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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

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Item 6 of the provisional agenda*

MECHANISMS TO PROMOTE THE EFFECTIVE PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES IN MATTERS RELATED TO THE OBJECTIVES OF ARTICLE 8(j) AND RELATED PROVISIONS

Note by the Executive Secretary

I. INTRODUCTION

1. In paragraph 20 of decision VI/10, the Conference of the Parties invited Parties, Governments and relevant international, non-governmental and indigenous and local community organizations, to submit to the Executive Secretary information on their 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. In paragraph 21 of the same decision, the Conference of the Parties requested the Executive Secretary to prepare a synthesis report based on the aforementioned submissions in order to make available to Parties information that could support the establishment and strengthening of participatory mechanisms at the national and local levels in decision-making pertaining to traditional knowledge and biodiversity.

2. Section II to the present note reports on the information submitted in response to paragraph 20. It also addresses the issue of indigenous and local community participation in decision-making processes regarding the preservation, maintenance and utilization of traditional knowledge. It also explores potential sources of funding to facilitate the full and effective participation of indigenous and local communities in meetings organized within the framework of the Convention, as requested in paragraph 22 of decision VI/10.

3. Section III provides information which could assist in the implementation of paragraph 23 of decision VI/10, in which the Conference of the Parties urged Parties and Governments to strengthen their efforts to support capacity-building for the full and effective participation of indigenous and local

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communities, particularly women, in decision-making processes regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity. It also provides information relevant to paragraph 24 of decision VI/10 on the development of communication mechanisms to facilitate indigenous and local community understanding of the objectives and provisions of the Convention and to support their participation in discussions on guidelines, priorities, time-lines and the implementation of the thematic programmes of the Convention.

4. Finally, section IV contains suggested recommendations that the Working Group might wish to submit to the seventh meeting of the Conference of the Parties.

5. In addition to submissions from Parties, this note makes also reference to information contained in the note by the Executive Secretary (UNEP/CBD/WG8J/2/4) prepared for the second meeting of the Ad Hoc Working Group, which draws on data collected for previous meetings from Parties, indigenous and local community organizations, institutions and other United Nations agencies, including the analysis of information collected by the World Intellectual Property Organization (WIPO) on the participation of indigenous and local communities (WIPO/GRTKF/IC/5/11) prepared for the fifth meeting of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, held in Geneva from 7 to 15 July 2003.

6. Two other matters concerning indigenous and local community participation identified in decision VI/10, namely a multi-convention approach with regard to such participation in relation to the maintenance and application of traditional knowledge (paras. 25 and 26) and the establishment of a technical expert group to develop the roles and responsibilities of the thematic focal point within the clearing-house mechanism of the Convention on issues related to Article 8(j) and related provisions (para. 28) are dealt with in two addenda to the present document:

(a) The report on the consultation on cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity (UNEP/CBD/WG8J/3/6/Add 2); and

(b) The report of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism on issues relating to Article 8(j) and related provisions (UNEP/CBD/WG8J/3/6/Add 1).

I. INDIGENOUS AND LOCAL COMMUNITY PARTICIPATION IN DECISION-MAKING PROCESSES REGARDING THE PRESERVATION, MAINTENANCE AND UTILIZATION OF TRADITIONAL KNOWLEDGE

A. Information on national experiences, case-studies, best practices, and lessons learned ^{1/}

1. Processes and strategies

7. A number of Parties reported on the establishment of processes and strategies that address the participation of indigenous and local communities in decision making pertaining to the management of biological resources. Following is a synthesis of such submissions.

^{1/} Sources of information: Environment Canada on the Canadian case study, - European Union on the Integrated Community Development Programme, Jharkhand-India, ECOFAC; Conservation of Ecosystems in Central Africa, Cameroon; Leuser Development Programme –Indonesia; Programme of Support for the Indigenous Peoples of Central America (PAPICA); Programme for the Consolidation of the Colombian Amazon (COAMA), Colombia, - the Asia Indigenous Peoples Pact (AIPP) Foundation on Thailand, Nepal, Philippines, Vietnam, - the Government of Nepal on the national case study, - the Government of Saint-Lucia on the “Bethchilokono Participatory Mechanism”.

8. In Canada, the Northwest Territories Protected Areas Strategy (1999) provides a set of guidelines for the planning of protected areas addressing how communities, aboriginal governments and organizations and other non-governmental stakeholders and the federal and territorial governments can work together to achieve a balanced approach to land use decisions that incorporate best available traditional ecological, cultural and economic knowledge.

9. A series of projects funded through the Aboriginal Fisheries Strategy provide also good examples of the approaches taken by Fisheries and Oceans Canada in building participatory mechanisms with aboriginal peoples. The overall objective of the strategy is to increase participation of coastal First Nations and other aboriginal groups in co-operative fisheries management in areas where the Department of Fisheries and Oceans manages the fishery and where land-claims agreements are not in place.

10. The establishment of participatory processes for indigenous communities in the Philippines were necessary elements in governance and upholding commitment to international agreements. Participatory mechanisms provided for inclusion of the aspirations and concerns of such communities in relevant documents. In this context, it was estimated that the effectiveness of participation is determined by the accountability and familiarity of representatives at either the local, national or international levels. Hence, accountable representation of indigenous communities in decision-making processes should be ensured.

11. In Malaysia, a case-study on the formulation of the national timber certification guidelines showed that when involving communities in issues where concepts and processes are too technical and deal with complex legislative issues, such as forest certification and management plans, information should be translated into a context that is relevant to their lives and lifestyles. For example, it should be underlined how sustainable forest management would ensure the continuity of forest resources for food, medicines, passing of indigenous knowledge and inheritance to future generations.

12. In Saint Lucia, the First Indigenous People (Bethechilokono) of Saint Lucia (Hiwanaru) consultation under Article 8(j) of the Convention on Biological Diversity established a "Bethechilokono participatory mechanism" for full and effective participation by the Indigenous People of Saint Lucia, within the scope and provisions of the Convention on Biological Diversity. The Aldet Centre-Saint Lucia has been mandated to establish and coordinate the activities of the Bethechilokono communities, and make representation on their behalf. Four Bethechilokono districts were so recognized and registered; namely, Castries, Choiseul, Soufriere and Micoud. Efforts are being made to register the remaining communities.

2. *Information-sharing*

13. Mechanisms facilitating the sharing of information can support the involvement of indigenous and local communities in decision-making. For instance in Canada, the Northern Information Network (NIN) encourages information sharing about the Yukon, the Northwest Territories and Nunavut for more effective decision making in the areas such as resource management and economic development. The Biodiversity Convention Office within the Government of Canada has also engaged, for the same purpose, an aboriginal communication officer who distributes information on a full time basis to a well-established indigenous network, works to ensure that key aboriginal players are informed and ready to participate in discussions regarding the Convention on Biological Diversity in Canada, and is a key organizer of the International Indigenous Forum on Biodiversity.

3. *Agreements and legislation*

14. In some cases, agreements have been signed by different parties in order to ensure participation of relevant stakeholders in decision-making processes. For instance, to ensure that the recommendations of environmental review panel established to assess the environmental, social and economic consequences of building and operating the Ekati Diamond Mine in Canada were carried through, a legally binding

agreement was prepared and its Implementation Protocol signed by four aboriginal organizations and the other stakeholders. The protocol provided a means for all parties to work together in the establishment of a monitoring agency. Similarly, the Environmental Agreement for the Diavik Diamond Mines in Canada sets out the terms and conditions for the establishment of an advisory board, the mandate of which will include: (i) ensuring the participation of aboriginal peoples and affected communities in training or monitoring programs and the design of traditional knowledge and other studies; and (ii) providing a meaningful role for each of the aboriginal peoples in the review and implement environmental monitoring plans.

15. Many agreements require the inclusion traditional participation and knowledge in impact assessment and decision-making. For instance, the Canadian Species at Risk Act, which received royal assent on 12 December 2002, identifies the need to include aboriginal traditional knowledge in the assessment, classification, recovery and overall protection of species at risk.

16. In Thailand, the new constitution of 1997 provides the foundation for indigenous and local communities participation in natural resources development and biodiversity management. It has been observed that, following six years of implementation under the new constitution, it is still unclear to which extent local participation is promoted. However, local people seem to use the sub-district administration organization (SAO) created under the Constitution to apply for financial support in natural resource management. Similarly, the Government of Viet Nam issued a Decree (No. 2 9/1998/ND-CP) on implementing grassroots democracy for the various communes, wards and towns—the “Grassroots Democracy Decree”. This decree is to be applied uniformly in all areas nationwide, both in urban and rural areas, although the project is targeted mainly to the rural sector. It has been assessed that through this Decree, the strengthening of the local level in terms of ownership resulted in improved planning and management of hunger-elimination and poverty-reduction programmes, and makes the development process more institutionally sustainable.

17. In Nepal, under a Draft Bill for Access to Genetic Resources and Benefit Sharing, which has yet to reach Parliament, there would be established a mechanism for public involvement in the processes of sharing, documenting and utilizing traditional biodiversity-related knowledge. This process aims at obtaining “prior informed consent” and develop mechanisms for benefit-sharing, among other objectives.

4. *Projects and initiatives*

18. In Canada, there are several examples of projects and initiatives addressing the development of strategies by aboriginal peoples to protect their traditional knowledge and their involvement. For instance, the “model forest projects”, such as the Waswanipi Cree Model Forest, through their partnerships, present opportunities to demonstrate the benefits of aboriginal involvement through respect for, and the integration of, environmental knowledge and perspectives in the forest management planning process. Environment Canada has also established a number of partnership arrangements whereby aboriginal people of Canada are engaged in migratory bird studies, wildlife and plant inventories, endangered species issues, and other habitat stewardship programmes.

19. In almost all case-studies received, it was noted that the full and free participation of indigenous and local communities at all stages of project development, implementation and evaluation is fundamental to the success of a project. In this regard, experience with small-scale programmes has been positive, mainly because of the participatory method of identifying and designing the project, as well as the employment in the project of predominantly indigenous professionals. This lesson was learned, for example, in the “integrated community development programme” in Jharkhand, India, an integrated community development programme focusing on capacity-building carried out among isolated indigenous Adivasi people within an extremely remote area of Jharkhand State. A successful story in terms of the innovative and participatory nature of the design of the programme is provided by the experience of “production development in the buffer zones by means of agroforestry” within the “programme of

support for the indigenous peoples of Central America” (PAPICA) in Panama. The PAPICA programme emerged from extended consultations with indigenous peoples organizations in the region and conformed with the demand for participation at all levels of decision-making. The programme was innovative, its objectives defined in consultation with indigenous peoples and an indigenous co-director was appointed to the programme.

20. Lack of indigenous and local community participation in project design has been identified in many case-studies as one of the main causes of failure. The main recommendations based on the case-study on indigenous peoples of the Grand Cordillera region of Northern Luzon in the Philippines suggest that indigenous populations be fully consulted at the design stages of programmes and that the right of indigenous peoples to reject proposals be respected. Similarly, in Indonesia, in the Leuser Development Project relating to the conservation of the Leuser Ecosystem and Gunung Leuser National Park and surrounding buffer zones, indigenous populations were not involved in the design stage of the programme, thus generating the perception that they were a threat to conservation rather than a fundamental asset in the pursuit of effective conservation goals. Recommendations pertaining to this case-study suggested that the programme review its strategies and methods focusing on the participation of indigenous peoples at the design stage in order to capitalize upon their knowledge and skills.

21. The fact that indigenous peoples should take a more active role in each stage of the project process from design to implementation, management and evaluation was also emphasized in the programme for the support of the consolidation of the Colombian Amazon (COAMA): indigenous peoples experiences in the Medio Caqueta during COAMA phase 3.

22. IUCN pointed out that non-governmental and local community organizations are unanimous in asserting that, for participation to be effective, it is critical that local communities are fully involved in management discussions from the very beginning of any conservation project and policy. In Kalimutu National Park (Nusa Tenggara), Indonesia, for example, a community claimed part of the conservation area as a result of a gap in information from the government and the local government did not include local people in the management of eco-tourism activities in the park. An interesting case where local communities have been involved from the very beginning in co-managed projects and are starting to influence policy-making as well, is that of the recent establishment of a number of marine sanctuaries in North Sulawesi, Indonesia (Ferrari, 2003). ^{2/}

23. The need to design and implement a communication approach enabling indigenous and local population to become actors and beneficiaries of project activities was also identified in the Cameroonian element of a regional programme for the conservation of tropical forest ecosystems in central Africa, with specific regard to the management of the Dja Biosphere reserve. Failure to research and fully understand the socio-economic context for the project before field activities were commenced has caused long-running difficulties, especially in terms of finding means to engage local peoples.

24. In Nepal, community forestry seems to be a key sector in which indigenous communities are actively involved in biodiversity conservation, and potentially involved in the continued use of traditional biodiversity-related knowledge. In particular, the livelihood and forests project produced draft guidelines for literacy, communication and access to information in community forestry, which were translated into Nepali. These guidelines are an important step toward full and equitable inclusion of indigenous communities in community forestry, since they stress that: (i) local languages should be used to record non-literate people’s views; (ii) communication strategies should involve marginal groups (in particular women, non-literate people and whose first language is not Nepali); (iii) documents should be made accessible, in a different format, to participants who are illiterate, or can not understand the language in which they are written.

^{2/} Maurizio Farhan Ferrari, “ Protecting biodiversity and indigenous peoples / local communities' rights: the challenge in South-East Asia”, IUCN Theme on Indigenous/Local Communities, Equity, and Protected Areas

25. In general, the case-studies emphasized issues of prior informed consent and the need to respect customary procedures in the consultation process and in the giving of such consent. An effective committee representing indigenous and local communities at the national level to enhance the exchange of information between the international, national and local levels was also seen as an essential mechanism to facilitate effective indigenous and local community involvement and participation in the implementation of the Convention. Many of these issues raised in the studies are also dealt with in the other sections of this note.

5. *Participation in meetings of the Convention on Biological Diversity*

26. To encourage responses on issues pertaining to indigenous and local community participation in meetings of the Convention, the Executive Secretary invited Parties to fill out a questionnaire which was posted on the Convention's website. The questionnaire addressed indigenous and local community representation on official delegations to meetings of the Convention, and the level of financial support provided by Parties to enable indigenous and local community representatives to attend meetings of the Ad Hoc Working Group on Article 8(j) and the other meetings of the Convention. ^{3/}

27. A number of Parties, according to their capabilities, have reported that they have facilitated the representation, and financially and logistically supported the active participation of indigenous and local communities from their territories in meetings of the Ad Hoc Working Group on Article 8(j). In addition, a number of Parties have provided funds to the Secretariat specifically earmarked for the participation of indigenous and local community representatives from developing countries and small island states to attend meetings on Article 8(j). A few Parties have included indigenous or local community representation in their official delegations to meetings of the Conference of the Parties, the Ad Hoc Working Group on Access and Benefit-sharing and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). Thus, the overall level of representation of indigenous and local communities in official delegations to meetings held under the Convention on Biological Diversity, other than those of the Ad Hoc Working Group on Article 8(j), remains relatively modest.

28. It has been stressed by almost all respondent Parties that due to financial constraints, Governments are facing difficulties in sending indigenous representatives to meetings under the Convention and have solicited funds to this end.

B. *Potential sources of funding to facilitate participation in meetings under the Convention on Biological Diversity*

1. Existing decisions and invitations and Secretariat's initiatives concerning participation

29. A number of decisions have been taken by the Conference of the Parties to facilitate the effective participation and involvement of indigenous and local communities in meetings and in the work of the Convention. They contain invitations to Parties to include indigenous and local community representation in official delegations and on particular bodies and processes established under the Convention, as well as more general invitations for indigenous and local participation. In addition, the Secretariat has taken a number of initiatives to facilitate more effective participation of indigenous and local communities in meetings held under the Convention.

30. For instance, in paragraph 2 of decision IV/9, which established the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions, the Conference of the Parties decided that the Working Group should be composed of Parties and observers, including, in particular, representation from indigenous and local communities "with participation to the widest possible extent in its

^{3/} The following Parties responded to the questionnaire (as of 3 September 2003): Austria, Brazil, Cameroon, Chile, Colombia, Iran (Islamic Republic of), Jamaica, Mexico, Morocco, Myanmar, Norway, Qatar, Tonga.

deliberations in accordance with the rules of procedure”. The Conference of the Parties has continued to express the need for the full and effective participation of indigenous and local communities in meetings of the Working Group as well as other meetings held under the Convention.

31. The need for indigenous and local community participation is also recognized in the many decisions made by the Conference of the Parties regarding thematic area and cross-cutting issues, and particularly in their work programmes. For example, with regard to access to genetic resources and benefit-sharing, in paragraph 5 of decision V/16, the Conference of the Parties encourages the participation of indigenous and local communities in the work of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing on the development of guidelines and other approaches to ensure respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

32. The Secretariat has also involved indigenous and local community organizations in the work of the Convention through the following means:

- (a) Maintaining a database of indigenous and local community organizations;
- (b) Ensuring the inclusion of indigenous/local community experts in rosters of experts and ad hoc technical expert groups;
- (c) Invitations to indigenous and local community organizations to provide information to assist in drafting of documents for the Ad Hoc Working Group on Article 8(j) and Related Provisions;
- (d) Establishment of an indigenous and local community liaison group to peer-review documents of special interest to them;
- (e) Inclusion of indigenous and local community representation on the consultancy team for the preparation of the first phase of the composite report on status and trends regarding traditional knowledge, innovations and practices (see document UNEP/CBD/WG8J/3/4); and
- (f) Extending invitations to indigenous and local community organizations for their representatives to attend meetings held under the framework of the Convention.

33. Although the Conference of the Parties has reiterated several times, through decisions and initiatives, the need to secure indigenous and local communities participation in decision making, it has emerged clearly, as is also confirmed by the contributions from Parties summarized in the previous paragraphs, the need for secure and timely funding to facilitate participation and preparation for the relevant meetings.

34. Many indigenous and local community representatives have also remarked that they need more time to prepare for the discussions at meetings held under the Convention on Biological Diversity and they have expressed the need to familiarize with the Convention and its processes. Pre-session meetings before the ad hoc working group meetings on both Article 8(j) and access and benefit-sharing, where indigenous and local community delegations could review together the documents for discussion, for instance, were considered very important to their effective participation in those meetings. Observers have also noted that “many of the difficulties experienced (...) can be attributed to a lack of adequate preparation time and is linked to the insecurity of funding”. ^{4/}

^{4/} Oldham P, *Negotiating Diversity: A Field Guide to the Convention on Biological Diversity*, 2002

2. *Options for funding indigenous and local community participation*

35. With regard to options for funding indigenous and local community participation, the Conference of the Parties, in paragraph 22 of decision VI/10, requested the Executive Secretary to explore and, as appropriate, secure potential sources of funding to facilitate the full and effective participation of indigenous and local communities of all geographical regions in meetings organized within the framework of the Convention and to report thereon to the Conference of the Parties.

36. In addition to securing voluntary contributions from Parties and Governments specifically earmarked to assist indigenous and local community participation in meetings of the Convention, other options have been identified including the extension of the mandate of the United Nations Voluntary Fund for Indigenous Populations to cover meetings under the Convention and the establishment of an ad hoc voluntary trust fund.

37. Indeed, the United Nations Voluntary Fund for Indigenous Populations provides a good example of a Trust Fund established to support participation of indigenous communities and organizations in United Nations-related meetings. It should also be noted that the World Intellectual Property Organization (WIPO) is also currently exploring the possibility of setting up such a trust fund to support indigenous and local community representatives to the meetings of the WIPO Inter Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

38. The United Nations Voluntary Fund for Indigenous Populations was established pursuant to General Assembly resolution 40/131 of 13 December 1985, with the purpose of assisting the participation of representatives of indigenous communities and organizations in the deliberations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities) by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities.

39. The mandate of the Fund was expanded over the years, and in 2001 it was decided ^{5/} that the Fund should be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues.

40. The Fund is administered in accordance with the Financial Regulations and Rules of the United Nations by the Secretary-General assisted by a Board of Trustees. The mandate of the Board is to advise the Secretary-General on the use of the funds, through the Office of the High Commissioner on Human Rights. The Board recommends grants to indigenous applicants as representative of indigenous communities or organizations, in accordance with its guidelines for selection, for the consideration of the High Commissioner for Human Rights on behalf of the Secretary-General. The board members are appointed by the Secretary-General, in consultation with the Chairman of the Sub-Commission on the Promotion and Protection of Human Rights, for a renewable three-year term. At least one member could be a representative of a widely recognized organization of indigenous populations.

41. Criteria for selection of beneficiaries have been established by the General Assembly and the Commission on Human Rights, as well as by the Secretary-General upon recommendation of the Board of Trustees. ^{6/}

^{5/} Resolution 56/140 of 19 December 2001

^{6/} For further information, see the note by the secretariat of the Voluntary Fund on the allocation of travel grants, prepared for the second session of the Permanent Forum (E/C.19/2003/11), available at <http://www.un.org/esa/socdev/pfi/documents.htm>.

42. As far as WIPO is concerned, two options were submitted for consideration at the fifth meeting of the WIPO Intergovernmental Committee, in July 2003, in a document prepared by the WIPO Secretariat on the participation of indigenous and local communities (WIPO/GRTKF/IC/5/11). Option 1 is based on a funding approach drawn from regular budget of WIPO to indirectly fund indigenous and local community participation by providing funds to the Member States specifically to ensure that at least one indigenous or local community representative be included as either part of their national delegation or as an observer.

43. Option 2 concerns the setting up of a WIPO voluntary fund, modelled on the United Nations Voluntary Fund for Indigenous Populations. This would entail:

(g) The establishment of a transparent application process through which indigenous and local communities and organizations can apply for funding;

(h) The Fund could, as is the case with the United Nations Voluntary Fund, receive contributions from States, non-governmental organizations and other private entities; and

(i) The creation of a mechanism(s) or procedure(s) to select funding recipients from among the applicants.

44. Should it be decided to examine the feasibility of establishing a fund to facilitate the participation of indigenous and local community representatives in meetings of the Convention on Biological Diversity, the constitution, administration and operating experiences of other special purpose funds established by United Nations agencies would be most useful as relevant precedents.

45. In this regard, the Ad Hoc Working Group on Article 8(j) could consider two options:

(a) To request the further extension of the mandate of the United Nation Voluntary Fund for Indigenous Populations to cover participation in meetings under the Convention. From a procedural standpoint, such a request would have to be submitted by the Conference of the Parties to the General Assembly.

(b) The establishment of new trust fund under the Convention on Biological Diversity to cover only participation of indigenous and local communities in meetings. In such a case, precedents suggest that the following issues would have to be considered:

- (i) Administrative support;
- (ii) Establishment of guidelines for application and criteria for selection processes, taking into account the need for regional balance and gender equity;
- (iii) Identification of those meetings under the Convention on Biological Diversity for which funding support is to be provided;
- (iv) A review process (for example, four or six years after its establishment).

III. CAPACITY BUILDING IN RELATION TO INDIGENOUS AND LOCAL COMMUNITIES PARTICIPATION IN DECISION-MAKING PROCESSES AND COMMUNICATION MECHANISMS

A. Capacity-building

46. In paragraph 23 of decision VI/10, the Conference of the Parties urged Parties and Governments to strengthen their efforts to support capacity-building aimed at the full and effective participation of

indigenous and local communities, particularly women, in decision-making processes regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity at all levels (local, national, regional and international); and, where indigenous and local communities and Parties and Governments deem appropriate, promote their participation in the management of biological diversity. The present section will concentrate 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.

1. *National-level indigenous and local community biodiversity advisory committees*

47. Pursuant to task 2 of the work programme, concerning participatory mechanisms for indigenous and local communities endorsed by the Conference of the Parties in decision V/16, Parties are to develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.

48. It has been suggested that a key mechanism to enhance indigenous and local community participation in matters related to the management of biological diversity, including decision-making about access to and utilization of traditional knowledge, could be a national indigenous and local community biodiversity advisory committee that would participate in national level decision-making concerning the management of biological diversity. Such committee could be established on a permanent or ad hoc basis.

49. The committee, or its designated member(s), would liaise closely with the national focal point for the Convention on Biological Diversity, as well as the national focal points (should they be different) for other relevant biodiversity and environment-related conventions and processes. One of the key tasks of committee members would be networking. This involves not only ensuring the flow of information and feedback between committee members and the communities they represent, but also liaising with other relevant national and sub-national committees, organizations and processes.

50. In order for such committees to function effectively there is a need for adequate financial and administrative support. Such support could be provided by the relevant government department or by a national indigenous/local community organization.

2. *Providing sufficient capacity in national institutions*

51. In paragraph 11 (c) of decision V/16, the Conference of the Parties urged Parties and Governments, and organizations representing indigenous and local communities, to facilitate the full and effective participation of indigenous and local communities in the implementation of the Convention and to this end, *inter alia*, provide for sufficient capacity in national institutions to respond to the needs of indigenous and local communities related to Article 8(j) and related provisions.

52. It has been suggested that relevant national institutions, such as research organizations and universities, collaborate with indigenous and local communities to identify the research and training needs of indigenous and local communities in relation to the conservation and sustainable use of biological diversity. By applying models that, for example, emphasize participatory research methodologies, members of indigenous and local communities can acquire valuable skills and training that will augment their traditional knowledge and further the implementation of the Convention and its work programmes. Such an approach could enable members of indigenous and local communities to participate in, for example, global initiatives concerning taxonomy and pollinators, ecosystem and species monitoring, impact assessment, and the identification and control of alien invasive species.

53. Such national institutions could ensure that indigenous and local community protocols and codes of ethics are considered and respected in any research work and activities to be carried out that may directly impact on the territories of indigenous and local communities and their natural resources. These activities could be carried out in direct consultation with affected communities, and their representatives could be appointed to the relevant management and advisory bodies.

3. Role of the national biodiversity focal point

54. The national biodiversity focal point might also play an important role in promoting effective indigenous and local community participation at the national level by:

(a) Liaising directly with indigenous and local communities and their representative organizations;

(b) Acting as a clearing-house to ensure that all information, documents for meetings, decisions of the Conference of the Parties, and so forth, are also provided to indigenous and local communities - in some cases, the national focal point may be able to provide assistance for the translation of key documents into a language that is accessible to indigenous and local communities;

(c) Convening meetings of indigenous and local community representatives before and after meetings of the Conference of the Parties and the Ad Hoc Working Group on Article 8(j). In meetings prior to Convention meetings, indigenous and local community representatives could provide input into the discussion on items on the agenda and assist national delegations in their preparation for such meetings; and

(d) Facilitating the selection of representatives of indigenous and local communities as members of national delegations to meetings of the Convention.

55. In its work, the national focal point could be assisted through the establishment of a committee or caucus of representatives of indigenous and local communities to provide advice, and to share responsibility for facilitating the implementation of Article 8(j) and its programme of work at the community level. After the meetings held under the Convention, representatives of indigenous and local community together with key people from the national focal point, might discuss the implications of decisions and related work programmes and develop strategies for their implementation at the community level.

B. Communication mechanisms

56. In paragraph 12 of decision V/16, the Conference of the Parties detailed a number of actions that should be taken to facilitate the full and effective participation of indigenous and local communities in the implementation of the Convention. These actions were highlighted at the second meeting of the Ad Hoc Working Group on Article 8(j) and Related Provisions. The need for capacity building was identified in the following areas: need to identify capacity needs; funding to promote communication among indigenous and local community groups; capacity in national institutions; capacity for communications with Governments, and at the local, national, regional and international levels.

57. It has been often reiterated that indigenous and local communities require financial support to further build their capacity in communication, education and training, to effectively communicate with each other, with Governments and relevant departmental bodies and institutions, to implement national strategies and policies established by Governments and to further implement the Convention on Biological Diversity. Such funds may be necessary to enable the linking of remote communities into national, sub-national or local communications networks; the provision of programming capacity for indigenous news and other services (and if need be, in local languages); and the establishment of remote-

area communications networks (via satellite). The Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism, established by paragraph 28 of decision VI/10, further examined such communication mechanism processes at its meeting held in February 2003 in Santa Cruz, Bolivia. The report from this meeting (UNEP/CBD/WG8J/3/6/Add 1) will also be addressed at the third meeting of the Working Group on Article 8(j).

IV. RECOMMENDATIONS

58. The Ad Hoc Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties at its seventh meeting:

(a) *Reiterates* the invitation contained in paragraph 18 of decision V/16 to Parties and Governments and *emphasizes* the need to increase the participation of representatives of indigenous and local communities in official delegations to meetings held under the Convention on Biological Diversity;

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

(c) *Encourages* Parties and Governments, where they have not already done so, to:

- (i) Establish, in consultation with indigenous and local communities, a national indigenous and local community biodiversity advisory committee;
- (ii) Enhance the capacity of national institutions, with the participation and involvement of indigenous and local communities, to take into account the requirements of Article 8(j) and related provisions; and
- (iii) Build, in consultation with indigenous and local communities, sufficient capacity to ensure that the national biodiversity focal point is able to serve the informational needs of indigenous and local communities with regard to the circulation of documents and outcomes of meetings held under the Convention;

(d) *Encourages* Parties and Governments to assist indigenous and local community organizations in their regions to hold regional meetings to discuss the outcomes of the decisions of the Conference of the Parties and to prepare for up-coming meetings under the Convention, in particular the meetings of the Ad Hoc Open-ended Working Group on Article 8 (j) and related provisions;

59. The Ad Hoc Working Group on Article 8(j) and Related Provisions may also wish to recommend to the Conference of the Parties *either*:

(a) That it request the further extension of the mandate of the United Nations Voluntary Fund for Indigenous Populations to cover participation in meetings under the Convention on Biological Diversity; *or*

(b) The establishment of an appropriate funding mechanism under the Convention on Biological Diversity, such as a voluntary trust fund, to facilitate indigenous and local community participation in meetings of the Convention, including meetings of the indigenous and local community liaison group and relevant meetings of ad hoc technical expert groups, and make recommendations for the consideration of the seventh meeting of the Conference of the Parties accordingly. In considering such a mechanism, the Ad Hoc Working Group on Article 8(j) may wish to take into account:

- (i) Administrative support for the fund;
- (ii) Guidelines for application and criteria for selection processes, taking into account the need for regional balance and gender equity;
- (iii) Identification of those meetings under the Convention on Biological Diversity for which funding support is to be provided;
- (iv) A review process (for example, four or six years after its establishment).
