

# Suggestions from 10(c) local initiatives and experiences to the new major component on Customary Sustainable Use

International meeting on Article 10 with focus on 10(c)  
Montreal, 31<sup>st</sup> May 2011



Forest  
Peoples  
Programme

SCPDA

South Central Peoples  
Development Association



KLIM  
Organización de  
Kafirs en Lohitak  
in Manipal



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# content of presentation:

- Advice for content of the new major component on 10(c);
  - Submission from Panama meeting
  - most of this could go as **incentive measures**
- Guidance on CSU
- Measures to increase the engagement of indigenous and local communities and governments
- Strategy to integrate 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.

## Advice for content of the new major component on 10(c) (possibly as incentives)

1. Take concrete actions to acknowledge, respect and promote customary practices and traditional knowledge in relation to biodiversity conservation and sustainable use through, *inter-alia*:
  - Updating relevant national laws and policies, to fully recognise the contribution of traditional knowledge and customary practices of indigenous peoples and local communities to the conservation and sustainable use of biodiversity, including, *inter alia*, NBSAPs, protected areas laws and legislation, national forest programmes (NFPs), national programmes for climate change adaptation and mitigation, etc.
  - Support initiatives by indigenous peoples and local communities which aim to strengthen and promote customary use and practices and traditional systems of biodiversity management at the local level

2. Take actions to recognize and strengthen customary laws and traditional institutions, through, inter alia:

- Putting in place laws and policies, and establishing pluri-legal national frameworks, which recognize and respect customary law systems in relation to the management and conservation of biological resources
- Establishing mechanisms for strengthening traditional institutions and customary laws in relation to the management and conservation of biological resources, in accordance with their customary laws and traditions

3. Take measures to recognise and respect indigenous peoples and local communities' rights to their lands and resources, with their full and effective participation, including, inter alia, measures to:

- Revise current land laws, land administration policies and regulations on natural resource use and ownership, to bring them into line with international standards and obligations
- Review and strengthen land demarcation and titling methods and regulations to ensure alignment with international obligations
- Support and recognise indigenous community maps of the occupation and use of their traditional territories, to assist in ensuring secure land tenure of these territories

- Establish or update a registry of outstanding land and territorial claims and unresolved land conflicts
- Build the capacity of relevant government agencies on the land and resource rights of indigenous peoples and local communities in relation to international obligations
- Recognize and support collective land titles
- Develop effective mechanisms for the restitution of lands and resources that have been taken from indigenous peoples and local communities without their free, prior and informed consent

4. Promote the full and effective participation of indigenous peoples and local communities in biodiversity conservation, management, use and decision-making at the national and sub-national level, for instance by:

- Revising and reforming laws and policies to ensure the full and effective participation of indigenous peoples and local communities in biodiversity conservation, management, use and decision-making
- Establishing local and national mechanisms to ensure the full and effective participation of indigenous peoples and local communities in biodiversity conservation, management, use and decision-making, using participatory methods and tools that are culturally appropriate

5. Ensure that free, prior and informed consent (FPIC) is respected and fully applied in all decisions, policies, actions and measures that may affect indigenous peoples' lands and territories, in accordance with UNDRIP and related international instruments. This should be done, *inter-alia*, by:

- Recognising and respecting community rules and customary laws
- Establishing effective mechanisms for the enforcement of free, prior and informed consent



6. Address all cases where protected areas have adversely affected indigenous peoples, or may adversely affect them in current or future protected areas programmes or projects
- Establish a transparent process to document and address situations in which the establishment or expansion of protected areas have adversely affected indigenous peoples and local communities, inter alia through:
    - Reviewing the historical record of the national protected areas system and their impacts on indigenous peoples, with their full and effective participation
    - Develop national and global mechanisms for redress, reparation, restitution and fair compensation to indigenous peoples and local communities for past injustices and damages in relation to protected areas

- Ensure that any current or new activities related to protected areas are carried out in accordance with the Programme of Work on Protected Areas, in particular programme element II on governance, participation, equity and benefit-sharing



7. Take steps to ensure that indigenous peoples have access to an education that is culturally appropriate and promotes the use and revitalisation of indigenous languages and traditional knowledge, noting Article 17(d) and 30 of the Convention on the Right of the Child and Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples:

- Include indigenous languages in the national curriculum
- Promote the use of mother tongue and use locally-developed curricula
- Support local initiatives for the revitalisation of indigenous languages and traditional knowledge
- Remove imposed mainstream education or assimilation policies for indigenous children

## Guidance on customary sustainable use

- WG8j could recommend COP11 to take a decision to request the WG8j to develop a set of guidelines to effectively promote and encourage customary sustainable use, building on the Addis Ababa Guidelines, and taking into account other relevant initiatives (e.g. Satoyama Initiative, CBD-UNESCO biocultural diversity, etc) focusing on enabling conditions at the national and local level.

# Measures to increase the engagement of indigenous and local communities and governments

- **Task 1 Collaborative projects** between ILCs, government and relevant non-governmental agencies [at national and local level] in the implementation of Article 10c and the ecosystem approach
- **Task 2 Ground-level projects** to decentralise biodiversity decision-making and management and ensure full engagement of resource-dependent communities (e.g. joint management, co-management, community management)

- **Task 3 Capacity-building** on 10c for government officials and ILCs (e.g. through national and sub-national workshops on CSU, exposure visits, ...)
- **Task 4 Joint celebration of internationally-declared events** related to biodiversity, sustainable development and human rights (e.g. IBD, WED, IPD...)
- **Task 5 Support** (moral, technical, financial) for community-based initiatives on 10c (e.g. community mapping, research, territorial management planning, sustainable livelihoods, technical equipment, allocation of budget, etc.)

- **Task 6 Ensure that information** related to biodiversity conservation, management and use is made available in a language used by ILCs and disseminated in culturally-appropriate ways (e.g. participatory videos, literature in indigenous and local languages, etc)
- **Task 7 Promote approaches to raise interest and engagement of the youth** in customary sustainable use issues (e.g. story-telling, use of modern communication technologies)
- **Task 8 Revise policies and laws** to ensure full and effective participation and engagement of ILCs at all (relevant) levels of biodiversity management and decision-making

Strategy to integrate Article 10, with a focus on 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.

- The strategy should bring all the programmes of work in line with the 2011-2020 Strategic Plan (particularly with Target 18)
  - *Target 18*: By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.



## **CBD (global level):**

- Note: Analyze whether the integration of traditional knowledge and customary sustainable use can take place through the updating of the programmes of work in accordance with the *MYPOW* of the Convention; in case that this is insufficient, a recommendation should be developed for an effective integration of traditional knowledge and customary sustainable use in the various *POWs*. Customary sustainable use should be included in the revised programmes of work when they are reviewed and updated.
- Need clarification from SCBD on how the revision and updating of the *PoWs* will take place.

- When a decision is made about revision of POWs, a notification should be sent to Parties, indigenous peoples and local communities and other stakeholders for input on 10(c) in the revised PoWs.
- Start addressing integration in the work of SBSTTA on sustainable use (SBSTTA15) and in the PoW on island biodiversity at COP11.

- [Hold a SBSTTA or WGRI meeting to revise and update all the POWs to bring them in line with the 2011-2020 Strategic Plan, including the integration of Article10(c) or alternatively have WG8j-7 to provide concrete recommendations on how to integrate CSU into the PoWPA and WG8j-8 to provide concrete recommendations on how to integrate CSU in all the other POWs (based on the experience with PoWPA).]

## National and local level

- Promote and ensure effective participation of indigenous peoples and local communities and civil society in revising and updating of the NBSAPs, in developing national targets and indicators in line with the Strategic Plan, and in producing the Parties' national reports to the CBD so that CSU can be integrated into all these processes
- Ensure that national multi-stakeholder committees for the implementation of the convention are established and include representatives of indigenous and local communities and civil society, and that they are informed about the need to integrate CSU in the implementation of the convention at all levels (including all the various PoWs)
- Disseminate information about this issue/process in a language used by ILCs and culturally-appropriate ways

## **In relation to the PoWPA:**

- Include the integration of CSU in the agenda of the regional workshops for the implementation of PoWs, starting with the PoWPA regional workshops (if that's still possible)
- Issue a notification to all the national CBD national Focal Points and PoWPA focal point asking them to integrate CSU in the implementation of the PoWPA.
- Request national CBD national Focal Points and PoWPA Focal Points to invite indigenous peoples' and local communities' representatives to provide advice concerning the integration of CSU in the implementation of the PoWPA

- Ensure that the national multi-stakeholder committees for the implementation of the PoWPA are established and include representatives of indigenous and local communities and civil society, and that they are informed about the need to integrate CSU in the implementation of the PoWPA.
- Include integration of CSU into the PoWPA through material in CBD web-based e-modules on PoWPA
- Develop concrete agreements between ILCs and protected areas managers concerning the integration of CSU in PA management plans (e.g. list of activities allowed to be carried out by ILCs in PAs)
- Promote innovative governance types of PA management (e.g. co-management and ICCAs) to facilitate integration of CSU in PAs.

A photograph of a pond filled with water lilies. The water is a deep blue, and the lily pads are a vibrant green. Several white water lilies with yellow centers are in various stages of bloom. The text "Thank you" is written in a bold, orange, sans-serif font across the center of the image.

Thank you