

**Statement
Of The
Executive Secretary,
Dr. Braulio Dias
Of the Secretariat of the Convention on Biological Diversity
To the UNPFII at its 12th Session
20 May 2013**

Delivered by Mr. John Scott

Distinguished Delegates,

I will take this opportunity under the agenda items on education, which deals knowledge systems to brief you on matters of mutual interest concerning the revised work programme for Articles 8(j), 10(c) and related provisions.

The Conference of the Parties met for its eleventh meeting in India in October 2012, and number of issues of significance to indigenous peoples.

Foremost is a new major component of work on customary sustainable use of biodiversity (CSU), Article 10 (c) – in which the 193 Parties have committed to incorporate the customary sustainable use into programmes and policies, promote and strengthen community-based initiatives to support CSU, and to identify, encourage and promote best practices including the development and use of community protocols and the recognition of community conservation areas. As customary sustainable use is the classroom for traditional knowledge, these two issues progress hand in hand.

The Parties have also committed to a bundle of tasks to advance article 8(j) (traditional knowledge), which may also contribute to the effective implementation of the Nagoya Protocol. These tasks referred to as tasks 7, 10 and 12, focus on guidelines for national legislation to that recognize, safeguard, and fully guarantee the rights of indigenous peoples over their knowledge, innovations and practices and more specifically aim to stop the unlawful appropriation of traditional knowledge, as well as establish guidelines for prior informed consent, based on mutually agreed terms and equitable sharing of benefits arising, when such knowledge is accessed and used.

I would also like to report on the advancement of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol). The Nagoya Protocol obtained 92 signatures by the closing date for signature and as of today, 16 Parties to the Convention have deposited their instruments of ratification or accession. We are also aware that a number of countries are in the process of finalising their national level procedures towards ratification. We are confident that the Protocol will enter into force in time for the twelfth meeting of the Conference of the Parties to the Convention, to be hosted by the Republic of Korea in October 2014.

The COP has also requested the Working Group on Article 8(j) to, taking into account the role of UNESCO in these matters, to develop guidelines that would facilitate repatriation of information, associated knowledge and cultural property, in order to facilitate the recovery of knowledge and cultural restoration.

The COP, has adopted three indicators for status and trends in traditional knowledge, as suggested by indigenous peoples and 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) and indigenous peoples to explore the modalities of collecting these statistics, including through community based monitoring and information systems, so that the adopted indicators can be operationalized with the aim of showing concrete movement forward.

Regarding the on-going work of capacity building for indigenous peoples and thanks to the generosity of the Governments of Japan and Spain, the Secretariat was able to facilitate, along with regional partners, three large regional ILC workshops since the last UNPFII session, in 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 attracted more than 70 indigenous representatives and an invitation was also extended to regional UNPFII members, some of whom were able to join.

Finally, it gives me great pleasure to introduce some of my priorities for the Decade of Biodiversity (2011-12), which are of most relevance 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 convince 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.

The Secretariat remains a committed partner to the UNPFII, as is evidence by our twelve year partnership and participation at every session of the UNPFII, including the in-depth dialogue held in 2010 and our recent chairing of the IASG. 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 12th session of the UNPFII.

End.

Further information

The relevant tasks of the revised Programme of Work for article 8(j) and related provisions are:

Element 4. Equitable sharing of benefits

Task 7.

Based on tasks 1, 2 and 4, the **Working Group** to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives 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.

Element 7. Legal elements

Task 12.

The Working Group to develop guidelines that will assist Parties and Governments in the development of legislation or other mechanisms, as appropriate, 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.

Task 15.

The Ad Hoc **Working Group** to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

Element 6. Monitoring elements

Task 10.

The Ad Hoc Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol).

In the penultimate preambular paragraphs of the Nagoya Protocol, the Parties to the Protocol:

“Noting the United Nations Declaration on the Rights of Indigenous Peoples, and

Affirming that nothing in this 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.
