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

First meeting
Seville, 27-31 March 2000

SYNTHESIS OF CASE-STUDIES AND RELEVANT INFORMATION ON ARTICLE 8(j) AND
RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Note by the Executive Secretary

I. INTRODUCTION

1. The present note has been prepared by the Executive Secretary for the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity established by decision IV/9 (Implementation of Article 8(j) and related provisions) adopted at the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity.

2. In paragraph 10 of that decision, the Conference of the Parties invited Governments, international agencies, research institutions, representatives of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and non-governmental organizations to submit to the Executive Secretary as part of the short-term activities, case-studies and other relevant information as background information for the Working Group on the following elements:

(a) Interactions between traditional and other forms of knowledge relating to the conservation and sustainable use of biological diversity;

(b) The influence of international instruments, intellectual property rights, current laws and policies on knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

(c) The extent to which traditional knowledge of indigenous and local communities has been incorporated into development and resource management decision-making processes;

(d) Documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge they hold; and

/...

(e) Matters of prior informed consent, fair and equitable sharing of benefits and in situ conservation in lands and territories used by indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

3. Pursuant to paragraph 11 of decision IV/9, a format for the presentation of the information requested above was developed in order to assist in the preparation of this synthesis in support of the programme of work. The Executive Secretary sent this format identifying the above elements as well as gender and cross cutting matters to national focal points and a number of organizations with a request for information (see annex I below).

4. Case-studies and other information submitted as relevant to the implementation of article 8(j) and related provisions were received from 12 countries (Argentina, Australia, Cameroon, Canada, Germany, Norway, 1/ Oman, Panama, Peru, Philippines, Turkey and the United Kingdom), two United Nations entities (the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Environment Programme (UNEP)), and four non-governmental organizations (the International Support Group for Sustainable Tourism, the South East Asia Institute for Community Education, Tebtebba Foundation, and the Third World Network). The full list of submissions received is contained in annex II below.

5. With the exception of Canada and Cameroon, the contributors did not directly address each or any of the elements outlined above. Terms such as “indigenous knowledge”, “traditional knowledge”, “indigenous peoples”, “aboriginal peoples” and “local communities” were also used variably between the contributors. These terms have not been changed for consistency in the present document. Moreover, there are overlaps between the elements, which can make the application of extracted information subject to interpretation. In light of the information gaps, namely variance among the contributors and overlaps between the elements, the extraction and production of the information into this synthesis can only be seen as tentative.

6. Taking into account the above, information has been compiled for each element and each contributor separately. A brief conclusion is provided under each element.

II. CASE-STUDIES AND OTHER INFORMATION

A. Interactions between traditional and other forms of knowledge relating to the conservation of and sustainable use of biological diversity

7. For this element, the case-studies and other information received were screened for instances where interactions between traditional and other forms of knowledge occurred and for information on approaches for such interactions.

Australia

8. Australia reports (2) 2/ the existence of a Council of Elders to help the Great Barrier Reef Marine Park Authority develop biological resource arrangements. Cooperative management arrangements in the areas of parks and fishing, and management of protected areas are provided as instances where traditional and scientific knowledge are combined.

1/ The document from Norway originally submitted for the Madrid meeting contains relevant information retrieved for this synthesis.

2/ The numbers in parentheses correspond to the number of the cited submission in annex II below.

Cameroon

9. The submission from Cameroon (5) states that interactions between indigenous peoples and researchers, forest exploiters, bioprospectors, government officials and others remain constant. This is seen as the result of the growing recognition of the value of traditional knowledge. However, the submission does not state that such interactions with indigenous peoples result in interactions between knowledge systems. The submission appears to imply interactions between knowledge systems in asserting that instances of collaboration are occurring between indigenous healers and scientists, medical experts and the Government for the purposes of identifying plants for national pharmaceutical development. The submission states that the Bioresources Development Programme of Cameroon, in collaboration with the Smithsonian Institute and Shaman pharmaceuticals, have carried out certain research geared towards pharmaceutical leads on traditional healers and nutritionists.

Canada

10. Instances of interaction identified in the submission by the Government of Canada are as follows:

(a) The incorporation of traditional knowledge on selective fishing methods which meet policy standards (6);

(b) Input through forums held by resource management bodies, including co-managed bodies (6);

(c) Policy development for environmental impact assessments through consultations with stakeholders on action plans to meet integration commitment (6);

(d) Recording and research of oral histories, including production of videos for park management purposes (6);

(e) Forest resources pilot project to combine indigenous traditional knowledge and scientific investigation for biodiversity and environmental monitoring (6);

(f) The production of a floe-edge boat that integrates northern and southern knowledge, material and technologies by using fibreglass instead of wood and sealskin to provide better manoeuvrability and flotation for seal hunting and fishing (9);

(g) University curriculum development, including the incorporation of ethnobotany knowledge (9);

(h) Research and development by the Indian Agricultural Program of Ontario of traditional indigenous corn crops for commercialization (9).

Oman

11. Being aware of the need to integrate traditional practices with modern techniques, studies have been carried out on traditional livestock rearing practices and irrigation methods (23).

Philippines

12. The case-study from the Philippines (28) points to the use of household ^{3/} interviews to measure biodiversity trends and predict changes in the agro-ecosystem, which in turn provide rules to be considered for the successful application of indigenous knowledge in rural development. Such rules include, for example, that any external project or development programme (e.g. agroforestry) should be based on indigenous knowledge and should start with indigenous practices.

^{3/} Refers in this instance to indigenous peoples.

United Nations Environment Programme

13. In terms of interaction between indigenous knowledge and other forms of knowledge, the United Nations Environment Programme (UNEP) submitted a case-study (37) on incentive measures for conservation of biodiversity and sustainability of the Pantanal, in Brazil, that points to the development of incentives that would diversify the predominant use of land for cattle ranching. The potential growing market in herbal medicines (identified as “undiscovered” medicine from the tropics) has been proposed as an option to “provoke direct stakeholder behaviour in line with the biological conservation objectives . . .”. Landowners are identified as direct stakeholders that hold legal claim to the natural resource base in question. The information provided in this case-study does not identify where those indigenous peoples or local communities, who may hold either individual or collective knowledge of such “undiscovered” plant medicines, fit into the consideration of incentive measures, or how the principles of prior informed consent and equitable sharing of benefits are considered.

14. Another UNEP case-study (35) focused on the use, in Mexico, of traditional indigenous management and harvesting knowledge of the Plicopurpura pansa, a snail that produces purple ink that has been used by indigenous peoples for over a millennium for dying purposes. Overexploitation by non-indigenous people and their interests, leading to an imbalance in the ecosystem, caused a reduction in the population of the snail. The reduction in the snail population also significantly increased the worth of the ink product. Consequently, contact was made with indigenous people in 1986 to identify their traditional use of the snail and comparisons in exploitation techniques were examined. This led to the awareness that the traditional methods showed “a profound knowledge of the species that assures a sustainable handling of the knowledge”. As a result of this discovery, the indigenous knowledge was adopted for regulatory purposes through a milestone agreement recognizing the scientific validity of the knowledge and giving exclusivity for exploitation to “the groups that have made traditional use of the resource”.

Some remarks

15. Overall, the provision of examples of interaction is limited to a few countries and efforts to interact in order to identify traditional sustainable practices appear to be just under way. Where examples of interaction have been provided, it is clear that the scientific validity of traditional medicine knowledge of plants has been recognized by pharmaceutical companies. The Mexican experience underscores recognition of the scientific validity of traditional indigenous harvesting practices. In light of this, the matters of procedures for interaction, prior informed consent, benefit-sharing and protection of traditional indigenous knowledge relevant for the conservation and sustainable use of biological diversity become compelling.

B. The influence of international instruments, intellectual property rights, current laws and policies on knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity

16. For this element, the case-studies and other information received were screened for results arising or predicted to arise from the application of current laws and policy.

Australia

17. The Aboriginal and Torres Strait Islander Commission identifies a range of international and domestic treaties, laws and policies that provide additional support for recognizing and protecting traditional knowledge (4).

Cameroon

18. Cameroon (5) notes that the following international instruments, although non-binding, give a strong indication on the existence of international consensus on the positive assertion of indigenous community rights: the draft African Convention on Access to Biological Resources and the Protection of Community Rights; the United Nations draft Declaration on the Rights of Indigenous Peoples (1993) supporting indigenous collective rights ^{4/}, and the Food and Agriculture Organization of the United Nations (FAO) Leipzig Declaration on Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture, which gives recognition to farmer's innovation in contributing to the rich global agricultural diversity.

19. The International Union for the Protection of New Varieties of Plants (UPOV), the World Trade Organization (WTO), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the International Tropical Timber Organization (ITTO), the African Timber Organization (ATO), the Paris Convention and the Bangui Convention are seen as having very little or no provision that recognizes traditional knowledge. Some, in fact, are considered to have negative effects on traditional knowledge (5).

20. Intellectual property rights enshrined in various international conventions are seen as having had an adverse effect on the knowledge, innovations and practices of indigenous and local communities and that such rights tend to be among factors contributing to biodiversity erosion because of the insecurity to which they expose indigenous knowledge and traditional practices.

21. Cameroon cites the introduction of Western-style of conservation and management methods, which minimize the local and regional context, as detrimental to the forest peoples, who are recognized as "the real experts on their environment".

22. In light of the above problems with international instruments, the "timid application" of national legislation, and the lack of confidence within indigenous and local communities that have been subjected to unscrupulous exploiters, Cameroon suggests the need for the development of a national affirmative and protective sui generis system.

Canada

23. Canada (6) points to its constitutional obligations to recognize and affirm existing aboriginal and treaty rights that may impact the approach taken by Canada in undertaking and complying with international instruments. Canada cites a decision of the Supreme Court of Canada (the Sparrow decision) on the exercise of fishing rights as the basis upon which Canadian policies reflect an acknowledgement and accommodation of traditional methods of fishing, within the limits of conservation.

24. As a result of its constitutional obligations, legislative authority and case-law, Canada (6) identifies the following processes and mechanisms employed, which provide interaction with indigenous peoples and access to traditional knowledge relevant to matters within Article 8(j) and related provisions:

- (a) Legislative processes in the drafting and amendment of relevant laws;
- (b) Land-claim negotiations, settlements, and intended implementation provisions that can provide land-use studies on the identification of resources and culturally important sites;
- (c) Wildlife management boards, examples of which are found in the northern part of the country, which fund traditional knowledge studies to improve decision-making; and

^{4/} Article 29 of the draft Declaration states, inter alia, that "Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property".

(d) Treaty and self-government negotiations.

25. All environmental assessments (11) conducted under the auspices of the Canadian Environmental Assessment Act must include a consideration of the changes (whether these changes occur within or outside Canada) that any projects may have on the health and socio-economic condition, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by aboriginal persons (or on any structure), and on sites or things that are of historical value.

26. A legal examination of intellectual property rights was provided as supplementary information (10) to the submitted case-study. Issues of novelty or newness of knowledge, lack of commercial aspects and matters of communally held knowledge were cited as technical legal reasons for inadequate correlation between current intellectual property regimes and indigenous knowledge. As an example (9) of difficulties in patenting products based on traditional knowledge, the traditional sealskin and wood sealing boat of the Inuit was redesigned to replace traditional materials and a patent was sought. Canadian Patents Development Limited noted existing patents on boats or analogous structures and concluded that it was difficult to distinguish inventively the new design from the previous patents. Nonetheless, examples and an assessment (10) of instances where indigenous peoples applied existing intellectual property rights provided a tentative conclusion on trends: increased awareness among indigenous communities of intellectual property rights and issues as the basis for increased usage of simple forms of intellectual property protections such as copyright and trademarks; and a growing commonality of interests with resolution through contractual arrangements. In this respect, one of Canada's documents (9) pointed to the matter of patenting of indigenous traditional corn reported to be handled through a memorandum of understanding.

Norway

27. A Committee on the Rights of the Sami People, which includes Sami membership, was established in 1980 to report on general questions concerning the Sami people's legal position as regards the right to, and the management and use of, land and water resources. In 1984, this Committee recommended that a new article, the Sami Article, be included in the Norwegian Constitution (22).

28. As a consequence of Norway ratifying the International Labour Organization's Convention on Indigenous and Tribal Peoples, which obligates the consideration and accommodation of material conditions for Sami population and culture, Norway has committed itself to ensuring acceptable operating conditions for Sami reindeer-herding.

Philippines

29. The case-study information (28) provided by the Government of the Philippines outlines the environmental and societal changes, which have increased during the last decades. The introduction of Western culture, technology and a cash economy has produced rapid change in the traditional agro-ecosystem. Lesser and lesser numbers of tribal peoples now engage in traditional farming systems and as a result, traditional knowledge is becoming lost.

UNCTAD

30. In terms of incentives for the conservation and sustainable use of biological diversity, since Governments play an essential role in "shaping market behaviour in the interest of social values", market incentives (38) are seen as critically important tools which can encourage sustainable use of bioresources or the protection of traditional knowledge. Geographical indications and trademarks are examined as tools to enhance market rewards for sustainable production of traditional knowledge derived products from bioresources. It is noted however that market relations are not necessarily a solution for indigenous society or traditional communities, or for traditional knowledge formation. The discussion does not

explore possible conflicts between market incentives (such as trademarks and geographical indicators) to encourage use of traditional knowledge and the protection of traditional knowledge, however, as stated in the submission, “each indigenous or local community will need to evaluate whether to use them”.

31. Trademarks and geographic indicators (38) can encourage the marketing of segmented products (i.e., wines, speciality products). However, in order to serve as incentives for sustainable use, guidelines for sustainable use should be included to ensure against the over-exploitation caused by economic pressure of demand for the product. Geographical indicators are useful where demand is linked to territorial origin that in turn rewards producers for use of traditional methods, which made or makes the product desirable. Those features of geographical indicators, which are seen as responsive to the cultural norms of indigenous and local communities, are as follows:

- (a) Based on collective traditions and a collective decision-making process;
- (b) Taking into account the relationships between culture, land, resources and environment;
- (c) Not freely transferable from one owner to another;
- (d) Not subject to unconditional control by a private owner; and
- (e) Being maintained as long as the collective tradition is maintained.

32. Trademarks are presented as marketing tools that highlight a producers claim to authentic or distinctive products or services. Authenticity is confirmed through an independent organization. For example, trademarks have been used to authenticate organic foods and for the identification of social and employment conditions involved in the making of the product. A recent example is the use of Forest Stewardship Council that seeks to develop a forest certification system. Some of the Councils principles and criteria are directly related to indigenous and local communities' control and receipt of benefits, as noted:

- (a) All sources (of timber) must recognize and respect the legal and customary rights of indigenous peoples to own, use, and manage their lands, territories and resources;
- (b) Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations;
- (c) Indigenous and local communities should receive fair and adequate benefits for any use of their name or image in marketing;
- (d) Whenever local or indigenous knowledge is the basis of a non-timber forest product related patent, the affected community should receive fair and adequate benefits.

International Support Group for Sustainable Tourism

33. The submissions (41, 42) from the International Support Group for Sustainable Tourism assert that tourism policy can have serious adverse impacts on biodiversity and indigenous and local communities and their knowledge through damage to indigenous peoples' sensitive ecosystems, biodiversity-rich homelands and the appropriation of indigenous cultural and medicinal property.

The Voices from the Bay

34. The Voices from the Bay in Canada (52) compiles Elders' observations on the erosion of nature, their culture and traditional teachings as a result of industrialization and the educational system.

Some remarks

35. Tourism and the introduction of “western” culture, technology, commercialism, and conservation and management methods are seen as both detrimental to indigenous and local community involvement and as having an adverse affect on the retention of traditional biodiversity related knowledge. At the

national level, legal recognition of indigenous rights is considered as an approach that leads or could lead to both the identification of and access to beneficial sustainable traditional knowledge. International consensus is identified on the collective indigenous rights of ownership, control and protection of cultural and intellectual property, within which traditional indigenous biodiversity-related knowledge exists. Laws or policy which directly impact on the retention or loss of traditional knowledge have not been specifically identified, with the exception of one submission dealing with the impact of educational policies on the loss of traditional indigenous knowledge. ^{5/}

36. Information on intellectual property laws as a tool for the protection of traditional biodiversity-related knowledge has been tentatively explored with calls for the development of sui generis laws. Simple forms of intellectual property laws such as geographical indicators and trademarks could be further explored with respect to the collective traditions and nature of indigenous and local knowledge.

C. Extent to which traditional knowledge of indigenous and local communities has been incorporated into development and resource management decision-making processes, and the conservation and sustainable use of biological diversity

37. For this element, the case-studies and other information received were screened for recognition of need to incorporate, proposals to incorporate, and the incorporation of traditional knowledge into various decision-making processes, including constitutionally and legislatively based decision-making, administrative decision-making, policy-based decision-making, and informal decision-making processes.

Argentina

38. With regard to the incorporation of traditional knowledge into decision-making processes. Argentina's submission refers to projects on the sustainable commercial use of flora and fauna ("Talking Parrot", oviparous and red lizards, and vicuña fibre) (1). The role of indigenous knowledge or the decision-making process involved in these commercialization projects has not been made clear by the submission.

Australia

39. Australia (2) has produced "The National Strategy for the Conservation of Australia's Biological Diversity" in response to the Convention on Biological Diversity. This strategy calls for the recognition and value of the knowledge and practices of Aboriginal and Torres Strait Islander peoples and encourages their use in research and conservation programmes.

40. Included in the information submitted from Australia was a submission of the Aboriginal and Torres Strait Islander Commission (the "Commission") on a proposed Environment Protection and Biodiversity Conservation Bill 1998. The Commission considered this bill in terms of its relationship to the Convention and specifically to those provisions in the Convention concerning indigenous knowledge, practices and innovations and found that the proposed bill does not include any provisions implementing Article 8(j) of the Convention on Biological Diversity. However, the Commission recognizes that the bill "should present an opportunity for the Australian Government to provide effective legislative recognition and protection of indigenous knowledge, practices and innovations, which are vital to the sound management and conservation of biological diversity".

41. The Aboriginal and Torres Strait Islander Commission notes that Australia's Native Title Act provides opportunity for the recognition of indigenous peoples' special relationship with and knowledge

^{5/} Miriam McDonald, Lucassie Arragutainaq and Zack Novalinga (Compilers) Voices from the Bay: Traditional Ecological Knowledge of Inuit and Cree in the Hudson Bay Bioregion. Sanikiluaq, North West Territories: Canadian Arctic Resources Committee, 1997.

of management of the land and its environment. The relationship between indigenous knowledge and intellectual property is stated to be implicit in the legislation since native title is defined according to custom and tradition which includes the “knowledge and properties of fauna and flora”. Indigenous rights in property include the right to possession and use, as well as the right to exclude others from access to or use of this knowledge. The Commission has established an Indigenous and Cultural Property Task Force to implement recommendations that would remedy a current lack of explicit legal recognition of rights in medicinal knowledge and the absence of a requirement for prior informed consent.

42. The Commission (3) also points out a recent Australian federal court decision (Ben Ward & Ors v. State of Western Australia & Ors 1998), which upheld the native right to “maintain, protect and prevent the misuse of cultural knowledge of the common law holders associated with the determination area”.

43. Cooperative management arrangements (2) are in place for some of Australia’s national parks, and specifically only those that are owned by Aboriginal people and then leased back to the Government. Cooperative management arrangements for these parks are set out in legislation, the National Parks and Wildlife Conservation Act, 1975. Cooperative research between owners, ecologists and park managers has been undertaken in one of those parks with reported success on collaboration, direct benefit to traditional informants and respect for cultural responsibilities for land, community and ancestors.

44. As stated in the submission (2) from Australia “at this stage, implementation of Article 8(j) in Australia is generally an outcome of effective Indigenous involvement in Commonwealth and State programs rather than being a specific objective of management agencies”. In this regard, Australia lists marine programmes, indigenous employment programmes and programmes funded under the Natural Heritage Trust, which provide some measures for opportunities to integrate or interact with holders of traditional knowledge.

45. Australia’s (2) National Strategy for Ecologically Sustainable Development includes ensuring that effective mechanisms are put in place to represent Aboriginal and Torres Strait Islander peoples’ land, heritage, economic and cultural development concerns in resource-allocation processes. The Strategy states that Governments will have regard to the traditional dependence on the management of renewable resources and ecosystems and will encourage resource-management practices relevant to sustainable development.

46. Australia (2) submits that under the Australian national-parks legislation, the establishment of a Board of Management with Aboriginal majorities allows traditional owners to be decision makers and not just advisors.

Cameroon

47. Regulations (1994 Forestry, Wildlife and Fisheries Regulation, articles 37 and 38) introducing a new concept of conservation under the nomenclature of Community Forests, although still in an initial stage, are seen as a mechanism for local-community management and benefit (5).

48. The Convention on Biological Diversity has been translated within the national framework of the law regulating Forestry, Wildlife and Fisheries and provides for management by citizens living at the periphery of national forests. However, this management can only begin at the initiative of the village community (5).

49. Cameroon’s most comprehensive legislation involving indigenous resource management processes is outlined in the National Framework Law on the Environment (1996). This law paves the way towards incorporating the participation of local communities in the development and resource

management decision-making processes. Progress on the implementation of these provisions has been slow and relies mainly on enlarged consultation meetings (5).

Canada

50. Canada (6) has set out policy statements and strategies with respect to interactions with indigenous peoples, two of which are: (i) “Gathering Strength”, a statement of a new relationship with Aboriginal peoples which speaks to approaches to partnership with aboriginal peoples; and (ii) the Canadian Biodiversity Strategy which includes the direction to “identify mechanisms to use traditional knowledge, innovations and practices with the involvement of the holders of such knowledge, innovations and practices, and encourage the equitable sharing of benefits arising from the utilisation of such knowledge”.

51. Canada (6) highlights the needs to integrate traditional knowledge into legislation through the recognition of rights and the need to cooperate. Canada suggests that the exercise of rights through participation in management will result in access to such knowledge through data collection and exchange of information. As an example, Canada has proposed legislation on species at risk (11) that recognizes and appreciates the important contribution that Aboriginal people have made. As stated in this submission, “endangered species protection cannot be effectively achieved without their traditional knowledge and cooperation”. (11)

52. In terms of the extent of the incorporation of traditional knowledge into decision-making processes, Canada (5) points to the following examples:

(a) The introduction of a new bill (Canadian Environmental Protection Act), which provides for “a significant role for emerging Aboriginal governments with respect to environmental protection”;

(b) The Aboriginal Fisheries Strategy Agreement, in some cases, expressly provides for the incorporation of indigenous knowledge;

(c) A federal department (Department of Indian Affairs and Northern Development) is currently developing a new relationship based on partnership in the decision-making process;

(d) Parks Canada has been collecting traditional knowledge and recognizes its value and the importance of collaboration and cooperation. However, efforts to incorporate this knowledge into decision-making are at an early stage;

(e) Natural Resources Canada recognizes that traditional knowledge “may add useful information to scientific methods” and that there is an increasing demand for the provision of such knowledge. The submission does not identify the source of that demand, whether from constitutional obligations or otherwise;

(f) In the area of forestry, several projects, land-use studies and forestry programmes are provided as examples of the extent to which traditional knowledge has been incorporated into forest-management decision-making processes;

(g) Many wildlife co-management boards fund indigenous traditional knowledge studies on particular species to improve management decisions.

53. Canada (5) notes that while treaty and self-government negotiations and the terms of land-claim settlements and other agreements may or may not expressly provide for matters involving the use of traditional knowledge, it is becoming accepted practice in environmental impact studies to include consideration of traditional knowledge. Otherwise, the consideration of traditional knowledge happens on an ad hoc basis.

Norway

54. The Sami Parliament has representation on a Government-appointed committee to review the declining stock of wild salmon (22).

Oman

55. There has been a full realization that conservation of biodiversity cannot be achieved without the cooperation of those people who reside in habitat areas and whose traditional conservation methods have played a key role in the conservation and sustainable use of resources within their area (23).

56. Government is aware of the need to integrate wherever possible traditional good practice with modern techniques. Research incorporating traditional practices is under way on biological methods of pest control, livestock-rearing practices and irrigation methods. Traditional protected areas act as critical biological reserves in times of drought and have been incorporated into the management schemes of a wildlife reserve (23).

57. Published, and soon to be published, research on traditional medicinal plant use and fishing methods are noted. Studies of traditional conservation methods are currently being carried out and great importance has been placed on the study and recording of traditional knowledge (23).

Panama

58. Although there are no legal requirements for integration of traditional and other forms of knowledge, the present report is largely based on consultations with various indigenous people of Panama, especially with indigenous non-governmental organizations. The mandate of the consultation was to try to understand difficulties arising in the implementation of the Convention on Biological Diversity (24).

59. Panama's consultation with indigenous peoples provided the view that there are concerns on the absence of national or international legislation pertaining to collective rights. The indigenous people hope that the international community will exert pressure on national Governments to develop new legislation to protect collective rights. At the national level, laws might be inspired, with modifications regarding the duration of protection, by authors' rights. At the international level, the United Nations Educational, Scientific and Cultural Organization (UNESCO) law protecting folklore was seen as a possible model. In terms of international property rights, various indigenous people disagree as to whether the property is collective or individual. A recommendation on this issue is that the control of intellectual properties needs first to be established at the national level, for example, through the Ministry of Commerce. In terms of current laws and policies, the most serious problem was identified as the lack of international power of the national laws. Thus, the traditional knowledge of one country is unprotected in another. Along these lines, the study states that while the problem of intellectual property rights is serious, it was subordinate to a much bigger issue, namely the loss of traditional knowledge (24).

Turkey

60. Local people take positive proactive roles in the management of reserved lands but only on the basis that the Government provides alternatives for income (33).

International Support Group for Sustainable Tourism

61. In light of predicted damage to indigenous peoples' sensitive ecosystems and biodiversity-rich homelands and practices, through ecotourism practices, this submission (42) calls for incorporation of traditional indigenous knowledge to ensure sustainability practices as per the 1997 Berlin Declaration on

Sustainable Tourism. Ministerial pledges to “take into consideration” and “deal with” indigenous and local communities are not seen as reflecting political will to facilitate the full participation in analysis and decision-making by indigenous peoples and local communities.

62. As a critique of government policy statements, submission 45 asserts that indigenous people are seldom alerted to opportunities to contribute to policy development; furthermore, there is little transparency or discussion on the mechanics of the dominant policy processes. The promises are usually strategic, designed to protect economic interests that profit from the exploitation of indigenous peoples. A prime example is provided by the misrepresentation by Governments of the possibilities for local indigenous communities to define their terms of participation in national ecotourism strategies, while capitalising on a market image of offering authentic and respectful tourism.

Third World Network

63. This document (50) identifies, *inter alia*, the relevance of domestic laws on the implementation of Article 8(j). For example, the Philippines Indigenous Peoples Rights Act of 1997 provides that indigenous communities have the right over their biological and genetic resources, which are part of their ancestral domain. Section 34 states:

“Indigenous cultural communities and indigenous peoples are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.”

UNCTAD

64. The document on registries (39) examines the use of registries within the existing intellectual property law framework and identifies disadvantages such as: inability to use registry to either establish or to give notice of prior or existing legal rights; no mechanism to restrict use once access is obtained; and inability to require compensation from users to the original providers of the information. The document does not otherwise recommend or provide an articulation of appropriate requirements for the creation of a registry.

UNEP

65. A regulatory legal framework referred to as “the Agreement” in the UNEP case-study on indigenous traditions in Mexico (35) provides that Plicopurpura pansa, the ink producing snail referred to in paragraph 14 above, is part of the cultural and ecological patrimony of the Nation, recognizing the scientific validity of indigenous knowledge and giving exclusive authority for exploitation to “the groups that have made traditional use of the resource”. The document suggests that this legal initiative is “linked directly to the recognition of customary rights for property and access . . .” to biological resources.

66. The traditional knowledge (35) held by indigenous people on the use of the purple ink-producing snail has been incorporated in a number of ways to favour conservation and sustainable use. Use of the resource is allowed through permits and exclusivity for exploitation is given to “the groups that have made traditional use of the resource”. One of the consequences was the enabling of weavers, some of whose products incorporate use of the snail, to organize and to lobby successfully for changes to craft competitions, restricting entries to only those textiles with snail threads that are accompanied by a

permit. Another consequence was the reduction of corrupt incentives for clandestine groups to continue exploiting the resource.

Some remarks

67. Traditional knowledge has been incorporated into the following decision-making processes:

- (a) Co-management arrangements, pursuant to constitutional obligations, legislative authority, overall policy statements or as an outcome of negotiated agreements or litigation initiated settlements;
- (b) Consultation processes, pursuant to constitutional obligations, legislative authority, or general policy approach;
- (c) Legislative committees and Government established commissions;
- (d) Research directed management programmes; and
- (e) Commercial ventures.

68. The information provided however on the above decision-making processes does not adequately address the relationship between representatives of indigenous and local communities and the involvement and approval of holders of traditional biodiversity-related knowledge. In some cases, it appears that involved representatives may either be holders themselves or ultimately provide access to holders or their knowledge. In light of historic and ongoing loss of traditional knowledge, particularly with indigenous peoples, this distinction requires further examination, specifically with respect to matters of prior informed consent (see section E below) and the articulation of the collective nature of indigenous knowledge.

D. Documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge they hold

Cameroon

69. Traditional knowledge (5) exists primarily on a tribal basis and in various fields of biodiversity. Moreover, the knowledge, particularly medicine knowledge, is held closely and passed on through familial lines with little public awareness. Consequently, this particular knowledge can only be “exploited and investigated using special approaches and techniques”. Cameroon’s submission does not identify these techniques. However, it submits that researchers do carry out research activities in indigenous communities with their consent and collaboration while respecting their sacred places, rights, taboos and other belief systems.

Canada

70. Where park research is discussed Canada (6) relies on established protocols of research institutions. However, the submission does not include a description of those protocols. Canada (6) identifies the “History of Nunavut Project” as an example of the current documentation, storage and public dissemination of traditional knowledge of Inuit communities.

71. In two examples of past and proposed resource-development studies (Northern River Basin Study and Traditional Ecological Knowledge and Management Study), the results of the studies are returned to the participating communities for safekeeping and use.

72. Additional references to ethical guidelines for the conduct of research include inter alia the following:

- (a) Parks Canada has recorded oral histories according to bona fide research institution protocols (6);

(b) The Intergovernmental Working Group on the Mineral Industry/Sub-committee on Aboriginal Participation in mining published guidelines for, and examples of, the use of indigenous traditional knowledge (6);

(c) The Canadian Open-ended Working Group on Article 8(j) has initiated a project to examine and assess the issues that relate to ethical practices (6); and

(d) Licensing processes under the Scientists Act contains reporting requirements that include the description of projects goals in a manner that is understandable to the local communities (9).

Other sources

73. Myrmin *et al.* (51) report on a research, which documented traditional ecological knowledge about beluga whales (*Delphinapterus leucas*) in the northern Bering Sea, Chukotka, Russian Federation. Elders and hunters in four villages of Chukotka held the knowledge. All participants in the research signed release forms in accordance with ethical principles established by the Interagency Arctic Research Policy Committee in 1992.

Some remarks

74. More countries should provide information on this element to share experience on how to reach the respect and value of traditional biodiversity-related knowledge in order to meet the principles contained in Article 8(j) and related provisions.

- E. Matters of prior informed consent, fair and equitable sharing of benefits and in situ conservation in lands and territories used by indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity

Australia

75. Australia's National Strategy for the Conservation of Australia's Biological Diversity incorporates in its mandate a set of recommended actions to conduct research and conservation programmes through the recognized use of indigenous peoples knowledge (2). These actions are performed taking into account provision of information, informed consent and equitable benefit-sharing.

76. The establishment of a policy (2) on Indigenous Protected Areas encourages the wider application of traditional knowledge, innovations and practices and, at the same time, ensures that this is done with the approval and control of the holders of the information and the express informed consent of the relevant indigenous peoples.

77. The Aboriginal and Torres Strait Islander Commission (4) suggests changes under TRIPs that would give recognition to any indigenous knowledge, practices or innovations, and deter claims from exploitation of indigenous peoples. In addition, facilitating the development of measures for equitable benefit-sharing with indigenous holders and innovators would provide a basis upon which indigenous communities who believe that their knowledge has been exploited can, if necessary, oppose the grant of a patent. In discussing a review of article 27, paragraph 3 (b) of TRIPs, the Aboriginal and Torres Strait Islander Commission (4) recommends that Member countries amend their patent laws so that patent applications must include a full disclosure of any products or processes that originate from, or incorporate traditional knowledge, and origin of biological and genetic resources.

Cameroon

78. Cameroon's submission (5) points to pharmaceutical companies that develop drugs based on traditional medicine knowledge with little or no benefits accruing to the holders of that knowledge.

Although interaction or collaboration with holders of traditional knowledge occurs, Cameroon points to the lack of protection and benefit-sharing mechanisms as a “major handicap that prohibits government from benefiting from this rich resource”.

79. Prior informed consent is seldom sought, and indigenous peoples are usually informed of decisions already taken during consultation meetings and after studies have been carried out. Ratification of the Convention on Biological Diversity and the ensuing enactment of national legislation have resulted in greater interest in obtaining prior informed consent. Cameroon submits that through an increased awareness of rights and the creation of a mechanism to ensure prior informed consent, indigenous and local community participation in the conservation and sustainable use of biodiversity will be enhanced.

80. Payments made to indigenous people (5) for the provision of their knowledge have had no set principles for calculating compensation or royalties. The Forest, Wildlife and Fisheries Law requests that developers put back some of their benefits into the communities where they operate by investing in the construction of schools, health centres, roads and bridges, community halls and other services that the community has prioritized.

81. Community members (5) through the establishment or maintenance of sacred sites do in situ conservation of custodial lands through the Land Tenure Act 1974. The preclusion of daily use and normal activities on these lands has resulted in havens for biodiversity conservation. However, the provision within the Act for expropriation, eviction or resettlement may result in these populations living in uncertainty.

Canada

82. On the matters of prior informed consent, equitable sharing of benefits and in situ conservation, Canada's submission (6) states that these elements are implicitly required in federal negotiations, partnerships and cooperative ventures. Canada's submission points to processes of consultation or collaboration between various government departments and Aboriginal peoples. For example, in the Canadian Open-ended Working Group on Article 8(j), an indigenous caucus is responsible for ensuring that the interests and many perspectives of aboriginal peoples are expressed and accounted for in the implementation of the Convention.

83. Consent for research purposes is a critical reporting requirement of the Scientists Act as articulated by the Nunavut Research Institute (9). Consent forms are required for any research undertaken by scientists involving interviews or clinical participation of humans. Consent allows for the legal protection of both parties regarding the data collected and its designated use. As stated in this submission:

“The type of consent required will vary, depending on the nature of research undertaken. Researchers should be prepared to discuss their intentions with the participant to ensure an overall understanding of project goals and objectives, maintenance of anonymity and confidentiality, terms of data usage and storage, intellectual property rights, and the right of a participant to withdraw from the project without repercussions. All consent forms must be available to participants in Inuktitut and English.”

84. In terms of benefit-sharing and consent over the use and commercial development of traditionally used indigenous food products (White Indian Flint Flour Corn), a memorandum of understanding (MOU) was entered into between the Indian Agriculture Program of Ontario owned by Indian farmers in Ontario and Agriculture Canada's Plant Research Centre (9). This MOU provided that the Indian farmers would retain rights over the original biological material as well as be the final holder of rights over the new hybrid strains. Commercial benefits would then flow to indigenous farmers.

85. An example illustrating matters of consent and benefit-sharing and related issues of collective and individual intellectual property rights in the area of traditional medicinal plant knowledge is provided by the Letter of Consent for the Secwepemc Ethnobotany Project: Ethnopharmacology of Secwepemc Traditional Medicines (9). In this document, consent is given to a University researcher from the Secwepemc Cultural Education Society to undertake interviews with members of the Secwepemc Nation in order to collect the identification and pharmacological properties of medicinal plants. The letter states that the ownership of this information lies with the peoples and that any economic benefits gained from the use of this knowledge must be shared with the individual elders who contributed the original information.

86. The production of the floe-edge boat used by the Inuit is an example of benefit-sharing (10). Government funding was provided to start the initial production of this boat that provided seal hunters with a more effective boat, making the hunt both safer and more profitable. A small business arose as a result of the initial funding but thereafter closed. To date, the boat remains in the community, and from time to time, individual hunters learn the technology and make one or two boats.

Peru

87. Peru's "Proposal for a Plan for Protection of Collective Knowledge of Indigenous People and Access to Genetic Resources" contains elements relevant to prior informed consent, benefit-sharing and in situ conservation in lands used by indigenous communities. These elements include, inter alia, the following:

(a) Rights do not expire; rights entitlements arise from possession; and rights flow to the peoples as a community;

(b) Co-entitlement may exist where co-development or exchange of knowledge has occurred;

(c) There are rights of consent to usage of knowledge for scientific, industrial or commercial purposes; consent should be met through provision of sufficient information on proposals for, risks or implications of the authorization of, use of knowledge; and authorization of use for scientific purposes can be met solely through obtaining prior informed consent of indigenous peoples in question; in all other cases, licence is required as well; compensation for use must be just and equitable, recognizing commercial equity as a factor, and should be determined through contracts;

(d) Rights against infringement or threat of infringement are actionable by indigenous peoples and the State;

(e) Contracts on licences for use should include provisions for an identification of parts, a description of relevant knowledge, establishment and payment of royalties, provision of sufficient information on use and risks or implications (including value where identified), obligation of licensee to periodically inform licensor of use development;

(f) Creation of a confidential registry of collective knowledge with access restricted to those obtaining written consent from relevant indigenous holders of rights, except where information is sought on the use of a biological resource and the identification of individual holders of that collective knowledge; and

(g) Creation of a fund for the development of indigenous peoples, for which moneys would be derived from a percentage of any economic benefit arising from the commercially developed use of protected knowledge.

88. The above proposal excludes from regulation knowledge exchanged between indigenous peoples. It also excludes from protection knowledge used through the domestic marketing and commercialization of non-industrialized biological resources, such as the case with herbal medicines.

Turkey

89. The current In situ Conservation Programmes promote the conservation efforts of areas occupied by local communities (33).

International Support Group for Sustainable Tourism

90. Indigenous homelands (43) are the most marketable ecotourism destinations worldwide, due to the sophisticated stewardship practices applied over millennia.

South East Asia Institute for Community Education (SEARICE)

91. Leaders of the Talaandig, Higaonon and Bukidnon tribes in Northern Mindanao in the Philippines have declared ownership over the biological and genetic resources of the Mt. Kitanglad Range. Biological and genetic resources constitute a basic component of the Talaandig, Higaonon and Bukidnon indigenous communities' way of life and culture. This submission notes that these resources should not be taken away from them without their prior informed consent. The Philippines Indigenous People's Rights Act provides that indigenous communities have the right over their biological and genetic resources, which are part of their ancestral domain (47).

Third World Network

92. The Philippines Access Regime (Philippines Executive Order No. 247 (1995)) provides that prospecting for genetic resources shall be allowed "within the ancestral lands and domains of indigenous cultural communities only with the prior informed consent of such communities, obtained in accordance with the customary laws of the community concerned".

Some remarks

93. The matter of prior informed consent has been addressed in a number of submissions.

94. Few submissions provide examples of equitable sharing of benefits. This issue remains a significant challenge. In situ conservation in lands and territories used by indigenous and local communities occurs, from the information provided by a few countries, primarily in the areas of forestry, sacred sites, and parks. Ecotourism has not been adequately addressed, and early signs reflect commercial interests.

Annex I

CALL FOR CASE STUDIES ON THE IMPLEMENTATION OF ARTICLE 8(J)
AND RELATED PROVISIONS

Indicative outline for case-studies on the Implementation of Article 8(j) and related provisions under the Convention on Biological Diversity (in accordance with decision IV/9)

Introduction:

Decision IV/9, adopted at the fourth meeting of the Conference of the Parties (COP 4), invites Governments, international agencies, research institutions, representatives of indigenous and local communities and NGOs to submit case-studies and relevant information on the implementation of Article 8(j) and related provisions to the Secretariat of the Convention on Biological Diversity Executive Secretary, who will disseminate this information, through appropriate means, such as the clearing-house mechanism.

The following formats for the presentation of case-studies has been prepared in accordance with paragraph 11 of Decision IV/9, to assist in the preparation of the synthesis of case-studies and other relevant information to be used in support of the programme of work on the implementation of Article 8(j). This format will also help in the presentation of the information through such means as the clearing-house mechanism.

The deadline for submission of the case-studies is 20 March, 1999 to enable the Secretariat to incorporate such information into the background information document for consideration by the ad hoc open-ended inter-sessional working group on the implementation of Article 8(j) and related provisions.

Indicative outline for case-studies/relevant information on the implementation of Article 8(j) and related provisions:

To the extent possible, case-studies should be short, succinct summaries of examples/experiences of 20-25 pages. The indicative length of each section is presented below. A reasonable amount of footnotes is welcomed, as long as they provide useful sources for further information. If possible please provide a hard copy and an electronic version (by floppy disk or via e-mail), in word windows format.

In the preparation of the case-studies, please take into consideration the thematic/sectoral linkages, between Article 8(j) and other provisions of the Convention, including gender issues in relation to the implementation of Article 8(j), with particular emphasis on the level of involvement of women in decision making processes regarding the conservation and sustainable use of biological diversity.

In preparing the case-study, authors are recommended to follow the outline as far as possible. However, if an author of a case-study feels it useful to include information not covered by the outline, s/he is encouraged to do so.

1. Overview

Summary of the case-studies

2. Requirements for implementation of Article 8(j) and related provisions:

- **Process of implementation**

The description on the process of implementation may include:

- a) Who are the stakeholders? To what extent do they influence the process of implementation?
 - b) In what way did the stakeholders participate in the process? How was the participation promoted?
 - c) What are the cultural, social and economic constraints to the implementation of the process?
 - d) Are there other specific factors affecting the implementation of Article 8(j) and related provisions. Positive and negative?
- **In describing the process of implementation you could highlight on involvement of indigenous and local community in terms of:**
 - e) How do indigenous and local communities participate in the process?
 - f) How do they find the methods of process?
 - g) Are there some identified constraints for enforcement and compliance?

3. Interactions between traditional and other forms of knowledge relating to the conservation and sustainable use of biological diversity

- Existence of statutory/policy/administrative framework/requirements for integration of traditional and local community knowledge and other forms of knowledge. Identify key elements of the framework/requirements.
- Under what circumstances has such integration taken place (e.g. Monitoring; management of protected areas, threatened species conservation, taxonomy).
- What formal processes are taking place to document and store traditional knowledge (e.g. Registers of traditional knowledge) - if so who controls/administers the register (what access conditions are in place, etc.).
- Protocols for use of Traditional Knowledge/formal science.

4. The influence of international instruments, intellectual property rights, current laws and policies on knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity

- **International instruments:**
 - a) identify international instruments (including regional and bilateral agreements) which are relevant. These instruments may be relevant to such areas as environment and conservation, trade, aid, human rights, food and agriculture, and health.
- **Intellectual Property Rights:**
 - b) what IPRs have been used to protect traditional knowledge, innovations and practices of indigenous and local communities.

- c) have there been any attempts to review IPRs with regard to implementation of Article 8(j).
 - d) what were the outcomes/major findings of the review.
 - **Current Laws and Policies** (These should include laws and policies that operate at both national and sub-national levels,. This may require some brief analysis as to how national and sub-national responsibilities are dealt with under the national constitution).
 - e) what current mechanisms are in place to protect traditional knowledge, innovations and practices of indigenous and local communities.
 - f) existence of sui generis legislation.
 - g) other non-IPR laws (environment/natural resource/community self-governance/cultural heritage).
 - h) indigenous and local community use of common law remedies
 - i) give examples of the way in which indigenous and local communities have used/.attempted to use current laws/mechanisms. Have these attempts been successful? How?
5. The extent to which traditional knowledge of indigenous and local communities has been incorporated into development and resource-management decision-making processes and the conservation and sustainable use of biological diversity
- legislative or other requirements (e.g. Policy), for example with regard to environmental impact assessments (Article 14.1(a)).
 - identification of “trigger mechanisms” within legislative/administrative procedures for involvement of indigenous and local communities.
 - positive and negative outcomes.
 - what kinds of identification and monitoring systems are in place.
6. Documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge they hold
- Source institutions (Government, private, sector, indigenous and local communities, research institution, NGOs, international agencies).
 - Summary of documented information highlighting key elements regarding Article 8(j):
 - a) were the Codes/Guidelines written up with indigenous and local communities participation?
 - b) is PIC part of the Code of Ethics?
 - c) what legal status of enforcement mechanisms is in place with regard to members (vis-à-vis breaches).

- d) how comprehensive is it with regard to other issues of the Convention on Biological Diversity, such as benefit-sharing, access to genetic resources.
- e) government registration of code, registration of members (i.e. is code/guidelines officially recognized by Government).
- f) penalties for breaches of code of ethics (fines, suspension, disbarment).
- g) how are codes monitored and enforced?

7. Matters of prior informed consent, fair and equitable sharing of benefits and in situ conservation in lands and territories used by indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity

- **Prior informed consent (PIC):**

- a) legislative requirements for PIC of indigenous and local communities (what mechanisms are in place to ensure the prior informed consent of indigenous and local communities).
- b) trigger mechanisms (i.e. procedural mechanisms). - what are they? how do they operate?, and at what level?
- c) if no such mechanisms are in place, are they being considered?
- d) is PIC a consideration in the establishment of a system of protected areas in lands and territories used by indigenous and local communities (refer Article 8(a))?

- **Equitable sharing of benefits:**

- a) are provisions for equitable sharing of benefits embedded in the Prior Informed Consent process?
- b) how are benefits:
 - calculated (e.g. based on a set formula)?
 - nature of benefits (i.e. monetary, non-monetary)?
- c) how are they to be used (e.g. for natural resource conservation, community development)?
- d) what mechanisms are in place for the disbursing of the benefits?
- e) shared within the community, or among communities
- f) evaluation of effectiveness of above mechanisms.

- **In situ conservation:**

- a) what mechanisms are in place to ensure indigenous and local community involvement in the implementation of the remainder of Article 8?
- b) how should these mechanisms be developed?

- c) are traditional knowledge, innovations and practices of indigenous and local communities used in, for example,
- I. guidelines for the selection, etc., of protected areas (Article 8(b))
 - II. regulation and management of biological resources both on and off protected areas (Article 8 (c))
 - III. protection of ecosystems and habitats, and maintenance of viable populations (Article 8(d))
 - IV. promotion of environmentally sound and sustainable development in areas adjacent to protected areas (Article 8(e))
 - V. rehabilitation and restoration of degraded ecosystems and recovery of threatened species via management plans and strategies (Article 8(f))
 - VI. establishment of means to regulate, etc., risks associated with use and release of living modified organisms which are likely to have adverse environmental impacts (Article 8(g))
 - VII. prevention, control and eradication of threatening alien species (Article 8(h))
 - VIII. provision of conditions needed for compatibility between present uses and conservation, etc. (Article 8(I))
 - IX. involvement in the development of legislative or regulatory provisions for protection of threatened species and populations (Article 8(k))
 - X. regulation or management of relevant processes or activities where significant adverse impacts on biological diversity have been determined (Article 8(l)).
8. Analysis and Assessment of the achievements of the objectives
 9. Possible policy advice for implementation
 10. Conclusion and recommendations to be drawn from the case-studies

Annex II

LIST OF SUBMISSIONS

Submissions from Parties

Argentina

1. Información y Estudios de casos en la República Argentina (1999)

Australia

2. Case Studies from the Australian Government: Examples of Environment Australia Programs
3. Aboriginal and Torres Strait Islander Commission: Environment Protection and Biodiversity Conservation Bill 1998 (March 1998)
4. Aboriginal and Torres Strait Islander Commission: GATT TRIPS Review (Australia's Approach to Further Multilateral Trade Negotiations) (May 1999)

Cameroon

5. Case Studies and Other Relevant Information on the Implementation of Article 8 (j) of the Convention on Biological Diversity (Decision IV/9 of the 4th Conference of Parties to the CBD) Presented by the Government of the Republic of Cameroon

Canada

Primary document

6. UN Convention on Biological Diversity: Response of Selective Departments of the Government of Canada to the Paper on "A Call For Case Studies on the Implementation of Article 8(j) and Related Provisions"

Related/supplementary documents

7. Northern Affairs Program: An Overview of the Use of Traditional Knowledge in the Canadian North, Department of Indian Affairs and Northern Development
8. Environment Canada's Action Plan on Aboriginal Peoples (Produced April 1998)
9. Case Studies: Indigenous Peoples, Biodiversity, and the use of IPRs in Canada
10. Indigenous Peoples and the use of Intellectual Property Rights in Canada: Case Studies Relating to Intellectual Property Rights and the Protection of Biodiversity by Howard Mann (1998)
11. Environment Canada/Canadian Environmental Assessment Agency Case Studies on the Implementation of Article 8(j)
12. Traditional Ecological Knowledge within the Government of Canada's First Nation Forestry Program
13. Parks Canada's Use of Traditional Knowledge

14. Canadian International Development Agency (CIDA): Application of Traditional Knowledge in CIDA Activities
15. Response to the Secretariat of the CBD's call for Case Studies on the Implementation of Article 8(j) and Related Provisions Department of Indian Affairs and Northern Development

Germany (German Technical Cooperation)

16. Kleinprojekte mit Bezug zu Artikel 8(j) gefördert durch das Sektorvorhaben Absicherung von Schutzgebieten. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)
17. Geförderte Projekte in Lateinamerika
18. Geförderte Projekte in Afrika
19. Geförderte Projekte in Asien
20. Sectoral Project: Implementing the Biodiversity Convention, Examples of Individual Measures in Relation to Article 8(j) and Related Articles
21. Posibilidades de protección sostenible de áreas protegidas con la participación de etnias indígenas: un estudio de caso de la Reserva de Biosfera BOSAWAS, Nicaragua

Norway

22. Ministry of Environment: Case Studies from Norway to the Workshop on Indigenous Knowledge and Biological Diversity, Madrid 24 to 28 November 1997 (1997)

Oman

23. Ministry of Regional Municipalities and Environment (1999)

Panama

24. Report on a consultation with indigenous people of Panama regarding the implementation of article 8j of the Convention on Biological Diversity by Catherine Potvin, Department of Biology, McGill University

Peru

25. Propuesta de Régimen de Protección de los Conocimientos Colectivos de los Pueblos Indígenas y Acceso a los Recursos Genéticos

Philippines

26. Philippine Council for Agriculture, Forestry and Natural Resources Research and Development, Department of Science and Technology: People Earth and Culture Indigenous Knowledge system on Biodiversity Management and Utilisation (1998)
27. Marine Sanctuary Establishment: The Case of Baliangao Wetland Park in Danao Bay
28. The Use of Indigenous Knowledge in Agroecosystem Management for Biodiversity Conservation: A Case Study in Barangay, Haliap, Kiangan, Ifugao, Central Cordillera, Philippines

29. Getting Wet in Marinduque: Participatory Research and Planning for Coastal Resource Management by Karen P. Vidler
30. List of Entries for the Documentation of Sustainable Development Practices
31. Coastal Environment Program (CEP). Project Site/Area: Brgy. Telbang, Alaminos, Pangasinan. Project Duration: from January 21, 1994 to 1999
32. Anini'y Coastal Resource Management Project. Project Site/Area: Anini-y, Antique. Project Duration: two (2) years and seven (7) months, from September 1994 to June 1997

Turkey

33. In-Situ Conservation of Genetic Diversity Project in Turkey (1999)

United Kingdom

34. Department of the Environment, Transport and the Regions: British Government Panel on Sustainable Development/Fifth Report (1999)

Submissions from United Nations bodies

UNEP (United Nations Environment Programme)

35. Incentive Measures for Conservation of Biodiversity and Sustainability: Case Study of the Indigenous Traditions in Mexico
36. Incentives to Farmers Creativity and Experimentation for the Conservation and Efficient Management of Biodiversity in the Center-Mountain Region of the State of Guerrero
37. Incentive Measures for Conservation of Biodiversity and Sustainability: Case Study of the Brazilian Pantanal

UNCTAD (United Nations Conference on Trade and Development)

38. Innovative Mechanisms for Sharing Benefits of Biodiversity and Related Knowledge, Case Studies on Geographical Indications and Trademarks
39. Registries of Local and Indigenous Knowledge Relating to Biodiversity, Risks and Potential for Managing Access and Benefit Sharing

Submissions from non-governmental organizations

ISGST (International Support Group for Sustainable Tourism)

40. The Convention on Biological Diversity: The Discussions on Tourism & Opportunities for Indigenous Participation by Alison Johnston (September 1998)
41. Indigenous Peoples' & Local Communities' Involvement in Defining Tourism Standards (February 1999)
42. NGO Joint Statement on the Ministerial Proposal for Global Guidelines on Sustainable Tourism: Presented by The International Support Group for Sustainable Tourism (7 May 1998)

43. Threats & Opportunities Presented by International Policy Debates on Tourism (Spring 1999)
44. Suitable Parameters for the Process to Establish Global Tourism Guidelines under the CBD (7 May 1998)
45. Submission on Indigenous Peoples' Rights & Tourism (30 July 1998)
46. Indigenous & Local Community Interests in Tourism & Biodiversity Conservation: Strategies for Protecting Cultural and Biological Diversity

South East Asia Institute for Community Education (SEARICE)

47. News Article and report: Talaandig-Higaonon-Bukidnon Proclamation on Ownership of Plants, Herbs and Wildlife Resources in Mt. Kitanglad (19 May 1999)

Tebtebba Foundation, Incorporated:

48. Tourism and Resource Management: The Case of Banaue, Ifugao, Cordillera, Northern Philippines
49. Indigenous Peoples and Biodiversity Conservation by Raymundo Rovillos (14 January 1999)

Third World Network

50. Biodiversity, Indigenous Knowledge, and Intellectual Property Rights: Indigenous Peoples' Perspectives by Victoria Tauli-Corpuz (1999)

Submissions from other sources

51. Mymrin, N.I., the Communities of Novoe Chaplino, Sireniki, Uelen, and Yanrakinnot, and H.P. Huntington (1999) Traditional knowledge of the ecology of beluga whales (Delphinapterus leucas) in the Northern Bering Sea, Chukotka, Russia: Arctic 52 (1): 62-70.
52. Voices from the Bay, Traditional Ecological Knowledge of Inuit and Cree in the Hudson Bay Bioregion, Canadian Arctic Resources Committee. Environmental Committee of the Municipality of Sanikiluaq.
