



**Brief on issues and activities related to Indigenous and local communities under the
Convention on Biological Diversity**

Statement prepared for the Permanent Forum on Indigenous Issues

Mr. Chairman,
Members of the Permanent Forum, distinguished delegates, indigenous people.
Ladies and gentlemen,

On behalf of the Executive Secretary of the Convention on Biological Diversity, I would like to express my sincere appreciation for the invitation to be present at this most historic occasion of the first meeting of the Permanent Forum on Indigenous Issues.

The Conference of the parties to the Convention at its sixth meeting held at The Hague, in the Netherlands in April 2002, has noted with appreciation, in its decisions VI/10, the work of the Permanent Forum on Indigenous Issues and has requested the Executive Secretary to communicate with the Permanent Forum in order to explore possibilities of coordination and collaboration on matters of mutual concern.

I would therefore like to take this moment to provide a brief up-date on those particular aspects of the implementation of the Convention of relevance to indigenous people.

The objective of the CBD are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

The preamble of the CBD recognizes the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources. The Convention contains four Articles which are directly relevant to indigenous communities: Article 8(j), 10 c, 17.2 and 18.4. Of these Article 8(j) is regarded as the core provision and is concerned with respecting, preserving and maintaining traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity; the wider application of that knowledge with the approval of its holders; and the equitable sharing of benefits which arise from the wider use of that knowledge.

Indigenous concerns are also addressed in Article 26.2 of the Cartagena protocol on Biosafety to the Convention on Biological Diversity in which "Parties are encouraged to co-operate on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities".

Underlying these provisions is the recognition that indigenous and local communities maintain an interdependent relationship with the ecosystems they rely upon for their livelihoods. Many of these ecosystems are amongst the most biodiverse on earth. The COP in the preambles to decisions III/14 and IV/9, recognizes that "traditional

knowledge should be given the same respect as any other form of knowledge in the implementation of the Convention.”

Article 8(j) and its related provisions are treated as a cross-cutting issue within the implementation and work programmes of the Convention, and thus have to be addressed in the thematic programmes dealing with agriculture, forests, inland waters, arid and sub-humid lands, marine and coastal waters, and mountain ecosystems, as well as within the other cross-cutting programmes such as incentive measures, education and public awareness, access to genetic resources, and impact assessment.

The COP IV established the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and related provisions to advance further work on the implementation of Article 8(j) and related provisions.

The matters concerning Participatory mechanisms, Protection of traditional knowledge, innovations and practices, and the fair and equitable sharing of benefits is an ongoing discussion within the Working Group on Article 8(j) and related provisions.

I want now to briefly highlight some particular aspects of the current work programme on Article 8(j) and related provisions which I believe will be of interests to this meeting.

Participation:

In the implementation of the Convention, there is great emphasis placed on the effective participation and involvement of indigenous communities in all aspects of the Convention. Indigenous and local communities can participate in the work of the Convention in several ways:

- participation at meetings held under the convention as members of official delegations;
- indigenous organizations under observer status;
- submission of case studies and other relevant information;
- membership on expert panels, rosters of experts and
- liaison group.

The COP VI “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..”

Protection of traditional knowledge, Innovations and Practices:

The COP recognizes, in the preamble to its decision VI/10, that the CBD is the primary international instrument with the mandate to address issues regarding the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and

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

In its third meeting the COP initiated a process to define the issues in relation to the protection of traditional knowledge (TK), and began to look at the relevance and effectiveness of intellectual property regimes and other mechanisms for the protection of TK. The COP V, requested an assessment of the various mechanisms that could be used to protect TK, including standards IPRs, application of customary law systems and sui generis systems. With COP VI we are now in the implementation phase, whereby Parties and indigenous and local communities are being invited to put in place practical measures to protect and maintain traditional knowledge, innovations and practices.

The COP adopted and endorsed a number of decisions at its sixth meeting, under decisions VI/10 the principal decision relating to indigenous and local communities. As part of the programme of work on Article 8(j) a major multi-phase assessment of the state of traditional knowledge is being undertaken. The first phase will address the ecosystem categories, and identify and assess measures and initiatives currently being undertaken to protect, promote and facilitate the use of traditional knowledge. Subsequent phases will address the relationship between biological, cultural and linguistic diversity; identify processes at the national and local levels that threaten the maintenance of traditional knowledge; and identify trends in relation to the implementation of Article 8(j) and related provisions.

Fourthly cultural, environmental and social impact assessments. The COP has endorsed a set of recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied by indigenous and local communities. The COP has requested further work to be carried out to develop the recommendations with a view to creating a set of guidelines for the conduct of such cultural, environmental and social impact assessments.

And lastly indigenous rights and interest in access and benefit sharing arrangements. The COP at its sixth meeting adopted the Bonn guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization. The guidelines contain a number of references regarding the need for indigenous stakeholder participation, requirements for prior informed consent in relation to access to genetic resources traditionally used by indigenous communities and related traditional knowledge, and principles and basic requirements for reaching mutually agreed terms.

Mr. Chariman

The CBD plays a crucial role not only in developing mechanisms and promoting the need to respect, preserve maintain and protect traditional biodiversity-related knowledge, but also in ensuring that indigenous communities maintain the customary practices and uses of biological diversity upon which so many of the world's indigenous cultures are based.

The Executive Secretary as requested by COP VI will explore the possibility of co-ordination and collaboration on matters of mutual concern regarding the biological diversity and the environment.

The Secretariat wishes the Forum every success in carrying out its mandate.

Thank you.