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### Permanent Forum on Indigenous Issues

#### Fourth session

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Item 3 (b) of the provisional agenda\*

**Special theme: Millennium Development Goals and indigenous peoples: goal 2 of the Millennium Development Goals: “Achieve universal primary education”, to be addressed under the thematic approaches of language, cultural perspectives and traditional knowledge**

### Information received from the United Nations system

#### Note by the Secretariat

#### Addendum

### Secretariat of the Convention on Biological Diversity

#### *Summary*

In the Convention on Biological Diversity (CBD) the international community acknowledged the close and traditional dependence of many indigenous and local communities on biological resources, the vital role that these resources play in their lives and livelihoods and the important contribution that traditional knowledge can make to the conservation and sustainable use of biological diversity.

The States parties to CBD have taken steps to comply with these commitments. The Conference of the Parties established a subsidiary body — the ad hoc open-ended intersessional Working Group on Article 8 (j) and Related Provisions — to address these issues and to develop an ambitious programme of work, which was adopted by the Conference of the Parties in 2000 and provides the basis for action on traditional knowledge within the framework of the Convention.

Given their direct relevance to the work of the Convention, and in particular to the programme of work on article 8 (j), the present document contains a brief

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\* E/C.19/2005/1.

summary of ongoing work specifically in relation to the recommendations addressed to CBD by the Permanent Forum on Indigenous Issues at its second and third sessions. However, since the last meeting of the Conference of the Parties took place before the third session of the Permanent Forum, the recommendations addressed to CBD at that session will be transmitted by the Executive Secretary to the next meeting of the Conference of the Parties and the meeting of the Working Group on article 8 (j), to take place in March and May 2006, respectively.

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## **I. Introduction**

1. The Convention on Biological Diversity (CBD) and the Millennium Development Goals are two of the most important initiatives of the world community in the development field. The profound relationship between biodiversity and poverty, and hence the need for the Convention on Biological Diversity and the process under the Millennium Development Goals to cooperate, has been recognized at the highest levels.

2. The entire CBD programme of work is designed to contribute to sustaining biodiversity and therefore significantly supports the Millennium Development Goals. The six individual thematic programmes of work under the Convention (marine and coastal biodiversity; agricultural biodiversity; forest biodiversity; the biodiversity of inland waters; biodiversity of dry and sub-humid lands; and mountain biodiversity), and the cross-cutting themes (essentially corresponding to the issues addressed in the Convention's substantive provisions in articles 6 to 20: biosafety; access to genetic resources; traditional knowledge, innovations and practices (article 8 (j); intellectual property rights; indicators; taxonomy; public education and awareness; incentives; and alien species), all have important linkages to the Millennium Development Goals, in terms of both what they offer for achieving the goals and the risks to the attainment of objectives that may arise from unsustainable development.

3. The various bodies of the Convention and the Executive Secretary have done a considerable amount of technical and policy work in each of the thematic areas and on cross-cutting issues. Collectively, they offer the elements for a road map to ensure that the implementation of the Millennium Development Goals takes advantage of the contribution that biodiversity can make to their achievement and to ensure that it is consistent with the objectives of the Convention.

## **II. Response to recommendations addressed by the Permanent Forum on Indigenous Issues exclusively to the Convention on Biological Diversity<sup>1</sup>**

### **The work of the Convention on Biological Diversity on traditional biodiversity-related knowledge and of the ad hoc open-ended Working Group on Article 8 (j) and Related Provisions**

4. The 188 parties to CBD are, as stated in the first preambular paragraph of the Convention, "conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components". Therefore, the interdependent relationship between biological and cultural diversity constitutes an integral part of the work of the Convention.

5. CBD contains a number of provisions of particular importance to indigenous peoples. The main provision is article 8 (j), in which parties undertake to respect, preserve and maintain the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. They also undertake to promote the wider application of such

knowledge, innovations and practices with the approval and involvement of the indigenous peoples concerned. Article 8 (j) also requires that benefits arising from the application of traditional knowledge, innovations and practices should be shared equitably with the indigenous communities concerned.

6. The parties to CBD have taken steps to comply with these commitments. The Conference of the Parties, the Convention's supreme decision-making body,<sup>2</sup> composed of all the Governments that have ratified the Convention, established a subsidiary body, the ad hoc open-ended intersessional Working Group on Article 8 (j) and Related Provisions, to address these issues and to develop an ambitious programme of work, which was adopted by the Conference of the Parties in 2000 and provides the basis for action on traditional knowledge within the framework of the Convention.<sup>3</sup>

7. The Working Group was mandated to oversee the implementation of the programme of work, which focuses on the following issues:

(a) The effective participation and involvement of indigenous and local communities in policy development and decision-making relating to the use of their traditional knowledge and practices relevant to the conservation and sustainable use of biological diversity;

(b) The development of mechanisms and legislation to foster 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 all levels;

(c) The preparation of a composite report on the status and trends regarding traditional knowledge of indigenous and local communities;

(d) The development of guidelines on environmental, cultural and social impact assessment for developments proposed to take place on sacred sites and on lands and waters occupied by indigenous and local communities;

(e) The development of guidelines on the sharing of benefits arising from the utilization of traditional biodiversity-related knowledge and innovations;

(f) The development of elements of sui generis systems for the protection of traditional knowledge.

In addition, traditional knowledge is an important component of the thematic programmes of work on agricultural biodiversity, forest biological diversity, marine and coastal ecosystems, inland waters, and dry and sub-humid lands established by the Conference of the Parties to the Convention.

8. The Working Group on Article 8 (j) has held three meetings, made preliminary assessments of the status of traditional-knowledge protections and taken steps to involve members of indigenous and local communities in the CBD process.

9. Below is a brief summary of the ongoing work of CBD:

***Akwé: Kon Voluntary Guidelines***

10. The Conference of the Parties has been actively considering the question of the preservation of sacred sites and lands and waters occupied by indigenous and local communities. In February 2004, the seventh meeting of the Conference of the

Parties adopted guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or that are likely to have an impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities, known as the Akwé: Kon Voluntary Guidelines. The Voluntary Guidelines provide guidance to Governments on the incorporation of cultural, environmental and social considerations of indigenous and local communities into new or existing impact assessment procedures. The Conference of the Parties requested Governments to use these guidelines whenever developments are proposed to take place on, or are likely to have an impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities.

#### **International regime on access and benefit-sharing and indigenous participation**

11. The Working Group on Access and Benefit Sharing has been mandated, with the collaboration of the Working Group on Article 8 (j), to elaborate and negotiate an international regime on access and benefit-sharing to effectively implement the concepts of prior informed consent for access to genetic resources and of arrangement for the fair and equitable sharing of the benefits derived from the utilization of genetic resources.

12. The results of the deliberations of the Working Group at its meetings in February 2005 and March 2006 will be submitted for consideration by the Conference of the Parties at its eighth meeting, to be held in Brazil in May 2006. Noting the general recommendation of the Permanent Forum for increased participation, CBD is ensuring an adequate level of participation by indigenous representatives in these meetings, until the proposed voluntary fund is established after the eighth meeting.

#### **Composite report on the status and trends regarding the knowledge, innovation and practices of indigenous and local communities**

13. The work programme provides for the preparation of a composite report on the status and trends of traditional knowledge. The main objective is to identify the status and trends regarding the retention or loss of traditional knowledge, as well as the causal factors that underlie these trends.

14. The first phase of the composite report dealing with status and trends, and its regional components relating to Latin America, Asia, Europe, North America and Africa, was submitted to the third meeting of the ad hoc Working Group on Article 8 (j) and Related Provisions and, subsequently, to the seventh meeting of the Conference of the Parties, in February 2004, and is available on the secretariat web site ([www.biodiv.org](http://www.biodiv.org)).

15. In general, the report acknowledges the loss of traditional knowledge and emphasizes the relative scarcity of examples of measures and initiatives specifically designed to protect, promote and facilitate the use of traditional knowledge.

16. In February 2004, the Conference of the Parties requested that work be initiated immediately on the second phase of the composite report, laying emphasis on the identification of national processes and processes at the local-community level that may threaten the maintenance, preservation and application of traditional knowledge, innovations and practices, through national focal points and in

consultation with and with the approval of indigenous and local communities.<sup>4</sup> The secretariat has recruited consultants to prepare the second phase of the composite report, which will be complemented by a draft programme of action to retain traditional knowledge, which in turn will include possible indicators for traditional knowledge retention. That document will be submitted to the fourth meeting of the ad hoc open-ended Working Group on Article 8 (j). It is envisaged that the Working Group will use that submission as a basis for making recommendations for consideration by the eighth meeting of the Conference of the Parties, regarding the establishment of indicators.

17. Indigenous and local communities are invited to undertake field studies and to communicate their views to the secretariat on the above-mentioned issues as soon as possible, but not later than 31 May 2005 to ensure that their views are adequately reflected in the second phase of the composite report.

18. The secretariat of CBD is committed to working with indigenous and local communities and contributing to capacity-building for indigenous peoples. Indigenous and local communities are involved in the formulation and review of studies through consultancies, and now also through the advisory group/steering group that was recently created. That body, in which indigenous and local communities are represented, will assist in the completion of the composite report and undertake a peer review of the revised version, in consultation with indigenous peoples and local-community organizations that have participated in the work of the Convention.

#### **Sui generis systems of protection based on customary laws of indigenous peoples**

19. The Working Group on Article 8 (j) will consider the issue of sui generis systems at its next meeting, in the first quarter of 2006. To prepare for this, the secretariat is in the initial phase of reviewing relevant material regarding sui generis systems and in relation to the other topics mentioned above. Indigenous and local communities and relevant organizations are invited to communicate to the secretariat any relevant information on existing sui generis systems, as well as their views and suggestions on the issues mentioned above, no later than 31 May 2005 to ensure they are taken into account in the preparation of documentation regarding sui generis systems of protection for the next meeting of the Working Group on Article 8 (j).

### **III. Response to recommendations made by the Permanent Forum on Indigenous Issues to the Convention on Biological Diversity and other agencies of the United Nations system**

#### **Workshop on the theme “Indigenous women, traditional knowledge and the Convention on Biological Diversity” and mainstreaming of gender issues<sup>5</sup>**

20. The Forum’s request for the holding of a workshop on indigenous women will be submitted to the Working Group on Article 8 (j) at its next meeting, which is expected to make recommendations to the eighth meeting of the Conference of the Parties. One of the general principles of the programme of work on article 8 (j) and related provisions is the full and effective participation of women of indigenous and local communities in all activities of the programme of work. Consequently, it is

important that indigenous women be active participants in developing and implementing the programmes of work and decisions of CBD.

21. As part of the work on the composite report, the Conference of the Parties requested in decision VI/10 C, para. 11, and subsequently reaffirmed the request in decision VII/16 E, that regional workshops be held to ensure the full participation of indigenous and local communities, particularly women, in the preparation of the report on status and trends of traditional knowledge relevant to biological diversity. The secretariat is planning to organize such regional workshops in the second quarter of 2005 in Latin America, Africa, Asia and the Pacific, and Eastern Europe and the Arctic region, subject to the availability of financial resources.

22. A training session for indigenous women was held by CBD prior to the third session of the Permanent Forum on Indigenous Issues, in 2004, and tentative plans are in place to hold training and capacity-building workshops for indigenous women as part of the programme of regional consultations for the composite report.

**Workshop on cultural, environmental and social impact assessments based on the Akwé: Kon Voluntary Guidelines aimed at further strengthening the understanding of the link between environment and cultural diversity<sup>6</sup>**

23. At its second session, the Permanent Forum on Indigenous Issues recommended, inter alia, that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the United Nations Environment Programme, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that makes cultural, environmental and social impact assessment studies mandatory and ensures the environmental accountability of economic, social and environmental projects that are proposed on sacred sites and lands, territories and waters traditionally occupied or used by indigenous peoples.

24. The holding of such a workshop was requested by the seventh meeting of the Conference of the Parties (decision VII/16 I), acting upon the request from the Permanent Forum on Indigenous Issues. The workshop is being organized in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, the International Union for the Conservation of Nature and Natural Resources and the Permanent Forum on Indigenous Issues secretariat and is to be held from 30 May to 2 June 2005 in Tokyo, with the theme "Conserving cultural and biological diversity: the role of sacred natural sites and cultural landscapes".

**Elements for an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities<sup>7</sup>**

25. Following up on a recommendation of the Permanent Forum on Indigenous Issues, the Conference of the Parties requested the Working Group on Article 8 (j) and Related Provisions to develop elements of an ethical code of conduct to ensure respect for the cultural heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, taking into account task 16 of the programme of work on article 8 (j) and related provisions.<sup>8</sup>

26. The secretariat has already started researching examples of codes of ethics and conduct governing research, as used by such bodies as research institutions, business and indigenous and local communities, and is also working on a draft version of the above-mentioned ethical code of conduct.

27. Furthermore, indigenous and local communities are invited to communicate to the Executive Secretary relevant information and views regarding the elements for an ethical code of conduct, as outlined above, no later than 31 May 2005 to ensure that they are taken into account in the preparation of documentation. Their contributions could be sent through their national focal points or through their respective indigenous or local communities.

28. Additionally, when the second phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities is concluded, it will include elements for a programme of action, which in turn will include possible codes of ethics and conduct as strategies to protect and promote traditional knowledge. Furthermore, CBD has signed a memorandum of understanding with the World Intellectual Property Organization whose objective is to enhance cooperation between the two organizations on intellectual property issues concerning access to genetic resources and benefit-sharing and the protection of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

#### **IV. Other significant information regarding recent policies, programmes, budgetary allocations or activities regarding indigenous issues within the Convention on Biological Diversity**

29. The seventh meeting of the Conference of the Parties and the last meeting of the ad hoc Working Group on Article 8 (j) took place before the third session of the Permanent Forum on Indigenous Issues. Consequently, and given their relevance to the work of the Convention, and in particular to the programme of work on article 8 (j) and related provisions, the Executive Secretary will transmit recommendations on indigenous women,<sup>9</sup> culture,<sup>10</sup> and environment,<sup>11</sup> to the fourth meeting of the ad hoc open-ended Working Group on Article 8 (j), to be held in Montreal, Canada, in March 2006, and to the eighth meeting of the Conference of the Parties, to be held in Brazil in May 2006.

#### **V. Information and suggestions regarding the special theme of the fourth session, “Millennium Development Goals and indigenous peoples”**

30. Noting that in decision VII/32 of the Conference of the Parties it was pointed out, among other things, that achievement of the Millennium Development Goals, in particular goal 1 (combating poverty and hunger), is dependent on the effective conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, CBD will suggest the incorporation of ways to more effectively



communicate the importance of biodiversity in achieving the Millennium Development Goals. It will be particularly important to point out the primary role that indigenous and local communities and their traditional knowledge play in finding frugal, sustainable, locally meaningful ways to alleviate poverty and in preserving biodiversity.

#### *Notes*

<sup>1</sup> *Official Records of the Economic and Social Council, 2004, Supplement No. 23 (E/2004/43)*, paras. 76-77.

<sup>2</sup> There have been seven meetings of the Conference of the Parties to date. The seventh was held in Kuala Lumpur from 9 to 20 February 2004, and the next will take place in Brazil from 8 to 19 May 2006.

<sup>3</sup> The programme of work on article 8 (j) and related provisions is contained in decision V/16. Decisions VI/10 and VII/16 further develop the work programme. All are available at [www.biodiv.org/decisions/](http://www.biodiv.org/decisions/).

<sup>4</sup> See decision VII/16 E, available at [www.biodiv.org/decisions/](http://www.biodiv.org/decisions/).

<sup>5</sup> See *Official Records of the Economic and Social Council, 2004, Supplement No. 23 (E/2004/43)*, paras. 11 and 75.

<sup>6</sup> See *Official Records of the Economic and Social Council, 2003, Supplement No. 23 (E/2003/43)*, paras. 55-56.

<sup>7</sup> *Ibid.*, 2004, *Supplement No. 23 (E/2004/43)*, paras. 37-38.

<sup>8</sup> See decision VII/16 I, para. 5, available at [www.biodiv.org/decisions/](http://www.biodiv.org/decisions/).

<sup>9</sup> See *Official Records of the Economic and Social Council, 2004, Supplement No. 23 (E/2004/43)*, para. 11.

<sup>10</sup> *Ibid.*, paras. 37-38.

<sup>11</sup> *Ibid.*, paras. 77 and 85.

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