



## CONVENTION ON BIOLOGICAL DIVERSITY

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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

Third meeting

Montreal, 8-12 December 2003

Item 3 of the provisional agenda\*

### PROGRESS REPORT ON THE INTEGRATION OF THE RELEVANT TASKS OF THE PROGRAMME OF WORK ON ARTICLE 8(j) INTO THE THEMATIC AREAS OF THE CONVENTION

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. In paragraph 4 of decision VI/10, the Conference of the Parties requested the Executive Secretary to prepare a progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into each of the thematic areas for the consideration of the Ad Hoc Working Group on Article 8(j) and Related Provisions at its third meeting.

2. In the preparation of the report, the Executive Secretary was also requested to take into account, in accordance with paragraph 3 of decision VI/10, information provided by Parties in their national reports on each of the thematic programmes dealt with under the Convention in relation to:

(a) The status and trends in relation to traditional knowledge, innovations and practices of indigenous and local communities;

(b) Measures taken to enhance the participation of indigenous and local communities, particularly of women from such communities, and their relevant organizations in the implementation of national work programmes in each of the thematic areas; and

(c) Capacity-building measures taken to facilitate the involvement of indigenous and local communities and the application of the knowledge they hold, with their prior informed consent, in the management, conservation and sustainable use of biological diversity in each of the thematic areas at national, subnational and local levels.

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3. Information on the aforementioned issues is also contained in various documents submitted to the third meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions. In particular:

(a) The composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to conservation and sustainable use of biological diversity (UNEP/CBD/WG8J/3/4). The report is based on information provided in a series of regional reports covering the same issues (UNEP/CBD/WG8J/3/INF/3-10). Among other subjects, the documents extensively report on the status of traditional knowledge systems concerning the following ecosystem categories: forests, dryland and steppes ecosystems, marine and coastal ecosystems, island ecosystems, mountain and valley ecosystems, inland waters, and arctic ecosystems. The sections of these documents addressing the “identification and assessment of measures and initiatives to protect, promote and facilitate the use of traditional knowledge” contain information on women’s participation programmes for the preservation of traditional knowledge and the sustainable use of biodiversity, as well as information on indigenous peoples and local communities participation in land management and capacity-building measures taken by countries to facilitate the involvement of indigenous and local communities and the application of the knowledge they hold in the management, conservation and sustainable use of biological diversity;

(b) The note by the Executive Secretary on mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions (UNEP/CBD/WG8J/3/6) reports on mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions. In accordance with paragraph 20 of decision VI/10, the report contains information on national experiences, case-studies, best-practices, and lessons learned concerning participatory mechanisms for indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions of the Convention submitted to the Executive Secretary. Section III of the note focuses on capacity-building for effective participation in decision-making and management of biological diversity and for access to national and international laws for the protection of traditional knowledge.

4. Section II to this note contains an overview of the various thematic areas, with a view to identifying how relevant tasks of the programme of work on Article 8(j) have been integrated in the various thematic programmes of work.

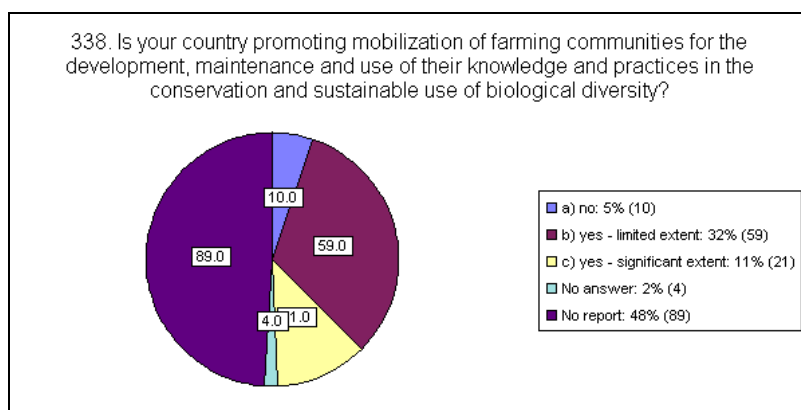
## II. THEMATIC AREAS

### A. *Agricultural biological diversity*

5. In decision III/11, the Conference of the Parties recognized that traditional farming communities and their agricultural practices have made a significant contribution to the conservation and enhancement of biodiversity and that these can make an important contribution to the development of environmentally sound agricultural production systems. In this context, the Conference of the Parties encouraged Parties to develop national strategies, programmes and plans which could empower indigenous and local communities and build their capacity for *in situ* conservation and sustainable use and management of agricultural biological diversity, building on indigenous knowledge systems. Parties were also encouraged to promote the mobilization of farming communities, including indigenous and local communities, for the development, maintenance and use of their knowledge and practices in the conservation and sustainable use of biological diversity in the agricultural sector with specific reference to gender roles.

6. In response to that request, as revealed by the information contained in the second national reports submitted under Article 26 of the Convention, around 20 per cent of respondent countries have promoted to a significant extent the mobilization of farming communities for the development,

maintenance and use of their knowledge, and over 50 per cent have promoted it to a limited extent (figure 1).



**Fig. 1: Responses to question 338 for the second national report, indicating the percentage of countries which have promoted the mobilization of farming communities for the development, maintenance and use of traditional knowledge and practices.**

7. In decision V/5 the contribution of farmers, indigenous and local communities to the conservation and sustainable use of agricultural biodiversity and the importance of agricultural biodiversity to their livelihoods was further emphasized. In the annexed programme of work one of the main activities in support of the identification of management practices, technologies and policies to promote the positive impacts and mitigate the negative impacts of agriculture on biodiversity had a specific focus on the needs of farmers and indigenous and local communities. Moreover, one of the operational objectives was the “strengthening of the capacities of farmers, indigenous and local communities, and their organizations and other stakeholders, to sustainably manage agricultural biodiversity so as to increase their benefits, and to promote awareness and responsible action”.

8. At its sixth meeting, the Conference of the Parties noted the progress made in the implementation of the programme of work on agricultural biodiversity, and identified some issues that needed emphasis and further action. The promotion of methods of sustainable agriculture that employ management practice, technologies and policies that promote the positive and mitigate the negative impacts on biodiversity, focusing on the needs of farmers and indigenous and local communities, to participate efficiently in the process of meeting these particular goals, was one of them. The Conference of the Parties also decided to establish an Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies to further analyse the potential impacts of genetic use restriction technologies on smallholder farmers, indigenous and local communities and on Farmers' Rights. The Ad Hoc Technical Expert Group, which included experts from smallholder farmers and indigenous and local communities, was requested to report to both to the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions and the Subsidiary Body on Scientific, Technical and Technological Advice prior to the seventh meeting of the Conference of the Parties. The report of the meeting is contained in the information document (UNEP/CBD/WG8J/3/INF/2).

9. In the Plan of Action for the International Initiative for Conservation and Sustainable Use of Pollinators, adopted by the Conference of the Parties in paragraph 8 of decision VI/5, specific reference is made to the need to assess the state of scientific and indigenous knowledge on pollinator conservation, in order to identify gaps in knowledge and opportunities for application of knowledge (paragraph 1.3). Moreover, in part 3 on capacity-building, the operational objectives include the strengthening of the capacity of farmers, indigenous and local communities, and their organizations and other stakeholders, to manage pollinator diversity so as to increase its benefits, and to promote awareness and responsible action.

10. Finally, in paragraph 2 (d) of decision VI/10, the Conference of the Parties emphasized to Parties, with regard to agricultural biological diversity, the need for further action to support local dryland and sub-humid ecosystems, and capacity-building to promote farming practices and information exchange to assist farmers and indigenous and local communities to transform unsustainable agricultural practices to sustainable ones and to increase productivity.

### **B. Biological diversity of dry and sub-humid lands**

11. In paragraph 3 of the programme of work on dry and sub-humid lands endorsed by the fifth meeting of the Conference of the Parties (decision V/23), it is stated that, “the elaboration and implementation of the programme of work should aim at applying the ecosystem approach adopted under the Convention of Biological Diversity. Implementation of the programme of work will also build upon the knowledge, innovations and practices of indigenous and local communities consistent with Article 8(j) of the Convention”. Furthermore the programme of work includes the identification and dissemination of best-management practices, including knowledge, innovations and practices of indigenous and local communities that can be broadly applied, consistent with the programme of work under the Convention of Article 8(j) and related provisions, among its activities.

12. Part B of the same programme of work, on “targeted action in response to identified needs”, includes the “promotion of responsible resource management, at appropriate levels, applying the ecosystem approach, through an enabling policy environment, including, *inter alia*:

(a) Strengthening appropriate local institutional structures for resource management, supporting indigenous and local techniques of resource use that enable conservation and sustainable use in the long term, and/or combining appropriate existing institutions and techniques with innovative approaches to enable synergies; and

(b) Decentralization of management to the lowest level, as appropriate, keeping in mind the need for common resource management and with due consideration to, *inter alia*, involving indigenous and local communities in planning and management projects.”

13. As far as the implementation is concerned, it should be noted that various activities, which take into consideration Article 8(j), are being carried out by collaborating partners, such as IUCN. The joint programme of work with the Secretariat of the Convention to Combat Desertification also addressed relevant aspects of Article 8(j) and relevant provisions. There are also a number of GEF-facilitated projects that target implementation of Article 8(j).

14. The Ad Hoc Technical Expert Group on Dry and Sub-Humid Lands, which met in Montreal, in March 2003, also addressed issues related to the preservation of traditional knowledge in dry-and sub-humid lands and acknowledged the added value of indigenous knowledge especially of medicinal plants and ecosystems management. A representative of indigenous groups participated in the meeting.

### **C. Forest biological diversity**

15. In paragraph 2 (a) of decision VI/10, the Conference of the Parties emphasized to Parties, with regard to forest biological diversity, the need for further action on the development of methodologies to advance the integration of traditional forest-related knowledge into sustainable forest management, promotion of activities to assemble management experience and scientific, indigenous and local information at the national and local levels, and dissemination of research results and synthesis of reports on relevant scientific and traditional knowledge on key forest biological issues.

16. In paragraph 13 of its decision VI/22, the Conference of the Parties “expresses the need for action to ensure conservation of biological diversity, the sustainable use of its components, and the fair and

equitable sharing of the benefits arising out of utilization of genetic resources, and arising from the utilization of traditional knowledge, innovations and practices from indigenous and local communities, in accordance with Article 8(j) and related provisions, of all types of forests, considering the need for urgent action for forests that are ecologically significant and/or most important for biological diversity on national and regional scales and according to national priorities, where forest biodiversity loss or threats of loss are significant or of great concern, and in areas with greatest potential for conservation, sustainable use and benefit-sharing.”

17. Paragraph 19 (a) of decision VI/22 requested the Executive Secretary to carry out a comparative study to clarify the conceptual basis of the ecosystem approach in relation to the concept of sustainable forest management with adequate consideration for regional conditions, with a view to improve the conservation of biological diversity, sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, taking an integrated approach, and in accordance with Article 8(j) and related provisions.

18. Furthermore, paragraph 31 of the same decision, and in a national context, “recognizes the important role that indigenous and local communities can play in the implementation of the programme of work and, in addition, encourages the development of community-based approaches for the conservation and sustainable use of forest biodiversity, integrating traditional forest-related knowledge and benefit-sharing considerations, in accordance with Article 8(j) and related provisions of the Convention on Biological Diversity.”

19. The expanded programme of work on forest biological diversity (annex to decision VI/22) takes into account Article 8(j) in several activities:

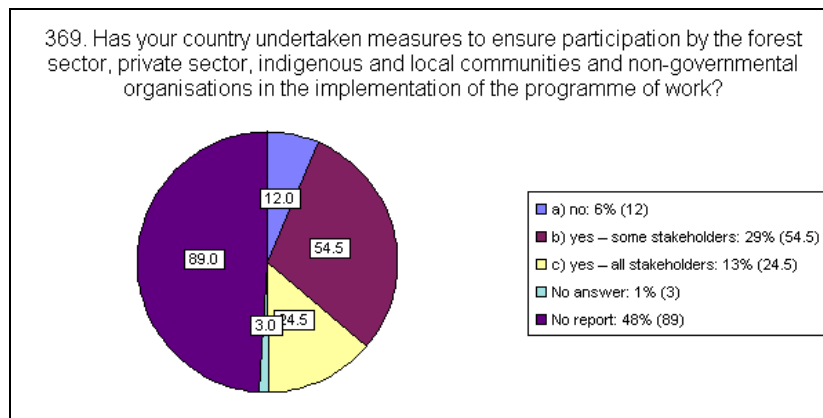
(a) *Programme element 1: conservation, sustainable use and benefit-sharing:*

- (i) Activity (b), objective 3, goal 3, aims to “establish (in accordance with Article 8(j)) with the full participation and with respect for the rights of indigenous and local communities, and other relevant stakeholders, comprehensive, adequate, biologically and geographically representative and effective networks of protected areas.”
- (ii) Activity (f), objective 3, goal 4, aims to “develop and implement education and awareness programmes on traditional uses of forest biological diversity in accordance with Article 8(j); Other activities under objective 3 also take into account the outcomes of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j);
- (iii) Activity (e), objective 4, goal 4, aims to “develop national legislative, administrative policy measures on access and benefit-sharing on forest genetic resources, taking into account the provisions under Articles 8(j), 10(c), 15, 16 and 19 of the Convention on Biological Diversity and in conformity with future decisions of the Conference of the Parties, as appropriate.”

(b) *Programme element 2: institutional and socio-economic enabling environment.* Activity (f), objective 1, goal 3, aims to “implement effective measures to recognize, respect, protect and maintain traditional forest-related knowledge and values in forest-related laws and forest planning tools, in accordance with Article 8(j) and related provisions of the Convention on Biological Diversity”.

20. The report of the Ad Hoc Technical Expert Group on Biological Diversity and Climate Change (UNEP/CBD/SBSTTA/9/INF/12) addresses traditional knowledge when considering the impacts on biodiversity that may arise from the implementation of activities aimed at adapting and mitigating to climate change, and in the context of forest ecosystems.

21. Regarding participation of indigenous and local communities in the implementation of the forest programme of work, the analysis of the second national reports submitted under Article 26 of the Convention on Biological Diversity reveals that almost the 80 per cent of respondent countries have undertaken measures to ensure participation by the forest sector, private sector, indigenous and local communities and non-governmental organizations in the implementation of the programme of work (figure 2).



**Fig.2: Responses to question 369 for the second national report under Article 26 of the Convention showing the percentage of countries that have undertaken measures to ensure participation by the forest sector, private sector, indigenous and local communities and non-governmental organizations in the implementation of programme of work.**

#### **D. Biological diversity of inland waters**

22. In paragraph 2 (c) of decision VI/10, the Conference of the Parties emphasized to Parties the need for further action, with regard to inland water ecosystems, the implementation of the guidelines for establishing and strengthening the participation of local communities and indigenous peoples in the management of wetlands, adopted by the Conference of the Parties to the Ramsar Convention, through its resolution VII.8.

23. Pursuant to paragraph 4 of decisions V/2 and paragraph 3 of decision VI/2, and in accordance with paragraph 2 (c) of decision VI/10 mentioned above, the Executive Secretary prepared a revised and refined programme of work on inland water biological diversity, which was considered at the eighth meeting of SBSTTA. SBSTTA recommended that the Conference of the Parties adopt this programme of work. Two of the goals are particularly relevant to the implementation of Article 8(j):

(a) *Goal 2.5:* Promote the involvement of local and indigenous communities and other relevant stakeholders in the conservation and sustainable use of biological diversity in inland water ecosystems; and

(b) *Goal 3.3:* 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.

24. In paragraph 4 (b) of decision VIII/2, SBSTTA requested the Executive Secretary to prepare a schedule of short, medium and long-term outcome-oriented targets for the activities and deadlines for the implementation of the programme of work. This schedule also contains specific targets for the attainment of the two goals.

25. In its decision IV/4, the Conference of the Parties to the Convention on Biological Diversity requested SBSTTA to develop a work plan on inland water ecosystems, which should include, *inter alia*, the development and dissemination of regional guidelines for rapid assessment of inland water biological diversity for different types of inland water ecosystems (annex I, paragraph 8 (b)).

26. In accordance with this decision, the Executive Secretary convened an expert meeting on Methods and Guidelines for the Rapid Assessment of Biological Diversity of Inland Water Ecosystems held in Montreal, from 2 to 4 December 2002. The report of the expert group was considered at the eighth meeting of SBSTTA and recommended, *inter alia*, that the Conference of the Parties encourages Parties, other Governments and relevant organizations to support the active participation of indigenous and local communities in all stages of rapid assessment of inland waters traditionally occupied or used by these communities, consistent with the recommendations approved in annex II of decision VI/10.

### ***E. Marine and coastal biological diversity***

27. In paragraph 2 (b) of decision VI/10, the Conference of the Parties emphasized to Parties, with regard to marine and coastal biological diversity, the need for further action on the provision of information regarding approaches to the management of marine and coastal living resources in relation to those used by indigenous and local communities.

28. Within the programme of work on marine and coastal ecosystems, traditional knowledge is covered primarily in the context of the programme element on marine and coastal protected areas. The Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas (MCPA) included one member whose expertise focused on traditional marine protected areas in the South Pacific (in particular, the Solomon Islands). In addition, other members of the group had expertise on these issues, in the context of South America and New Zealand, and each submitted case-studies to the final document. The work of the Group resulted in SBSTTA recommendation VIII/3 B and included a call for future research to develop effective methods for integrating traditional knowledge into MCPA establishment and management (including a pilot project to develop guidelines for integration of traditional knowledge, practices and innovations, with the participation of indigenous and local communities and with their prior informed consent in accordance with national legislation, into MCPA 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).

29. In addition, the traditional rights and customs, and other interests of indigenous and local communities and other relevant stakeholders are recognized throughout the ad hoc technical expert group document and the resulting SBSTTA recommendation (VIII/3 B).

30. Traditional knowledge was also addressed by the Ad Hoc Technical Expert Group on Mariculture, and by the resulting recommendation (VIII/3 C). SBSTTA urged the consideration of traditional knowledge in the development of sustainable mariculture techniques, where applicable. In addition, when addressing issues pertaining to environmental impact assessment in the context of siting mariculture facilities, SBSTTA, in paragraph 6 (a) stated that:

“The application of environmental impact assessments, or similar assessment and monitoring procedures, for mariculture development, 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.”

31. The proposed Ad Hoc Technical Expert Group on Implementation of Integrated Marine and Coastal Area Management will also include experts in traditional knowledge. The Group will likely meet in 2004, subject to the availability of funding.

#### ***F. Mountain ecosystems***

32. The analysis of the thematic reports on mountain biodiversity revealed that a few respondents have taken some measures to protect the traditional knowledge, innovations and practices of indigenous and local communities for the conservation and sustainable use of biodiversity in mountain ecosystems. Some countries indicated that this issue has been addressed and included in some of their relevant regulations and programmes, although not comprehensively. Two countries reported that they have established some projects in the indigenous and local communities of mountain areas. Examples include the Mnweni Donga Erosion Reclamation project and the Zululand Trail Project in South Africa. In the Andean region, a number of regulations, mechanisms and programmes have been established to protect the right of indigenous and local communities to share benefits arising from the utilization of resources in mountain areas where they live.

33. A number of reporting countries have also established some programmes for the protection of cultural and natural heritage in the mountains through establishing protected areas, national parks, heritage sites and landscape management. A few countries report that this has been addressed in relevant plans and programmes for forest, tourism and heritage management. Switzerland reports that it has a number of initiatives to establish inventories of heritage sites, landscape and historic sites. Some countries reported that this constitutes a part of work programmes or activities implemented under some regional conventions or networks such as the Alpine Convention and NATURA 2000. The European Community reported that a variety of funding instruments are provided to encourage the protection of natural and cultural heritages in mountainous areas.

34. The draft programme of work on mountain ecosystems to be submitted to the ninth meeting of SBSTTA for its consideration takes Article 8(j) into account in several activities:

- (a) *Under goal 1.3* (To promote the sustainable use of mountain biological resources):
  - (i) Activity 1.3.2 aims to promote sustainable land-use practices, techniques and technologies, including those of indigenous/local communities and community-based management systems, for the conservation and sustainable use (including hunting and fishing) of wild flora and fauna and agro-biodiversity in mountain ecosystems, including biological pest control;
  - (ii) Activity 1.3.3 aims to 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;
  - (iii) Activity 1.3.4 aims to promote partnerships between all stakeholders, including indigenous and local communities, involved in the sustainable use of mountain biological resources.
- (b) *Under 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), activity 1.4.1 aims to strengthen the capacity of indigenous and local communities, particularly those living in developing countries and who may be vulnerable to exploitation, to have access to genetic resources related to mountain biological diversity and 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);

(c) *Under goal 1.5* (To maintain genetic diversity in mountain ecosystems in particular through the preservation and maintenance of traditional knowledge and practices), activity 1.5.1 aims to document indigenous knowledge, practices, processes and technologies to ensure conservation, sustainable use of biodiversity and sharing of benefits.

35. In addition the following two goals address specific concerns of Article 8(j):

(a) Goal 2.2: “To respect, preserve, and maintain knowledge, practices and innovations of indigenous and local communities in mountain regions”; and

(b) 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.”

36. A list of activities in support of their achievement is provided under each goal.

### III. RECOMMENDATIONS

37. The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties *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 each of the thematic areas, for the consideration of the Ad Hoc Working Group on Article 8(j) and Related Provisions at its fourth meeting.

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