

**Statement
Of The
Executive Secretary,
Dr. Braulio Dias
Of the Secretariat of the Convention on Biological Diversity
To the UNPFII at its 11th Session
7 May 2012**

Delivered by Mr. John Scott

Distinguished Delegates,

It gives me great pleasure to address you at the eleventh session of the UNPFII, on matters of mutual interest.

In particular, last year I provided you with information on the Nagoya Protocol, which was adopted in October 2010. At this session I will provide a short update.

As you know, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol) was adopted by the Conference of the Parties at its tenth meeting. The Protocol has, to date, been signed by 94 countries and 4 have ratified it. We anticipate more ratifications in the coming months, as many signatories have advised they are moving towards ratification. The Nagoya Protocol will enter into force 90 days after the deposit of the 50th instrument of ratification.

The text of the Protocol notes the United Nations Declaration on the Rights of Indigenous Peoples, and “affirms that nothing in the Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities”.

The Protocol also contains significant provisions relating to traditional knowledge associated with genetic resources held by indigenous and local communities, as well as to genetic resources held by indigenous and local communities where the rights of these communities over these resources have been recognized.

The Protocol establishes clear obligations to seek the prior informed consent of indigenous and local communities in these situations. It also provides for the sharing of benefits arising from the use of traditional knowledge associated with genetic resources, as well as benefits arising from the use of genetic resources in accordance with domestic legislation. Benefit-sharing must be based on mutually agreed terms.

In addition, Parties to the Protocol must ensure that their nationals comply with the domestic legislation and regulatory requirements of provider countries related to access and benefit-sharing of traditional knowledge associated with genetic resources.

The Secretariat has worked with donors to make available funds for two events on the Nagoya Protocol, specifically aimed at providing information to UNPFII members, as well as indigenous peoples who follow the work of the UNPFII.

Thanks to the generosity of the Governments of Spain and Japan, the Secretariat of the CBD was able to join with other partners including Tribal Link to fund the annual training session of the UNPFII, which was held in New York last week from 2-4 May. The annual training included a full day on the UNPFII mandated area of "Environment" with a focus on the work of the Convention on Biological Diversity, including article 8(j), 10(c) and related provisions, the revised Strategic Plan and its Aichi Targets and the Nagoya Protocol.

Furthermore, the UNPFII members have agreed to make themselves available for an information-sharing event on the Nagoya Protocol, later this year. At these events indigenous peoples and the members of the UNPFII are able to interact directly with indigenous peoples who followed the negotiations of the Nagoya Protocol and are involved in its implementation.

Mr. Chair, with regard to the revised work programme for traditional knowledge and customary sustainable use adopted by COP-10, the 8th meeting of the WG 8(j) in October 2011, has recommended to COP 11, in India in October 2012:

The development of further guidance on sustainable use and related incentive measures for indigenous and local communities and measures to increase the engagement of indigenous and local communities and governments at national and local levels in the implementation of Article 10 and the ecosystem approach (decision X/43);

The development of guidelines to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices; (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities; (iii) advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.

The development of guidelines to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.

The development of guidelines that would facilitate repatriation of information, including cultural property, in order to facilitate the recovery of traditional knowledge of biological diversity.

And finally the development standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

Furthermore, regarding the effective participation of indigenous and local communities in the work of the Convention to prepare ILCs to effectively participate in COP II, the Secretariat, thanks to the generosity of the Governments of Japan and Spain, has been able to prepare, with regional partners, three large regional ILC workshops for Africa (Burundi 9-12 June 2012), Asia (Chang Mai, Thailand 9-12 July, 2012) and finally LAC region (Paraguay, 13-17 August, 2012). Each workshop is expected to attract 40 participants and an invitation will also be extended to regional UNPFII members, who may wish to participate.

Regarding the joint programme of work on biological and cultural diversity between the Secretariat of the Convention on Biological Diversity and UNESCO, which was adopted by COP 10 in decision X/20, I wish to follow-up my report to you at your last session. Again thanks to the generosity of the Government of Japan, on 28-29 April an informal Diversity Liaison Committee held its first meeting in New York at UNESCO New York offices. Both indigenous peoples and Mr. Bertie Xavier of the UNPFII participated in its deliberations. The meeting garnered advice to take the work forward and the full report of the meeting will be made available as an information document for COP 11. Indigenous and local communities are key partners in the implementation of the joint programme of work.

Finally, as the new Executive Secretary of the Convention, it gives me great pleasure to introduce some of my priorities for the Decade of Biodiversity (2011-12), which are most relevant for indigenous peoples and local communities.

In particular, as we advance towards the Aichi Targets, including Target 11, which calls for at least 17% of terrestrial and inland waters (as well as 10% of coastal and marine areas) to be protected by 2020, I am convinced that the recognition of Indigenous Community Conservation Areas (ICCAs) will be crucial if we are to achieve this goal.

Hence we are developing synergies with indigenous peoples as we advance issues of mutual importance in achieving the Aichi Targets.

Further to this the COP has adopted three indicators for status and trends in traditional knowledge. They are: (i) status and trends of linguistic diversity and numbers of speakers of indigenous languages; (ii) status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities; (iii) status and trends in the practice of traditional occupations (decision X/43, para. 14).

Regarding these three indicators, the Secretariat continues discussions with UNESCO (linguistic diversity), FAO (land tenure) and ILO (traditional occupations) to explore the modalities of collecting these statistics and operationalizing the adopted indicators so that concrete movement forward can be measured and reported on.

I am firmly committed to ensure that we can measure and show progress towards the Achi Targets. To this end I have prioritized the operationalizing of indicators that can be measured at regularly periods including the mid-term review in 2015, so that there are no surprises when we reach 2020. This will allow us to adjust our programmes and reallocate resources throughout the decade in our mutual efforts to achieve the Achi Targets.

The Secretariat remains a committed partner to the UNPFII, as is evidence by our eleven year partnership and participation at every session of the UNPFII, including the in-depth dialogue held in 2010. The Secretariat has and will continue offered opportunities for both the members of the Forum and the participants at the Forum to receive capacity building on the Convention and its protocols and actively encourages broad participation of indigenous peoples and local communities, in the work of the Convention.

I thank you for your time and look forward to seeing many of you at Convention meetings and I wish you every success at this 11th session of the UNPFII.

End.