

Human Rights Standards for Conservation

SUPPORTING DOCUMENT 2

Decisions of the Conference of the Parties to the Convention on Biological Diversity that reference Indigenous Peoples' and local communities rights and concerns: CBD COP VII, VIII, IX, X, and XI

Harry Jonas and Athene Dilke

November 2014

Supporting Document to:

Jonas H, Roe D and Dilke A (2014) Human Rights Standards for Conservation, Part II: *Which International Standards Apply to Conservation Initiatives?* IIED Discussion Paper. IIED, London.

<http://pubs.iied.org/14645IIED>

CONTENTS

Section 1: Introduction and Methodology	8
Section 2: Provisions from CBD COP VII, VIII, IX, X and XI	9
CBD Conference of Parties VII (COP VII)	9
VII/1. Forest biological biodiversity	
VII/3. Agricultural biological diversity	
VII/4. Biological diversity of inland water ecosystems	
VII/5. Marine and coastal biological diversity	
VII/9. Global Taxonomy Initiative	
VII/10. Global Strategy for Plant Conservation	
VII/11. Ecosystem approach	
VII/12. Sustainable use	
VII/13. Alien species that threaten ecosystems, habitats or species (Article 8 (h))	
VII/14. Biological diversity and tourism	
VII/15. Biodiversity and Climate Change	
VII/16. Article 8(j) and related provisions	
VII/18. Incentive Measures (Article 11)	
VII/19. Access and benefit-sharing as related to genetic resources (Article 15)	
VII/21. Additional financial resources	
VII/25. National reporting	
VII/27. Mountain biological diversity	
VII/28. Protected Areas	
VII/29. Transfer of technology and technology cooperation (Articles 16 to 19)	
CBD Conference of Parties VIII (COP VIII)	53
VIII/1. Island biodiversity	
VIII/2. Biological diversity of dry and sub-humid lands	

- VIII/3. Global Taxonomy Initiative: in-depth review of the implementation of the programme of work for the Global Taxonomy Initiative
- VIII/4. Access and benefit-sharing
- VIII/5. Article 8(j) and relevant provisions
- VIII/6. Global Initiative on Communication, Education and Public Awareness: overview of implementation of the programme of work and options to advance future work
- VIII/8. Implementation of the Convention and its Strategic Plan
- VIII/9. Implications of the findings of the Millennium Ecosystem Assessment
- VIII/10. Operations of the Convention
- VIII/11. Scientific and technical cooperation and the clearing-house mechanism
- VIII/15. Framework for monitoring implementation of the achievement of the 2010 target and integration of targets into the thematic programmes of work
- VIII/18. Guidance to the financial mechanism
- VIII/19. Forest biological diversity: implementation of the programme of work
- VIII/22. Marine and coastal biological diversity: enhancing the implementation of integrated marine and coastal area management
- VIII/23. Agricultural biodiversity
- VIII/24. Protected Areas
- VIII/25. Incentive measures: application of tools for valuation of biodiversity and biodiversity resources and functions
- VIII/26. Incentive measures: preparation of the in-depth review of the programme of work on incentive measures
- VIII/28. Impact assessment: voluntary guidelines on biodiversity-inclusive impact assessment
- VIII/30. Biodiversity and climate change: guidance to promote synergy among activities for biodiversity conservation, mitigating or adapting to climate change and combating land degradation

CBD Conference of Parties IX (COP IX)

87

- IX/1. In-depth review of the programme of work on agricultural biodiversity
- IX/2. Agricultural biodiversity: biofuels and biodiversity

- IX/4. In-depth review of ongoing work on alien species that threaten ecosystems, habitats or species
- IX/5. Forest biodiversity
- IX/6. Incentive Measures (Article 11)
- IX/7. Ecosystem approach
- IX/8. Review of implementation of goals 2 and 3 of the Strategic Plan
- IX/9. Process for the revision of the Strategic Plan
- IX/11. Review of implementation of Articles 20 and 21
- IX/12. Access and benefit-sharing
- IX/13. Article 8(j) and related provisions
- IX/14. Technology transfer and cooperation
- IX/15. Follow-up to the Millennium Ecosystem Assessment
- IX/16. Biodiversity and climate change
- IX/17. Biodiversity of dry and sub-humid lands
- IX/18. Protected areas
- IX/20. Marine and coastal biodiversity
- IX/21. Island biodiversity
- IX/22. The Global Taxonomy Initiative: matters arising from decision VIII/3, including the development of outcome-oriented deliverables
- IX/24. Gender Plan of Action
- IX/27. Cooperation among multilateral environmental agreements and other organizations
- IX/28. Promoting engagement of cities and local authorities
- IX/30. Scientific and technical cooperation and the clearing-house mechanism
- IX/31. Financial mechanism
- IX/32. Communication, education and public awareness
- IX/34. Administration of the Convention and budget for the programme of work for the biennium 2009-2010
- IX/36. Tribute to the Government and people of the Federal Republic of Germany

- X/1. Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization
- X/2. The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets
- X/3. Strategy for resource mobilization in support of the achievement of the Convention's three objectives
- X/4. Third edition of the Global Biodiversity Outlook: implications for the future implementation of the Convention
- X/5. Implementation of the Convention and the Strategic Plan
- X/6. Integration of biodiversity into poverty eradication and development
- X/7. Examination of the outcome-orientated goals and targets and associated indicators and consideration of their possible adjustment for the period beyond 2010
- X/9. The multi-year programme of work for the Conference of Parties for the period 2011-2020 and periodicity of meetings
- X/10. National reporting: review of expenses and proposals for the fifth national report
- X/16. Technology transfer and cooperation
- X/17. Consolidated update of the Global Strategy for Plant Conservation 2011-2020
- X/18. Communication, education and public awareness and the International Year of Biodiversity
- X/19. Gender mainstreaming
- X/20. Cooperation with other Conventions and International organizations and initiatives
- X/21. Business engagement
- X/22. Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity
- X/23. Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development
- X/24. Review of guidance to the financial mechanism
- X/25. Additional guidance to the financial mechanism
- X/28. Inland waters biodiversity
- X/29. Marine and coastal biodiversity
- X/30. Mountain biological diversity
- X/31. Protected areas

- X/32. Sustainable use of biodiversity
- X/33. Biodiversity and climate change
- X/34. Agricultural biodiversity
- X/35. Biodiversity of dry and sub-humid lands
- X/37. Biofuels and biodiversity
- X/38. Invasive alien species
- X/39. Global Taxonomy Initiative
- X/40. Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention
- X/41. Elements of sui generis systems for the protection of traditional knowledge
- X/43. Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity
- X/44. Incentive measures
- X/45. Administration of the Convention and budget for the programme of work for the biennium 2011-2012

CBD Conference of Parties XI (COP XI)

164

- XI/1. Status of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and related developments
- XI/2. Review of progress in implementation of national biodiversity strategies and action plans and related capacity-building support to Parties
- XI/3. Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets
- XI/4. Review of implementation of the strategy for resource mobilization, including the establishment of targets
- XI/5. The financial mechanism
- XI/6. Cooperation with other conventions, international organizations, and initiatives
- XI/7. Business and biodiversity
- XI/9. Progress report on gender mainstreaming
- XI/11. New and emerging issues relating to the conservation and sustainable use of biodiversity
- XI/13. Ways and means to improve the effectiveness of the Subsidiary Body on Scientific, Technical and Technological Advice and collaboration with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
- XI/14. Article 8(j) and related provisions

- XI/15. Review of the programme of work on island biodiversity
- XI/16. Ecosystem restoration
- XI/17. Marine and coastal biodiversity: ecologically or biologically significant marine areas
- XI/18. Marine and coastal biodiversity: sustainable fisheries and addressing adverse impacts of human activities, voluntary guidelines for environmental assessment, and marine spatial planning
- XI/19. Biodiversity and climate change related issues: advice on the application of relevant safeguards for biodiversity with regard to policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
- XI/20. Climate-related geoengineering
- XI/21. Biodiversity and climate change: integrating biodiversity considerations into climate-change related activities
- XI/22. Biodiversity for poverty eradication and development
- XI/23. Biological diversity of inland water ecosystems
- XI/24. Protected areas
- XI/25. Sustainable use of biodiversity: bushmeat and sustainable wildlife management
- XI/28. Invasive alien species
- XI/29. Global Taxonomy Initiative
- XI/31. Administration of the Convention and budget for the programme of work for the biennium 2013-2014

Annex: Keywords highlighted in the decisions

205

Section 1: Introduction and Methodology

This document sets out decisions of the conference of the Parties to the Convention on Biological Diversity that reference “Indigenous and local communities” or related issues such as traditional knowledge or customary uses of biodiversity. The approach aims to highlight to actors involved in conservation initiatives the CBD parties’ increasingly focused approach to the rights of Indigenous people and local communities.

Methodology

For each COP report, the full set of decisions was reviewed, and any part of a decision that contains reference to any of the terms set out in Annex I was included in the relevant document. Within the decision, the keywords are highlighted.

While the main criteria for the selection of sections for inclusion in this documents has been that they refer to the rights of indigenous peoples and local communities, connected terms have also been included in the Annex, such as “poverty reduction”. Mentions of food security, health, gender equality and the eradication of poverty can be seen as references to the wider concerns of indigenous people and local communities.

This document is organised chronologically, from COP 7 to 11.

Section 2: Provisions from CBD COP VII, VIII, IX, X and XI

COP VII

VII/1. Forest biological diversity

As part of the expanded programme of work on Forest biological diversity, the Executive Secretary of the COP was given this instruction for the procedural implementation of the programme:

The Conference of Parties

11. Urges the Executive Secretary to facilitate the full and effective participation of indigenous and local communities and other relevant stakeholders in implementing the expanded programme of work on forest biological diversity by developing local capacities and participatory mechanisms, including women, in assembling, disseminating, and synthesizing information on relevant scientific and traditional knowledge on forest biological diversity.

VII/3. Agricultural biological diversity

The Parties were advised in relation to the Programme of Work on Agricultural Biological Diversity to consider the following reports and initiatives:

The Conference of Parties,

3. Takes note of the report of the Ad Hoc Technical Expert Group on the Potential Impacts of Genetic Use Restriction Technologies on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights, established in paragraph 21 of decision VI/5, which met in Montreal from 19 to 21 February 2003 (UNEP/CBD/SBSTTA/9/INF/6);

4. Requests the Subsidiary Body on Scientific, Technical and Technological Advice to consider the report of the Ad Hoc Expert Group on Genetic Use Restriction Technologies at its tenth meeting with a view to providing advice to the Conference of the Parties at its eighth meeting, also taking into account decision VII/16 on Article 8(j) and related provisions;

10. Invites the Parties and other Governments to consider and promote, as appropriate and subject to national legislation and international law, the mainstreaming of agricultural biodiversity in their plans, programmes and strategies with the active participation of local and indigenous communities and the inclusion in the communities' plans, programmes and strategies on conservation, development and use of agricultural biodiversity, and to recognize and support the efforts of local and indigenous communities in conserving agricultural biodiversity.

VII/4. Biological diversity of inland water ecosystems

As part of the revised Programme of Work on the biological diversity of inland water ecosystems, parties were recommended to undertake the following activities to support the programme's goals:

The Conference of Parties:

24. Encourages Parties, other Governments and relevant organizations to ensure opportunities for the active participation of indigenous and local communities in all stages of rapid assessments of biological diversity of inland waters traditionally occupied or used by these communities, consistent with decision VII/16 F of the Conference of the Parties on the

Akwé: Kon 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;

Within the Annex to the Revised Programme of Work on Inland Water Biological Diversity, some overarching fundamental guiding principles are given, namely:

(c) To support indigenous and local communities to re-establish, develop and implement traditional approaches and/or adaptive management approaches to conserve and sustain the use of the biological diversity of inland water ecosystems;

(d) To promote the fair and equitable sharing of benefits gained from the use of inland water genetic resources and associated traditional knowledge based on prior informed consent in accordance with national laws;

(e) To use and draw upon scientific, technical and technological knowledge of indigenous and local communities and relevant stakeholders, with their participation and prior informed consent in accordance with national laws, in the implementation of all programme elements.

Within Programme Element 1, Goal 1.1¹ and Goal 1.4², the following activities of the Parties are stated:

1.1.4. Promote effective collaboration among scientists, local stakeholders, planners, engineers, and economists, and including indigenous and local communities with their prior informed consent (both within and among countries) in the planning and implementation of development projects to better integrate the conservation and sustainable use of inland water biological diversity with water resource developments.

Programme Element 2 recommends the following activities under Goal 2.2³, 2.3⁴ and 2.4⁵:

2.2.2 Encourage the use of low-cost (appropriate) technology, non-structural and innovative approaches, and, where appropriate and through prior informed consent in accordance with national laws traditional or indigenous practices for inland water biodiversity assessment and to meet watershed management goals, such as using wetlands to improve water quality, using forests and wetlands to recharge groundwater and maintain the hydrological cycle, to protect water supplies and using natural floodplains to prevent flood damage, and to use, whenever possible, indigenous species for aquaculture.

¹ COP VII/4, Programme Element 1, Goal 1.1: 'To integrate the conservation and sustainable use of biological diversity into all relevant sectors of water-resource and river-basin management, taking into account the ecosystem approach.'

² COP VII/4, Programme Element 1, Goal 1.4: To prevent the introduction of invasive alien species, including exotic stocks that potentially threaten the biological diversity of inland water ecosystems, and to control and, where possible, eradicate established invasive species in these ecosystems

³ COP VII/4, Programme Element 2, Goal 2.2: To encourage the development, application and transfer of low-cost appropriate technology, non-structural and innovative approaches to water resource management and the conservation and sustainable use of the biological diversity of inland water ecosystems, taking into account any decision taken by the Conference of the Parties at its seventh meeting on technology transfer and cooperation

⁴ COP VII/4, Programme Element 2, Goal 2.3: 'To provide the appropriate incentives and valuation measures to support the conservation and sustainable use of inland water biological diversity, and to remove, or reform appropriately, any perverse incentives opposing such conservation and sustainable use of ecosystems, as it relates to biodiversity conservation.'

⁵ COP VII/4, Programme Element 2, Goal 2.4: 'To implement the programme of work for the Global Initiative on Communication, Education and Public Awareness (as adopted by the Conference of the Parties to the Convention on Biological Diversity in its decision VI/19), giving particular attention to matters relating to the conservation and sustainable use of the biological diversity of inland water ecosystems.'

2.3.3 Undertake comprehensive valuations of the goods and services of inland water biodiversity and ecosystems, including their intrinsic, aesthetic, **cultural**, socio-economic and other values, in all relevant decision-making across the appropriate sectors (see also goal 3.3 in relation to **environmental, cultural and social impact assessments**).

2.4.5 Undertake suitable initiatives to enhance awareness of the knowledge held by **indigenous and local communities** and the appropriate procedures, such as **prior informed consent**, for accessing such knowledge in accordance with national legislation on access to **traditional knowledge**.

Goal 2.5 under Programme Element 2 is given as follows:

Goal:

Promote the **effective participation** of **indigenous and local communities** and relevant stakeholders in the conservation and sustainable use of biological diversity of inland water ecosystems in accordance with national laws and applicable international obligations.

Objective:

Relevant national stakeholders, including representatives of **indigenous and local communities**, are involved, as far as appropriate, in the policy-making and in the planning, implementation and monitoring of the implementation of the programme of work.

Activities of the Parties:

2.5.1. Promote **effective participation** of **indigenous and local communities** in accordance with **Article 8(j)** in the development of management plans and in the implementation of projects that may affect inland water biological diversity.

2.5.2. Implement **Article 8(j)** as related to inland water biological diversity.

2.5.3. Promote the **full and effective participation** and involvement of **indigenous and local communities** and relevant stakeholders as appropriate, in policy-making, planning and implementation in accordance with national laws.

2.5.4. Implement capacity-building measures to facilitate the **participation** of **indigenous and local communities** and the application of **traditional knowledge** favourable to the conservation of biodiversity, with their **prior informed consent** in accordance with national laws, in the management, conservation and sustainable use of biological diversity of inland water ecosystems.

Activities of the Executive Secretary:

2.5.5. Promote the implementation of the programme of work and decisions of the Conference of the Parties on **Article 8(j)** and related provisions.

Under Programme Element 3: Knowledge, Assessment and Monitoring, the following activities are stated under Goals 3.1⁶ and 3.2⁷:

3.1.2. Promote research to improve the understanding of the social, economic, political and **cultural** drivers within civil society that are directly impacting on the conservation and sustainable use of the biological diversity of inland waters.

3.1.5. As part of national communication, education and public awareness activities/programme (see goal 2.4), provide mechanisms for disseminating research

⁶ COP VII/4, Programme Element 3, Goal 3.1: 'To develop an improved understanding of the biodiversity found in inland water ecosystems, how these systems function, their ecosystem goods and services and the values they can provide.'

⁷ COP VII/4, Programme Element 3, Goal 3.2: 'To develop, based on inventories, rapid and other assessments applied at the regional, national and local levels, an improved understanding of threats to inland water ecosystems and responses of different types of inland water ecosystems to these threats.'

findings to all relevant stakeholders, in a form which will be most useful to them. Make this same information available to the Executive Secretary for sharing with other Parties.

3.2.3. Adopt an integrated approach in the assessment, management and, where possible, remedial actions of inland water ecosystems, including associated terrestrial and in-shore marine ecosystems. It should be noted that:

(a) Assessments should involve all stakeholders, including **indigenous and local communities**, should be cross-sectoral and should make full use of **indigenous knowledge** based on **prior informed consent**;

3.2.7. Promote, in close cooperation with **indigenous and local communities**, the development of global social indicators in accordance with decision VII/30 relevant to the implementation of the programme of work on inland water biological diversity and their review through the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions.

Goal 3.3, under Programme Element 3, is stated as follows:

Goal:

To ensure projects and actions with the potential to impact negatively on the biological diversity of inland water ecosystems are subjected, in accordance with national legislation and where appropriate, to suitably rigorous impact assessments, including consideration of their potential impact on **sacred sites** and on **lands and waters traditionally occupied or used by indigenous and local communities**.

Objectives

(a) Undertake environmental impact assessments, in accordance with national legislation and where appropriate, for all projects with the potential to impact on the biological diversity of inland water ecosystems, ensuring that these take into account the “inter-related socio-economic, **cultural** and human-health impacts, both beneficial and adverse”.⁸

(b) Conduct **cultural, environmental, and socio-economic impact assessments**, in accordance with national legislation and where appropriate, 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**, in accordance with section VII/16 (**Akwé: Kon 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**).

The following activities are given under Goal 3.3:

3.3.1. Taking into account decision VI/7 A of the Conference of the Parties to the Convention on Biological Diversity, on guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment, and decision VII/16, on **Article 8(j)** and related provisions, including the annex, decision VII/16, containing the **Akwé: Kon 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**: ...

3.3.2. Apply the recommendations for the conduct of **cultural, environmental, and social impact assessments** regarding developments proposed to take place on, or which are likely to impact on, **sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities**.

⁸ Paragraph 1 (a) of the annex to COP decision VI/7 A.

VII/5. Marine and coastal biological diversity

As part of the Revised Programme of Work on Marine and coastal biological diversity, Parties are recommended to undertake the following activities to support the goals:

The Conference of Parties

18. Agrees that the goal for work under the Convention relating to marine and coastal protected areas should be: The establishment and maintenance of marine and coastal protected areas that are effectively managed, ecologically based and contribute to a global network⁹ of marine and coastal protected areas, building upon national and regional systems, including a range of levels of protection, where human activities are managed, particularly through national legislation, regional programmes and policies, **traditional** and **cultural** practices and international agreements, to maintain the structure and functioning of the full range of marine and coastal ecosystems, in order to provide benefits to both present and future generations.

27. Agrees that the **full participation** of **indigenous and local communities** and relevant stakeholders is important for achieving the global goal, and for the establishment and maintenance of individual marine and coastal protected areas and national and regional networks in line with decision VII/28 on protected areas;

Mariculture

45. *Recognizes* the complexity of mariculture activities, the highly variable circumstances of different geographical areas, mariculture practices and cultured species, as well as social, **cultural** and economic conditions, which will influence mitigation options, and, accordingly, taking into account the special needs of and the difficulties faced by stakeholders in developing countries, *recommends* that Parties and other Governments adopt the use of the following specific methods, techniques or practices for avoiding the adverse biodiversity-related effects of mariculture:

(a) The application of environmental impact assessments, or similar assessment and monitoring procedures, for mariculture developments, with due consideration paid to the scale and nature of the operation, as well as carrying capacities of the environment, taking into account the guidelines on the integration of biodiversity considerations in environmental impact assessment legislation and/or processes and in strategic impact assessment, endorsed by the Conference of the Parties in its decision VI/7 A, as well as the recommendations endorsed in decision VI/10, annex II, on the conduct of **cultural, environmental and social impact assessments** regarding developments proposed to take place on, or which are likely to impact on, **sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities**. There is a need to address the likely immediate, intermediate and long-term impacts on all levels of biodiversity;

(m) Considering **traditional knowledge**, where applicable as a source to develop sustainable mariculture techniques.

Within Annex 1¹⁰, which elaborates on the Programme of Work on Marine and coastal biological diversity, the following basic principles are stated within Section II:

4. In accordance with paragraphs 2-14 of the annex to decision IV/5, the **ecosystem approach** and the precautionary approach have a central role in guiding all activities

⁹ A global network provides for the connections between Parties, with the collaboration of others, for the exchange of ideas and experiences, scientific and technical cooperation, capacity building and cooperative action that mutually support national and regional systems of protected areas which collectively contribute to the achievement of the programme of work. This network has no authority or mandate over national or regional systems.

¹⁰ COP VII/5 Annex 1: Elaborated Programme of work on Marine and Coastal Biodiversity

undertaken as part of the programme of work, and thus provide the foundation for its implementation. The success of the programme of work also relies on scientific research aimed at providing understanding of the functioning of the broader ecosystem in terms of its component parts and their connectivity. Research efforts oriented towards the information needs of management ensure that management decisions are based on best available science in the context of the precautionary approach. The roster of experts continues to provide the Executive Secretary with a valuable source of expertise in marine and coastal biological diversity, and its continued use, expansion and updating is encouraged. The programme of work will also use and draw upon scientific, technical and technological knowledge of **local and indigenous communities** in keeping with the contents of **Article 8(j)** of the Convention, as well as **community** and user-based approaches.

7. The implementation of the programme of work should be carried out with the **full and effective participation of indigenous and local communities** as appropriate and respect of their rights under domestic and applicable international law. In this context, Article 6.18 of the FAO Code of Conduct for Responsible Fisheries, which highlights the need to protect the preferential access rights of fishers and fishworkers, particularly those engaged in **subsistence, small-scale and artisanal fisheries, to traditional fishing grounds and resources**, should be noted.

8. In accordance with the Millennium Development Goals, the implementation of the programme of work aims to make a direct contribution to **poverty alleviation**. Its successful implementation will require national and regional capacity-building and financial resources for developing country Parties, in particular the least developed and small island developing States among them.

Section III of Annex 1 describes the Programme Elements. Programme element 1¹¹ gives the following suggested activity:

(i) To provide guidance on maintenance and wider application of **local** and **traditional knowledge**.

Within Section III, under Programme Element 3: ‘Marine and coastal protected areas’¹², Operational objective 3.3¹³, the following activity is suggested:

(c) To facilitate relevant stakeholder and **indigenous and local community participation** as an essential component of implementing operational objective 3.3.

Under Programme Element 4: ‘Mariculture’¹⁴, Operational Objective 4.1¹⁵, the following activity is suggested:

¹¹ COP VII/5, Annex 1, Section III- Programme Elements, Programme Element 1: Implementation of integrated marine and coastal areas management (IMCAM), Goal: To promote and improve the implementation of IMCAM at the local, national and regional level.

¹² COP VII/5, Annex 1, Section III, Programme Element 3, Goal: The establishment and maintenance of marine and coastal protected areas that are effectively managed, ecologically based and contribute to a global network^{12/} of marine and coastal protected areas, building upon national and regional systems, including a range of levels of protection, where human activities are managed, particularly through national legislation, regional programmes and policies, traditional and cultural practices and international agreements, to maintain the structure and functioning of the full range of marine and coastal ecosystems, in order to provide benefits to both present and future generations.

¹³ COP VII/5, Annex 1, Section III, Programme Element 3, Operational Objective 3.3: To achieve effective management of existing marine and coastal protected areas.

¹⁴ COP VII/5 Annex 1, Section III, Programme Element 4, Goal: To prevent or minimize the negative impacts of mariculture on marine and coastal biodiversity and to enhance any positive effects of mariculture using native species.’

¹⁵ COP VII/5 Annex 1, Section III, Programme Element 4, Operational Objective 4.1: ‘To promote uses of techniques, which minimize adverse impact of mariculture on marine and cultural biological diversity.

(a) To adopt the use of relevant methods, techniques and practices for avoiding the adverse effects of mariculture on marine and coastal biological diversity, and to incorporate them into national biodiversity strategies and action plans as appropriate, including:

(i) The application of environmental impact assessments, or similar assessment and monitoring procedures, for mariculture developments, with due consideration paid to the scale and nature of the operation, as well as carrying capacities of the ecosystem, taking into account the guidelines on the integration of biodiversity considerations in environmental impact assessment legislation and/or processes and in strategic impact assessment, endorsed by the Conference of the Parties in its decision VI/7 A, as well as the recommendations endorsed in decision VI/10, annex II, on the conduct of **cultural, environmental and social impact assessments** regarding developments proposed to take place on, or which are likely to impact on, **sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities**. There is a need to address the likely immediate, intermediate and long-term impacts on all levels of biodiversity;

(xiii) Considering **traditional knowledge**, where applicable as a source to develop sustainable mariculture techniques.

Within Annex 1, under Section IV: Enabling Activities, the following activity is recommended in order to assist with the implementation of the programme of work on marine and coastal biodiversity:

(e) Formation of cooperative partnerships between countries or between international and/or regional organizations to enhance capacity for implementation, taking into account the special needs and difficulties experienced by stakeholders in developing countries and by **indigenous and local communities**.

Within Appendix 3: Elements of a Marine and coastal biodiversity management framework, one element of the framework is stated as follows:

7. This framework should respect national legislation and also respect the interests of **indigenous and local communities**, such as **spiritual and cultural practices** and socio-economic interests and, as appropriate, opportunities for the **participation of indigenous and local communities** in the establishment and management of marine and coastal protected areas, and in accordance with **Article 8(j)** and related provisions should respect, preserve and maintain **traditional knowledge, innovations and practices**.

Within Appendix 4, 'Research Priorities, including research and monitoring projects associated with Programme Element 3: Marine and coastal protected areas', under Part C-Implementation of marine and coastal protected areas networks, Priority 3.3-the following pilot projects are outlined:

Priority 3.3: Enhancing social and economic effects of marine and coastal protected areas, particularly in terms of **poverty alleviation**.

Pilot projects:

(a) Development of **culturally sensitive** marine and coastal protected areas development/management approaches to achieve **effective participation**, as appropriate, of **indigenous and local communities** and relevant stakeholders.

(b) Develop adaptive approaches to marine and coastal protected areas establishment and management. This could be done by collection and dissemination of case studies of both best and worst-case examples of the degree to which an understanding of how target **communities** operate (**socially/culturally**) and "do business" can affect the success of the establishment and management of marine and coastal protected areas.

Priority 3.5, within Appendix 4, is given as follows:

Developing effective methods for integrating **traditional knowledge** into the establishment and management of marine and coastal protected areas.

The following pilot project is outlined under Priority 3.5:

(a) Develop guidelines for integration of **traditional knowledge, practices and innovation**, with the **participation of indigenous and local communities** and with their **prior informed consent** in accordance with national legislation, into marine and coastal protected areas establishment and management, and support these by compiling and disseminating case-studies on a wide range of examples from places where such initiatives have been undertaken (for example, New Zealand, Chile, the Wider Caribbean).

Annex II offers the following guidance for the development of a national and marine coastal biodiversity management framework:

10. The Ad Hoc Technical Expert Group identified stakeholder **participation** as essential for achieving the global goal and for the establishment and maintenance of individual marine and coastal protected areas and regional networks. Stakeholder **participation** would be particularly important in establishing **equitable sharing of benefits** accruing from creation of marine and coastal protected areas. In addition, stakeholder **participation** would:

- (a) Allow decisions to be made in an inclusive and transparent way;
- (b) Facilitate the involvement in decision-making and management of a wide range of players, increasing the likelihood of success;
- (c) Recognize **traditional rights and customs**, and other interests of **indigenous and local communities** and other relevant stakeholders in accordance with national law as appropriate; and
- (d) Allow decisions and management to be undertaken at the appropriate level (e.g., through decentralization).

11. It was recognized that the type and extent of **participation** will depend on **local** circumstances, including issues such as the **traditional rights, customs and traditions of indigenous and local communities** in accordance with national law, available mechanisms and governance approaches, and the degree of interest of stakeholders.

VII/9. Global Taxonomy Initiative

Within the Programme of Work on the Global Taxonomy Initiative, the Executive Secretary, in collaboration with the Coordination Mechanism for the Global Taxonomy Initiative, is requested to:

The Conference of Parties

7. *Requests* the Executive Secretary, in collaboration with the Coordination Mechanism for the Global Taxonomy Initiative to:

7. (f) Ensure that there are linkages between **Articles 15 and 8(j)** of the Convention, decisions VII/19 A-F of the Conference of the Parties, on **access and benefit-sharing**, and taxonomy.

VII/10. Global Strategy for Plant Conservation

The Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organisation of the United Nations was asked to consider the following in relation to the Programme of Work on Global Strategy for Plant Conservation:

The Conference of Parties

12. *Invites* the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations to consider how the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture

contributes to the implementation of the Strategy, in particular target 9 (“70 per cent of the genetic diversity of crops and other major socio-economically valuable plant species conserved, and associated **indigenous and local knowledge** maintained”).

VII/11. Ecosystem approach

The Parties were advised, in relation to the Programme of Work on the Ecosystem Approach, to undertake the following activities and initiatives:

The Conference of Parties

10. *Recommends* that Parties and other Governments, facilitate the **full and effective participation of indigenous and local communities** and other stakeholders and continue or start implementation of the **ecosystem approach**, including the implementation guidelines and annotations to the rationale as outlined in annex I to the present decision, and:

(e) Undertake focused activities and initiatives in partnership with **indigenous and local communities** and the private sector and other relevant stakeholders under various thematic programmes of work where applicable to deepen understanding and further application of the **ecosystem approach**;

(f) Promote better understanding of the **ecosystem approach** through programmes of communication, education and public awareness.

Within Annex 1¹⁶ to the Programme of work for the Ecosystem approach, the following piece of further guidance were issued with regards to implementation:

1. The **ecosystem approach** is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. The application of the **ecosystem approach** will help to reach a balance of the three objectives of the Convention: conservation; sustainable use; and the **fair and equitable sharing of the benefits** arising out of the utilisation of genetic resources. In addition the **ecosystem approach** has been recognized by the World Summit on Sustainable Development as an important instrument for enhancing sustainable development and **poverty alleviation**.

2. The **ecosystem approach** is based on the application of appropriate scientific methodologies focused on levels of biological organisation, which encompass the essential structure, processes, functions and interactions among organisms and their environment. It recognizes that humans, with their **cultural diversity**, are an integral component of many ecosystems.

3.(c) Ecosystem management is a social process. There are many interested **communities**, which must be involved through the development of efficient and effective structures and processes for decision-making and management.

Table 1, within Annex 1 to the Programme of work on the Ecosystem approach, defines 12 Principles of the Ecosystem approach and the rationale for these principles, these include:

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

Rationale: Different sectors of society view ecosystems in terms of their own **economic, cultural and societal** needs. **Indigenous people and other local communities** living on the land are important stakeholders and their rights and interests should be recognised. Both **cultural** and biological diversity are central components of the **ecosystem approach**, and management should take this into account. Societal choices should be expressed as clearly

¹⁶ COP VII/11, Annex 1: ‘Refinement and Elaboration of the Ecosystem approach, based on assessment of experience of the parties in implementation.’

as possible. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way.

A further annotation to the Rationale behind Principle 1 includes the statement:

Good decision-making processes incorporate the following characteristics: all interested parties (particularly including **indigenous people and local communities**) should be involved in the process.

The Implementation Guidelines to Principle 1 include the following guidance:

1.1 Involve all stakeholders (interested parties) (including **indigenous and local communities**) in:

- clearly articulating, defining and agreeing upon the goals of management
- defining problems
- making choices (in principle 12).

1.2 There need to be clearly defined boundaries (in time and space) for the management unit that is the subject of the societal choice process.

1.3 Ensure that those stakeholders that cannot directly represent themselves are adequately represented by someone else.

1.4 Ensure that all stakeholders have an equitable capacity to be effectively involved, including through ensuring equitable access to information, ability to **participate** in the processes, etc.

1.5 Ensure that the decision-making process compensates for any inequities of power in society, in order to ensure that those who are normally marginalized (e.g. **women, the poor, indigenous people**) are not excluded or stifled in their **participation**

Principle 5¹⁷ includes the following Implementation Guideline:

5.1 Improve understanding of the interrelationship among ecosystem composition, structure and function with respect to (i) human interaction, needs and values (including **cultural aspects**), (ii) conservation management of biodiversity, and (iii) environmental quality, integrity and vitality.

The 7th Principle and rationale within Annex 1 are stated as follows:

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

Rationale: The approach should be bounded by spatial and temporal scales that are appropriate to the objectives. Boundaries for management will be defined operationally by users, managers, scientists and **indigenous and local peoples**. Connectivity between areas should be promoted where necessary. The **ecosystem approach** is based upon the hierarchical nature of biological diversity characterised by the interaction and integration of genes, species and ecosystems.

The 11th Principle and rationale within Annex 1 are stated as follows:

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

Rationale: Information from all sources is critical to arriving at effective management strategies. A much better knowledge of ecosystem functions and the impact of human use is desirable. All relevant information from any concerned area should be shared with all stakeholders and actors, taking into account, *inter alia*, any decision to be taken under

¹⁷ COP VII/11, Table 1, Principle 5: 'Conservation of ecosystem structure and functioning, in order to maintain ecosystem services, should be a priority target of the ecosystem approach.'

Article 8(j) of the Convention on Biological Diversity. Assumptions behind proposed management decisions should be made explicit and checked against available knowledge and views of stakeholders.

Principle 11 includes the following Implementation Guideline:

11.1 Relevant information should be shared with other stakeholders and actors and technical and scientific information be made available in an accessible way (indigenous and local knowledge should be treated with full respect of Article 8(j) and further decisions of the CBD.

VII/12. Sustainable Use (Article 10)

Parties to the Programme of work on Sustainable Use (Article 10) were asked to undertake research in the following areas:

The Conference of Parties

6. Invites Parties and Governments, in collaboration with other relevant international organisations and agreements, indigenous and local communities and stakeholders to undertake further research including, through, *inter alia*, the compilation and analysis of case-studies and existing literature on sustainable use consistent with practical principle 6:

- (a) The impacts of sustainable use and non-sustainable use on livelihoods, and ecosystems goods and services;
- (b) The role of indigenous and local communities, and women in the sustainable use of components of biodiversity;
- (i) Methods and mechanisms to determine sustainability of various intensities of use and participatory methods for determining appropriate levels of sustainable use;
- (j) Ways of enhancing equitable distribution of benefits derived from the sustainable use of components of biodiversity, including genetic resources;

Annex I¹⁸ to the Programme of work on Sustainable Use contains a section on Associated Instruments¹⁹, with a subsection on Monitoring and Indicators²⁰ which requests indicators for the significance of social values with respect to sustainable use of biological components:

21. In addition, social indicators that reflect social values with respect to the sustainable use of biological components. The indicators identified should be suitable examples to demonstrate:

- (a) The incorporation of social values into the use of biological resources;
- (b) How unique needs of individuals and indigenous and local communities are considered in policy-making and management decisions; and
- (c) The extent to which the allocation of resources can be considered to be fair and equitable.

22. All cultures use aspects of biological diversity for the maintenance of their cultures. Using indicators to monitor sustainable use in a cultural context is important to understand the impact of the use upon cultures, and vice versa. Cultures need to be defined beyond

¹⁸ COP VII/12 Annex 1: 'Extract from the note by the Executive Secretary on sustainable use prepared for the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advance (UNEP/CBD/SBSTTA/9/9)'.

¹⁹ COP VII/12 Annex 1, Section III: Associated Instruments

²⁰ COP VII/12 Annex 1, Section III: Associated Instruments, subsection 3.2: Monitoring and Indicators

indigenous groups; to include beliefs, customs, practices and social behaviour of all people. Some cultural indicators should therefore be identified.

VII/13. Alien species that threaten ecosystems, habitats or species (Article 8 (h))

As part of the Programme of work on Alien species that threaten ecosystems, habitats or species (Article 8 (h)), relevant Parties to the Convention on Biological Diversity, amongst others, were invited to engage with specific stakeholders:

The Conference of Parties

6. Invites relevant Parties to the Convention on Biological Diversity and other Governments, as well as national, regional and international organizations to:

(g) Proactively engage relevant stakeholders and indigenous and local communities in the eradication, the prevention of introductions, and mitigation of impacts of invasive alien species, including by awareness-raising and training as well as through the design and implementation of appropriate incentive measures.

VII/14. Biological diversity and tourism

Parties to the Programme of work on Biological Diversity and tourism were asked to consider the following factors and procedure when implementing the programme:

The Conference of Parties

2. Recognizing that sustainable tourism can provide significant benefits to biodiversity conservation, notes that the Guidelines [on Biodiversity and Tourism Development] are voluntary and represent a range of opportunities for local, regional, national governments, indigenous and local communities and other stakeholders to manage tourism activities in an ecological, economic and socially sustainable manner;

3. Recognizing that these international guidelines have a broad application and audience, requests the Executive Secretary, in order to increase clarity and facilitate the detailed understanding of the guidelines and the implementation by Parties and to identify and address specific stakeholders, to:

(c) Promote the use of the clearing-house mechanism to collect and disseminate information on:

(ii) Best practices, lessons learned and case-studies on the involvement of indigenous and local communities embodying traditional lifestyles in sustainable-tourism and ecotourism activities and projects;

8. Invites Parties, Governments and relevant organizations to provide indigenous and local communities with capacity-building and financial resources to support their active participation in tourism policy-making, development planning, product development and management indicated by the Guidelines and invites non-governmental organizations to continue and increase their involvement in fostering effective policy-making for sustainable tourism development;

The Annex²¹ to the Programme of work on Biodiversity and tourism include international guidelines on the implementation of Tourism alongside biodiversity within Section A- Scope:

²¹ Annex: 'Guidelines on Biodiversity and Tourism Development; International guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of

1. The present Guidelines [on Biodiversity and Tourism] are voluntary and represent a range of opportunities for local, regional, national governments, indigenous and local communities and other stakeholders to manage tourism activities in an ecological, economic and socially sustainable manner. They can be flexibly applied to suit different circumstances and domestic institutional and legal settings.

2. The Guidelines will assist Parties to the Convention on Biological Diversity, public authorities and stakeholders at all levels, to apply the provisions of the Convention to the sustainable development and management of tourism policies, strategies, projects and activities. They will provide technical guidance to policy makers, decision makers and managers with responsibilities covering tourism and/or biodiversity, whether in national or local government, the private sector, indigenous and local communities,²² non-governmental organizations or other organizations, on a process for working together with key stakeholders involved in tourism and biodiversity.

Further provisions are included under Section B- The policy-making, development planning and managing process:

5. Policy-making, development planning and the management process need to be undertaken through a multi-stakeholder process. Governments will normally coordinate this process at national level. This process may also be undertaken at more local levels by local government, and should ensure strong involvement of indigenous and local communities throughout the management and decision-making process. In addition, those responsible for tourism development and activities are encouraged to consult with and involve all relevant stakeholders, and especially those who are or may be affected by such developments and activities. The process applies to both new tourism development and the management of the existing tourism operations.

The following provisions are included under Section C- Institutions:

8. A consultative process should be established to ensure ongoing and effective dialogue and information-sharing with stakeholders, as well as to resolve conflicts that might arise in relation to tourism and biological diversity and build consensus. To assist in this process, a multi-stakeholder body should be established including government departments, the tourism sector, non-governmental organizations, indigenous and local communities and other stakeholders, to ensure their engagement and full participation in the whole process, and encourage the establishment of partnerships.

The Annex to the Programme of work gives a list of 'Baseline Information' underpinning the programme of work:

13. For tourism and biodiversity, the baseline information should include information, as appropriate, on:

(c) Environmental and biodiversity resources and processes, including any special features and sites of particular importance and protected areas, and identifying those resources that may be off bounds to development due to their particular fragility and those resources identified by existing analysis of threats;

(d) Culturally sensitive areas;

(e) Benefits from, and costs of, tourism to indigenous and local communities;

15. All stakeholders may contribute relevant information to this process, including indigenous and local communities. To this end, there is a need for capacity-building and training to

major importance for biological diversity and protected areas, including fragile riparian and mountain ecosystems.

²² For the purposes of the present Guidelines "indigenous and local communities" means "indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity".

assist stakeholders in documenting, accessing, analysing and interpreting baseline information.

20. Requirements for site-specific information in relation to proposals for tourism development and activities at particular locations are set out in the notification process, and its compilation should follow the **ecosystem approach**. To enable impact assessment and decision making, the basic information required includes:

(a) *Site-specific aspects*:

(i) The various laws and regulations and plans that may be applicable to the specific site, including overviews of:

b. Existing uses, **customs and traditions**;

(ii) Identification of various stakeholders involved in or potentially affected by the proposed project - including stakeholders in governmental, non-governmental, and private sectors (particularly those from the tourism sector), and **indigenous and local communities** - along with details concerning their **participation** in and/or consultation on the proposed project during its design, planning, construction and operation;

Section 2 within the Annex is 'Visions and Goals'. This Section sets out the overriding aim for the programme of work:

22. The main goals are established to maximize the positive benefits of tourism to biodiversity, ecosystems, and economic and social development, and of biodiversity to tourism, while minimizing negative social and environmental impacts from tourism, and can cover, *inter alia*:

(c) **Fair and equitable sharing of benefits** of tourism activities, with emphasis on the specific needs of the **indigenous and local communities** concerned;

(f) **Poverty reduction**, through the generation of sufficient revenues and employment to effectively reduce threats to biodiversity in **indigenous and local communities**;

(g) Protection of **indigenous livelihoods, resources and of access** to those resources;

(h) Diversification of economic activities beyond tourism to reduce dependency on tourism;

(j) Supporting the **effective participation** and involvement of representatives of **indigenous and local communities** in the development, operation and monitoring of tourism activities on **lands and waters traditionally occupied by them**;

(l) **Empowerment** through **participation** in decision-making;

(m) Access by **indigenous and local communities** to infrastructure, transport, communications and healthcare provisions laid on for tourists;

(n) Increased safety for **indigenous and local communities**²³;

23. In relation to sharing of benefits arising from tourism and the conservation of biodiversity with **indigenous and local communities**, it should be noted that benefits may take various forms, including: job creation, fostering **local** enterprises, **participation** in tourism enterprises and projects, education, direct investment opportunities, economic linkages and ecological services. Appropriate mechanisms need to be established/ evolved to capture the benefits.

25. Governments will normally coordinate this process at national level. This process may also be undertaken at more **local** levels by **local** government, and by **communities** at **community** level. Where **local** and **community** level vision and goals for tourism and biodiversity have been set, these may be taken into account by Governments when

²³ The original wording of 22(n) the COP document is 'indigenous local communities', however this appears to be a typing error as throughout the entirety of this, and other, COP documents the terminology is invariably 'indigenous *and* local communities'. For the sake of clarity we have corrected this typing error.

preparing the national level vision and goals, for example through workshops at the **local** level.

The objectives of the Programme of work on Biodiversity and tourism are set out in Section 34 of the Annex:

26. The objectives focus on actions to implement specific elements of the overall vision and goals, and may include clear activities and the time by which these will be achieved. Objectives should be performance-based (e.g., construction of an interpretative trail to aid development of **local** guide services) and process-based (e.g., establishment of an operational management system for tourism and biodiversity). As with the vision and goals, it is important to involve and consult with all relevant stakeholders, and especially the tourism industry and **indigenous and local communities** that are or may be affected by tourism development, in the process for setting objectives.

28. Governments may also wish to consider:

(b) Establishing reserves based on the biosphere reserve concept and incorporating sustainable-development objectives, generating income and employment opportunities for **indigenous and local communities**, and promoting appropriate product development

The Annex also includes a section on Legislation and Control²⁴ measures:

31. The review of legislation and control measures may include, *inter alia*, assessment of the effectiveness of any provisions for resource management, access, and/or ownership by **communities**, especially **indigenous and local communities** in relation to tourism development or operations on **lands and waters traditionally occupied or used by them**; addressing legally established rights of **indigenous and local communities**; and enabling these groups to make decisions about tourism development and activities, amongst other forms of development and activities, in these areas.

33. Governments will normally coordinate this process at the national level. It is important to involve and consult with all relevant stakeholders, and especially **indigenous and local communities** that are or may be affected by tourism development, in the process for reviewing legislation and control measures, assessing their adequacy and effectiveness, and proposing development of new legislation and measures where necessary.

Impact Assessments²⁵ will need to be conducted as part of the implementation of the programme of work:

34. Impact assessment for sustainable tourism development in ecosystems should be based on the “Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment” developed by the Convention on Biological Diversity and contained in the annex to decision VI/7 A (paras. 1-24) as well as on the **Akwe: Kon 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** (as contained in section F of decision VII/16).

35. At national level, Governments should normally undertake assessment of impacts associated with the overall vision, goals and objectives for tourism and biodiversity. In addition, this process may also be undertaken at more **local** levels by **local** government, and by **indigenous and local communities**.

37. Governments will normally undertake evaluations of the adequacy of impact assessments submitted by proposers of tourism developments or activities. These

²⁴ COP VII/14 Annex, Section B: ‘The policy-making, development planning and management process’, Section 4: ‘Legislation and Control Measures’

²⁵ COP VII/14 Annex, Section B, Section 5: ‘Impact Assessment’

evaluations will need to be undertaken by an appropriately qualified team, drawing on a range of expertise, including expertise in tourism and in biodiversity management, and also involving those **indigenous and local communities** that would be affected by the proposals. There should be public access to the documentation.

38. If the information provided is not sufficient, or the **impact assessment** inadequate, then further **impact assessment** studies may need to be undertaken. The proposer may be requested to undertake such studies, or the Government may decide to undertake these studies, and may request funds from the proposer for this purpose, as appropriate. Other stakeholders, including biodiversity managers and **indigenous and local communities** that may be affected by a proposed development, may also provide their **assessments of impacts** associated with specific proposals for tourism developments or activities, and provisions may be needed to ensure that any such assessments are taken into account by decision-makers.

39. **Indigenous and local communities** concerned should be involved in **impact assessment**. Their **traditional knowledge** should be acknowledged and considered for **impact assessment** in particular tourism projects that affect their **sacred sites or lands and waters traditionally occupied or used by them**.

40. Sufficient time should be allowed considering the different conditions and circumstances to ensure that all stakeholders are able to **participate effectively** in the decision-making process for any project using information provided by the **impact assessment**. Such information should be provided in forms that are accessible and comprehensible to all the various stakeholders involved.

42. **Socio-economic and cultural impacts** related to tourism may include:

- (d) Impacts on **indigenous and local communities and cultural values**;
- (e) Impacts on health and the integrity of **local cultural systems**;
- (f) Intergenerational conflicts and changed **gender relationships**;
- (g) Erosion of **traditional practices and lifestyles**;
- (h) Loss of **access by indigenous and local communities to their land and resources as well as sacred sites**, which are integral to the maintenance of **traditional knowledge systems and traditional lifestyles**.

Impact management²⁶ will follow from impact assessments for the implementation of the Programme of work on Biodiversity and tourism:

49. Impact management for tourism development and activities can include the adoption and effective implementation of policies, good practices and lessons learned that cover, *inter alia*:

- (i) Respecting the integrity of **local cultures** and avoiding negative effects on social structures, involving, and cooperating with, **indigenous and local communities**, including measures to ensure respect for **sacred sites and customary users of these sites**, and to prevent negative impacts on them and on **lands and waters traditionally occupied or used by them**, as well as on their subsistence resources;

Subsection 7, Section B, of the Annex to the programme of work concerns decision-making:

53. Such decisions will ultimately be taken by Governments (or specific authorities designated by Governments). It is recognized, however, that **effective consultation with and participation** of the communities and groups affected, including specific input from biodiversity managers, and from **indigenous and local communities** as well as the private sector in a broad sense, is an important foundation of the decision-making process and

²⁶ COP VII/14 Annex, Section B, Section 6: 'Impact management and mitigation'

critical to sustainable development. Decision makers should consider using multi-stakeholder processes as a tool for the decision-making process.

56. Measures should be taken to ensure full and timely disclosure of project information concerning tourism development proposals. Consistent with **Article 8(j)**, decision-making should include meaningful consultation with **indigenous and local communities** affected by projects in order to ensure, *inter alia*, respect for the **customs and traditional knowledge, innovations and practices of indigenous and local communities**, and adequate funding and technical support for **effective participation**. Where the national legal regime requires **prior informed consent of indigenous and local communities** with respect to decisions identified in paragraph 52, such prior informed consent must be obtained.

Section 8 of the Annex deals with the issue of implementation:

62. Implementation plans should recognize that **indigenous and local communities** and other relevant stakeholders may require assistance as actors in implementation, and should ensure that sufficient resources are available for implementation and for **effective participation**.

63. **Local** stakeholders should be given an ongoing opportunity to express their wishes and concerns to those managing tourism facilities and activities. As part of this process, clear and adequate information regarding implementation should be provided for review by the stakeholders, in forms that are accessible and comprehensible to them.

Monitoring and Reporting is covered under subsection 9, section B of the Annex:

72. In relation to **indigenous and local communities**, monitoring and evaluation should include development and use of appropriate tools to monitor and evaluate tourism impacts on the economy of **indigenous and local communities**, particularly their food and health security, **traditional knowledge, practices and customary livelihoods**. Use of indicators and early warning systems should be developed as appropriate, taking into account **traditional knowledge, innovation and practices of indigenous and local communities**, and guidelines developed under the Convention on Biological Diversity relating to **traditional knowledge**. Measures should also be taken to ensure that **indigenous and local communities** involved in, or affected by tourism, have the opportunity to be **involved effectively** in monitoring and evaluation.

The final subsection under Section B of the Annex is 10- Adaptive Management:

81. Adaptive management can also be undertaken by all those who have management control over any specific site, including **local** governments, **indigenous and local communities**, the private sector, non-governmental organizations and other organizations.

Section C within the Annex to the Programme of work on Biodiversity and tourism concerns the notification process and information requirements for the Guidelines on Biodiversity and tourism. The following sources of information have been recommended as part of the notification process:

84. Information to be provided as part of the notification could include:

(e) Identification of various stakeholders involved in or potentially affected by the proposed project - including stakeholders in governmental, non-governmental, and private sectors, and **indigenous and local communities** - along with details concerning their **participation** in and/or consultation on the proposed project during its design, planning, construction and operation;

(g) The various laws and regulations that may be applicable to the specific site, including overviews of existing laws at **local**, subnational and national levels, of existing uses and **customs**, of relevant regional and international conventions or agreements and their status, and cross-boundary agreements or memoranda or understanding and any proposed legislation;

(h) The proximity of the site to human settlements and **communities**, sites used by people from those settlements and **communities** as part of their livelihoods and **traditional activities**, and heritage, **cultural or sacred sites**;

(q) Proposed measures to maximize the **local** benefits of the tourism development or activities on surrounding human settlements and **communities**, biodiversity and ecosystems, which may include, but are not limited to:

(i) Using **local products and skills**;

(ii) Employment;

(iii) Restoration of biodiversity and ecosystems

Section D within the Annex concerns education, capacity-building and awareness-raising. The target audience for education and awareness-raising is noted within this section:

86. Education and awareness-raising campaigns need to be addressed to both the professional sectors and the general public and should inform them about the impacts of tourism on biological diversity, and good practices in this area. The private sector, and, especially, tour operators, could provide information more widely to their clients—the tourists—about tourism and biodiversity issues, and encourage them to conserve, and avoid adverse impact on, biodiversity and **cultural heritage** to respect national legislation of the visited country, as well as **traditions of indigenous and local communities** of that country, and to support actions in conformity with the present Guidelines.

87. Awareness campaigns explaining the link between **cultural diversity** and biological diversity will need to be tailored for various audiences, particularly stakeholders including consumers of tourism, developers and tourism operators.

89. Awareness should also be increased within and outside Government that vulnerable ecosystems and habitats are often located within **lands and waters occupied or used by indigenous and local communities**.

The requirements for capacity-building under Section D are also described:

95. Capacity-building activities should include, but not be limited to:

(a) Capacity-building and training to assist all stakeholders, including Governments, and **indigenous and local communities**, in accessing, analysing and interpreting baseline information, undertaking **impact assessments** and evaluations, impact management, decision-making, monitoring and adaptive management;

(c) Establishment of multi-stakeholder processes involving government departments, tourism sector, non-governmental organizations, **indigenous and local communities** and other stakeholders.

VII/15. Biodiversity and Climate Change

The Parties were advised, in relation to the Programme of Work on Biodiversity and Climate Change, to allocate sources of funding in the following situations:

The Conference of Parties

18. *Invites* sources of funding to provide financial support to developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition, where appropriate, for:

(c) Assistance in developing synergy-oriented programmes to conserve and sustainably manage all ecosystems, such as forests, wetlands and marine environments that also contribute to **poverty eradication**.

VII/16. Article 8(j) and related provisions

D. Genetic use restriction technologies

Section D of the Programme of Work on Article 8(j) and related provisions offers recommendations to the Parties on Genetic Use restriction technologies:

The Conference of Parties

Noting also the potential socio-economic impacts of genetic use restriction technologies on small holder farmers and indigenous and local communities,

1. *Invites Parties and Governments, in collaboration with relevant organizations, to urgently create and develop, in accordance with identified needs and priorities, capacity-building programmes including the promotion of information and awareness campaigns, to involve and enable smallholder farmers, indigenous and local communities, and other relevant stakeholders to effectively participate in decision-making processes related to genetic use restriction technologies;*

2. *Urges the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention, to consider the potential socio-economic impacts of genetic use restriction technologies on indigenous and local communities, at its next meeting, on the basis of the report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies, the outcome of the deliberations of the tenth meeting of the Subsidiary Body on Scientific Technical and Technological Advice on this issue, and the study undertaken by the Food and Agriculture Organization of the United Nations, pursuant to decision V/5, on potential impacts of genetic use restriction technologies on agricultural biodiversity and agricultural production systems;*

E. Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biodiversity

Section E of the Programme of Work on Article 8(j) and related provisions includes the following provisions:

Mindful that any information-gathering exercise pertaining to knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity should be conducted with the prior informed consent of the holders of such knowledge, innovations and practices,

Also acknowledging the desirability of ongoing information-gathering and sharing of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, particularly for the purpose of judging the collective success at reversing the decline of such knowledge, innovations and practices.

'Phase 1' of the Programme of work is described in Section E:

4. *Requests the Executive Secretary to continue work on phase one of the composite report in order to produce a revised version of it, in consultation with and with input from Parties, Governments, relevant organizations, all relevant stakeholders as appropriate, and from indigenous and local communities through the national focal points in consultation with and after approval of indigenous and local communities, taking into account the following elements, inter alia:*

(b) *Gathering at national level and inclusion in phase I of the report of additional information in particular on:*

(i) *Assessment, particularly by indigenous and local communities, of the success of measures and initiatives to support the retention and use of knowledge, innovations and*

practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, including the advantages and limitations of registers as a measure to protect traditional knowledge, innovations and practices, as well as approaches used for the implementation of registers, and of incentives and disincentives for the retention and use of traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity;

(ii) Examples of measures to protect traditional knowledge, innovations and practices;

(iii) Recent field studies undertaken with the full involvement of indigenous and local communities which demonstrate the state of knowledge, innovations and practices;

‘Phase 2’ of the Programme of work on Article 8(j) and related provisions is also described in Section E:

6. Encourages Parties, Governments and competent organizations to support the efforts of indigenous and local communities to undertake field studies to determine the status, trends and threats related to the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, with the full involvement and approval of these communities. In undertaking these studies, the general principles of the programme of work on Article 8(j) and related provisions should be respected and followed, as should paragraph 28 (d) of annex I to decision VI/10, which states that codes of ethics/guidelines which entail permission and/or consent of indigenous and local communities to enter the communities and conduct the research, will be respected and followed;

The section entitled ‘Developing a plan of action’ in Section E includes the following recommendations to the Parties to the programme of work:

8.(b) Provide further practical guidance, respectful of indigenous and local communities’ perspectives, for the implementation of the programme of work on the implementation of Article 8(j) and related provisions as it relates to the retention of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

The Annex²⁷ to the Programme of Work on Article 8(j) and related provisions elaborates on the plan of action for implementation of the programme of work. ‘Part A. Improved monitoring and reporting progress’ includes the following recommended course of action:

4. Mechanisms should be established to encourage representatives of indigenous groups and local communities to present information under the Convention on Biological Diversity, including capacity building and incentive measures.

‘Part B: Indicators’ within the Annex to the programme of work suggests the following courses of action:

8. Indicators on the state of retention of traditional knowledge, innovations and practices should be established with the active involvement of indigenous and local communities, in consultation with relevant organizations, in connection with the ongoing work on indicators under the Convention.

9. Indicators to assess the success or failure of measures to promote or preserve traditional knowledge, innovations and practices should be established, with the active involvement of indigenous and local communities, in connection with the ongoing work on indicators under the Convention.

²⁷ COP VII/ 16 Annex: ‘Elements of a Plan of Action for the Retention of traditional knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity’

10. Information on legislative measures to **protect traditional knowledge, innovations and practices** as drawn from regional and national reports, should be kept up to date.

'Part C: Research Ethics' gives the following examples of existing and potential research ethics underpinning the programme of work:

1. Examples of codes of ethics and conduct governing research as used by such bodies as research institutions, business and **indigenous and local communities**, should be gathered with a view to assisting in future possible development of codes of ethics or conduct, and to guide further research on the **retention and use of traditional knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant to the conservation and sustainable use of biological diversity.

2. Parties, Governments, international organizations, research institutions and business should respect and promote existing codes of ethics or conduct governing research, and Parties, Governments and relevant organizations should facilitate the development of additional codes by **indigenous and local communities** where none exist.

'Part D' of the Annex discusses research on and implementation of mechanisms and measures to address the underlying causes of the decline of traditional knowledge, innovations and practices:

13. Research should be undertaken on existing and new threats to the retention and use of **traditional knowledge, innovations and practices**.

14. Mechanisms to promote cooperation in order to address the cause of decline should be identified in cooperation with the **Permanent Forum on Indigenous Issues** of the United Nations and other relevant initiatives and organizations.

15. Parties should be encouraged, in accordance with national domestic law and international obligations, to recognize land tenure of **indigenous and local communities**, as recognized rights and access to land are fundamental to the **retention of traditional knowledge, innovations and practices**.

16. Subject to national legislation and international obligations, Parties should be encouraged to pursue the fair and equitable resolution of land claims as an essential element of efforts to facilitate **the retention and use of traditional knowledge, innovations and practices**.

17. **Indigenous and local communities** should, where relevant, be actively involved in the management of protected areas.

18. The rights of **indigenous and local communities** should be given due respect when establishing new protected areas.

19. Parties should establish measures to ensure respect for the rights of **unprotected or voluntarily isolated communities**.

20. Restrictions on use of and access to **sacred sites** or otherwise **culturally significant sites** should be incorporated into appropriate **local** or national legislation, in consultation with and with full involvement of **indigenous and local communities**.

21. Legislation intended to protect, promote the use of **traditional knowledge, innovations and practices** should be consistent with the needs and views of **indigenous and local communities**, comprehensive and enforceable.

22. Parties should be encouraged to work with **indigenous and local communities** to develop measures and mechanisms to mitigate the consequences of actions arising from perverse incentives leading to the decline of **knowledge, innovations and practices** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity.

23. Parties should share their experiences with incentive measures as well as other mechanisms and measures to support the retention and use of **knowledge, innovations and**

practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

24. Mobilization of financial and technical resources should be promoted to support the design and implementation of mechanisms and measures to support retention of knowledge, innovations and practices embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

'Part E' of the Annex describes capacity-building, education and training to be implemented into the programme of work:

25. Parties, Governments and relevant organizations should be encouraged to facilitate strengthening existing indigenous organizational structures and organizations representing local communities.

26. Specific capacity-building activities should be targeted at indigenous women and women in rural or otherwise marginal communities, and at traditional knowledge, innovations and practices.

27. Where appropriate, traditional knowledge, innovations and practices should be integrated into formal, local, subnational or national systems of education, which are directed towards local or indigenous communities.

28. Education and training should be offered to indigenous and local communities with special attention to the future role of young people so as to enable sustainable development, while being compatible with their traditions.

29. Parties, Governments and relevant stakeholders should be encouraged to learn about knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and to incorporate it in decision-making processes.

G. Participatory mechanisms for indigenous and local communities

Section G of the Programme of Work on Article 8(j) and related provisions contains the following recommendations from the Conference of Parties:

The Conference of Parties

Recognizing the importance of the full and effective participation of indigenous and local communities in the Convention process and in decision-making processes and the implementation of the Convention at the national level,

Recognizing also the need to strengthen and develop mechanisms to further promote the full and effective participation of indigenous and local communities in the Convention process, particularly in matters related to the objectives of Article 8(j) and related provisions,

Recognizing further the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation, as recognized in the preamble of the Convention,

Noting the work of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism at its meeting in Santa Cruz de la Sierra, Bolivia, from 24 to 26 February 2003,

Noting the need to ensure adequate financial support for the participation of indigenous and local communities in meetings organized under the Convention,

Noting further that a number of Parties have put in place measures to facilitate the involvement and participation of indigenous and local communities in decision-making processes and the implementation of the Convention at the national level,

Emphasizing the need to strengthen the capacity of **indigenous and local communities**, in particular at the **local level**, in order to ensure **full and effective involvement and participation** in Convention-related matters,

1. *Reiterates* its invitation, contained in paragraph 18 of decision V/16, to Parties and Governments to increase the **participation** of representatives of **indigenous and local communities** in official delegations to meetings held under the Convention and *urges* them to further enhance such **participation**;

2. *Requests* the Executive Secretary to compile information on the **participation** of **indigenous and local communities** in the Convention process, and in decision-making processes and the implementation of the Convention at the national level, making it available through the clearing-house mechanism;

3. *Requests* the Executive Secretary to incorporate practical measures to enhance the **participation** of **indigenous and local communities**, where appropriate, in the working groups of the Convention on Biological Diversity, Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties, in accordance with the rules of procedure, where appropriate;

4. *Requests* the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, with regard to meetings held under the Convention, to consider the spacing of such meetings, particularly with regard to those of the Ad Hoc Working Group on **Article 8(j)** and Related Provisions, vis-à-vis meetings of the Open-ended Ad Hoc Working Group on **Access and Benefit-sharing** and of the Conference of the Parties, in order to allow sufficient time and opportunity for **indigenous and local community** representatives to contribute to and analyse documents prepared for such meetings, and to secure financial support for attendance;

6. *Invites* Parties and Governments, in consultation with **indigenous and local communities**, where they have not already done so, to:

(a) Promote the **effective participation** of **indigenous and local communities** in the development of national mechanisms for **participation** in decision-making and implementation;

(b) Establish national, subregional and/or regional **indigenous and local community** biodiversity advisory committees, taking into account **gender** equity at all levels;

(c) Enhance the capacity of national institutions, governmental and civil organizations and organizations of **indigenous and local communities** to take into account the requirements of **Article 8(j)** and related provisions and to facilitate its implementation; and

(d) Build sufficient capacity to ensure that the national biodiversity focal point, in accordance with domestic law, is able to make information available to **indigenous and local communities** with regard to the circulation of documents and outcomes of meetings held under the Convention, with particular emphasis on providing the documents in appropriate and accessible **languages of indigenous and local communities**;

(e) Enhance the capacity of **indigenous and local communities** to collaborate with national research organizations and universities in order to identify research and training needs in relation to the conservation and sustainable use of biological diversity;

7. *Mindful* of the particular constraints of developing countries, in particular small island developing States amongst them, *urges* Parties, Governments and international organizations, when providing financial or other support for *in situ* conservation, in accordance with Article 8(m) and Article 20, paragraphs 2 and 3, of the Convention, to pay particular attention to the establishment and implementation of **participatory mechanisms**;

8. *Encourages* Parties and Governments to assist **indigenous and local community** organizations in their regions to hold regional meetings to discuss the outcomes of the decisions of the Conference of the Parties and to prepare for meetings under the

Convention, in particular the meetings of the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions and the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing**;

9. *Invites* Parties to include information regarding the level of **participation of indigenous and local communities** in their national reports, as well as the measures and approaches used to encourage the **participation of indigenous and local communities**;

10. *Decides* to establish a voluntary funding mechanism under the Convention to facilitate the **participation of indigenous and local communities**, giving special priority to those from developing countries and countries with economies in transition and small island developing States in meetings under the Convention, including meetings of the **indigenous and local community** liaison group and relevant meetings of ad hoc technical expert groups. The funding mechanism for the **participation of indigenous and local communities** established herein shall operate according to criteria to be developed by the Conference of the Parties in consultation with **indigenous and local communities** and taking into account any United Nations practice in this field;

11. *Requests* the Executive Secretary to further develop the role of the thematic focal point on **Article 8(j)** and related provisions of the Convention under the clearing-house mechanism with a view to:

(a) Assisting national focal points, as appropriate and subject to available resources, to more effectively disseminate and make accessible Convention-related information to **indigenous and local communities** with particular emphasis on providing information in appropriate and accessible **languages of indigenous and local communities**;

(b) Assisting **indigenous and local communities**, as appropriate and subject to available resources, in the use of information and communication technologies through the organization of capacity-building and training workshops at the **local**, national, and subregional levels;

(c) Compiling information on existing networks, experts, tools, and resources relevant to meeting the needs of **indigenous and local communities**;

12. *Requests* the Executive Secretary, in consultation with **indigenous and local communities**, through the national focal points, to further assist in the development of communication networks and tools for use by **indigenous and local communities**, *inter alia*, by:

(a) Publishing information through the clearing-house mechanism toolkit on formats, protocols, and standards for use by **indigenous and local communities** and assist in the further development of communication networks;

(b) Publishing information through the clearing-house mechanism toolkit on electronic communication tools appropriate for use by **indigenous and local communities**;

(c) Making available through the thematic focal point electronic forums and other communication tools to promote the further development of communications networks by **indigenous and local communities**;

(d) Publishing information on network architecture and custodianship of data through the clearing-house mechanism toolkit to assist **indigenous and local communities** in the further development of communication networks by **indigenous and local communities**;

(e) Identifying other **traditional**, alternative and non-electronic communication tools to ensure **full and effective participation** in the communication network by **indigenous and local communities**.

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

Section H of the Programme of Work on Article 8(j) and related provisions includes the following provisions:

The Conference of Parties

Recalling decision VI/10 in which the Conference of the Parties recognized that the Convention on Biological Diversity is the primary international instrument with the mandate to address issues regarding the respect, preservation and maintenance of **knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity,

Recalling also paragraph 11 of decision V/26 A, by which the Conference of the Parties decided that the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing** shall maintain communication and exchange of information with the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention,

Recognizing that the preservation and maintenance of **knowledge, innovations and practices** of indigenous **communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity are linked to the continued **stewardship** by **indigenous and local communities** of biological resources on **lands and waters traditionally occupied or used** by them,

Also recognizing that **indigenous and local communities** have their own systems, as part of their **customary laws**, for preserving and maintaining **traditional knowledge, innovations and practices** as well as for the protection and transmission of **traditional knowledge**,

Recognizing the transboundary distribution of some biological and genetic resources and associated **traditional knowledge**,

Recognizing also the collective and inter-generational nature of **traditional knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity,

Recognizing also the need to halt the misuse and misappropriation of **knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity and related genetic resources through effective mechanisms that will protect the rights of **indigenous and local communities**,

Recognizing the importance of **access and benefit-sharing** arrangements in the conservation of genetic resources and the preservation and maintenance of **knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity,

Noting that a mix of defensive and positive measures, taking into account both proprietary and non-proprietary aspects, may be necessary for the protection of **traditional knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity,

Recognizing that a *sui generis* system for the protection of **traditional knowledge** at the international level may enable **indigenous and local communities** to effectively protect their **knowledge** against misuse and misappropriation and that such a system should be flexible and respect the interests and rights of **indigenous and local communities**,

Recognizing that while in some cases databases and registers may play a role in the protection of **traditional knowledge, innovations and practices**, such databases and registers are only one approach in the effective protection of **traditional knowledge, innovations and practices** and their establishment should be voluntary, not a requirement for protection, and established with the **prior informed consent** of **indigenous and local communities**, and

Further recognizing, if **indigenous and local communities** decide to use such databases and registers, the need for funding and capacity-building for **indigenous and local communities** regarding the establishment and maintenance of such databases and registers,

Emphasizing that any *sui generis* system for the protection of **traditional knowledge, innovations and practices** needs to be developed taking into consideration **customary law and practices** with the **full and effective involvement and participation** of concerned **indigenous and local communities**,

Recognizing that **traditional knowledge, innovations and practices** are sometimes accessed without the consent of **indigenous and local communities** and that these communities have a right to grant or refuse such access as well as to determine the level of such access, subject to **Article 8(j)**,

Concerned that some **traditional knowledge, innovations and practices** have been accessed without the **prior informed consent** of **indigenous and local communities** and *recognizing* that necessary steps should be taken to ensure the respect of **prior informed consent** for any future use of **traditional knowledge**, subject to **Article 8(j)**,

Aware of the need for further work by the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention, on a number of issues relating to the protection of **knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity,

Recognizing the need for continued collaboration with other relevant organizations working on issues related to the protection of **traditional knowledge, innovations and practices**, such as the World Intellectual Property Organization (WIPO), the **Permanent Forum on Indigenous Issues** (PFII), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and **Cultural** Organization (UNESCO), the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization (WTO) to ensure mutual supportiveness and avoid duplication of efforts,

2. *Invites* Parties, Governments, **indigenous and local communities**, and relevant international organizations to communicate to the Executive Secretary any relevant information on existing **indigenous, local**, national and regional *sui generis* systems for the protection of the **knowledge, innovations and practices** of **indigenous communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity and any relevant information on innovative policy, administrative and legislative measures that are supportive of **customary law and practices**;

3. *Requests* the Executive Secretary to compile information on issues identified in paragraph 2 above, and on the nature of **customary laws** and **traditional protocols** of **indigenous and local communities** relating to **customary uses** and the conservation and sustainable use of biological diversity, in cooperation with **indigenous and local communities**, for consideration by the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention;

4. *Requests* the Executive Secretary, based on submissions by Parties, Governments, **indigenous and local communities** and relevant international organizations, to develop, in cooperation with the ongoing work on the use of terms in the Ad Hoc Open-ended Working Group on **Access and Benefit-Sharing** and in consultation with Parties, **indigenous and local communities** and relevant international organizations, a glossary of terms relevant to **Article 8(j)** and related provisions for the consideration by the fourth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention;

5. *Decides* on appropriate mechanisms for better cooperation between the Ad Hoc Open-ended Working Group on **Access and Benefit-Sharing** and the Ad Hoc Open-ended Inter-

Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention in order to ensure the **participation** and involvement of **indigenous and local communities** in the Ad Hoc Open-ended Working Group on **Access and Benefit-Sharing**;

6. *Requests* the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention, with the collaboration of relevant international organizations and bodies such as the United Nations **Permanent Forum on Indigenous Issues** to:

(a) Consider non-intellectual-property-based *sui generis* forms of protection of **traditional knowledge, innovations and practices** relevant for the conservation and sustainable use of biodiversity;

(b) Further develop, as a priority issue, elements for *sui generis* systems, listed in the annex to the present decision, for protection of **knowledge, innovations and practices of indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity and ensure **benefit-sharing** arrangements for these **communities** when their **traditional knowledge** and associated genetic resources are accessed;

(d) Review and, if appropriate, make recommendations regarding the international regime on **access and benefit-sharing** with a view to including *sui generis* systems and measures for the protection of **knowledge, innovations, and practices of indigenous and local communities** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity;

(e) Assess the role of databases and registers in the protection of **traditional knowledge, innovations and practices** embodying **traditional lifestyles** relevant for the conservation and sustainable use of biological diversity;

(f) Explore, taking into account the work of the World Intellectual Property Organization and the United Nations **Permanent Forum on Indigenous Issues**, the potential of and conditions under which the use of existing as well as new forms of intellectual property rights can contribute to achieving the objectives of **Article 8(j)** and related provisions of the Convention;

7. *Invites* Parties and Governments to consider appropriate measures, with the **full and effective participation** of **indigenous and local communities**, to implement at **local**, national, subregional, regional and international levels *sui generis* systems and other new innovative mechanisms that ensure the protection of **traditional knowledge, innovations and practices** taking into consideration **customary law** and **traditional practices**;

9. *Invites* Parties, Governments and international organizations to strengthen the capacity of **indigenous and local communities** to protect, use, preserve, maintain and promote their **traditional knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity;

10. *Invites* both Parties and **indigenous and local communities** to share national experiences amongst themselves on **local** and national approaches, as well as international approaches, for the protection of **traditional knowledge** and to consider the harmonization of approaches at the regional level;

11. *Invites* the World Intellectual Property Organization to make available to the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions of the Convention, the results of its work on issues relevant to the implementation of **Article 8(j)** and related provisions of the Convention, in particular in relation to the protection of **traditional knowledge** and its recognition as prior art.

I. Recommendations of the Permanent Forum on Indigenous Issues to the Convention on Biological Diversity

Section I of the Programme of Work on Article 8(j) and related provisions contains the following recommendations:

The Conference of Parties

Stressing the need for a better understanding among United Nations agencies on issues pertaining to **indigenous and local communities** and their **traditional knowledge**,

Noting recommendations 1, 8 and 9 of the **Permanent Forum on Indigenous Issues** contained in the report of the second session of the Forum, which are addressed to the Convention on Biological Diversity (UNEP/CBD/WG8J/3/8),

1. *Welcomes* the increasing collaboration between the Convention process and the **Permanent Forum on Indigenous Issues** on matters pertaining to **indigenous and local communities** and their **knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity;
2. *Requests* the Executive Secretary to contribute as appropriate to the preparation of the report of the Secretary General to the Forum on **Indigenous Issues** on the implementation of chapter 26 of Agenda 21 and other relevant chapters, such as chapters 36 and 15;
3. *Requests* the Executive Secretary to transmit to the **Permanent Forum on Indigenous Issues** at its third session the **Akwé: Kon Voluntary Guidelines** for the Conduct of **Cultural, Environmental and Social Impact Assessments** regarding Developments Proposed to Take Place on or which are Likely to Impact on, **Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities**;
4. *Further requests* the Executive Secretary to consult and coordinate with the Secretariat of the Forum and to collaborate with United Nations agencies and relevant international organizations with a view to organizing a workshop on **cultural, environmental and social impact assessments** based on the **Akwé: Kon Voluntary Guidelines** and aimed at the further strengthening of the understanding of the link between environment and **cultural diversity**, with the **participation** of representatives of **indigenous and local communities**, and *urges* Parties and Governments to provide financial resources in support of the organization of the workshop;
5. *Requests* the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions to develop elements of an ethical code of conduct to ensure respect for the **cultural and intellectual heritage** of **indigenous and local communities** relevant for the conservation and sustainable use of biological diversity, taking into account task 16 of the programme of work on **Article 8(j)** and related provisions.

VII/18. Incentive Measures (Article 11)

As part of the Programme of Work on Incentive Measures (Article 11), the following consideration was emphasised by the Conference of Parties:

The Conference of Parties

Stressing that these incentives and mitigation measures should not adversely affect biodiversity and livelihoods of other **communities**, and should be applied in a manner consistent with international law

Within the Annex²⁸ to the Programme of Work on Incentive Measures (Article 11), ‘Part B’ describes the identification of policies or practices²⁹ that generate perverse incentives³⁰.

15. *Stakeholder involvement.* The involvement of all stakeholders is an important element in identifying policies or practices that generate perverse incentives³¹. The direct benefits of policies often go to well organized societal actors, while the costs of these policies, e.g., the loss of ecosystem services due to biodiversity decline, are borne by the wider public or by diffuse and/or powerless groups. Such groups, however, may be able to forward additional important information and to point to possible shortcomings in the conclusions of the assessment. It should therefore be ensured, through appropriate mechanisms of levelling the playing field for all stakeholders, that all groups are fully involved throughout the process. A balanced representation of stakeholders in the consultation will contribute to identifying properly and comprehensively both the benefits of individual policies and their possible shortcomings.

16. *Transparency.* Perverse incentives are often difficult to detect, because the negative impacts on biodiversity are usually an indirect by-product of policies aiming at other goals, and because they may result from an intricate interaction between different policies or practices. Ensuring that the process of assessing policies and practices is conducted in a transparent manner will contribute to ensure that all relevant stakeholders are well-informed about the process and its outcomes. This is an important pre-condition for effective stakeholder involvement.

VII/19. Access and benefit-sharing as related to genetic resources (Article 15)

As part of the Programme of work on Access and benefit-sharing as related to genetic resources (Article 15), Section C describes ‘Other approaches, as set out in decision VI/24 B’. Section C gives the following recommendations to the Conference of the Parties on the implementation of the programme of work:

The Conference of Parties

Recognizing that a package of measures may be necessary to address the different needs of Parties, Governments, relevant organizations, **indigenous and local communities** and all relevant stakeholders in the implementation of **access and benefit-sharing** arrangements,

Section D of the Programme of Work on Access and benefit-sharing as related to genetic resources (Article 15) concerns the international regime on access to genetic resources and benefit-sharing, this includes the following statements to the Parties:

The Conference of Parties

²⁸ COP VII/18 Annex: ‘Proposals for the application of ways and means to remove or mitigate perverse incentives’

²⁹ For the purpose of these indicative guidelines, the term *policy* shall refer to a system of strategies, plans and programmes that spell out, *inter alia*, operational targets, and a related set of legal, administrative and/or economic tools that are implemented by national, sub-national and local governments to attain a set of underlying objectives. The term *practice* shall refer to any activity undertaken by individuals, communities, companies and organizations that is based on customary law, social norms or cultural traditions.

³⁰ A *perverse incentive* emanates from policies or practices that encourage, either directly or indirectly, resource uses leading to the degradation and loss of biological diversity. The removal of such policies or practices or the mitigation of their perverse effects is therefore an important element in promoting the conservation and sustainable use of biological diversity.

³¹ Definition of policies, practices and perverse incentives: COP VII/18, Annex, Part A ‘General Considerations’:

Reaffirming the commitment by Parties, subject to national legislation, to respect, preserve and maintain **knowledge, innovations and practices** of **indigenous and local communities** embodying **traditional lifestyles** relevant for conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such **knowledge, innovations and practices** and **encourage** the **equitable sharing of the benefits** arising from their utilization,

Recalling that the international regime should recognize and shall respect the rights of **indigenous and local communities**,

Section E of the programme of work is entitled: ‘Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting party providing genetic resources and mutually agreed terms on which access was granted in Contracting Parties with users of such resources under their jurisdiction’. The following provisions are included in Section E:

The Conference of Parties

Noting that a number of Governments have taken initiatives at the national and regional levels to establish measures to support compliance with **prior informed consent** of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of **the indigenous and local communities** providing associated **traditional knowledge**, and with mutually agreed terms on which access was granted,

Aware that further work is required on a number of issues, including analysis of: (i) specific measures to support compliance, in accordance with the sovereign rights of the country of origin of genetic resources, with the **prior informed consent** of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the **indigenous and local communities** providing associated **traditional knowledge**; (ii) compliance measures existing in national laws; (iii) the extent and level of unauthorized access and misappropriation of genetic resources and **traditional knowledge**; and (iv) availability of remedies in user countries relating to non-compliance, *Recognizing* that a number of critical issues, such as an international certificate of origin/source/legal provenance, and disclosure of origin of genetic resources and associated **traditional knowledge**, need to be addressed to support compliance with national legislation of countries of origin and **prior informed consent** of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the **indigenous and local communities** providing associated **traditional knowledge**, and with mutually agreed terms on which access was granted,

Recognizing further the need to ensure transparency in the international exchange of genetic resources and associated **traditional knowledge**,

1. *Takes note* of ongoing initiatives at national, regional and international levels regarding measures to support compliance with national legislation, including **prior informed consent** of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the **indigenous and local communities** providing associated **traditional knowledge**, and with mutually agreed terms on which access was granted;

2. *Invites* Parties and Governments to continue taking appropriate and practical measures to support compliance with **prior informed consent** of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the **indigenous and local communities** providing associated **traditional knowledge**, and with mutually agreed terms on which access was granted. Such measures may include:

(a) Exchange of information between users and providers regarding legislative, administrative and policy measures existing in their jurisdiction relating to access and **benefit-sharing**;

(b) Incentive measures, as referred to in paragraph 51 of the Bonn Guidelines, to encourage users to comply with national legislation, including **prior informed consent** and mutually agreed terms, such as publicly sponsored research grants and voluntary certification schemes;

3. *Invites* Parties to recognize that **traditional knowledge**, whether written or oral, may constitute prior art;

4. *Invites* Parties to establish national mechanisms to ensure compliance, when required by domestic law, with the obtaining of **prior informed consent** of **indigenous and local communities** regarding access to genetic resources and associated **traditional knowledge**;

5. *Invites* Parties to put in place mechanisms to ensure **fair and equitable benefit-sharing** at the national level with relevant stakeholders and **indigenous and local communities**;

Section F discusses the needs for capacity-building, as identified by countries, for the implementation of the Bonn Guidelines:

The Conference of Parties

Underlining that capacity-building should be a flexible, demand- and country-driven process requiring international and regional cooperation, as appropriate, involving **indigenous and local communities** as well as all relevant stakeholders,

4. *Encourages* Parties and Governments to provide for the **full and effective involvement and participation of indigenous and local communities** and all relevant stakeholders in the development and implementation of national capacity-building plans and strategies;

5. *Requests* Parties and Governments to make information available through the clearing-house mechanism and to include information in national reports regarding their implementation of capacity-building measures on access to genetic resources and related **traditional knowledge**, and **benefit-sharing**;

Within the Programme of work on Access and benefit-sharing as related to genetic resources there is an Annex containing the programme's 'Action plan on capacity-building for access to genetic resources and benefit-sharing'. The objective of the action plan ('Part A') is given as follows:

1. The objective of the Action Plan is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and **benefit-sharing**, and in particular the Bonn Guidelines on Access to Genetic Resources and Fair and **Equitable Sharing of Benefits** Arising Out of their Utilization, taking into account their voluntary nature. The implementation of the Action Plan at the **local**, national, subregional, regional and international levels should involve **indigenous and local communities** and all relevant stakeholders.

'Part C' of the Annex on the 'Action plan on capacity-building for access to genetic resources and benefit-sharing' concerns the mechanisms for the implementation of capacity-building in key areas:

7. *Actions at multiple levels:*

(a) Awareness-raising for the issues at stake and identification of capacity needs at the **local**, national, subregional, and regional levels, taking into account, as appropriate, the work of the Global Environment Facility on national capacity self-assessment;

(b) Prioritization at the **local**, national, and regional levels of the key areas, drawing upon a range of existing expertise in academic, industrial and government sectors and **indigenous and local communities**;

(c) Identification of existing and planned capacity-building initiatives, including capacity-building gaps, at the **local**, national, subregional, regional and international levels, both public and private, and their coverage, including by:

(vi) **Indigenous and local communities**;

(vii) Private sector, non-governmental organizations and other stakeholders;

(g) The **participation** of the private sector, academic institutions, relevant institutions and organizations of **indigenous and local communities**, and non-governmental organizations, as providers of capacity-building in specific areas, for example through collaborative research, transfer of technology and funding;

(i) **Full and effective involvement and participation** of relevant stakeholders and **indigenous and local communities**, taking into account the tasks defined within the programme of work on the implementation of **Article 8(j)** and related provisions of the Convention;

9. *Actions at the regional and subregional levels and at the international levels:*

(c) Scientific and technical cooperation and partnerships among Parties, and between Parties and relevant multilateral agencies and other organizations through, *inter alia*, the clearing-house mechanism of the Convention, and other relevant networks, including those of relevant **indigenous and local communities** and relevant stakeholders;

The Annex entitled ‘Action plan for capacity-building for access to genetic resources and benefit-sharing’ contains an Appendix. Possible approaches for implementation of activities identified in the Action Plan at the National Level are contained in subsection A:

1. Inventory of genetic resources and **traditional knowledge** and evaluation of their potential markets, as well as assessment of existing measures and practices relating to **access and benefit-sharing**.

3. Development of national **access and benefit-sharing** strategy or policy (determination of ownership or rights to provide resources, including rights of **indigenous and local communities**; **traditional knowledge**; private sector partnership; **prior informed consent**; implementation; conflict resolution).

4. Enhancing awareness and **participation** of **indigenous and local communities** and all relevant stakeholders.

VII/21. Additional financial resources

As part of the Programme of Work on Additional financial resources, the following statement was made to the Conference of Parties:

The Conference of Parties

*Affirming that **poverty eradication**, sustainable development and the achievement of the three objectives of the Convention are closely inter-linked.*

VII/25. National reporting

As part of the Programme of Work on National reporting, the following requests were made for the implementation of the programme of work under ‘Part B- Guidelines for the third national report’:

The Conference of Parties

4. *Invites* Parties to promote wide stakeholder involvement, as well as that of **indigenous and local communities**, in the preparation of national reports, or in related processes that will inform national-report preparation, to ensure a more accurate and comprehensive reflection of the views and priorities of national stakeholders.

VII/27. Mountain biological diversity

As part of the Programme of Work on Mountain biological diversity, the following recommendations were given:

The Conference of Parties

6. *Agrees* that, in undertaking the implementation of the programme of work, Parties, other Governments, international organizations, civil society organizations and others should take into account the **knowledge, innovations and practices** of **indigenous and local communities** and **ensure their participation** in conservation and sustainable use of mountain biological diversity, in accordance with **Article 8(j)** and related provisions of the Convention;

14. *Recognizing* the value of **traditional and sustainable land use practices** of **indigenous and local communities** in preserving mountain biodiversity, *requests* the Executive Secretary to collect and disseminate relevant information contributed by these **communities** through the clearing-house mechanism and other means;

The Programme of Work on Mountain biological diversity contains an Annex. Programme Element 1 of the Annex concerns direct actions for conservation, sustainable use and benefit-sharing. 'Part B' within Programme Element 1 describes the overall scope and purpose of the work:

8. The programme of work focuses on addressing characteristics and problems that are specific to mountain biological diversity. These include:

(b) **Cultural diversity**, and the particularly key role of **indigenous and local communities** in the conservation and management of mountain biological diversity;

'Part C' within the Annex to the programme of work describes the programme elements, goals and actions. Goal 1.2 is 'To protect, recover and restore mountain biological diversity' and contains the following actions:

1.2.1 Develop and implement programmes to restore degraded mountain ecosystems and protect natural dynamic processes and maintain biological diversity in order to enhance the capacity of mountain ecosystems to resist and adapt to climate change, or recover from its negative impacts including, *inter alia*, by establishing corridors and taking appropriate measures to maintain ecological functions of natural corridors, where appropriate, to enable vertical migration of species, ensuring minimal viable population sizes to enable genetic adaptation to changing environmental conditions. These programmes should include socio-economic considerations, especially in relation to **indigenous and local communities**.

1.2.4. Develop strategies for land-use and water-resource planning at landscape level using the **ecosystem approach**, taking into account elements of ecological connectivity and **traditional uses** of **indigenous and local communities**, and to prevent and mitigate losses of mountain biological diversity due to fragmentation and land-use conversion.

1.2.5. Establish and strengthen adequate, effective national, regional and international networks of mountain-protected areas, in accordance with decisions of the Conference of the Parties on protected areas, while **respecting the rights and full participation of indigenous and local communities**.

Goal 1.3 within 'Part C' discusses the means by which the programme of work will promote the sustainable use of mountain biological resources. The following 'Actions' are stated under Goal 1.3:

1.3.2 Promote sustainable land-use practices, techniques and technologies, including those of **indigenous and local communities** and **community-based management systems**, for the conservation and sustainable use (including **pastoralism**, hunting and fishing) of wild flora and fauna and agro-biodiversity in mountain ecosystems, including biological pest control.

1.3.3 Support activities of **indigenous and local communities** involved in the use of **traditional mountain-related knowledge**, in particular concerning sustainable management of biodiversity, soil, water resources and slope.

1.3.4 Promote partnerships between all stakeholders, including **indigenous and local communities**, involved in the sustainable use of mountain biological resources. (see also goal 2.3)

1.3.7 Strengthen **local** capacity for sustainable tourism management, in order to ensure that **benefits derived from tourism activities are shared** by **indigenous and local communities**, while preserving **natural and cultural heritage values**.

Goal 1.4: 'To promote access to, and sharing of benefits arising from the utilization of genetic resources related to mountain biological diversity in accordance with national legislation where it exists' contains the following 'Actions':

1.4.1 Strengthen the capacity of **indigenous and local communities** to engage in **equitable benefit-sharing** arrangements, taking into account the Bonn Guidelines on Access to Genetic Resources and **Fair and Equitable Sharing of the Benefits** Arising out of their Utilization, bearing in mind their voluntary character and that they do not purport to replace national legislation.

1.4.2 Develop methods to assess and conserve genetic resources of high economic value for promoting fair and **equitable sharing of benefits**, respecting national legislation on access to genetic resources.

1.4.3 Promote actions that are beneficial for conservation through generating employment and/or income particularly for **marginal communities**.

Goal 1.5 is 'To maintain genetic diversity in mountain ecosystems in particular through the preservation and maintenance of traditional knowledge and practices'. The following 'Actions' are recommended:

1.5.2 Implement provisions contained in **Article 8(j)** on **traditional knowledge** and related provisions of the Convention on Biological Diversity, taking into consideration the needs of developing countries

1.5.4 **Respect, preserve and maintain indigenous knowledge, practices, processes and technologies** to ensure conservation, sustainable use of biodiversity and **sharing of benefits**.

Programme Element 2, within the Annex to the Programme of Work on Mountain biological diversity, addresses the means of implementation for conservation, sustainable use and benefit-sharing. Numerous specific goals are included within this programme element, including Goal 2.1 'To enhance the legal, political, institutional, an economic framework'. Goal 2.1 contains the following 'Actions':

2.1.8 Support proactive planning and adaptive measures to reduce the vulnerability to both natural and human-induced hazards adversely impacting on mountain biological diversity, **cultural** landscapes and **local communities**.

2.1.9 Encourage the implementation of **environmental and social impact assessments** at sectoral, programme and project levels. Promote sustainable development and the **eradication of poverty** and prevent the negative impacts of economic development on mountain biological diversity including cumulative impacts. Also take into account

specificities of indigenous and local communities depending upon mountain ecosystems, by observing section F of decision VII/16 of the Conference of the Parties on the Akwé: Kon 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.

Goal 2.2 within Programme Element 2 of the Annex is: to respect, preserve, and maintain knowledge, practices and innovations of indigenous and local communities in mountain regions. The following actions are stated within this goal:

2.2.2. Respect, understand and support the traditions and sustainable practices of the indigenous and local communities in mountain regions in ways which accommodate their needs, participation, knowledge and practices for conservation and sustainable use of mountain biodiversity (taking into account Article 8(j) of the Convention and related decisions from the Conference of the Parties and programmes of work).

2.2.3. Promote networking, collaborative action and participation of indigenous and local communities in decision-making processes, paying particular attention to the empowerment of women, in order to maintain mountain biodiversity and its sustainable use.

2.2.4. Encourage decentralization and enhance access to information for the full participation and involvement of indigenous and local communities in decisions that affect them in relation to mountain ecosystems.

2.2.5. Promote the implementation of activities aimed at the improvement of mountain livelihoods, poverty reduction and the maintenance of cultural identity, in order to achieve sustainable use of mountain biological diversity.

2.2.6 Develop capacity-building measures and information-sharing to facilitate the involvement of indigenous and local communities, with their prior informed consent, in the management, conservation, and sustainable use of mountain biological diversity.

Programme Element 3 of the Annex to the Programme of work on Mountain biological diversity addresses supporting actions for conservation, sustainable use and benefit-sharing. Goal 3.2 is: 'To improve knowledge on and methods for the assessment and monitoring of the status and trends of mountain biological diversity based on available information'. The following 'Action' is included within Goal 3.2:

3.2.2 Develop and select international, regional and national criteria and, where appropriate, quantifiable indicators for mountain biological diversity, taking into account the work of the Convention on monitoring and indicators and the knowledge held by indigenous and local communities, together with other experience of sustainable mountain management.

Goal 3.4: 'To improve research, technical and scientific cooperation, and other forms of capacity-building related to mountain biological diversity' contains the following 'Actions':

3.4.5. Foster exchange of experiences and knowledge of sustainable development and ecosystem vulnerability among countries with mountains, taking into account the vulnerability of social-cultural systems and communities.

3.4.7. Develop capacity and enhance opportunities for community-based research and monitoring to conserve mountain biodiversity and provide greater benefits to mountain communities.

Goal 3.5: 'To increase public education, participation and awareness in relation to mountain biological diversity' contains the following 'Actions':

3.5.2. Increase awareness of the actual and potential contribution of knowledge, practices and innovations of indigenous and local communities to conserve and sustainably use

mountain biological diversity, i.e., biodiversity documentation, inventories by **community** and other appropriate levels.

3.5.3. Encourage the implementation of sustainable tourism activities aimed at increasing awareness, respect and knowledge for mountain biological diversity, including **knowledge of the local, natural and cultural landscapes**.

3.5.5. Further **promote the education of women** and their role in the conservation and dissemination of **traditional knowledge**.

The final goal within the Annex to the Programme of Work on Mountain biological diversity is Goal 3.6: ‘To promote the development, validation, and transfer of appropriate technologies for mountain ecosystems, including indigenous technologies in accordance with Article 8(j) of the Convention on Biological Diversity and related provisions.’ Supporting activities of the Executive Secretary include the following:

3.6.3. In collaboration with relevant organizations, provide Parties with access to appropriate and latest technologies and innovations relating to mountain biodiversity with the approval and involvement of **indigenous and local communities** as appropriate.

VII/28. Protected areas Protected areas (Articles 8 (a) to (e))

As part of the Programme of Work on Protected areas (Articles 8(a) to (e)), the Conference of Parties gave the following recommendations:

The Conference of Parties

2. *Welcomes* the joint NGO statement and joint NGO commitment on protected areas made at the seventh meeting of the Conference of the Parties by international non-governmental organizations³² to support the implementation of a strong programme of work on protected areas under the CBD and looks forward to receiving information on the progress made with respect to their pledge;

22. *Recalls* the obligations of Parties towards **indigenous and local communities** in accordance with **Article 8(j)** and related provisions and *notes* that the establishment, management and monitoring of protected areas should take place with the **full and effective participation** of, and full respect for the rights of, **indigenous and local communities** consistent with national law and applicable international obligations;

24. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to provide scientific and technical advice on the implementation of the programme of work. This work should draw *inter alia* upon the input of Parties and other Governments, the work of relevant United Nations organizations and conventions, the work of the IUCN - World Commission on Protected Areas, the outcomes of the Fifth IUCN World Congress on Protected Areas, and the work of relevant **indigenous and local communities**, and non-governmental organizations;

29. *Suggests* the following tasks need to be undertaken by the ad hoc open ended working group

(c) To contribute to the further development of “tool kits” for the identification, designation, management, monitoring and evaluation of national and regional systems of protected areas, including ecological networks, ecological corridors, buffer zones, with special regard to **indigenous and local communities** and stakeholder involvement and **benefit sharing** mechanisms;

³² BirdLife International, Conservation International, Flora and Fauna International, The Nature Conservancy, Wildlife Conservation Society, WWF, and World Resources Institute.

The Programme of Work on Protected areas (Articles 8(a) to (e)) includes an Annex on the Programme of Work on Protected areas. The following provision was included within the Introduction to the Annex:

1. *In situ* conservation, sustainable use of biological diversity and the **fair and equitable sharing of benefits** arising from the use of genetic resources are dependent upon properly maintaining sufficient natural habitat. Protected areas, together with conservation, sustainable use and restoration initiatives in the wider land-and seascape are essential components in national and global biodiversity conservation strategies. They provide a range of goods and ecological services while preserving natural and **cultural heritage**. They can contribute to **poverty alleviation** by providing employment opportunities and livelihoods to people living in and around them. In addition, they also provide opportunities for research including for adaptive measures to cope with climate change, environmental education, recreation and tourism. As a result, most countries have developed a system of protected areas. The protected-area network now covers about 11 per cent of Earth's land surface. Less than 1 per cent of the Earth's marine area is covered. The central role of protected areas in implementing the objectives of the Convention has been repeatedly emphasized in decisions of the Conference of Parties. They form a vital element of the various thematic programmes of work, namely, marine and coastal biological diversity, inland water ecosystems biological diversity, dry and sub-humid lands biological diversity, forest biological diversity and mountain biological diversity.

Section II of the Annex to the Programme of Work on Protected describes the overall purpose and scope of the programme of work. The following provisions are included within Section II:

6. The overall purpose of the programme of work on protected areas is to support the establishment and maintenance by 2010 for terrestrial and by 2012 for marine areas of comprehensive, effectively managed, and ecologically representative national and regional systems of protected areas that collectively, *inter alia* through a global network³³ contribute to achieving the three objectives of the Convention and the 2010 target to significantly reduce the current rate of biodiversity loss at the global, regional, national and sub-national levels and contribute to **poverty reduction** and the pursuit of sustainable development, thereby supporting the objectives of the Strategic Plan of the Convention, the World Summit on Sustainable Development Plan of Implementation and the Millennium Development Goals.

9. The programme of work is intended to assist Parties in establishing national programmes of work with targeted goals, actions, specific actors, time frame, inputs and expected measurable outputs. Parties may select from, adapt, and/or add to the activities suggested in the current programme of work according to particular national and **local** conditions and their level of development. Implementation of this programme of work should take into account the **ecosystem approach** of the Convention on Biological Diversity. In implementing the programme of work, Parties are encouraged to pay due regard to the social, economic and environmental costs and benefits of various options. In addition, Parties are encouraged to consider the use of appropriate technologies, source of finance and technical cooperation, and to ensure, through appropriate actions, the means to meet the particular challenges and demands of their protected areas.

Programme Element 1 of the Annex to the Programme of Work on Protected Areas is entitled 'Direct actions for planning, selecting, establishing, strengthening, and

³³ A global network provides for the connections between Parties, with the collaboration of others, for the exchange of ideas and experiences, scientific and technical cooperation, capacity building and cooperative action that mutually support national and regional systems of protected areas which collectively contribute to the achievement of the programme of work. This network has no authority or mandate over national or regional systems.

managing, protected area systems and sites'. Goal 1.1 and the corresponding Target are included below, along with some of the suggested activities of the Parties:

Goal 1.1 – To establish and strengthen national and regional systems of protected areas integrated into a global network as a contribution to globally agreed goals

Target. By 2010, terrestrially³⁴ and 2012 in the marine area, a global network of comprehensive, representative and effectively managed national and regional protected area system is established as a contribution to (i) the goal of the Strategic Plan of the Convention and the World Summit on Sustainable Development of achieving a significant reduction in the rate of biodiversity loss by 2010; (ii) the Millennium Development Goals – particularly goal 7 on ensuring environmental sustainability; and (iii) the Global Strategy for Plant Conservation.

Suggested activities of the Parties

1.1.4: By 2006, conduct, with the **full and effective participation** of **indigenous and local communities** and relevant stakeholders, national-level reviews of existing and potential forms of conservation, and their suitability for achieving biodiversity conservation goals, including innovative types of governance for protected areas that need to be recognized and promoted through legal, policy, financial institutional and **community** mechanisms, such as protected areas run by government agencies at various levels, co-managed protected areas, private protected areas, **indigenous and local community conserved areas**.

1.1.17: Encourage the establishment of protected areas that benefit **indigenous and local communities**, including by **respecting, preserving, and maintaining their traditional knowledge** in accordance with **article 8(j)** and related provisions.

Goal 1.4 is also included within Programme Element 1. Goal 1.4, its Target and some suggested activities of the Parties are included below:

Goal 1.4 – To substantially improve site-based protected area planning and management

Target. All protected areas to have effective management in existence by 2012, using **participatory** and science-based site planning processes that incorporate clear biodiversity objectives, targets, management strategies and monitoring programmes, drawing upon existing methodologies and a long-term management plan with active stakeholder involvement.

Suggested activities of the Parties

1.4.1: Create a highly **participatory** process, involving **indigenous and local communities** and relevant stakeholders, as part of site-based planning in accordance with the ecosystem approach, and use relevant ecological and socio-economic data required to develop effective planning processes.

Goal 1.5, its Target and some suggested activities of the Parties within the Annex to Protected Areas are included below:

Goal 1.5 – To prevent and mitigate the negative impacts of key threats to protected areas

Target: By 2008, effective mechanisms for identifying and preventing, and/or mitigating the negative impacts of key threats to protected areas are in place.

Suggested activities of the Parties

1.5.1: Apply, as appropriate, timely environmental impact assessments to any plan or project with the potential to have effects on protected areas, and ensure timely information flow among all concerned parties to that end, taking into account decision VI/7 A of the Conference of the Parties on guidelines for incorporating biodiversity-related issues into

³⁴ Terrestrial includes inland water ecosystems.

environmental impact assessment legislation and/or processes and in strategic environmental assessments.

1.5.6. Develop policies, improve governance, and ensure enforcement of urgent measures that can halt the illegal exploitation of resources from protected areas, and strengthen international and regional cooperation to eliminate illegal trade in such resources taking into account **sustainable customary resource use** of **indigenous and local communities** in accordance with article 10(c) of the Convention.

Programme Element 2 concerns governance, participation, equity and benefit sharing. Programme Element 2 includes Goal 2.1, which is included below, along with its Target and some suggested activities of the Parties:

Goal 2.1 – To promote equity and **benefit-sharing**

Target: Establish by 2008 mechanisms for the **equitable sharing of both costs and benefits** arising from the establishment and management of protected areas.

Suggested activities of the Parties

2.1.1: Assess the **economic and socio-cultural costs**, benefits and impacts arising from the establishment and maintenance of protected areas, particularly for **indigenous and local communities**, and adjust policies to avoid and mitigate negative impacts, and where appropriate compensate costs and **equitably share benefits** in accordance with the national legislation.

2.1.2: Recognize and promote a broad set of protected area governance types related to their potential for achieving biodiversity conservation goals in accordance with the Convention, which may include **areas conserved by indigenous and local communities** and private nature reserves. The promotion of these areas should be by legal and/or policy, financial and community mechanisms.

2.1.3: Establish policies and institutional mechanisms with **full participation** of **indigenous and local communities**, to facilitate the legal recognition and effective management of **indigenous and local community conserved areas** in a manner consistent with the goals of conserving both biodiversity and the **knowledge, innovations and practices of indigenous and local communities**.

2.1.4: Use social and economic benefits generated by protected areas for **poverty reduction**, consistent with protected-area management objectives.

2.1.5: Engage **indigenous and local communities** and relevant stakeholders in **participatory** planning and governance, recalling the principles of the **ecosystem approach**.

2.1.6: Establish or strengthen national policies to deal with access to genetic resources within protected areas and **fair and equitable sharing of benefits** arising from their utilization, drawing upon the Bonn Guidelines on Access to Genetic Resources and **Fair and Equitable Sharing of the Benefits** Arising out of their Utilization as appropriate.

Goal 2.2 within Programme Element 2 is included below along with its Target, the suggested activities of the Parties and some suggested supporting activities of the Executive:

Goal 2.2 – To enhance and secure involvement of **indigenous and local communities** and relevant stakeholders

Target: **Full and effective participation** by 2008, of **indigenous and local communities**, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the **participation** of relevant stakeholders, in the management of existing, and the establishment and management of new, protected areas

Suggested activities of the Parties

2.2.1: Carry out **participatory** national reviews of the status, needs and context-specific mechanisms for involving stakeholders, ensuring **gender** and social equity, in protected areas policy and management, at the level of national policy, protected area systems and individual sites.

2.2.2: Implement specific plans and initiatives to effectively involve **indigenous and local communities**, with respect for their rights consistent with national legislation and applicable international obligations, and stakeholders at all levels of protected areas planning, establishment, governance and management, with particular emphasis on identifying and removing barriers preventing adequate **participation**.

2.2.3: Support **participatory** assessment exercises among stakeholders to identify and harness the wealth of knowledge, skills, resources and institutions of importance for conservation that are available in society.

2.2.4: Promote an enabling environment (legislation, policies, capacities, and resources) for the involvement of **indigenous and local communities** and relevant stakeholders³⁵ in decision making, and the development of their capacities and opportunities to establish and manage protected areas, including **community-conserved** and private **protected areas**.

2.2.5: Ensure that any resettlement of **indigenous communities** as a consequence of the establishment or management of protected areas will only take place with their **prior informed consent** that may be given according to national legislation and applicable international obligations.

Suggested supporting activities of the Executive Secretary

2.2.6: Make available to Parties case-studies, advice on best practices and other sources of information on stakeholder **participation** in protected areas

2.2.7: Promote, through the CHM, technical publications and other means, the international sharing of experience on effective mechanisms for stakeholder involvement and governance types in conservation in particular with regard to co-managed protected areas, **indigenous and local community conserved areas** and private protected areas.

Programme Element 3 of the Annex on Protected Areas concerns Enabling Activities. Goal 3.1 is included within Programme Element 3. Goal 3.1 is stated as follows, along with its Target and suggested activities of the Parties:

Goal 3.1 – To provide an enabling policy, institutional and socio-economic environment for protected areas

Target: By 2008 review and revise policies as appropriate, including use of social and economic valuation and incentives, to provide a supportive enabling environment for more effective establishment and management of protected areas and protected areas systems.

Suggested activities of the Parties

3.1.2: Conduct national-level assessments of the contributions of protected areas, considering as appropriate environmental services, to the country's economy and **culture**, and to the achievement of the Millennium Development Goals at the national level; and integrate the use of economic valuation and natural resource accounting tools into national planning processes in order to identify the hidden and non-hidden economic benefits provided by protected areas and who appropriates these benefits.

3.1.4: Consider governance principles, such as the rule of law, decentralization, **participatory** decision-making mechanisms for accountability and equitable dispute resolution institutions and procedures.

³⁵ In this context nomadic communities and pastoralists are given special reference

3.1.6: Identify and establish positive incentives that support the integrity and maintenance of protected areas and the involvement of **indigenous and local communities** and stakeholders in conservation.

3.1.9: Identify and foster economic opportunities and markets at **local**, national and international levels for goods and services produced by protected areas and/or reliant on the ecosystem services that protected areas provide, consistent with protected area objectives and promote the **equitable sharing of the benefits**.

Goal 3.2, its Target and one of the suggested activities of the Parties are as follows:

Goal 3.2 – To build capacity for the planning, establishment and management of protected areas

Target: By 2010, comprehensive capacity building programmes and initiatives are implemented to develop knowledge and skills at individual, **community** and institutional levels, and raise professional standards.

Suggested activities of the Parties

3.2.2: Establish effective mechanisms to document existing knowledge and experiences on protected area management, including **traditional knowledge** in accordance with **Article 8(j)** and Related Provisions, and identify knowledge and skills gaps.

Goal 3.3, its Target and some of the suggested activities of the Parties are as follows:

Goal 3.3-To develop, apply and transfer appropriate technologies for protected areas

Target: By 2010 the development, validation, and transfer of appropriate technologies and innovative approaches for the effective management of protected areas is substantially improved, taking into account decisions of the Conference of the Parties on technology transfer and cooperation.

Suggested activities of the Parties

3.3.2: Assess needs for relevant technologies for protected area management involving **indigenous and local communities** and stakeholders such as the, research institutions, non-governmental organizations and the private sector.

3.3.3: Encourage development and use of appropriate technology, including technologies of **indigenous and local communities** with their **participation**, approval and involvement in accordance with **Article 8(j)** and Related Provisions, for habitat rehabilitation and restoration, resource mapping, biological inventory, and rapid assessment of biodiversity, monitoring, *in situ* and *ex situ* conservation, sustainable use, etc.

Goal 3.5, its Target and some suggested activities of the Parties are as follows:

Goal 3.5 – To strengthen communication, education and public awareness

Target: By 2008 public awareness, understanding and appreciation of the importance and benefits of protected areas is significantly increased.

Suggested activities of the Parties

3.5.2: Identify core themes for education, awareness and communication programmes relevant to protected areas, including *inter alia* their contribution to economy and **culture** to achieve specific end results such as compliance by resource users and other stakeholders or an increased understanding of science-based knowledge by **indigenous and local communities** and policy makers and an increased understanding of the needs, priorities and value of **indigenous and local communities' knowledge, innovations and practices** by Governments, non-governmental organizations and other relevant stakeholders.

3.5.3: Strengthen, and where necessary, establish information mechanisms directed at target groups such as the private sector, policy makers, development institutions, **community-based organizations**, the youth, the media, and the general public.

3.5.4: Develop mechanisms for constructive dialogue and exchange of information and experiences among protected-area managers, and between protected area managers and **indigenous and local communities** and their organizations and other environment educators and actors.

Programme Element 4 of the Annex to the Programme of Work on Protected Areas concerns Standards, assessment, and monitoring. Goal 4.1, its Target and some suggested activities of the Parties are included within Programme Element 4:

Goal 4.1 – To develop and adopt minimum standards and best practices for national and regional protected area systems

Target: By 2008, standards, criteria, and best practices for planning, selecting, establishing, managing and governance of national and regional systems of protected areas are developed and adopted.

Suggested activities of the Parties

4.1.1: Collaborate with other Parties and relevant organizations, particularly IUCN, on the development, testing, review and promotion of voluntary protected areas standards and best practices on planning and management, governance and **participation**.

4.1.3: Draw upon monitoring results to adapt and improve protected area management based on the **ecosystem approach**.

Goal 4.2, its Target, one of the suggested activities of the Parties and one of the suggested supporting activities of the Executive Secretary are described as follows:

Goal 4.2 – To evaluate and improve the effectiveness of protected areas management

Target: By 2010, frameworks for monitoring, evaluating and reporting protected areas management effectiveness at sites, national and regional systems, and transboundary protected area levels adopted and implemented by Parties.

Suggested activities of the Parties

4.2.1: Develop and adopt, by 2006, appropriate methods, standards, criteria and indicators for evaluating the effectiveness of protected area management and governance, and set up a related database, taking into account the IUCN-WCPA framework for evaluating management effectiveness, and other relevant methodologies, which should be adapted to **local** conditions.

Suggested supporting activities of the Executive Secretary

4.2.6. In cooperation with IUCN-WCPA and other relevant organizations, compile and disseminate information on best practices in protected area design, establishment and management.

Goal 4.4, its Target and one of the suggested activities of the Parties are detailed below:

Goal 4.4 – To ensure that scientific knowledge contributes to the establishment and effectiveness of protected areas and protected area systems

Target: Scientific knowledge relevant to protected areas is further developed as a contribution to their establishment, effectiveness, and management.

Suggested activities of the Parties

4.4.2. Promote interdisciplinary research, to improve understanding of the ecological social and economic aspects of protected areas, including methods and techniques for valuation of goods and services from protected areas

4.4.4. Encourage collaborative research between scientists and **indigenous and local communities** in accordance with **Article 8(j)** in connection with the establishment and the effective management of protected areas.

VII/29. Transfer of technology and technology cooperation (Articles 16 to 19)

As part of the Programme of Work on Transfer of technology and technology cooperation (Articles 16 to 19), the following points were raised for the attention of the Parties:

The Conference of Parties

Recognizing the vital role of **indigenous and local communities**, in particular the **role of women**, and the value of **traditional knowledge** related to the conservation and sustainable use of biological diversity,

Recalling paragraph 44 (h) of the Plan of Implementation of the World Summit, which calls upon States to provide financial and technical support to developing countries, including capacity-building, in order to enhance **indigenous** and **community-based biodiversity conservation** efforts,

The Annex to the Programme of Work on Transfer of technology and technology cooperation contains some preambular recommendations to the Parties outside of the specific numbered Programme elements:

2. The successful transfer of technology and technology cooperation requires a country-driven, flexible and integrated approach at international, regional as well as national and sectoral levels, based on partnership and cooperation among *inter alia* the private sector, Governments, **indigenous and local communities**, bilateral and multilateral institutions, funding institutions, non-governmental organizations and academic and research institutions, to enhance activities on technology assessments, on information systems, on creating enabling environments and on capacity-building.

4. In implementing this programme of work, the various actors enumerated above are invited to take into account the following strategic considerations:

(c) The **participation, approval and involvement** of **indigenous and local communities** and all relevant stakeholders is key for the successful transfer and diffusion of technology for conservation and sustainable use of biological diversity;

(d) Mechanisms for ensuring that technology transfer and cooperation fully respect the rights of **indigenous and local communities** need to be taken into account in the implementation of the programme of work;

(e) Consideration should be given to identifying and facilitating the use of **local** solutions to **local** issues, as the most innovative solutions are often developed **locally**, but remain unknown to a wider **community** of potential users;

Programme Element 2 within the Annex to the Programme of work discusses the implementation of 'Information Systems' into the Programme of Work on technology and technology cooperation. Operational target 2.2 is described as follows:

Operational target 2.2: Opportunities to establish or strengthen national information systems for technology transfer and technology cooperation are identified, with consultation of and input from **indigenous and local communities** and all relevant stakeholders.

Operational target 2.2 is followed by a suggested activity for reaching the target:

2.2.1. Compilation and synthesis of information on national and regional information systems for technology transfer and cooperation, including the identification of best-practices and of needs for further improvements, in particular in regard to the accessibility of such systems for **indigenous and local communities** and all relevant stakeholders as well as information on capacity and human resources available and needed.

Operational target 2.3³⁶, within the Annex to the programme of work, contains the following activities:

2.3.1 Development or improvement of national systems of information exchange on technology transfer and technology cooperation, in consultation with **indigenous and local communities** and all relevant stakeholders, with a view to fostering dialogue between technology holders and prospective users through, inter alia, the application of ways and means to ensure:

- (a) Effective linkages with existing national, regional and international information systems;
- (b) Accessibility and adaptability of such systems **by indigenous and local communities** and all relevant stakeholders;
- (c) Information on **local** needs for adaptation, and related capacity, to be effectively channelled into national systems.

The main actors for the implementation of Operational Target 2.3 are listed below:

Main actors: Parties to the Convention on Biological Diversity, in consultation with **indigenous and local communities** and all relevant national stakeholders, with support by relevant organizations and well as with support from GEF and from relevant international funding organizations as appropriate.

Activity 2.4.1, following from Operational Target 2.4³⁷, states the following:

2.4.1 Initiate and conduct consultations among relevant organizations, **indigenous and local communities** and all relevant stakeholders with a view to identifying options to further regional and international cooperation in the development or improvement of information systems on technology transfer and technology cooperation.

Programme Element 4 of the Annex concerns Capacity-building and Enhancement. Operational Target 4.4³⁸ contains the following activities:

4.4.1 Based on needs and priorities identified by countries, financial and technical support and training is provided by relevant international, regional and national organizations and initiatives as appropriate to foster enabling environments for technology transfer and cooperation, and in particular with regard to:

- (d) Building capacities of, and empowering **indigenous and local communities** and all relevant stakeholders with respect to access to and use of relevant technologies, including strengthening of decision-making skills.

³⁶ COP VII/29 Annex to the Programme of Work on technology and technology cooperation, Programme Element 2, Operational Target 2.3: 'National information systems for technology transfer and technology cooperation, especially those functioning through national clearing-house mechanisms, are established or strengthened, are effectively linked to international information systems and contribute effectively to technology transfer, diffusion and adaptation and to the exchange of technologies, including south-south technology transfer.'

³⁷ COP VII/29, Annex to the Programme of Work on technology and technology cooperation, Programme Element 2, Operational Target 2.4: 'Promote the development of regional and international information systems to facilitate technology transfer and technological cooperation.'

³⁸ COP VII/29 Annex to the Programme of Work, Programme Element 4, Operational Target 4.4: 'Technical, scientific, institutional and administrative capacity is adequate for the implementation of measures and mechanisms that create an environment conducive to private and public sector technology transfer and cooperation, and to the adaptation of transferred technology.'

COP VIII

VIII/1. Island biodiversity

As part of the expanded Programme of Work on Island biodiversity, the following recommendation was made to the Conference of Parties:

The Conference of Parties

17. Urges Parties, subject to their national legislation, to implement the programme of work consistent with **Article 8(j)** and Related Provisions;

The Programme of Work on Island biodiversity contains an Annex. Part B of the Annex describes the overall purpose and scope of the programme of work. Part B includes the following provisions:

18. By identifying synergies between this programme of work and other thematic programmes, conventions and agreements, Parties can strengthen cooperation and partnerships at the national, regional and international levels. Such partnerships should be broad-based and ensure the sharing and exchange of information and relevant trained personnel bearing in mind the necessity for cross-cultural exchange at the regional level and the involvement and **participation** of all stakeholders, including **indigenous and local communities**, civil society and the private sector.

21. It is important to note that **cultural diversity**, the **traditional knowledge and practices** of **indigenous and local communities** of many small islands, including arctic islands, are unique and have special significance for these **communities** and need special consideration and integration in this programme of work. All aspects of the programme of work should be read and implemented through integrated national programmes with respect for the rights of **indigenous and local communities**, subject to national legislation and relevant international obligations, and with their **full and effective participation**.

Part E of the Annex to the Programme of Work on Island biodiversity concerns goals, targets and timeframes, along with island-specific priority actions for the Parties. The Appendix to the Programme of Work on Island biodiversity then elaborates on the supporting actions to the Priority Actions.

Priority Action 1.1.1³⁹, under Goal 1 (Promote the conservation of the biological diversity of island ecosystems, habitats and biomes) contains the following supporting actions:

1.1.1.1 Identify, classify, map, and prioritize island ecosystems and sensitive areas important for biodiversity and/or for the maintenance of ecosystem goods and services, with the **full and effective participation of indigenous and local communities**, taking into account practical issues of connectivity and implementation of conservation activities.

1.1.1.4 Facilitate **participatory** workshops on conservation legislation for all relevant stakeholders to develop long term **local** support and commitment to compliance.

Priority action 1.1.2 is to ‘Re-establish components that have been lost from or whose populations have been reduced within natural ecosystems’ and contains the following supporting actions:

1.1.2.2. Identify and undertake rehabilitation of natural terrestrial ecosystems from which key components have been lost or significantly reduced, in cooperation with **local, traditional,**

³⁹ COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E ‘Goals, targets and timeframes and island-specific priority actions for the Parties’, Goal 1, Priority Action 1.1.1: ‘Develop and implement integrated policies and measures to conserve key terrestrial and marine ecosystems, habitats important for island biodiversity, societies and economies, taking into account the close ecological links within and between island marine and terrestrial ecosystems’.

and **indigenous** experts to identify key vegetation components that have been lost or significantly reduced.

1.1.2.7 Recognize, encourage and facilitate restoration initiatives by **indigenous and local communities**, including through policies, legislation, technical assistance and financial support for **community based initiatives**.

1.1.2.8 Explore the possibility of **documenting traditional knowledge, innovations and practices** relevant to local species, taking on board the work of the Ad Hoc Open-Ended Inter-Sessional Working Group on **Article 8(j)** and related provisions while developing technical guidelines for such activities, with the **full and effective participation** of **indigenous and local communities**, consistent with **Article 8(j)**.

Supporting actions for Priority action 1.1.3 (Undertake measures to restore at least 15% of degraded island ecosystems) are given as follows within the Appendix to the Programme of work on Island biodiversity:

1.1.3.5 Recognize, encourage and facilitate ecosystem restoration initiatives by **indigenous and local communities**, through effective measures that could include policies, legislation, technical assistance and financial support for **community-based initiatives**.

Target 1.2 within the Table at Part E is entitled ‘Areas of particular importance to island biodiversity are protected through comprehensive, effectively managed and ecologically representative national and regional protected area networks’. The Island Specific Priority Action for the Parties for Target 1.2 is given as follows:

Priority Action 1.2.1: Identify and establish, as appropriate, comprehensive, representative and effectively managed national and regional systems of protected areas taking into account issues of resilience, ecological and physical connectivity to conserve viable populations of threatened, endemic, and ecologically or **culturally** important island species. This should be done with the full respect for the rights of **indigenous and local communities** and relevant stakeholders and their **full and effective participation**, consistent with national law and applicable international obligations.

Supporting actions for Priority Action 1.2.1 are as follows:

1.2.1.3 Recognize, promote and establish marine, coastal and terrestrial protected areas using a broad set of governance types, including innovative types such as co-managed protected areas and **community-based conserved areas** and by:

(a) Working with **traditional, indigenous** and **local** experts to identify and promote effective protected area governance options;

(c) Developing and conducting outreach activities to inform **indigenous and local communities** and other stakeholders on the benefits and importance of protected areas;

(d) Empowering stakeholders in resource management and promoting **community-based management**;

(e) Establishing partnerships with other governments, NGOs, and/or **indigenous and local communities** to assist governments to build representative and resilient protected area networks.

Following from Goal 2 (Promote the conservation of island species biodiversity), the Appendix to the Programme of Work on Island biodiversity includes the following supporting actions for Priority Action 2.1.1⁴⁰:

⁴⁰ COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E, Goal 2- ‘Promote the Conservation of island species diversity’, Island-Specific priority action for the Parties 2.1.1: ‘Develop and implement conservation measures and policies, including protection, and where needed, recovery of populations of threatened, endemic, or ecologically or culturally important species and recovery plans’

2.1.1.1 Identify, map, and prioritize areas containing native threatened,⁴¹ endemic, and/or **culturally important** species working closely with **traditional, indigenous and local experts and communities**.

2.1.1.4 Collaborate with **local and indigenous and local communities** to develop and apply active conservation methods that integrate both *ex situ* and *in situ* conservation.

2.1.1.6 Consider, where appropriate, economic and other forms of incentives that encourage the conservation of threatened endemic, or ecologically or **culturally important** species by private sector, NGOs, and **indigenous and local communities**, giving priority to *in situ* activities.

2.1.1.11 Develop and implement recovery plans for selected single, multiple or region-wide island endangered species in collaboration with **indigenous and local communities**, giving particular priority to species most at risk of extinction, those that are endemic, and species that will provide the broadest range of benefits.

The Appendix includes the following supporting actions for Priority Actions 2.2.1⁴²:

2.2.1.6 Document **traditional use** with the **full and effective participation** and **prior informed consent** of **indigenous and local communities**, consistent with **Article 8(j)**.

2.2.1.10. Improve the infrastructure and resources for data and information collection, management and exchange including:

(b) Regional, national and **local** capacity, where appropriate, to house and maintain repository collections of voucher specimens and other reference specimens with the **participation** of **indigenous and local communities**.

Goal 3 (Promote the conservation of island genetic diversity) contains Target 3.1 within the Table in Part E. Target 3.1 is entitled: 'Genetic diversity of crops, livestock, and other valuable island species conserved, and associated indigenous and local knowledge maintained.' The Island Specific Priority Action for the Parties and Rationale for Target 3.1 are as follows:

Priority Action 3.1.1: Develop and implement measures to strengthen *in situ* or on-farm conservation of wild plants and animals and **traditional** crops and associated **knowledge of indigenous and local communities**, recognizing the widespread use of land-races of crops and stock strains on islands.

*Rationale: Island communities often have **unique human cultures** that have considerable knowledge of **local** biodiversity and have developed a wide range of **local** crop and domestic stock varieties.*

Supporting actions for Priority Action 3.1.1 are as follows:

3.1.1.4 Support projects of **indigenous and local communities** to perpetuate and revitalize customary use of wild species and **traditional crops and livestock** in accordance with **traditional cultural practices** that are compatible with *in situ* conservation and/or sustainable use requirements.

3.1.1.5 Develop, with the **full and effective participation** of **indigenous and local communities**, processes and mechanisms to facilitate the return of genetic resources

⁴¹ In the IUCN Red List of Threatened Species, a species is listed as threatened if it falls in the Critically Endangered, Endangered or Vulnerable categories (<http://www.iucn.org/themes/ssc/redlists/rlindex.htm>).

⁴² COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E, Goal 2, Priority Action 2.2.1: 'Compile detailed inventories of island species, assess their conservation status, including the main threat criteria, and develop the taxonomic expertise necessary to facilitate this.'

held in *ex situ* collections to their ecosystems of origin, with the view to assisting *in situ* conservation initiatives of **indigenous and local communities**.

Goal 4 (Promote sustainable use and consumption) includes Priority Action 4.1.1⁴³, which has the following supporting action:

4.1.1.3 Support **indigenous and local communities** in developing sustainable resource-based livelihoods and economic activities, including appropriate research and capacity-building.

Priority Action 4.2.1⁴⁴ has the following supporting actions:

4.2.1.2 Establish and ensure compliance with frameworks on unsustainable fishing gears and practices that severely impact vulnerable marine and coastal ecosystems, taking into account **sustainable customary resource use** of **indigenous and local communities**.

4.2.1.9 Address the impacts of unsustainable aquaculture and promote sustainable aquaculture practices ensuring opportunities for the **participation** of **indigenous and local communities**.

4.2.1.13 Support and strengthen the capacity of governments, **indigenous and local communities** and other stakeholders to sustainably manage coastal and marine resources and to document sustainable practices.

Priority Action 4.2.2⁴⁵ has the following supporting actions:

4.2.2.1 Work with civil society, the private sector, and **local** leaders to enable **indigenous and local communities** to develop and/or implement adaptive **community-management systems**, through **participatory** processes, to conserve and sustainably use terrestrial and freshwater biological diversity, where appropriate.

4.2.2.2 Support and strengthen the capacity of **indigenous and local communities** to sustainably manage terrestrial and freshwater resources and to document sustainable practices.

Priority Action 4.2.3⁴⁶ has the following supporting actions:

4.2.3.1 Develop and implement, through a **participatory** process, a sustainable and integrated agriculture development plan, including:

- (a) The use of **knowledge, practices and innovations** of **indigenous and local communities**;
- (b) Production and use of **traditional** crops and livestock, and associated **traditional knowledge**;

4.2.3.4. Identify market opportunities at the **local**, national, and international level to support the revitalization of sustainable agricultural production systems and consistent with international instruments, promote fair and equitable access to these markets for **indigenous and local communities**.

⁴³ COP VIII/1 Appendix to the Programme of Work on Island Biodiversity, Part E, Goal 4, Priority Action 4.1.1: 'Remove subsidies that encourage unsustainable use of island biodiversity and where livelihoods are resource-based, support the development of sustainable economic activities'.

⁴⁴ Ibid. Priority Action 4.2.1: 'Adopt measures to ensure sustainable management of coastal and marine biodiversity, with due regard to the conservation of threatened, endemic, ecologically and/or culturally important island species, to prevent, *inter alia*, over-exploitation and destructive practices'

⁴⁵ Ibid. Priority Action 4.2.2: 'Adopt measures to promote the sustainable use of terrestrial and freshwater resources in islands.'

⁴⁶ Ibid. Priority Action 4.2.3: 'Adopt and apply strategies to sustainably use agroecosystems on islands with biodiversity of importance to the ecological integrity of island societies and economies through efficient and sustainable agricultural production, and ensure food security through diversification of agriculture, alternative use of crops, improved husbandry, integrated crop-pest management, irrigation and water management, and the use of appropriate technologies.'

Priority Action 4.2.4⁴⁷ contains the following supporting action:

4.2.4.1 Develop and implement, through a **participatory process**, a sustainable forestry plan, integrating, where appropriate, the **traditional knowledge, innovations and practices** of **indigenous and local communities**, subject to Article 8(j):

Priority Action 4.2.5⁴⁸ contains the following supporting actions:

4.2.5.4 Promote and facilitate partnerships between tourism stakeholders, operators, and **indigenous and local communities** to promote sustainable tourism.

4.2.5.6 Disseminate information on specific island biological and **cultural diversity** issues and value to improve knowledge and increase awareness of responsibilities among all relevant tourism actors (including tour operators, tourists, **indigenous and local communities**, authorities, etc.).

Priority Action 6.1.3⁴⁹, within Goal 6 (Control threats to island biological diversity from invasive alien species) contains the following supporting action:

6.1.3.2. Implement **participatory** surveillance programmes (integrating as far as possible, **local communities**) to detect new introductions and to assess the probability that species already present will become invasive.

Priority Action 8.1.1⁵⁰, within Goal 8 (Maintain capacity of island ecosystems to deliver goods and services and support livelihoods) contains the following supporting action:

8.1.1.1 Empower or maintain the capacity of **indigenous and local communities** to address, respond and adapt effectively to natural hazards and their impacts on island biodiversity, taking into account **traditional practices**.

Target 8.2 is entitled: ‘Biological resources that support sustainable livelihoods, local food security and health care, especially of poor people living on islands, maintained’. The Island Specific Priority Action for the Parties and Rationale are as follows:

8.2.1. Develop policies, programmes and actions to ensure the capacity of island ecosystems to deliver goods and services and biological resources that support **sustainable livelihoods, local** food security and health care, especially of **poor people**

*Rationale: Island **communities** are largely dependent on **local** biodiversity for food and livelihoods*

Goal 9 within the Table under Part E is given as follows:

GOAL 9: Maintain **socio-cultural diversity** of **indigenous and local communities** on islands

⁴⁷ COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E, Goal 2, Priority Action 4.2.4: ‘Develop, adopt and apply strategies appropriate to islands to sustainably use managed forest ecosystems with biodiversity of importance to the ecological integrity of island societies and economies through improved production and harvesting methods, integrated pest management, water management, fire control, non-timber resources and the use of appropriate technologies.’

⁴⁸ Ibid. Priority Action 4.2.5: ‘Promote implementation of sustainable tourism best practices appropriate to islands’

⁴⁹ COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E, Goal 6, Priority Actions 6.1.3: ‘Develop and implement measures for the early detection and rapid response to the introduction or establishment of invasive alien species in both terrestrial and marine ecosystems’.

⁵⁰ COP VIII/1 Appendix, Part E, Goal 8, Priority Action 8.1.1: ‘Develop policies, programmes and actions to ensure the capacity of island ecosystems to deliver goods and services are maintained’

Within Goal 9, Targets 9.1 and 9.2 were given as follows, along with their Island Specific Priority Action for the Parties, Rationale and supporting actions:

Target 9.1: Measures to protect **traditional knowledge, innovations and practices** associated with island biological diversity implemented, and the **participation of indigenous and local communities** in activities aimed at this promoted and facilitated

Priority Action 9.1.1: Recognize and protect island **traditional knowledge, innovations and practices** which improve the understanding, conservation and sustainable use of biodiversity

Supporting actions for Priority Action 9.1.1:

9.1.1.1. Initiate programmes, where appropriate, to record and study **traditional knowledge and practices**, in particular those that support the sustainable use of island biodiversity with the **full and effective participation** of **indigenous and local communities** and their **prior informed consent**, in accordance with national legislation and international obligations.

9.1.1.2. Respect, preserve and maintain **indigenous and local communities'** linguistic diversity that maintains biodiversity-related knowledge.

9.1.1.3. Establish and implement mechanisms to respect **traditional knowledge, innovations and practices** on **lands and waters traditionally occupied** and/or used by **indigenous and local communities**.

9.1.1.4. Compile information on the methods of protection and maintenance of **traditional knowledge and practices** on islands.

9.1.2. Develop and implement measures and legislation, where appropriate and in keeping with national laws and relevant international obligations, for the respect and protection of **indigenous and local communities** rights over their **traditional knowledge innovations and practices**

Supporting actions for Priority Action 9.1.2:

9.1.2.1. Enhance access to appropriate information to ensure the **full participation and involvement** of **indigenous and local communities** in decisions that affect them in relation to island biodiversity.

9.1.2.2. Develop **local** capacities for protecting and facilitating the use of island **traditional knowledge and practices**, including, where appropriate, processes to ensure **prior informed consent**.

9.1.2.3. Facilitate opportunities for involvement and the **participation** of **indigenous and local communities** in implementation of the present programme of work.

9.1.2.4. Acknowledging that linguistic diversity can be important for island biodiversity conservation and use, support measures for its maintenance where appropriate and practical.

9.1.2.5. Develop and implement effective systems to respect, preserve and maintain **traditional knowledge, innovations and practices**, where appropriate, for sustainable use of island resources.

9.1.2.6. Document **traditional knowledge, innovations and practices** relevant to local species or the sustainable use of island biodiversity, with the **full and effective**

participation and prior informed consent of indigenous and local communities consistent with Article 8(j).

Target 9.2: Traditional knowledge, innovations and practices regarding island biodiversity respected, preserved and maintained, the wider application of such knowledge, innovations and practices promoted with the prior informed consent and involvement of the indigenous and local communities providing such traditional knowledge, innovations and practices, and the benefits arising from such knowledge, innovations and practices equitably shared

Priority Action 9.2.1: Develop and implement ways and means to share in a fair and equitable way with indigenous and local communities the benefits arising from use of their traditional knowledge, innovations and practices

Rationale: Island communities have extensive knowledge of local biodiversity and traditional practices related to its conservation and use, but both knowledge and practices are vulnerable to social change misuse and misappropriation.

Supporting actions for Priority Action 9.2.1:

9.2.1.1. Encourage, support and develop, in cooperation with the Working Group on Article 8(j) and related provisions, mechanisms and methods to ensure the preservation of the traditional knowledge, innovations and practices of indigenous and local communities associated with island genetic resources.

9.2.1.2. Establish, with full and effective participation of indigenous and local communities, a process and set of requirements, consistent with Article 8(j), to ensure the equitable sharing of benefits arising from use of their traditional knowledge, innovations and practices associated with island genetic resources subject to national legislation and international obligations.

Priority Action 10.1.⁵¹ within Goal 10 (Ensure the fair and equitable sharing of benefits arising out of island genetic resources) contains the following supporting action:

10.1.1.1. Investigate and document, subject to Article 8(j), island genetic resources and associated knowledge, and their existing and potential uses, including status, trends, and threats.

Priority Action 11.2.⁵² within Goal 11 (Parties have improved financial, human, scientific, technical and technological capacity to implement the Convention) contains the following supporting action:

11.2.1.5. Respect and facilitate the exchange of knowledge on indigenous island technologies among indigenous and local communities, consistent with article 8(j).

Priority Action 11.3.⁵³ contains the following supporting action:

11.3.1.5. Increase, if needed, the ability of indigenous and local communities to apply existing customary laws consistent with national legislation.

⁵¹ COP VIII/1 Appendix to the Programme of Work on Island biodiversity, Part E, Goal 10, Priority Action 10.1.1: 'Improve the knowledge base of genetic resources'

⁵² COP VIII Appendix to the Programme of Work on Island biodiversity, Part E, Goal 11, Priority Action 11.2.1: 'Identify and develop or transfer knowledge, science and technology appropriate to islands for the conservation and sustainable use of island biodiversity'

⁵³ Ibid. Priority Action 11.3.1: 'Where appropriate, strengthen the capacity to develop and implement legal and other mechanisms that support this programme of work'

Priority Action 11.3.2 instructs the Parties to the Convention to:

11.3.2. Promote the sharing of best practices within and among islands, and enhance learning opportunities for all relevant groups, including governments, non-governmental organizations and **indigenous and local communities**, to accelerate effective implementation of this programme of work

Priority Action 11.3.3 instructs the Parties to the Convention to:

11.3.3. Develop and implement effective communication and public awareness and education programmes at all levels, to promote the programme of work on island biodiversity, taking into account **local capacity, language and culture**.

Supporting action to Priority Action 11.3.3 include:

11.3.3.1. In collaboration with relevant national and **local** leaders and organizations, as appropriate, develop and implement effective communication, public awareness and education programmes at all levels to promote and advance the programme of work on island biodiversity, taking into account **local capacity, language and culture**.

11.3.3.7. Undertake education, capacity-building and training activities at all levels, including **indigenous and local communities**, to contribute to sustainable management practices on islands.

Priority Action 11.3.4 instructs the Parties to the Convention to:

11.3.4. Adopt an integrated, inter-disciplinary and **participatory** approach at all levels of planning, management, inventory, monitoring, and governance involving all stakeholders related to the understanding, conservation and sustainable use of island biodiversity

Supporting action to Priority Action 11.3.4 includes:

11.3.4.2. Develop **participatory decision-making mechanisms** involving civil society, scientists, **indigenous peoples, local communities** and key economic sectors.

11.3.4.5. Develop mechanisms to allow for the integration of appropriate **traditional conservation management systems** and practices into national policies and management and development plans, with full involvement of relevant stakeholders.

11.3.4.6. Develop the capacity and enhance opportunities for **community-based** research and monitoring to conserve island biodiversity and provide greater benefits to island **communities**.

VIII/2. Biological diversity of dry and sub-humid lands

1. **As part of the extended Programme of Work on Biological diversity of dry and sub-humid lands, the Executive Secretary of the COP was given this instruction for the procedural implementation of the programme:**

2. 11. Requests the Executive Secretary:

(a) In collaboration with relevant organizations and conventions, in particular the United Nations Convention to Combat Desertification, and Land Degradation Assessment in Drylands (LADA), and taking into account the findings and lessons learned from the Millennium Ecosystem Assessment and experiences in transboundary and **community based natural resource management**, to present proposals for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice during the preparation of

the next in-depth review of the implementation of the programme of work on the biological diversity of dry and sub-humid lands on:

(iii) Land-use options that promote biodiversity and generate income for **indigenous and local communities**, particularly options for transboundary and **community based natural resource management**;

The Programme of Work on Biological diversity of dry and sub-humid lands contains an Annex describing the provisional goals and targets for the programme of work. Focal Area 5 of the Annex is to ‘Protect traditional knowledge, innovations and practices’. Within Focal Area 5, Goal 9 contains the following provisional goals and targets as per the framework and suggested steps for implementation into the Programme of Work on Biological diversity of dry and sub-humid lands:

Goal 9: Maintain **socio-cultural diversity** of **indigenous and local communities**

Provisional goals and targets as per the framework

Target 9.1: Protect **traditional knowledge, innovations and practices**.

Dry and sub-humid lands biodiversity

Measures to protect **traditional knowledge, innovations and practices** associated with dry and sub-humid lands biological diversity implemented, and the **participation** of **indigenous and local communities** in activities aimed at this promoted and facilitated.

Provisional goals and targets as per the framework:

Target 9.2: Protect the rights of **indigenous and local communities** over their **traditional knowledge, innovations and practices**, including their **rights to benefit sharing**.

Dry and sub-humid lands biodiversity

Traditional knowledge, innovations and practices regarding dry and sub-humid lands biodiversity respected, preserved and maintained, the wider application of such **knowledge, innovations and practices** promoted with the **prior informed consent** and involvement of the **indigenous and local communities** providing such **traditional knowledge, innovations and practices**, and the benefits arising from such **knowledge, innovations and practices** equitably shared.

VIII/3. Global Taxonomy Initiative: in-depth review of the implementation of the programme of work for the Global Taxonomy Initiative

As part of the Global Taxonomy Initiative: in-depth review of the implementation of the programme of work for the Global Taxonomy Initiative, the Executive Secretary was asked to undertake the following:

The Conference of Parties

11. Requests the Executive Secretary to:

(e) Undertake, as part of the Global Initiative on Communication, Education and Public Awareness programme and in collaboration with relevant partners, activities demonstrating the importance of taxonomy for the general public, including information on products, lessons learned, and accomplishments of taxonomy-related projects, and activities encouraging public **participation**, recognizing the importance of volunteer naturalists and **local and indigenous people** as a source of expertise.

VIII/4. Access and benefit-sharing

The preambular provisions to the Programme of Work on Access and benefit-sharing include the following direction to the Conference of Parties:

Recalling also its decision VIII/5 C, on collaboration between the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing** and the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions and the **participation of indigenous and local communities**,

Within Part A of the Programme of Work on Access and benefit-sharing is an Annex containing an international regime on access and benefit-sharing. Some '[Potential] Objectives' of the international regime are as follows:

To ensure the **fair and equitable sharing of the monetary and non-monetary benefits** arising from the use of [such] [genetic] resources and associated **traditional knowledge**, taking into account that the three objectives of the Convention are interlinked.

[[Subject to national legislation] To [protect] [**respect, preserve and maintain the traditional knowledge** of] the [rights] of **indigenous and local communities** to their **traditional knowledge, innovations and practices** [associated to genetic resources and derivatives] [related to the conservation and sustainable use of biological diversity] and to [encourage] [ensure] the **fair and equitable sharing of the monetary and non-monetary benefits** arising from the utilization of their knowledge, [consistent with human rights obligations] [subject to national legislation of the countries where these **communities** are located] [and applicable international law]].

[To ensure compliance with PIC in the context of MAT of countries of origin and of **indigenous and local communities**.]

To contribute to the effective implementation of **articles 15, 8(j)** [and 16 to 19] and the three objectives of the convention.

[To prevent the misappropriation and misuse of genetic resources, their derivatives and associated **traditional knowledge**]

[To ensure that **fair and equitable sharing of benefits** flow to the countries of origin of the genetic resources]

[[Promote] [Ensure] compliance with **prior informed consent** of the providing countries and of **indigenous and local communities** and mutually agreed terms;]

[Ensure and enforce the rights and obligations of users of genetic resources;]

The Section on 'Scope' of the 'International regime on Access and Benefit-sharing' includes the following provisions:

1. The international regime applies to, [in accordance with national legislation and other international obligations]:

(c) **Fair and equitable sharing of the monetary and non-monetary benefits** arising out the utilization of genetic resources [and their derivatives and/or] associated **traditional knowledge** [and, where appropriate, their derivatives and products], in the context of mutually agreed terms [based on **prior informed consent**] [in accordance with the national legislation of the country of origin];

(d) [[Protection of] [Respect, preserve and maintain] **traditional knowledge, innovations and practices** of **indigenous and local communities**

[embodying **traditional lifestyles** relevant for the conservation and sustainable use of biodiversity] [associated to genetic resources] [and their derivatives and products] in accordance with national legislation].

2. [The international regime applies to all genetic resources and associated **traditional knowledge, innovations and practices** and benefits arising from the utilization of such resources.]

4. [The international regime is without prejudice to the FAO International Treaty on Plant Genetic Resources for Food and Agriculture and will take into account the work of the WIPO/IGC on the intellectual property aspects of *sui generis* systems for the protection of **traditional knowledge** and folklore against misappropriation and misuse].

One section of the Annex within Part A of the Programme of Work on Access and benefit-sharing concerns '[Recognition and protection of] traditional knowledge associated with genetic resources [derivatives and products]':

The elements of the international regime should be developed and implemented in accordance with **Article 8(j)** of the Convention on Biological Diversity:

(a) [Parties may consider developing, adopting and/or recognizing, as appropriate, [international,] national and local *sui generis* [models] [systems] for the protection of **traditional knowledge, innovations and practices** associated to genetic resources, [derivatives and products;]]

(b) [Subject to its national legislation,] Parties [should] [recognize and protect the rights] [respect, preserve and maintain **knowledge, innovations and practices**] of **indigenous and local communities** and [ensure] [encourage] the **equitable sharing of benefits** arising from the utilization of such **knowledge, innovations and practices** [regarding **benefit-sharing** derived from their **traditional knowledge** associated with genetic resources, [derivatives and products,] subject to the national legislation of the countries where these **communities** are located [and to applicable international law];

(c) [[Users [Parties] should comply with the **prior informed consent** of **indigenous and local communities** holding **traditional knowledge** associated with genetic resources, [derivatives and products] in accordance with **Article 8(j)** of the Convention on Biological Diversity, subject to national legislation of the country where these **communities** are located [and to applicable international law]].

(d) [**Access and benefit sharing** arrangements relating to **traditional knowledge** should be implemented in the context of national **access and benefit-sharing** regimes.]

A further section of the Annex within Part A concerns 'Fair and equitable benefit-sharing':

1. [Minimum conditions for the **fair and equitable sharing of the benefits** arising out of the use of genetic resources, derivatives or products shall be stipulated in relevant national [access] legislations [or] [and] under the international regime] and [shall] [may] be taken into consideration in mutually agreed terms [shall] [may] be based on **prior informed consent** between the provider and user of given resources.]

2. [Mutually agreed terms conditions may stipulate **benefit-sharing** arrangements regarding derivatives and products of genetic resources.]

3. The conditions for the **sharing of the benefits** arising out of the use of **traditional knowledge, innovations or practices** and associated [with] genetic resources [derivatives and products] [will] [may] be stipulated in mutually agreed terms [between users and the competent national authority of the provider country with active involvement of concerned **indigenous and local communities**] [between the **indigenous or local communities** and the users, and where appropriate with the involvement of the provider country].

4. [Mutually agreed terms may contain provisions on whether intellectual property rights may be sought and if so under what conditions.]

5. Mutually agreed terms may stipulate monetary and/or non-monetary conditions for the use of genetic resources, [their derivatives and/or products] and associated **traditional knowledge, innovations and practices**.

6. [The international regime should establish basic **benefit-sharing** [obligations] [conditions], including the distribution of benefits through the financial mechanism, to be applicable in the absence of specific provisions in access arrangements.]

8. [Parties should establish, taking into account Article 20, paragraph 4 of the Convention, measures to ensure the **fair and equitable sharing of benefits** from the results of research and development, including through facilitating access to the results of such research and development and through technology transfer, and other utilization of genetic resources, [derivatives and products] and associated **traditional knowledge**, taking into account **prior informed consent** and mutually agreed terms and respecting national legislations of the country providing genetic resources.]

Another section of the Annex discusses '[Disclosure [of [legal provenance] [origin] [prior informed consent and benefit sharing]]. The following provision is included:

1. Intellectual property rights applications whose subject matter [concerns or makes use of] [is directly based on] genetic resources [and/or derivatives and products] and/or associated **traditional knowledge** should disclose the country of origin or source of such genetic resources, [derivatives and products] or associated **traditional knowledge**[, as well as evidence that provisions regarding **prior informed consent** and **benefit sharing** have been complied with, in accordance with the national legislation of the country providing the resources].

The section of the Annex entitled '[Compliance and enforcement]' contains the following provisions:

6. [International regime [shall] [may] contain measures to ensure compliance with the **prior informed consent** of [Parties] [**indigenous and local communities** regarding access to their **traditional knowledge, innovations and practices** associated with genetic resources [, derivatives and products].]

8. [International regime [shall] [may] contain measures to prevent misappropriation and unauthorized access and use of genetic resources [, their derivatives and products] and associated **traditional knowledge, innovations and practices**.]

'[Institutional support]' suggested by the Annex includes the following:

1. Existing non-legislative international measures that support or promote the effective implementation of **Articles 15, 8(j)** and the three objectives of the Convention are identified and recognized.]

VIII/5. Article 8(j) and related provisions

The extended Programme of Work on Article 8(j) and related provisions contains the following recommendation to the Conference of Parties:

Bearing in mind that for the purposes of this decision, protection of **traditional knowledge, innovations and practices** must be interpreted in accordance with the provisions of **Article 8(j)**,

Part A of the extended Programme of Work on Article 8(j) and related provisions concerns 'Implementation and in-depth review of the programme of work for Article 8(j) and related provisions and integration of the relevant tasks of the programme of work into the thematic programmes'. The following recommendations were made by the Conference of the Parties:

The Conference of the Parties

1. *Requests* the Executive Secretary to continue to report on progress on the implementation of **Article 8(j)** and related provisions based on information submitted to the Executive Secretary, for consideration at the fifth meeting of the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions;

2. *Invites* Parties to submit through their national reports, if appropriate, to the Executive Secretary, reports on progress in achieving national **participation of indigenous and local communities**, and associated capacity-building, and *requests* the Executive Secretary to compile these submissions and, as appropriate and with the assistance of Parties and of **indigenous and local communities**, prepare a statistical report thereon identifying, *inter alia*, participation in different bodies of the Convention, participation from different countries/continents, participation in government delegations as well as outside of government delegations, and those funded by voluntary mechanisms;

3. *Requests* Parties that have not yet submitted information regarding the implementation of the programme of work to do so in consultation with **indigenous and local communities**, as appropriate, in time for the fifth meeting of the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions

9. *Requests* the Executive Secretary to continue reporting on progress achieved in the integration of relevant tasks of the programme of work on **Article 8(j)** into the thematic programmes, and to consider ways and means that the Working Group can assist in the implementation of work in the thematic programmes for the consideration of the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions at its fifth meeting.

‘Part B: Composite report on status and trends regarding the knowledge innovations and practices relevant to the conservation and sustainable use of biological diversity’ contains a subsection entitled: ‘I. Composite Report’ which cites the following recommendations of the Conference of Parties:

The Conference of Parties

4. *Recommends* to Parties and Governments to bear in mind that registers are only one approach to the protection of **traditional knowledge, innovations and practices**, and as such their establishment should be voluntary, not a prerequisite for protection. Registers should only be established with the **prior informed consent of indigenous and local communities**;

5. *Requests* the Executive Secretary to explore the possibility of developing technical guidelines for recording and documenting **traditional knowledge, innovations and practices**, and to analyse the potential threats of such documentation to the rights of holders of **traditional knowledge, innovations and practices**, with the **full and effective participation of indigenous and local communities**;

6. *Notes with concern* the specific vulnerabilities of **indigenous and local communities**, *inter alia*, of the Arctic, small island States and high altitudes, concerning the impacts of climate change and accelerated threats, such as pollution, drought and desertification, to **traditional knowledge, innovations and practices**, and *requests* further research be conducted, subject to the availability of resources, into highly vulnerable **indigenous and local communities**, with a focus on causes and solutions, with the outcomes of the research to be made available to the Working Group on **Article 8(j)** and Related Provisions for attention at its fifth meeting;

7. *Recalls* element 19 in the annex to decision VII/16 E (“Parties should establish measures to ensure respect for the rights of **unprotected or voluntarily isolated communities**”) and *requests* the Executive Secretary in consultation with Governments, international organizations, **indigenous and local communities** and all interested stakeholders, to research and prepare a report on possible measures to ensure respect for the rights of **unprotected and voluntarily isolated communities** taking into account their **traditional knowledge** and the development of **access and benefit-sharing regimes**;

Subsection II of Part B describes: ‘Elements of a Plan of Action for the retention of traditional knowledge, innovations and practices embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity’. The Executive Secretary is asked to consider the following provisions of Subsection II:

12. *Requests* the Executive Secretary to take into consideration comments made at the fourth meeting of the Working Group on **Article 8(j)** and Related Provisions, and to continue gathering and analysing information, in consultation with Parties, Governments, **indigenous and local communities**, with a view to further developing the plan of action, giving priority to sections B and D, and to report on the advancement of this task to the Working Group at its fifth meeting;

13. *Requests* the Executive Secretary to collaborate with Parties in convening, subject to the availability of financial resources, regional and subregional workshops to assist **indigenous and local communities** in capacity-building, education and training, with particular emphasis on the **participation of women** from **indigenous and local communities**.

Part C of the Programme of Work on Article 8(j) and related provisions is entitled: ‘International regime on access and benefit-sharing: collaboration with the Ad Hoc Working Group on Access and Benefit-sharing and participation of indigenous and local communities’. The Parties were advised to consider the following initiatives:

The Conference of the Parties,

Recalling its decision VII/19 D,

1. *Requests* the collaboration and contribution of the Ad Hoc Open-ended Inter-sessional Working Group on **Article 8(j)** and Related Provisions to the fulfilment of the mandate of the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing** by providing views on the elaboration and negotiation of an international regime on **access and benefit-sharing** relevant to **traditional knowledge, innovations and practices** associated with genetic resources and to the **fair and equitable sharing of benefits** arising from their utilization and *requests* the Executive Secretary to compile these views and make them available to the Ad Hoc open-ended Working Group on **Access and Benefit-sharing** before its sixth meeting;

2. *Invites* **indigenous and local communities** to submit to their governments and to provide to the Secretariat comments, including case-studies, on their experience with effective measures for the protection of their **traditional knowledge, innovations and practices** associated with genetic resources;

4. *Invites* Parties, Governments, and donor organizations to contribute to provide the ways and means to facilitate sufficient preparation and **participation** of representatives of **indigenous and local communities** in the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions and the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing**;

6. *Having regard* to paragraph 1 above, *reaffirms* paragraph 6 of decision VII/19 D, and to this end:

(a) *Requests* the Executive Secretary to provide administrative support to representatives from **indigenous and local communities** through practical measures, including making available meeting rooms, access to documentation, and computer and photocopying facilities, subject to the availability of funds;

(b) *Invites* Parties and Governments to increase the **participation** of representatives of **indigenous and local communities’** organizations in official delegations to meetings of the Ad Hoc Open-ended Working Group on **Access Benefit-sharing** and the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions, without prejudice to the **participation** of representatives of **indigenous and local communities** outside official delegations;

(c) Invites Parties, Governments, donor countries and organizations to facilitate the participation of indigenous and local communities in preparatory processes for the meetings of the Ad Hoc Open-ended Working Group on Access Benefit-sharing and the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions.

7. Invites chairpersons to facilitate the effective participation of representatives of indigenous and local communities and to consult them, as appropriate, on issues related to traditional knowledge, innovations and practices and associated genetic resources, in proceedings related to decision VII/19 D in accordance with the rules of procedure.

Part D of the Programme of Work on Article 8(j) and related provisions is entitled: 'Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Articles 8(j) and related provisions'. Subsection I. 'Criteria for the operation of the voluntary funding mechanism' within Part 'D' is introduced with the following statement:

The Conference of the Parties adopts the following mechanism to promote the effective participation of indigenous and local communities in meetings held under the Convention.

Subsection I includes the following provision:

3. Invites Parties, Governments and relevant funding institutions and mechanisms to provide financial support to developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition, where appropriate, for capacity-building and training for representatives of indigenous and local communities in meetings of the Convention;

Subsection II describes the 'Role of the thematic focal point under the clearing-house mechanism':

4. Notes with appreciation the launching of the traditional knowledge information portal and related initiatives by the Secretariat, including the provision of other communication tools that are easily accessible for indigenous and local communities;

5. Takes note of the need for appropriate and effective funding being made available for the translation of notifications and other information resources, including the traditional knowledge information portal, for indigenous and local communities, as appropriate, into the six official languages of the United Nations,

6. Requests the Executive Secretary to:

(a) Convene, subject to the availability of financial resources, regional and subregional workshops on new information and web-based technologies to assist indigenous and local communities in their use and to facilitate the establishment of communication networks;

(b) Monitor the use of the Convention website and in particular, the traditional knowledge information portal, and to consult with indigenous and local communities and their organizations, that are participating in the work of the Convention, such as the International Indigenous Forum on Biodiversity, to identify any gaps or shortcomings and to report to the fifth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions;

(c) Launch, subject to available resources, pilot projects in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, relating to enhancing the role of the national clearing-house mechanism in providing information to indigenous and local communities;

(d) Provide, in a timely fashion, documentation for meetings under the Convention in the six United Nations languages to the national focal points, in order to facilitate their use in the process of consultations with, between and within indigenous and local communities;

7. Invites Parties, Governments and relevant funding institutions and mechanisms to provide financial support to developing country Parties, in particular the least developed and small

island developing States among them, and countries with economies in transition where appropriate, to support national projects for the translation of documentation for meetings of the Convention on Biological Diversity into **local languages**.

Part E of the Programme of Work on Article 8(j) and related provisions is entitled: ‘Development of elements of sui generis systems for the protection of the knowledge, innovations and practices of indigenous and local communities.’ The Conference of Parties within Part ‘E’ makes the following recommendations:

The Conference of the Parties,

Recalling decision VII/16 H, in particular paragraphs 6 (a) and 6 (b),

1. *Urges* Parties and Governments to develop, adopt and/or recognize national and local *sui generis* models for the protection of **traditional knowledge, innovations and practices** with the **full and effective participation** of **indigenous and local communities**.
2. *Urges* Parties and Governments to report on these initiatives to adopt **local** and national *sui generis* models and to share experiences through the clearing-house mechanism;
3. *Invites* Parties and Governments with transboundary distribution of some biological and genetic resources and associated **traditional knowledge** to consider the establishment of regional *sui generis* frameworks for the protection of **traditional knowledge, innovations and practices**, as appropriate, with the **full and effective participation** of **indigenous and local communities**;
4. *Requests* the Executive Secretary to continue gathering and analysing information, in consultation with Parties, Governments, **indigenous and local communities**, to further develop as a priority issue, the possible elements listed in the annex to decision VII/16 H for consideration by the Ad Hoc Open-ended Inter-Sessional Working Group on **Article 8(j)** and Related Provisions at its fifth meeting, and further requests the Working Group on **8(j)** to identify priority elements of *sui generis* systems;
5. In the spirit of mutual supportiveness and to avoid duplication of efforts, *requests* the Executive Secretary to inform other relevant organizations, such as those listed in decision VII/16 H, of the potential elements to be considered in the development of *sui generis* systems for the protection of **traditional knowledge, innovations and practices**;
6. *Acknowledges* the work being done at the Intergovernmental Committee on Intellectual Property and Genetic Resources, **Traditional Knowledge** and Folklore of the World Intellectual Property Organization on the intellectual property aspects of *sui generis* systems for the protection of **traditional knowledge** against misappropriation and misuse;
8. *Invites* the Parties and Governments, **indigenous and local communities**, and non-governmental organizations to communicate to the Secretariat their views on the definitions (UNEP/CBD/WG8J/4/7, annex II), related to the present decision and *requests* the Executive Secretary to compile these views for consideration at the fifth meeting of the Working Group on **Article 8(j)** and Related Provisions;

Part F: ‘Elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity’ contains the following provision:

The Conference of Parties

1. *Takes note* of the draft elements of an ethical code of conduct to ensure respect for the **cultural and intellectual heritage** of **indigenous and local communities** relevant for the conservation and sustainable use of biological diversity, as contained in the note by the Executive Secretary on the subject (UNEP/CBD/WG8J/4/8);

The Annex to Part F contains suggestions for the implementation of the ethical code of conduct:

2. The following list reflects a variety of views that were raised in an initial exchange of views at the fourth meeting of the Ad Hoc Working Group on **Article 8(j)** and Related Provisions, which are not necessarily commonly held but which may be useful in further work:

- (a) Consistency with the mandate of the Convention on Biological Diversity;
- (b) Paying due respect to the work and mandates of other international organizations, in particular of the United Nations Commission on Human Rights;
- (d) Audiences: the draft elements of the ethical code of conduct should be targeted and useful for different audiences;
- (e) Scope of the draft elements of the ethical code of conduct: language of the code to be reviewed;
- (f) Respect for national legislation;
- (g) Section 3 (“Ethical Principles”) of annex I to the note by the Executive Secretary on elements of an ethical code of conduct (UNEP/CBD/WG8J/4/8) offers guidance relating to the scope of the draft elements of the ethical code of conduct;
- (h) Incorporation of **customary law and practices**;
- (i) Research management tools for **indigenous and local communities**;
- (k) Relationship between different **indigenous and local communities**;
- (l) The draft elements of the ethical code may cover not only research on **sacred sites, lands and waters**;
- (n) The concept “**indigenous communities**” may be replaced by the concept “**indigenous peoples**”;
- (o) Ethical principles: application of the draft elements of the ethical code may not be restricted to research carried out inside **indigenous and/or local communities** but include research on **traditional knowledge** carried out *ex situ*;
- (p) Take into account the integrity of **indigenous peoples’** collective rights;
- (q) The scope of the draft elements of the ethical code may include both interaction with **indigenous and local communities** as well as research, access to, use, exchange, and management of information concerning **traditional knowledge, innovations and practices** for the conservation and sustainable use of biological diversity;
- (r) The draft elements of the ethical code of conduct may take into account the need for researchers to return the results of their research to **indigenous and local communities** and to seek the **prior informed consent** of the **communities** before applying for intellectual property rights;
- (s) The draft elements of the ethical code of conduct may include the elements of ethical principles of **indigenous peoples**.

Part G concerns ‘Indicators for assessing progress towards the 2010 biodiversity target: status of traditional knowledge, innovations and practices’. The following provisions are included:

2. *Invites* Parties, Governments and relevant organizations, in consultation with **indigenous and local communities**, to provide to the Executive Secretary information on activities pertaining to the development and application of indicators for assessing the status of **traditional knowledge, innovations and practices**, including on the testing of prototypes and pilot projects, through existing reporting mechanisms;

5. Welcomes the initiative of the International Indigenous Forum on Biodiversity (IIFB) Working Group on Indicators to organize an international expert seminar on Indicators relevant for indigenous and local communities and the Convention on Biological Diversity, with the aim of supporting the work of the Open-ended Working Group on Article 8(j) and Related Provisions, the Strategic Plan of the Convention, the 2010 target, and the Millennium Development Goals;

6. Invites Parties, the United Nations Permanent Forum on Indigenous Issues, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, IUCN, the 2010 Biodiversity Indicator Partnership and organizations with relevant experience and data-sets relevant to this work, donors, the academe and research institutions and other interested bodies to support and collaborate with the Open-ended Working Group on Article 8(j) and Related Provisions and the IIFB Indicators Initiative with the above mentioned technical process;

Part H contains 'Recommendations of the United Nations Permanent Forum on Indigenous Issues' and includes the following recommendation to the Parties:

The Conference of the Parties

4. Takes note of the request by the Permanent Forum on Indigenous Issues to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions to advance its mandate to develop mechanisms for effective *sui generis* systems of protection based on customary laws of indigenous peoples.

VIII/6. Global Initiative on Communication, Education and Public Awareness: overview of implementation of the programme of work and options to advance future work

The Global Initiative on Communication, Education and Public Awareness: overview of implementation of the programme of work and options to advance future work contains the following decision from the Conference of the Parties:

The Conference of the Parties,

9. Decides to establish the informal advisory committee as a broader expert group on communication, education and public awareness, including representatives from indigenous and local communities, and provide for regular meetings of this group and calls upon donors to provide the necessary funds;

Annex 1 to the overview of implementation of the programme of work and options to advance future work on the Global Initiative on CEPA recalls an earlier commitment made by the Conference of Parties:

Further recalling the commitment to a more effective and coherent implementation of the three objectives of the Convention, and the target "to achieve by 2010 a significant reduction of the current rate of biodiversity loss at global, regional and national levels as a contribution to poverty alleviation and to the benefit of all life on earth", adopted by the sixth meeting of the Conference of the Parties, held in The Hague in 2002 and endorsed by the The Hague Ministerial Declaration as well as the Johannesburg Plan of Implementation adopted by the World Summit on Sustainable Development,

Annex II gives a short list of priority activities for the Programme of Work on Communication, Education and Public Awareness [CEPA] in Subsection 'II':

Priority activity 1: Establish implementation structure or process for CEPA activities

-Promote participation of relevant actors in national advisory bodies, including, as appropriate representatives from:

- **Indigenous and local communities**

Priority activity 2: Assess the state of knowledge and awareness on biodiversity and determine capacity for communication

-Determine key publics to be surveyed by the assessment, including, *inter alia*, and as appropriate:

- **Indigenous and local communities**

Priority activity 3: Develop key messages

-Develop messages to overcome these gaps and to provide information on the following, *inter alia*:

- The role of biodiversity in supporting human well-being, **poverty alleviation** and achieving the Millennium Development Goals

Priority activity 10: Strengthen formal and informal education on Biodiversity

-Identify best practices in biodiversity education, including those initiated by **indigenous and local communities**, and seek to disseminate these for further adoption.

-Education on biodiversity should seek to communicate, in language and methods suitable to a variety of age groups and **communities**:

- The importance of the interlinkage between conservation, sustainable use and **equitable sharing of the benefits** from the use of biological resources.

- **Local and traditional knowledge** about biodiversity.

Annex III describes the implementation of the Programme of Work on CEPA. Part II of the Annex is entitled 'Part 1- CEPA Activities at National and Regional levels'. Subsection B describes the scope and participation of the CEPA activities:

1. This component of the plan has a national and regional focus, which is closely linked and tied to the relevant global perspectives in a mutually supportive framework. The entry point for the range of activities outlined in this particular component of the plan is the national focal institutions designated to oversee the management of biodiversity resources at national level working in close collaboration with other relevant partners and stakeholders in the civil society, the scientific and research community, **indigenous and local communities**, other international organizations and related inter-governmental mechanisms. At the regional level, the implementation of the identified activities will be carried out through a similar arrangement.

Subsection C of Part II of Annex III discusses the key components of the plan of implementation for the Programme of Work on CEPA. Component 2 of Subsection C is concerned with communication and public awareness. The following Goal and subsequent suggested activity are stated within this section:

Goal: Parties and Governments articulate the **communication** and **public awareness** components as part of the overall process for developing, establishing and implementing their national biodiversity strategies and action plans.

Suggested activity:

2.1 In close consultation with other relevant national institutions, non-governmental organizations, **local and indigenous communities**, carry out detailed assessments to identify the priority needs of the various stakeholders with respect to biodiversity communication and public awareness at national level. The needs assessments, which will among others, draw on information contained in national reports, national biodiversity strategies and action plans and related documents, would include but not be restricted to the following:

(d) The establishment of professional capacity specifically in biodiversity communication and public awareness for various levels of skills and expertise (civil society, government, **local and indigenous communities**, etc.);

(e) Effective and wider stakeholder **participation** and engagement in biodiversity communication and public awareness (media, **indigenous and local communities**, science and research communities, government, business/private sector groups, etc.);

Component 3 of Subsection C discusses training for the implementation of the Programme of Work on CEPA. The Goal and subsequent suggested activities are included below:

Goal: To articulate the **training** component as part of the overall process for developing, establishing and implementing the CEPA components of national biodiversity strategies and action plans.

Suggested Activities:

3. In close consultation with other relevant national institutions, NGOs, **local and indigenous communities**, carry out detailed assessments to identify the priority needs of the various stakeholders with respect to:

- (a) Enhancing stakeholder **participation** and **community** development through communication, education and public awareness.

3.4 Facilitate the adoption and implementation of the CEPA components of NBSAPs with a focus on the training components amongst the different levels of the target audience and related stakeholders. The initial focus of this activity will be on implementing pilot efforts, whose results will serve to formulate and implement more detailed and longer-term activities in biodiversity training. The pilot efforts will be based on the identified priority areas contained in the programmes of work in the thematic areas and cross cutting issues. Some of the key generic approaches for the implementation of the identified pilot efforts would include but not be restricted to:

(b) Establishment of a system for professional expertise and knowledge exchanges that accommodates the needs and interests of a wide range of stakeholders including **indigenous and local communities**.

VIII/8. Implementation of the Convention and its Strategic Plan

The Annex to the Programme of Work on the Implementation of the Convention and its Strategic Plan is entitled: 'Proposed Voluntary Guidelines to Parties for Review of National Biodiversity Strategies and Action Plans'. Section B of the Annex discusses Guidelines, Part 2 concerns the development of national biodiversity strategies and action plans, this part contains the following provision:

In this section, you are asked to provide a brief description of the methodology followed in developing (and, if applicable, in updating) the above biodiversity strategies and action plans.

Your response can be in the form of a narrative answer.

Please include in your answer information on:

- Whether, and how, different sectors and stakeholders (including **local and indigenous communities**) were involved in the process;

List B within the Programme of Work on Implementation of the Convention and its Strategic Plan discusses possible obstacles to the implementation of the Convention

on Biological Diversity. Some obstacles identified by the Conference of Parties include:

2. d. Loss of **traditional knowledge**
3. b. Existing scientific and **traditional knowledge** not fully utilized
7. d. Lack of capacities for **local communities**

VIII/9. Implications of the findings of the Millennium Ecosystem Assessment

As part of the expanded Programme of Work on the Implications of the findings of the Millennium Ecosystem Assessment, the Conference of Parties drew attention to the following issue:

The Conference of Parties

14. Aware in particular of the impacts of these issues on the conservation and **customary use** of biodiversity by **local and indigenous communities**, and the consequences for their well-being, *emphasizes* the need for dialogue with such **communities**.

VIII/10. Operations of the Convention

The expanded Programme of Work on the Operations of the Convention contains multiple Annexes. Annex III to the programme of work contains a consolidated modus operandi of the subsidiary body on scientific, technical and technological advice. Part H discusses the 'Ad Hoc Technical Expert Group Meetings' and contains the following guiding element for the establishment of the technical expert groups:

18. A limited number of ad hoc technical expert groups on specific priority issues on the programme of work of the Conference of the Parties may be established under the guidance of the Conference of the Parties, as required, for a limited duration, to provide scientific and technical advice and assessments. The establishment of such ad hoc technical expert groups would be guided by the following elements:

(a) The ad hoc technical expert groups should draw on the existing knowledge and competence available within, and liaise with as appropriate, international, regional and national organizations, including non-governmental organizations and the scientific community, as well as **indigenous and local community** organizations and the private sector, in fields relevant to this Convention;

Appendix C to the Programme of Work is entitled: 'Process for the conduct of scientific and technical assessments initiated by the Subsidiary Body on Scientific, Technical and Technological Advice'. One of the modalities/activities within the Appendix refers to the Peer-review process:

Peer-review, if applicable, by:

1. Selected reviewers;
2. A wider audience including Parties, other Governments, SBSTTA focal points, experts nominated by Parties, organizations and **indigenous and local communities** and/or other conventions and their focal points.

VIII/11. Scientific and technical cooperation and the clearing-house mechanism

As part of the expanded Programme of Work on Scientific and technical cooperation and the clearing-house mechanism, the Conference of Parties included a number of Annexes. Annex II describes the Programme of Work of the Clearing-House mechanism up to 2010. Goal 1.1 of Annex II is as follows, the following action by the CBD clearing-house mechanism is also recommended:

Goal 1.1: The clearing-house mechanism contributes to the implementation of the Convention and particularly the achievement of the 2010 target.

Actions by the CBD clearing-house mechanism

1.1.1: Organize joint technical hands-on workshops with partners and international thematic focal points on new information and web-based technologies to assist in the implementation of the Convention, taking into account the special needs of **indigenous and local communities**.

VIII/15. Framework for monitoring implementation of the achievement of the 2010 target and integration of targets into the thematic programmes of work

The framework for monitoring implementation of the achievement of the 2010 target and integration of targets into the thematic programmes of work contains the following recommendations from the Conference of Parties:

The Conference of Parties:

11. *Urges* Parties and *invites* other Governments to develop national and/or regional goals and targets and related national indicators, considering submissions from **indigenous and local communities** and other stakeholders, as appropriate, and to incorporate them into relevant plans, programmes and initiatives, including national biodiversity strategies and action plans, as well as national action plans of the United Nations Convention to Combat Desertification for the goals and targets of the programme of work on the biodiversity of dry and sub-humid lands, and national forest programmes for the goals and targets of the expanded programme of work on forest biological diversity;

Annex I is entitled: 'Provisional indicators for assessing progress in implementing the goals and objectives of the strategic plan' and contains the following strategic goals and objectives and possible indicators:

Strategic goals and objectives:

4.3 **Indigenous and local communities** are effectively involved in implementation and in the processes of the Convention, at national, regional and international levels.

Possible indicators:

To be developed by the Ad Hoc Open-ended Working Group on **Article 8(j)**

Annex II ‘Indicators relevant to the provisional framework of goals and targets’ to the ‘Framework for monitoring implementation of the achievement of the 2010 target and integration of targets into the thematic programmes of work’ contains the following Goals, targets and relevant indicators:

Goal 3: Promote the conservation of genetic diversity

Target 3.1: Genetic diversity of crops, livestock, and of harvested species of trees, fish and wildlife and other valuable species conserved, and associated **indigenous and local knowledge** maintained.

Goal 8. Maintain capacity of ecosystems to deliver goods and services and support livelihoods

Target 8.2. Biological resources that support **sustainable livelihoods**, **local** food security and health care, especially of **poor people** maintained.

Relevant indicators

Health and well-being of **communities** who depend directly on **local** ecosystem goods and services

*Goal 9 Maintain **socio-cultural diversity of indigenous and local communities***

Target 9.1. Protect **traditional knowledge, innovations and practices**.

Status and trends of linguistic diversity and numbers of speakers of **indigenous languages**

Target 9.2. Protect the rights of **indigenous and local communities** over their **traditional knowledge, innovations and practices**, including their rights to **benefit-sharing**.

*Goal 10. Ensure the **fair and equitable sharing of benefits** arising out of the use of genetic resources*

Target 10.2. Benefits arising from the commercial and other utilization of genetic resources shared in a fair and equitable way with the countries providing such resources in line with the Convention on Biological Diversity and its relevant provisions

VIII/18. Guidance to the financial mechanism

The expanded Programme of Work on Guidance to the financial mechanism includes the following invitations from the Conference of Parties:

The Conference of Parties

29. *Invites* the Global Environment Facility:

(e) To support **community conserved areas**, ensuring the immediate, **full and effective participation** of **indigenous peoples and local communities** in the development of relevant activities.

VIII/19. Forest biological diversity: implementation of the programme of work

The implementation of the Programme of Work on Forest biological diversity has a Section B, which describes matters other than those described in Section A- Consideration of matters arising from the implementation of paragraph 19 of decision VI/22. Section B includes the following recommendations from the Conference of Parties for the implementation of the programme of work:

The Conference of Parties

Recognizing the uncertainties related to the potential environmental and socio-economic impacts, including long-term and transboundary impacts, of genetically modified trees on global forest biological diversity, as well as on the livelihoods of indigenous and local communities, and given the absence of reliable data and of capacity in some countries to undertake risk assessments and to evaluate those potential impacts,

4. Invites Parties, other Governments and relevant organizations, including indigenous and local communities, as well as relevant stakeholders, to provide relevant views and information to the Secretariat for inclusion in this assessment.

VIII/22. Marine and coastal biological diversity: enhancing the implementation of integrated marine and coastal management

As part of the expanded Programme of Work on Marine and coastal biological diversity: enhancing the implementation of integrated marine and coastal area management, Parties are recommended to undertake the following activities to support implementation of the programme of work:

The Conference of Parties

3. Recognizing the importance of Integrated Marine and Coastal Area Management in reaching the 2010 target, invites Parties and other Governments to facilitate effective implementation of Integrated Marine and Coastal Area Management by, as appropriate:

(a) Encouraging participation by indigenous and local communities and relevant stakeholders, to provide input into consideration of integrating the recommendations of IMCAM into national and regional processes;

4. Invites Parties and other Governments, with the help of coastal-management practitioners and relevant organizations, and within their respective capacities to:

(b) Encourage indigenous and local communities and relevant stakeholders to use resources sustainably, consistent with Articles 8(j) and 10(c); and, where required, to diversify their economic and livelihood base;

6. Urges Parties and other Governments to support initiatives to:

(a) Improve collection, collation, interpretation, communication, and dissemination of information and participation of stakeholders and the full and effective participation of indigenous and local communities in the implementation of management decisions;

7. Requests the Executive Secretary, in collaboration with Parties, relevant organizations and indigenous and local communities, to compile and analyse case-studies on successful and unsuccessful implementation of integrated marine and coastal area management, and to provide lessons learned for the consideration of the Subsidiary Body on Scientific, Technical and Technological Advice before the tenth meeting of the Conference of the Parties.

VIII/23. Agricultural biodiversity

Section A of the expanded Programme of Work on Agricultural biodiversity contains an Annex entitled ‘Proposed framework for a cross-cutting initiative on biodiversity for food and nutrition’. Part C of the Annex concerns ‘General Considerations’ which includes the following recommendations to the Parties for the programme of work:

5. The initiative will apply the **ecosystem approach**, using interdisciplinary and inter-sectoral approaches in order to integrate health, education, agriculture and environmental objectives. In examining potential solutions to food and nutrition problems, activities under the initiative will look first to the biodiversity resources of **local** ecosystems, including existing intra-species diversity. As well, the **social and cultural importance** of food—as an inherent aspect of human existence and **community** organization—should be recognized as a positive motivating force for healthy diets and ecosystems.

7. Activities under the initiative should be responsive to **community** needs, and developed with **full community participation and engagement**. Activities should seek to increase **participation** of **local and indigenous communities** in national and international institutions, programmes and processes, and should seek to increase coordination between all levels. Activities should contribute to ‘learning by doing’ and to adaptive management. Activities should be implemented taking into account the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (the “Right-to-Food Guidelines”) adopted by the FAO in November 2004. Finally, existing activities should be scaled upwards to address a more global, cross-sectoral agenda, without losing **local** and **cultural** specificities.

Part D of the Annex discusses the Elements of the proposed framework for a cross-cutting initiative on biodiversity for food and nutrition. Element 1 of Part D concerns the development and documentation of knowledge. Some suggested activities for development and documentation are as follows:

4. 1.1 Compilation, review and analysis of:

(a) Existing scientific information, **indigenous** and **traditional knowledge** on the links between biodiversity, food and nutrition (in a manner consistent with **Article 8(j)** and related provisions of the Convention) according to national legislation;

Element 2 of Part D is entitled: ‘Integration of biodiversity, food and nutrition issues into research and policy instruments.’ The Rationale for Operational objective 3 (to counter the loss of diversity in human diets, and in ecosystems, by conserving and promoting the wider use of biodiversity for food and nutrition) is as follows:

Existing research and policy instruments often overlook the importance of biodiversity and associated knowledge in addressing **local** problems of hunger and malnutrition. In nutrition studies, the most commonly used research instruments aggregate food data into broad categories, obscuring the contribution of individual species or cultivars to human nutrition and health. Under prevailing regulatory frameworks, food quality standards that are not adapted to **local** foods may also inadvertently constrain food producers, limiting their ability to provide an array of species and varieties to markets. Policies, programmes and projects aimed at addressing **poverty reduction** and food security sometimes emphasize the provision of staple food sources and **dietary** supplements while overlooking the value of **locally** available diverse food sources. In these cases, the value of biodiversity for food and nutrition, especially to **poor** and disadvantaged groups, is not fully realized. A proactive focus on biodiversity will be needed in order to encourage practitioners and researchers to modify current approaches, and to shift research and policy emphasis towards examining issues of food quality, and not simply food quantity.

Element 3 of Part D is entitled: ‘Conserving and promoting wider use of biodiversity for food and nutrition’. Element 3 contains the following Operational objective, Rationale and Activities:

Operational Objective:

To counter the loss of diversity in human diets, and in ecosystems, by conserving and promoting the wider use of biodiversity for food and nutrition.

Rationale

Diversity is being replaced by uniformity in the agricultural market place, and in human diets more generally. Yet a diverse resource base remains critical to human survival, well-being, the **elimination of hunger** and providing the basis for adaptation to changing conditions (including environmental change). Promoting the broader use of biodiversity promises to contribute to improved human health and nutrition, while also providing opportunities for livelihood diversification and income generation. **Indigenous and local communities**, and the preservation of their **local socio-cultural traditions and knowledge**, play a critical role, as do **women**, for the maintenance of diverse food systems. These combined outcomes can serve to **reduce poverty**, providing important contributions to maintain and enhance biodiversity conservation efforts at multiple scales.

Activities

3.4 Conservation and sustainable use of wild resources, including those that support bushmeat and fisheries, including maintaining viable stocks of wild species for sustainable consumption by **local and indigenous communities**.

3.7 Support all forms of food production of **indigenous and local communities**, in accordance with **Article 8(j)** and related provisions of the Convention.

Element 4 of Part D- Public Awareness contains Operational Objective 4 and Rationale for the objective:

Operational Objective:

To raise awareness of the links between biodiversity, food and nutrition, and the importance of biodiversity conservation to meeting health and development objectives, including the **elimination of hunger**.

Rationale:

Biodiversity programmes and policies can be made more relevant to policymakers and stakeholders, and more effective on the ground, by making clear the crucial links between biodiversity and human well-being. When rural people perceive that biodiversity has greater value through positive impacts on both income and health, they are more likely to maintain and protect it. In addition, issues of food production as they relate to nutrition and health can serve to mobilize both urban and rural consumers who may not otherwise be motivated by environmental or ethical arguments to support agricultural sustainability. Food security issues can then serve as a way to re-establish links between **local** production and global consumption, and between the rich and **poor**.

Part E of the Annex to the Programme of Work on Agricultural biodiversity describes the key partners and initiatives to the programme of work. The following key partners and initiatives are described within this part:

9. Similarly, Governments and other international and national institutions; the International Union of Nutritional Sciences (IUNS), the International Council for Science (ICSU) and other research and academic associations; civil-society organizations and movements, including the Slow Food Movement, **indigenous and local community** organizations; and the private sector, are encouraged to contribute to the initiative.

Section B of the Programme of Work on Agricultural biodiversity contains an Annex describing the framework for action on the international initiative for the conservation and sustainable use of soil biodiversity. Part C outlines the ‘Goals’ of the international initiative:

1. Promote awareness-raising, knowledge and understanding of key roles, environmental services, functional groups and impacts of diverse soil management practices, including those performed by **indigenous and local communities**, in different farming systems and agro-ecological and socio-economic contexts.

2. Increase understanding of the role of soil biodiversity in agricultural production, **traditionally** applied land management practices and ecosystem and environmental health.

Objective 3, within Part C of the Annex, contains the following activity:

Objective 3 – Strengthening collaboration among actors and institutions and mainstreaming soil biodiversity and biological management into agricultural and land management and rehabilitation programmes

Activity 3.3: Promote the **participation** of **indigenous and local communities** in both the elaboration and implementation of management plans that relate to soil biodiversity.

Section C of the Programme of Work on Agricultural biodiversity discusses genetic use restriction technologies. The Conference of Parties gives the following recommendations with regard to genetic use restriction technologies:

2. *Encourages* Parties, other Governments, relevant organizations, and interested stakeholders to:

(a) Respect **traditional knowledge** and Farmers’ Rights to the preservation of seeds under **traditional** cultivation;

(b) Continue to undertake further research, within the mandate of decision V/5 section III, on the impacts of genetic use restriction technologies, including their ecological, **social, economic and cultural impacts**, particularly on **indigenous and local communities**; and

(c) Continue to disseminate the results of studies on the potential environmental (e.g., risk assessment), **socio-economic and cultural impacts** of genetic use restriction technologies on smallholder farmers, **indigenous and local communities**, and make these studies available in a transparent manner through, *inter alia*, the clearing-house mechanism;

3. *Invites* the governing body of the International Treaty on Plant Genetic Resources for Food and Agriculture to examine, within the context of its work, priorities and available resources, the potential impacts of genetic use restriction technologies with special consideration to the impacts on **indigenous and local communities** and associated **traditional knowledge**, smallholder farmers and breeders and Farmers’ Rights;

4. *Notes* that there is a strong demand for capacity-building and technology transfer, particularly for developing countries and countries with economies in transition, and that adequate resources need to be provided, particularly relating to the assessment of, and decision-making, on genetic use restriction technologies, regarding **cultural** and socio-economic aspects, in accordance with Articles 12, 16, 17, 18 and 20 of the Convention on Biological Diversity, and *urges* Parties to strengthen capacity-building initiatives covering **environmental, cultural and socio-economic aspects** to enable Parties to make informed decisions and actions on genetic use restriction technologies with the **participation** of **indigenous and local communities** and other stakeholders; and

5. *Notes* that the issues related to genetic use restriction technologies should be disseminated in appropriate language and simplified form, through the clearing-house mechanism and other means.

VIII/24. Protected areas

The Review of the implementation of the Programme of Work on Protected Areas for the period 2004-2006 contains the following conclusions and recommendations from the Conference of Parties:

The Conference of Parties

6. Agrees on the importance of undertaking consultation processes including **indigenous and local communities** and relevant stakeholders on reporting on the implementation of the programme of work on protected areas;

10. Requests the Executive Secretary to organize, subject to availability of necessary funds, in collaboration with relevant organizations, regional workshops of representatives of Parties, other governments, relevant organizations and **indigenous and local communities** to review the implementation of the programme of work and to build capacity using tools such as the matrix in annex II to recommendation 1/4 of the Ad Hoc Open-ended Working Group on Protected Areas, and accordingly *encourages* Parties, other Governments and relevant organizations to support and implement capacity-building activities;

16. Invites Parties, other Governments, relevant organizations and other stakeholders and urges Parties to seek contributions from **indigenous and local communities** on progress made towards the targets, challenges/obstacles and capacity-building needs, in time for the consideration of the second meeting of the Ad Hoc Open-ended Working Group on Protected Areas;

Within the section entitled ‘Options for mobilizing financial resources for the implementation of the programme of work by developing countries, in particular the least developed and small island developing States and countries with economies in transition’, the following provisions are included:

18. Invites Parties:

(c) To assess, document and communicate the socio-economic values of protected-area systems, focusing in particular on the critical contribution to **poverty alleviation** and achievement of the Millennium Development Goals (MDGs), including specific evaluations of the impacts of the existing variety of funding mechanisms and protected area programmes on **indigenous and local communities**;

(f) To consider the following options, as appropriate, in designing financial plans for the system of protected areas:

(vii) Funding mechanisms to support **indigenous and local communities conserved areas**;

(g) To support institutional strengthening and improved governance of protected-areas management authorities including those of **indigenous and local communities** and to build capacities of protected-area officials and members of **community-based management initiatives**, where appropriate to undertake sound financial planning and management;

21. Invites international and regional development banks to ensure coherence among their respective institutional policies and improve guidelines related to biodiversity conservation and/or sustainable use in investment projects that affect sustainability of protected areas. Such policies should allow for the **full and effective participation** and **prior informed consent** of **indigenous and local communities**.

22. Invites the Global Environment Facility:

(d) To review and revise, as appropriate, its protected areas’ policies in relation to **indigenous and local communities**; and

(e) To support **community conserved areas**, ensuring the immediate, **full and effective participation** of **indigenous peoples and local communities** in the development of relevant activities;

27. *Encourages* continued contributions by international non-governmental organizations, private foundations and private sector in the framework of national priorities:

c) To provide targeted financial support to conservation and sustainable use of biodiversity initiatives of **indigenous and local communities**, including capacity-building activities, to promote the implementation of the programme of work

31. *Encourages* Parties to adapt and translate relevant tools into national and **local languages** so that they can be used effectively;

32. *Urges* Parties, other Governments, funding and other relevant organizations to provide adequate financial resources and other support for the development of tool kits according to identified gaps and demand, including for toolkits at the **local level**, in **local languages**, and those developed or used by **indigenous and local communities**;

33. *Urges* Parties, other Governments, funding and other relevant organizations to provide adequate financial resources and other support for workshops to focus on the use and further development of available toolkits, in particular in relation to co-managed protected areas and **community-conserved areas**, and to ensure the **full and effective participation** of **indigenous and local communities** in this activity;

34. *Recognizes* the need for the continued improvement of the toolkits in cooperation with relevant partners, including **indigenous and local communities**, in order to fill existing gaps and achieve better usability;

Within the section entitled ‘Options for cooperation for the establishment of marine protected areas in marine areas beyond the limits of national jurisdiction’, the Conference of Parties makes the following recommendations:

44. *Requests* the Executive Secretary to work actively with, and to take into account scientific information available from, the range of relevant expertise available in governmental, intergovernmental, non-governmental, regional and scientific institutions, expert scientific processes and workshops, and, **indigenous and local communities**, where appropriate, to:

(e) Collate information concerning customary use of biological resources in accordance with **traditional cultural practices** that are compatible with the conservation and sustainable use of biological diversity in marine areas beyond the limits of national jurisdiction.

VIII/25. Incentive measures: application of tools for valuation of biodiversity and biodiversity resources and functions

The Programme of Work on ‘Incentive measures: application of tools for valuation of biodiversity and biodiversity resources and functions’ contains the following recommendations from the Conference of Parties with regards to implementation:

The Conference of Parties

8. In carrying out the work in paragraphs 6 and 7 above, *encourages* relevant institutions to support the **participation** of **indigenous and local communities**, in order to facilitate the inclusion of **cultural values** in work on valuation of biodiversity resources and functions and associated ecosystem services with a view to generate valuation mechanisms that are suitable to **indigenous and local communities**;

The Programme of Work on Incentive Measures includes an Annex entitled: ‘Options for the application of tools for valuation of biodiversity and biodiversity resources and functions’. Part ‘B’ of the Annex describes institutional considerations, including:

Involvement of stakeholders as well as indigenous and local communities. The full involvement of all relevant stakeholders as well as **indigenous and local communities** is another important means of increasing the credibility and acceptability of decision-making processes including the application of valuation methods. By ensuring that sample groups are representative, their **full and effective involvement** can also contribute to the quality of applying certain valuation tools. Institutions should therefore have mechanisms in place that ensure the full and effective involvement of relevant stakeholders as well as **indigenous and local communities** in appraisal processes including the application of valuation tools.

Awareness-raising and incentive measures. Identifying and assessing the value of biodiversity resources and functions and of the associated ecosystem services can raise awareness, thus creating incentives for the conservation and sustainable use of biodiversity, and can also support the adequate design and calibration of other incentive measures for the conservation and sustainable use of biodiversity,⁵⁴ bearing in mind that incentive measures should not negatively affect biodiversity and livelihoods of **communities** in other countries. Furthermore, raising awareness among all stakeholders of the value of biodiversity improves the chances for other incentive measures to be successful.

VIII/26. Incentive measures: preparation for the in-depth review of the programme of work on incentive measures

The decision on Preparation for the in-depth review of the Programme of Work on Incentive measures includes a section on positive incentive measures identified by the Conference of Parties:

The Conference of Parties

6. *Encourages* relevant national, regional and international institutions and organizations, such as IUCN and the Organisation for Economic Co-operation and Development, as well as representatives of **indigenous and local communities** and relevant stakeholders, to strengthen research activities, including research cooperation and exchange at national, regional and international levels, on, as appropriate:

(d) The development of mechanisms, including policy, legal and institutional measures in full consultation with representatives of **indigenous and local communities** that ensure the **fair and equitable sharing of benefits** arising from positive incentive measures;

(e) The analysis and evaluation of the relevant **economic, social and cultural impacts** of individual positive incentive measures at different levels and scales;

(f) and to communicate the results of this research to Parties and the Executive Secretary.

VIII/28. Impact assessment: Voluntary guidelines on biodiversity-inclusive impact assessment

The Program of Work on Voluntary guidelines on biodiversity-inclusive impact assessment includes the following recommendation from the Conference of Parties:

The Conference of Parties

1. *Notes* that the **Akwé: Kon Voluntary Guidelines** for the Conduct of **Cultural, Environmental and Social Impact Assessments** regarding Developments Proposed to Take Place on, or which are Likely to Impact on, **Sacred Sites** and on **Lands and Waters Traditionally Occupied or used by Indigenous and Local Communities** (decision VII/16 F, annex) should be used in conjunction with the voluntary guidelines on biodiversity-inclusive environmental

⁵⁴ See decisions IV/10 A and VI/15, annex I, paragraph 22.

impact assessment contained in the annex below and the draft guidance on biodiversity-inclusive strategic environmental assessment contained in annex II to the note by the Executive Secretary on voluntary guidelines on biodiversity-inclusive impact assessment (UNEP/CBD/COP/8/27/Add.2);

The expanded Program of Work on Voluntary guidelines on biodiversity-inclusive environment impact assessment includes an Annex entitled: ‘Voluntary Guidelines on Biodiversity-inclusive Environment Impact Assessment’. Part A of the Annex describes the Stages in the process of a biodiversity-inclusive environment impact assessment. Part A includes the following description of the environmental impact assessment:

5. Environmental impact assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development,⁵⁵ taking into account inter-related **socio-economic, cultural and human-health impacts**, both beneficial and adverse. The effective participation of relevant stakeholders, including **indigenous and local communities**, is a precondition for a successful EIA. Although legislation and practice vary around the world, the fundamental components of an EIA would necessarily involve the following stages: [...]

One stage of the process for implementation of a biodiversity-inclusive environment impact assessment is ‘Screening’, which is elaborated on in Part B of the Annex: ‘Biodiversity issues at different stages of environment impact assessment’. Within the Screening process, certain geographically defined areas need to be categorised according to a system:

16. Suggested categories of geographically defined areas, related to important ecosystem services, are:

(c) Areas with *important provisioning services*, where impact assessment at an appropriate level of detail is always required. Examples can be extractive reserves, lands and waters **traditionally occupied** or used by **indigenous and local communities**, fish breeding grounds; etc.

(d) Areas with *important cultural services*, where impact assessment at an appropriate level of detail is always required. Examples can be scenic landscapes, **heritage sites**, **sacred sites**; etc.

A further stage of the implementation of a biodiversity-inclusive environment impact assessment is ‘Scoping’, within Part ‘B’ of the Annex to the Programme of Work. Within the section on scoping, the advantages of mitigation are discussed:

22. *Consideration of mitigation and/or enhancement measures:* The purpose of mitigation in EIA is to look for ways to achieve the project objectives while avoiding negative impacts or reducing them to acceptable levels. The purpose of enhancement is to look for ways of optimizing environmental benefits. Both mitigation and enhancement of impacts should strive to ensure that the public or individuals do not bear costs, which are greater than the benefits that accrue to them.

24. Practical evidence with respect to mitigation suggests that:

(a) Timely and ample attention to mitigation and compensation, as well as the interaction with society, will largely reduce the risk of negative publicity, public opposition and delays, including associated costs. Specialist input on biodiversity can take place prior to initiating the legally required EIA process, as a component of the project proposal. This approach improves and streamlines the formal EIA process by identifying and avoiding, preventing or mitigating biodiversity impacts at the earliest possible stage of planning;

⁵⁵ The terms project, activity and development are used interchangeably; there is no intended distinction between them.

Box 1 within Part B of the Annex to the Programme of Work describes the role of Stakeholder and Participation:

Impact assessment is concerned with (i) information, (ii) participation and (iii) transparency of decision-making. Public involvement consequently is a prerequisite for effective EIA and can take place at different levels: informing (one-way flow of information), consulting (two-way flow of information), or “real” participation (shared analysis and assessment). In all stages of EIA public participation is relevant. The legal requirements for and the level of participation differ among countries, but it is generally accepted that public consultation at the scoping and review stage are essential; participation during the assessment study is generally acknowledged to enhance the quality of the process.

With respect to biodiversity, relevant stakeholders in the process are:

- Affected people – i.e. those people that experience, as a result of the project, intended or unintended changes in ecosystem services that they value;
- General stakeholders – i.e. formal or informal institutions and groups representing either affected people or biodiversity itself.
- Future generations – “absent stakeholders”, i.e. those stakeholders of future generations, who may rely on biodiversity around which decisions are presently taken.

There are a number of potential constraints to effective public participation. These include:

- **Local values/culture:** behavioural norms or cultural practice can inhibit involvement of some groups, who may not feel free to disagree publicly with dominant groups;
- **Languages:** in some areas a number of different languages or dialects may be spoken, making communication difficult;
- **Legal systems:** may be in conflict with traditional systems, and cause confusion about rights and responsibilities for resources;

Also refer to decision VII/16 F containing the **Akwé: Kon 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**.

Section 3 of Part B of the Annex to the Programme of Work is entitled: ‘Assessment and evaluation of impacts, and development of alternatives’. Section 3 contains practical lessons learnt for implementation in the assessment process:

31. A number of practical lessons with respect to the study process have emerged including that the assessment should:

(c) Apply the **ecosystem approach** and actively seek information from relevant stakeholders and **indigenous and local communities**. Address any request from stakeholders for further information and/or investigation adequately. This does not necessarily imply that all requests need to be honoured; however, clear reasons should be provided where requests are not honoured;

Section 4 is entitled: ‘Reporting: the environmental impact statement EIS’ and includes the following provision:

33. The environmental impact statement is designed to assist:

(a) The proponent to plan, design and implement the proposal in a way that eliminates or minimizes the negative effect on the biophysical and socio-economic environments and maximizes the benefits to all parties in the most cost-effective manner;

Section 5 gives a review of the environmental impact statements, which includes a statement on the significance of public involvement for implementation of the programme of work:

35. Public involvement, including the **full and effective participation** of **indigenous and local communities**, is important in various stages of the process and particularly at this stage. The concerns and comments of all stakeholders are adequately considered and included in the final report presented to decision makers. The process establishes **local ownership** of the proposal and promotes a better understanding of relevant issues and concerns.

Appendix 2 to the Programme of Work on Voluntary guidelines on biodiversity-inclusive impact assessment is an 'Indicative list of ecosystem services'. One of the regulating services responsible for maintaining natural processes and dynamics is Cultural services:

Cultural Services providing a source of artistic, aesthetic, **spiritual**, religious, recreational or scientific enrichment, or nonmaterial benefits

Appendix 3 to the Programme of Work describes 'Aspects of biodiversity: composition, structure and key processes'. Within the table, under 'Composition' the minimal viable population of a species is described as follows:

Minimal viable population of:

(d) non-legally protected, but threatened species (cf. IUCN Red List of Threatened Species); species which are important in **local livelihoods and cultures**.

VIII/30. Biodiversity and climate change: guidance to promote synergy among activities for biodiversity conservation, mitigating or adapting to climate change and combating land degradation

The Programme of Work on Biodiversity and climate change: guidance to promote synergy among activities for biodiversity conservation, mitigating or adapting to climate change and combating land degradation contains the following recommendations by the Conference of Parties:

The Conference of Parties

3. *Encourages* Parties and other Governments, when addressing research needs and activities on the impacts of climate change on biodiversity, to involve **indigenous and local communities** and other relevant stakeholders, particularly on issues related to ecosystem health, human health, **traditional knowledge, and livelihoods**;

5. *Invites* Parties, other Governments, relevant organizations and research institutions, to address, as appropriate, the research gaps outlined in the report of the Ad Hoc Technical Expert Group on Biodiversity and Adaptation to Climate Change and summarized in paragraph 3 of recommendation XI/14 of the Subsidiary Body on Scientific, Technical and Technological Advice and to promote research on climate change response activities related to biodiversity, in the context of the **ecosystem approach** and sustainable use, and in order to further facilitate the incorporation of biodiversity considerations into the design, implementation and monitoring of activities aimed at the mitigation and adaptation of the impacts of climate change, including on **indigenous peoples and local communities**;

7. *Invites* Parties to consider the needs of the most vulnerable regions and ecosystems, and their **indigenous and local communities**, including the need to provide additional support to developing countries, particularly the least developed and small-island developing States

among them, and countries with economies in transition, in order to enhance understanding, design and communication of synergies in the national implementation of the three Rio conventions, the Ramsar Convention on Wetlands, the World Heritage Convention, the Convention on Migratory Species, and other multilateral environmental agreements, and to support the preparation of adaptation activities and plans, including assistance in the areas of financial resources, technology transfer, education and outreach, capacity-building, research and systemic observation, and harmonized reporting.

COP IX

IX/1. In-depth review of the programme of work on agricultural biodiversity

The in-depth review of the Programme of Work on Agricultural biodiversity includes recognition of the following facets of the programme of work by the Conference of Parties:

The Conference of Parties

Also recognizing the important contribution of **indigenous and local communities**, including farmers and livestock keepers, in the conservation and sustainable use of agricultural biodiversity, in particular at centres of origin of agricultural biodiversity, the value of their **traditional knowledge** and their important contribution to the achievement of the three objectives of the Convention,

Recognizing the challenge to secure sustainable food production globally and *stressing* the importance of all roles and functions of agriculture to sustain food production, maintain capacity of ecosystems to deliver goods and services, and increase agricultural production for **local needs**, as an important step to **eradicate poverty** and **sustain livelihoods**,

1. *Welcomes* the celebration of the 2008 International Day for Biological Diversity, and *emphasizes* the importance of the Day for enhancing awareness of the value of agricultural biodiversity, its current status and rate of loss, the need to support conservation and sustainable use of biodiversity and implement actions that will halt its loss for the benefit of food and energy security, human nutrition, **poverty eradication** and improved **rural livelihoods**, noting the importance of agricultural biodiversity to the achievement of the Millennium Development Goals;

8. *Recognizes* the contribution of **indigenous and local communities** to the conservation and sustainable use of biological diversity as a contribution to the 2010 biodiversity target and the 2010 target of the World Summit on Sustainable Development, and in the context of 2008 being the International Year of the Potato, congratulates the **indigenous peoples** of the Andean region in their creation and maintenance of the natural centre of diversity of the potato;

The Conference of Parties made the following recommendations for the improvement of the Programme of Work on Agricultural Biodiversity:

The Conference of Parties

10. *Invites* Parties, other Governments, relevant international and regional organizations, **local and indigenous communities**, farmers, **pastoralists** and plant and animal breeders to promote, support and remove constraints to on-farm and *in situ* conservation of agricultural biodiversity through **participatory decision-making processes** in order to enhance the conservation of plant and animal genetic resources, related components of biodiversity in agricultural ecosystems, and related ecosystem functions;

11. *Invites* Parties, other Governments and relevant organizations, to submit to the Executive Secretary best practices concerning the issue of on-farm and *in situ* conservation of agricultural biodiversity, and *requests* the Executive Secretary, in consultation with the Food and Agriculture Organization of the United Nations, to collate this information and to disseminate it through the clearing-house mechanism and other relevant means, and to make it available to the Subsidiary Body on Scientific, Technical and Technological Advice and the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations;

Implementation of activities in the programme of work: mainstreaming

As part of the implementation of activities into the programme of work, the Conference of Parties made the following recommendations for the purposes of 'mainstreaming':

The Conference of Parties

15. *Urges* Parties, other Governments, and relevant organizations, to promote the **effective participation** of **indigenous and local communities**, farmers, **pastoralists**, animal breeders and other stakeholders, including those whose livelihoods depend on the sustainable use and conservation of agricultural biodiversity, when applying the **ecosystem approach** to agriculture; including by respecting, preserving and maintaining the **knowledge innovations and practices** of **indigenous and local communities** as pertaining to agriculture;

16. *Invites* Parties, other Governments, relevant organizations and **indigenous and local communities** to improve the implementation of the programme of work through:

(a) Enhanced collaboration between all relevant actors at all levels in Government including at the **local** level and involving **indigenous and local communities** and the private sector, as appropriate;

(b) Incorporating the awareness of the importance of the conservation and sustainable use of biodiversity in agricultural production processes whilst meeting the demands for food and other products; and

(c) Making relevant elements of the programme of work compatible with national biodiversity strategies and action plans and related policies, including appropriate linkages with other programmes of work of the Convention;

17. *Urges* Parties, other Governments and relevant organizations:

(a) To strengthen dialogue with farmers, including through international and national farmers' organizations, as appropriate, in the implementation of the programme of work;

(b) To promote opportunities for **indigenous and local communities**, and **local** stakeholders to **participate** in the development and implementation of national biodiversity strategies, action plans and programmes for agricultural biodiversity; and

(c) To improve the policy environment to support **local-level management** of agricultural biodiversity;

18. *Welcomes* the Global Plan of Action for Animal Genetic Resources of the Food and Agriculture Organization of the United Nations adopted by the first International Technical Conference on Animal Genetic Resources held in Interlaken, Switzerland, in September 2007, as the internationally agreed framework that contains the strategic priorities for the sustainable use, development and conservation of animal genetic resources for food and agriculture, and provisions for implementation and financing, and *invites* Parties, other Governments, **indigenous and local communities**, farmers, **pastoralists**, animal breeders, relevant organizations and other stakeholders to ensure the effective implementation of the Global Plan of Action;

As part of the international initiative for the Conservation and Sustainable Use of Soil Biodiversity, the Conference of Parties suggested the following additions to the programme of work:

The Conference of Parties

23. *Invites* the Food and Agriculture Organization of the United Nations and *requests* the Executive Secretary to continue to support Parties, other Governments, **indigenous and local communities**, farmers and **pastoralists** and other stakeholders, including regional initiatives to implement the International Initiative for the Conservation and Sustainable Use of Soil Biodiversity (decision VI/5), including through capacity-building and dissemination of best practices and lessons learned, through the clearing-house mechanism and other relevant means;

25. *Invites* the Food and Agriculture Organization of the United Nations, the World Health Organization, Bioversity International and the Executive Secretary to support Parties, other Governments, **indigenous and local communities** farmers and livestock keepers and other stakeholders in their implementation of the International Initiative on Biodiversity for Food and Nutrition, including through research, capacity development and dissemination of best practices, such as the increased use of under-utilized crops and livestock, and lessons learnt, through the clearing-house mechanism and other relevant means;

27. *Encourages* Parties and other Governments, in collaboration with the Food and Agriculture Organization of the United Nations and **indigenous and local communities** and other stakeholders, to gather information on lessons learned about the conservation and sustainable use of agricultural biodiversity, for consideration in climate-change adaptation and mitigation planning and cross-sectoral planning in agricultural areas, and to make this information available through the clearing-house mechanism and other relevant means;

28. *Requests* the Executive Secretary to continue the collaboration with the Food and Agriculture Organization of the United Nations, the Joint Liaison Group of the Rio Conventions, the organizations involved in follow-up to the Millennium Ecosystem Assessment, **indigenous and local communities**, and other partners to gather and disseminate information, on:

(a) The links between climate change, agriculture and biodiversity, including, in particular, the impacts of climate change on crops, crop wild relatives, livestock, food and nutrition, soil biodiversity and pollinators, as well as the availability of water;

(b) Ways and means to build resilience into food and agricultural livelihood systems as part of strategies for climate-change adaptation, especially in **communities** of developing countries that are dependent on rain-fed agriculture for **local** food supplies;

(c) How **vulnerable communities**, especially in developing countries, might adapt to the impacts of climate-induced changes in agricultural practice;

31. *Decides* to integrate the issue of biofuel production and use into the programme of work on agricultural biodiversity, in particular by addressing biofuel production, especially when based on feedstocks produced through agriculture, *inter alia* to:

(b) Promote methods of sustainable agriculture that employ management practices, technologies and policies that promote the positive and mitigate the negative impacts of agriculture on biodiversity, with particular focus on the needs of farmers and **indigenous and local communities** (activity 3 of programme element 2 of decision V/5);

32. *Requests* the Executive Secretary to collaborate with the Food and Agriculture Organization of the United Nations and other relevant organizations to further elaborate the operational guidelines of the Addis Ababa Principles and Guidelines for the sustainable use of agricultural biodiversity (decision VII/12, annex II), taking into account the special nature of agricultural biodiversity, its distinctive features, and problems needing distinctive solutions.

IX/2. Agricultural biodiversity: biofuels and biodiversity

The Programme of work on Agricultural biodiversity: biofuels and biodiversity includes the following provisions from the Conference of Parties:

The Conference of Parties

Recognizing the potential contribution of the sustainable production and use of biofuels for the 2010 biodiversity target and the 2010 target of the World Summit on Sustainable Development, the promotion of sustainable development, and the improvement of **rural livelihoods**, especially in developing countries, as well as the achievement of the Millennium Development Goals, and aware of potential negative environmental and socio-economic impacts from unsustainable production and use of biofuels,

Recognizing the need to promote **full and effective participation** of **indigenous and local communities** in the implementation of activities relevant to the sustainable production and use of biofuels,

Also noting the **United Nations Declaration on the Rights of Indigenous Peoples**⁵⁶,

Stressing that the sustainability of the production and use of biofuels must necessarily take into account the environmental, economic and social pillars of sustainable development,

2. *Recognizes* the need to promote the positive and minimize the negative impacts of biofuel production and its use on biodiversity and the livelihoods of **indigenous and local communities**;

The policy frameworks of the Programme of Work on Agricultural biodiversity: biofuels and biodiversity include the following, as recommended by the Conference of Parties:

The Conference of Parties

3. *Urges* Parties and *invites* other Governments, in consultation with relevant organizations and stakeholders, including, **indigenous and local communities**, to:

(a) Promote the sustainable production and use of biofuels with a view to promote benefits and minimize risks to the conservation and sustainable use of biodiversity;

(b) Promote the positive and minimize the negative impacts on biodiversity that would affect socio-economic conditions and food and energy security resulting from the production and use of biofuels;

(c) Develop and apply sound policy frameworks for the sustainable production and use of biofuels, acknowledging different national conditions, and taking into account their full life cycle as compared to other fuel types, that contribute to the conservation and sustainable use of biodiversity, making use of relevant tools and guidance under the Convention as appropriate, including, inter alia:

(ii) The **Addis Ababa Principles and Guidelines for Sustainable Use** (decision VII/12) and their further elaboration;

(iii) The application of the **ecosystem approach** (decision V/6);

(v) **The Akwé: Kon voluntary guidelines** for the conduct of **cultural, environmental and social impact assessments** regarding development on **sacred sites** and on **lands and waters traditionally occupied or used** by **indigenous and local communities** (decision VII/16 F);

(vi) The programme of work on protected areas (decision VII/30), the programme of work on **Article 8(j)** (decision V/16) and other relevant programmes of work of the Convention;

Within the section on 'Research and monitoring needs' the following recommendations are made by the Conference of Parties:

The Conference of Parties

⁵⁶ General Assembly resolution 61/295 of 13 September 2007, annex

5. *Calls upon* Parties, other Governments, the research community, and invites other relevant organizations to continue to investigate and monitor the positive and negative impacts of the production and use of biofuels on biodiversity and related socio-economic aspects, including those related to **indigenous and local communities**, and *requests* the Executive Secretary to further compile this evidence and to make it available through the clearing-house mechanism of the Convention and other appropriate means;

Within the expanded Programme of Work, certain relevant tools are identified for the purposes of sustainable production and use of biofuels:

8. *Bearing in mind* principle 11 of the Rio Declaration on Environment and Development and relevant international obligations, *encourages* Parties and other Governments, **indigenous and local communities**, and relevant stakeholders and organizations, to:

(a) Share their experiences on the development and application of tools relevant to the sustainable production and use of biofuels, in relation to promoting the positive and minimizing the negative impacts on biodiversity, taking into account their full life-cycle as compared to other fuel types, by, *inter alia*, submitting examples to the Executive Secretary;

(b) Participate in efforts, carried out by various bodies other than the Convention on Biological Diversity, who are addressing matters relevant to the sustainable production and use of biofuels, with a view to promoting the positive and minimizing the negative impacts on biodiversity and biodiversity-related aspects within the mandate of the Convention.

IX/4. In-depth review of ongoing work on alien species that threaten ecosystems, habitats or species

Section B of the review of the Programme of Work on Alien Species that threaten ecosystems, habitats or species describes the follow-up to the Conference of Parties' in-depth review:

The Conference of Parties

8. *Acknowledges* the efforts of farmers and of **indigenous and local communities** in addressing the threats from invasive alien species and encourages Parties and other Governments to further enhance and strengthen the **involvement and participation** of farmers and of **indigenous and local communities** in the management of invasive alien species, and to include such activities in the implementation of national strategies and action plans on invasive alien species;

10. *Notes with concern* that the impacts of invasive alien species continue to grow with increasing global trade, transport and travel, including tourism, and may be exacerbated as result of climate change and land-use change, resulting in significant losses of biodiversity, and negatively impacting socio-economic conditions, human health and the sustainability of **indigenous and local communities**, and *emphasizes* the need for additional efforts and resources to address these growing threats.

IX/5. Forest biodiversity

The expanded Programme of Work on Forest biodiversity contains the following recommendations and recognitions voiced by the Conference of Parties:

The Conference of Parties

Recognizing the urgent need to strengthen implementation of the programme of work on forest biodiversity to reach the 2010 biodiversity target and the 2010 target of the World Summit on Sustainable Development, through sustainable forest management and the **ecosystem approach** as well as other tools, and noting the opportunities of the International Year of Biodiversity in 2010 and the International Year of Forests in 2011 to promote the conservation and sustainable use of forest biodiversity, and the **fair and equitable sharing of the benefits** arising out of the use of genetic resources and associated **traditional knowledge**,

Recognizing also the need to promote **full and effective participation of indigenous and local communities** in the implementation of the expanded programme of work on forest biodiversity at all levels; *also noting* the United Nations Declaration on the Rights of **Indigenous Peoples**,

1. *Urges* Parties to:

(d) Promote and build capacity for the sustainable management of forests, including the management of non-timber forest products and resources, taking into account **indigenous and local communities' traditional knowledge**, with their approval and **involvement**;

(i) Increase cross-sectoral cooperation and initiatives at all levels, to help carry out a coordinated implementation of both the programme of work on forest biodiversity under the Convention on Biological Diversity, and the decisions set by the United Nations Forum on Forests (UNFF), including the non-legally binding instrument on all types of forests, for the achievement of the 2010 target and the four Global Objectives on Forests, with the **involvement of indigenous and local communities** and other relevant stakeholders, including the private sector

(j) Promote multidisciplinary scientific research to better understand the impacts of climate change, including mitigation and adaption activities, and environmental degradation on ecosystem resilience, conservation and sustainable use of forest biodiversity and impacts on the livelihoods of **indigenous and local communities**, with a view to maximizing positive impacts and avoiding negative impacts of climate change, including mitigation and adaption activities, on forest biodiversity; in particular those forests most vulnerable to climate change, and in this context support the International Union of Forest Research Organizations (IUFRO)-led initiative of the Collaborative Partnership on Forests on science and technology, and encourage their work on climate change research;

(l) Strengthen forest law enforcement and governance at all levels, take effective legislative and non-legislative measures to prevent harvesting of forest products and resources in violation of national legislation, including timber and non-timber forest products, bushmeat, wildlife, and forest biological resources, and related trade, and contribute to bilateral, regional and international efforts to that end, and taking into account **Articles 8(j)** and 10(c) of the Convention;

(m) Fully **involve indigenous and local communities** and, where appropriate, partner with the private sector and other relevant stakeholders in the implementation of the programme of work, and encourage them to undertake efforts that reduce deforestation and forest degradation, including efforts to increase afforestation and reforestation preferably with indigenous species, taking into account the objectives of the programme of work on forest biodiversity, and encourage voluntary commitments and cooperation between private sector and non-governmental organizations;

(t) Also consider the potential socio-economic impacts of genetically modified trees as well as their potential impact on the livelihoods of **indigenous and local communities**;

2. *Invites* Parties, other Governments, and relevant international and other organizations to:

(a) Ensure that possible actions for reducing emissions from deforestation and forest degradation do not run counter to the objectives of the Convention on Biological Diversity and the implementation of the programme of work on forest biodiversity; but support the implementation of the programme of work, and provide benefits for forest biodiversity, and, where possible, to **indigenous and local communities**, and involve biodiversity experts including holders of **traditional forest-related knowledge**, and respect the rights of **indigenous and local communities** in accordance with national laws and applicable international obligations;

(b) Address both, direct and indirect, positive and negative impacts that the production and use of biomass for energy, in particular large-scale and/or industrial production and use, might have on forest biodiversity and on **indigenous and local communities**, also taking into account the components of the decision IX/2 on biofuels and biodiversity relevant to forest biodiversity, reflecting varying conditions of countries and regions;

(h) Ensure that programmes and measures taken for the conservation and sustainable use of forest biodiversity support efforts to **eradicate poverty** and improve livelihoods.

IX/6. Incentive measures (Article 11)

As part of the Programme of Work on Incentive Measures (Article 11), the following recommendations were made to the Conference of Parties:

The Conference of Parties

Emphasizing that incentive measures should:

(a) Contribute to the conservation of biological diversity and the sustainable use of its components and not negatively affect biodiversity and livelihoods of other countries;

(b) Contribute to sustainable development and the **eradication of poverty**;

(c) Take into account national and **local conditions and circumstances**;

(d) Be consistent and in harmony with the Convention and other relevant international obligations,

5. *Invites* Parties, other Governments and international organizations to ensure that possible actions for reducing emissions from deforestation and forest degradation in developing countries do not run counter to the objectives of the Convention on Biological Diversity, but provide benefits for forest biodiversity and, where possible, to **indigenous and local communities**;

6. *Also decides*, subject to availability of financial resources, to put more emphasis on:

(c) The provision of guidance on promotion of biodiversity-based products that are produced in a sustainable manner as alternative sources of income at a **local level**, including within **community-based conservation programmes**;

(d) Studies on approaches to develop markets and payment schemes for ecosystem services at **local**, national and international levels, their advantages as well as potential limitations and risks, and their potential implications for biodiversity and **indigenous and local communities**;

15. *Invites* the Food and Agriculture Organization of the United Nations, the United Nations Conference on Trade and Development, the United Nations Environment Programme, the Organisation for Economic Co-operation and Development, and other national, regional, and international organizations and initiatives to undertake, and *requests* the Executive Secretary to encourage, further studies on payments for ecosystem services and other positive incentive measures at **local**, national, regional and international levels, their advantages as well as their potential limitations and risks, their cost-effectiveness, potential implications for biodiversity and **indigenous and local communities**, and their consistency with other international obligations. The studies should also address whether designating **indigenous and local communities** or **local** authorities as recipients of payments could help address concerns regarding equity consideration and the practical implementation of payment schemes.

IX/7. Ecosystem approach

The Conference of Parties discussion of the Programme of Work on the Ecosystem approach includes the following insights and recommendations:

The Conference of Parties

Noting that, at its twelfth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice, in its consideration of the in-depth review of the application of the **ecosystem approach**, based on background documentation available, expert inputs and scientific dialogue, brought to the attention of the Conference of the Parties, other Governments, and relevant international and other organizations the following range of views (UNEP/CBD/COP/9/2, annex, recommendation XII/1, para. 1),

(a) The **ecosystem approach** remains a useful normative framework for bringing together **social, economic, cultural and environmental values**. The needs are to translate this normative framework into methods for further application which are tailored to the needs of specific users;

1. *Urges* Parties, other Governments and relevant organizations, as appropriate, and subject to funding and availability of technical capacity, to:

(d) Recalling its decisions VI/12, paragraph 2 (a), and VII/11, paragraph 9 (d), *urges* Parties, **indigenous and local communities** and relevant organizations, and *invites* other Governments, to continue submitting case-studies and lessons learned and provide further technical input to the Source Book;

(e) Further facilitate, the **full and effective participation** of **indigenous and local communities** in the development of tools and mechanisms to strengthen and expand the application of the **ecosystem approach**;

2. *Invites* Parties to:

(b) Develop effective cooperation at all levels for the effective application and monitoring of the **ecosystem approach** including its incorporation into **poverty reduction** strategies, as appropriate, mindful that the **ecosystem approach** can be applied effectively at **local level**, where **communities** can **participate** more directly, and where appropriate, **local efforts** need to be further enhanced;

(d) Give consideration to the challenge of incorporating land and marine issues, including tenure, in the application of the **ecosystem approach**, in accordance with national policies, laws and guidelines and taking note of the **United Nations Declaration on the Rights of Indigenous Peoples**;

(g) Provide, as appropriate, financial and technical support for **indigenous and local communities** to carry out case-studies and projects applying the **ecosystem approach** consistent with national laws and traditional sustainable-use and resource-management systems.

IX/8. Review of implementation of goals 2 and 3 of the Strategic Plan

As part of the review of the implementation of Goals 2 and 3 of the Strategic Plan, the Conference of Parties highlighted the following provisions:

The Conference of Parties

8. *Recalling* the guidance provided by the Conference of the Parties concerning national biodiversity strategies and action plans, appended to the annex to recommendation 2/1 of the Working Group on Review of Implementation of the Convention, and *taking note* of the lessons learned from the in-depth review, *urges* Parties in developing, implementing and revising their national and, where appropriate, regional, biodiversity strategies and action plans, and equivalent instruments, in implementing the three objectives of the Convention, to:

(d) Promote the mainstreaming of **gender** considerations;

(i) Highlight the contribution of biodiversity, including, as appropriate, ecosystem services, to **poverty eradication**, national development and human well-being, as well as the **economic, social, cultural, and other values** of biodiversity as emphasized in the Convention on Biological Diversity, making use, as appropriate, of the methodologies and conceptual framework of the Millennium Ecosystem Assessment;

(m) Engage **indigenous and local communities**, and all relevant sectors and stakeholders including representatives of society and the economy that have a significant impact on, benefit from or use biodiversity and its related ecosystem services. Activities might include:

(i) Preparing, updating and implementing national biodiversity strategies and action plans with the **participation** of a broad set of representatives from all major groups to build ownership and commitment;

(ii) Identifying relevant stakeholders from all major groups for each of the actions of the national biodiversity strategies and action plans;

(iii) Consulting those responsible for policies in other areas so as to promote policy integration and multidisciplinary, cross-sectoral and horizontal co-operation to ensure coherence;

(iv) Establishing appropriate mechanisms to improve the **participation** and **involvement** of **indigenous and local communities** and civil society representatives;

(n) Respect, preserve and maintain the **traditional knowledge, innovations and practices** of **indigenous and local communities** consistent with **Article 8(j)**;

(q) Address existing planning processes in order to mainstream biodiversity concerns in other national strategies, including, in particular, **poverty eradication** strategies, national strategies for the Millennium Development Goals, sustainable development strategies, and strategies to adapt to climate change and combat desertification, as well as sectoral strategies, and ensure that national biodiversity strategies and action plans are implemented in coordination with these other strategies;

(s) Promote and support **local action** for the implementation of national biodiversity strategies and action plans, by integrating biodiversity considerations into subnational and **local** level assessments and planning processes, and, as and where appropriate, the development of subnational and **local** biodiversity strategies and/or action plans, consistent with national biodiversity strategies and action plans.

IX/9. Process for the revision of the Strategic Plan

Following on from the review of the implementation of goals 2 and 3 of the Strategic Plan, the Conference of Parties then discuss the process for revision of the Strategic Plan:

Recognizing that the revised and updated Strategic Plan should:

(f) Highlight the importance of biodiversity for **poverty eradication** and the achievement of the Millennium Development Goals, taking into account that conservation and sustainable use of biodiversity should contribute to **poverty eradication** at **local level** and not harm the **livelihoods of the poor**;

4. *Invites* Parties and observers, including scientific and academic bodies, **indigenous and local communities** and stakeholders, to submit further views on the revision and updating of the Strategic Plan, and, encourages them, in preparing submissions, to facilitate dialogue among different sectors of government and society.

IX/11. Review of implementation of Articles 20 and 21

A. In-depth review of the availability of financial resources

Part A of the Review of implementation of Articles 20 and 21 includes the following recommendations:

The Conference of Parties:

*Recognizing that **local communities** and governments in developing countries, in particular the least developed countries and small island developing States, may be subject to high conservation opportunity costs,*

7. *Urges* Parties, the Global Environment Facility, and relevant organizations to include **gender, indigenous peoples and local communities** perspectives in the financing of biodiversity and its associated ecosystem services;

B. Strategy for resource mobilization in support of the achievement of the Convention's three objectives of the Convention

Part B of the Programme of work on the review of implementation of Articles 20 and 21 includes an Annex entitled: 'Strategy for Resource Mobilization in support of the Achievement of the Convention's three objectives for the period 2008-2015'. The following Guiding Principles are included under Section III of the Annex:

9. The strategy calls for special consideration to the following guiding principles during its implementation:

(f) Take into account **gender** and socio-economic perspectives.

Section IV of the Annex described the Strategic Goals and Objectives of the Strategy for Resource Mobilization. Goal 5 is as follows:

Goal 5: Mainstream biological diversity and its associated ecosystem services in development cooperation plans and priorities including the linkage between Convention's work programmes and Millennium Development Goals

5.5 To enhance financial, scientific, technical and technological cooperation with international organizations, non-governmental organizations, **indigenous peoples'** organizations and public institutions for biological diversity and its associated ecosystem services.

Part V of the Annex discusses Implementation of the Strategy for Resource Mobilization:

12. The strategy for resource mobilization is intended to assist Parties in establishing national targets, goals and objectives as well as actions and timeframes, and in considering the establishment of financial mechanisms and other options, to implement the financial provisions of the Convention at all levels, based on success stories and good practices. Each Party should consider appointing a "resource mobilization focal point" to facilitate national implementation of the strategy for resource mobilization. National implementation should include, as appropriate, the design and dissemination of a country-specific resource mobilization strategy, with the **involvement** of key stakeholders such as non-governmental organizations, **indigenous peoples and local communities**, environmental funds, businesses and donors, in the frame of updated national biodiversity strategies and action plans.

C. Message on biological diversity and finance to the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus

Part C of the Programme of work on the Review of Implementation of Articles 20 and 21 includes an Annex entitled 'Bonn Message on Finance and Biological Diversity', which includes the following provisions:

We, the participants in the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,

Deeply concerned also that the consequences of biodiversity loss and ecosystem disruption are harshest for the poor and that biodiversity loss and degradation of ecosystem services pose a significant barrier to achieving sustainable development and the Millennium Development Goals,

*Emphasizing that the enhanced phase of implementation of the three objectives of the Convention requires that biodiversity considerations be mainstreamed into national development and **poverty-reduction** plans, policies and strategies, as well as into development-cooperation planning,*

Hereby declare that its elements should include the following:

3. Governments and relevant organizations should integrate into their strategies for **poverty reduction** and development the contribution of biodiversity and its associated ecosystem services, to **poverty eradication**, national development and human well-being, as well as the **economic, social, cultural, and other values** of biodiversity as emphasized in the Convention on Biological Diversity;

4. Governments and relevant organizations should support the development and completion for adoption of an international regime on **access and benefit-sharing**, by 2010, in the framework of the Convention on Biological Diversity;

5. Governments and relevant organizations should develop and implement effective and innovative mechanisms, at **local**, national and international levels to promote the three objectives of the Convention, taking into account the value of biodiversity and the ecosystem services it generates, and the contribution of **indigenous peoples and local communities** in maintaining it, including their rights to use their natural resources;

6. The business community, including the financial-services sector, should be encouraged to fully engage in the implementation of the three objectives of the Convention.

IX/12. Access and benefit-sharing

The expanded Programme of Work on Access and Benefit-sharing contains the following provisions from the Conference of Parties:

The Conference of Parties

*Recalling also its decision VIII/5 C on collaboration and contribution of the Ad Hoc Working Group on **Article 8(j)** and related provisions to the fulfilment of the mandate of the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing**,*

*Further recalling that the Bonn Guidelines on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising out of their Utilization are making a contribution to the development of national legislation,*

*Taking note of the **United Nations Declaration on the Rights of Indigenous Peoples**⁵⁷ adopted by the General Assembly 13 September 2007,*

*Recognizing the importance of the **participation of indigenous and local communities** in the elaboration and negotiation of the international regime on **access and benefit-sharing**,*

7. *Further decides* that, subject to the availability of funds, each of these Working Group meetings will be held over the duration of seven consecutive days and that the purpose of these Working Group meetings will be as follows unless otherwise proposed by the Parties at the meeting and decided by the Bureau in consultation with the Co-Chairs:

(b) *Eighth meeting.* Negotiation of operational text on nature, **traditional knowledge** associated with genetic resources, capacity-building, compliance, **fair and equitable benefit-sharing**, access;

9. *Invites* Parties, other Governments, international organizations **and indigenous and local communities**, and relevant stakeholders to submit, for further elaboration and negotiation of the international regime on **access and benefit-sharing**, views and proposals including operational text, where relevant, in respect of the main components listed in the annex I to the present decision, preferably with supporting rationale;

11. *Decides* to establish three distinct groups of technical and legal experts on: (i) compliance; (ii) concepts, terms, working definitions and sectoral approaches; and (iii) **traditional knowledge** associated with genetic resources. The terms of reference of the groups, including the criteria for the selection of experts are laid out in annex II to the present decision;

13. *Requests* the Executive Secretary to commission studies on the following topics:

(e) How can compliance be ensured in conformity with **indigenous peoples and local communities customary law**, national law, across jurisdictions, and international law, including human rights and trade?

15. *Invites* Parties, Governments, international organizations, **indigenous and local communities** and relevant stakeholders to provide information and views related to the issues to be addressed by each expert group, six weeks prior to the convening of each expert group;

16. *Requests* the Executive Secretary to convene the group of experts on compliance and on concepts, terms, working definitions and sectoral approaches so that the results are available in time for consideration in time for the seventh meeting of the Working Group on **Access and Benefit-sharing** and to convene the expert group on **traditional knowledge** associated with genetic resources so that its results are available in time for consideration by the eighth meeting of the Working Group on **Access and Benefit-sharing**;

⁵⁷ General Assembly resolution 61/295 of 13 September 2007, annex .

18. *Encourages* Parties, other Governments, international organizations and all relevant stakeholders to provide the ways and means to allow for sufficient preparation and to facilitate **effective participation** of **indigenous and local communities** in the process of the negotiation and elaboration of the international regime, in accordance with decision VIII/5 C;

19. *Invites* Parties, donors and other interested bodies to financially support **indigenous and local communities** to hold national and regional workshops the outcomes of which could feed into the groups of experts related to compliance and **traditional knowledge** associated with genetic resources as well as into other aspects of the work of Working Group on **Access and Benefit-sharing**;

20. *Requests* that the Ad Hoc Open-ended Intersessional Working Group on **Article 8(j)** and Related Provisions continues to collaborate and contribute to the fulfilment of the mandate of the Working Group on **Access and Benefit-sharing** by providing detailed and focused views on the outcome of the technical expert groups on **traditional knowledge** associated with genetic resources and compliance as input to the work of the Working Group on **Access and Benefit-sharing**, and to this end, *requests* the Executive Secretary to make the reports of these groups available to the Working Group on **Article 8(j)** at least three months prior to its sixth meeting;

22. *Invites* the United Nations Environment Programme, Governments and relevant intergovernmental organizations, in close consultation with the Secretariat, to support or continue supporting and facilitating, as appropriate, regional and interregional consultations, to carry out capacity-development activities related to **access and benefit-sharing** and to contribute to raising awareness to the issue of **access and benefit-sharing** among decision makers, **indigenous and local communities**, and other relevant stakeholders, and encourage countries to include activities related to **access and benefit-sharing** among the priorities for external funding;

Annex 1 to the Programme of Work on Access and Benefit-sharing refers to the International Regime. The Objective of the International Regime is described in part I of Annex 1:

Effectively implement the provisions [in **Articles 15, 8(j), 1, 16 and 19.2**] of the Convention [and its three objectives], specifically by:

- [[Facilitating] [regulating transparent] access to genetic resources, [their derivatives] [and products] [and associated **traditional knowledge**];]
- Ensuring [the conditions and measures for] the [effective,] **fair and equitable sharing of benefits** arising out of their utilization, [their derivatives] [and products] [and associated **traditional knowledge**] [and to prevent their misappropriation and misuse];

[taking into account all rights over those resources, including the rights of **indigenous and local communities**, and ensuring compliance with PIC.]

Part III of Annex 1 describes the Main Components of the International Regime. Section A of Part III discusses the particulars of fair and equitable benefit-sharing:

1. Components to be further elaborated with the aim of incorporating them in the international regime:

- 1) Linkage of access to the **fair and equitable sharing of benefits**
- 2) Benefits to be shared on mutually agreed terms
- 3) Monetary and/or non-monetary benefits
- 6) **Effective participation** in research activities, and/or joint development in research activities
- 7) Mechanisms to promote equality in negotiations
- 8) Awareness-raising

9) Measures to ensure participation and involvement of indigenous and local communities in mutually agreed terms and sharing of benefits with traditional-knowledge holders

Section 'B' of Part III discusses access to genetic resources:

1. Components to be further elaborated with the aim of incorporating them in the international regime

2) Linkage of access to fair and equitable sharing of benefits

3) Legal certainty, clarity and transparency of access rules

2. Components for further consideration

1) Non-discrimination of access rules

Section 'D' of Part III discusses traditional knowledge associated with genetic resources:

1. Components to be further elaborated with the aim of incorporating them in the international regime

1) Measures to ensure the fair and equitable sharing with traditional-knowledge holders of benefits arising out of the utilization of traditional knowledge in accordance with Article 8(j) of the Convention on Biological Diversity

2) Measures to ensure that access to traditional knowledge takes place in accordance with community level procedures

3) Measures to address the use of traditional knowledge in the context of benefit-sharing arrangements

4) Identification of best practices to ensure respect for traditional knowledge in ABS related research

5) Incorporation of traditional knowledge in development of model clauses for material transfer agreements

6) Identification of individual or authority to grant access in accordance with community level procedures

7) Access with approval of traditional-knowledge holders

8) No engineered or coerced access to traditional knowledge

2. Components for further consideration

1) Prior informed consent of, and mutually agreed terms with, holders of traditional knowledge, including indigenous and local communities, when traditional knowledge is accessed

3) Declaration to be made on the internationally recognized certificate as to whether there is any associated traditional knowledge and who owners of traditional knowledge are

4) Community-level distribution of benefits arising out of traditional knowledge

Section E of Part III describes capacity. Section E also described components to be further elaborated with the aim of incorporating them in the international regime:

4) Special capacity-building measures for indigenous and local communities

Annex II within the Programme of Work on Access and Benefit-sharing is entitled: 'Terms of reference of the Expert groups established in paragraph 11 of Decision IX/12'. Part A describes the Expert Group on compliance:

1. A group of technical and legal experts on compliance is established to further examine the issue of compliance in order to assist the Working Group on **Access and Benefit-sharing**. The expert group shall provide legal and, as appropriate, technical advice, including, where appropriate, options and/or scenarios. The expert group will address the following questions:

(a) What kind of measures are available, or could be developed, in public and private international law to:

(i) Facilitate, with particular consideration to fairness and equity, and taking into account cost and effectiveness:

a) Access to justice, including alternative dispute resolution;

b) Access to courts by foreign plaintiffs;

(ii) Support mutual recognition and enforcement of judgments across jurisdictions; and

(iii) Provide remedies and sanctions in civil, commercial and criminal matters;

in order to ensure compliance with national **access and benefit-sharing** legislation and requirements, including **prior informed consent**, and mutually agreed terms;

(c) Consider how internationally agreed definitions of misappropriation and misuse of genetic resources and associated **traditional knowledge** could support compliance where genetic resources have been accessed or used in circumvention of national legislation or without setting up of mutually agreed terms;

(d) How could compliance measures take account of the **customary law of indigenous and local communities**?

2. The expert group shall be regionally balanced and composed of thirty experts nominated by Parties and ten observers, including three observers from **indigenous and local communities** nominated by them, and remaining observers from, *inter alia*, international organizations and agreements, industry, research institutions/academia and non-governmental organizations.

Part B of Annex 2 describes the expert group on concepts, terms, working definitions and sectoral approaches. Part 'B' includes the following recommendations:

2. The expert group shall be regionally balanced and composed of thirty experts nominated by Parties and a total of fifteen observers from:

(c) Including three representatives from **indigenous and local communities** nominated by them.

Part C of Annex II describes the expert group on traditional knowledge associated with genetic resources:

1. A group of technical and legal experts on **traditional knowledge** associated with genetic resources is established to further examine the issue of **traditional knowledge** associated with genetic resources in order to assist the Working Group on **Access and Benefit-sharing**. The expert group shall provide legal and technical advice, including, where appropriate, options and/or scenarios. The expert group will address the following questions:

(a) What is the relationship between access and use of genetic resources and associated **traditional knowledge**?

(b) What practical impacts should the negotiations of the international regime take into account based on the range of **community level procedures** and **customary systems of indigenous and local communities** for regulating access to **traditional knowledge** associated with genetic resources at the **community level**?

(c) Identify the range of **community level procedures** and determine to what extent **customary laws** of **indigenous and local communities** regulate access to genetic resources and associated **traditional knowledge** at the **community level** and its relevance to the international regime;

(d) To what extent measures to ensure compliance with **prior informed consent** and mutually agreed terms under Article 15 also support the **prior informed consent** of **indigenous and local communities** for the use of their associated **traditional knowledge**?

(e) Identify elements and procedural aspects for the **prior informed consent** of holders of associated **traditional knowledge** when **traditional knowledge** associated with genetic resources is accessed also taking into account potential transboundary contexts of such associated **traditional knowledge** and identifying best practice examples;

(f) Is there a basis for **prior informed consent** for **indigenous and local communities** relative to **traditional knowledge** associated to genetic resources in international law? If so, how can it be reflected in the international regime?

(g) Assess options, considering the practical difficulties and distinct implementation challenges, for including **traditional knowledge** associated with genetic resources in a potential internationally recognized certificate issued by the competent domestic authority also by considering the possibility of a declaration on such certificate as to whether there is any associated **traditional knowledge** and who the relevant holders of **traditional knowledge** are

(h) How to define **traditional knowledge** associated to genetic resources in the context of access and **benefit-sharing**?

2. The expert group shall be regionally balanced and composed of thirty experts nominated by Parties and fifteen observers, including seven observers from **indigenous and local communities** nominated by them, and remaining observers from, inter alia, international organizations and agreements, industry, research institutions/academia and non-governmental organizations.

3. Parties are also encouraged to nominate experts from **indigenous and local communities** where possible.

IX/13. Article 8(j) and related provisions

The expanded Programme of Work on Article 8(j) and related provisions contains the following preambular provisions:

The Conference of Parties

Bearing in mind that for the purposes of this decision, protection of **traditional knowledge, innovations and practices** should be interpreted in accordance with the Convention and in particular with the provisions of **Article 8(j)**,

Taking note of the International Expert Meeting on responses to Climate Change for **Indigenous and Local Communities** and the Impact on Their **Traditional Knowledge** Related to Biological Diversity – Arctic Region, held in Helsinki, 25 to 28 March 2008,

Also taking note of the **United Nations Declaration on the Rights of Indigenous Peoples**

A. *Progress report on the implementation of the programme of work on Article 8(j) and related provisions*

Part A of the Programme of Work on Article 8(j) and related provisions is the progress report for the implementation of the programme of work. The Conference of Parties request the following in Part A as part of the progress report:

The Conference of Parties

1. *Encourages* further progress in the integration of the objectives of **Article 8(j)** and related provisions, including Articles 10(c), 17, paragraph 2 and 18, paragraph 4, into the thematic programmes of the Convention and other important scientific and cross-sectional issues and notes the progress made in integrating **Article 8(j)** tasks as reflected 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 objectives of **Article 8(j)** and related provisions, including Article 10(c), into the thematic areas, for the sixth meeting of the Ad Hoc Open-ended Intersessional 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, including information on national **participation of indigenous and local communities** to do so through, inter alia, the fourth national reports, where possible, and in time for the sixth meeting of the Working Group on **Article 8(j)** and requests the Executive Secretary to summarize and compile this information in a framework of best conservation and sustainable-use practices at the national, regional and **community** levels and make it available to the Working Group on **Article 8(j)** and Related Provisions at its sixth meeting;
7. *Decides* to initiate tasks 7, 10 and 12 and for that purpose invites Parties, Governments, **indigenous peoples and local communities**, and other relevant organizations to provide submissions on how to take these tasks forward, identifying the effective contribution of the Working Group on **Article 8(j)** and Related Provisions to ongoing work, in particular concerning *sui generis* systems, the code of ethical conduct and the international regime on **access and benefit-sharing**, and *requests* the Executive Secretary to compile these views and make them available to the sixth meeting of the Working Group on **Article 8(j)** and Related Provisions for its consideration;
8. *Decides* to initiate task 15 of the programme of work for **Article 8(j)** and related provisions, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of **traditional knowledge** of biological diversity; and *invites* Parties, Governments and international organizations, **indigenous peoples and local communities** and other stakeholders to provide to the Secretariat their views and requests the Executive Secretary to compile these views and make them available to the Working Group on **Article 8(j)** and Related Provisions at its sixth meeting for its consideration and the development of terms of reference in order to address this issue;
10. *Encourages* Parties, **indigenous and local communities** to provide submissions on the desirability and the potential elements of a strategy for conservation and sustainable use, including **customary use**, of biodiversity by **indigenous and local communities** aimed at empowering and strengthening the role of **indigenous peoples and local communities** in decision-making processes at **local**, national and international levels, and requests the Executive Secretary to compile these submissions and make them available to of the Working Group on **Article 8(j)** at its sixth meeting for its consideration;
11. *Decides* to undertake at its tenth meeting an in-depth review of the tasks in the programme of work of **Article 8(j)** and related provisions of the Convention on Biological Diversity with the purpose of continuing the work of the Working Group on **Article 8(j)**, and with a view to placing greater focus on the interlinkages between the protection of **traditional knowledge, innovations and practices** and the conservation and sustainable use of biological diversity and, the **fair and equitable sharing of the benefits** arising from the utilization of **traditional knowledge, innovations and practices**;

12. Requests that the Ad Hoc Open-ended Working Group on **Article 8(j)** to continue to collaborate and contribute to the fulfilment of the mandate of the Ad Hoc Open-ended Working Group on **Access and Benefit-sharing** by providing views on the elaboration and negotiation of the international regime on **access and benefit-sharing** relevant to **traditional knowledge, innovations and practices** associated with genetic resources and to the **fair and equitable sharing of benefits** arising from their utilization.

B. Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity: (i) revised regional reports – identification of obstacles for traditional knowledge; (ii) indigenous and local communities highly vulnerable to climate change; (iii) protecting the rights of indigenous and local communities living in voluntary isolation

Part B of the Programme of Work on Article 8(j) and related contains the following provisions:

The Conference of Parties

Recognizing the need to respect, preserve and maintain the **traditional knowledge, innovations and practices** of **indigenous and local communities** relevant for the conservation and sustainable use of biological diversity and to promote their wider application with the approval and **involvement** of holders of such **knowledge, innovations and practices** and encourage the **equitable sharing of benefits** arising from the utilization of such **knowledge, innovations and practices**

Concerned by the impacts of climate change and adaptation and mitigation activities on **indigenous and local communities** and their **knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity,

Mindful of the **cultural** diversity of **indigenous and local communities**, including those in **voluntary isolation**, and the role played by their **knowledge, innovations and practices** in the conservation and sustainable use of biological diversity,

Noting the research made available by the Secretariat, concerning: guidelines for documenting **traditional knowledge; indigenous and local communities** highly vulnerable to climate change; and protecting the rights of **indigenous and local communities** living in **voluntary isolation**,

1. *Takes note with appreciation* of the completion of phase two of the composite report concerning the identification of national processes that may threaten the maintenance, preservation and application of **traditional knowledge** and the identification of processes at the **local-community** level that may threaten the maintenance, preservation and application of **traditional knowledge**;

2. *Invites* Parties and Governments and relevant international organizations to assist **indigenous and local communities** to address the underlying and **community-specific** causes of the decline of **traditional knowledge, innovations and practices** relevant to the conservation and sustainable use of biological diversity through capacity-building and practical measures to develop **community action plans** for its preservation, maintenance and respect;

3. *Notes with concern* the specific vulnerabilities of **indigenous and local communities** to the impacts of climate change and of activities aimed at the mitigation and adaptation to the impacts of climate change, including resulting accelerated threats to **traditional knowledge**;

4. *Notes* also the unique value of biodiversity related **traditional knowledge, innovations and practices** of **indigenous and local communities**, especially those of **women**, in contributing to the understanding and evaluation of impacts of climate change, including vulnerabilities and adaptation options and other forms of environmental degradation, and encourages Parties, Governments, and relevant international organizations, with the **full and effective participation** and **prior informed consent** of **indigenous and local communities**, to document, analyse and apply, as far as possible and where appropriate, and in accordance with **Article 8(j)** of the Convention, such knowledge in ways that complement science-based knowledge;
5. *Invites* the Conference of the Parties to the United Nations Framework Convention on Climate Change to take note of the implications of climate change on biodiversity-related **traditional knowledge, innovations and practices** of **indigenous and local communities**;
6. *Encourages* Parties to the Convention to consider, as far as possible and as appropriate, introducing necessary measures, administrative as well as legislative, for ensuring the **full and effective participation** of **indigenous and local communities** in formulating, implementing and monitoring of activities aimed at mitigation and adaptation to the impacts of climate change where this could effect biological diversity and biodiversity-related **traditional knowledge, innovations and practices** of **indigenous and local communities**;
8. *Notes* the report on possible measures to ensure respect for the rights of **unprotected and voluntarily isolated communities** taking into account their **traditional knowledge** (UNEP/CBD/WG8J/5/INF/17);
9. *Invites* Parties to develop appropriate policies that ensure the respect for the rights of **voluntarily isolated peoples** living within the protected areas, reserves and parks, and proposed areas for protection, including their choice to live in isolation.

C. Considerations for guidelines for documenting traditional knowledge

Part C of the Programme of Work on Article 8(j) and related contains the following recommendations from the Conference of Parties:

The Conference of Parties

Recalling decision VIII/5 B, paragraph 5, in which it requested the Working Group on **Article 8(j)** and Related Provisions to explore the possibility of developing technical guidelines for recording and documenting **traditional knowledge, innovations and practices**, and to analyse the potential threats of documentation to the rights of the holders of **traditional knowledge, innovations and practices**, with the **full and effective participation** of **indigenous and local communities**,

Affirming the central role of **traditional knowledge** in the **cultures** of **indigenous and local communities** and rights of **indigenous and local communities** to their **knowledge, innovations and practices**,

Recognizing that the documentation and recording of **traditional knowledge** should primarily benefit **indigenous and local communities** and that their **participation** in such schemes should be voluntary and not a prerequisite for the protection of **traditional knowledge**,

1. *Urges* Parties and Governments and international organizations to support and assist **indigenous and local communities** to retain control and ownership of their **traditional knowledge, innovations and practices** including through:

- (a) The repatriation of **traditional knowledge, innovations and practices**, in databases, as appropriate; and
- (b) Supporting capacity-building and the development of necessary infrastructure and resources;

With the aim of ensuring that:

(c) Documentation of **traditional knowledge, innovations and practices**, is subject to the **prior informed consent** of **indigenous and local communities**; and

(d) **Indigenous and local communities** can make **informed decisions** regarding the documentation of their **traditional knowledge, innovations and practices**;

2. *Recalling* decision VI/10 F, paragraphs 35-38,⁵⁸ *requests* the Executive Secretary to collaborate with the **United Nations Forum on Indigenous Issues**, the United Nations Educational, Scientific and **Cultural Organization**, and the World Intellectual Property Organization, to address both the potential benefits and threats of the documentation of **traditional knowledge** to make the results available to the Working Group on **Article 8(j)** and Related Provisions at its sixth meeting.

D. Plan of action for the retention of traditional knowledge: measures and mechanisms to address the underlying causes for the decline of traditional knowledge

Within Part D of the Programme of Work on Article 8(j) and related provisions, the Conference of Parties noted the following:

The Conference of Parties

2. *Urges* Parties and Governments to develop their own toolkit of measures and mechanisms to address the underlying causes for the decline of **traditional knowledge, innovations and practices** based on their own unique national circumstances and diversity of **indigenous and local communities**, with the **full and effective participation** of **indigenous and local communities** and to report on experiences, emphasising positive measures, through the national reporting process and through the clearing-house mechanism and the **Traditional Knowledge Information Portal**;

3. *Invites* the financial mechanism of the Convention and other possible donors to provide funding for the development of national action plans for the retention of **traditional knowledge** relevant to the conservation and sustainable use of biological diversity;

4. *Invites* Parties and Governments, with the input of **indigenous and local communities**, to report on positive measures for the retention of **traditional knowledge** in areas relevant for the conservation and the sustainable use of biological diversity, such as those contained in but not limited to the annex hereto.

The Annex referred to in Section 4 (above) of Part D of the Programme of Work gives the following suggested positive measures for the retention of traditional knowledge:

(a) Strengthening **traditional** health-care systems based on biodiversity.

(b) Strengthening opportunities to learn and speak **indigenous** and **local languages**.

(c) **Culturally appropriate** sport and tourism policies.

(d) Research on **indigenous and local communities** way of life and their environment.

(e) Building of **culturally appropriate** business structures within **indigenous and local communities** (such as cooperatives).

(f) Developing technologies that focus on **traditional** methods of cultivation, harvesting and post-harvesting activities (i.e., storage and seed preparation activities).

(g) Re-establishment of **traditional** spiritual/religious institutions.

(h) Creation of media, such as radio, newspapers and television stations controlled by **indigenous and local communities** and with **traditional** content, according to national law.

⁵⁸ In decision VI/10 F, paragraphs 35-38, the Conference of the Parties requested that the World Intellectual Property Organization make relevant information on the protection of traditional knowledge available through the clearing-house mechanism of the Convention.

- (i) Creation of protected areas, nature parks and others, in consultation with **indigenous and local communities** and also involving them in their management, consistent with national law.
- (j) Initiatives bringing together **women**, youth and elders.
- (k) Promotion of the creation of businesses offering **traditional** products and services.
- (l) Strengthening institutions that foster **traditional** collection and distribution of food, **traditional** medicine and other resources.
- (m) **Culturally appropriate** education-curriculum development and implementation initiatives, in **indigenous and local communities**.
- (n) Initiatives of **indigenous and local communities** for **culturally appropriate** and sustainable development.

E. Participatory mechanisms for indigenous and local communities in the Convention

Part E of the Programme of Work describes the participatory mechanisms for indigenous and local communities, including the following:

The Conference of the Parties

2. *Notes with appreciation* the work of the International **Indigenous** Forum on Biodiversity and other **indigenous and local community** organizations to promote the understanding of the work of the Convention among **indigenous and local communities**, and to promote their **participation** in the meetings of the Convention;
3. *Notes* the need for the translation, into the six official languages of the United Nations, of notifications and other information resources for **indigenous and local communities**, as appropriate;
4. *Invites* Parties, Governments and relevant funding institutions and mechanisms to donate to the General Trust Fund for Voluntary Contributions to Facilitate the **Participation of Indigenous and Local Communities** in the Work of the Convention on Biological Diversity, in accordance with the criteria for the operation of the voluntary funding mechanism as adopted by the Conference of the Parties at its eighth meeting in decision VIII/5 D, in order to enable the continuation of this important initiative;
5. *Encourages* Parties, Governments and relevant international organizations, as appropriate, in collaboration with the Executive Secretary, *inter alia* through the Global Initiative on Communication, Education and Public Awareness (CEPA) and the clearing-house mechanism, to develop, including in **local languages**, as appropriate, alternative means of communicating public information on **traditional knowledge** related to the conservation and sustainable use of biodiversity, in plain language and diverse **community-friendly** formats, such as video, including television, audio for **community** radio, songs, posters, theatre/drama, and film, in order to ensure the **full and effective participation** of **indigenous and local communities**, including **women** and youth, at **local**, national and international levels, while supporting the development by **indigenous and local communities** of their own media tools;
6. *Notes with appreciation* the revitalization of the **Article 8(j)** homepage on the website of the Secretariat and the creation of the **Traditional Knowledge** Information Portal, and *welcomes* the development of related initiatives including a number of less-technology intensive communication and information exchange tools for use by **indigenous and local communities** by the Executive Secretary;

Within Part E, the Conference of Parties made the following requests of the Executive Secretary:

7. *Requests* the Executive Secretary to:

(a) Convene, subject to the availability of financial resources, further regional and subregional workshops on **community**-friendly communication tools on **traditional knowledge** related to the conservation and sustainable use of biodiversity, to assist **local and indigenous communities** in their use and to facilitate the establishment of communication networks, noting the need for adapting them to **local languages** and for involving trainers from **indigenous and local communities**;

(b) Continue to develop and translate, subject to the availability of financial resources, the various electronic communication mechanisms, such as the **Article 8(j)** homepage and the **Traditional Knowledge** Information Portal, establish links to relevant existing, new and upcoming web-based initiatives such as **Indigenousportal.com**, and report on progress to the next meeting of the Working Group;

(c) 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 Parties, **indigenous and local communities**, and their organizations, including youth and **women**, and other relevant national and regional organizations that are **participating** in the work of the Convention, such as the International **Indigenous** Forum on Biodiversity, to identify any gaps or shortcomings, and to report to the next meeting of the Working Group on progress made in establishing networks with **indigenous and local communities**;

(d) Make available, through the **Traditional Knowledge** Information Portal and other means, information on possible opportunities and sources of funding that may offer support to **indigenous and local communities** in States Parties and the networks of those **communities**, to disseminate information, in appropriate and accessible languages, and through appropriate media, to **indigenous and local communities** on **Article 8(j)**-related issues including the issue of **access and benefit-sharing**;

(e) Provide to the national focal points, in a timely fashion, documentation for meetings under the Convention in the six United Nations languages, in order to facilitate the consultation process with, between and within **indigenous and local communities**;

(f) Intensify efforts to promote the General Trust Fund for Voluntary Contributions to Facilitate the **Participation of Indigenous and Local Communities** in the Work of the Convention on Biological Diversity;

8. *Reiterates* its request to the Executive Secretary, expressed in decision VIII/5 C, to endeavour to make documentation for the meetings of the Working Group on **Article 8(j)** and Related Provisions and the Working Group on **Access and Benefit-sharing** available three months prior to those meetings, where possible, in accordance with the rules of procedure for the meetings under the Convention on Biological Diversity, to facilitate consultations with representatives of **indigenous and local communities**.

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

Part F of the programme of work contains the following recommendations for the development of a sui generis systems:

The Conference of the Parties,

Recalling the chapeau to decision VIII/5, which states that “for the purposes of this decision, protection of **traditional knowledge, innovations and practices** must be interpreted in accordance with the provisions of **Article 8(j)**”,

1. *Takes into account* the elements of *sui generis* systems for the protection of **traditional knowledge, innovations and practices** as further developed in the note by the Executive Secretary on the subject (UNEP/CBD/WG8J/5/6) and, recognizes that they provide useful elements to consider as and when Parties and Governments develop *sui generis* systems to **protect traditional knowledge, innovations and practices** of **indigenous and local communities**;

2. *Invites* Parties and Governments to consider that the development, adoption or recognition of effective *sui generis* systems be **local**, national or regional in nature, taking into consideration the relevant **customary law** of the **indigenous and local communities** concerned, and recognized or created with the **full and effective participation** of those **communities**, in order to protect, respect, preserve, maintain and promote their **knowledge, innovations and practices**, while ensuring **fair and equitable benefit-sharing**;

3. *Invites* Parties, Governments, **indigenous and local communities** and relevant organizations to share their experience in the development, adoption or recognition of *sui generis* systems, and to submit to the Executive Secretary concise case-studies and other experiences that underpin the elements of *sui generis* systems relevant to the conservation and sustainable use of biodiversity contained in the note by the Executive Secretary on development of elements of *sui generis* systems for the protection of **traditional knowledge, innovations and practices** (UNEP/CBD/WG8J/5/6), including means to ensure **prior and informed consent**;

4. *Requests* the Executive Secretary to make case-studies and experiences received available through the **Traditional Knowledge** Information Portal in the clearing-house mechanism of the Convention and other means;

6. *Notes* the clear linkage in many countries between effective *sui generis* systems as may be developed adopted or recognized and the implementation of **access and benefit-sharing** provisions and the need to prevent the misuse and misappropriation of **traditional knowledge, innovations and practices** of **indigenous and local communities**, as stated in decision VII/6 H.

G. Elements of a code of ethical conduct

Part G of the Programme of Work on Article 8(j) and related provisions contains the following provisions:

The Conference of the Parties

1. *Takes note* of the further revised draft elements of a code of ethical conduct to ensure respect for the **cultural and intellectual heritage** of **indigenous and local communities** relevant for the conservation and sustainable use of biological diversity, as contained in the annex to the present recommendation;

2. *Requests* Parties and *invites* Governments, **indigenous and local communities**, relevant international organizations and other relevant stakeholders, after having undertaken, where appropriate, consultations, to submit written comments to the Executive Secretary on the revised draft elements, at least six months prior to the sixth meeting of the Ad Hoc Working Group on **Article 8(j)** and Related Provisions;

3. *Requests* the Executive Secretary to transmit the present decision to the United Nations **Permanent Forum on Indigenous Issues** and to seek collaboration in the development of the elements of a code of ethical conduct;

Part G of the Programme of Work on Article 8(j) and related provisions includes an Annex entitled: ‘Draft Elements of a Code of Ethical Conduct to [Promote] [Ensure] respect for the Cultural and Intellectual Heritage Indigenous and Local Communities relevant to the Conservation and Sustainable use of Biological Diversity’. This Annex contains the following provisions:

[*Recalling* [the request in] recommendations 1, 8 and 9 of the report of the second session of the United Nations **Permanent Forum on Indigenous Issues** endorsed by the Conference of Parties in decision VII/16, paragraph 5, and decision VIII/5 F, concerning elements of a code of ethical conduct to ensure respect for the **cultural and intellectual heritage** of **indigenous and local communities** relevant for the conservation and sustainable use of biological diversity, and taking into account task 16 of the programme of work on **Article 8(j)** and related provisions,

Emphasizing, that for the purposes of this code “cultural and intellectual heritage” refers to the cultural heritage and intellectual property of indigenous and local communities and is interpreted within the context of the Convention, as the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity,

Aiming to promote] [promote] full respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity,

Recalling that Parties to the Convention on Biological Diversity have subject to their respective national legislation, undertaken, pursuant to Article 8(j) of the Convention, to[, as far as possible and as appropriate,] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity (hereafter referred to as “traditional knowledge”), and to promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices,

Recognizing that respect for traditional knowledge, requires that it is valued equally with and complementary to Western scientific knowledge, and that this is fundamental in order to promote full respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity,

Recognizing also that any measure to respect, preserve and maintain the use of traditional knowledge, such as codes of ethical conduct, will stand a much greater chance of success if it has the support of indigenous and local communities and is designed and presented in terms that are comprehensible [and enforceable],

Further recognizing the importance of implementing the Akwé:Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities,

[*Recalling* that access by indigenous and local communities to lands and waters traditionally occupied or used by indigenous and local communities, together with the opportunity to practice traditional knowledge on those lands and waters, is paramount for the retention of traditional knowledge, and the development of innovations and practices relevant for the conservation and sustainable use of biological diversity,]

Bearing in mind the importance of preserving [and developing] traditional languages used by indigenous and local communities as rich sources of traditional knowledge regarding medicines, traditional [farm] practices, including agricultural biodiversity and animal husbandry, lands, air, water and whole ecosystems that have been shared from one generation to the next,

Taking into account the holistic concept of traditional knowledge and its multi-dimensional characteristics which include but are not limited to spatial,⁵⁹ cultural⁶⁰, [spiritual], and temporal qualities,⁶¹

Further taking into account the various international bodies, instruments, programmes, strategies, standards, reports and processes of relevance and the importance of their harmonization and complementarity and effective implementation, in particular and where applicable:

- (a) The International Bill of Human Rights (1966);

⁵⁹ Territorially-based/locally-based.

⁶⁰ Rooted in the broader cultural traditions of a peoples.

⁶¹ Evolves, adapts and transforms dynamically over time

- (b) International Labour Organization Convention No.169 on **Indigenous** and Tribal Peoples, (1989);
- (c) The Convention on Biological Diversity (1992);
- (d) The Second International Decade of the World's **Indigenous Peoples** (2005-2014);
- (e) United Nations Declaration on the Rights of **Indigenous Peoples**;⁶²
- (f) Universal Declaration On Bioethics And Human Rights (UNESCO 2005);
- (g) Universal Declaration on **Cultural Diversity** (UNESCO, 2001);
- (h) The Convention on the Protection and Promotion of the Diversity of **Cultural Expressions** adopted on 20 October 2005,
- (i) [The Convention for the Safeguarding of the Intangible **Cultural Heritage** (UNESCO 2003)]

Section 1 of the Annex on Draft Elements of a Code of Ethical Conduct describes the Nature and Scope of the Draft Code of Ethical Conduct:

1. The following [draft] elements of a code of ethical conduct are voluntary and are intended to provide guidance [in activities/interactions with **indigenous and local communities** and for the development of **local**, national, or regional codes of ethical conduct], with the aim of promoting respect, preservation and maintenance of **traditional knowledge, innovations and practices** [relevant for the conservation and sustainable use of biodiversity].

Section 2 of the Annex describes the Rationale for the Draft Code of Ethical Conduct:

2. [These elements of a code of ethical conduct aim to promote respect for the **cultural and intellectual heritage of indigenous and local communities** relevant for the conservation and sustainable use of biological diversity. In this way, they contribute to the achievement of the objectives of **Article 8(j)** of the Convention on Biological Diversity and its Plan of Action for the retention and use of **traditional knowledge, innovations and practices of indigenous and local communities.**]

3. [These elements are intended to provide guidance to help Parties and Governments in establishing or improving national legal frameworks required for activities/interactions with **indigenous and local communities** [and in particular, for development or research on **lands and waters traditionally occupied by indigenous and local communities**] while enabling the **indigenous and local communities** to promote respect of their **traditional knowledge** and associated biological and genetic resources.]

4. [One of the aims of the elements of this code of ethical conduct is that all State Parties to the Convention on Biological Diversity, as well as relevant international organizations, whether governmental or non-governmental, actively cooperate in their promotion, understanding and implementation among those interacting with **indigenous and local communities** and in relevant research specifically involving **traditional knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity to [ensure] [promote] respect for that knowledge.]

Section 3 of the Annex describes the Ethical Principles in the Draft Ethical Code of Conduct. Part A of Section 3 describes General Ethical Principles:

Respect for existing settlements

7. This principle recognizes the [predominance and] importance of mutually agreed settlements or agreements at national level which exists in many countries and that respect must be applied to such arrangements at all times.

Intellectual property

⁶² As adopted by the United Nations General Assembly on 13 September 2007.

8. Community and individual concerns over, and claims to, intellectual property relevant to **traditional knowledge, innovations and practices** related to the conservation and sustainable use of biodiversity should be acknowledged and addressed in the negotiation with **traditional knowledge holders** and/or **indigenous and local communities**, as appropriate, prior to starting activities/interactions . [Knowledge holders should be allowed to retain existing rights, including the determination of intellectual property rights, over their **traditional knowledge**.]

Non-discrimination

9. The ethics and guidelines for all activities/interactions should be non-discriminatory, taking into account affirmative action, particularly in relation to **gender**, disadvantaged groups and representation.

[Transparency/full disclosure]

10. **Indigenous and local communities** should be [fully] informed [to the fullest extent possible] about the nature, scope and purpose of any proposed activities/interactions carried out by others [that may involve the use of their **traditional knowledge, innovations and practices** related to the conservation and sustainable use of biodiversity] [, occurring on or likely to impact on, **sacred sites** and on **lands and waters traditionally occupied or used by indigenous and local communities**]. [Subject to national law,] this information should be provided in a manner that takes into consideration and actively engages with the body of **knowledge and cultural practices of indigenous and local communities**.

Respect

12. **Traditional knowledge** must be respected as a legitimate expression of the **culture**, traditions, and experience of relevant **indigenous and local communities**. It is highly desirable that those interacting with **indigenous and local communities** respect the integrity, morality and **spirituality** of the **cultures, traditions** and relationships of **indigenous and local communities** and avoid the imposition of external concepts, standards and value judgements in inter-cultural dialogue. Respect for **cultural heritage, ceremonial and sacred sites**, as well as **sacred species** and **secret and sacred knowledge** ought to be given specific consideration in any activities/interactions.

[Protection of] collective or individual ownership

13. The resources and knowledge of **indigenous and local communities** can be collectively or individually owned. Those interacting with **indigenous and local communities** should seek to understand the balance of collective and individual rights and obligations. [The right of **indigenous and local communities** to protect, collectively or otherwise, their **cultural and intellectual heritage** should be respected.]

Fair and equitable sharing of benefits

14. [**Indigenous and local communities** ought to receive **fair and equitable benefits** for their contribution to any activities/interactions related to biodiversity and associated **traditional knowledge** [proposed to take place on, or which are likely to impact on, **sacred sites** and **lands and waters traditionally occupied or used by indigenous and local communities**]. **Benefit-sharing** should be regarded as a way of strengthening **indigenous and local communities** and promoting the objectives of the Convention on Biological Diversity and ought to be equitable within and among relevant groups.]

Protection

15. Proposed activities/interactions within the mandate of the Convention should make reasonable efforts to protect and enhance the relationships of affected **indigenous and local communities** with the environment and thereby promote the objectives of the Convention.

[Precautionary approach [including the concept of “do no harm”]

16. Reaffirming the precautionary approach contained in principle 15 of the Rio Declaration on Environment and Development⁶³ and in the preamble to the Convention on Biological Diversity, the prediction and assessment of potential biological and cultural harms should include local criteria and indicators, and should fully involve the relevant indigenous and local communities.]

Part B of Section 3 of the Annex describes Specific Considerations for the Draft Ethical Code of Conduct:

Traditional resource rights

These rights are collective in nature but can include individual rights and apply to natural and/or traditional resources occurring on lands and waters traditionally occupied or used by indigenous and local communities. Indigenous and local communities should determine for themselves, the nature and scope of their respective resource rights regime according to their customary law(s). Recognition of traditional resource rights is crucial for the sustainable use of biological diversity and cultural survival.

Not being arbitrarily removed and relocated

19. [Activities/interactions related to biological diversity, and the objectives of the Convention, such as conservation, including related research, ought not to cause indigenous and local communities to be removed from lands and waters traditionally occupied or used by them, by force or coercion and without their approval. Where they consent to removal from lands and waters traditionally occupied or used by them with their agreement, they should be compensated and given assurance of the possibility to return.⁶⁴ It is highly desirable that any such activities/interactions ought not cause indigenous and local community members, especially the elderly, the disabled and children to be removed from their families by force or coercion.]

Traditional guardianship/custodianship

⁶³ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

⁶⁴ See ILO 169: Article 16, paragraph 1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy. 2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned. 3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5. Persons thus relocated shall be fully compensated for any resulting loss or injury. Article 17.]

[20. **Traditional guardianship/custodianship** recognizes the holistic interconnectedness of humanity with ecosystems and obligations and responsibilities of **indigenous and local communities**, to preserve and maintain their **traditional** role as **traditional guardians and custodians** of these ecosystems through the maintenance of their **cultures, spiritual beliefs and customary practices**. [Because of this, **cultural** diversity, including linguistic diversity, ought to be recognized as keys to the preservation of biological diversity. Therefore, **indigenous and local communities** should, where relevant, be actively involved in the management of **lands and waters traditionally occupied or used** by them, including **sacred sites** and protected areas.] **Indigenous and local communities** may also view certain species of plants and animals as sacred and, as **custodians of biological diversity**, have responsibilities for their well-being and sustainability, and this should be respected and taken into account in all activities/interactions, including research.]

Restitution and/or compensation

21. [This consideration recognizes that] Every effort will be made to avoid any adverse consequences to **indigenous and local communities** and their **cultures** [and **lands and waters traditionally occupied or used** by them], their **sacred sites** and **sacred species**, and their **traditional** resources from all activities/interactions affecting or impacting on them related to biological diversity, conservation and sustainable use, including related research and its outcomes [and that, s] [. S]hould any such adverse consequences occur, consideration may be given to appropriate restitution or compensation , through mutually agreed terms[.] [, between **indigenous and local communities** and the proposer of such activities/interactions.]]

Repatriation

22. Repatriation efforts ought to be made to facilitate the repatriation of information in order to facilitate the recovery of **traditional knowledge** of biological diversity.

Peaceful relations

23. [The exacerbation of any tensions caused by conservation or sustainable use activities/interactions [, between **indigenous and local communities** and **local** or national governments] should be avoided. [Should this not be possible, national and **culturally appropriate** conflict resolution mechanisms should be put in place to resolve disputes and grievances, subject to national legislation.] Those interacting with **indigenous and local communities**, including researches should also avoid involvement in intra-**indigenous and local community** disputes.]

*Supporting **indigenous** research initiatives*

24. **Indigenous and local communities** should have the opportunity to actively **participate** in research that affects them or which makes use of their **traditional knowledge** related to the objectives of the Convention, and decide on their own research initiatives and priorities, conduct their own research, including building their own research institutions and promoting the building of cooperation, capacity and competence.

Section 4 of the Annex on Draft Elements of a Code of Ethical Conduct discusses Methods:

Negotiations in good faith

25. Those employing the elements of this code are encouraged to interact, and to commit formally to a process of negotiation in good faith.

Partnership and cooperation

27. Partnership and cooperation should guide all activities/interactions in pursuit of the draft elements of the code of ethical conduct, in order to support, maintain and ensure the sustainable use of biodiversity and **traditional knowledge**.

Gender considerations

28. Methodologies should take into account the vital role that indigenous and local community women play in the conservation and sustainable use of biological diversity, affirming the need for the full and effective participation of women at all levels of policy-making and implementation for biological diversity conservation, as appropriate.

Full and effective participation/participatory approach

29. This principle recognizes the crucial importance of indigenous and local communities fully and effectively participating in activities/interactions related to biological diversity and conservation that may impact on them.

Confidentiality

30. [Confidentiality of information and resources should be respected, subject to national law. Information imparted by the indigenous and local communities should not be used or disclosed for purposes other than those for which it was [collected or] consented to and cannot be passed on to a third party without the consent of the knowledge holder/s and/or the collective, as appropriate.] In particular, confidentiality ought to be applied to sacred and/or secret information. Those working with indigenous and local communities should be aware that concepts such as “the public domain” may be foreign concepts that may not be within the cultural parameters of many indigenous and local communities.

Responsible research

31. [The ethics of interaction between researchers and others, and the people/s who are the source of traditional knowledge is not only a responsibility of the individual and the organization and/or professional society to which the individual belongs, but also of national Governments having jurisdiction over the activity/interaction, researcher and/or the territory. [The cultural and intellectual property of indigenous and local community members, in relation to knowledge, ideas, cultural expressions and cultural materials relevant to biological diversity, conservation and sustainable use should be respected] [Furthermore, all others should respect] the cultural [rights] and intellectual property [rights] of indigenous and local community members, in relation to knowledge, ideas, cultural expressions and cultural materials relevant to biological diversity, conservation and sustainable use].]

H. Indicators for assessing progress towards the 2010 biodiversity target: status of traditional knowledge, innovations and practices

Part H of the Programme of Work on Article 8(j) and related provisions contains the following indicators from the Conference of Parties:

The Conference of Parties,

Recognizing that the status and trends of linguistic diversity and numbers of speakers of indigenous languages is one useful indicator for the retention and use of traditional knowledge, if used along with other indicators, and that there is a need for additional indicators more specific for indigenous and local communities, traditional knowledge, and biological diversity,

1. *Notes the importance of both qualitative and quantitative indicators to provide a broad picture of the status and trends of traditional knowledge and capture indigenous and local community realities within the framework of the Strategic Plan and the 2010 biodiversity target;*

2. *Welcomes the work carried out under the auspices of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity and, in particular, the regional and international expert workshops organized by the Working Group on Indicators of the International Indigenous Forum on Biodiversity, to identify a limited number of meaningful, practical and measurable indicators on the status of traditional knowledge, innovations and practices, to assess progress towards achieving the Convention’s Strategic Plan and the 2010 biodiversity target;*

5. *Takes note* of the proposed indicators contained in annex I to the report of the International Experts Seminar on Indicators Relevant for **Indigenous** Peoples, the Convention on Biological Diversity and the Millennium Development Goals, organized by the International **Indigenous** Forum on Biodiversity (IIFB) in Banaue, Philippines, from 5 to 9 March 2007 (UNEP/CBD/WG-8J/5/8);

6. *Invites* Parties, Governments and relevant organizations, in consultation with and, as requested, the **active participation** of, **indigenous and local communities**, to design and, as appropriate, test, indicators at the national level for status and trends of **traditional knowledge, innovations and practices**, in order to assess progress towards to 2010 biodiversity target, as well as to assess progress in the implementation of the Strategic Plan, *noting* that the annex referred to in paragraph 5 above could provide useful information for consideration in this work;

7. *Also invites* Parties, Governments and relevant organizations, in consultation with **indigenous and local communities**, to submit to the Executive Secretary information on experiences and lessons learned in designing and, as appropriate, testing, national indicators for status and trends of **traditional knowledge, innovations and practices**, in order to assess progress towards the 2010 biodiversity target, as well as to assess progress in the implementation of the Strategic Plan, and *also invites* Parties, in consultation with **indigenous and local communities**, to report thereon in the fourth national reports;

9. *Requests* the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions at its sixth meeting to continue its work on the identification of a limited number of meaningful, practical and measurable indicators on the status of **traditional knowledge, innovations and practices**, for assessing progress towards achieving the Convention's Strategic Plan and the 2010 biodiversity target;

10. *Requests* the Executive Secretary to maintain coordination with the United Nations Permanent Forum on **Indigenous** Issues and the Inter-Agency Support Group on related work on indicators relevant for **indigenous peoples**, the Convention on Biological Diversity and the Millennium Development Goals.

I. Recommendations of the United Nations Permanent Forum on Indigenous Issues

Section I of the Programme of Work on Article 8(j) and related provisions contains the recommendations of the United Nations Permanent Forum on Indigenous Issues, including the following:

The Conference of the Parties

1. *Welcomes* the continued close cooperation between the Convention process and the United Nations **Permanent Forum on Indigenous Issues** on matters pertaining to **indigenous and local communities** and their **knowledge, innovations and practices** relevant for the conservation and sustainable use of biological diversity;

3. *Requests* the Executive Secretary to draw attention to the important role of **indigenous and local communities** in activities related to 2010 as the International Year of Biodiversity, and to cooperate closely with the United Nations **Permanent Forum on Indigenous Issues**, to explore opportunities for common activities as related to information exchange and awareness-raising.

IX/14. Technology transfer and cooperation

The expanded Programme of Work on Technology transfer and cooperation includes the following recommendations from the Conference of Parties, under Section V-facilitating mechanisms:

27. Compile and analyse, in cooperation with relevant organizations and initiatives and with assistance by the expert group on technology transfer, existing technology transfer agreements or technology transfer provisions/clauses in other agreements, including regional or bilateral trade agreements, such as for instance contractual agreements relating to access to genetic resources and associated **traditional knowledge** and the **fair and equitable sharing of benefits** arising out of their utilization. This compilation and analysis could also include existing templates for standard technology transfer agreements/provisions/clauses, and could be used to develop international guidance that could act as reference for good/best practice on the application of technology transfer agreements/provisions/clauses.

28. Encourage the development of cooperative partnerships and/or networks involving governmental agencies, public and private research institutions, the private sector, non-governmental organizations, **indigenous and local communities** and national and **local** stakeholders, including south-south cooperation and alternative models for triangular, regional or multilateral cooperation.

IX/15. Follow-up to the Millennium Ecosystem Assessment

As part of the Programme of Work describing the follow-up to the Millennium Ecosystem Assessment, the Conference of Parties gave the following recommendations:

The Conference of Parties

2. *Invites* Parties, other Governments, relevant organizations, stakeholders and **indigenous and local communities**, when designing integrated **local**, national or subglobal assessments, to consider, taking into account, where appropriate:

(a) The engagement of stakeholders, including **local** and national decision makers, and **indigenous and local communities** in the assessment;

(d) The relevance of including documented case-studies contributed by **indigenous and local communities**, including those highlighting economic values as well as **traditional** non-market benefits of sustainable ecosystem management;

6. *Acknowledges* the global strategy for follow-up to the Millennium Ecosystem Assessment (UNEP/CBD/COP/9/INF/26) aimed at addressing knowledge gaps, promoting subglobal assessments, promoting application of the Millennium Ecosystem Assessment framework, methodologies and findings, and outreach and *invites* Parties, other Governments, relevant organizations, **indigenous and local communities** and stakeholders and *requests* the Executive Secretary to contribute actively to its implementation.

IX/16. Biodiversity and climate change

A. *Proposals for the integration of climate-change activities within the programmes of work of the Convention*

Section A of the Program of Work on Biodiversity and Climate Change discusses the proposals for the integration of climate-change activities within the Convention's programmes of work. The proposals put forward by the Conference of Parties include the following:

The Conference of Parties

4. *Urges* Parties to enhance the integration of climate-change considerations related to biodiversity in their implementation of the Convention with the **full and effective involvement** of relevant stakeholders and considering changing consumption and production models, including:

(a) *Identifying*, within their own countries, vulnerable regions, subregions and, where possible, ecosystem types, including vulnerable components of biodiversity within these areas, including with regard to the impacts on **indigenous and local communities**, in order to enhance national, regional and international cooperation;

(h) Applying the principles and guidance of the **ecosystem approach** such as adaptive management, the use of traditional knowledge, and the use of science and monitoring;

B. Options for mutually supportive actions addressing climate change within the three Rio conventions

Section B of the Programme of Work on Biodiversity and Climate Change contains the following options for mutually supportive actions addressing climate change:

11. *Notes* that reduced deforestation and forest degradation, and increased afforestation and reforestation, could provide multiple benefits for biodiversity and reducing greenhouse gas-emissions, and:

(c) *Invites* the United Nations Framework Convention on Climate Change to adequately address **traditional knowledge, innovations and practices** related to the conservation and sustainable use of biodiversity noting relevant provisions of the Convention on Biological Diversity;

12. *Recalling* paragraph 11 of decision 1/CP.13, on the Bali Action Plan, in which Parties to the United Nations Framework Convention on Climate Change agreed that the comprehensive process to enable the full, effective and sustained implementation of the Framework Convention through long-term cooperative action shall be informed by, *inter alia*, the best available scientific information, experience in implementation of the Framework Convention and its Kyoto Protocol, and processes thereunder, outputs from other relevant intergovernmental processes and insights from the business and research communities and civil society:

(b) *Establishes* in this regard, an Ad Hoc Technical Expert Group on Biodiversity and Climate Change, including representatives of **indigenous and local communities** and small island developing States, on the basis of the terms of reference provided in the annex III to the present decision, with a mandate, to develop scientific and technical advice on biodiversity, in so far as it relates to climate change and decision 1/CP.13 of the Conference of the Parties to the United Nations Framework Convention on Climate Change on the Bali Action Plan as well as its Nairobi work programme on impacts, vulnerability and adaptation to climate change so as to support the enhanced implementation of synergies;

17. *Invites* Parties and other Governments, as appropriate, considering the negative impacts of climate change on biodiversity and related **traditional knowledge, innovations and practices** of **indigenous and local communities**, to apply the **ecosystem approach** and to make use of existing publications such as Convention on Biological Diversity Technical Series Nos. 10 and 25 and the UNEP/IUCN TEMATEA Issue-Based Module on Climate Change and Biodiversity when planning or implementing mutually supportive activities among the three Rio conventions with regard to biodiversity, combating desertification/land degradation and climate change at the national and international levels.

D. Summary of the findings of the global Assessment on Peatlands, Biodiversity and Climate Change

Within Section D of the Programme of Work on Biodiversity and Climate Change, the following findings are noted:

The Conference of Parties

5. *Requests* the Executive Secretary, in collaboration with the Secretariat of the Ramsar Convention, and subject to available resources, to conduct an analysis of the potential of incentive measures and funding mechanisms under climate-change adaptation and mitigation in supporting biodiversity conservation and sustainable use in wetlands as well as in supporting **local livelihoods** and contributing to **poverty eradication** and *further requests* the Executive Secretary to explore ways to engage with those national and international research centres (e.g. CGIAR centres) addressing climate-change adaptation and mitigation in relation to wetlands biodiversity;

Annex II to the Programme of Work on Biodiversity and Climate Change is an indicative list of activities by parties to promote synergies among the Rio Conventions. The following indicators are cited by the Conference of Parties within the section on research and monitoring/systematic observation:

21. Identify, as appropriate, **local and indigenous knowledge** that can contribute to synergies.

Annex III gives the terms of reference of an Ad Hoc Technical Expert Group (AHTEG) on biodiversity and climate change, including the following:

3. The AHTEG shall be established in accordance with the procedures outlined in the consolidated *modus operandi* of SBSTTA (decision VIII/10, annex III) and considering the results presented by the group of experts on biodiversity and adaptation to climate change regarding ecosystem vulnerability to the impacts of climate change and climate change response measures within the framework of the programmes of work of the Convention on Biological Diversity and shall have the following terms of reference: provide scientific and technical advice and assessment on the integration of the conservation and sustainable use of biodiversity into climate change mitigation and adaptation activities through *inter alia*:

(h) Proposing ways and means to improve the integration of biodiversity considerations and **traditional** and **local** knowledge related to biodiversity within impact and vulnerability assessments and climate change adaptation, with particular reference to **communities** and sectors vulnerable to climate change.

(j) Identifying opportunities for, and possible negative impacts on, biodiversity and its conservation and sustainable use, as well as livelihoods of **indigenous and local communities**, that may arise from reducing emissions from deforestation and forest degradation;

5. The selection of the experts shall be in accordance with annex III of decision VIII/10 and shall include representatives of **indigenous and local communities**.

7. In preparing documentation for the AHTEG meetings, especially noting the need to ensure scientific credibility and timely information to the UNFCCC processes, *inter alia*, the following steps should be taken subject to the availability of financial resources:

(a) Parties, other Governments, relevant intergovernmental organization and processes, **indigenous and local communities** and other relevant stakeholders should be invited to submit their views, best practice examples and further relevant information on items included in the paragraph 1 above to the Executive Secretary.

IX/16. Biodiversity of dry and sub-humid lands

As part of the Programme of Work on the Biodiversity of dry and sub-humid lands, the Conference of Parties outlined the following provisions:

The Conference of the Parties

1. *Invites* relevant organizations and donor agencies to provide technical and financial support to developing countries, in particular least developed countries and small island developing States among them, and countries with economies in transition, to identify and conduct land-use options for dry and sub-humid lands that promote the conservation and sustainable use of biodiversity and generate income for **indigenous and local communities**, including through involving private sector and public partnerships and through the establishment of a special fund to support such activities;
2. *Encourages* Parties to develop regional and subregional research centres and networks for the exchange of research, information, **traditional** and **cultural** knowledge and technology concerning dry and sub-humid lands;
3. *Encourages* Parties to consider land-use options that promote the conservation and sustainable use of biodiversity and generate income for **indigenous and local communities**, and to develop demonstration sites, while using the **ecosystem approach** and considering the links between the programmes of work on the biodiversity of dry and sub-humid lands and agricultural biodiversity;
4. *Noting* that sustainable wildlife management is an effective low impact mechanism to deliver sustainable incomes to **indigenous and local communities**, *encourages* Parties to enhance sustainable wildlife management through land-use planning to minimize human-wildlife conflicts and achieve the sustainable use of wildlife;
5. *Notes* that sustainable wildlife management may have a comparative advantage over other land-use options due to the natural adaptations of native species to **local** environmental conditions such as low rainfall and the presence of diseases;
6. *Further notes* that lands used for sustainable wildlife management may be more resilient to the predicted impacts of climate change than other land-use options due to the factors noted above;
8. *Requests* the Executive Secretary, in cooperation with the Food and Agriculture Organization of the United Nations, the United Nations Convention to Combat Desertification and other relevant organizations and collaborators to:
 - (a) Compile and publish a list of case-studies on scientific and technical knowledge including **traditional knowledge** regarding the management, and sustainable use of the biological diversity of dry and sub-humid lands;
 - (b) Carry out a feasibility study for the development of a tool-kit to support the efforts of **local and indigenous communities** with regard to: sustainable **pastoralism**, adapted agricultural practices, control of soil erosion, valuation of natural resources, water and land-use management, carbon capture and identifying threats that have the greatest impacts on the biodiversity of dry and sub-humid lands;
16. *Recognizing* the high rate of poverty within dry and sub-humid lands and considering that activities to improve livelihoods in dry and sub-humid lands therefore combine several Millennium Development Goals, especially goal 1 (“**Eradication of extreme poverty and hunger**”) and 7 (“Ensuring environmental sustainability”), *requests* the Executive Secretary to further develop the activities contained in paragraphs 29 and 30 of his progress Report and Consideration of Proposals for Future Action (UNEP/CBD/COP/9/19), particularly activities related to economic valuation and payments for ecosystem services for consideration by the Subsidiary Body on Scientific, Technical and technological Advice prior to the tenth meeting of the Conference of the Parties, stressing that combating biodiversity loss in those areas requires holistic approach taking into account *inter alia* the livelihoods of **local people** and adaptation to climate change.

IX/18. Protected Areas

A. Review of implementation of the Programme of Work on Protected Areas

Within Section A of the Programme of Work on Protected Areas, the following recommendations are made by the Conference of Parties:

The Conference of Parties:

Recognizing the need to promote full and effective participation of indigenous and local communities in the implementation of the programme of work on protected areas at all levels; also noting the United Nations Declaration on the Rights of Indigenous Peoples,

5. Encourages Parties to:

(b) Establish, as appropriate, multisectoral advisory committees which may consist of representatives from, *inter alia*, relevant government agencies and departments, indigenous and local communities, land and resource managers, non-governmental organizations (NGOs), the private sector, experts, academia and research institutions in support of the implementation of the programme of work on protected areas at national and subnational levels by providing advice on how to:

(i) Better coordinate and communicate among various organizations and agencies involved with protected areas;

(ii) Help develop national targets and action plans for implementing the programme of work on protected areas in both terrestrial and marine environments, in the context of national biodiversity strategies and action plans and in accordance with national legislation;

(iii) Increase public awareness and develop a communication strategy for the programme of work on protected areas for both terrestrial and marine protected areas;

(iv) Monitor implementation and support reporting on progress in implementing the programme of work on protected areas;

(v) Support coordinated implementation of the programme of work on protected areas with other programmes under the Convention on Biological Diversity and other biodiversity-related conventions;

(vi) Support technical capacity-building and fund programmes to improve efficiency and effectiveness in the implementation of the programme of work on protected areas;

(vii) Identify policy and legislative barriers and knowledge gaps, and improve enabling conditions for implementation, including the development of innovative financial mechanisms, guidance, tools and implementation strategies;

(c) Develop and facilitate the exchange and use of appropriate tools adapted, where appropriate and necessary, to local conditions including traditional natural resource management practices of indigenous and local communities and translate them into required languages, as appropriate, and identify the need for additional tools, including for assessing the status of biodiversity in protected areas;

6. Invites Parties to:

(a) Improve and, where necessary, diversify and strengthen protected-area governance types, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, indigenous, local and other community-based organizations;

(b) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and indigenous and local community conserved areas within the national protected area system through acknowledgement in national legislation or other effective means;

(d) Establish effective processes for the **full and effective participation** of **indigenous and local communities**, in full respect of their rights and recognition of their responsibilities, in the governance of protected areas, consistent with national law and applicable international obligations;

(e) Further develop and implement measures for the **equitable sharing of both costs and benefits** arising from the establishment and management of protected areas and make protected areas an important component of **local** and global sustainable development consistent with national legislations and applicable international obligations;

12. *Also encourages* Parties, other Governments, relevant intergovernmental organizations, and **indigenous and local communities**, with the support of national and international non-governmental organizations, research and academic institutions and agencies, to enhance activities and resources, towards organizing and forming regional technical support networks as appropriate, to assist countries in implementing the programme of work on protected areas by:

(a) Making available tools for example through innovative systems such as e-learning programmes;

(b) Facilitating the sharing of public information and knowledge;

(c) Supporting and/or coordinating subregional workshops;

(d) Convening regional/subregional technical training on key themes of the programme of work on protected areas;

(e) Enhancing partnerships and exchange programmes between agencies and protected areas of various countries; and

(f) Strengthening national and regional training institutions;

19. *Encourages* Parties to ensure that conservation and development activities in the context of protected areas contribute to the **eradication of poverty** and sustainable development and ensure that **benefits** arising from the establishment and management of protected areas are **fairly and equitably shared** in accordance with national legislations and circumstances, and do so with the **full and effective participation** of **indigenous and local communities** and where applicable taking into account **indigenous and local communities'** own management systems and customary use;

B. Options for mobilizing, as a matter of urgency, through different mechanisms adequate and timely financial resources for the implementation of the programme of work

Within Section B of the Programme of Work on Protected Areas, the following options for mobilization are given by the Conference of Parties:

The Conference of Parties

3. *Invites* Parties to:

(a) Undertake completion of, as a matter of priority, country-level financial needs assessments, and develop sustainable financing plans including, as appropriate, a diversified financial portfolio, including innovative mechanisms, in accordance with Agenda 21, Article 20 of the Convention and relevant decisions of the Conference of the Parties, further exploring with **full and effective participation** of **indigenous and local communities**, and other relevant stakeholders and strengthened cross-sectoral linkages, as appropriate, the concept of payments for ecosystem services in accordance with applicable international law, taking into account the **fair and equitable sharing** of both costs and benefits of management of protected areas with **indigenous and local communities**, and other relevant stakeholders consistent with national legislations and applicable international obligations; and exploring the potential of biodiversity offsets as a financing mechanism;

(d) Promote the valuation of ecosystem goods and services provided by protected areas, especially the socio-economic costs and benefits to **indigenous and local communities** and other relevant stakeholders, to achieve a better integration of conservation and development processes and to facilitate the contribution of protected areas to the **eradication of poverty** and the achievement of the Millennium Development Goals, to mobilize increased funding for protected areas;

6. *Urges* multilateral donors, non-governmental organizations and other funding organizations to support developing countries in particular least developed countries, small island developing States as well as countries with economies in transition by:

(a) Making adequate, timely, and predictable funding available for developing countries, in particular the least developed countries and small island developing States among them, as well as countries with economies in transition, including new and additional funding to allow for the designation and effective management of new protected areas and where applicable the establishment of ecological networks, that are necessary in order to complete comprehensive and ecologically representative national and regional systems of protected areas, and for improving management of existing protected areas, including, as appropriate, co-managed protected areas, private protected areas and **indigenous and local community conserved areas**;

(g) Supporting capacity-building for **indigenous and local communities** to **participate** in the establishment and management of protected areas to improve their standard of living;

(h) Supporting the preservation and maintenance of **traditional knowledge** for the conservation and sustainable use of biodiversity in the management of protected areas;

7. *Requests* the Executive Secretary to:

(c) Compile information assessing the socio-economic values of protected areas, focusing in particular on the contribution to **poverty eradication** and achievement of the MDGs, based on the submission from Parties and other Governments as well as from **indigenous and local communities** and other relevant stakeholders.

IX/20. Marine and coastal biodiversity

The expanded Programme of Work on Marine and Coastal biodiversity contains the following provisions as suggested by the Conference of Parties:

The Conference of Parties

3. *Taking into account* the role of the International Maritime Organization, *requests* the Executive Secretary to seek the views of Parties and other Governments, and, in consultation with the International Maritime Organization, other relevant organizations, and **indigenous and local communities**, to compile and synthesize available scientific information on potential impacts of direct human-induced ocean fertilization on marine biodiversity and make such information available for consideration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the tenth meeting of the Conference of the Parties;

26. *Invites* Parties to promote **full and effective participation** of **indigenous and local communities**, in accordance with the national legislation and applicable international obligations, when establishing new marine protected areas; also noting the **United Nations Declaration on the Rights of Indigenous Peoples**;⁶⁵

⁶⁵ General Assembly resolution 61/295 of 13 September 2007, annex.

27. Calls on Parties to integrate the **traditional**, scientific, technical and technological knowledge of **indigenous and local communities**, consistent with **Article 8(j)** of the Convention, and to ensure the integration of social and **cultural** criteria and other aspects for the identification of marine areas in need of protection as well as the establishment and management of marine protected areas.

IX/21. Island biodiversity

As part of the Programme of Work on Island Biodiversity, the Conference of Parties emphasised the following provision:

The Conference of Parties

6. Stresses that the management and eradication of invasive alien species, climate-change adaptation and mitigation activities, establishment and management of marine protected areas, capacity-building, access to, and **fair and equitable sharing of the benefits** arising out of the utilization of genetic resources, and **poverty alleviation** require particular efforts in the implementation of the programme of work.

IX/22. The Global Taxonomy Initiative: matters arising from decision VIII/3, including the development of outcome-orientated deliverables

As part of the expanded Programme of Work on the Global Taxonomy Initiative, the Conference of Parties emphasised the following priorities:

The Conference of Parties

4. *Noting* that taxonomic capacity-building activities could go beyond 2010,

(b) *Urges* Parties, and *invites* other Governments and relevant organizations to carry out the activities planned in the programme of work so as to produce the expected outputs in a timely manner and provide information as appropriate in **local languages** including **locally** used names of species;

The Programme of Work on the Global Taxonomy Initiative contains an Annex on the outcome-orientated deliverables for each of the planned activities of the programme of work. Operational Objective 5 and its Output 5.17.1 are as follows:

Operational objective 5: Within the programme of work on cross cutting issues of the Convention include key taxonomic objectives to generate information needed for decision-making in conservation and sustainable use of biological diversity and its components

Planned activity 17: Support implementation of Article 8(j)

Output 5.17.1. Working with **indigenous communities**, identify **indigenous** taxonomic knowledge to be incorporated under the Global Names Architecture by 2020 in line with national law and applicable international obligations relating to prior informed consent. Suggested actors may include GBIF.

IX/24. Gender Plan of Action

As part of the expanded Programme of Work on the Gender Plan of Action, the Conference of Parties noted the following:

The Conference of the Parties

Welcomes the development by the Executive Secretary of the Gender Plan of Action under the Convention on Biological Diversity, (UNEP/CBD/COP/9/INF/12/Rev.1), and invites Parties to support the implementation of the Plan by the Secretariat.

IX/27. Cooperation among multilateral environmental agreements and other organizations

The Conference of Parties to the Programme of Work on Cooperation among Multilateral Environmental Agreements and other Organizations made the following request of the Executive Secretary:

The Conference of Parties

8. Requests the Executive Secretary to continue to liaise with the conventions, organizations and initiatives with which the Secretariat of the Convention on Biological Diversity has already signed or is in the process of signing memoranda of cooperation, including in particular the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, with a view to advancing implementation of the Convention in accordance with the decisions of the Conference of the Parties, including the development of joint activities as appropriate.

IX/28. Promoting engagement of cities and local authorities

As part of the Programme of Work Promoting engagement of cities and local authorities, the Conference of Parties gave the following provision:

The Conference of Parties:

5. Invites Parties, other Governments and international development agencies to support and assist cities and local authorities in encouraging and promoting practices, activities and innovations of indigenous and local communities that support the three objectives of the Convention on Biological Diversity and achievement of the 2010 biodiversity target.

IX/30. Scientific and technical cooperation and the clearing-house mechanism

The Programme of Work on the Scientific and Technical Cooperation and the Clearing-house mechanism contains the following recommendation from the Conference of Parties:

The Conference of Parties:

2. Encourages Parties, whenever appropriate, to take the following steps with a view to establishing strong and sustainable national clearing-house mechanisms

(i) Whenever applicable and feasible, make the national clearing-house mechanism website available also in national or local languages, and disseminate relevant materials at the national level, including to indigenous and local communities in appropriate formats and languages.

IX/31. Financial mechanism

Section B of the expanded Programme of Work on the Financial Mechanism describes input to the fifth replenishment of the financial mechanism. Section B contains an Annex entitled: ‘Four-year Framework of Programme priorities related to utilization of GEF resources for biodiversity for the period from 2010 to 2014’. Programme Priority area 3 is described within this Annex and some of its Outcomes:

Programme priority area 3: Mainstream biological diversity into various national and sectoral policies and development strategies and programs

Outcome 3.2 Markets are created for ecosystem services as well as for locally value-added ecosystem goods derived from sources that are sustainably managed.

Outcome 3.6 Agricultural biodiversity is promoted in agricultural systems and practices, and genetic resources important for food and agriculture are conserved and sustainably used and associated benefits are shared equitably.

Outcome 3.7 Forest and aquatic biodiversity is promoted in forestry and fishery systems and practices, and genetic resources important for human well-being are conserved and sustainably used and associated benefits are shared equitably.

Programme Priority Area 4, within Section ‘B’ of the Annex to the Programme of Work on the Financial mechanism, contains the following outcome:

Programme priority area 4: Improve national capacity to implement the Convention and the Cartagena Protocol on Biosafety⁶⁶

Outcome 4.6 Protection of traditional knowledge, innovations and practices is improved, and the involvement of local and indigenous communities in the achievement of the Convention’s three objectives is strengthened.

Programme Priority Area 5 contains the following outcome:

Programme priority area 5: Promote the implementation of the Convention’s third objective and support the implementation of the international regime on access to genetic resources and benefit-sharing⁶⁷

Outcome 5.2 Measures to encourage the fair and equitable sharing of benefits, on mutually agreed terms, arising from the commercial and other utilization of genetic resources and associated traditional knowledge in harmony with the relevant CBD provisions and in accordance with national legislation are promoted.

IX/32. Communication, education and public awareness (CEPA)

As part of the expanded Programme of Work on Communication Education and Public Awareness (CEPA), the Conference of Parties included the following provisions:

The Conference of Parties

3. Encourages the Executive Secretary to use and further improve the Agenda for Action for the period 2008-2010 (UNEP/CBD/COP/9/INF/3) as a practical tool to guide key international support actions for the implementation of the programme of work for the Global Initiative on Communication, Education and Public Awareness at the national level, with the participation of indigenous and local communities;

⁶⁶ The programme priority needs for biosafety for the period 2010 to 2014 can be found in part C of the present decision, taken from decision BS-IV/5 of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

⁶⁷ Without prejudging the relevant decision of the Conference of the Parties on the international regime on access and benefit-sharing.

4. *Invites* Parties, donors and relevant international organizations to provide adequate and predictable human and financial resources to the Executive Secretary for implementation of the programme of work on communication, education and public awareness, including, *inter alia*, the promotion of the use of the communication, education and public awareness toolkit, translation of information materials and regional training workshops, and to include representation of **indigenous and local communities**;

5. *Invites* Parties, other Governments and relevant organizations to create partnerships with agencies and organizations, and with **indigenous and local community** organizations, that can transmit communication, education and public awareness products in non-electronic formats to regions without Web access.

IX/34. Administration of the Convention and budget for the programme of work for the biennium 2009-2010

The Programme of Work on the Administration of the Convention and budget for the programme of work for the biennium 2009-2010 notes the following considerations:

The Conference of Parties

16. *Takes note* of the funding estimates for the:

(b) Special Voluntary Trust Fund (BZ) for Facilitating **Participation** of Developing Country Parties, in particular the Least Developed and the Small Island Developing States, as well as Parties with Economies in Transition, for the biennium 2009-2010, as specified by the Executive Secretary and included in table 4 below,

and *urges* Parties to make contributions to those funds and to the VB Trust Fund for **participation** of **indigenous and local communities** in the activities of the Convention (see table 5 below).

IX/36. Tribute to the Government and people of the Federal Republic of Germany

The section of the Conference of Parties meeting devoted to a tribute to the Government and people of the Federal Republic of Germany contains Annex III. Annex III is entitled: 'High-level Segment of the Ninth Meeting of the Conference of the Parties to the Convention on Biological Diversity: Conclusions of Minister Gabriel, President of the Ninth Meeting of the Conference of the Parties. Annex III contains the following discussion point:

*The role of **indigenous and local communities***

Indigenous and local communities should meaningfully **participate** in decision-making processes affecting them. International, national and **local** authorities and organisations should take due account of the **UN Declaration on the Rights of Indigenous Peoples** when developing and implementing relevant initiatives for fulfilling their commitments under the CBD. The COP should agree on elements of a code of ethical conduct to ensure respect for the **cultural and intellectual heritage** of **indigenous and local communities** and should promote the **effective participation** of **indigenous and local communities** in the Convention's decision and policy-making concerning the use of their **traditional knowledge**.

COP X

X/1. Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization

THE EXTENDED PROGRAMME OF WORK ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION INCLUDES THE FOLLOWING PROVISIONS IN THE PREAMBLE FROM THE CONFERENCE OF PARTIES:

The Conference of Parties,

Recalling that the fair and equitable sharing of the benefits arising from the utilization of genetic resources is one of the three objectives of the Convention on Biological Diversity,

Recalling decision VII/19 D, in which the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (the Working Group) was mandated with the collaboration of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions, to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing with the aim of adopting an instrument/instruments to effectively implement the provisions of Article 15 and Article 8(j) of the Convention and the three objectives of the Convention,

Noting also with appreciation the participation of indigenous and local communities and stakeholders including industry, research, and civil society representatives in the Working Group,

The expanded programme of work on Access to Genetic Resources and the fair and equitable sharing of benefits arising from their utilization includes an annex entitled: 'Annex II: Work Plan for the Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization to the Convention on Biological Diversity'. Section A of Annex II describes the issues for consideration by the Intergovernmental Committee at its first meeting, including:

3. Measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (Article 21).

X/2. The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets

As part of the Programme of Work on The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, the Conference of Parties urged Parties and other Governments, as well as intergovernmental organisations to promote the following:

The Conference of Parties,

3. Urges Parties and other Governments, with the support of intergovernmental and other organizations, as appropriate, to implement the Strategic Plan for Biodiversity 2011-2020 and in particular to:

(a) Enable participation at all levels to foster the full and effective contributions of women, indigenous and local communities, civil-society organizations, the private sector and stakeholders from all other sectors in the full implementation of the objectives of the Convention and the Strategic Plan;

4. *Invites* Parties to take note of the [United Nations Declaration on the Rights of Indigenous Peoples](#)⁶⁸ in the implementation of the Strategic Plan for Biodiversity 2011-2020, as appropriate, and in accordance with national legislation;

6. *Emphasizes* the need for capacity-building activities and the effective sharing of knowledge, consistent with decisions VIII/8⁶⁹, IX/8⁷⁰ and other relevant decisions of the Conference of the Parties, in order to support all countries, especially developing countries, in particular the least developed countries, small island developing States, and the most environmentally vulnerable countries, as well as countries with economies in transition, and [indigenous and local communities](#), in the implementation of the Strategic Plan for Biodiversity 2011-2020;

8. *Recalls* decision IX/8, which called for [gender](#) mainstreaming in national biodiversity strategies and action plans, and decision IX/24⁷¹, in which the Conference of the Parties approved the [gender](#) plan of action for the Convention, which, among other things, requests Parties to mainstream a [gender](#) perspective into the implementation of the Convention and promote [gender equality](#) in achieving its three objectives, and *requests* Parties to mainstream [gender](#) considerations, where appropriate, in the implementation of the Strategic Plan for Biodiversity 2011-2020 and its associated goals, the Aichi Targets, and indicators.

The Executive Secretary was asked by the Conference of Parties to undertake the following actions:

The Conference of Parties,

17. *Requests* the Executive Secretary:

(a) To promote and facilitate, in partnership with relevant international organizations, including [indigenous and local community](#) organizations, activities to strengthen capacity for the implementation of the Strategic Plan for Biodiversity 2011-2020, including through regional and/or subregional workshops on updating and revising national biodiversity strategies and action plans, the mainstreaming of biodiversity, the enhancement of the clearing-house mechanism and the mobilization of resources;

The Annex to the Programme of Work on the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets includes the following target within Section IV- Strategic Goals and the Aichi Biodiversity Targets, under Strategic Goal D ‘Enhance the benefits to all from biodiversity and ecosystem services’:

Target 14: By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of [women](#), [indigenous and local communities](#), and the [poor and vulnerable](#).

Strategic Goal E, within the Annex to the Programme of Work on the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, concerns enhancing implementation through participatory planning, knowledge management and capacity building:

⁶⁸ General Assembly resolution 61/295 of 13 September 2007.

⁶⁹ The Convention on Biological Diversity, Conference of Parties Decision VIII/8: ‘Implementation of the Convention and its strategic plan’

⁷⁰ The CBD, COP IX/8: ‘Review of implementation of goals 2 and 3 of the Strategic Plan’

⁷¹ The CBD, COP IX/24: ‘Gender Plan of Action’

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.

Section V of the Annex describes implementation, monitoring, review and evaluation of the programme of work:

14. *Means for implementation:* The Strategic Plan will be implemented primarily through activities at the national or subnational level, with supporting action at the regional and global levels. The means of implementation for this Strategic Plan will include provision of financial resources in accordance with respective obligations under the Convention, taking into account Article 20 of the Convention. The Strategic Plan provides a flexible framework for the establishment of national and regional targets. National biodiversity strategies and action plans are key instruments for translating the Strategic Plan to national circumstances, including through the national targets, and for integrating biodiversity across all sectors of government and society. The **participation** of all relevant stakeholders should be promoted and facilitated at all levels of implementation. Initiatives and activities of **indigenous and local communities**, contributing to the implementation of the Strategic Plan at the **local** level, should be supported and encouraged. The means for implementation may vary from country to country, according to national needs and circumstances. Nonetheless, countries should learn from each other when determining appropriate means for implementation. It is in this spirit that examples of the possible means for implementation are provided in the note by the Executive Secretary on the Strategic Plan for Biodiversity 2011-2020: provisional technical rationale, possible indicators and suggested milestones for the Aichi Biodiversity Targets.⁷² It is envisaged that implementation will be further supported by the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of the Benefits** Arising from their Utilization and other components of the international regime on **access and benefit-sharing** which will facilitate the **fair and equitable sharing of benefits** arising from the use of genetic resources.⁷³

16. *Broadening political support* for this Strategic Plan and the objectives of the Convention is necessary, for example, by working to ensure that Heads of State and Government and the parliamentarians of all Parties understand the value of biodiversity and ecosystem services. Parties to the Convention should be encouraged to establish national biodiversity targets that support the achievement of the Strategic Plan and the Aichi Biodiversity Targets and outline the measures and activities that will achieve this, such as the development of comprehensive national accounting, as appropriate, that integrates the values of biodiversity and ecosystem services into government decision-making with the **full and effective participation of indigenous and local communities** and other stakeholders.

⁷² The note, updated consistent with the targets as adopted and decision X/2, is available as UNEP/CBD/COP/10/27/Add.1.

⁷³ Note that the international regime on access and benefit-sharing is constituted of the Convention on Biological Diversity, the Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization, as well as complementary instruments, including the International Treaty on Plant Genetic Resources for Food and Agriculture and the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising Out of Their Utilization (decision X/1, preamble).

17. *Partnerships* at all levels are required for effective implementation of the Strategic Plan, to leverage actions at the scale necessary, to garner the ownership necessary to ensure mainstreaming of biodiversity across sectors of government, society and the economy and to find synergies with national implementation of multilateral environmental agreements. Partnerships with the programmes, funds and specialized agencies of the United Nations system, as well as with other conventions and multilateral and bilateral agencies, foundations, **women, indigenous and local communities**, and non-governmental organizations, will be essential to support implementation of the Strategic Plan at the national level. At the international level, this requires partnerships between the Convention and other conventions, international organizations and processes, civil society and the private sector. In particular, efforts will be needed to:

- (a) Ensure that the Convention, through its new Strategic Plan, contributes to sustainable development and the **elimination of poverty**, and the other Millennium Development Goals;
- (b) Ensure cooperation to achieve implementation of the Plan in different sectors;
- (c) Promote biodiversity-friendly practice by business; and
- (d) Promote synergy and coherence in the implementation of the multilateral environmental agreements.⁷⁴

Section VI of the Annex concerns support mechanisms:

20. *Capacity-building for effective national action:* Many Parties, especially the developing countries, in particular the least developed countries, small island developing States and the most environmentally vulnerable countries, as well as countries with economies in transition, may require support for the development of national targets and their integration into national biodiversity strategies and action plans, revised and updated in line with this Strategic Plan and guidance from the Conference of the Parties (decision IX/8). Global and regional capacity-building programmes could provide technical support and facilitate peer-to-peer exchange, complementing national activities supported by the financial mechanism in line with the four-year framework of programme priorities related to utilization of GEF resources for biodiversity for the period from 2010 to 2014 (decision IX/31⁷⁵). Capacity-building on **gender** mainstreaming in accordance with the Convention's **gender** plan of action, and for **indigenous and local communities** concerning the implementation of the Strategic Plan at national and subnational levels should be supported.

⁷⁴ The TEMETEA modules for the coherent implementation of multilateral environmental agreements and related instruments may be a useful tool to support this.

⁷⁵ The CBD, COP Decision IX/31: 'Financial Mechanism'

24. *Partnerships and initiatives to enhance cooperation.* Cooperation will be enhanced with the programmes, funds and specialized agencies of the United Nations system as well as conventions and other multilateral and bilateral agencies, foundations and non-governmental organizations⁷⁶ and **indigenous and local communities**, to support implementation of the Strategic Plan at the national level. Cooperation will also be enhanced with relevant regional bodies to promote regional biodiversity strategies and the integration of biodiversity into broader initiatives. Initiatives of the Convention such as South-South cooperation,⁷⁷ promoting engagement of subnational governments, cities and **local** authorities,⁷⁸ and business and biodiversity⁷⁹ and promoting the engagement of parliamentarians, including through inter-parliamentary dialogues will contribute to the implementation of the Strategic Plan.

25. *Support mechanisms for research, monitoring and assessment.* The following are key elements to ensure effective implementation of the Strategic Plan:

(d) The contributions of **knowledge, innovations and practices** of **indigenous and local communities** relevant to the conservation and sustainable use of biodiversity to all the above.

X/3. Strategy for resource mobilization in support of the achievement of the Convention's three objectives

A. Concrete activities and initiatives including measurable targets and/or indicators to achieve the strategic goals contained in the strategy for resource mobilization and on indicators to monitor the implementation of the Strategy

Part A of the Programme of Work on the Strategy for resource mobilization in support of the achievement of the Convention's three objectives includes the following provisions:

The Conference of Parties

Bearing in mind the Strategic Plan for Biodiversity 2011-2020:

3. *Requests* the Executive Secretary, subject to the availability of resources, to organize regional and subregional workshops to assist with the development of country-specific resource-mobilization strategies, including for **indigenous and local communities**, as part of the process of updating national biodiversity strategy and action plans, to promote exchange of experience and good practice in financing for biological diversity, and to facilitate the national monitoring of the outcomes of country-specific resource mobilization strategies.

X/4. Third edition of the Global Biodiversity Outlook: implications for the future implementation of the Convention

As part of the Programme of Work on the Third edition of the Global Biodiversity Outlook: implications for the future implementation of the Convention, the Conference of Parties made the following observations:

The Conference of Parties

⁷⁶ Including, among others, UNEP, UNDP, the World Bank, FAO and IUCN.

⁷⁷ See also decisions IX/25 and X/23, on a multi-year plan of action for South-South cooperation on biodiversity for development for the period 2011-2020.

⁷⁸ Decision X/22 on the Plan of Action on Subnational Governments, Cities and other Local Authorities on Biodiversity. See also the Aichi/Nagoya Declaration on Local Authorities and Biodiversity (<http://www.cop10.jp/citysummit/english/images/top/declaration.pdf>).

⁷⁹ Decisions VIII/17, IX/26 and X/21.

5. Notes that a strategy for reducing biodiversity loss requires action at multiple levels including:

(f) Measures to protect and encourage **customary use** and management of biological resources that are compatible with the conservation or sustainable-use requirements by empowering **indigenous and local communities** to **participate** and take responsibility in **local decision-making processes** as appropriate.

X/5. Implementation of the Convention and the Strategic Plan

The Programme of Work on Implementation of the Convention and the Strategic Plan includes the following provisions from the Conference of Parties:

The Conference of Parties,

2. *Invites* Parties to establish mechanisms at all levels to foster the **full and effective participation** of **indigenous and local communities**, civil-society organizations and all stakeholders in the full implementation of the objectives of the Convention, the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets;

5. *Invites* other donors, Governments and multilateral and bilateral agencies to provide financial, technical and technological support to developing countries, particularly least developed countries and small island developing States, as well as countries with economies in transition, to strengthen their capacities to implement the Convention, including support for relevant initiatives and strategies of **indigenous and local communities**.

X/6. Integration of biodiversity into poverty eradication and development

As part of the Programme of Work on the Integration of biodiversity into poverty eradication and development, the Conference of Parties gave the following recommendations:

The Conference of Parties,

Recognizing the urgent need to improve capacity for mainstreaming the three objectives of the Convention into **poverty eradication** strategies and plans (e.g., **Poverty Reduction Strategy Papers**, national development plans) and development processes as a means to enhance the implementation of Convention and the Strategic Plan for Biodiversity 2011-2020 and enhance their contribution to sustainable development and human well-being,

Aware of the large number of existing processes, mechanisms and institutions addressing **poverty eradication** and the need to mainstream relevant biodiversity and ecosystem services considerations within existing platforms and initiatives,

1. *Calls for* enhanced efforts to promote capacity-building for mainstreaming biodiversity and ecosystem services into broader **poverty eradication** and development processes as a means to contribute to the implementation of the Convention and its Strategic Plan for Biodiversity 2011-2020, including the Millennium Development Goals, especially for developing countries, in particular the least developed countries and small island developing States, as well as countries with economies in transition;

2. *Calls for* active involvement and commitment of development cooperation agencies and implementing agencies in supporting the mainstreaming of biodiversity and ecosystem services into **poverty eradication** and development processes, as appropriate;

3. *Calls upon* all the partners and stakeholders involved in biodiversity and development processes and programmes to strengthen coordination in order to avoid duplication and to facilitate coherence, synergies and complementary strategies and working approaches aimed at sustainable development and **poverty eradication**;

6. Notes, in efforts to integrate biodiversity into poverty eradication and development processes, the importance of:

(a) Scientific information and the knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity and their participation in accordance with Article 8(j) and related provisions of the Convention;

(b) Mainstreaming gender considerations and the promotion of gender equality;

The Programme of Work on Integration of biodiversity into poverty eradication and development contains an Annex, which describes the terms of reference for an expert group on biodiversity for poverty eradication and development. The following references were included within this Annex:

3. The Expert Group shall be regionally balanced and composed of 25 experts nominated by Parties and 15 observers (five experts and three observers from each United Nations region), *inter alia*, from both biodiversity and development communities, regional bodies or organizations, bilateral development cooperation agencies, multilateral development banks, United Nations agencies, non-governmental organizations, the business sector, civil society, indigenous and local communities, and other representatives of stakeholders.

7. Parties, regional bodies or organizations, bilateral development cooperation agencies, multilateral development banks, United Nations agencies, non-governmental organizations, the business sector, civil society, research institutes, indigenous and local communities, and other stakeholders shall undertake further work, including through studies and submission of views, on the issue as an input for the work of the Expert Group.

X/7. Examination of the outcome-orientated goals and targets and associated indicators and consideration of their possible adjustment for the period beyond 2010

As part of the Programme of Work on an Examination of the outcome-orientated goals and targets and associated indicators and considerations of their possible adjustment for the period beyond 2010, the Conference of Parties identified the following provisions:

The Conference of Parties

2. Recognizes the need to continue strengthening the ability to monitor biodiversity at all levels including through, *inter alia*:

(c) Taking note of paragraphs 14 to 19 of decision X/43 on progress in the identification of indicators on traditional knowledge, practices and innovation and supporting the ongoing efforts of the Working Group on Indicators of the International Indigenous Forum on Biodiversity and its contribution to the ongoing refinement and use of the proposed indicators relevant to the Strategic Plan for Biodiversity 2011-2020.

X/9. The multi-year programme of work for the Conference of the Parties for the period 2011-2020 and periodicity of meetings

The multi-year Programme of Work for the Conference of the Parties for the period 2011-2020 and periodicity of meetings contains the following provisions:

The Conference of Parties:

Adopts the following multi-year programme of work for the Conference of the Parties:

(a) The eleventh meeting of the Conference of the Parties will take place in 2012 and address, *inter alia*, the following issues:

(ix) Other matters arising from the recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice and the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention and the Ad Hoc Open-ended Working Group on **Article 8(j)** and Related Provisions, including technical issues arising from the implementation of the programmes of work and cross-cutting issues;

(b) The twelfth meeting of the Conference of the Parties in 2014 or early 2015 could address, *inter alia*, the following issues:

(viii) Review the status and implementation of the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization;

(ix) Other matters arising from the recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice, the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention and the Open-ended Ad Hoc Working Group on **Article 8(j)** and Related Provisions, including technical issues arising from the implementation.

X/10. National reporting: review of experience and proposals for the fifth national report

As part of the Programme of Work on National reporting: review of experience and proposals for the fifth national report, the Conference of Parties included the following recommendation:

The Conference of Parties

11. *Encourages* Parties to continue to involve all relevant stakeholders, including **indigenous and local communities**, in the process of national reporting, and to use the report as a tool for further planning and communication to the public to mobilize additional support for and **participation** in activities related to implementation of the Convention;

The Programme of Work on National Reporting contains an Annex describing the Guidelines for the fifth National Report. Section I of the Annex – ‘Introduction to the Guidelines’– includes the following piece of guidance regarding processes of preparation for the fifth National Report:

9. Guidance provided in various decisions of the Conference of the Parties requests Parties to involve stakeholders in the preparation of their national reports, including NGOs, civil society, **indigenous and local communities**, business, and the media. In addition, the national focal point responsible for preparing national reports is encouraged to work closely with national counterparts responsible for implementation of other related conventions. By coordinating report preparation, the focal points for the various conventions can share data and analysis, ensuring consistency among reports and reducing the overall reporting burden for the country. Such coordination could furthermore enhance opportunities for synergy in the national implementation of related conventions. Parties are invited to provide, in Appendix I of their report, a brief summary on the participatory process followed in preparing the report.

X/16. Technology transfer and cooperation

The Programme of Work on Technology transfer and cooperation includes the following provision for inclusion in the Biodiversity Technology Initiative:

The Conference of Parties

1. Recognizing the potential contribution of a Biodiversity Technology Initiative (BTI) to promoting and supporting the effective access to and transfer of relevant technology among Parties to the Convention, as essential elements for the attainment of the three objectives of the Convention, emphasizes that:

(a) Such a Biodiversity Technology Initiative needs to:

(vii) Take into account that the **participation**, approval and **involvement** of **women, indigenous and local communities** and all relevant stakeholders is key for the successful transfer of technology of relevance to the Convention.

X/17. Consolidated update of the Global Strategy for Plant Conservation 2011-2020

As part of the Programme of Work on the Consolidated update of the Global Strategy for Plant Conservation 2011-2020, the Conference of Parties emphasised the following:

The Conference of Parties

7. Also invites relevant international and regional organizations to:

(c) Support the development of specific toolkits for **local** protected area managers and compilation of case-studies to illustrate best management practices in halting decline in **traditional knowledge** associated with plant resources;

The Programme of Work on the Consolidated update of the Global Strategy for Plant Conservation 2011-2020 contains an Annex entitled: 'Updated Global Strategy for Plant Conservation 2011-2020'. Part 'C' of the Annex describes Objectives:

3. The Global Strategy for Plant Conservation addresses the challenges posed by threats to plant diversity. The overall purpose of the Strategy is to achieve the three objectives of the Convention, particularly for Plant diversity, taking into consideration **Article 8(j)** of the Convention and the Cartagena Protocol on Biosafety.

Part D of the 'Annex on Updated Global Strategy for Plant Conservation 2011-2020' describes the rationale for the strategy. The segment below describes the anticipated outcome if the updated Strategy is fully implemented:

9. Of urgent concern is the fact that many plant species, **communities**, and their ecological interactions, including the many relationships between plant species and human **communities** and **cultures**, are in danger of extinction, threatened by such human-induced factors as, inter alia, climate change, habitat loss and transformation, over-exploitation, alien invasive species, pollution, clearing for agriculture and other development. If this loss is not stemmed, countless opportunities to develop new solutions to pressing economic, social, health and industrial problems will also be lost. Furthermore, plant diversity is of special concern to **indigenous and local communities**, and these **communities** have a vital role to play in addressing the loss of plant diversity.

10. If efforts are made at all levels to fully implement this updated Strategy: (i) societies around the world will be able to continue to rely upon plants for ecosystem goods and services, including food, medicines, clean water, climate amelioration, rich, productive landscapes, energy sources, and a healthy atmosphere; (ii) humanity will secure the ability to fully utilize the potential of plants to mitigate and adapt to climate change recognizing the role of plant diversity in maintaining the resilience of ecosystems; (iii) the risk of plant extinctions because of human activities will be greatly diminished, and the genetic diversity of plants safeguarded; (iv) the rich evolutionary legacy of plant diversity will be used sustainably and benefits arising are shared equitably to solve pressing problems, support livelihoods and improve human well-being; (v) the **knowledge, innovations and practices of indigenous and local human communities** that depend on plant diversity will be recognized, respected, preserved and maintained; and (vi) people everywhere will be aware of the urgency of plant conservation and will understand that plants support their lives and that everyone has a role to play in plant conservation.

Part F of the Annex describes the Targets for 2011-2020. The following targets are given by the Conference of Parties, amongst others:

Target 9: 70 per cent of the genetic diversity of crops including their wild relatives and other socio-economically valuable plant species conserved, while respecting, preserving and maintaining associated **indigenous and local knowledge**.

Target 13: **Indigenous and local knowledge innovations and practices** associated with plant resources maintained or increased, as appropriate, to support **customary use, sustainable livelihoods, local** food security and health care.

Part G of the Annex describes the Implementation of the Strategy, including the following provision:

16. In order to ensure that progress in implementation is not constrained by limited funding and lack of training workshops there will be a need to backstop the updated strategy with sufficient human, technical and financial resources in order to achieve the targets by 2020. Therefore, in addition to the Parties to the Convention, further development and implementation of the strategy should involve a range of actors, including: (i) international initiatives (e.g., international conventions, intergovernmental organizations, United Nations agencies, multilateral aid agencies); (ii) members of the Global Partnership for Plant Conservation, (iii) conservation and research organizations (including protected-area management boards, botanic gardens, gene banks, universities, research institutes, non-governmental organizations and networks of non-governmental organizations); (iv) communities and major groups (including **indigenous and local communities, farmers, women, youth**); (v) governments (central, regional, **local** authorities); and (vi) the private sector.

X/18. Communication, education and public awareness and the International Year of Biodiversity

The Programme of Work on Communication, education and public awareness and the International Year of Biodiversity includes the following recommendations from the Conference of Parties:

The Conference of Parties

1. *Invites* Parties to continue and further improve communication, education and public awareness activities for promoting awareness and education using the goals included in the Strategic Plan for Biodiversity 2011-2020, the framework of the Agenda for Action, and, where appropriate, the proposed United Nations Decade on Biodiversity, with the **full and effective participation** of all stakeholders, including **indigenous and local communities**;

5. *Invites* Parties to work with the Executive Secretary, other relevant organizations and stakeholders, including **indigenous and local communities**, and including through the informal advisory committee on communication, education and public awareness, to use indicators and guidelines for survey methodologies as well as tools in order to organize and participate in national, regional and subregional assessments of the state of public awareness on biodiversity;

7. *Invites* Parties, Governments, international organizations and other relevant stakeholders, including **indigenous and local communities**, to forward to the Executive Secretary no later than 31 March 2011, reports of activities held to commemorate the International Year of Biodiversity, for inclusion in the official report to the United Nations General Assembly at its sixty-sixth session.

X/19. Gender mainstreaming

The Programme of Work on Gender Mainstreaming contains the following overarching principles:

The Conference of Parties

Emphasizing the importance of **gender** *mainstreaming in all programmes of work under the Convention in order to achieve the objectives of the Convention and its Strategic Plan for Biodiversity 2011-2020,*

4. *Invites* Parties to consider **gender** as a core cross-cutting issue in the implementation of biodiversity-related activities;

5. *Recalling* its decision IX/8, *urges* Parties to promote the mainstreaming of **gender** considerations in developing, implementing and revising their national and, where appropriate, regional, biodiversity strategies and action plans, and equivalent instruments, in implementing the three objectives of the Convention, taking into account the guidance provided in the Technical Series No. 49.

X/20. Cooperation with other conventions and international organizations and initiatives

As part of the Programme of Work on Cooperation with other conventions and international organizations and initiatives, the Conference of Parties made the following recommendation:

6. *Bearing in mind* the respective independent legal status and mandates of the three Rio conventions and the different composition of Parties, and the need to avoid duplication and promote resource efficiency and, based upon this, for the purpose of enhancing the capacity of countries, particularly developing countries, to implement the decisions of the Conference of the Parties related to biodiversity, climate change and desertification/land degradation and to promote cooperation, noting the actions in decision IX/16 and the current serious knowledge and information gap in evaluating biological vulnerability as a result of climate change:

(b) *Invites* the conferences of the parties to the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification to collaborate with the Convention on Biological Diversity, through the joint liaison group as appropriate with a view to:

(i) Including the development of joint activities in the agenda of the next meeting of the Joint Liaison Group of the three Rio conventions, and to consider, as appropriate, the proposed elements on joint activities regarding climate change, biodiversity, and land degradation and **ecosystem-based approaches** to climate change mitigation and adaptation, contained in decision IX/16;

(ii) Exploring the possibility of convening, subject to the availability of financial resources and prior to Rio+20, a joint preparatory meeting between the three Rio conventions, including, if appropriate, the **participation of indigenous and local communities**, to consider possible joint activities while respecting existing provisions and mandates, and to identify areas for Party-driven collaboration and submit these to the next Conferences of the Parties of each of the three Conventions for their consideration.

X/21. Business engagement

The Programme of Work on Business engagement includes the following recommendation for businesses and the private sector from the Conference of Parties:

The Conference of Parties

2. Encourages businesses and the private sector:

(c) To take into account, as appropriate, the **Akwé: Kon 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**.

X/22. Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity

Within the Programme of Work on the Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity, there is an Annex. Section B of the Annex concerns the mission of the plan of action and the following provision is included in Section B:

28. By 2020:

(c) Awareness campaigns on the importance of biodiversity and ecosystem services should, as appropriate be implemented at **local** level as part of the Parties' communication, education and public awareness strategies, including major groups such as business, youth, non-governmental organizations and **indigenous and local communities**, through initiatives such as celebrations of the International Day for Biological Diversity (May 22), *The Green Wave* initiative, and other activities in support of the Convention on Biological Diversity;

Section C of the Annex to the Programme of Work on the Plan of Action on Subnational Governments, Cities and Other local Authorities for Biodiversity concerns Objectives. The following provision is included in Section C:

29. The present Plan of Action has the following objectives, based on the mission outlined above:

(d) Develop awareness-raising programmes on biodiversity for **local** residents (including major groups such as business, **local** administrators, non-governmental organizations, youth and **indigenous and local communities**) in line with communication, education and public awareness strategies.

Section D of the Annex describes an Indicative list of activities, including the following:

30. Parties may wish to consider the activities below, based on concrete examples researched with the Global Partnership on Cities and Biodiversity, in order to enable and support their subnational governments and local authorities to contribute to the objectives of the Convention on Biological Diversity. These activities are considered to be interrelated and complementary:

(f) Engage subnational governments and local authorities in the implementation of the programme of work on protected areas of the Convention on Biological Diversity, by supporting the establishment and maintenance of systems of **local protected areas**, **local** conservation corridors and mosaics of land-use (such as biosphere reserves), in line with the Strategic Plan for Biodiversity 2011-2020;

(p) In line with the communication, education and public awareness programme of the Convention on Biological Diversity, encourage **local** authorities to reach out to major groups such as children and youth, **women**, **local** parliamentarians and/or legislators, NGOs and businesses, to raise awareness about the importance of biodiversity and promote partnerships on **local** action for biodiversity.

Section E of the Annex concerns Partnerships and coordination mechanism, the following provision is included in Section E:

34. Parties may further promote projects and programmes and coordinate activities in support of sub-national and **local** authorities at the regional and global levels through regional centres of excellence and organizations, and regional offices of United Nations agencies. Consultations and partnerships may involved other relevant and interested stakeholders such as donors, regional economic commissions, regional development banks, representatives of the private sector, non-governmental organizations, and **indigenous and local communities** as appropriate. Where such regional mechanisms do not exist and when appropriate, Parties and the Global Partnership on Cities and Biodiversity may cooperate towards their establishment.

X/23. Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development

As part of the Programme of work on the Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development, the Conference of Parties issued the following invitation:

The Conference of Parties

4. *Invites* regional organizations and their secretariats, international organizations, United Nations bodies, other Biological Liaison Group members and Rio conventions, donors, **indigenous peoples** organizations, non-governmental organizations, and centres of excellence to contribute to the further development of the Multi-Year Plan of Action, in coordination with their national Governments and the Group of 77 and China.

X/24. Review of guidance to the financial mechanism

The Programme of Work on the Review of guidance to the financial mechanism includes the following request from the Conference of Parties:

The Conference of Parties

5. Invites Parties and relevant stakeholders, including **indigenous and local communities**, to submit information and views on the further development of programme priorities, taking into account the Strategic Plan for Biodiversity 2011-2020, including its Aichi Biodiversity Targets and associated indicators, by 30 November 2011, and requests the Executive Secretary to compile the information for consideration by the fourth meeting of the Ad Hoc Open-ended Working Group on Review of Implementation;

The Annex to the Programme of Work on the Review of guidance to the financial mechanism is entitled ‘Consolidated Guidance to the Financial Mechanism of the Convention’. The following programme priorities are included within the Annex under Section B:

4. The Global Environment Facility should provide financial resources to developing country Parties, taking into account the special needs of the least developed countries and the small island developing States, as well as Parties with economies in transition, for country-driven activities and programmes, consistent with national priorities and objectives and in accordance with the following programme priorities, recognizing that economic and social development and **poverty eradication** are the first and overriding priorities of developing countries, and taking fully into consideration all relevant decisions from the Conference of the Parties.

4.4 Conservation and protected areas (Article 8(A)-(F))

(a) **Community-conserved areas**;

(d) Addressing the long-term financial sustainability of protected areas, including through different mechanisms and instruments;

4.6 **Traditional** knowledge (Article 8(j)) and related provisions)

(a) Building the capacity of **indigenous and local communities** to develop strategies and systems for the protection of **traditional knowledge**;

(b) Enhancement of national capacities for the establishment and maintenance of mechanisms to protect **traditional knowledge** at national and subnational levels;

(c) Development of national action plans for the retention of **traditional knowledge** relevant to conservation and sustainable use of biological diversity;

(d) Implementation of the priority activities identified in the programme of work on **Article 8(j)** and related provisions;

(e) Projects that strengthen the **involvement of local and indigenous people** in the conservation of biological diversity and sustainable use of its components.

4.11 Access to genetic resources (Article 15)

(e) Within biodiversity projects, other specific **benefit-sharing** initiatives such as support for entrepreneurial developments by **local and indigenous communities**, facilitation of financial sustainability of projects promoting the sustainable use of genetic resources, and appropriate targeted research components.

4.12 Access to and transfer of technology (Article 16)

(a) Implementation of the programme of work on technology transfer and technological and scientific cooperation, consistent with Articles 16 to 20 of the Convention and based on needs and priorities identified by developing country Parties and Parties with economies in transition, in particular:

(iv) Building capacities of, and empowering, **indigenous and local communities** and all relevant stakeholders with respect to access to and use of relevant technologies;

Section E of the Annex is a review of the effectiveness of the financial mechanism. The following actions were suggested by the Conference of Parties for the Global Environment Facility:

2. The Global Environment Facility should take the following action to further improve the effectiveness of the financial mechanism:

2.8 Gender

(a) Including **gender, indigenous peoples and local communities'** perspectives in the financing of biodiversity and ecosystem services.

X/25. Additional guidance to the financial mechanism

As part of the Programme of Work on Additional Guidance to the financial mechanism, the Conference of Parties gave the following provisions for the implementation of the programme of work:

The Conference of Parties

Article 8(j) and related provisions

12. *Invites* the Global Environment Facility, international funding institutions and development agencies and relevant non-governmental organizations, where requested, and in accordance with their mandates and responsibilities, to consider providing assistance to **indigenous and local communities**, particularly **women**, to raise their awareness and to build capacity and understanding of the elements of the code of ethical conduct.

X/28. Inland waters biodiversity

The Programme of Work on Inland waters biodiversity includes the following recommendations from the Conference of Parties:

The Conference of Parties

10. *Urges* Parties, other Governments and relevant organizations to reinforce their efforts for the implementation of the programme of work on the biological diversity of inland water ecosystems, taking into account the relevant goals and Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020; and *encourages* Parties, other Governments and relevant organizations to reinforce capacity for the implementation of the programme of work, including institutional coordination, with particular emphasis on the contribution of the programme of work to the achievement of sustainable development, **poverty alleviation** and achieving the Millennium Development Goals by, *inter alia*:

(j) Ensuring the **participation** of relevant stakeholders in the management of inland waters in decision-making regarding policies and actions that involve the conservation and sustainable use of inland water ecosystems and contribute to the **alleviation of poverty**.

X/29. Marine and coastal biodiversity

One section of the Programme of Work on Marine and coastal biodiversity is an in-depth review of the progress made on implementation of the elaborated programme of work, as described in Annex I to decision VII/5. The following provisions were emphasised as part of the in-depth review:

The Conference of Parties

8. *Stressing* the importance of marine and coastal biodiversity to the mitigation of and adaptation to climate change, *invites* Parties, other Governments, relevant organizations, and **indigenous and local communities**, to address climate-change adaptation and mitigation issues, in line with the decisions on the in-depth review of work on biodiversity and climate change (see decision X/33 on biodiversity and climate change) by:

- (a) Highlighting the role and potential of marine and coastal ecosystems, such as coral reefs and estuaries, and habitats such as tidal salt marshes, mangroves and seagrasses;
- (b) Extending their efforts in identifying current scientific and policy gaps in order to promote sustainable management, conservation and enhancement of natural carbon sequestration services of marine and coastal biodiversity;
- (c) Identifying and addressing the underlying drivers of marine and coastal ecosystem loss and destruction, and improving the sustainable management of coastal and marine areas; and
- (d) Enhancing their efforts to increase the resilience of coastal and marine ecosystems, through, *inter alia*, improved implementation, towards achieving the 2012 target of establishing marine protected areas, consistent with international law and based on best scientific information available, including representative networks;

13. *Reaffirming* that the programme of work still corresponds to global priorities, has been further strengthened through decisions VIII/21, VIII/22, VIII/24, and IX/20, but is not fully implemented, therefore *encourages* Parties to continue to implement these programme elements, and *endorses* the following guidance, where applicable and in accordance with national capacity and circumstances, for enhanced implementation:

- (b) Further efforts on promoting **full and effective participation** of **indigenous and local communities**, in line with programme element 2 of the programme of work on protected areas (decision VII/28), ensuring that the establishment and management of marine and coastal protected areas aims to make a direct contribution, where appropriate, to **poverty alleviation** (decision VII/5, annex I, paragraph 8);

15. *Urges* Parties and other Governments to achieve long-term conservation, management and sustainable use of marine resources and coastal habitats, and to effectively manage marine protected areas, in accordance with international law, including the United Nations Convention on the Law of the Sea, in order to safeguard marine and coastal biodiversity and marine ecosystem services, and **sustainable livelihoods**, and to adapt to climate change, through appropriate application of the precautionary approach and **ecosystem approaches**, including the use of available tools such as integrated river basin and integrated coastal zone management, marine spatial planning, and impact assessments;

34. *Recalling* decision IX/20, identification of ecologically or biologically significant areas (EBSAs) should use the best available scientific and technical information and, as appropriate, integrate the **traditional** scientific, technical, and technological knowledge of **indigenous and local communities**, consistent with **Article 8(j)** of the Convention;

47. *Recalling* decision IX/20, paragraph 27, *requests* the Executive Secretary to undertake, subject to availability of financial resources, a study, within a context of **Article 8(j)** and related provisions, to identify specific elements for integrating the **traditional**, scientific, technical and technological knowledge of **indigenous and local communities**, consistent with **Article 8(j)** of the Convention, and social and **cultural** criteria and other aspects for the application of scientific criteria in annex I to decision IX/20 for the identification of ecologically or biologically significant areas as well as the establishment and management of marine protected areas, and make the report available at the eleventh meeting of the Conference of the Parties to the Convention and transmit the findings to the relevant United Nations General Assembly processes, including the Ad Hoc Open-ended Informal Working Group;

75. *Requests* the Executive Secretary, subject to availability of financial resources, to compile and synthesize available information in collaboration with Parties, other Governments and relevant organizations on their experiences and use of marine spatial planning, in particular on ecological, economic, **social, cultural** and other principles used to guide such planning and the use of area-based management tools, and to make such information available for consideration at a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties.

X/30. Mountain biological diversity

As part of the expanded Programme of Work on Mountain biological diversity, the Conference of Parties described the status and trends of mountain biological diversity:

The Conference of Parties

2. *Invites* Parties, other Governments, relevant organizations and **indigenous and local communities** to collect and update information periodically, *inter alia*, for use in the thematic portal to monitor the changes and disseminate information on:

(a) Mountain biological diversity including on sites of biological, ecological and socio-economic importance, in particular the mountain biosphere reserves, on ecosystem services, on endangered and endemic species, and on genetic resources, including, in particular, genetic resources for food and agriculture;

(b) Related **traditional knowledge** and **cultural** dimensions of mountain biological diversity;

Programme element 1 of the Programme of Work on Mountain biological diversity describes direct actions for conservation, sustainable use and benefit-sharing:

3. *Invites* Parties, other Governments, relevant organizations and **indigenous and local communities** to:

(a) Enhance the effectiveness of management in existing mountain protected areas;

(b) Establish effectively and appropriately managed protected areas in line with the programme of work on protected areas to safeguard the highest priority key biodiversity areas in mountain ecosystems;

(c) Establish, *inter alia*, conservation corridors and connectivity, where appropriate and possible and taking into account in particular, endemic species, while avoiding the spread of invasive alien species, and transboundary mountain protected area systems, taking into account the need to integrate protected areas into wider landscapes;

5. *Encourages* Parties, other Governments, relevant organizations and **indigenous and local communities**, to address climate-change and adaptation and mitigation issues for mountain biological diversity, taking into account decision X/33 on the in-depth review of work on biodiversity and climate change by:

(c) Developing, strengthening and implementing policies favourable to: the implementation of all three objectives of the Convention on Biological Diversity in mountain ecosystems in a balanced manner, reducing the impact of climate change on mountain biological diversity and related **traditional knowledge**, enhancing resilience, and addressing unsustainable agriculture practices;

Programme Element 2 of the Programme of Work on Mountain biodiversity describes the means of implementation for conservation, sustainable use and benefit-sharing:

The Conference of Parties

11. *Encourages* Parties, other Governments and relevant organizations to develop upland-lowland interactions, with the aim of strengthening the implementation of all three objectives of the Convention on Biological Diversity in mountain ecosystems in a balanced manner and of strengthening provision of ecosystem services and thus contributing to ensuring the well-being of people.

X/31. Protected areas

Part A of the Programme of Work on Protected Areas concerns strategies for strengthening implementation:

The Conference of Parties

1. *Invites* Parties to:

(b) Develop a long-term action plan or reorient, as appropriate, relevant existing plans, taking into account national circumstances and priorities, involving all relevant stakeholders including **indigenous and local communities**, for the implementation of the programme of work on protected areas, including appropriate implementation mechanisms, and, where appropriate, detailing list of activities, timelines, budget and responsibilities, based upon the results of key assessments of the programme of work on protected areas, with a view to contributing to the implementation of the Strategic Plan for Biodiversity 2011-2020 and *requests* the Executive Secretary to submit a report on the preparation of such plans to the Conference of the Parties at its eleventh meeting;

(g) Carry out communication plans to promote information sharing on, and the understanding of, the importance of protected areas so as to increase support for them among decision-makers and stakeholders of key sectors at all levels of government, community and non-governmental organizations on the benefits of protected areas to national and subnational economies, securing ecosystem services, public health, maintenance of **cultural** values, sustainable development and climate-change adaptation and mitigation;

(i) Take note as appropriate of the **United Nations Declaration on the Rights of Indigenous Peoples**⁸⁰ in the further implementation of the programme of work on protected areas;

7. *Requests* the Executive Secretary, subject to available funds, to:

(d) Support the global Friends of the Programme of Work on Protected Areas network including through the **involvement** of, among other actors, **indigenous and local communities**, relevant international organizations and technical networks;

Part B of the Programme of Work on Protected Areas describes issues that need greater attention within the programme of work:

The Conference of Parties

10. *Invites* Parties to:

(a) Develop and implement sustainable finance plans in accordance with national legislation and systems, for protected-area systems by 2012 and support individual protected areas, based on realistic needs assessments and a diversified portfolio of **traditional** and innovative financial mechanisms, such as, *inter alia*, payments for ecosystem services, as appropriate;

14. *Invites* Parties to:

⁸⁰ General Assembly resolution 61/295 of 13 September 2007, annex.

(b) Enhance scientific knowledge and the use of the **ecosystem approach** as well as **traditional** and **indigenous knowledge** to support the development of adaptive management plans and to improve management effectiveness of protected areas for addressing impacts from climate change on biodiversity;

17. *Invites* the Conference of the Parties to the United Nations Framework Convention on Climate Change to consider **ecosystem-based approaches** to adaptation and in particular on the role of protected areas as an effective mechanism/tool to build the resilience of **vulnerable communities** and ecosystems;

19. *Invites* Parties, taking into account the target for goal 1.4 of the programme of work, which calls for all protected areas to have effective management in existence by 2012 using **participatory** and science-based site-planning processes with **full and effective participation** of stakeholders, and *noting* that to assess the effectiveness of the management, specific indicators may also be needed to:

(b) Include information on governance and **social impacts** and benefits of protected areas into the management effectiveness evaluation process;

27. *Requests* the Executive Secretary in collaboration with the IUCN World Commission on Protected Areas and other partners, including **indigenous and local communities**, in supporting the programme of work to explore and evaluate existing methodologies and guidelines for measuring the values, costs and benefits of protected areas, bearing in mind the characteristics of the different biomes and ecosystems, building on existing work, including on the findings of The Economics of Ecosystems and Biodiversity (TEEB) study, and disseminate the results of the evaluation for Parties to apply if need be;

29. *Invites* Parties to:

(a) Increase understanding of and communicate the role, importance and costs and benefits of protected areas in sustaining **local livelihoods**, providing ecosystems services, reducing risks from natural disasters, adapting to and mitigating climate change, health, water and other sectors, at all levels;

30. *Encourages* Parties to:

(a) Enhance coordination at the national level between the programme of work on protected areas and other related processes under the Convention on Biological Diversity, including, *inter alia*, the programmes of work on forest biological diversity and marine and coastal biological diversity, the work on **access and benefit-sharing** and **Article 8(j)** and related provisions of the Convention, and the processes related to the Addis Ababa Principles and Guidelines for the Sustainable Use of Biological Diversity⁸¹ and the **Akwé: Kon 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**⁸² for exchange of information on implementation of these programmes and recommendations on possible joint actions for enhanced implementation;

(b) Promote integration of the provisions of **access and benefit sharing** in regard to the third objective of the Convention in the governance of protected areas and support initiatives on the role of protected areas in **poverty alleviation** as well as for **indigenous and local community** livelihoods;

31. *Invites* Parties to:

(a) Establish clear mechanisms and processes for equitable cost and **benefit-sharing** and for **full and effective participation** of **indigenous and local communities**, related to protected areas, in accordance with national laws and applicable international obligations;

⁸¹ Decision VII/12, annex.

⁸² Decision VII/16 F, annex.

(b) Recognize the role of **indigenous and local community** conserved areas and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types;

32. *Recalling* paragraph 6 of decision IX/18 A, *further invites* Parties to:

(a) Improve and, where necessary, diversify and strengthen protected-area governance types, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, **indigenous, local and other community-based organizations**;

(b) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and **indigenous and local community** conserved areas within the national protected area system through acknowledgement in national legislation or other effective means;

(c) Establish effective processes for the **full and effective participation** of **indigenous and local communities**, in full respect of their rights and recognition of their responsibilities, in the governance of protected areas, consistent with national law and applicable international obligations;

(d) Further develop and implement measures for the **equitable sharing of both costs and benefits** arising from the establishment and management of protected areas and make protected areas an important component of **local** and global sustainable development consistent with national legislations and applicable international obligations;

(e) Include **indigenous and local communities** in multi-stakeholder advisory committees, in consultations for national reporting on the programme of work on protected areas, and in national reviews of the effectiveness of protected-area system;

33. *Invites* Parties to:

(c) Consider voluntary in-depth reporting using standardized indexes and taxonomies including the proposed global registry of **indigenous and community** conserved areas, where applicable.

X/32. Sustainable use of biodiversity

The expanded Programme of Work on Sustainable use of biodiversity contains the following provisions from the Conference of Parties:

The Conference of Parties

2. *Invites* Parties and other Governments to:

(a) Implement the recommendations of the Liaison Group on Bushmeat for the conservation and sustainable use of bushmeat, where appropriate, while taking into consideration Article 10 (c) as related to **customary sustainable** hunting practices for the livelihoods of **indigenous and local communities**;

(e) Address obstacles and devise solutions to protect and encourage **customary sustainable use** of biodiversity by **indigenous and local communities**, for example by incorporating **customary sustainable use** of biological diversity by **indigenous and local communities** into national biodiversity strategies, policies, and actions plans, with the **full and effective participation** of **indigenous and local communities** in decision-making and management of biological resources;

(f) Recognize the value of human-influenced natural environments, such as farmlands and secondary forests, including those that have been created and maintained by **indigenous and local communities**, and promote efforts in such areas that contribute to the achievement of all objectives of the Convention, in particular the sustainable use and conservation of biodiversity and **traditional knowledge**;

(i) Encourage, *inter alia*, the application of the “polluter-pays principle”, and effective market-based instruments that have the potential to support the sustainable use of biodiversity and improve the sustainability of supply chains, such as voluntary certification schemes, responsible consumption practices, green procurement by public administrations, improving chain-of-custody, including traceability of commodities derived from biodiversity, and other authentication schemes including markers identifying products of **indigenous and local communities**, consistent and in harmony with the three objectives of the Convention and other relevant international obligations;

3. *Invites* Parties, other Governments, and relevant international and other organizations to:

(c) Encourage the private sector to adopt and apply the Addis Ababa Principles and Guidelines and compatible provisions of the Convention in sectoral and corporate strategies, standards and practices, and facilitate such efforts of the private sector;

(d) Recognize and support the contribution of landscape-level initiatives such as the Man and Biosphere Programme of the United Nations Educational, Scientific and **Cultural** Organization, the International Model Forest Network, and other similar initiatives for fostering the establishment of partnerships for the dissemination of knowledge, building capacity and promoting sustainable use, including **customary use**, and for the sustainable management of natural resources;

(e) Welcome and strengthen initiatives that link biodiversity, development, and **poverty alleviation**, for example the BioTrade initiative of United Nations Conference on Trade and Development;

7. *Recognizes* and *supports* further discussion, analysis and understanding of the *Satoyama* Initiative to further disseminate knowledge, build capacity and promote projects and programmes for the sustainable use of biological resources, and promote synergy of the *Satoyama* Initiative with other initiatives or activities including the Man and the Biosphere Programme of the United Nations Educational, Scientific and **Cultural** Organization, the International Model Forest Network, and other initiatives that include **community-conserved areas** that are developed and managed by **local and indigenous communities** to advance understanding and implementation **of customary use** in accordance with Article 10(c) of the Convention on Biological Diversity.

X/33. Biodiversity and climate change

The expanded Programme of Work on Biodiversity and climate change contains the following recommendations for its implementation:

The Conference of Parties

8. *Invites* Parties and other Governments, according to national circumstances and priorities, as well as relevant organizations and processes, to consider the guidance below on ways to conserve, sustainably use and restore biodiversity and ecosystem services while contributing to climate-change mitigation and adaptation:

(i) Recognize the role of **indigenous and local community** conserved areas in strengthening ecosystem connectivity and resilience across the sea and landscape thereby maintaining essential ecosystem services and supporting biodiversity-based livelihoods in the face of climate change;

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

(v) In planning and implementing effective climate-change mitigation and adaptation activities, including renewable energies, take into account impacts on biodiversity and the provision of ecosystem services and avoid the conversion or degradation of areas important for biodiversity through:

(i) Considering **traditional knowledge**, including the **full involvement** of **indigenous and local communities**;

9. *Requests* the Executive Secretary to:

(g) With regard to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries, collaborate with the secretariat of the United Nations Forum on Forests, the Facility Management Team of the Forest Carbon Partnership Facility and the Climate Investment Funds Administrative Unit of the World Bank, the secretariat of the United Nations Framework Convention on Climate Change, the secretariat of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, and the other members of Collaborative Partnership on Forests, as well as the Low Forest Cover Countries secretariat and in collaboration with Parties through their national focal points for the Convention on Biological Diversity to provide advice, for approval by the Conference of the Parties at its eleventh meeting, including on the application of relevant safeguards for biodiversity, without pre-empting any future decisions taken under the United Nations Framework Convention on Climate Change, based on effective consultation with Parties and their views, and with the **participation** of **indigenous and local communities**, so that actions are consistent with the objectives of the Convention on Biological Diversity and avoid negative impacts on and enhance benefits for biodiversity;

(l) Compile and synthesize available scientific information, and views and experiences of **indigenous and local communities** and other stakeholders, on the possible impacts of geo-engineering techniques on biodiversity and associated social, economic and **cultural** considerations, and options on definitions and understandings of climate-related geo-engineering relevant to the Convention on Biological Diversity and make it available for consideration at a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice prior to the eleventh meeting of the Conference of the Parties;

13. *Bearing in mind* the respective independent legal status and mandates of the three Rio conventions and the different composition of Parties, and the need to avoid duplication and promote resource efficiency and, based upon this, for the purpose of enhancing the capacity of countries, particularly developing countries, to implement the decisions of the Conference of the Parties' related to biodiversity, climate change and desertification/land degradation and to promote cooperation, noting the actions in decision IX/16 and the current serious knowledge and information gap in evaluating biological vulnerability as a result of climate change:

(b) *Invites* the conferences of the parties to the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification to collaborate with the Convention on Biological Diversity, through the Joint Liaison Group of the three Rio conventions, as appropriate, with a view to:

(ii) Exploring the possibility of convening, subject to the availability of financial resources and prior to Rio+20, a joint preparatory meeting between the three Rio conventions, including, if appropriate, the participation of indigenous and local communities, to consider possible joint activities while respecting existing provisions and mandates, and to identify areas for Party-driven collaboration and submit these to the next Conferences of the Parties to each of the three conventions for their consideration.

X/34. Agricultural biodiversity

As part of the expanded Programme of Work on Agricultural Biodiversity, the Conference of Parties made the following recommendations:

The Conference of Parties

5. Requests the Executive Secretary and invites the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture to work together in their design of the second phase of their joint work plan covering at least until 2017 focusing on refinements required as a result of the Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020, but also considering, as necessary, *inter alia*:

(d) A review of the trends on the extent of patents and other intellectual property rights, such as plant variety protection, applied for and granted over plant, animal and microbial genetic resources, including relevant forest and pasture and rangeland genetic resources, as identified by the Global Assessments of Biodiversity for Food and Agriculture of the Food and Agriculture Organization of the United Nations, including the impacts of such property rights on local and indigenous communities, and small-scale farmers in developing countries, bearing in mind action item VI.1 of the Strategic Plan 2010-2017 for the implementation of the multi-year programme of work approved at the twelfth regular session of the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations. This review should include, where appropriate, the impact on food security when genetic resources are patented or intellectual property rights are acquired for other sectors such as the pharmaceutical, cosmetic and other types of industries;

(g) Ways and means to strengthen cooperation to:

(i) Obtain and consider the views of farmers' and producers' organizations and the views of indigenous and local communities; and

(ii) Facilitate their effective participation in the deliberations of the Conference of the Parties to the Convention on Biological Diversity and of the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture and their contributions to the implementation of the work of these bodies, as appropriate;

(m) Further exploring possibilities for actions, where necessary, to rehabilitate agricultural ecosystems and landscapes and restore their socio-economic functions on land where agriculture has declined, or ceased, and where the land was degraded as a result, with the full and effective participation of indigenous and local communities, where appropriate;

8. Invites Parties and other Governments to take action, taking into account national circumstances, to support, among others, farmers in *in-situ* conservation of traditional and local varieties, races and breeds and efforts to conserve crop wild relatives as means to ensure food security and nutrition and support traditional lifestyles, consistent and in harmony with the Convention on Biological Diversity and relevant international obligations;

12. *Recognizes* the importance of agricultural biodiversity and scientific, informal and **traditional knowledge** systems to the achievement of the objectives of the Convention, especially with regards to agricultural biodiversity, and *recognizes* the lead role of the Food and Agriculture Organization of the United Nations in supporting the implementation of the programme of work on agricultural biodiversity as well as related **traditional knowledge** systems, while also *recognizing* the important contributions and roles of other partners in this regard, including those of **indigenous and local communities**;

18. *Requests* the Executive Secretary and *invites* the Food and Agriculture Organization of the United Nations and Bioversity International, together with other relevant partners, including **indigenous and local communities**, subject to available resources, to provide further information on the nature of sustainable use of agricultural biodiversity and sustainable agriculture, including building upon information contained in the information note submitted by Bioversity International to the fourteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice;⁸³

20. *Recognizes also* the importance of agro-ecosystems, in particular rice-paddy and oasis systems, for the conservation and sustainable use of biodiversity, and *invites* the Food and Agriculture Organization of the United Nations, subject to resources, and in consultation with the Executive Secretary and relevant partners, including **indigenous and local communities**, to undertake further studies on the valuation of the biodiversity and ecosystem services provided by agricultural ecosystems, in order to further support policy-relevant guidance to Parties for consideration by the Conference of the Parties at its eleventh meeting, consistent and in harmony with the Convention on Biological Diversity and other relevant international obligations.

X/35. Biodiversity of dry and sub-humid lands

The Programme of Work on the Biodiversity of dry and sub-humid lands contains the following provisions from the Conference of Parties:

The Conference of Parties

2. *Urges* Parties and other Governments, where appropriate, to:

(a) Develop and implement, or revise existing, drought-management plans and early-warning systems at all levels, including regional and subregional and basin-level management plans, taking into account the impact of drought and desertification on biodiversity and the role of biodiversity and actions to combat desertification in increasing the resilience of dry and sub-humid lands, seeking:

(ii) To direct biodiversity management for the prevention of desertification, including through the **involvement** of all stakeholders, particularly **women** and **pastoralists** and other **indigenous and local communities** and, as appropriate, in accordance with **traditional community-based strategies**, particularly through **customary use** systems;

(b) Integrate issues related to dry and sub-humid lands into relevant national strategies, plans and programmes, in particular, revised national biodiversity strategies and action plans, national action programmes to combat desertification, and national adaptation programmes of action with a view to improving and harmonizing implementation where possible, with the **full and effective participation** of **indigenous and local communities**;

⁸³ UNEP/CBD/SBSTTA/14/INF/34.

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

7. *Encourages* Parties, other Governments and relevant organizations to make use of the information contained in the note by the Executive Secretary on integration of climate-change impacts and response activities within the programme of work on the biodiversity of dry and sub-humid lands,⁸⁴ as well as in decision IX/16⁸⁵, with the **full and effective participation** of **indigenous and local communities**, in their future work on integrating climate change into the implementation of the programme of work on the biodiversity of dry and sub-humid lands;

8. *Requests* the Executive Secretary, in collaboration with the Secretariat of the United Nations Convention to Combat Desertification (UNCCD) and, as far as possible, the Secretariat of the United Nations Framework Convention on Climate Change, as well as other relevant partners, to:

(b) Publish, subject to the availability of financial resources, a peer-reviewed special CBD Technical Series report on the value of dry and sub-humid lands similar to the Technical Series reports on valuing wetlands and forests, taking into account the role of **pastoralists** and other **indigenous and local communities** in the conservation and sustainable use of the biodiversity of dry and sub-humid lands and their associated **traditional knowledge** with a view to making the report available in time for the second Scientific Conference of the Committee on Science and Technology of the United Nations Convention to Combat Desertification;

9. *Also requests* the Executive Secretary to expand:

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

10. *Noting* the guidance on **pastoralism** contained in the good practice guide on **pastoralism**, nature conservation and development,⁸⁶ *further requests* the Executive Secretary to identify:

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

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

⁸⁴ UNEP/CBD/SBSTTA/14/6/Add.1.

⁸⁵ The CBD, COP Decision IX/16: 'Biodiversity and Climate Change'

⁸⁶ <https://www.cbd.int/development/doc/cbd-good-practice-guide-pastoralism-booklet-web-en.pdf>.

X/37. Biofuels and biodiversity

As part of the expanded Programme of Work on Biofuels and biodiversity, the Conference of Parties recognised the following provisions:

The Conference of Parties

Recognizing that improved scientific, environmental and socio-economic research and assessments, open and transparent consultation, with the **full and effective participation** of the concerned **indigenous and local communities**, and sharing of best practices, are crucial needs for the continuing improvement of policy guidance and decision-making to promote the positive and minimize or avoid the negative impacts of biofuels on biodiversity and impacts on biodiversity that affect related socioeconomic conditions and to address the gaps in scientific knowledge and concerns that exist regarding such impacts,

Aware in particular of the potential positive and negative impacts of the production and use of biofuels on the conservation and **customary use** of biodiversity by **indigenous and local communities**, and the consequences for their well-being,

2. *Recognizes* that the impacts of the production and use of biofuels on biodiversity can affect, positively or negatively, related socio-economic conditions, including food and energy security, as well as the consideration of land tenure and resource rights, including water, where relevant for the implementation of the Convention on Biological Diversity, *recognizing*, in particular, the implications for **indigenous and local communities**;

3. *Invites* Parties, other Governments and relevant organizations and stakeholders to examine, and as appropriate, to further develop, based on scientific assessments on the impacts of biofuel production and use, and with the **full and effective participation** of **indigenous and local communities**, voluntary conceptual frameworks for ways and means to promote the positive and minimize or avoid the negative impacts of biofuel production and use developed by the three regional workshops. In further developing such voluntary conceptual frameworks, an effort should be made to focus the framework on the impacts of biofuels on biodiversity, and impacts on biodiversity that affect related socio-economic conditions and food and energy security resulting from the production and use of biofuels, as decided by the Conference of the Parties at its ninth meeting in decision IX/2;

4. *Urges* Parties and other Governments, with the **full and effective participation** of **indigenous and local communities** and in collaboration with other relevant stakeholders and relevant organizations, when carrying out scientific assessments of the impacts of biofuel production and use, to ensure that the sustainable agricultural practices and food and energy security of **indigenous and local communities** are addressed and respected, subject to national legislation, taking into account the **customary laws** of **indigenous and local communities**, where applicable;

5. *Recognizes* the need to include ways and means to promote the positive and minimize or avoid the negative impacts of biofuel production and use on biodiversity, and on **indigenous and local communities**, in national plans, such as national biodiversity strategies and action plans and national development plans, and *invites* Parties, as appropriate, to report in this regard as part of their fifth national reports under the Convention on Biological Diversity;

7. *Invites* Parties, acknowledging different national conditions, other Governments and relevant organizations, bearing in mind ecosystem functions and services, to:

(a) Develop, national inventories so as to identify areas of high biodiversity value, critical ecosystems, and areas important to **indigenous and local communities**; and

(b) Assess and identify areas and, where appropriate, ecosystems that could be used in, or exempted from, the production of biofuels;

(a) so as to assist policy-makers in applying appropriate conservation measures and identifying areas deemed inappropriate for biofuel feedstock production, to promote the positive and minimize or avoid the negative impacts of biofuel production and use on biodiversity, with the **full and effective participation** of **indigenous and local communities** and stakeholders, applying relevant impact assessments;

9. *Encourages* Parties, other Governments and relevant organizations to address impacts of the production and use of biofuels on biodiversity and the services it provides, and impacts on biodiversity that affect related socio-economic conditions, in developing and implementing land-use and water policies and other relevant policies and/or strategies, in particular by addressing direct and indirect land use and water use changes affecting, amongst others, areas of high value for biodiversity and areas **of cultural, religious and heritage interest** and **indigenous and local communities**.

X/38. Invasive alien species

Section B of the Programme of Work on Invasive alien species concerns other matters related to invasive alien species and includes the following provision from the Conference of Parties:

The Conference of Parties:

9. *Further requests* the Executive Secretary to:

(d) Ensure **full and effective participation** and of **indigenous and local communities** in addressing issues of invasive alien species for the purpose of utilizing the **traditional knowledge**.

X/39. Global Taxonomy Initiative

The Conference of Parties made the following recommendation in relation to the expanded Programme of Work on the Global Taxonomy Initiative:

The Conference of Parties:

15. *Welcomes* the section on taxonomy as part of the statement and recommendation from UNESCO International Year of Biodiversity Science Policy Conference, held at UNESCO Headquarters, Paris from 25 to 29 January 2010 and *urges* Parties and *invites* other Governments and relevant organizations to support and implement, as appropriate, in accordance with all three objectives of the Convention on Biological Diversity and, where applicable, with **prior informed consent** and/or approval and **involvement of indigenous and local communities**, as well as relevant national legislation, the following recommendations for scaling up and sustaining taxonomy resulting from this Conference:

(a) Supporting **indigenous and local communities** in capturing and preserving their taxonomic knowledge.

X/40. Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention

Section A of the Programme of Work on Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention describes Capacity-building efforts as part of the implementation of the programme of work:

The Conference of the Parties

1. *Welcomes with appreciation* the capacity-building efforts for **indigenous and local communities** by the Secretariat, in partnership with the Government of Spain and the **Indigenous Women's Biodiversity Network** of the Latin American and Caribbean region, on issues relevant to **Article 8(j)** and related provisions and Article 15 on **access and benefit-sharing**, especially in anticipation of the adoption and post-2010 implementation of the international regime on access and **benefit-sharing**, and *encourages* Parties to continue such efforts;
2. *Welcomes* the series of regional and subregional workshops aimed at capacity-building for **indigenous and local communities** carried out by the Secretariat in partnership with Parties, in support of the enhanced implementation through web-based technologies of the Guidelines on Biodiversity and Tourism Development developed under the Convention on Biological Diversity;⁸⁷
3. *Encourages* the Secretariat to continue its efforts to facilitate the effective implementation of decisions regarding capacity-building⁸⁸ through workshops using a train-the-trainer methodology and extending opportunities to all regions, with a view to increasing the number of **indigenous and local community** representatives, particularly **women**, who are familiar with and **participate** in the work of the Convention, including its implementation at the national and **local** level;
4. *Invites* Parties, Governments and relevant organizations, including **indigenous and local community** organizations, to consider collaborating with the Secretariat to establish similar initiatives in other regions, with the view to building and strengthening the capacity of **indigenous and local community** representatives, particularly **women** and young people, to effectively **participate** in the work of the Convention;
5. *Requests* the Executive Secretary to continue to convene, subject to the availability of financial resources, regional and subregional capacity-building workshops and exchange of experience on issues relevant to **Article 8(j)**, Article 10(c) and Article 15, to assist **indigenous and local communities** in their **effective participation** in the work of the Convention, with the view of strengthening their capacity;
6. *Also requests* the Executive Secretary to continue to convene, subject to the availability of financial resources, regional and subregional workshops aimed at capacity-building for **indigenous and local communities** in support of the enhanced implementation of the Guidelines on Biodiversity and Tourism Development under the Convention on Biological Diversity through enhanced marketing strategies and web-based technologies, for dry and sub-humid lands and for mountains and to report the results to the Working Group on **Article 8(j)** and Related Provisions for consideration at its seventh meeting.

Section B of the Programme of Work on the Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention is entitled: 'Development of communications, mechanisms and tools to facilitate the effective participation of indigenous and local communities in the work of the Convention'. The following provisions were included within Section B:

The Conference of the Parties

1. *Notes* the ongoing work concerning electronic mechanisms, such as the **Article 8(j)** homepage, the **Traditional Knowledge** Information Portal, and related initiatives and *requests* the Executive Secretary to monitor the use of these initiatives and consult with **indigenous and local communities** that are **participating** in the work of the Convention on gaps and short-comings and report the findings to next meeting of the Working Group on **Article 8(j)** and Related Provisions;

⁸⁷ Decision VII/14, annex.

⁸⁸ See decisions IX/13 D and E, as well as VIII/5 B and C and VII/16 annex, and V/16, annex II, task 4.

2. *Invites* the Executive Secretary to consult with Parties and **indigenous and local communities** to determine how the **Traditional Knowledge** Portal may continue to evolve to increase its effectiveness in assisting Parties and in particular national focal points, in their work regarding **Article 8(j)** and related provisions;
3. *Invites* Parties and Governments to submit national laws, legislation, policies, programme and other relevant information regarding the protection of **traditional knowledge** to the Secretariat to be publicized through the **Traditional Knowledge** Portal;
4. *Welcomes and encourages* the further development of the various non-electronic mechanisms, tools, products, to raise awareness about the role of **traditional knowledge** in attaining the goals of the Convention, and encourages their promotion after the International Year of Biodiversity;
5. *Requests* the Secretariat, subject to the availability of financial resources, to continue to develop both electronic and **traditional** and other means of **community**-education and public-awareness materials, and other means of communication, including in **indigenous and local languages**, and invites Parties to publicize such materials through **community** radio and other diverse media, in collaboration with international organizations, **indigenous and local communities**, and other stakeholders;
6. *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 Working Group on **Article 8(j)** and Related Provisions at its seventh meeting;
7. *Invites* Parties to consider designating national focal points for **Article 8(j)** and related provisions in support of national focal points, to facilitate communications with **indigenous and local community** organizations and to promote the effective development and implementation of the programme of work on **Article 8(j)** and related provisions.

Section C of the programme of work is entitled 'Participation of indigenous and local communities in the work of the Convention, including through the Voluntary Fund for Facilitating the Participation of Indigenous and Local Communities in the Convention Process'. The Conference of Parties noted the following in Section C:

The Conference of the Parties

1. *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 efforts and to report on the advancement of this work, along with the relevant statistics concerning the **participation of indigenous and local communities**, at the next meeting of the Working Group on **Article 8(j)** and Related Provisions;
2. *Invites* Parties, Governments and relevant funding institutions and mechanisms to contribute generously to the Voluntary Fund, noting that the **effective participation of indigenous and local communities** is essential to the work of the Convention and in achieving its three objectives;
3. *Invites* Parties to make efforts to include **indigenous and local-community** organizations who are mandated by their **community** to represent them in processes under the Convention and to be provided with opportunities to **effectively participate** in the Convention processes.

Finally, Section D of the programme of work describes other initiatives:

The Conference of the Parties

Welcomes creative initiatives and partnerships between private-sector representatives and indigenous and local community representatives, taking note of the indigenous and local communities, Business and Biodiversity Consultation and requests the Executive Secretary to report on such efforts at the seventh meeting of the Working Group on Article 8(j) and Related Provisions.

X/41. Elements of *sui generis* systems for the protection of traditional knowledge

The expanded Programme of Work on the Elements of sui generis systems for the protection of traditional knowledge contains the following recommendations from the Conference of Parties:

The Conference of Parties:

1. Notes that elements of *sui generis* systems, as set out in section II of the updated note by the Executive Secretary (UNEP/CBD/WG8J/6/5), include useful elements to consider as and when Parties and Governments develop *sui generis* systems for the protection of traditional knowledge, innovations and practices at local, national, regional and international levels;
2. Also notes that *sui generis* systems for the protection of the knowledge, innovations and practices of indigenous and local communities, should be developed taking into account customary laws, practices and community protocols, as appropriate, with the effective participation and approval and involvement of those communities;
3. Encourages Parties that have not yet considered or developed *sui generis* systems for the protection of traditional knowledge to take steps to do so, as appropriate;
4. Invites Parties to submit to the Executive Secretary information regarding elements of *sui generis* systems relevant to the protection of traditional knowledge they have adopted, including assessments of the effectiveness of such measures, whether they are local, subnational, national or regional in focus;
5. Invites Parties and Governments 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 boundaries, including *sui generis* systems that are being developed or have been developed and/or implemented, including evidence regarding the effectiveness of such measures;
6. Requests the Executive Secretary to continue to compile and make available through the clearing-house mechanism of the Convention information on measures taken by Parties for the development of *sui generis* systems for the protection of traditional knowledge, at various levels, including local, national, regional and international;
7. Invites Parties, indigenous and local communities and other relevant organizations to provide views through case-studies on how statutory laws and customary laws interact with regard to the protection of traditional knowledge, innovations and practices and for the results to be made available through the traditional knowledge portal of the clearing-house mechanism of the Convention and to the Working Group for consideration at its seventh meeting;
9. Notes the clear relationship between effective *sui generis* systems as may be developed adopted or recognized at various levels, implementation of access and benefit-sharing provisions and the need to prevent the misuse and misappropriation of traditional knowledge, innovations and practices of indigenous and local communities, as stated in decision VII/16 H;

10. *Notes* the decision of the General Assembly of the World Intellectual Property Organization (WIPO) at its thirty-eighth (nineteenth ordinary) session, held in Geneva from 22 September to 1 October 2009 to continue its work without prejudice to the work pursued in other forums, and “undertake text-based negotiations with the objective of reaching agreement on a text of an international legal instrument (or instruments), which will ensure the effective protection of genetic resources, **traditional knowledge**, and **traditional cultural expressions**”;

11. *Further notes*, in particular, the work of the Convention on Biological Diversity, in relation to *sui generis* systems for the protection of the **knowledge innovations and practices of indigenous and local communities** and in relation to the early establishment of a legally binding Protocol on **Access and Benefit-sharing**;

12. *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 the work undertaken under paragraph 6 above and to continue to positively contribute to the work of the Intergovernmental Committee.

X/43. Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity

The Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity contains the following provisions from the Conference of Parties:

The Conference of Parties:

3. *Urges* Parties, that have not yet submitted information regarding the implementation of the programme of work for **Article 8(j)** and related provisions, including on national **participation of indigenous and local communities**, to do so in consultation with **indigenous and local communities**, through the fourth national reports where possible, and in time for the seventh meeting of the Working Group on **Article 8(j)** and requests the Executive Secretary to analyse and summarize this information and make it available to the Working Group on **Article 8(j)** and Related Provisions at its seventh meeting;

5. *Decides* to revise the programme of work as adopted by decision V/16, as follows:

(b) To maintain ongoing tasks including 1, 2, 4, 7, 10 and 12 and based on the results of the work, identify any further activities needed to fulfil these tasks and *requests* Parties, Governments, relevant international organizations and **indigenous and local communities** to submit national approaches to facilitate these tasks, and furthermore *requests* the Executive Secretary to compile and analyse this information with a view to identifying minimum standards, best practices, gaps and lessons learned, for the consideration at the seventh meeting of the Working Group on **Article 8(j)** and Related Provisions;

8. *Decides* to include 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 and requests the Ad Hoc Working Group on **Article 8(j)** and Related Provisions, building on the Addis Ababa Principles and Guidelines, to develop further guidance on sustainable use and related incentive measures for **indigenous and local communities** and also consider 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 **approach**;

9. *Requests* Parties, **indigenous and local communities** and non-governmental organizations to submit information to the Executive Secretary regarding the implementation of Article 10 of the Convention, with a focus on Article 10(c), and requests the Executive Secretary to compile and analyse the information provided and to provide advice on how this component could be implemented to the seventh meeting of the Working Group on **Article 8(j)** and Related Provisions, to assist the Working Group in taking this task forward;

10. *Authorizes* the Secretariat to convene, subject to the availability of funds, an international meeting on Article 10 with a focus on Article 10(c), with the **participation** of Parties, Governments and international organizations, and representatives of **indigenous and local communities**, to provide advice on the content and implementation of the new major component for consideration at the seventh meeting of the Working Group on **Article 8(j)** and Related Provisions to assist the Working Group in taking this component forward;

As part of the subsection on ‘Indicators’, within the Programme of Work on The Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity, the following provisions are included by the Conference of Parties:

The Conference of Parties

Recognizing that the status and trends of linguistic diversity and numbers of speakers of **indigenous languages** is a useful indicator for the retention and use of **traditional knowledge**, if used along with other indicators,

Noting the importance of both qualitative and quantitative indicators to provide a broad picture of the status and trends of **traditional knowledge** and capture **indigenous and local community** realities within the framework of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets,

Taking note of the work carried out under the auspices of the Ad Hoc Open-Ended Working Group on **Article 8(j)** and Related Provisions, and 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 and the biodiversity targets,

14. *Adopts* the following proposed indicators:

(a) Status and trends in land-use change and land tenure in the **traditional** territories of **indigenous and local communities**;

(b) Status and trends in the practice of **traditional** occupations; to complement the already adopted indicator on the status and trends of linguistic diversity and numbers of speakers of **indigenous languages** in order to assess progress towards the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets;

15. *Invites* the International Labour Organization to explore the possibility of compiling data concerning the practice of **traditional** occupations and to provide advice on the use of this indicator for the consideration of the Working Group on **Article 8(j)** and Related Provisions at its seventh meeting;

16. *Further invites* the relevant agencies, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the International Land Coalition, to provide advice on the use on 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 seventh meeting;

17. *Requests* the Executive Secretary, in collaboration with Parties, Governments, international agencies, the Working Group on Indicators of the International **Indigenous** Forum on Biodiversity and interested parties, including the 2010 biodiversity indicators partnership, to pursue the ongoing refinement and use of the proposed indicators, also bearing in mind the implementation of Article 10 and the Strategic Plan for Biodiversity 2011-2020, including through further technical workshops, to consider availability of data, methodologies and coordinating organizations, and to report to the Working Group on **Article 8(j)** and Related Provisions at its seventh meeting to take these matters forward;

18. *Considering* the new emphasis being placed by Parties on the implementation of Article 10, requests the Executive Secretary, subject to the availability of funding, in collaboration with Parties, Governments, international agencies including the **United Nations Permanent Forum on Indigenous Issues**, the Working Group on Indicators of the International **Indigenous** Forum on Biodiversity, relevant non-governmental organizations, and the 2010 biodiversity indicators partnership, to explore, through further technical workshops, the development of appropriate indicators for **customary sustainable use** and to report on this matter to the Working Group on **Article 8(j)** and Related Provisions at its seventh meeting, so that this matter can be advanced within the framework of the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020;

19. *Further invites* Parties, international organizations, **indigenous and local communities** organizations and relevant stakeholders to provide views on the development of indicators on land tenure and requests the Executive Secretary to prepare an information note for the Working Group at its seventh meeting.

The program of work includes a subsection entitled 'Participation' which contains the following provisions:

The Conference of Parties

(a) Voluntary Fund

20. *Requests* the Secretariat, through the Voluntary Trust Fund to Facilitate the **Participation of Indigenous and Local Communities** in the Work of the Convention, to strengthen, where possible and subject to the availability of funding, the **participation of indigenous and local communities** in capacity-building workshops under the Convention, as appropriate;

(b) Local communities

21. *Noting* that the **involvement of local communities** in accordance with **Article 8(j)** has been limited for various reasons, *decides* to convene an ad hoc expert group meeting of **local-community** representatives, bearing in mind geographic and **gender** balance, with a view to identifying common characteristics of **local communities**, and gathering advice on how **local communities** can more **effectively participate** in Convention processes, including at the national level, as well as how to develop targeted outreach, in order to assist in the implementation the Convention and achievement of its goals;

The following provisions are included within the subsection 'Capacity-building, community education and public awareness' within the programme of work:

22. *Requests* the Executive Secretary to continue to work with donors and partners, with a view to increasing capacity-building efforts for **indigenous and local communities**, 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 **effective participation** in Convention processes, taking into account the negotiation, elaboration and implementation of the international regime on **access and benefit-sharing**;

23. *Further requests* the Executive Secretary to continue to develop communication, education and public awareness activities and products, including with the contributions of **indigenous and local communities**, to assist in the **community** education of **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**, especially the role of **indigenous and local community women**, and their **traditional knowledge** in conservation, sustainable use of biodiversity and other global issues, including climate change;

The Conference of Parties describes some technical guidelines for recording and documenting traditional knowledge, innovations and practices:

Recognizing that the documentation and recording of **traditional knowledge** should primarily benefit **indigenous and local communities** and that their **participation** in such schemes should be voluntary and not a prerequisite for the protection of **traditional knowledge**,

Noting the lead role the Convention on Biological Diversity plays regarding **traditional knowledge, innovations and practices** on biological diversity,

Further noting the work of other organizations concerning guidelines for documentation of **traditional knowledge**, such as the development of a toolkit for the documentation of **traditional knowledge** by the World Intellectual Property Organization, and documentation and **traditional knowledge** projects proposed by the United Nations Educational, Scientific and **Cultural** Organization and the desirability of harmonization of this work within the international system,

Further noting that documentation of the **traditional knowledge, innovations and practices** of **indigenous and local communities** for the purpose of safeguarding **traditional knowledge** should be conducted by **indigenous and local communities** with their **prior and informed consent** and remain under their ownership,

24. *Invites* Parties and Governments and international organizations to support and assist **indigenous and local communities** to maintain, control, protect and develop their **traditional knowledge, innovations and practices**, and by supporting capacity building and the development of necessary infrastructure and resources with the aim of enabling **indigenous and local communities** to make informed decisions regarding the documentation of **traditional knowledge**;

25. *Requests* the Executive Secretary to continue to collaborate with **United Nations Permanent Forum on Indigenous Issues**, the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization, to assist the World Intellectual Property Organization in completing its work on the development of the WIPO toolkit on the documentation of **traditional knowledge**, addressing both the potential benefits and threats of the documentation of **traditional knowledge** and, in collaboration with the World Intellectual Property Organization, to make the toolkit available through the clearing-house mechanism and the **Traditional Knowledge** Information Portal;

The Conference of Parties noted the following recommendations of the United Nations Permanent Forum on Indigenous Issues:

26. *Takes note* of the recommendation from the **United Nations Permanent Forum Indigenous Issues** which “requests Parties to consider, in the development, negotiation and adoption of the code of ethical conduct to ensure respect for the **cultural** and intellectual heritage of **indigenous and local communities** relevant to the conservation and sustainable use of biological diversity, that the standard established in the code adequately reflect relevant international standards, including the Declaration on the Rights of **Indigenous Peoples**”;

27. Takes note also of the report of the **Indigenous and Local Community**, Business and Biodiversity Consultation (UNEP/CBD/WG8J/6/INF/11), held at United Nations Headquarters in New York on 12-13 May 2009, and encourages further discussions with a view to ensuring the effective implementation of the Convention on Biological Diversity, through creative partnerships between stakeholders, while stimulating **community**-level businesses based on the sustainable use of biodiversity;

28. Requests the Executive Secretary to inform the **United Nations Forum on Indigenous Issues** at its next session of progress made on the code of ethical conduct to ensure respect for the **cultural** and intellectual heritage of **indigenous and local communities** relevant to the conservation and sustainable use of biological diversity.

The Programme of Work on The Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity contains an Annex entitled: ‘Terms of Reference of Task 15 of the Programme of Work on Article 8(j) and related provisions as presented in the note by the Executive Secretary on consideration and development of terms of reference for Task 15 of the Programme of Work for Article 8(j) and related provisions prepared for the Sixth Meeting of the Working Group on Article 8(j) and related provisions of the Convention on Biological Diversity (UNEP/CBD/WG8J/6/2/Add.2)’. The Annex contains the following provisions:

1. The purpose of task 15 is to develop guidelines that would facilitate repatriation of information, including **cultural** property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity, in order to facilitate the recovery of **traditional knowledge** of biological diversity.

2. Task 15 is to be interpreted in accordance with the provisions of the Convention and, in particular in light of **Article 8(j)** and related provisions.

3. Task 15 is intended to build on, and enhance, existing repatriation activities undertaken by Parties, Governments and other entities including museums, herbaria and botanical gardens, data-bases, registers, gene-banks, etc.

4. Stakeholders include, *inter alia*:

(a) Parties and Governments;

(b) Museums, herbaria, botanical 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 (and in particular UNPFII, UNESCO, WIPO);

(d) Representatives of **indigenous and local communities**;

(e) Relevant NGOs and IPOs with expertise on these issues.

5. The Secretariat shall:

(a) Compile and analyse submissions by Parties and other relevant organizations on national and/or international approaches for repatriation relevant to task 15, for consideration by the Working Group on **Article 8(j)** and Related Provisions at its seventh meeting, in order to establish best practices learned;

(b) Based on best practices, and advice from the Working Group, the Secretariat may develop for the consideration of the Working Group on **Article 8(j)** and Related Provisions:

(i) Best-practice guidelines for the initiation of national repatriation of information, including **cultural** property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity, in order to facilitate the recovery of **traditional knowledge** of biological diversity; and

(ii) Best-practice guidelines or a framework for the initiation of international repatriation of information, including **cultural** property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity, in order to facilitate the recovery of **traditional knowledge** of biological diversity.

6. Parties, Governments, international organizations, **indigenous and local community** organizations and non-Governmental organizations shall communicate to the Secretariat information on best practices for the repatriation of information, including **cultural** property relevant to task 15.

X/44. Incentive measures

The expanded Programme of Work on Incentive measures includes the following provision from the Conference of Parties:

The Conference of Parties

9. *Recognizing* that perverse incentives harmful for biodiversity are frequently not cost-efficient and/or not effective in meeting social objectives while in some cases use scarce public funds, *urges* Parties and other Governments to prioritize and significantly increase their efforts in actively identifying, eliminating, phasing out, or reforming, with a view to minimizing or avoiding negative impacts from, existing harmful incentives for sectors that can potentially affect biodiversity, taking into account target 3 of the Strategic Plan for Biodiversity 2011-2020, while acknowledging that doing so requires then the conduct of careful analyses of available data and enhanced transparency, through ongoing and transparent communication mechanisms on the amounts and the distribution of perverse incentives provided, as well as of the consequences of doing so, including for the livelihoods of **indigenous and local communities**.

X/45. Administration of the Convention and budget for the programme of work for the biennium 2011-2012

The Programme of Work on the Administration of the Convention and budget for the programme of work for the biennium 2011-2012 contains the following recommendation from the Conference of Parties:

The Conference of Parties:

18. *Takes note* of the funding estimates for the:

(b) Special Voluntary Trust Fund (BZ) for Facilitating **Participation** of Developing Country Parties, in particular the Least Developed and the Small Island Developing States, as well as Parties with Economies in Transition, for the biennium 2011-2012, as specified by the Executive Secretary and included in table 4 below,

and *urges* Parties to make contributions to those funds and to the VB Trust Fund for **participation** of **indigenous and local communities** in the activities of the Convention (see table 5 below).

COP XI

XI/1. Status of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and related developments

A. Further work in preparation for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol

Section A of the Programme of Work on the Status of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and related developments contains the following provision from the Conference of Parties:

The Conference of Parties

4. Invites Parties, other Governments, relevant international organizations, **indigenous and local communities** and all interested stakeholders to submit information to the Executive Secretary on model contractual clauses, codes of conduct, guidelines and best practices and/or standards;

B. The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)

Section B of the Programme of Work on the Status of the Nagoya Protocol includes further requests from the Conference of the Parties:

The Conference of Parties

1. Requests the Executive Secretary to conduct a broad consultation on Article 10 of the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization;

2. Invites Parties, other Governments, relevant international organizations, **indigenous and local communities**, and all interested stakeholders to contribute to the consultation referred to in paragraph 1 above by submitting their views with respect to Article 10, bearing in mind the indicative list of questions in part A of annex I below, as well as other perspectives on the matter, in particular the additional questions contained in part B of annex I;

4. Further requests the Executive Secretary, subject to the availability of funds, to convene a meeting of a regionally balanced expert group, including representatives from **indigenous and local communities**, to:

(i) review the synthesis referred to in paragraph 3 above⁸⁹, taking into account the views provided;

(ii) identify potential areas of common understanding with respect to Article 10; and

(iii) identify areas that could be further examined. The expert group shall submit the outcomes of its work for consideration by the third meeting of the Intergovernmental Committee, following the holding of the expert group meeting. Based on the conclusions of the work of the expert group, the third meeting of the Intergovernmental Committee should consider the need for an additional study, including on non-market-based approaches;

D. Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing country Parties, in particular the least developed countries and small island developing States

⁸⁹ Conference of Parties XI/1, Section 'B', Paragraph 3: 'Requests the Executive Secretary to prepare and distribute a synthesis of the views provided in the broad consultation;'

among them, and Parties with economies in transition, including those that are most environmentally vulnerable

Section D of the Programme of Work on the Status of the Nagoya Protocol includes the following invitation from the Conference of Parties:

The Conference of Parties

3. Invites Parties, other Governments and relevant organizations to undertake and provide support for capacity-building and development initiatives to support the ratification, early entry into force and implementation of the Protocol, taking into account the domestic needs and priorities of Parties and **indigenous and local communities** contained in annex II to this decision;

Annex II within the Programme of Work on the Status of the Nagoya Protocol is entitled: ‘Overview of measures to build or develop capacity to effectively implement the Protocol based on the needs and priorities of Parties and indigenous and local communities’:

	Key area: (a) capacity to implement, and to comply with the obligations of the Protocol	Key area: (b) capacity to negotiate mutually agreed terms	Key area: (c) capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing	Key area: (d) capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources	Particular capacity needs and priorities of indigenous and local communities and relevant stakeholders, including the business sector and the research community
Phase 1	<ul style="list-style-type: none"> -Ratification of the Protocol - Legal and institutional development - Raising-awareness of the importance of genetic resources and TK associated with genetic resources, and related ABS issues - Special measures to increase the capacity of ILCs with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or TK associated with genetic resources. - Mapping of relevant actors and existing expertise for the implementation of the Nagoya Protocol. - Mobilising new and innovative financial resources to implement the Nagoya Protocol 	<ul style="list-style-type: none"> - Promotion of equity and fairness in negotiations, such as training to negotiate MAT - Supporting the development of model contractual clauses. - Developing and implementing pilot ABS agreements 	<ul style="list-style-type: none"> - Developing a policy framework on ABS. - Taking stock of domestic measures relevant to ABS in light of the obligations of the Nagoya Protocol. - Setting-up new or amended ABS legislative, administrative or policy measures with a view to implementing the Nagoya Protocol -Development of regional model legislation 		<ul style="list-style-type: none"> -Participating in legal, policy and decision-making processes - Developing minimum requirements for MAT to secure the fair and equitable sharing of benefits arising from the utilization of TK associated with genetic resources - Developing community protocols in relation to access to TK associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of that knowledge - Developing model contractual clauses for benefit-sharing arising from the utilization of TK

	- Establishing mechanisms for interagency coordination.				associated with genetic resources
Phase 2	<ul style="list-style-type: none"> - Monitoring the utilization of genetic resources, including the designation of one or more checkpoints. - Special measures to increase the capacity of relevant stakeholders in relation to ABS - Employment of best available communication tools and Internet-based systems for ABS activities -Enforcement of ABS legislation 			<ul style="list-style-type: none"> -Technology transfer and infrastructure and technical capacity to make such technology transfer sustainable. - Development and use of valuation methods 	<ul style="list-style-type: none"> - Capacity to negotiate MATs. - Understanding the obligations of the Parties under the Nagoya Protocol
Phase 3	<ul style="list-style-type: none"> - The monitoring and enforcement of compliance. - Enhancement of the contribution of ABS activities to the conservation of biological diversity and the sustainable use of its components - Developing measures regarding access to justice - Addressing transboundary issues . - Providing information to the ABS Clearing-House. 	<ul style="list-style-type: none"> - Development and use of valuation methods - Promoting better understanding of business models in relation to the utilisation of genetic resources 		<ul style="list-style-type: none"> -Research and taxonomic studies related to conservation of biological diversity and sustainable use of its components and bioprospecting, -Development of genetic resources databases 	<ul style="list-style-type: none"> - Managing TK associated with genetic resources

Annex IV within the Programme of Work on the Status of the Nagoya Protocol describes the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Nagoya Protocol and to address cases of non-compliance. The following provisions are included within Annex IV, Part A-Objectives, nature and underlying principles:

3. The operation of the compliance procedures and mechanisms shall be guided by the principles of fairness, due process, [rule of law], flexibility, [non-confrontation,] non-discrimination, transparency, accountability, predictability, [consistency,] good faith, [supportiveness,] [effectiveness] [and expeditiousness,] [recognizing the common but differentiated responsibilities of Parties][recognizing that all obligations apply equally to all Parties]. [It shall pay particular attention to the special needs of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, [and **indigenous and local communities**,] and take into full consideration the difficulties they face in the implementation of the Protocol.]

4. The application of the cooperative procedures and institutional mechanisms, whenever possible, should, with the aim of mutual supportiveness, [be coordinated with and/or build on other relevant procedures and mechanisms under the Convention, the Protocol and other relevant instruments [and other international agreements] [, including compliance and other *sui generis* mechanisms of **indigenous and local communities** taking into account their **customary laws, norms and practices** in accordance with national legislation]].

Part B of Annex IV describes the Institutional Mechanisms:

2. The Committee shall consist of 15 members nominated by Parties, endorsed by the respective regional group of the United Nations [and [could] include representatives of **indigenous and local communities** [as observers]] [as well as one representative of **indigenous and local communities** as a member of the Committee]-and elected by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on the basis of three members from each of the five regional groups of the United Nations.

4. Members of the Committee shall have recognized competence, including technical, legal or scientific expertise in the fields covered by the Protocol, such as genetic resources and **traditional knowledge** associated with genetic resources, and serve objectively [and in the best interests of the Protocol] [and in their personal and individual capacity] [as representatives of Parties].

Part D of Annex IV describes Procedures, including the following provisions:

1. The Committee shall receive any submissions relating to issues of compliance and non-compliance with the provisions of the Protocol from:

(g) [**Indigenous and local communities** [supported by the Party on whose national territory they are located].]

10. [In addition to the procedures under this section, the Committee may decide to examine any question of compliance, including systemic issues of general non-compliance of interests to all Parties to the Protocol that come to its attention. It may consider such questions on the basis of national reports and reporting requirements under Article 29 of the Protocol or of any other relevant information that becomes available to the Committee, particularly by members of the public which have a legitimate specific interest in the question concerned, including **indigenous and local communities** as well as information generated under Articles 14 and 17 of the Protocol. If a question affects one Party more than others, the procedural rules shall apply *mutatis mutandis*.]

Part E of Annex IV is entitled ‘Information for and consultation by the Committee after the triggering of the procedures’ and includes the following provision:

1. The Committee shall consider relevant information from:

(d) [Affected **indigenous and local communities**.]

Part F of Annex IV describes ‘Measures to promote compliance and address cases of non-compliance’, including the following suggestion under ‘Option 1’:

2. [The Committee][The COP-MOP upon the recommendation of the Committee]-with a view to promoting compliance and addressing cases of non-compliance, may:

(m) [Give notification to the relevant judicial authorities of a Party subject to the obligation under Articles 15 to 18 of the Nagoya Protocol, that a specific Party or an **indigenous or local community** is entitled to **benefit-sharing** under a particular instance of mutually agreed terms involving a specific genetic resource and associated **traditional knowledge**.]

The following suggested provision is given in ‘Option 2’ of Part F of Annex IV:

[F(bis). Ombudsman

The Committee shall establish the office of an ABS ombudsman to provide assistance to developing countries and **indigenous and local communities** to identify instances of non-compliance and make submissions to the Committee.]

XI/2. Review of progress in implementation of national biodiversity strategies and action plans and related capacity-building support to Parties

A. Strategic Plan for Biodiversity (2011-2020) and national biodiversity strategies and action plans

As part of the Programme of Work on the Review of progress in implementation of national biodiversity strategies and action plans and related capacity-building support to Parties, the Conference of Parties gave the following recommendation in Part A:

The Conference of Parties

4. Invites Parties to include all stakeholders, including indigenous and local communities, women and youth, in planning and implementing national biodiversity strategies and action plans, thereby contributing to the achievement of the Strategic Plan for Biodiversity 2011–2020.

XI/3. Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets

A. Indicator framework for the Strategic Plan for Biodiversity 2011–2020 and the Aichi Biodiversity Targets

Section A of the Programme of Work on Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets includes the following provision:

The Conference of Parties

1. Welcomes the report of the Ad Hoc Technical Expert Group on Indicators for the Strategic Plan for Biodiversity 2011–2020,⁹⁰ as well as the work of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions on the development of indicators relevant to traditional knowledge and customary sustainable use;

The Programme of Work for Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets contains an Annex entitled: ‘Indicative List of Indicators for the Strategic Plan for Biodiversity 2011-2020’ within Section A. Aichi Biodiversity Target 14 is as follows:

Target 14 - By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.

Some headline indicators and relevant operational indicators for Target 14 are as follows:

Trends in distribution, condition and sustainability of ecosystem services for equitable human well-being:

- Trends in benefits that humans derive from selected ecosystem services (A)
- Trends in health and wellbeing of communities who depend directly on local ecosystem goods and services (B) (decision VII/30 and VIII/15)

Target 18 of the Annex on the Indicative list of Indicators on the Strategic Plan for Biodiversity 2011-2020 is as follows:

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

⁹⁰ UNEP/CBD/SBSTTA/15/INF/6.

the Convention with the **full and effective participation** of **indigenous and local communities**, at all relevant levels.

Some headline indicators and relevant operational indicators for Target 18 are as follows:

*Trends in integration of biodiversity, ecosystem services and **benefit-sharing** into planning, policy formulation and implementation and incentives*

□ Trends in land-use change and land tenure in the **traditional** territories of **indigenous and local communities** (B) (decision X/43)

-Trends in the practice of **traditional** occupations (B) (decision X/43)

*Trends in accessibility of scientific/technical/**traditional knowledge** and its application*

Trends in which **traditional knowledge and practices** are respected through their full integration, safeguards and the **full and effective participation** of **indigenous and local communities** in the national implementation of the Strategic Plan (B)

Trends of linguistic diversity and numbers of speakers of **indigenous languages** (B) (decision VII/30 and VIII/15)

B. Development of indicators relevant to traditional knowledge and customary sustainable use

Part B of the Programme of Work for Monitoring progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets contains the following provisions from the Conference of Parties:

The Conference of Parties

Welcoming the work carried out under the auspices of the Ad Hoc Open-ended Inter-sessional 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, in order 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 workshop⁹¹ 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 the Subsidiary Body on Scientific, Technical and Technological Advice, 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) of the Convention 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, pilot-testing the two new indicators⁹² for **traditional knowledge** and **customary use** adopted at the tenth

⁹¹ Asia Convening Workshop in Banaue (Ifugao, the Philippines, 25-28 January 2012, Indigenous Partnership for Agrobiodiversity and Food Sovereignty.

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 consideration by the Working Group on **Article 8(j)** and Related Provisions;

4. *Invites* the International Labour Organization to develop, in association with **indigenous and local communities** and relevant organizations, pilot projects on and to monitor data concerning the practice of **traditional** occupations, and to provide information on this indicator for consideration by 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 on status and trends in land-use change and land tenure in the **traditional** territories of **indigenous and local communities** for consideration by 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, 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 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 consider the provision of technical support and financial resources for collaborative programmes related to the above-mentioned work on indicators on **traditional knowledge** and **customary sustainable use**.

C. Preparation of the fourth edition of the Global Biodiversity Outlook

Part C of the Programme of Work contains the following requests for the Executive Secretary:

The Conference of Parties

7. *Requests* the Executive Secretary to:

(a) Continue collaborating with other biodiversity-related conventions and other relevant processes, including the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and other organizations and partners, including of **indigenous and local communities**, and to engage them in the preparations of the fourth edition of the Global Biodiversity Outlook, as appropriate and in accordance with their respective mandates;

(e) Provide guidance on the type of information that Parties, other Governments and relevant organizations, including **indigenous and local communities**, may wish to provide for possible inclusion in the fourth edition of the Global Biodiversity Outlook, and, in particular,

⁹² 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.

highlight key information needs in the resource manual for the preparation of the fifth national reports, encouraging Parties to submit this key information early.

XI/4. Review of implementation of the strategy for resource mobilization, including the establishment of targets

Section III of the Programme of Work on the Review of implementation of the strategy for resource mobilization, including the establishment of targets is entitled: ‘Roadmap’. Section III includes the following request from the Conference of Parties:

The Conference of Parties

23. *Requests* the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, at its fifth meeting, to further review the preliminary reporting framework and baseline information for each of the targets, including the role of collective action, including by **indigenous and local communities**, and non-market-based approaches to achieving the objectives of the Convention; and *requests* the Executive Secretary to prepare for this review, based on information received from Parties on the application of the preliminary reporting framework and on funding needs, gaps and priorities.

XI/5. The financial mechanism

Section D of the Programme of Work on The financial mechanism describes ‘Other guidance to the financial mechanism’, including the following provisions:

The Conference of Parties

17. *Urges* Parties and *invites* other Governments, the financial mechanism, and funding organizations, as appropriate, to provide adequate, timely, and sustainable support to the implementation of training and capacity-building and other activities related to ecologically or biologically significant marine areas (EBSAs), especially for developing countries, in particular least developed countries and small island developing States, and Parties with economies in transition, including countries with upwelling systems, and, as appropriate, **indigenous and local communities**;

24. *Calls upon* Parties, the Global Environment Facility, donors, international organizations, academia, non-governmental organizations and organizations of **indigenous and local communities** to consider the provision of technical support and financial resources for collaborative programmes related to the work on indicators on **traditional knowledge** and **customary sustainable use** contained in decision XI/3;

The Programme of Work on the financial mechanism includes an Annex entitled: ‘Four-year Outcome-orientated Framework of Programme Priorities 2014-2018’. Appendix I of the Annex gives guidance to the financial mechanism on programme priorities to support the implementation of the Nagoya Protocol on Access and Benefit-sharing. Some programme priorities for the period 2014-2018 are given below:

1. *Invites* the Global Environment Facility to support the following activities during its sixth replenishment period (2014-2018), *inter alia*:

(a) Building the capacity of Parties to develop, implement and enforce domestic legislative, administrative or policy measures on **access and benefit-sharing**, thereby contributing to the conservation of biological diversity and sustainable use of its components, including through:

(ii) Taking stock of domestic measures relevant to **access and benefit-sharing** in light of the obligations of the Nagoya Protocol;

(iii) Development and/or amendment of **access and benefit-sharing** legislative, administrative or policy measures with a view to implementing their obligations under the Nagoya Protocol;

(v) Establishment of institutional arrangements and administrative systems to provide access to genetic resources, ensure **benefit-sharing**, support compliance with **prior informed consent** and mutually agreed terms and monitor the utilization of genetic resources and **traditional knowledge** associated with genetic resources, including support for the establishment of check points;

(b) Building the capacity of Parties to negotiate mutually agreed terms to promote equity and fairness in negotiations in the development and implementation of **access and benefit-sharing** agreements, including through enhanced understanding of business models and intellectual property rights;

(c) Building the capacity of Parties to develop their endogenous research capabilities to add value to their own genetic resources and **traditional knowledge** associated with genetic resources through, *inter alia*, technology transfer; bioprospecting and associated research and taxonomic studies; and the development and use of valuation methods;

(d) Addressing the capacity needs and priorities of **indigenous and local communities** and relevant stakeholders; in particular, projects that would:

(i) Encourage their **participation** in legal, policy and decision-making processes;

(ii) Assist in building their capacity related to genetic resources and **traditional knowledge** associated with genetic resources, such as through the development of **community** protocols, model contractual clauses and minimum requirements for mutually agreed terms to secure the **fair and equitable sharing of benefits**; and

(iii) Support a series of regional and subregional capacity-building workshops;

(f) Supporting Parties in raising-awareness of the importance of genetic resources and **traditional knowledge** associated with genetic resources, and related **access and benefit-sharing** issues, notably through the development and implementation of national and regional awareness-raising strategies.

XI/6. Cooperation with other conventions, international organizations, and initiatives

Section B of the Programme of Work on ‘Cooperation with other conventions, international organizations, and initiatives’ concerns collaboration on biological and cultural diversity. The following provision is included within this section:

The Conference of Parties

20. Welcomes further steps, subject to the availability of resources, to explore, document and raise awareness of the value added by incorporating links between biological and **cultural diversity** into the implementation of the Convention on Biological Diversity, consistent and in harmony with the Convention and relevant international obligations;

Section C of the Programme of Work on Cooperation with other conventions, international organizations, and initiatives describes collaboration on biodiversity, agriculture, forest biodiversity and biodiversity and health:

The Conference of Parties

22. Stresses the importance of further strengthening collaboration between the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations in meeting relevant Aichi Biodiversity Targets, particularly in the context of achieving food security and in respect of the Nagoya Protocol on Access to Genetic Resources and the **Fair**

and **Equitable Sharing of Benefits** Arising from their Utilization, and *welcomes* the revised joint work plan between the secretariats of the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture (UNEP/CBD/SBSTTA/16/INF/33, annex) and *recognizes*, among other things, the contribution of **indigenous and local communities** with regard to agricultural and forest biological diversity;

Section D of the programme of work concerns collaboration on Arctic biodiversity. Within this section the Conference of Parties made the following recommendations:

The Conference of Parties

31. *Welcomes* the report on Arctic biodiversity prepared by the Conservation of Arctic Flora and Fauna Working Group of the Arctic Council for the fifteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (UNEP/CBD/SBSTTA/15/14) and *notes in particular* its key findings that:

(c) Arctic ecosystems provide essential services, including for the livelihoods of **indigenous and local communities**;

40. *Appreciating* the Arctic Council's collaboration with **indigenous peoples** of the Arctic, *encourages* Parties and *invites* other Governments and relevant organizations to ensure the **full and effective participation** of **indigenous and local communities** in research projects and programmes on Arctic biodiversity;

Section E of the Programme of Work concerns collaboration on biodiversity and tourism development. The following provisions are included within this section:

The Conference of Parties

42. *Emphasizes* that tourism is essential as a livelihood option, particularly for **indigenous and local communities** that are stewards of rich and biodiverse areas, and that long-term assistance and support for the sustainable development of tourism are needed, including capacity development in public agencies responsible for tourism planning and management in implementing the Guidelines on Biodiversity and Tourism Development, in close cooperation with tourism stakeholders at destination level, including the private sector, non-governmental organizations and **traditional** leaders, and *stresses* that special management and governance of tourism are critical at natural destinations and in ecosystems that harbour high biodiversity levels, and that partnerships and cooperative frameworks between appropriate public and private organizations are pivotal to protect biodiversity in those areas;

46. *Calls on* Parties and stakeholders, such as intergovernmental, governmental and non-governmental entities, including the private sector, to promote dialogue, enhanced cooperation and partnerships on sustainable tourism management for the conservation and sustainable use of biodiversity, for added economic value, job creation and **poverty reduction**, and for the benefit of sustainable regional development.

XI/7. Business and biodiversity

As part of the expanded Programme of Work on Business and biodiversity, the Conference of Parties noted the following provisions:

The Conference of Parties

Noting that engagement with business must take into account the three objectives of the Convention, its Protocols and the rights and needs of **indigenous and local communities**,

1. *Calls upon* businesses to continue liaising with national governments, civil society organizations, academia and other stakeholders to formulate relevant actions for biodiversity conservation and for the sustainable use of its components and ecosystem services and for the **fair and equitable sharing of benefits** arising from the utilization of genetic resources that

are aligned with the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, in accordance with nationally defined priorities and national conditions;

3. *Invites* Parties to:

(e) Take into account, according to priorities and national circumstances, other policies that halt biodiversity loss, such as:

(i) Encouraging consideration of best practices that will help the conservation of biodiversity and the sustainable use of its components and will help businesses assess and effectively address their impact upon biodiversity and on **indigenous and local communities**.

XI/9. Progress report on gender mainstreaming

The progress report on the Programme of Work on Gender mainstreaming contains the following recommendations from the Conference of Parties:

The Conference of Parties

Recalling its decision X/19, in which it requested the Executive Secretary to enhance efforts to fully implement the **Gender** Plan of Action in order to mainstream **gender** considerations into all aspects of work under the Convention and formulate clear indicators to monitor progress,

Emphasizing the importance of **gender** mainstreaming in all programmes of work under the Convention as important to achieving the objectives of the Convention and the Strategic Plan for Biodiversity 2011–2020 and to enhancing the efficiency and effectiveness thereof,

Also emphasizing the importance of establishing and monitoring **gender**-based indicators in working towards sustainable development and the Strategic Plan for Biodiversity 2011-2020,

6. *Encourages* Parties, other Governments and relevant organizations, particularly the **Women's** Environment and Development Organization and other **women's** organizations, to collaborate in the development of the Environment-**Gender** Index proposed by the International Union for Conservation of Nature;

7. *Continues to urge* Parties to promote the mainstreaming of **gender** considerations in developing, implementing and reviewing their national and, where appropriate, regional biodiversity strategies and action plans and equivalent instruments to implement the three objectives of the Convention, taking into account the guidance provided in CBD Technical Series No. 49 and the training module on mainstreaming **gender** considerations in the development and implementation of national biodiversity strategies and action plans.

XI/11. New and emerging issues relating to the conservation and sustainable use of biodiversity

The Programme of Work on New and emerging issues relating to the conservation and sustainable use of biodiversity contains the following invitation from the Conference of Parties:

The Conference of Parties

3. *Noting*, based on the precautionary approach, the need to consider the potential positive and negative impacts of components, organisms and products resulting from synthetic biology techniques on the conservation and sustainable use of biodiversity, *requests* the Executive Secretary, subject to availability of resources, to:

(a) Invite Parties, other Governments, relevant international organizations, **indigenous and local communities** and other stakeholders to submit, in accordance with paragraphs 11 and 12 of decision IX/29, additional relevant information on components, organisms and

products resulting from synthetic biology techniques that may have impacts on the conservation and sustainable use of biological diversity and associated **social, economic and cultural considerations**.

XI/13. Ways and means to improve the effectiveness of the Subsidiary Body on Scientific, Technical and Technological Advice and collaboration with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services

B. Identifying scientific and technical needs related to the implementation of the Strategic Plan for Biodiversity 2011-2020

Section B of the Programme of Work on Ways and means to improve the effectiveness of the Subsidiary Body on Scientific Technical and Technological Advice and collaboration with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services contains the following acknowledgment from the Conference of Parties:

The Conference of Parties

Stressing the need to support the **full and effective participation** of **indigenous and local communities** in the work of the Subsidiary Body.

XI/14. Article 8(j) and related provisions

A. 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

Section A of the expanded Programme of Work on Article 8(j) and related provision contains the following provisions from the Conference of Parties:

The Conference of Parties

3. *Requests* Parties, and especially those that have not yet done so, to submit, with the **participation** of **indigenous and local communities**, information regarding the implementation of the programme of work on **Article 8(j)** and related provisions of the Convention, both directly to the Secretariat and through their fifth national reports, where possible, and in time for the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions, 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 Aichi Biodiversity Target 18 into their revised and updated national biodiversity strategies and action plans and into other relevant **local** and regional 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, in consultation with Parties, **indigenous and local communities** and others, 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 concerning the implementation of **Articles 8(j)** and 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, **indigenous and local communities** and interested stakeholders;

7. *Also decides* that the topic for the in-depth dialogue to be held at the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions shall be:

“Connecting **traditional knowledge** systems and science, such as under the IPBES, including **gender dimensions**”;

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

9. *Also urges* Parties, including in their requests to the Global Environment Facility, including through the GEF Small Grants programme, and *invites* other donors, to support, as appropriate, **indigenous and local communities** to document, map and register their **indigenous and community conserved areas**, in accordance with national legislation, and to prepare and implement their **community conservation plans**. Furthermore, support should be provided to countries to strengthen their recognition of such areas;

10. *Notes* the potential contribution that the International **Indigenous Peoples and Local Communities** Land and Sea Managers Network, announced at the United Nations Conference on Sustainable Development (Rio+20) could make to linking **indigenous** expertise and modern technology and *encourages* **participation** in the associated conference, to be held from 27 to 31 May 2013 in Darwin, Australia, in order to further develop the Network.

B. Participatory mechanisms for indigenous and local communities in the work of the Convention

Section B of the Programme of Work on Article 8(j) and related provisions contains the following recommended participatory mechanisms from the Conference of Parties:

The Conference of Parties

Welcoming with appreciation the recent focus on integrating **indigenous and local community** representatives into other capacity-building efforts of the Secretariat, including in respect to the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization, the revision of national biodiversity strategies and action plans, and subregional workshops on capacity-building for implementing 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** through web-based technologies, with a view to supporting the implementation of the Convention’s Guidelines on Biodiversity and Tourism Development and strengthening **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, taking into account decisions VIII/5 B and C, VII/16, annex, and V/16, annex II, task 4, including through the development of appropriate methodologies and mechanisms, including new electronic means, didactic materials, and **culturally appropriate** tools and instruments, developed with the **full and effective participation** of **indigenous and local communities** and their organizations, with a view to increasing the **participation** 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 national and **local** level, and *invites* donors to continue their support for **indigenous and local community** capacity-building workshops and the aforementioned tools and methodologies, 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 workshops specific to **indigenous and local communities**, including through the development of appropriate methodologies and mechanisms, including new electronic means, didactic materials, and **culturally** appropriate tools and instruments, developed with the **full and effective participation of indigenous and local communities** and their organizations, and in particular, where possible, and subject to the availability of funding, to develop medium- and long-term strategies to raise awareness of Convention processes among **indigenous and local communities** and to facilitate their **full and effective participation** in those processes, including the revised programme of work on **Article 8(j)** and related provisions and the recently adopted new element of the programme of work concerning **customary sustainable use** (Article 10(c)), and also their **participation** 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** to support the implementation of the Guidelines on Biodiversity and Tourism Development through enhanced marketing strategies and web-based technologies;
5. *Requests* the Executive Secretary to ensure the **full and effective participation of indigenous and local community** representatives in developing a communication, education and public awareness strategy for the United Nations Decade on Biodiversity 2011–2020, and to continue to develop a variety of communication, education and public awareness activities and products in the six United Nations languages, making use of contributions from **indigenous and local communities**, in order to inform **indigenous and local communities** about the work of the Convention and raise awareness among the general public about the role of **indigenous and local communities**, and their **traditional knowledge** and **customary use**, in the conservation and sustainable use of biodiversity;
6. *Notes with appreciation* the ongoing work by the Secretariat concerning electronic mechanisms, such as the **Article 8(j)** home page and the **Traditional Knowledge** Information Portal, and related initiatives, including partnerships with www.indigenousportal.com, and *requests* the Executive Secretary to maintain an ongoing partnership with www.indigenousportal.com and to report on the advancement of this work to the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions;
7. *Requests* the Executive Secretary, subject to the availability of financial resources, to continue to develop a variety of electronic and **traditional** materials for communication, education and public awareness, 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 **indigenous and local communities** with the resources needed for, and partner them in the development and implementation of, “**indigenous to indigenous**” and “**community to community**” training projects that focus on the role of **traditional knowledge** and **customary sustainable use** of biodiversity, including “elders and youth” and “**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. *Invites* Governments to facilitate and encourage the use of national and **local** media and to ensure the provision of an enabling environment for access to and use of these facilities by **indigenous and local communities**;
10. *Also 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)** home page and the **Traditional Knowledge** Information

Portal, and to report on progress to the next meeting of the Working Group on **Article 8(j)** and Related Provisions, and *urges* Parties and *invites* Governments to support the translation of essential Convention documents into national and **local languages**, with a view to supporting the Executive Secretary in these tasks;

11. *Further requests* the Executive Secretary: (i) to continue to monitor the use of the Convention website, and in particular the **Article 8(j)** home page and the **Traditional Knowledge** Information Portal; (ii) to consult **indigenous and local communities participating** in the work of the Convention so as to ensure that interactive media 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 (iii) to identify any gaps or shortcomings and to report thereon to the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions;

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

13. *Notes with appreciation* the ongoing efforts by the Secretariat to promote the Voluntary Fund to Facilitate 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 and provide relevant statistical data concerning the **full and effective participation of indigenous and local communities**, including by using information given in national reports, to the Working Group on **Article 8(j)** and Related Provisions at its eighth meeting;

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

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 report on progress made to the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions;

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

Recognizing also that the **full and effective participation of local communities** is crucial to achieving the objectives of the Convention and implementing the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets,

17. *Encourages* Parties to take concrete actions to facilitate **participation** by **indigenous and local communities** in the development and implementation of national biodiversity strategies and action plans and other work under the Convention,

18. *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 promoting **full and effective participation by local communities** in the work of the Convention;

20. *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 Communities** the Work of the Convention, as well as capacity-building workshops; to commence disaggregation of data and statistics on **local community** representatives; and to report on these measures to the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions for its consideration;

21. *Takes note with appreciation* of sections II and III of the annex to the report of the Expert Group Meeting 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 activities for **local communities** through communication, education and public awareness so as to more effectively encourage their **participation** in the work of the Convention, including at national and subnational levels.

C. Tasks 7, 10 and 12 of the revised Multi-Year Programme of Work

Section C of the Programme of Work on Article 8(j) and related provisions contains the following recommendations from the Conference of Parties in relation to Tasks 7, 10 and 12 of the revised Multi-Year Programme of Work:

The Conference of Parties,

Taking into account the adoption of the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization (decision X/1, annex I), the Strategic Plan for Biodiversity 2011–2020 (decision X/2, annex) and the Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the **Cultural** and Intellectual Heritage of **Indigenous and Local Communities**,⁹³ 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, the United Nations **Permanent Forum on Indigenous Issues** and the United Nations Educational, Scientific and **Cultural** Organization,

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

3. *Invites* Parties, Governments, relevant international organizations and **indigenous and local communities** to submit their views on the draft studies, referred to in paragraph 2 above, on how tasks 7, 10 and 12 could best contribute to work under the Convention and the Nagoya Protocol;

4. *Further requests* the Executive Secretary to make these 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 possibility of convening an expert meeting;

5. *Recognizing* that **cultural property** and **heritage** is within the mandate of the United Nations Educational, Scientific and **Cultural** Organization, its treaties and programmes, while the Convention on Biological Diversity 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, *also requests* the Executive Secretary to seek cooperation with the United Nations Educational, Scientific and Cultural Organization 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. *Further 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 the United Nations Educational, Scientific and **Cultural** Organization, to develop draft best-practice guidelines for the repatriation of **indigenous** and **traditional knowledge** relevant to

⁹³ Decision X/42, annex.

the conservation and sustainable use of biological diversity, including of **indigenous and traditional knowledge** associated with **cultural property**, in accordance with **Articles 8(j) and 17, paragraph 2**, of the Convention, in order to facilitate the recovery of **traditional knowledge** of biological diversity;

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

Section D of the Programme of Work on Article 8(j) and related provisions includes the following recommendations from the Conference of Parties:

The Conference of Parties

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;

5. *Recognizing* that **cultural property and heritage** is within the mandate of the United Nations Educational, Scientific and **Cultural** Organization, its treaties and programmes, while the Convention on Biological Diversity 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, *also requests* the Executive Secretary to seek cooperation with the United Nations Educational, Scientific and **Cultural** Organization 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. *Further 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 the United Nations Educational, Scientific and **Cultural** Organization, to develop draft best-practice guidelines for the 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 **Articles 8(j) and 17, paragraph 2**, of the Convention, in order to facilitate the recovery of **traditional knowledge** of biological diversity;

Section D of the Programme of Work on Article 8(j) and related provisions includes an Annex entitled: ‘Terms of Reference to Advance Task 15 of the Programme of Work on Article 8(j) and Related Provisions’. The Annex includes the following terms of reference:

1. The purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the 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.

4. Stakeholders may include, *inter alia*:

(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 International Labour Organization, the United Nations **Permanent Forum on Indigenous Issues**, and the World Intellectual Property Organization;

(d) The International **Indigenous** Forum on Biodiversity;

(e) **Indigenous and local communities**;

(f) Relevant non-governmental and **indigenous and local community** organizations;

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

Section E of the Programme of Work on Article 8(j) and related provisions contains the following recommendations from the Conference of Parties:

The Conference of 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, and administrative or legislative measures, which have contributed to respect for and protection, preservation 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 the 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 consideration by the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions;
4. *Invites* Parties and Governments, in the 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 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 consideration by the eighth meeting of the Working Group on **Article 8(j)** and Related Provisions;
5. *Further requests* the Executive Secretary to facilitate 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 with the **participation** of **indigenous and local community** experts, 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 on the development of *sui generis* systems, and to further consider the monitoring and evaluation of the advantages and disadvantages of the 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 the aim of strengthening the capacity of **indigenous and local communities** to communicate 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, to include additional terms and definitions proposed, and to propose a draft glossary of terms for consideration by 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 of the World Intellectual Property Organization about the work undertaken regarding *sui generis* systems;

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

F. 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

Section F of the Programme of Work on Article 8(j) and related provisions contains the following recommendations from the Conference of Parties:

The Conference of Parties,

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 to its further development and its adoption by the Conference of the Parties at its twelfth meeting;

3. *Invites* Parties, Governments, **indigenous and local communities** and relevant international organizations to submit information for the development of the plan of action, taking into consideration the priority tasks indicated in paragraph 10 below;

6. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on **Article 8(j)** and Related Provisions to review the draft plan of action for **customary sustainable use** at its eighth meeting and provide guidance on implementing it;

7. *Further requests* the Executive Secretary to integrate **customary sustainable use** into the programme of work on protected areas, *inter alia* by including 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, 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 relevant both to **traditional knowledge** and 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 integrating considerations relating to **Articles 8(j)** and 10(c) into the thematic programmes of the Convention as cross-cutting issues, including by transmitting the views and advice derived from in-depth dialogues initiated under the standing agenda item of the Working Group, pursuant to paragraph 12 of decision X/43 of the Conference of the Parties,

to the thematic areas of the Convention, commencing with the programme of work on protected areas;

10. *Decides* that the initial tasks for the first phase of the major component of work on Article 10 with a focus on 10(c) shall be:

(a) To incorporate **customary sustainable use** practices or policy, as appropriate, with the **full and effective participation of indigenous and local communities**, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports;⁹⁴

(b) To promote and strengthen **community-based initiatives** that support and contribute to the implementation of Article 10(c) and enhance **customary sustainable use**; and to collaborate with **indigenous and local communities** in joint activities to achieve enhanced implementation of Article 10(c);⁹⁵

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

(i) Promote, in accordance with national legislation and applicable international obligations, the **full and effective participation of indigenous and local communities**, and also their **prior and informed consent** to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas, including marine protected areas, that may affect **indigenous and local communities**;

(ii) Encourage the application of **traditional knowledge** and **customary sustainable use** in protected areas, including marine protected areas, as appropriate;

(iii) Promote the use of **community protocols** in assisting **indigenous and local communities** to affirm and promote **customary sustainable use** in protected areas, including marine protected areas, in accordance with **traditional cultural practices**;⁹⁶

Section 'F' contains an Annex entitled: 'List of Indicative Tasks for Future Consideration'. Part 'A' gives guidance on sustainable use and related incentive measures for indigenous and local communities. The following Tasks are included under heading 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 2.⁹⁷ 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 national reports.

[Task 2 *bis*. To examine any barriers and obstacles to the maintenance of **community-based resource management** and governance caused by existing governance, policy and regulatory frameworks.]

The following Tasks are included under heading 2- Lands, waters and biological resources, within Part A of the Annex under Section F of the programme of work:

Task 3. To develop guidelines to assist Parties to respect and promote **customary sustainable use** and **traditional knowledge**, taking into consideration **indigenous and local**

⁹⁴ Former task 2 of the list of indicative tasks.

⁹⁵ Former task 6 of the list of indicative tasks.

⁹⁶ Former task 14 of the list of indicative tasks.

⁹⁷ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on Article 10(c).

communities' customary laws, community protocols and procedures and with respect for traditional institutions and authorities.

[Task 3 *bis*. To examine potential incentive measures within the mandate and scope of the Convention that could be mainstreamed so as to contribute to customary use of biodiversity by indigenous and local communities consistent with the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity.]

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

[Task 4 *bis*. To provide the tools, capacity-building and networks to enable indigenous and local communities to map their customary use of biodiversity at the local level.]

The following Task is included under heading 3- Targeted support and funding:

Task 6.⁹⁸ To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c).

The following Tasks are included under heading 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 the prior and informed consent or approval and involvement of indigenous and local communities, 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.]

[Task 9 *bis*. To examine the role of customary sustainable use in ensuring the resilience of communities, in relation to social, cultural and economic aspects.]

[Task 9 *ter*. To examine ways in which scientific and traditional knowledge of indigenous and local communities can be integrated into the governance and management of the conservation and sustainable use of biodiversity.]

Part B of the Annex on the List of Indicative Tasks for Future Consideration describes 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. The following Tasks are included in Part B under Heading 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.

⁹⁸ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on Article 10(c).

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.

The following Task is included in Part B under Heading 2- Gender dimensions:

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

The following Tasks are included under Heading 3- Engagement, networks, capacity-building and empowerment of indigenous and local communities in decision-making:

Task 13 *bis*. To develop, in cooperation with other subsidiary bodies of the Convention, a phased approach with a suitable process and timeline for the integration of Article 10 with a focus on 10 (c) as a cross-cutting issue into the various programmes of work and thematic areas.

Task 13 *ter*. To support the capacity-building, networking, participatory documentation and research, and sharing of experiences and lessons learned on **customary sustainable use** among **indigenous and local communities** and their representative governments and organizations, with particular attention to the important role of **women**, and according to **community**-defined priorities.

Task 13 *quater*. To promote collaboration between **indigenous and local communities** and relevant government agencies and stakeholders, in particular the natural resource sectors, for the practical implementation of Article 10(c).

Task 13 *quinques*. To request the Executive Secretary to explore opportunities for initiating dialogues on **customary sustainable use** and associated **traditional knowledge** between representatives of **indigenous and local communities** and natural resource sectors.

Task 13 *sexies*. To explore funding opportunities for **indigenous and local communities** in support of capacity-building for **customary sustainable use**.

Task 13 *septies*. To examine best practices for promoting the **full and effective participation** of representatives of **indigenous and local communities** in public policy-making and decision-making on sustainable use and conservation, and to explore potential challenges or constraints faced by governments and by **indigenous and local communities**.]

Part C, of the Annex on the List of Indicative Tasks for Future Consideration, is entitled: 'Article 10, with a focus on Article 10(c), as a cross-cutting issue in the Convention's various programmes of work and thematic areas'. The following Tasks are included under Heading 1- Protected areas:

Task 14.⁹⁹ 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;

⁹⁹ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on 10(c).

(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**.

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

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

Section G, of the Programme of Work on Article 8(j) and related provisions, includes the following recommendations from the Conference of Parties:

The Conference of Parties

1. *Notes* the recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on **Indigenous Issues** (reproduced in document UNEP/CBD/WG8J/7/7) and *requests* the Executive Secretary to continue to inform the United Nations **Permanent Forum on Indigenous Issues** about developments of mutual interest, including the revised programme of work on **Article 8(j)** and, in particular, 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**, 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: Kon¹⁰⁰ Voluntary Guidelines for the Conduct of **Cultural, Environmental and Social Impact Assessments** regarding Developments Proposed to Take Place on, or Which are Likely to Impact on, **Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities**;

2. *Noting* the recommendations contained in paragraphs 26 and 27 of the report of the tenth session of the United Nations **Permanent Forum on Indigenous Issues** (E/2011/43-E/C.19/2011/14), *requests* the Ad Hoc Open-ended Inter-sessional Working Group on **Article 8(j)** and Related Provisions, taking into account submissions by Parties, other Governments, relevant stakeholders and **indigenous and local communities**, to consider this matter, and all its implications for the Convention on Biological Diversity and its Parties, at its next meeting, for further consideration by the Conference of the Parties at its twelfth meeting.

XI/15. Review of the programme of work on island biodiversity

As part of the Conference of Parties' Review of the programme of work on island biodiversity, the Conference of Parties made the following observations:

The Conference of Parties

Noting that additional efforts and support are needed in order to fully engage relevant sectors of government and society, in particular **indigenous and local communities** and non-governmental organizations, in implementing and mainstreaming the programme of work on

¹⁰⁰ A holistic Mohawk term, meaning "everything in creation", provided by the Kahnawake community located near Montreal, where the guidelines were negotiated.

island biodiversity across all these sectors with a view to achieving the Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011–2020,

Respecting the **traditional/cultural** knowledge, skills and management measures that have helped island populations use and manage their environment and resources over many centuries, and, in that context, *recognizing* that the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization provides an important instrument aimed at ensuring that islands benefit from the utilization of their genetic resources and associated **traditional knowledge**,

2. *Calls on* Parties to continue to focus international attention and action on the six priorities included in decision IX/21 as they affect livelihood and island economies: the prevention, eradication and control of invasive alien species; climate-change adaptation and mitigation activities; establishment and management of marine protected areas; capacity-building; access to, and **fair and equitable sharing of, the benefits** arising out of the utilization of genetic resources, and **poverty alleviation**, with particular attention to:

(b) Mainstreaming ecosystem-based adaptation to climate change, ecosystem restoration and invasive species management for human health and well-being into all island development and conservation plans and projects and build capacity in their application;

4. *Encourages* Parties, other Governments and relevant organizations to enter into partnerships across sectors to:

(d) Explore possibilities for engaging national and **local** leaders in public-private partnerships and encourage **participatory** approaches for the sustainable management of natural resources, such as integrated marine and coastal area management;

8. *Also requests* the Executive Secretary, subject to the availability of funding, to enable regional and global technical support networks to help the ongoing review, updating and implementation of national biodiversity strategies and action plans in small island developing States and least developed countries with islands, with the **full and effective participation of indigenous and local communities**, in particular for developing national targets and for mainstreaming national biodiversity strategies and action plans into broader national plans, programmes and policies to implement the Strategic Plan for Biodiversity 2011-2020.

XI/16. Ecosystem restoration

As part of the Programme of Work on Ecosystem restoration, the Conference of Parties noted the following provisions:

The Conference of Parties

1. *Urges* Parties and *encourages* other Governments and relevant organizations to make concerted efforts to achieve Aichi Biodiversity Targets 14 and 15 and targets 4 and 8 of the Global Strategy for Plant Conservation, and to contribute to the achievement of all the other Aichi Biodiversity Targets through ecosystem restoration through a range of activities depending on national circumstances, including:

(c) Identifying degraded ecosystems that have the potential for ecosystem restoration bearing in mind that such areas may be occupied or used by **indigenous and local communities**;

(e) Consider performing a social impact assessment when degraded ecosystems are identified for potential restoration to ensure that projects do not have negative effects for **indigenous and local communities** that make use of the land;

(g) Promoting the **full and effective participation of indigenous and local communities** and the use of relevant **traditional knowledge** and practices in appropriate ecosystem restoration activities, in accordance with **Articles 8(j), 10(c) and 10(d)** of the Convention;

(h) Identifying opportunities to link **poverty eradication** and ecosystem restoration, *inter alia* through the rehabilitation or restoration of ecosystems that provide services upon which **women, indigenous and local communities**, and the **poor and vulnerable** are directly dependent, and the development of restoration projects that provide employment and skills improvement;

5. *Requests* the Executive Secretary, subject to the availability of funds, and making use of the intersessional work described in paragraph 2 of recommendation XV/2 of the Subsidiary Body on Scientific, technical and Technological Advice and reported on in document UNEP/CBD/COP/11/21, to:

(a) Convene regional and subregional capacity-building and training workshops and expert meetings, including with the **participation of indigenous and local communities**;

12. *Requests* the Executive Secretary to further collaborate with Parties, other Governments, competent organizations, and global and regional initiatives, such as the United Nations General Assembly Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-Economic Aspects, the International Maritime Organization, the Food and Agriculture Organization of the United Nations, regional seas conventions and action plans, and, where appropriate, regional fisheries management organizations, with regard to fisheries management, and also including the **participation of indigenous and local communities**, to facilitate the description of areas that meet the criteria for EBSAs through the organization of additional regional or subregional workshops for the remaining regions or subregions where Parties wish workshops to be held, and for the further description of the areas already described where new information becomes available, as appropriate, subject to availability of financial resources, and make the reports available for consideration by future meetings of the Subsidiary Body on Scientific, Technical and Technological Advice. The summary reports from the Subsidiary Body will be made available for future meetings of the Conference of the Parties for consideration with a view to including the reports in the repository in line with the purpose and procedures set out in decision X/29 and this decision;

19. *Welcomes* the work of the Executive Secretary, generously funded by the Government of Germany, to develop the EBSA training manual and modules (UNEP/CBD/SBSTTA/16/INF/9), and *requests* the Executive Secretary to further refine them, as necessary, including further consultation with Parties and **indigenous and local communities**, and the development of training materials on the use of **traditional knowledge**. When suitably revised, *requests* the Executive Secretary to translate the EBSA training manual and modules into the official United Nations languages, and *invites* Parties, other Governments and United Nations specialized agencies to use these training materials and other means, as appropriate, and, as far as possible, make necessary resources available for this purpose, in order to enhance the scientific and technical capacity within respective countries and regions with regard to describing areas that meet the criteria for EBSAs;

22. *Urges* Parties and *invites* other Governments, the financial mechanism, and funding organizations, as appropriate, to provide adequate, timely, and sustainable support to the implementation of training and capacity-building and other activities related to EBSAs, especially for developing countries, in particular least developed countries and small island developing States, and Parties with economies in transition, including countries with upwelling systems, and, as appropriate, **indigenous and local communities**;

23. *Welcomes* the report *Identifying specific elements for integrating the traditional, scientific, technical and technological knowledge of indigenous and local communities, and social and cultural criteria and other aspects for the application of scientific criteria for identification of ecologically or biologically significant marine areas (EBSAs) as well as the establishment and management of marine protected areas* (UNEP/CBD/SBSTTA/16/INF/10), noting that the best available scientific and technical knowledge, including relevant **traditional knowledge**, should be the basis for the description of areas that meet the criteria for EBSAs, that additional social and **cultural** information, developed with the **full and effective**

participation of indigenous and local communities, may be relevant in any subsequent step of selecting conservation and management measures, and that indigenous and local communities should be included in this process, as appropriate, particularly in areas with human populations and pre-existing uses;

24. *Invites* Parties, other Governments, competent intergovernmental organizations, and relevant indigenous and local communities to consider the use of the guidance on integration of traditional knowledge in the report mentioned in paragraph 23 above, with the approval and involvement of the holders of such knowledge, where applicable, in any future description of areas that meet the criteria for EBSAs and for the development of conservation and management measures, and report on progress in this regard to the twelfth meeting of the Conference of the Parties to the Convention;

25. *Notes* that socially and culturally significant marine areas may require enhanced conservation and management measures, and that criteria for the identification of areas relevant to the conservation and sustainable use of biodiversity in need of such enhanced measures due to their social, cultural and other significance may need to be developed, with appropriate scientific and technical rationales.

XI/17. Marine and coastal biodiversity: ecologically or biologically significant marine areas

As part of the Programme of Work on Marine and coastal biodiversity: ecologically or biologically significant marine areas, the Conference of Parties included the following provisions:

The Conference of Parties

12. *Requests* the Executive Secretary to further collaborate with Parties, other Governments, competent organizations, and global and regional initiatives, such as the United Nations General Assembly Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-Economic Aspects, the International Maritime Organization, the Food and Agriculture Organization of the United Nations, regional seas conventions and action plans, and, where appropriate, regional fisheries management organizations, with regard to fisheries management, and also including the participation of indigenous and local communities, to facilitate the description of areas that meet the criteria for EBSAs through the organization of additional regional or subregional workshops for the remaining regions or subregions where Parties wish workshops to be held, and for the further description of the areas already described where new information becomes available, as appropriate, subject to availability of financial resources, and make the reports available for consideration by future meetings of the Subsidiary Body on Scientific, Technical and Technological Advice. The summary reports from the Subsidiary Body will be made available for future meetings of the Conference of the Parties for consideration with a view to including the reports in the repository in line with the purpose and procedures set out in decision X/29 and this decision;

19. *Welcomes* the work of the Executive Secretary, generously funded by the Government of Germany, to develop the EBSA training manual and modules (UNEP/CBD/SBSTTA/16/INF/9), and *requests* the Executive Secretary to further refine them, as necessary, including further consultation with Parties and indigenous and local communities, and the development of training materials on the use of traditional knowledge. When suitably revised, *requests* the Executive Secretary to translate the EBSA training manual and modules into the official United Nations languages, and *invites* Parties, other Governments and United Nations specialized agencies to use these training materials and other means, as appropriate, and, as far as possible, make necessary resources available for this purpose, in order to enhance the scientific and technical capacity within respective countries and regions with regard to describing areas that meet the criteria for EBSAs;

22. Urges Parties and invites other Governments, the financial mechanism, and funding organizations, as appropriate, to provide adequate, timely, and sustainable support to the implementation of training and capacity-building and other activities related to EBSAs, especially for developing countries, in particular least developed countries and small island developing States, and Parties with economies in transition, including countries with upwelling systems, and, as appropriate, **indigenous and local communities**;

23. Welcomes the report *Identifying specific elements for integrating the traditional, scientific, technical and technological knowledge of indigenous and local communities, and social and cultural criteria and other aspects for the application of scientific criteria for identification of ecologically or biologically significant marine areas (EBSAs) as well as the establishment and management of marine protected areas* (UNEP/CBD/SBSTTA/16/INF/10), noting that the best available scientific and technical knowledge, including relevant **traditional knowledge**, should be the basis for the description of areas that meet the criteria for EBSAs, that additional social and **cultural** information, developed with the **full and effective participation** of **indigenous and local communities**, may be relevant in any subsequent step of selecting conservation and management measures, and that **indigenous and local communities** should be included in this process, as appropriate, particularly in areas with human populations and pre-existing uses;

24. Invites Parties, other Governments, competent intergovernmental organizations, and relevant **indigenous and local communities** to consider the use of the guidance on integration of **traditional knowledge** in the report mentioned in paragraph 23 above, with the approval and involvement of the holders of such knowledge, where applicable, in any future description of areas that meet the criteria for EBSAs and for the development of conservation and management measures, and report on progress in this regard to the twelfth meeting of the Conference of the Parties to the Convention;

25. Notes that socially and **culturally** significant marine areas may require enhanced conservation and management measures, and that criteria for the identification of areas relevant to the conservation and sustainable use of biodiversity in need of such enhanced measures due to their social, **cultural** and other significance may need to be developed, with appropriate scientific and technical rationales.

XI/18. Marine and coastal biodiversity: sustainable fisheries and addressing adverse impacts of human activities, voluntary guidelines for environmental assessment, and marine spatial planning

A. **Addressing biodiversity considerations in fisheries management, and addressing adverse impacts of human activities on marine and coastal biodiversity**

Section A of the Programme of Work on Marine and coastal biodiversity: sustainable fisheries and addressing adverse impacts of human activities, voluntary guidelines for environmental assessment, and marine spatial planning includes the following provisions:

The Conference of Parties

2. *Recognizing* that fisheries management organizations are the competent bodies to manage fisheries and, depending on the situation in different regions, should have roles to play in addressing the impacts of fisheries on biodiversity, *notes* the need for further improvement and implementation of the **ecosystem approach** in fisheries management by enhancing the capacity of these fisheries management organizations, constructive inter-agency collaboration, and full and meaningful **participation** by a wide range of experts on biodiversity, **indigenous and local communities**, taking into consideration **Articles 8(j)** and

10(c) of the Convention, and relevant stakeholders, as appropriate, in the fisheries management process;

13. *Also requests* the Executive Secretary to collaborate with Parties, other Governments and relevant organizations, and with **indigenous and local communities**, to develop proposals to update the specific work plan on coral bleaching through an addendum to the work plan that addresses the needs set out in paragraph 11 above, and to submit the draft addendum for consideration at a meeting of the Subsidiary Body prior to the twelfth meeting of the Conference of the Parties;

20. *Noting* the gaps and limitations in existing guidance, including the need to update it in the light of improving scientific knowledge, and recognizing a range of complementary initiatives under way, *requests* the Executive Secretary to collaborate with Parties, other Governments, and competent organizations, including the International Maritime Organization, the Convention on Migratory Species, the International Whaling Commission, **indigenous and local communities** and other relevant stakeholders, to organize, subject to availability of financial resources, an expert workshop with a view to improving and sharing knowledge on underwater noise and its impacts on marine and coastal biodiversity, and to develop practical guidance and toolkits to minimize and mitigate the significant adverse impacts of anthropogenic underwater noise on marine and coastal biodiversity, including marine mammals, in order to assist Parties and other Governments in applying management measures, as appropriate, and *also requests* the Executive Secretary to make the report of the workshop available for consideration by a meeting of the Subsidiary Body prior to the twelfth meeting of the Conference of the Parties. The workshop should cover issues such as the development of acoustic mapping of areas of interest, among other things;

23. *Requests* the Executive Secretary to collaborate with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and **Cultural** Organization, relevant scientific groups, other relevant organizations, and **indigenous and local communities** on the preparation of a systematic review document on the impacts of ocean acidification on biodiversity and ecosystem functions, which will provide a targeted synthesis of the biodiversity implications of ocean acidification for marine and coastal systems, including information on the less-reported paleo-oceanographic research, building upon the synthesis provided in CBD Technical Series No. 46, and make it available for consideration by a meeting of the Subsidiary Body prior to the twelfth meeting of the Conference of the Parties, with a view to forwarding it to Parties, other Governments and relevant organizations and transmitting it to the Secretariat of the United Nations Framework Convention on Climate Change;

26. *Requests* the Executive Secretary, in collaboration with Parties, other Governments, relevant organizations and **indigenous and local communities**, subject to the availability of financial resources, to:

(a) Invite Parties, other Governments and relevant organizations, including the Convention on Migratory Species, to submit information on the impacts of marine debris on marine and coastal biodiversity and habitats;

(b) Compile and synthesize submissions by Parties, other Governments and relevant organizations, along with additional scientific and technical information, as input to an expert workshop;

C. Marine spatial planning

Section C of the Programme of Work on Marine Coastal Biodiversity includes the following recommendations from the Conference of Parties:

The Conference of Parties

2. *Requests* the Executive Secretary, subject to availability of financial resources, to collaborate with Parties, other Governments, United Nations specialized agencies, regional

organizations, including Large Marine Ecosystem programmes, other relevant organizations and **indigenous and local communities** to:

(a) Develop a web-based information-sharing system linking existing information sources¹⁰¹ on marine spatial planning on the web;

(b) Continue to compile information on experience and use of marine spatial planning practices and make the compiled information available to Parties, other Governments and competent organizations to evaluate its usefulness and implications;

(c) Convene an expert workshop to provide consolidated practical guidance and a toolkit for marine spatial planning, building upon existing guidance,¹⁰² subject to availability of financial resources, in order to complement and further enhance the existing cross-sectoral efforts of Parties and other Governments on the application of the **ecosystem approach** to the implementation of integrated marine and coastal management, the identification of ecologically or biologically significant marine areas and the design and establishment of conservation and management measures, as appropriate. The expert workshop should:

(i) Review existing guidance and toolkits on marine spatial planning;

(ii) Identify gaps;

(iii) Develop proposals to fill these gaps; and

(iv) If considered necessary, prepare consolidated practical guidance and a toolkit on marine spatial planning.

XI/19. Biodiversity and climate change related issues: advice on the application of relevant safeguards for biodiversity with regard to policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

As part of the expanded Programme of Work on Biodiversity and climate change related issues, the Conference of Parties included the following provisions:

The Conference of Parties

4. *Noting* that relevant technical guidance for achieving benefits for biodiversity and **indigenous and local communities** in the context of the activities referred to in paragraph 1 above is available or under development at national, regional and international level;

7. *Invites* Parties, other Governments, and relevant organizations to continue and strengthen their efforts to promote the contribution of the activities referred to in paragraph 1 above to achieving the objectives of the Convention on Biological Diversity, and provide benefits for biodiversity and for **indigenous and local communities**, with particular attention to:

(a) Building synergies between national biodiversity strategies and action plans, and national strategies or action plans as referred to in paragraphs 71(a) and 72 of UNFCCC decision 1/CP.16;

¹⁰¹ For example, the web page of Intergovernmental Oceanographic Commission on marine spatial planning: http://www.unesco-ioc-marinesp.be/marine_spatial_planning_msp.

¹⁰² For example, the IOC/UNESCO guidelines on marine spatial planning.

(b) Further strengthening existing technology transfer and capacity-building processes for the elements referred to in paragraph 71 of UNFCCC decision 1/CP.16, with a view to building the synergies referred to in sub-paragraph (a);

8. Notes that the safeguards referred to in paragraph 2 of this decision may also enhance benefits for biodiversity and for **indigenous and local communities**, and invites developing countries to share their experiences and lessons learned when planning and implementing the activities referred to in paragraph 1;

14. Also invites Parties and other Governments, according to national circumstances and priorities, as well as relevant organizations and processes, to reduce the risk of displacement of deforestation and forest degradation to areas of lower carbon value and higher biodiversity value, and other adverse impacts to biodiversity and to **indigenous and local communities**;

15. Requests the Executive Secretary, subject to the availability of funds, to collate and summarize information, based on the systems for providing information on how safeguards are addressed and respected, as referred to in UNFCCC decision 12/CP.17, on experiences regarding how the potential effects of the activities referred to in paragraph 1 above on the **traditional way of life** and related knowledge and **customary practices of indigenous and local communities** are being addressed, and to submit this information to the Working Group on **Article 8(j)** and Related Provisions for its consideration, and invites the Working Group on **Article 8(j)** and Related Provisions to consider this information when undertaking its broader work, as appropriate;

The Programme of Work on Biodiversity and climate change related issues contains an Annex. Some provisions from the Annex include:

4. The application of safeguards considers *inter alia* the following possible adverse impacts, as noted by the Global Expert Workshop¹⁰³ on Biodiversity Benefits from Reducing Emissions from Deforestation and Forest Degradation in Developing Countries:

(e) The loss of **traditional** territories and restriction of rights of **indigenous and local communities** to access to, use of and/or ownership of land and natural resources;

(f) Lack of tangible livelihood benefits to **indigenous and local communities** and lack of **equitable benefit-sharing**;

(g) Exclusion of **indigenous and local communities** from designing and implementation of policies and measures;

(h) Loss of **traditional** ecological knowledge.

7. By addressing safeguards, developing countries can also enhance multiple benefits from activities referred to in paragraph 1 of decision XI/19 for biodiversity and for **indigenous and local communities**, noting that:

(a) The timely and effective inter-sectoral coordination and synergies among and within relevant ministries are of great importance for the application of safeguards and achieving multiple benefits;

8. Clarifying tenure issues, as deemed appropriate by each Party, and in accordance with national priorities, objectives, circumstances, capabilities and national legislation, remains a challenge for many aspects of the activities referred to in paragraph 1 of decision XI/19, including for applying safeguards related to **indigenous and local communities**. This will require nationally specific solutions. Impacts on **indigenous and local communities** and **benefit-sharing** are closely linked to solving land tenure and rights issues, as deemed appropriate by each Party, and in accordance with national priorities, objectives, circumstances, capabilities and national legislation.

¹⁰³ Global Expert Workshop on Biodiversity Benefits from Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, Nairobi, 20-23 September 2010 (UNEP/CBD/WS-REDD/1/3).

10. Lack of benefits and/or lack of **equitable distribution of benefits** for relevant stakeholders, in particular for **indigenous and local communities**, are possible threats to the success of the activities referred to in paragraph 1 of decision XI/19.

11. Where appropriate, the activities referred to in paragraph 1 of decision XI/19 should acknowledge the shared responsibility of subnational and **local** levels, including **indigenous and local communities**, with regard to domestic forest governance to achieve sustainable use, management and conservation of forests, biodiversity and natural resources.

13. Specifically, national strategies or action plans, as referred to in paragraphs 71 and 72 of UNFCCC decision 1/CP.16, could benefit from national experience in implementing the following decisions of the Conference of the Parties to the Convention on Biological Diversity, as appropriate:

(c) Voluntary guidelines on biodiversity-inclusive impact assessment (decision VIII/28);

(d) The **ecosystem approach**, and relevant operational-level guidance (decisions V/6 and VII/11);

(e) The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (decision VII/12, annex II);

(f) The **Akwé: Kon voluntary guidelines** for the conduct of **cultural, environmental and social impact assessments** regarding **sacred sites** and **lands and waters traditionally occupied or used** by **indigenous and local communities** (decision VII/16);

(g) Elements of the Tkarihwaí:ri Code of Ethical Conduct (decision X/42) as they pertain to research into, access to, and use, exchange and management of information concerning **traditional knowledge, innovations and practices** for the conservation and sustainable use of biological diversity; and

14. The risk of adverse impacts on biodiversity and on **indigenous and local communities** from displacement of deforestation and forest degradation could be addressed by:

(b) Promoting **full and effective participation** when developing and implementing national strategies or action plans and in all activities referred to in paragraph 1 of this decision at national and subnational levels, including of relevant stakeholders, in particular **indigenous and local communities**;

(c) Gathering information on the progress towards achieving relevant Aichi Biodiversity Targets and promoting regional and subregional collaboration on this activity, with technical and financial support for developing countries to this end.

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

(h) In planning and implementing effective climate change mitigation and adaptation activities, including renewable energies, take into account impacts on biodiversity and the provision of ecosystem services and avoid the conversion or degradation of areas important for biodiversity by:

(i) Considering **traditional knowledge**, including the full involvement of **indigenous and local communities**;

(j) Consider, as appropriate, incentives to facilitate climate change related activities that take into consideration biodiversity and related social and **cultural** aspects, consistent and in

harmony with the Convention on Biological Diversity and other relevant international obligations.

XI/20. Climate-related geoengineering

The Programme of Work on Climate-related geoengineering contains the following recommendations from the Conference of Parties:

The Conference of Parties

2. Takes note of the report on the impacts of climate-related geoengineering on biological diversity (UNEP/CBD/SBSTTA/16/INF/28), the study on the regulatory framework for climate-related geoengineering relevant to the Convention on Biological Diversity (UNEP/CBD/SBSTTA/16/INF/29) and the overview of the views and experiences of **indigenous and local communities** and stakeholders (UNEP/CBD/SBSTTA/16/INF/30);

6. Notes the findings contained in document UNEP/CBD/SBSTTA/16/INF/28, that there is no single geoengineering approach that currently meets basic criteria for effectiveness, safety and affordability, and that approaches may prove difficult to deploy or govern;

(c) **The socio-economic, cultural and ethical issues** associated with possible geoengineering techniques, including the unequal spatial and temporal distribution of impacts;

16. Further requests the Executive Secretary, subject to the availability of financial resources and at the appropriate time, to prepare, provide for peer review, and submit for consideration by a future meeting of the Subsidiary Body on Scientific, Technical and Technological Advice:

(b) An overview of the further views of Parties, other governments, **indigenous and local communities** and other stakeholders on the potential impacts of geoengineering on biodiversity, and associated **social, economic and cultural impacts**, taking into account **gender** considerations, and building on the overview of the views and experiences of **indigenous and local communities** contained in document UNEP/CBD/SBSTTA/16/INF/30.

XI/21. Biodiversity and climate change: integrating biodiversity considerations into climate-change related activities

The expanded Programme of Work on Biodiversity and climate change: integrating biodiversity considerations into climate-change related activities includes the following recommendation from the Conference of Parties:

The Conference of Parties

3. Invites Parties, other Governments, relevant organizations, and **indigenous and local communities**, when carrying out work on biodiversity and climate change, to consider the proposals on overcoming obstacles that are contained in document UNEP/CBD/SBSTTA/16/9;

6. Encourages Parties and other Governments to:

(a) Take into account the importance of **traditional knowledge, innovations and practices** related to biodiversity when addressing the impacts of climate change in sectoral plans and strategies, especially when considering **vulnerable communities**.

XI/22. Biodiversity for poverty eradication and development

The Programme of Work on Biodiversity for poverty eradication and development contains the following provisions:

The Conference of Parties

Recalling in particular the importance of the [Declaration of the United Nations on the Rights of Indigenous Peoples](#) and the outcome document of the Rio+20 Conference,

Emphasizing the links, under the Convention, between biodiversity for [poverty eradication](#) and development issues, [gender](#) mainstreaming, the considerations of [Article 8\(j\)](#) and related provisions, and the resource mobilization strategy,

6. *Encourages* Parties, other governments, all partners and stakeholders, including [indigenous and local communities](#), in the context of [poverty eradication](#) and sustainable development, to protect and encourage the [customary use](#) of biological resources, in accordance with [Articles 8\(j\)](#) and 10(c) of the Convention;

8. *Encourages* Parties and all partners to promote biodiversity and development projects that empower [poor and vulnerable people](#), particularly [women](#) and [indigenous and local communities](#), for sustainable development and [poverty eradication](#);

9. *Invites* Parties, the United Nations Development Programme and other relevant organizations to make available, through the clearing-house mechanism of the Convention, as appropriate, best practices and lessons learned on integrating biodiversity into [poverty eradication](#) and sustainable development;

10. *Decides* that issues relating to the links between biodiversity and human well-being, livelihoods, [poverty eradication](#) and sustainable development shall be discussed as appropriate at future meetings of the Conference of the Parties for the purpose of recommending specific actions to implement the Strategic Plan for Biodiversity 2011-2020;

11. *Requests* the Executive Secretary, subject to the availability of resources, to:

(b) Ensure effective mainstreaming of [poverty eradication](#) and sustainable development concerns into all of the Convention's programmes of work, including on communication, education and public awareness, taking into account, *inter alia*, the results of the assessment conducted by the United Nations Environment Programme World Conservation Monitoring Centre¹⁰⁴ on behalf of the Convention's Biodiversity for Development Initiative, in accordance with national circumstances, priorities, capacities and policy approaches;

(c) Collaborate, taking into account the outcomes of the Rio+20 Conference, in the process of developing sustainable development goals, as appropriate, with the United Nations Department of Economic and Social Affairs, the secretariats of the two other Rio conventions and multilateral environment agreements, and international organizations and specialized agencies involved in [poverty eradication](#), human health, food security and [gender](#) issues;¹⁰⁵

3. The Expert Group shall provide inputs as appropriate to the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention to enhance the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020, to support the achievement of the Aichi Biodiversity Targets, and its contribution to sustainable development and human well-being, in accordance with the following terms of reference. The Expert Group shall provide guidance towards a conceptual framework, a road map for the integration of biodiversity into [poverty eradication](#) and development in the context of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets

4. The Expert Group will:

(c) Provide guidance through the Secretariat of the Convention to Parties on how [poverty eradication](#) and development processes should be integrated into the national biodiversity

¹⁰⁴ www.cbd.int/development/doc/cbd-pow-poverty-en.pdf.

¹⁰⁵ Such as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

strategies and action plans (NBSAPs), to ensure their successful implementation at a national, subnational, and **local** level to address **poverty**, strengthen livelihoods, human well-being and sustainable development;

(d) Develop a conceptual framework and guidance on how to assess the role of collective action and the efforts of **indigenous and local communities** in conserving biodiversity, considering the critical role of **indigenous and local communities** in the stewardship and sustainable management of natural renewable resources, including exploring the role of non-market-based approaches in this endeavour;

(f) Provide guidance to Parties on how to integrate biodiversity policy with other development policies to scale up opportunities for the strengthening of sustainable livelihoods of **local** populations, including job creation and prosperity through development in the management and maintenance of ecological infrastructure.

XI/23. Biological diversity of inland water ecosystems

As part of the expanded Programme of Work on Biological diversity of inland water ecosystems, the Conference of Parties made the following recommendations for the implementation of the programme of work:

The Conference of Parties

*Recognizing that sustaining the availability and quality of water is particularly relevant in the context of livelihoods and **poverty eradication**, and that **indigenous and local communities**, including fishing **communities**, maintain a very close holistic, **cultural** and **spiritual** relationship with essential elements of biodiversity associated with the water cycle, as demonstrated in many **cultural** activities, including through **indigenous languages**, and can help to promote sustainable water management based on their **traditional knowledge**,*

7. *Urges* Parties and other Governments to ensure, where relevant, the **full and effective participation** of **indigenous and local communities** in the implementation of actions related to the biological diversity of inland water ecosystems.

XI/24. Protected areas

The expanded Programme of Work on Protected areas contains the following provisions from the Conference of Parties:

The Conference of Parties

1. *Invites* Parties to:

(e) Strengthen recognition of and support for **community-based approaches** to conservation and sustainable use of biodiversity *in situ*, including **indigenous and local community conserved areas**, other areas within IUCN governance types and initiatives led by **indigenous and local communities** that fulfil the objectives of Aichi Biodiversity Target 11 and support the voluntary use of the **Indigenous and Community Conserved Areas** Registry managed by the United Nations Environment Programme World Conservation Monitoring Centre;

(f) Give due attention to the conservation of wild relatives of cultivated crops and wild edible plants in protected areas and in **community conserved areas**, in accordance with the Convention on Biological Diversity and national legislation, thereby contributing to achieving Aichi Biodiversity Target 13 and food security;

(i) Further to decision IX/18, renew efforts to establish multi-sectoral committees that include representatives of **indigenous and local communities** in support of the programme of work on

protected areas, and continue to conduct assessments of the governance of protected areas, with a view to improving the management of protected area systems;

2. *Invites* the Ramsar Convention on Wetlands, the Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Heritage Convention, along with other relevant partners, regional agencies, bilateral and multilateral funding agencies, private foundations, the private sector and conservation organizations, to create synergies and partnerships, including with **indigenous and local communities**, and to consider aligning their activities towards supporting implementation of national action plans for the programme of work on protected areas;

7. *Invites* regional initiatives, organizations and agencies, the IUCN Global Protected Areas Programme, the IUCN World Commission on Protected Areas, the Ramsar Convention on Wetlands, the UNESCO Man and Biosphere Programme, the World Heritage Convention, and organizations of **indigenous and local communities**, to coordinate their activities and to foster regional cooperation partnerships and implementation strategies, so as to support the implementation of national action plans for the programme of work by working with national focal points for the programme of work and the regional technical support networks, developing professional capacity, making available tools and best practices, providing advice, and promoting the development of better enabling environments;

9. *Encourages* Parties, when implementing Article 9 of the Nagoya Protocol on Access Genetic Resources and the **Fair and Equitable Sharing of Benefits** Arising from their Utilization, to encourage users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and the sustainable use of its components, *inter alia* to enhance the management and establishment of protected areas important for biodiversity conservation, while ensuring the **fair and equitable sharing of benefits** with **indigenous and local communities**;

10. *Requests* the Executive Secretary, in partnership with relevant organizations, subject to the availability of funding, to continue supporting implementation of national action plans for the programme of work and progress towards achieving Aichi Biodiversity Target 11 and other related targets at the national, subregional and regional levels. These activities include the organization of subregional and regional workshops on common priority actions identified in national action plans for the programme of work; e-learning; workshops for the training of trainers; organization of online course rooms in different languages and on different themes, using trainers as mentors; making available tools and technical guidance on those areas where progress is lacking, such as mainstreaming protected areas and defining area-based conservation measures; fostering relevant capacity-building for **indigenous and local communities**; and supporting the further development of local registries of **indigenous and community conserved areas** and the **Indigenous and Community Conserved Areas** Registry maintained by the World Conservation Monitoring Centre.

XI/25. Sustainable use of biodiversity: bushmeat and sustainable wildlife management

The Programme of Work on Sustainable use of biodiversity: bushmeat and sustainable wildlife management contains the following recommendations from the Conference of Parties:

The Conference of Parties

7. *Recalling* its decision X/32, *recognizes* the contribution that the Satoyama Initiative is working to make in creating synergies among the various existing regional and global initiatives on human-influenced natural environments, including the Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organization, the International Model Forest Network and other initiatives that include **community conservation areas** developed and managed by **indigenous and local communities**, and *reaffirming* that

the Satoyama Initiative is to be used consistent and in harmony with the Convention, internationally agreed development goals and other relevant international obligations, and *invites* Parties, other Governments and relevant organizations to support the International Partnership for the Satoyama Initiative, as appropriate;

8. *Urges* Parties to acknowledge the important role of **indigenous and local communities** in the sustainable use of biodiversity and to facilitate their **full and effective participation** in the design and implementation of policies and programmes at national and subnational level, according to national legislation;

9. *Requests* the Executive Secretary to provide periodic updates to the Subsidiary Body on Scientific, Technical and Technological Advice on the progress made by the Ad Hoc Working Group on **Article 8(j)** and Related Provisions on **customary sustainable use** of biodiversity by **indigenous and local communities**;

12. *Takes note* of the outcome of the international symposium on the relevance of **community-based natural resources management** to the conservation and sustainable use in exporting countries of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (UNEP/CBD/SBSTTA/15/INF/12), and *reiterates* the need to strengthen cooperation between the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora so as to enhance both the sustainable use of species and the livelihood benefits associated with **community conservation programmes**, with a focus on developing sustainable small-scale food production and income-generating alternatives;

13. *Invites* Parties, other Governments and relevant organizations to:

(b) Provide adequate financial, technical and capacity support for the implementation of the recommendations of the Liaison Group on Bushmeat, in particular for **indigenous and local communities**;

(e) Develop and promote methods and systems, and build capacity and **community** awareness to determine sustainable wildlife harvest levels at national and other levels, with a particular view to monitoring and improving sustainable wildlife management and **customary sustainable use**, consistent with national legislation;

15. *Also requests* the Executive Secretary, subject to the availability of financial resources, to:

(a) Support capacity-building initiatives in the management of wildlife for **customary sustainable use**, with the **full and effective participation** of **indigenous and local communities**, and explore opportunities for the fair and equitable commercialization of goods and products derived from the sustainable use of biodiversity under the management of **indigenous and local communities**;

(b) Further develop the linkages between work on Article 10(c) of the Convention and on **customary sustainable use** of bushmeat;

(c) Facilitate the exchange of information and experience on sustainable wildlife management, including on the initiatives, actions and experiences of **indigenous and local communities**, and provide a synthesis report to the Subsidiary Body on Scientific, Technical and Technological Advice prior to the twelfth meeting of the Conference of the Parties;

(d) Based on submissions from Parties and relevant organizations, and with the **full and effective participation** of **indigenous and local communities**, report to the twelfth meeting of the Conference of the Parties on progress in sustainable wildlife management, in particular bushmeat species management and **customary sustainable use**, and on related capacity-building requirements;

(e) Establish mechanisms for the **full and effective participation** of **indigenous and local communities** in the process outlined in paragraph 15(d) above, so as to ensure the inclusion of their **traditional knowledge** and views on the role of bushmeat in their diets and **cultures**;

The Programme of Work on Sustainable use of biodiversity: bushmeat and sustainable wildlife management contains an Annex entitled: ‘Revised Recommendations of the Convention on Biological Diversity Liaison Group on Bushmeat’. The Annex contains the following provisions in Section ‘I- National Level’:

1. *Increasing capacity to fully evaluate the bushmeat issue and establish appropriate policies and management regimes.* National Governments should, with the **full and effective participation** of **indigenous and local communities**, evaluate the role of bushmeat and other wild animal products in national and **local economies and cultures** as well as the ecological services provided by harvested species and other biodiversity as an essential step towards conserving and sustainably using this resource. This can be done by:

(b) Incorporating a realistic and open assessment of wildlife consumption and its role in livelihoods and **cultures** into major policy and planning documents;

(c) Establishing mechanisms for **full and effective participation** of **indigenous and local communities** in the process, to ensure inclusion of their views on the role of bushmeat in their diets and their **cultures**, and the impacts of unsustainable bushmeat use on their livelihoods, and to include **traditional knowledge** and **customary laws** in policymaking and planning.

3. *Rights and tenure, and traditional knowledge:* Access, rights and associated accountability, as well as the responsibility to sustainably manage wildlife resources, should be transferred whenever possible to **indigenous and local communities** and other **local** stakeholders who have a vested interest in maintaining these resources and who can deliver sustainable, desirable solutions. The capacities of these empowered **indigenous and local communities** should be built and strengthened to ensure that they have the capacity to exercise these rights. Conservation and sustainable use of wildlife resources would be enhanced through the incorporation of **traditional knowledge** and **customary sustainable use** into management and monitoring systems, as well as by favouring the use of the most ecologically friendly (e.g. species-specific), cost-efficient and humane hunting methods.

4. *Review of national policies and legal frameworks:* States where bushmeat species occur are strongly encouraged to review existing policies and legal frameworks related to the conservation and sustainable use of wildlife. In addition to restricting harvesting in protected areas and of threatened species in accordance with existing legislation, it is recommended that States establish strategies, policies, capacity, and management systems that support the legal and sustainable hunting of targeted species. The review should ensure:

(a) That national regulatory frameworks take into consideration the established rights of **indigenous and local communities** as they pertain to the **customary sustainable use** of species for bushmeat;

(g) The **full and effective participation** of **indigenous and local communities**, and include their views and proposals based on **traditional knowledge**, **customary practices** and laws;

6. *Science, traditional and indigenous knowledge and monitoring.* Management decisions should be made based on the best available and applicable science, the precautionary approach and the practices and **traditional knowledge** of **indigenous and local communities**. Further research is crucial and better information management is needed. Appropriate monitoring systems of bushmeat harvest and trade and wildlife habitats should be developed based on an integration of **traditional, indigenous** and scientific knowledge and implemented at national level, and allow for comparability of bushmeat harvest and trade at the regional level. International support and guidance should be provided for harmonization of monitoring and reporting. Standardized methods to assess and monitor the status of wildlife populations should be developed and implemented. New, updated and additional reliable data on populations of harvested species and on levels of use and trade should be made available for consideration within the Convention on Biological Diversity – Subsidiary Body on Scientific, Technical and Technological Advice (CBD-SBSTTA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Animals

Committee, the Convention on Migratory Species of Wild Animals (CMS) Scientific Council, other relevant international conventions, the Great Apes Survival Partnership led by the United Nations Environment Programme (UNEP-GRASP) and the International Union for Conservation of Nature (IUCN) Red Listing Process.

7. *Substitution and other mitigative measures*: The development of **culturally** acceptable and economically feasible alternative food and income sources is essential where wildlife alone cannot be sustainably used to support current or future livelihood needs. Alternative food and income sources, however, need to take into account **local** realities, **cultures** and preferences and should be developed and implemented with **local communities** or support **community**-based income projects. Mitigative measures (farming, ranching, captive breeding, etc.) may play a role in conserving wildlife resources.

8. *Capacity-building, training, education and awareness-raising*: To achieve conservation and sustainable use of wildlife resources, sufficient capacity-building and public awareness-raising activities targeting relevant audiences need to be implemented and where possible institutionalized at international, national and **local** levels across a range of themes, including:

(d) The role of **indigenous and local communities**;

(e) The impacts of unsustainable bushmeat harvesting and trade on **indigenous and local communities** and their livelihoods;

(f) Livelihood alternatives; and

(g) Collaboration across government, private and public sectors, educational training institutions and **indigenous and local communities**.

10. *Special management areas*: Where they do not already exist, specific areas for wildlife management should be designated at national and **local** level, with the **full and effective participation** of **indigenous and local communities** and in full respect of their rights (in line with decision VII/28¹⁰⁶ of the Conference of the Parties to the Convention on Biological Diversity and the programme of work on protected areas, in particular programme element 2 on governance, **participation**, equity and **benefit-sharing**), similar to permanent forest estates designated to manage timber resources. These may span existing protected area systems and multi-use landscapes (e.g. game-management areas or districts).

12. *Law enforcement*:

(d) Assure that citizens, including **indigenous and local communities**, are aware of national, regional and **local** laws.

Section II of the Annex on 'Revised Recommendations of the Convention on Biological Diversity Liaison Group on Bushmeat' concerns recommendations at the International Level, including the following:

15. *Participatory processes*: The international community should support national Governments to develop or strengthen **participatory** and cross-sectoral processes in formulating and implementing the *sustainable* management and harvesting of bushmeat species, in particular **participation** of **indigenous and local communities**, and the private sector.

¹⁰⁶ Decision VII/28, paragraph 22: "Recalls the obligations of Parties towards indigenous and local communities in accordance with Article 8(j) and related provisions and notes that the establishment, management and monitoring of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations."

17. *International policy environment*: In order to optimize the sustainability of hunting, the international community should support integrated **local**, national, and transboundary action to build partnerships among relevant organizations and institutions to:

- (a) Build enforcement and monitoring capacity;
- (b) Develop and implement protein and income alternatives;
- (c) Increase awareness and education regarding bushmeat hunting and trade;
- (d) Increase collaboration between the relevant conventions: the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Convention on Migratory Species (CMS), the World Health Organization (WHO), the World Organisation for Animal Health (OIE), and other relevant organizations.

These actions taken together have the potential to support **communities** to sustainably manage their wildlife resource and reduce the demand for bushmeat.

19. *Forest certification*: Forest certification schemes and standards should take into account the role of conservation and sustainable use of wildlife in maintaining healthy forest ecosystems, as well as the well-being of forest-dependent **indigenous and local communities**.

XI/28. Invasive alien species

The expanded Programme of Work on Invasive alien species includes the following provision from the Conference of Parties on 'ways and means to address gaps in international standards regarding invasive alien species introduced as pets, as aquarium and terrarium species, and as live bait and live food':

The Conference of Parties

5. *Requests* the Executive Secretary, with further input from Parties and members of the Ad Hoc Technical Expert Group and other experts, as required, and in collaboration with the members of the Inter-agency Liaison Group on Invasive Alien Species, with the **full and effective participation** of **indigenous and local communities**, and drawing upon the collaborative work of national authorities and industry groups, to prepare proposals for more detailed guidance for Parties on devising and implementing national measures on the introduction of alien species as pets, aquarium and terrarium species, and as live bait and live food, in order to complete the tasks set out in the annex to decision X/38, and to submit it for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice before the twelfth meeting of the Conference of the Parties;

The following provision is included within the Programme of Work on Invasive alien species under the heading 'Other matters':

The Conference of Parties

18. *Requests* the Executive Secretary to explore methodologies for fostering awareness, promoting education and generating information on invasive alien species for a broad audience, including **indigenous and local communities**, the public and other stakeholders.

XI/29. Global Taxonomy Initiative

The Capacity-building Strategy for the Programme of Work on Global Taxonomy Initiative contains the following recommendations from the Conference of Parties:

The Conference of Parties

3. *Invites* Parties and other Governments to integrate, as appropriate, in a timely manner, the actions of the Capacity-building Strategy for the Global Taxonomy Initiative in their updated national biodiversity strategies and action plans (NBSAPs), noting that taxonomic capacity-building requires multidisciplinary **participation**, including **participation of indigenous and local communities**, as appropriate;

10. *Requests* the Executive Secretary, subject to the availability of financial resources, to organize and facilitate, as far as feasible in partnership with academic organizations, biodiversity-related multilateral environmental agreements and relevant international organizations:

(a) Regional workshops to assist Parties and their Global Taxonomy Initiative national focal points, along with other focal points for the Convention and other stakeholders, to use the Capacity-building Strategy for the Global Taxonomy Initiative to integrate taxonomy in updated national biodiversity strategies and action plans. Partners in these workshops may include other relevant stakeholders such as **indigenous and local communities**;

(c) The development, in collaboration with the Coordination Mechanism for the Global Taxonomy Initiative and partners, of a practical learning kit for the Convention and Global Taxonomy Initiative national focal points to promote the Global Taxonomy Initiative and facilitate their communication with all relevant stakeholders, including **indigenous and local communities** to strengthen the engagement of all relevant sectors, and to support the actions of the Capacity-building Strategy for the Global Taxonomy Initiative;

12. *Recognizing* that taxonomic research may involve the movement of genetic resources between countries and access to **traditional knowledge**, *emphasizes* the need for these activities to be undertaken in line with the provisions on **access and benefit-sharing** of the Convention and, where applicable, the Nagoya Protocol on Access to Genetic Resources and the **Fair and Equitable Sharing of Benefit** Arising from their Utilization, and subject to their domestic legislation or regulatory requirements;

13. *Notes* the importance of **traditional taxonomic knowledge** of **indigenous and local communities** in the context of the Global Taxonomy Initiative;

The Programme of Work on the Global Taxonomy Initiative includes an Annex describing the Capacity-building Strategy for the Global Taxonomy Initiative. Section D of the Annex concerns Strategic actions to take in the period 2011-2020, including the following action and rationale:

Action 9: Facilitation of all-taxa inventories in targeted national, regional and subregional priority areas such as biodiversity hot spots, key biodiversity areas, protected areas, **community-conserved areas**, sustainable biodiversity management zones, and socio-ecological production landscapes considered under the *Satoyama* Initiative and other programmes in which biodiversity inventories are a priority for decision-making.

Rationale: This is a catalytic action of the GTI Capacity-building Strategy, which intends to accelerate the generation of taxonomic information needed by Parties to make scientifically informed decisions on conservation and management of biodiversity. In addition, it supports the engagement of **local** stakeholders in biodiversity inventories. Taxonomic knowledge will be widely shared. This action enhances the involvement of taxonomists and other citizens to support conservation and sustainable use of biodiversity and increase taxonomic capacity beyond 2020. Projects may also include inventory, characterization and monitoring of the genetics of domesticated species in their production environments, such as on farm, in forests, and in aquaculture facilities, as well as wildlife, as appropriate, by 2019. Microbial diversity should be included where possible. Species inventories could be initiated as a priority in areas where basic species occurrence information is already available and accessible, with a view to supporting the development of national action plans and promoting conservation, sustainable use and **access and benefit-sharing** at the national level.

This action addresses Aichi Biodiversity Targets 1, 9, 10, 11, 12, 13, 14 and 19 and contributes to achieving all five goals of the GTI Capacity-building Strategy - to *appreciate, identify and prioritize, generate, maintain and utilize* the taxonomic knowledge and information.

XI/31. Administration of the Convention and budget for the programme of work for the biennium 2013-2014

As part of the Programme of Work on the Administration of the Convention and budget for the programme of work for the biennium 2013-2014, the Conference of Parties included the following provision:

The Conference of Parties

17. *Takes note of the funding estimates for the:*

(b) Special Voluntary Trust Fund (BZ) for Facilitating **Participation** of Developing Country Parties, in particular the Least Developed and the Small Island Developing States, as well as Parties with Economies in Transition, for the biennium 2013-2014, as specified by the Executive Secretary and included in Table 4 below, and *urges* Parties to make contributions to those funds and to the VB Trust Fund for **participation of indigenous and local communities** in the activities of the Convention (see Table 5 below).

Annex: Keywords highlighted in the decisions

- (Full /effective /active) participation/involvement
- (Lands and waters) Traditionally occupied / traditionally used
- Access and benefit-sharing/sharing of benefits
- Akwé: Kon Voluntary Guidelines
- Appropriate and accessible language
- Article 8(j)
- Beliefs, customs, practices and social behaviour
- Community/communities
- Community-based approach(es)/management systems/management initiatives/strategies
- Community-based biodiversity conservation
- Community-based conserved areas /indigenous and local communities
- conserved areas
- Community-based natural resources management
- Community-level distribution of benefits
- Culture/s/Cultural / sacred / spiritual
- Cultural diversity.
- Cultural, social and environmental impact assessments/valuation/evaluation
- Culturally appropriate
- Custodians of biological diversity
- Customary laws
- Customary / sustainable use
- Customs / traditions
- Ecosystem approach
- Empowerment
- Empowerment of women
- Encourage/facilitate participation/participatory mechanisms
- Equitable sharing of benefits / benefit sharing/equitable distribution of benefits
- Fair and equitable
- Gender
- Gender equity
- Impact Assessments
- Indigenous and local communities
- Indigenous livelihoods / resources / access to resources
- Knowledge of local, natural and cultural landscapes
- Local
- Local languages
- Local needs
- Local products/skills
- Marginal communities (?)
- Marginalised groups
- Natural/cultural heritage/values
- Participation of women
- Pastoralists/nomadic pastoralist/pastoralism

- Poverty/hunger alleviation/eradication/elimination
- Prior informed consent
- Promote/promotion of the education of women
- Rural/Sustainable livelihoods
- Sacred sites
- Sacred species
- Small-scale and artisanal
- Secret and sacred Sites
- Social and cultural importance
- Subsistence,
- Sustainable livelihoods
- The Permanent Forum on Indigenous Issues
- The United Declaration on the Rights of Indigenous People
- Traditional
- Traditional guardianship/custodianship
- Traditional / indigenous knowledge (innovations and practices)/ traditional taxonomic knowledge
- Traditional / Indigenous practices
- Traditional resource rights/resource management
- Traditional and sustainable land use practices
- Traditional approaches
- Traditional crops and livestock
- Traditional cultural practices
- Traditional grounds and resources
- Traditional lifestyles/way(s) of life
- Traditional rights
- Transhumant indigenous people
- Unique human cultures
- Unprotected or voluntarily isolated communities/peoples
- Voluntary isolation
- Women