms and definitions developed in response to decision VII/16 H, paragraph 4, and to submit views, including additional terms and definitions for possible inclusion, to the Executive Secretary and *requests* the Executive Secretary to compile these views and, based on information received, to revise the terms and definitions, include additional terms and definitions proposed and to propose a draft glossary of terms for the consideration of the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

11. *Requests* the Executive Secretary to continue to inform the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization on the work undertaken regarding *sui generis* systems; and

12. *Welcomes* the successful negotiation by the Working Group on Access and Benefit-sharing and adoption of the Nagoya Protocol by the tenth meeting of the Conference of the Parties to the Convention, and *acknowledges* that the Protocol provides a favourable framework for the development of *sui generis* systems and for access and benefit-sharing from the use of traditional knowledge associated with genetic resources.

7/6. 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

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions,

I. REQUEST TO THE EXECUTIVE SECRETARY

Noting that the Subsidiary Body on Scientific, Technical and Technological Advice at its fifteenth and sixteenth meetings and the Working Group on Review of Implementation of the Convention at its fourth meeting will consider issues relevant to this component of the programme of work of Article 8 (j) concerning the sustainable use of biodiversity,

1. *Requests* the Executive Secretary to inform the Subsidiary Body on Scientific, Technical and Technological Advice at its fifteenth and sixteenth meetings and the Working Group on Review of Implementation of the Convention at its fourth meeting on the outcome of the deliberations of the Working Group on Article 8(j) and related provisions on the issue of customary sustainable use;

2. *Recognizes* the importance of customary use of biodiversity to indigenous and local communities, and *encourages* Parties to facilitate the full and effective participation in the negotiation and elaboration of this new major component of work;

3. *Requests* the Executive Secretary to compile submissions from Parties, Governments, international organizations and indigenous and local communities, and to provide this compilation to the eleventh meeting of the Conference of the Parties as an official document for the agenda item of Article 10 with the focus on Article 10(c) as a major component of the programme of work of Article 8(j) and Related Provisions;

II. RECOMMENDATION TO THE CONFERENCE OF THE PARTIES

4. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties,

Recognizing that sustainable use is the second pillar of the Convention,

Recognizing that Articles 8(j) and 10(c) are interconnected and mutually reinforcing,

Recalling decision X/43 which decided to include a new major component of work on Article 10 with a focus on Article 10(c), building on the Addis Ababa Principles and Guidelines,

Further recognizing that the implementation of sustainable use, including customary sustainable use, is crucial in achieving the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020,

Reiterating the importance of a strategy to integrate Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas,

1. *Takes note with appreciation* of the report of the meeting on Article 10 with a focus on Article 10(c);²

2. *Agrees* 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, with a view towards its further development and adoption by the Conference of the Parties at its twelfth meeting;

3. *Invites* Parties, Governments, indigenous and local communities, relevant international organisations to submit information for the development of the Plan of Action, taking into consideration among others, the indicative list of tasks contained in the annex to the present decision;

² UNEP/CBD/WG8J/7/INF/5.

4. *Requests* the Executive Secretary to develop the draft Plan of Action for customary sustainable use, building on the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (decision VII/12, annex II), the ecosystem approach and relevant materials, in particular from other MEAs and relevant FAO instruments based on the indicative list of tasks, submissions, and other relevant information, including a gap analysis;

5. *Also requests* the Executive Secretary when developing the draft Plan of Action, to include a proposal for phased implementation of the Plan of Action, based on the indicative list of tasks, submissions, and other relevant information, including a gap analysis, including consideration of funding and technical support for developing and least developed countries;

6. *Requests* the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions at its eighth meeting to review the draft Plan of Action for customary sustainable use and provide guidance about its implementation;

7. *Requests* the Executive Secretary to integrate customary sustainable use into the programme of work on protected areas including through specific guidance in the web-based e-modules of the programme of work with the full and effective participation of indigenous and local communities.

8. *Invites* Parties to address customary sustainable use, in particular customary sustainable use policies, in their national biodiversity strategies and action plans (NBSAPs), with the full and effective participation of indigenous and local communities;

9. *Mandates* the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions to provide views and advice on matters of relevance to traditional knowledge relevant to the conservation and sustainable use of biological diversity directly to the Subsidiary Body on Scientific, Technical and Technological Advice on a regular basis with a view to the integration of Articles 8(j) and 10(c) considerations, as cross-cutting issues into the thematic programmes of the Convention, including by transmitting the views and advice derived from the in-depth dialogues established under the standing agenda item of the Working Group by paragraph 12 of decision X/43 of the Conference of the Parties, commencing with the programme of work on protected areas.

Annex

LIST OF INDICATIVE TASKS

A. *Guidance on sustainable use and related incentive measures for indigenous and local communities*

1. *Customary sustainable use and diverse local economies*

Task 1. To develop guidelines to promote and encourage community-based resource management and governance consistent with national legislation and applicable international instruments.

Task 2. 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 to achieve human well-being and to report on this through the national reports.

2. *Lands, waters and biological resources*

[*Task 3.* To develop guidelines which may serve as input in developing and drafting of mechanisms, legislation or other appropriate initiatives to assist Parties to respect, and promote customary *sustainable* use and traditional knowledge, taking into consideration indigenous and local communities' customary laws, community protocols and procedures and in respect of traditional institutions and authorities.]

[*Task 4.* To review, as appropriate, national and subnational policies, with a view to ensure that customary sustainable use is protected and encouraged.]

3. *Targeted support and funding*

Task 5. To provide information on a regular basis, including to the meetings of the Working Group, and through the Article 8(j) web-pages concerning the availability of funding in support of the initiatives to advance the implementation of Article 10(c).

Task 6. To promote and strengthen community based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c).

4. *Opportunities and knowledge gaps for further exploration*

Task 7. To explore the nexus between customary sustainable use and sustainable use, and related economic opportunities for indigenous and local communities.

Task 8. To develop advice and expand on the methods used to put value on biodiversity and ecosystem services so as to incorporate indigenous cultural and spiritual values with their prior and informed consent or approval and involvement, and comprehensively assess the relationship of ecosystem services to the customary sustainable use of biodiversity.

[*Task 9.* To explore the relationship between climate change and customary sustainable use, practices and traditional knowledge, as well as the value of customary sustainable use and traditional knowledge for climate change adaptation.]

B. *Measures to increase the engagement of indigenous and local communities and governments at national and local level in the implementation of Article 10 and the ecosystem approach*

1. *Education*

Task 10. To integrate, as appropriate, issues of customary sustainable use, traditional knowledge and indigenous languages into formal and informal education systems, with the full and effective participation of indigenous and local communities.

Task 11. To develop guidance in cooperation with relevant organizations including indigenous and local community organizations, in particular of women, to promote intergenerational transmission of traditional knowledge and indigenous languages relevant for customary sustainable use by indigenous and local communities.

Task 12. To promote understanding and broad public awareness that the most biodiverse systems are formed in interaction with humans, and that traditional knowledge and customary sustainable use can contribute to and uphold biodiversity, landscapes and seascapes including in protected areas.

2. *Gender dimensions*

Task 13. To consider the specific knowledge roles and contributions of women, in relation to customary sustainable use, and mainstream gender aspects in mechanisms for participation, decision-making and management of biological resources and ecosystem services.

C. *Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas*

1. *Protected areas*

Task 14. To identify best practices to (e.g. case-studies, mechanisms, legislation and other appropriate initiatives):

(a) To promote in accordance with national legislation, and applicable international obligations, the full and effective participation of indigenous and local communities and their prior and informed consent or approval and involvement in the establishment, expansion, governance and

management of protected areas, including marine protected areas that may affect indigenous and local communities;

(b) To encourage the application of traditional knowledge and customary sustainable use in protected areas, including marine protected areas, as appropriate.

(c) To promote the use of community protocols in assisting indigenous and local communities to affirm and promote customary sustainable use in accordance with traditional cultural practices, in protected areas, including marine protected areas.

Task 15. To prioritize the integration of customary sustainable use into the programme of work on protected areas, including through specific guidance in the web-based e-modules of the programme of work with the full and effective participation of indigenous and local communities.

7/7. Development of indicators relevant for traditional knowledge and customary sustainable use

The Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8(j) and Related Provisions,

I. REQUEST TO THE EXECUTIVE SECRETARY

Considering that the work on the development of indicators relevant for traditional knowledge and customary sustainable use should feed into the broader process of updating and refining global indicators for the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets before the eleventh meeting of the Conference of the Parties,

1. *Requests* the Executive Secretary to inform the Subsidiary Body on Scientific, Technical and Technological Advice at its fifteenth meeting on the outcomes of deliberation of this Working Group on the development of indicators relevant for traditional knowledge and customary sustainable use;

II. RECOMMENDATION TO THE CONFERENCE OF THE PARTIES

2. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties,

Welcoming the work carried out under the auspices of the Ad Hoc Open-Ended Working Group on Article 8(j) and Related Provisions, including the regional and international technical workshops organized by the Working Group on Indicators of the International Indigenous Forum on Biodiversity, to identify a limited number of meaningful and practical indicators on the status of traditional knowledge, innovations and practices and in other focal areas, to assess progress towards achieving the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets,

Acknowledging previous work on indicators and the outcomes regarding both traditional knowledge and customary sustainable use from the Banaue workshop and the thematic workshop on possible indicators for customary sustainable use,

Noting the possible dual application and complementarity of some of the indicators adopted for traditional knowledge as also being relevant for customary sustainable use,

1. *Requests* the Working Group on Article 8(j) and Related Provisions in collaboration with SBSTTA, the Working Group on Indicators of the International Indigenous Forum on Biodiversity and interested parties, including the Biodiversity Indicators Partnership, to pursue the ongoing refinement and use of the three adopted indicators for traditional knowledge and customary sustainable use of biodiversity with full and effective participation of indigenous and local communities, also bearing in mind the implementation of Article 10(c) and the Strategic Plan for Biodiversity 2011-2020, including through further technical workshops subject to the availability of funding, and to report thereon to the Conference of the Parties at its twelfth meeting;

2. *Requests* Parties to consider, subject to availability of financial resources, the pilot testing of the two new indicators³ for traditional knowledge and customary use adopted at the tenth meeting of the Conference of the Parties in collaboration with indigenous and local communities, and to report the results to the Working Group on Article 8(j) and Related Provisions;

3. *Invites* the United Nations Educational, Scientific and Cultural Organization to further the compilation and analysis of data on linguistic diversity and the status and trends of speakers of indigenous languages and to provide information on this indicator for the consideration of the Working Group on Article 8(j) and Related Provisions;

³ Indicators adopted at the tenth meeting of the Conference of the Parties in decision X/43: (i) status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities; and (ii) status and trends in the practice of traditional occupations.

4. *Invites* the International Labour Organization to develop, in association with indigenous and local communities and relevant organizations, pilot projects and monitor data concerning the practice of traditional occupations and to provide information on this indicator for the consideration of the Working Group on Article 8(j) and Related Provisions;

5. *Further invites* the relevant agencies, including the Food and Agriculture Organization of the United Nations and its Globally Important Agricultural Heritage Systems (GIAHS), the International Fund for Agricultural Development and the International Land Coalition, in association with indigenous and local communities and relevant organizations to develop regionally balanced pilot projects to collect information relevant to the operationalization of the indicator “Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities” for the consideration of the Working Group on Article 8(j) and Related Provisions at its eighth meeting;

6. *Recommends* that the Executive Secretary, in partnership with Parties and Governments, the Biodiversity Indicators Partnership and relevant non-governmental organizations and international agencies, with the full and effective participation of indigenous and local community representatives and subject to the availability of resources, to organize and facilitate a technical workshop on the further development and refinement of the indicator on status and trends of land-use change and land-tenure in the traditional territories of indigenous and local communities and to report to the next meeting of the Working Group on Article 8(j) and related provisions;

7. *Calls upon* Parties, the Global Environment Facility, donors, international organizations, academia, non-governmental organizations and organizations of indigenous and local communities, to provide technical support and financial resources for collaborative programmes related to the above-mentioned work on indicators on traditional knowledge and customary sustainable use.

7/8. Recommendations to the Convention on Biological Diversity arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues

The Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8(j) and Related Provisions

I. REQUEST TO THE EXECUTIVE SECRETARY

1. *Requests* the Executive Secretary, subject to the availability of financial resources, to organize at the next meeting of the United Nations Permanent Forum on Indigenous Issues and in collaboration with the International Indigenous Forum on Biodiversity a workshop on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising From Their Utilization, the Tkarihwaí:ri⁴ 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, and Article 10(c) of the Convention;

II. RECOMMENDATION TO THE CONFERENCE OF THE PARTIES

2. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties

Notes the recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues and *requests* the Executive Secretary to continue to inform the United Nations Permanent Forum on Indigenous Issues (UNEP/CBD/WG8J/7/7) on developments of mutual interest, including the revised programme of work on Article 8(j), and in particular the work on customary sustainable use (Article 10(c)), the implementation of the Nagoya Protocol and related capacity-building efforts, the joint programme of work on biological and cultural diversity, as well as the Tkarihwaí:ri 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 and the Akwé:Kon⁵ Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment 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.

⁴ Pronounced {Tga-ree-wa-yie-ree}, a Mohawk term meaning “the proper way”.

⁵ Pronounced (agway-goo). A holistic Mohawk term meaning “everything in creation” provided by the Kahnawake community located near Montreal, where the guidelines were negotiated.

Annex II

**IN-DEPTH DIALOGUE ON THEMATIC AREAS AND OTHER CROSS-CUTTING ISSUES:
“ECOSYSTEM MANAGEMENT, ECOSYSTEMS SERVICES AND PROTECTED AREAS”**

I, BACKGROUND

1. Pursuant to decision X/43, paragraphs 12 and 13, the seventh meeting of the Ad Hoc Open-ended Inters-Sessional Working Group on Article 8(j) and Related Provisions (the Working Group) held an in-depth dialogue on thematic areas and cross-cutting issues in Montreal on 3 November 2011. To assist the Working Group in its dialogue, the Executive Secretary had put together a regionally balanced panel to launch the discussions on the issue of “Ecosystem management, ecosystem services and protected areas”.

II. INTRODUCTION BY THE SECRETARIAT

2. In introducing the item the representative of the Secretariat reminded the Working Group of the importance of protected areas for indigenous and local communities and in order to avoid conflicts the interests of stakeholders had to be taken into consideration. He also reminded the Working Group that pursuant to Target 11 of Strategic Goal B of the Aichi Biodiversity Targets at least 17 per cent of terrestrial and inland waters, and 10 per cent of coastal and marine areas, were to be conserved through protected areas and other effective area-based conservation measures that were effectively and equitably managed. He noted that equitable management referred to the distribution of benefits while governance referred to the decision making structures that allowed that management to take place. The Secretariat was supporting a number of activities of relevance with to governance including an e-learning module on governance in protected areas and the participation of two representatives of indigenous and local communities in each of the regional capacity-building workshops under the programme of work for protected areas.

III. PANEL PRESENTATIONS

Mr. Peter Cochrane (Director of National Parks, Australia)

3. Mr. Peter Cochrane explained that in Australia there were a number of programmes of interest to indigenous and local communities. Indigenous Protected Areas (IPA) had been established in 1997, with the twin objectives of supporting indigenous land management and securing conservation outcomes on indigenous lands. An IPA was an area that had been established in consultation with indigenous land management stakeholders and was managed primarily for biodiversity conservation. The voluntary declaration of such an area by the indigenous traditional owners resulted in the area being included as part of the National Reserve System. He informed the Working Group that there had been a number of social and cultural benefits for communities participating in the IPAs: 85 per cent had reported improvement in the health and well-being of their communities; 95 per cent had reported positive outcomes from involving local schools in their land management activities; 85 per cent had reported positive benefits for the intergenerational transfer of traditional knowledge; and 90 per cent had reported economic participation and development benefits. Another programme of interest was “Working on Country”, a programme which had commenced in 2007 and involved training and funding 680 indigenous rangers to complement and support the IPAs. Jointly and co-managed national parks had also increased in number and used innovative governance models such as establishing indigenous title of the land and then leasing the park back to be managed in partnership with government. Access to the voluntary carbon markets had also facilitated traditional fire management, and respect for cultural knowledge of Elders had been enhanced through the Indigenous Heritage Programme. Mr Cochrane also said that applicants under Australia’s access and benefit-sharing regime must include details of any use that was proposed for indigenous peoples’ knowledge when biological resources were to be accessed or for particular areas to be researched, as well as any agreements made with indigenous persons in relation to the use of specialised information or information that was otherwise confidential to the indigenous people of an

area. He also drew the attention of the Working Group to the “Dream Shield” project which featured intellectual property success stories and tips for Aboriginal inventors, designers and business owners.

Mr. Jon Petter Gintal (Saami Parliament)

4. Mr. Jon Petter Gintal said that all decisions affecting the Saami people directly were subject to consultation and negotiations between the Saami Parliament and the Norwegian Government, which were governed to a relevant agreement concluded in 2004. The process leading up to the adoption of the Finnmark Act had been conducted on that basis. The Act concerned, inter alia, issues relating to the Saami peoples’ right to own and manage their lands, water resources and culture; those rights had been strengthened with Norway’s ratification of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries in 1990.

5. The Saami Parliament acted as an administrative agency. Its work placed special emphasis on sustainable use of land and resources in Saami areas; the preservation of cultural heritage and its use as a basis of Saami identity and social development; and the conservation of the diversity of nature through sustainable use and protection. The Norwegian Nature Diversity Act (2009) governed all decisions affecting the diversity of nature, was based on Saami traditional knowledge and measures implemented under the Act aimed at preserving the diversity of nature as a basis for Saami culture.

6. In 2007 the Saami Parliament and the Ministry of the Environment had agreed a set of consultation guidelines for protected areas, which provided, inter alia, that all consultations concerning protected areas in Saami areas must take place in good faith and outcomes must be to the satisfaction of all stakeholders. Twenty of Norway’s 35 national parks were located in Saami areas. In 2010, the Saami Parliament and the Ministry of the Environment had agreed on the establishment of local protected area boards, which provided for Saami participation commensurate with the relative importance of the area for Saami culture and business. The composition of each national park board was determined through consultations between government authorities and the Saami Parliament. The Saami Parliament was currently working on the development of regulations on the protection of areas; the control of salmon fishing; selected types of nature; and prioritized species. Work was also under way on the establishment of protected area boards and management plans for national parks. Capacity-building activities were being conducted in a range of relevant areas, Saami representatives cooperated with other indigenous peoples in various international forums and the Saami had several important institutions. Contemporary challenges included regulations on Saami traditional spring duck hunting and the establishment of protected areas in Gohteluoppal and Øvre Anarjohka. The consultations were being conducted in good faith with a view to achieving consensus. The Saami Parliament did not object to the establishment of protected areas in principle, so long as customary sustainable use of biological resources could continue.

Mr. Mohammed Abdul Baten (Unnayan Onneshan – The Innovators, Bangladesh)

7. Mr. Mohammed Abdul Baten said that the Sundarbans were the world’s largest single block of mangroves which totalled an area of 10,000 square kilometres, of which 62 per cent of the total was within the territory of Bangladesh. The Bangladesh part of the Sundarbans had been declared a Reserve Forest in 1875 which allowed some form of resource extraction but prohibited settlement or cultivation. The area supported a variety of biodiversity, and 3.5 million people depended on the Sundarbans, directly or indirectly, for their livelihood. Mr. Baten explained that customary practices of resource collection, such as palm collection, wood collection, honey collection and fishing had helped to ensure the sustainability of those activities in the Sundarbans. However there were a number of management and governance challenges to those sustainable practices. There was a mismatch between the competing interests of the different government departments and the traditional forest dependent communities were not consulted. Further, access to the area was by boat which required the issuance of a boat loading certificate by government officials. Officials of the forest department sometimes issued such permits to non-forest people, and only rich boat owners could afford them, with the result that poor forest people collected resources as wage labourers and were also forced to collect resources beyond the carrying capacity of the area. Customary sustainable practices were ignored and there was no effective mechanism

for stakeholders to participate in decision making. Indigenous and local communities were not effectively consulted, even for the preparation of the national biodiversity strategy and action plan. However there had been a number of community activities developed to address the problems of the indigenous and local communities including: community vulnerability mapping, community acquisition of boats, community mangrove forestry and reed cultivation. In closing Mr. Baten said that it was important to identify the traditional forest users and issue a permanent permit to them for access to the Sundarbans. As well, indigenous peoples and local communities should be involved at all levels of management and governance of the forest resources. It was also important to promote traditional management practices, and the associated traditional knowledge, to ensure the sustainability of the resource management in the area.

Mr. Onel Masardule (Foundation for the Promotion of Indigenous Knowledge, Panama)

8. Mr. Onel Masardule said that indigenous peoples' traditional ecosystem management models took a holistic approach to nature as an inseparable element of human existence. The notion of "territory" from an indigenous viewpoint comprised not just the land, but also forests, rivers and other ecosystems. The request by the Guna General Congress to establish the Wilderness Area of Guna Yala had been seen as a way to protect the land from external threats such as settlement, illegal logging, a hope that had not been entirely fulfilled. The Wilderness Area of Guna Yala was under the exclusive control and management of the traditional Guna authorities; a joint management model had been ruled out as experience had shown that government legislation sometimes had to yield to more powerful development interests. The Basic Law of the Guna autonomous territory (*comarca*) provided that the natural resources and biodiversity of the territory were part of the heritage of the Kuna people. Their use, protection and conservation were based on traditional. The Law also provided that any project of activity affecting natural resources and biodiversity must be subject to an environmental impact study. Guna ecosystem management initiatives included the creation of protected areas, the protection of turtle nesting sites, a seasonal lobster fishing ban and environmental unit mapping, among others. When comparing the forest cover in the Guna territories with other parts of Panama, it became obvious that those conservation measures had a direct impact on mitigating climate change. The conservation of biodiversity relied on indigenous cultural practices and traditional indigenous models of ecosystem management must be recognized. A new approach was needed that would reflect indigenous peoples' holistic approach to ecosystem management, both to safeguard the rights of indigenous peoples and for conservation purposes. Such an approach could help to build and strengthen partnerships between conservationists and indigenous peoples and ensure legal security for indigenous territories.

Mr. Mdumiseni Wisdom D. Dlamini (Swaziland National Trust Commission)

9. Mr. Mdumiseni Wisdom D. Dlamini reminded the Working Group that Swaziland was a small country and that its total area was not larger than some of the larger protected areas in Africa. It was also unique in that the population of the country was almost composed of a single tribe. He also informed the Working Group that 75 per cent of the population of Swaziland lived in rural areas, and that biodiversity and ecosystems were an integral part of the Swazi people. A large number of plants were used in traditional medicines, or were used to improve the fertility of the soil. Swazi traditions also restricted the harvest of some plant species at certain times of the year, and prohibited harvesting of some plants in wetlands. In addition, and to protect biodiversity, the annual national hunt now took place once every three years and traditional burning and grazing in wetlands had been controlled to facilitate wetland recharge. The concept of protected areas had existed for centuries in Swaziland in the form of sacred and restricted taboo areas. Many communities lived near protected and protection-worthy areas and had intimate knowledge of those ecosystems and biodiversity resources and they were a key element in the management of those resources and their services. New protected area governance types were therefore being proposed which would include those areas owned by communities and the private sector in such a way that would not displace those communities or interrupt their livelihoods. Swaziland was facing a number of new challenges such as climate change, alien invasive species, land use changes, changing fire regimes, overexploitation of resources, population expansion and cultural erosion. There was therefore

recognition of the need for community-based conservation areas and the usefulness of local traditional knowledge for ecosystem management, as well as the need for local management of protected areas.

Mr. Kid James (South Central Peoples Development Association, Guyana)

10. Mr. Kid James said that Guyana had only recently adopted legislation on protected areas. Although the right of indigenous peoples' to own and manage their land was formally recognized, it did not cover all Wapichan territory. Some of the traditional indigenous land was used by outsiders and Wapichan leaders of Southern Guyana had used community-based mapping as a means to document traditional knowledge and customary use and occupation of Wapichan lands. Mapping could also facilitate better land and resource management, protect against external threats and be used as a tool to educate non-Wapichan people about indigenous relationship to their lands. Over the years, Wapichan leaders had engaged in extensive discussions with government representatives, drawing attention to the failure to take account of indigenous land use when establishing protected areas. When comparing government maps with those drawn up by Wapichan communities, the differences had been striking. While government maps merely depicted the land and its boundaries, the maps prepared by Wapichan communities contained references to customary use and indigenous place names, among other features, and showed that nearly half of the proposed Kanuku Protected Area overlapped with Wapichan traditional lands. Local Wapichan leaders were working closely with government representatives to promote respect for traditional knowledge in the protected area and to promote the involvement of local communities at all stages of the establishment of protected. The issue of indigenous land claims in relation to the establishment of protected areas had been a long-standing issue, which the Government had not been willing to address to date. Those issues must be resolved to move the process forward. Extensive consultations had taken place between the Government and Wapichan communities and the elaboration of a management plan for the entire Wapichan territory was in its final stages. The plan touched on issues such as ecosystem use and customary laws governing those protected areas. It also clarified institutional responsibilities and identified ways to prevent destructive developments.

11. Community-based mapping had helped in defining the use of common areas, determining the boundaries of the proposed indigenous and community conserved area, identifying areas under potential threat and served as a basis for negotiations with the Government on the correction of title boundaries. While the Government had accepted much of the work done from a technical viewpoint, the political implications of that work were more complex.

Ms. Marie Kvarnström (Swedish Biodiversity Centre, Sweden)

12. Ms. Marie Kvarnström highlighted the importance of traditional activities in the preservation of biodiversity with a story of the creation of the first national park in Sweden and the loss to that park's biodiversity when the human inhabitants had been removed from it. Human populations had played a role in protecting that local biodiversity and she said that issue had been taken into consideration during creation of the Laponia World Heritage Site. Initially the Saami communities, the local municipalities and the county administration had each written their own management proposals. Although there had been no initial agreement, subsequent negotiations had led to genuinely participatory process the outcome of which had been a management structure in which the Saami villages formed the majority. Both the process and the outcome had set a precedent in Swedish protected area management and the Saami term "Laponiatjuottjudus" was used to describe that management structure. The key to the negotiations had been: shared values; negotiating mandates; a consensus-based approach; funds and personnel for all the parties; single-mindedness, stamina and patience; mutual recognition of different forms of knowledge, openness to learning, or Searvelatnja; and time. Searvelatnja had meant going to the Saami for a better understanding of their values and the three pillars of the relationship had been acceptance of nature values, cultural heritage and the Saami living culture.

Mr. Sakda Saenmi (Inter Mountain Peoples Education and Culture in Thailand Association, Thailand)

13. Mr. Sakda Saenmi said that, in Thailand, the areas with the greatest natural resources and indigenous territories largely overlapped. For indigenous peoples living in the forest, their natural environment was intrinsically linked to everyday life and subject to a plethora of ceremonies and customs. Issues of governance, participation, equity and benefit sharing in relation to protected areas in Northern Thailand was set against a legal background where the State owned the land and indigenous peoples' land rights were not formally recognized. The State was free to create protected areas without consultation or participation of the communities affected, and protected areas were often created on land traditionally used by indigenous peoples. Issues arising in connection with protected areas included intimidation and arrest of traditional occupants, restriction or prohibition of customary land use, and the absence of life and food security.

14. One example where it had been possible to move from conflict to collaborative management was the Ob Luang National Park. The Park had been originally created in 1991 without the consent of the affected communities, and without taking into account customary use of the lands by local communities, which had resulted in indigenous peoples being prevented from access or use of their traditional lands. A subsequently created Joint Management of Protected Areas Project had facilitated the involvement of local communities in the demarcation of community land use zones, fostered mutual understanding and work towards solutions that were acceptable for all stakeholders. The Project had brought stakeholders, including park officials, non-governmental organizations and indigenous communities, together and had defused tensions and conflict. The Project had brought stakeholders closer together in an integrated learning process, improved their relationship and reduced conflict. It had provided a platform for debate, analysis, planning and sharing of resources. Unfortunately, the Project had been implemented in a legal vacuum with changes in relevant laws and policies still pending. Other challenge was the lack of coordination between national and local authorities, which meant that positive outcomes largely depended on the park authorities in charge. The Project should be used as a model for the management of other protected areas, thus improving the relationship between indigenous and local communities and government agencies in protected areas and he urged the Government to amend relevant legislation to provide a legal framework for the joint management of protected areas.

IV. THE QUESTION-AND-ANSWER SESSION

15. Mr. Saenmi, responding to a question about possible ways to promote the adoption of enabling legislation for protected area management, said that in the case of Thailand the most practical way forward would be to develop legislation and introduce policy reforms at the local level first, with the participation of government representatives, non-governmental agencies, local representatives and experts.

16. Mr. Cochrane, replying to a question about the feasibility of protecting traditional knowledge through patents, said that traditional knowledge holders in Australia were encouraged to use patenting to protect knowledge that was not in the public domain. In response to a question about the different aspects of traditional knowledge of indigenous peoples in Australia, he said that indigenous traditional knowledge was integrated in the management of protected areas and its use was encouraged in all conservation areas. Where economic value might be attached to such knowledge, measures were taken to prevent illicit use. To that end, holders of traditional knowledge were encouraged to use protected, restricted access computer systems. By the same token, some elements of protected area management were only accessible traditional holders of the knowledge used. Replying to a question about the degree of government involvement in the management of indigenous territories in Australia, he said that the State held the rights over sub-surface minerals and ground water, although the question of ownership of carbon rights remained outstanding. The land surface was the responsibility of indigenous owners, who dealt with issues such as invasive alien species. In general, land management was based on partnerships. It built on traditional knowledge and involved cooperation between indigenous land owners, park agencies and non-governmental organizations who shared knowledge and resources.

17. Mr. James, replying to a question about cooperation with other indigenous groups, said that the community-based mapping exercise only concerned Wapichan land. The isolation of the various indigenous communities of Guyana was a challenge and an impediment to cooperation. However, the lessons shared by other panellists provided useful input for efforts to tackle the situation back home. Responding to a question about the right of indigenous peoples to gather or collect genetic materials on their traditional lands, he said that in the absence of legislation on protected areas, customary use of those lands was not regulated. In practice, indigenous communities had unhindered access to areas they did not officially own, although mining was becoming a growing threat to that freedom of movement.

18. The representative of Tunisia said that Tunisia had established several protected areas since independence. In the aftermath of the revolution of freedom and dignity in January 2011, several protected areas had been severely damaged, partly because local communities lacked capacities to protect them. Efforts were currently under way with support from the France, Germany, Japan and the International Union for the Conservation of Nature to rehabilitate the affected areas and work with local communities on the future management of protected areas.

19. The representative of the National Union of Indigenous Nomadic Tribes of Iran expressed the hope that the presentations made by panellists and the events held on the margins of the meeting would encourage indigenous and local communities to continue to claim their right to own and manage their territories. He also hoped that Parties to the Convention would take note of the positive examples where indigenous and local communities had taken the protection, conservation and sustainable use of their territories into their own hands. The present innovative session of the Working Group should serve as an inspiration for future work.

20. The representative of the Amazon Cooperation Network, thanking the panellists for their inspiring presentations, suggested that community-based mapping exercises could also bear in mind ancestral maps of traditional indigenous lands, even if those only existed in the minds of indigenous ancestors.
