

INDIGENOUS PEOPLES & THE CONVENTION ON BIOLOGICAL DIVERSITY

An Education Resource Book



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An Education Resource Book

PUBLISHED BY:



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**An Education Resource Book on Indigenous Peoples
and the Convention on Biological Diversity**

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from their dahas (agroforest).

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INTRODUCTION AND BACKGROUND

Since the beginning of Tebtebba's Project on Indigenous Peoples' Capacity-Building and Advocacy on the Convention on Biological Diversity (CBD) in January 2005, we have developed and gathered basic educational materials related to the Convention. These materials were used during national, regional, and international capacity building workshops held from 2005 to 2008.

Some of the materials were modified and updated along the process. In March 2006, Tebtebba organized an Educational Workshop for Indigenous Educators in Curitiba, Brazil with the support of the International Indigenous Forum on Biodiversity (IIFB). Here, participants analyzed three educational materials, which Tebtebba had used earlier in its capacity building workshops. The materials were the powerpoint presentations: (1) *Negotiating Biodiversity*; (2) *The Convention on Biological Diversity and the Concerns of Indigenous Peoples*; and (3) *The International Indigenous Forum on Biodiversity (IIFB)*.

The critique of indigenous educators during the 2006 Curitiba workshop helped a lot to improve the materials, which continue to be used, updated and improved as introductory modules for indigenous peoples' capacity building on the Convention. In practice, the modules have proven effective in introducing indigenous participants to the contents of the Convention and to the various spaces it could provide for indigenous and local communities' participation in its various levels of decision-making processes.

Participants during the March 2006 Curitiba indigenous educators' workshop proposed outlines of modules relevant for indigenous peoples on the CBD. The proposed outlines included additional topics such as definition of terms (biodiversity, culture and traditional knowledge), the history of the CBD, concerns of indigenous peoples, the International Indigenous Forum on Biodiversity, and the status of regional, national and local implementation of the Convention. Others proposed that the modules include aims, objectives, contents and expected results from participants.

These proposals have been the basis for further improving the education materials and for Tebtebba to put together the various modules into this **Education Resource Book on Indigenous Peoples and the Convention on Biological Diversity**. The Education Resource Book aims to serve as a handy tool for educators in their capacity building, education and public awareness raising among various audiences, particularly on indigenous peoples' concerns and the CBD.

Following the initial compilation of this education resource book, Tebtebba organized the Training of Trainors and Educators Workshop on Indigenous Peoples and the CBD, held on June 1-3, 2008 in Bonn, Germany, in coordination with the International Indigenous Forum on Biodiversity (IIFB) Working Group on Communication, Education and Public Awareness (CEPA). In this workshop, the participants further critiqued and enriched the modules and shared other education experiences and methodologies used by indigenous educators in their local and regional context. The results of the trainors' training and educators' workshop further emphasized the need for the compilation and finalization of this basic education resource book on indigenous peoples and the CBD. This resource book could be used primarily by trainors and educators in their continuing capacity building and advocacy work on indigenous peoples and the CBD.

This Education Resource Book on Indigenous Peoples and the CBD is made up of three main sections:

- The first section is a **Basic Introduction to Indigenous Peoples' Advocacy and the CBD**, with four modules on (1) *Indigenous Peoples and Political Advocacy*, (2) *Understanding the Convention on Biological Diversity (CBD)*, (3) *Indigenous Peoples' Concerns on the Convention on Biological Diversity*, and (4) *Indigenous Peoples' Movements and the International Indigenous Forum on Biodiversity (IIFB)*.
- The second section presents the **Key Themes and Issues of the Convention**, with separate modules for the different themes. These modules are on (5) *CBD and Traditional Knowledge*, (6) *Access and Benefit-Sharing of Genetic Resources and Associated Traditional Knowledge*, (7) *Indigenous Women and the CBD*, (8) *Indigenous Peoples and Biotechnology*, (9) *Indigenous Peoples, Biodiversity and Climate Change* and (10) *Protected Areas and Indigenous Peoples*.
- The third section deals with the **CBD Implementation** with modules on (11) *National Implementation of the CBD*, (12) *Ecosystem Approach of the CBD*, (13) *Protection of Biological Diversity and Related Traditional Knowledge*, and (14) *Communication, Education and Public Awareness*.

Also included are some useful Learning Tools and Methods, List of Acronyms and Supplementary Resource CD (source materials, powerpoint presentations) that could facilitate the presentation of the various topics when conducting education workshops.

This education resource book may be used in various ways, depending on the particular needs, objectives and characteristics of the target participants or audiences. The different sections and modules may be discussed successively, or be given together, as a comprehensive training course on indigenous peoples and the CBD over a period of several days. Or, the different modules may be taken separately as individual topics, depending on the specific interest of a particular group or target audience. What is important is that the modules and references on the various topics help answer questions and clarify the different issues in relation to the CBD and indigenous peoples concerns, in response to particular needs of a particular audience or group.

The various modules, suggested tools and methods and supplementary resource CD contained in this resource book merely serve as a guide, which trainers and educators may use for their own purposes and at their own discretion as they deem appropriate to their local or national context. Local examples and situations may be added, which are always the most effective in clarifying concepts and issues. Flexibility is the key in meeting the education needs of your target participants.

Finally, the content, case studies and other papers and supplementary resource CD in this resource book were contributed by a number of people and organizations who were involved in the various educational workshops, activities and processes on indigenous peoples and the CBD. These include the following: Paul Oldham, Joji Cariño, Jannie Lasimbang, John Scott, Elpidio Peria, Montañosa Research and Development Centre, Doris Lasimbang, PA-COS Trust, Datu Vic Saway, Farmers Consultative Council, Raymundo Rovillos, Raymond de Chavez, Malia Nobrega, Paul Michael Nera, and the IIFB and its Working Group on CEPA.

Tebtebba also acknowledges the invaluable support extended by SwedBio throughout the whole process of coming up with this education resource book. SwedBio has been a long-term partner of Tebtebba in its project on indigenous peoples' capacity-building and advocacy work for the implementation of the Convention on Biological Diversity.

OBJECTIVES, CONTENT & METHODS OF THE TRAINING

These education modules on Indigenous Peoples and the Convention on Biological Diversity (CBD) are meant to develop the capacity of indigenous activists, leaders and educators, who may not know much about the CBD, but who are interested to engage in the process for the recognition of indigenous peoples' rights in the implementation of the CBD.

Overall Objectives:

At the end of the training, the participants will be able to:

- Understand the Convention on Biological Diversity, its various institutions, programs and concerns, and the importance of indigenous peoples' engagement in the implementation and related processes of the CBD;
- Evaluate the threats and opportunities in the CBD for the protection and advancement of indigenous peoples' rights;
- Develop strategies and action plans for participation of indigenous peoples in CBD implementation;
- Conduct education and awareness raising on the CBD and related indigenous peoples' concerns.

General Objectives per Chapter:

Chapter 1: A Basic Introduction to Indigenous Peoples and the CBD

1. To contextualize indigenous peoples' participation in international policy processes.
2. To show the relevance of multilateral environmental agreements for indigenous peoples, with focus on the CBD.
3. To develop competence among indigenous participants to engage in the CBD.

Chapter 2: Key Themes and Issues

1. To deepen understanding of key issues being discussed and negotiated under the CBD.
2. To strengthen knowledge and capacities for full and effective engagement of indigenous peoples with CBD processes dealing with these key issues.
3. To value and articulate indigenous perspectives and contributions in CBD decisions and implementation.
4. To share and learn from each other's experiences on how to address and act on key issues of the CBD.

Chapter 3: CBD Implementation

1. To learn tools and examples on how to implement the CBD at all levels.
2. To understand the implementation framework of the CBD, in particular, the national framework and ecosystem approach.
3. To equip participants to develop strategies and action plans on CBD implementation, taking into account local and national priorities.
4. To strengthen the capacities of participants to conduct education on indigenous peoples and the CBD.

Chapter 4: Learning Tools and Methods

1. To learn different learning tools and methods that can facilitate the presentation and understanding of topics when conducting educational workshops

Specific Objectives per Module and Methods:

Module (Time Needed)	Specific Objectives	Methods to be Used
Chapter 1: A Basic Introduction to the Indigenous Peoples' Advocacy and the CBD		
Module 1: Indigenous Peoples and Political Advocacy (3 hours)	1. To appreciate the role and goals of the indigenous peoples' social movement. 2. To understand the importance of indigenous peoples' participation in the political process. 3. To understand the importance of effective political advocacy in different political arenas. 4. To review the history of multilateral environmental agreements and their relevance for indigenous peoples.	• Mind-Mapping • Input and Discussions • Small group discussions • Open Forum
Module 2: Understanding the Convention on Biological Diversity (3 hours 30 minutes)	1. To understand the objectives of the CBD and its significance for indigenous peoples. 2. To learn the history of the CBD, its institutions and how the different bodies function 3. To be introduced to the thematic and cross-cutting issues of the CBD. 4. To know about the goals and targets of the CBD. 5. To understand the mechanism for national governments to implement their commitments to the convention and how indigenous peoples can use these to address their issues. 6. To understand how communities' initiatives for conservation and sustainable use of biodiversity are linked to and complement the objectives of the CBD.	• Poster Presentation • Input and Discussions • Workshop

Module (Time Needed)	Specific Objectives	Methods to be Used
Module 3: Indigenous Peoples' Concerns and the CBD (4 hours)	1. To present the state of biodiversity in the participants' communities, including threats and existing indigenous knowledge systems in relation to biodiversity. 2. To learn about CBD provisions most relevant to indigenous peoples. 3. To become aware of issues and dangers of the CBD to indigenous peoples. 4. To explore ways to strengthen the position of indigenous peoples in relation to the CBD, using the UN Declaration on the Rights of Indigenous Peoples as the framework and guideline.	• Poster Presentation • Input and Discussions • Text Analysis • Workshop
Module 4: The Indigenous Peoples' Movements and the International Indigenous Forum on Biodiversity (IIFB) (2 hours)	1. To trace the history of the International Indigenous Forum on Biodiversity (IIFB) and indigenous peoples' participation in the work of the CBD. 2. To understand the mandate and role of the IIFB and how it functions. 3. To be aware of the direction and future of the IIFB and how indigenous peoples can participate.	• Input Discussion • Visual Aids • Workshop
Chapter 2: Key Themes and Issues		
Module 5: The CBD and Traditional Knowledge (3 hours and 30 minutes)	1. To share and appreciate traditional knowledge systems and practices of the indigenous participants as integral to the workshop. 2. To know and understand the provisions of the CBD in relation to traditional knowledge. 3. To know what are the main elements of the CBD work program on Article 8(j) and Related Provisions and what has been done to implement CBD commitments on traditional knowledge. 4. To explore how indigenous peoples' representation and participation in the CBD can contribute to ongoing work on traditional knowledge.	• Input and Discussions • Mind Mapping • Open Forum

Module (Time Needed)	Specific Objectives	Methods to be Used
Module 6: Access and Benefit-Sharing of Genetic Resources and Associated Traditional Knowledge (2 hours)	1. To understand the concept of access and benefit-sharing of genetic resources. 2. To know the articles of the CBD pertaining to access and benefit-sharing of genetic resources and associated traditional knowledge and the CBD processes and mechanisms dealing with this theme. 3. To understand the issues that indigenous peoples face in relation to access and benefit-sharing of genetic resources and intellectual property rights. 4. To agree on key principles that should guide indigenous peoples' access to and benefit-sharing of genetic resources.	• Listing • Input and Discussions • Case Studies • Buzz Session
Module 7: Indigenous Women and the CBD (3 hours)	1. To know the provisions and programs of the CBD in relation to women and gender equity. 2. To appreciate the particular role of indigenous women in the protection of biological diversity and traditional knowledge. 3. To identify concrete actions to ensure equitable gender relations in the application and implementation of the CBD.	• Story-telling • Input and Discussion • Case Studies • Workshop-Group Discussion
Module 8: Indigenous Peoples and Biotechnology (2 hours)	1. To understand genetic engineering, genetically modified organisms, and its impacts on indigenous peoples. 2. To understand what is bioprospecting and biopiracy and its impacts on indigenous peoples. 3. To know about the Cartagena Protocol and its relevance for indigenous peoples. 4. To explore what indigenous peoples need to do to address the problem of bioprospecting on indigenous peoples' territories. 5. To highlight initiatives and actions of indigenous peoples about GMOs and biotechnology.	• Video Showing • Input and Discussion • Case Studies • Open Forum • Plenary discussion

Module (Time Needed)	Specific Objectives	Methods to be Used
Module 9: Indigenous Peoples, Biodiversity and Climate Change (3 hours)	1. To understand the interrelationship between climate change, biodiversity and indigenous peoples' traditional knowledge. 2. To enhance indigenous peoples' understanding on current policies and programs on Climate Change. 3. To understand REDD+, forests and biodiversity. 4. To encourage indigenous peoples' effective participation in shaping relevant policies and actions on the adverse consequences of climate change to biodiversity and indigenous peoples.	• Film showing • Sharing of Experiences • Input and Discussion • Open Forum
Module 10: Protected Areas and Indigenous Peoples (3 hours and 30 minutes)	1. To understand the historical evolution of the scientific approach to conservation, national parks and protected areas (PAs). 2. To understand the different categories and governance systems of protected areas. 3. To highlight how protected areas have impacted on indigenous peoples' rights and lives. 4. To highlight indigenous peoples' concepts of sustainable use and conservation of biological diversity. 5. To explain how the CBD deals with protected areas and what is its program of work for conservation and expansion of protected areas. 6. To update the participants on recent initiatives on conservation and human rights.	The following resources may be used (for complete list please see page 91): • "Securing Indigenous Peoples' Rights in Conservation in Suriname: A Review" • "Securing Indigenous Peoples' Rights in Conservation: Reviewing and promoting progress in Cameroon" • "Securing Indigenous Peoples' Rights in Conservation: Review of policy and implementation in the Dzanga-Sangha Protected Area Complex" • "Conservation and Indigenous Peoples: Assessing the Progress since Durban"

Module (Time Needed)	Specific Objectives	Methods to be Used
Chapter 3: CBD Implementation		
Module 11: National Implementation of the CBD (3 hours)	1. To learn how to access information on CBD implementation through the Clearing House Mechanism. 2. To be aware of the international obligations of governments in relation to the CBD as contained in their National Biodiversity Strategy and Action Plans (NBSAP) and country reports. 3. To assess the implementation by the government of its CBD obligations compared with actual experiences on the ground. 4. To stimulate discussions about practical initiatives and projects that participants can carry out to implement the CBD at the national and local level.	• Accessing Information • Input and Discussion • Document Review • Case Studies • Brainstorming
Module 12: The Ecosystem Approach of the CBD (3 hours)	1. To appreciate how indigenous peoples' customary resource management and sustainable use are consistent with applying the Ecosystem Approach. 2. To understand what is the Ecosystem Approach of the CBD, its principles and operational guidelines. 3. To consider how communities, government and other actors within the ecosystem can complement each other's efforts in applying the Ecosystem Approach of the CBD.	• Visual Aids • Story-telling/Case Study Presentation • Input and Discussions • Compare and Contrast • Small Group Discussion

Module (Time Needed)	Specific Objectives	Methods to be Used
Module 13: Protection of Biological Diversity and Related Traditional Knowledge (3 hours)	1. To share case studies on what indigenous peoples are doing to protect traditional knowledge (TK). 2. To understand various global legal frameworks for recognition and protection of TK: UNESCO, UNDRIP, WIPO 3. To understand the relationships of international laws, national laws to customary laws in the protection of TK. 4. To discuss practical ways for the protection of TK given the diverse situations facing indigenous peoples, which contribute to the loss of TK.	The following reference materials may be used: • “Report of the Secretariat on Indigenous traditional knowledge to the Sixth session of the UNPFII” • “Study on Compliance in Relation to the Customary Law of Indigenous and Local Communities, National Law, Across Jurisdictions, and International Law” • “Report of the International Seminar on Systems for the Protection and Commercialization of Traditional Knowledge” • <i>Dunong at Batas</i> • <i>Our Harvest in Peril</i> • <i>Promoting Indigenous Knowledge for Food Security</i> • “Indigenous Peoples’ Concerns on the CBD” - powerpoint

Module (Time Needed)	Specific Objectives	Methods to be Used
Module 14: Communication, Education and Public Awareness (CEPA) (3 hours)	1. To understand the broad framework for Communication, Education and Public Awareness (CEPA) of the CBD. 2. To learn what work the IIFB has been doing on CEPA. 3. To highlight the International Year on Biodiversity leading to the International Decade on Biodiversity. 4. To share some practical educational methods, tips and activities.	The following reference materials may be used: • Decision adopted by the Conference of the Parties to the CBD at its eighth meeting • IIFB program on CEPA based on CBD program - powerpoint • "Compilation of CBD COP Decisions on Article 13 (Public Education and Awareness) and IIFB Working Group on CEPA Plans" • "Implementation Strategy for the International Year of Biodiversity" • "Welcome to the International Year of Biodiversity"

Methodology:

The methodology of the training aims to encourage active participation of the participants in the discussions and exercises. There will be lectures and discussion of concepts by resource persons and facilitators. But whenever possible and appropriate, efforts should be made to draw out ideas of participants to elaborate or concretize the concepts through participatory exercises such as workshops, open forum, poster presentation, mind mapping and others that will be used throughout the training. The exercises should help participants visualize for themselves the concepts and link these with their own experiences, conditions and issues in their respective communities.

Module

1

INDIGENOUS PEOPLES AND POLITICAL ADVOCACY

OBJECTIVES

1. To appreciate the role and goals of indigenous peoples as a social movement.
2. To understand the importance of indigenous peoples' participation in the political process.
3. To understand the importance of effective political advocacy in different political arenas.
4. To review the history of multilateral environmental agreements and their relevance for indigenous peoples.

RESOURCES

- "Indigenous Peoples and Political Advocacy" - powerpoint
- "Sustainable Development"
- *Indigenous Peoples and the World Summit on Sustainable Development*
- *We, Indigenous Peoples: A Compilation of Indigenous Peoples' Declarations*



TIME

3

HOURS

ACTIVITY:

Indigenous peoples are involved in innumerable ways in various international activities and processes. Even in our own communities, we cannot help but be linked to or be affected by economic, social, political and cultural developments in the world. For instance, the Convention on Biological Diversity (CBD) is an international agreement entered into by our governments, which has direct impacts on our day-to-day lives as indigenous peoples. It is thus important for indigenous peoples and communities to be active participants in matters affecting us and our futures.



Exercise 1

Mind Mapping - Local to Global Connections (1 hour)

Linking priority issues of indigenous peoples to international/global processes:

1. Divide the participants into groups according to region, country or community of origin.
2. The facilitator gives a brief introduction on what is mind mapping (see page 140) and how to do it, drawing a sample mind map on the board.
3. In 30 minutes, each group draws a mind map with their priority issue in the middle and linking it with international events and processes.
4. Each group assigns a reporter to present their mind map to the whole group.
5. The facilitator synthesizes the discussion by showing how indigenous peoples' local issues are related to international processes like the CBD.

INPUT AND DISCUSSION: (1 hour)

Chief Oren Lyons (Onandaga Nation and Haudenosaunee Confederacy) speaking to the UNWGIP (UN Working Group on Indigenous Populations) on 20 years of indigenous peoples in the United Nations 1997):

We came seeking justice on our homelands. We came here to appeal to the world at large to support our efforts to seek equitable solutions to discrimination, exploitation, racism, ethnocide and genocide of Indigenous Nations and Peoples...

We came here to speak on behalf of the natural world being plundered by governments and corporations. We spoke on behalf of rooted trees that could not flee the chainsaw. We spoke on behalf of salmon, her- ring, tuna and haddock killed in their spawning beds. We had alarming news from the Four Directions about fish, wildlife and birds, contaminated, sick and disappearing. And today we continue to speak on their behalf. Today they are more endangered than ever, and if anything, their conditions are worse. In these times, humanity must work together, not just for survival, but for quality of life based on universal values that protect the delicate inter-relatedness of life that protects us all.

Biodiversity is a clinical, technical term for this intricate inter-weaving of life that sustains us. We indig- enous peoples say that we are related to this life; thus your "resources" are our relations. It is all in how you look at it.

Indigenous Peoples have something to offer in this equation for survival...We have common goals and re- sponsibilities, and I say, that you, the leaders of this great hope of the world's people, the United Nations, should be working with us and not against us, for peace. We submit to you that as long as you make war against Etenoha (Mother Earth), there can never be peace.

1. What are the Goals of Indigenous Peoples as International Actors?

Indigenous peoples are engaging more and more in various international processes and are thus playing an important role as international actors. The goals of indigenous peoples in engaging in international processes are:

- To gain recognition for indigenous peoples' human rights and claims for justice;
- To work together with all nations and peoples for peace while being grounded on our interrelatedness in the web of life that supports us all.

Indigenous peoples have a major contribution to make in achieving these goals. Therefore, we have a central, not marginal, role to play in contemporary debates about our futures.

2. Popular Participation

United Nations Research Institute on Social Development (UNRISD) defines popular partici- pation as:

Organized efforts to increase control over resources and regulative institutions in given social situations, on the part of groups and movements of those hitherto excluded from such control.

Further, scholars Steifel and Wolfe contextualize “popular participation in development” as follows:

Development [is] a process of ‘incorporation,’ with ‘traditional groups’ relationships and institutions gradually but inevitably being incorporated into new, modern and larger economic, social, cultural and political settings. In the course of this process, pre-existing livelihood arrangements, values and channels of representation (usually vertical) would break down. Some social groups would dissolve and new ones emerge. All would have to struggle over the terms in which they would find a place in the new and larger social system.

Participatory efforts could thus be viewed as “struggles over the terms of incorporation.” The problem is not that some are being “included” and others “excluded.” The problem is that poorer strata/groups were being incorporated—“included”—on highly unfavorable terms; they were being excluded from control over the decisions and regulative institutions that govern these processes.

3. Indigenous Peoples as Social Learners and Actors

What is important is for indigenous peoples to consciously see ourselves as social learners and actors. Alongside others, we can seek solutions to the contemporary social and ecological crises we face. This is a process of “learning our way out” of the current global ecological crisis by taking action within our appropriate learning units such as our own villages, communities, cities and some institutions.

4. Indigenous Peoples and Effective Political Advocacy

Political advocacy means strengthening the voices of indigenous peoples in decision-making about our social and ecological futures. Advocacy includes activities to change the political balance in support of indigenous peoples. These activities include education and public-awareness raising, campaigning, communications, associated research, and lobby work.

5. What is a Political Arena?

- A political arena is a decision-making process defined at the intersection of different levels of governance, geographic space, language and political culture.
- A majority of political arenas are geographically bound – local, national, regional.
- Some are moving targets, such as the Group of 8 Meetings.
- Some are multilayered. Tackling the European Union as a decision-making process requires at least one foot in Brussels, another in the country which happens to chair the EU at the moment.
- Some are institutional - e.g., World Bank.

Political advocacy may be done in different arenas in local, national and international relations. Each political arena has its own political dynamics that need to be considered. There is a need

to subject each arena to an analysis of strengths, weaknesses, opportunities and threats in order to decide in which arena indigenous peoples may choose to engage.

Because each political arena has its distinct characteristics, effective political advocacy requires detailed knowledge and familiarity with the pertinent political actors and processes. It does not follow that the demands and approaches at one political arena can be transferred to another political arena.

The following table shows the different political arena that we can engage in at the local, national and international levels. It identifies the actors, standard-setting mechanisms and avenues for engagement at each of these levels.

ACTORS	STANDARD-SETTING	POLITICAL ARENA
INTERNATIONAL International Organizations Governments Industry Groups Indigenous Peoples NGOs, Others	Treaties/Conventions/Declarations Policy Frameworks Criteria and Indicators Guidelines Programmes of Action	Human Rights/Peace Sustainable Development Environment Economic, Trade, Finance
REGIONAL Regional Networks	Regional Cooperation and Coordination	Regional Institutions and Processes
NATIONAL National Coordination, Campaigns	Legal and Regulatory Framework	Executive/Administrative Legislative Judicial
SUB-NATIONAL/LOCAL	Organizing and Education, Public Information, Media	Networking, Lobby Work, Research

Different indigenous peoples' formations to which many of us belong are engaged in these various political arena at different levels. Among the existing indigenous peoples' formations that are active in political advocacy are the following:

- Indigenous Peoples' Global Caucus (e.g., International Indigenous Forum on Biodiversity);
- Regional IP Caucuses (e.g., Asia IP Caucus);
- Women's Caucuses (e.g., Indigenous Women's Biodiversity Network);
- Indigenous NGOs with ECOSOC Status (e.g., Tebtebba);
- International and Regional IP Networks (Asia Indigenous Peoples Network);
- National IP Federations (e.g., AMAN in Indonesia);
- Indigenous Peoples/Nations;
- Local IP Organizations and Community-Based Organizations.

6. Multilateral Environmental Agreements and Negotiations as a Political Arena¹

History and context of MEAs

Multilateral Environmental Agreements (MEAs) have largely been produced by large international conferences convened by the UN, although not all MEAs originated in UN fora. While environmental treaties date back to the end of the 19th Century, the vast majority of MEAs have been adopted since the 1972 United Nations Conference on the Human Environment (UNCHE), often referred to as the Stockholm Conference. The Stockholm Conference gave birth to the United Nations Environment Programme (UNEP), an Environment Fund, an Action Plan and the Stockholm Declaration. Adopted by all 113 States present at the Conference, this Declaration was the first universal document of importance on environmental matters. Its 26 Principles give prominence to a number of concepts that would later find their place in MEAs.

The best known principle of the Stockholm Declaration is Principle 21, that states:

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

A great number of MEAs were adopted in the 20 years that followed the UNCHE, most notable of which are:

- Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (known as the London Dumping Convention – adopted in 1972);
- Convention on International Trade in Endangered Species (CITES);
- International Convention for the Prevention of Pollution by Ships, 1973;
- Convention on the Conservation of Migratory Species of Wild Animals (known as the Bonn Convention – adopted in 1979);
- United Nations Convention on the Law of the Sea (known as UNCLOS – adopted in 1982);
- Convention on the Protection of the Ozone Layer (adopted in 1985);
- Montreal Protocol on Substances that Deplete the Ozone Layer (known as the Montreal Protocol – adopted in 1987);
- Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (known as the Basel Convention – adopted in 1989).

The Rio Conference of 1992:

At the United Nations Conference on Environment and Development (UNCED) held in Rio in 1992, the concept of sustainable development, defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs,” gained broad international support as the key element to consider in developing international environmental policy. The Rio Conference was attended by thousands of participants, including 176 States, 103 of which were represented by Heads of Government. The results of the Rio Conference were numerous and included:

- the adoption of the United Nations Framework Convention on Climate Change (known as UNFCCC);
- the adoption of the Convention on Biological Diversity (known as CBD);
- the decision to negotiate the Convention to Combat Desertification;
- an Action plan called “Agenda 21” (in reference to the 21st century);
- the decision to establish the Commission on Sustainable Development (CSD);
- The Rio Declaration composed of 27 Principles, many of which have influenced the subsequent development of international and national environmental law and policy.

Principle 22 of the Rio Declaration states:

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture, and interests and enable their effective participation in sustainable development.

Since Rio, many other MEAs have been adopted, including the following:

- The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (known as the Desertification Convention – adopted in 1994);
- the Protocol to the London Dumping Convention (adopted in 1996);
- the Kyoto Protocol to the United Nations Framework Convention on Climate Change (known as the Kyoto Protocol – adopted in 1997);
- the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (known as the Rotterdam Convention – adopted in 1998);
- the Protocol to the Basel Convention on Liability and Compensation for Damage Resulting from the Transboundary Movements of Hazardous Wastes (adopted in 1999);
- the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (known as the Biosafety Protocol – adopted in 2000);
- the Stockholm Convention on Persistent Organic Pollutants (known as the Stockholm Convention – adopted in 2001).

The World Summit on Sustainable Development of 2002:

In December 2000, the United Nations General Assembly adopted resolution 55/199, in which it decided to embark on a 10-year review of the Rio Earth Summit in 2002. The purpose of the review was two-fold: to track progress made since Rio and to take steps to move global action on sustainable development forward.

The World Summit on Sustainable Development was convened in Johannesburg, South Africa in 2002. The largest intergovernmental event ever held, it focused on implementing sustainable development and poverty alleviation as its key themes. It resulted in the adoption of a Political Declaration that, in paragraph 5, clearly reaffirms the three pillars of sustainable development: economic development, social development and environmental protection. States also adopted the Johannesburg Plan of Implementation that sets priorities and targets in a number of areas of concern.

Indigenous peoples have consistently made their presence felt in the negotiations of multilateral environmental agreements. From Rio to New York to Kimberly, on various issues including environment, economic and social development, culture, education, human rights, and health,

indigenous peoples have come up with their collective views and positions on issues directly affecting them. Despite tremendous limitations, indigenous peoples have shown that they can effectively participate in lobbying international bodies and conferences so that their issues and voices may be heard. The book “We, Indigenous Peoples” is a compilation of different declarations of indigenous peoples that have been submitted to various international bodies including the CBD, WTO, WSSD, UNFF, UNFCCC, among others, through the years.

One example of an MEA in which indigenous peoples are actively involved in as a political arena at the national and international levels is the Convention on Biological Diversity (CBD). The CBD is an international agreement that has significant impacts on the lives of indigenous peoples around the world. By signing on to the CBD, our governments have made international commitments and are obliged to respect indigenous peoples' rights to their traditional knowledge and biodiversity.

Indigenous peoples need to explore how we can effectively participate in the implementation of MEAs and get to know the commitments of our governments, which we could utilize in our political advocacy for the recognition of indigenous peoples' rights.



Exercise 2

How useful are these multilateral environmental agreements for indigenous peoples? (30 minutes)

1. Participants share examples of engagement in political processes.
2. From the examples given, participants make a judgment of how useful it was for them.

7. Fundamental Rights of Indigenous Peoples

The central objective of our political advocacy is the full recognition of indigenous peoples' rights. These rights are enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was negotiated by indigenous peoples for more than 25 years and finally adopted by the UN General Assembly in September 2007.

The UNDRIP is an international *human rights* instrument that sets the minimum standards for guaranteeing the *collective rights* of indigenous peoples. It is an affirmation of collective rights that have long been exercised by indigenous peoples. It is *not* a *new* set of rights *granted* by states; rather, it is a *recognition* of *inherent* rights and defines the *obligations* of states to respect those rights.

Among the basic rights of indigenous peoples contained in the UNDRIP that should be recognized are the following:

- The right to self-determination;
- The recognition of indigenous peoples as collectivities;
- Inalienable rights to territories, lands and resources;
- Prior consent before development takes place on indigenous lands;
- Control over any development initiatives on indigenous lands;
- Respect for indigenous cultural heritage and intellectual property;

- Recognition of indigenous peoples' own institutions;
- Right to the exercise of customary law according to our social and cultural practices.

Particular note should be made of the rights of the indigenous peoples to self-determination, collective rights, control of our territories, access to our resources, recognition of our political and legal institutions, control of traditional knowledge, and free, prior and informed consent.

Article 29 of UNDRIP addresses environmental conservation issues, providing for the overall right to conserve and protect the environment on their lands and territories. It states:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

8. Conclusion

Given the numerous concerns and challenges faced by indigenous peoples, it is necessary to further enhance the capacities and effectiveness of indigenous peoples in asserting and advocating for their rights and their development. Indigenous peoples' visions and goals at the local, national, regional and global levels can only be achieved through their active engagement with and use of existing mechanisms, processes and spaces mandated to promote these rights and development goals.



Exercise 3

Open Forum (30 minutes)

Clarifying questions and issues:

1. Participants may ask questions related to the topic or give comments and suggestions.
2. The resource person responds to the questions and comments.
3. The facilitator summarizes the topic and closes the discussion.

Endnote:

¹ MEA Negotiator's Handbook University of Joensuu – UNEP Course Series 5.

Module

2

UNDERSTANDING THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

OBJECTIVES

1. To understand the objectives of the CBD and its significance for indigenous peoples.
2. To learn the history of the CBD, its institutions and how the different bodies function.
3. To be introduced to the thematic and cross-cutting issues of the CBD.
4. To know about the goals and targets of the CBD.
5. To understand the mechanism for national governments to implement their commitments to the convention and how indigenous peoples can use these to address their issues.
6. To understand how communities' initiatives for conservation and sustainable use of biodiversity are linked to and complement the objectives of the CBD.

RESOURCES

- "Negotiating Biodiversity A Field Guide to the Convention on Biological Diversity" - powerpoint
- "Participation and prior informed consent of indigenous peoples in the CBD"
- "Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety"



TIME
3 1/2
HOURS

ACTIVITY:



Exercise 1

Poster Presentation (30 minutes)

Understanding the objectives of the CBD:

As a preparatory activity before the session, participants are assigned to prepare a poster showing the key issues in their community and actions taken in relation to:

- Conservation of biological diversity;
 - Sustainable use of biological diversity;
 - Access to biological diversity and benefit sharing.
1. The participants come together and each group posts their poster and briefly explains what is on the poster that they prepared.
 2. While the participants explain their ideas, the facilitator writes down key concepts mentioned by the participants on cards and posts them on the board, clustering similar ideas.
 3. The facilitator summarizes the ideas that emerged from the participants and relates them with the topic on the CBD.

INPUT AND DISCUSSION: (2 hours)

1. What is the Convention on Biological Diversity, its history and objectives?

At the 1992 Earth Summit in Rio de Janeiro, world leaders agreed on a comprehensive strategy for sustainable development to meet our needs while ensuring a healthy and viable world for future generations. One of the key agreements adopted at Rio was the CBD. This pact among the majority of the world's governments sets out their commitments for maintaining the world's biodiversity as they go about the business of economic development.

The CBD came into force on 29 December 1993. As of the Ninth Conference of Parties (COP9) held in Bonn, Germany in May 2008, over 190 countries have ratified the convention. The United States of America has not ratified the Convention.

The three basic objectives of the Convention are:

- Conservation of biological diversity;
- Sustainable use of its components;
- Fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

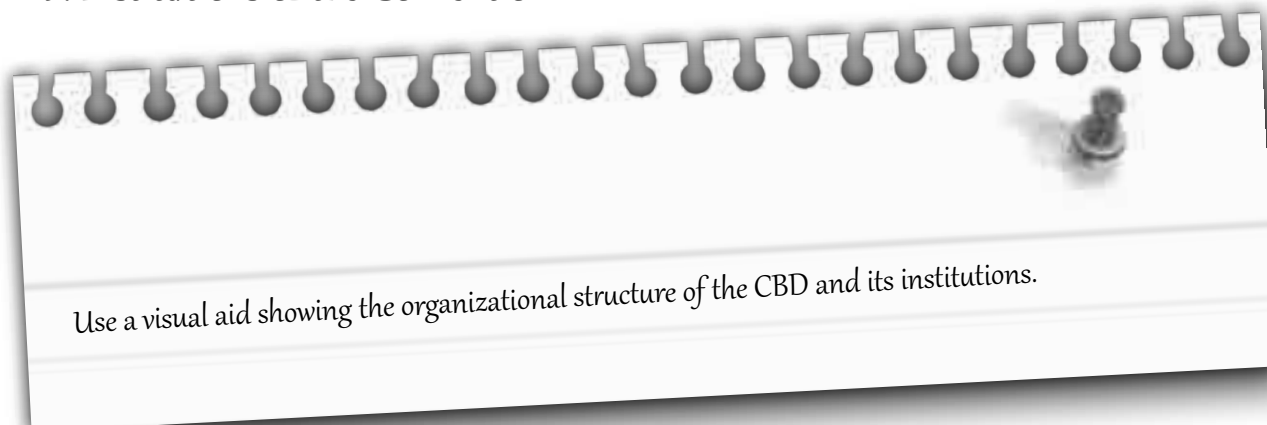
2. Definition of Key Terms

Biological diversity or biodiversity is the diversity of all life forms (plants, animals, humans) on this planet—from genes to ecosystems—everything. Biodiversity is the embodiment of our spiritual well-being. There are enormous gaps in western scientific knowledge of global biodiversity.

Cultural diversity is the diversity of peoples' ways of life on this planet, which is inextricably linked to the conservation of biodiversity. Scientists are increasingly exploring the role of human cultural diversity in the conservation of biodiversity. The loss of each distinctive culture represents the collective loss for humankind of possible options and possible opportunities for innovation in responding to collective challenges.

Traditional knowledge. Indigenous peoples and local communities around the world possess detailed and sophisticated knowledge of the plants, animals and other species located within their lands and territories. Loss of ecosystems leads to the loss of traditional lifestyles, linguistic diversity and traditional knowledge.

3. Institutions of the Convention



The institutions of the Convention are the Conference of the Parties (COP), the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), the Secretariat, the Financial Mechanism, and the Clearing House Mechanism.

COP is the decision-making body of the CBD. It is composed of "Parties" or national governments and intergovernmental bodies (such as the European Union) that have signed on to the Convention. It meets every 2 years and may be attended by observers, which include governments who are not a party to the Convention (such as USA), other international organizations and other interested groups like indigenous peoples' organizations, NGOs and civil society organizations. Since 1992, the COP had met 10 times up to 2010.

- COP (1994) – Nassau, Bahamas
- COP2 (1995) – Jakarta, Indonesia
- COP3 (1996) – Buenos Aires , Argentina
- COP4 (1998) – Bratislava, Slovakia
- COP5 (2000) – Nairobi, Kenya
- COP6 (2002) – Den Haag, Netherlands
- COP7 (2004) – Kuala Lumpur, Malaysia
- COP8 (2006) – Curitiba, Brazil
- COP9 (2008) – Bonn, Germany
- COP10 (2010) – Nagoya, Japan

The **SBSTTA** provides the COP with advice, recommendations and draft proposals. It meets once a year. Its members are drawn from government nominated roster of "experts." Indigenous peoples and other governments can attend meetings as observers.

The **Secretariat** is composed of 76 staff under the leadership of the Executive Secretary, Dr. Ahmed Djoghlaif. It is based in Montreal, Canada. The staff is primarily responsible for preparing and servicing the meetings of the CBD. Mr. John Scott is Programme Officer on Traditional Knowledge and is the first point of contact for indigenous peoples seeking participation in CBD. (For more information on other staff, functions and contact details, refer to www.cbd.int)

The **Financial Mechanism** provides financial resources to developing countries for the implementation of CBD. The Global Environmental Facility (GEF) is the main intergovernmental financial mechanism for addressing global environmental problems and serves as the main vehicle for international funding for the CBD.

The GEF¹ is the financing mechanism for the CBD, the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD) and the Stockholm Convention on Persistent Organic Pollutants. It also provides support to the Cartagena Protocol on Biosafety, the Montreal Protocol of the Vienna Convention on Ozone Layer Depleting Substances, and various agreements on the protection of international waters.

The GEF provides grants and concessional funding to recipient governments for activities that aim to protect the *global* environment in six focal areas:

- Biodiversity;
- Climate change;
- International waters;
- Ozone layer depletion;
- Land degradation;
- Persistent organic pollutants (POPs).

There are five types of GEF grants that may finance global, regional or national projects:

- Full-size Project (over \$1 million);
- Medium-size Project (up to \$1 million);
- Enabling Activity;
- National Capacity Self-Assessments;
- Short-term response measures;
- Project Preparation Grants (up to \$1 million);
- Small Grants (up to \$50,000).

Within the biodiversity focal area, most early GEF projects co-financed full size projects, particularly for the establishment and financing of protected areas. Between 1996 and 1998, a significant proportion of the GEF Biodiversity budget had been allocated to Enabling Activities and capacity-building projects managed by the UNDP (UN Development Program). Since 1996, the GEF has supported 133 grants worth a total of \$26.7 million for the development of National Biodiversity Strategies and Action Plans (NBSAPs). One major objective of the GEF biodiversity portfolio is to support the goals of the 2010 Biodiversity Target adopted at COP6 of the CBD in 2002 under which parties to the Convention aim to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth (CBD Decision VI/26).

Clearing House Mechanism is a series of internet sites established by governments and organizations linked to the Convention website (www.cbd.int) for exchange of information on CBD. Inside the CBD website is the Traditional Knowledge Portal (<http://www.cbd.int/tk/>), which is of particular interest to indigenous peoples.

The **Traditional Knowledge Information Portal** was developed in order to promote awareness and enhance access by indigenous and local communities to information on traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity. It aims to provide useful and timely information especially as traditional knowledge in relation to the programme of work for Article 8(j) and Related Provisions.

The Traditional Knowledge Information Portal is different from the Article 8(j) homepage in a number of ways. The Article 8(j) homepage provides information about Article 8(j) and related provisions within the context of the CBD. The Traditional Knowledge Information Portal is a broader electronic tool for traditional knowledge research (through the provision of electronic information and weblinks) and new ways of communicating. The portal does not provide or

document traditional knowledge per se. Its focus is information relevant to and about traditional knowledge. As such it provides a resource centre, calendar of events, a photo album, indigenous and local community organization postings, electronic conferencing facilities and the opportunity to subscribe to electronic mail-outs. Its aim is to promote awareness and to stimulate dialogue, increase indigenous and local community visibility, facilitate joint work and encourage the exchange of information.

Because many indigenous peoples have difficulty accessing and sharing information, indigenous peoples are making independent efforts to establish their own indigenous-controlled websites. One such website is the Indigenous Portal (<http://www.indigenousportal.com/>). The portal project is administered by the Indigenous Portal Board, with the main objective of creating an "Indigenous-owned and-operated portal for and about indigenous peoples that disseminates reliable information." The Board has an overarching vision of "Strengthening the global indigenous community by bridging the digital divide between Indigenous Peoples." As stated in the Indigenous Portal website "A portal is much more than a web interface. It is a focal point where Indigenous content will be available from our peoples and other stakeholders. Our portal will allow us to share, with our own voices, our traditions, values, history and language as well as our aspirations for the future" (Indigenous caucus statement at WSIS).

4. Subsidiary Organs

There also are Subsidiary Organs that help in the work of the CBD. These are Ad Hoc Open Ended Working Groups, Panel of Experts and Ad Hoc Technical Expert Groups.

Ad Hoc Open Ended Working Groups are made up of experts and others nominated by government. They are *Ad Hoc* because they are established as and when needed, and are not intended to be permanent. They exist only for the period needed to complete the work. They are *Open Ended* because they are open to all Parties and observers. Four working groups have been established. These are on: Article 8(j) and Related Provisions Access and Benefit Sharing (ABS), Protected Areas and the Working Group to Review Implementation of the CBD (WGRI). In working group Article 8(j), an indigenous person serves as co-chair.

Panel of Experts: COP creates from time to time a roster of experts from government nominated list.

Ad Hoc Technical Expert Groups were created by the COP or SBSTTA to push forward with progress in particular areas. These have been established for biological diversity and climate change, forest biological diversity, marine and coastal protected areas, dryland and associated ecosystems, and joint panel on education and public awareness. Members are drawn from an international roster of experts and are small in size.

5. Subsidiary Agreements to the CBD

Protocols are legally binding international agreements that address specific areas of CBD. A protocol is open both to parties and non parties of the Convention. It is independent and has legally binding processes with their own dynamics.

One protocol that has come out of the CBD is the Cartagena Protocol on Biosafety, which is of particular importance to indigenous peoples who are threatened by the importation of genetically modified crops.

Another protocol on Access and Benefit Sharing is currently under negotiation.

6. What is the Cartagena Protocol?²

On 29 January 2000, the Conference of the Parties to the CBD adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety. The Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. It establishes an advance information agreement (AIA) procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to import such organisms into their territory. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development. The Protocol also establishes a Biosafety Clearing House to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol.

The Cartagena Protocol on Biosafety is the main international legally binding treaty that regulates “the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.”

The Biosafety Protocol is very important, particularly for developing countries, because it is an international law that regulates genetically modified organisms (GMOs). This is a recognition of the fact that GMOs are inherently different and carry special risks and hazards, and hence need to be regulated internationally. Countries have the sovereign right to regulate GMOs and their products at the national level. The Protocol now establishes an internationally binding framework of minimum standards.

7. History of the Cartagena Protocol on Biosafety

The CBD COP established an Open-Ended Ad Hoc Working Group on Biosafety to develop a draft protocol on biosafety. The Protocol would specifically focus on transboundary movement of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity. The Working Group submitted a draft text of the Protocol to the COP for discussion at its first extraordinary meeting, which opened on 22 February 1999, in Cartagena, Colombia.

The COP was not able to finalize its work in this meeting and resumed their session in Montreal from 24 to 29 January 2000. On 29 January 2000, the COP adopted the Cartagena Protocol on Biosafety to the CBD and approved interim arrangements pending its entry into force. As of October 2009, there are 157 Parties to the Protocol.

8. Thematic Programs of the CBD

The Conference of the Parties has established seven thematic programmes of work (listed below) which correspond to some of the major biomes on the planet. Each programme establishes a vision for, and basic principles to guide future work. They also set out key issues for consideration, identify potential outputs, and suggest a timetable and means for achieving these. Implementation of the work programmes depends on contributions from Parties, the Secretariat, relevant intergovernmental and other organizations. Periodically, the COP and the SBSTTA review the state of implementation of the work programmes.

Actual programs for each of the thematic areas may be seen and are available in the website of the CBD.

1. Inland water biodiversity

Inland water systems include lakes, rivers, ponds, streams, groundwater, springs, cave waters, floodplains, as well as bogs, marshes and swamps. Biodiversity of inland waters is an important source of food, income and livelihood, particularly in rural areas in developing countries.

Inland water ecosystems are often extensively modified by man and are among the most threatened ecosystem types of all. The COP has urged Parties to give priority to projects related to inland water biodiversity and to integrate and implement work programmes addressing inland water ecosystems in their national plans.

2. Marine and coastal biodiversity

The CBD has a programme for the conservation and sustainable use of marine and coastal biodiversity called the “Jakarta Mandate on Marine and Coastal Biodiversity.” It focuses on integrated marine and coastal area management, sustainable use of living resources, marine and coastal protected areas, mariculture and alien species.

According to the Centre for Indigenous Fisheries and Biodiversity Related Knowledge, indigenous peoples continue to rely on traditional aquatic biodiversity particularly for food. Harvesting of traditional aquatic biodiversity is an important part of indigenous culture and cultural practice. Measures need to be implemented to protect and conserve indigenous aquatic reliance.

3. Forest biodiversity

Forest biodiversity may be the richest of all terrestrial systems. Tropical, temperate and boreal forests offer diverse sets of habitats for plants, animals and microorganisms, holding the vast majority of the world’s terrestrial species. At the same time, forests provide livelihood and jobs for hundreds of millions of people, including indigenous peoples, worldwide. Forest biological diversity also has important economic, social and cultural roles in the lives of many indigenous peoples and local communities.

Sustainable forest management should recognize and support indigenous and community-based forest management systems to ensure their full and effective participation. A CBD Ad Hoc technical expert group on forest biological diversity has been established to give advice and suggest priority actions for the conservation and sustainable use of forest biodiversity. At the national level, governments are called upon to implement the programme of work on forest biodiversity towards advancing the 2010 global diversity target.

4. Agricultural biodiversity

Agricultural biodiversity includes all plant and animal genetic resources used for food and agriculture, as well as microbial and fungal genetic resources. Agricultural biodiversity provides not only food and income but also raw materials for clothing, shelter, medicines, for breeding new varieties, and performs such activities as the maintenance of soil fertility, and soil and water conservation.

The CBD’s agricultural diversity work programme focuses on assessing the status and trends of the world’s agricultural biodiversity, as well as local knowledge relevant to its management. It promotes the conservation and the sustainable use of genetic resources that are of value in agriculture. It focuses on developing new technologies

such as Genetic Use Restriction Technologies (GURT) and studies the potential implications of these technologies on agricultural biodiversity.

The CBD calls for the “mobilization of farming communities, including indigenous and local communities, for the development, maintenance and use of their knowledge and practices in the conservation and sustainable use of biological diversity in the agricultural sector.”

5. Dry and sub-humid lands biodiversity

Dry and sub-humid lands are home to over 2 billion people, or around 35% of the global population. These lands have great biological value and are home to many of the world's food crops and livestock. About 70% of Africa depends directly on them for their daily livelihoods.

An Ad Hoc Technical Expert Group on drylands and sub-humid lands met twice and provided inputs into the work of the SBSTTA. The programme of work on the biodiversity of drylands and subhumid lands will be under in-depth review at the next meetings of the COP and SBSSTA.

6. Mountain biodiversity

Mountain forest ecosystems are threatened by the expansion of agriculture and unsustainable methods of timber harvesting, such as clear-cutting and the establishment of forest monocultures. Other issues include tourism, hydropower, mining, climate change, air pollution and invasive species.

The CBD gives importance to the programmes of work on mountain biodiversity. Governments are encouraged to protect their mountain ecosystems and to significantly reduce the rate of mountain biodiversity loss (by 2010), as a contribution to poverty reduction and for the benefit of indigenous and local communities dependent on mountains.

7. Island Biodiversity

Islands are home to an extraordinary number of endemic species per unit of surface area, as well as unique ecosystems. However, their rich biodiversity is countered by their natural fragility.

Cultural diversity and the traditional knowledge and practices of indigenous peoples and local communities of many small islands are unique and need special consideration. All aspects of the CBD programme of work on island biodiversity must be implemented with the full recognition and respect for the rights of indigenous peoples and local communities and their full and effective participation and consent.

9. Cross-cutting Issues

The COP has also initiated work on key matters of relevance to all thematic areas. These cross-cutting issues correspond to the issues addressed in the Convention's substantive provisions in Articles 6-20, and provide bridges and links between the thematic programmes.

Among these cross-cutting issues are the following:

- Access to Genetic Resources and Benefit-sharing;
- Biodiversity for Development;

- Climate Change and Biodiversity;
- Communication, Education and Public Awareness;
- Economics, Trade and Incentive Measures;
- Ecosystem Approach;
- Global Strategy for Plant Conservation;
- Global Taxonomy Initiative;
- Impact Assessment;
- Identification, Monitoring, Indicators and Assessments;
- Invasive Alien Species;
- Liability and Redress;
- Protected Areas;
- Sustainable Use of Biodiversity;
- Technology Transfer and Cooperation;
- Tourism and Biodiversity;
- Traditional Knowledge, Innovations and Practices.

Some cross-cutting initiatives directly support work under the thematic programmes, for example, the work on indicators provides information on the status and trends of biodiversity for all biomes. Others develop discrete products quite separate from the thematic programmes. The work done for these cross-cutting issues has led to a number of principles, guidelines, and other tools to facilitate the implementation of the Convention and the achievement of the 2010 Biodiversity Target.

10. Strategic Plan for Biodiversity 2011-2020

Strategic Goals

- Strategic goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society
- Strategic goal B: Reduce the direct pressures on biodiversity and promote sustainable use
- Strategic goal C: Improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity
- Strategic goal D: Enhance the benefits to all from biodiversity and ecosystem services
- Strategic goal E: Enhance implementation through participatory planning, knowledge management and capacity-building

11. Relations with other International Conventions

The CBD maintains relations with other International Conventions and Agreements. This is done through:

- Communications between Secretariats;
- Development of Memoranda of Cooperation;
- Joint Bureau meetings;
- Liaison Groups between related Conventions and Agreements.

12. Sister Conventions of the CBD

The three Rio Conventions—on biodiversity, climate change and desertification—derive directly from the 1992 Earth Summit. Each instrument represents a way of contributing to the sustainable development goals of Agenda 21. The three conventions are intrinsically linked, operating in the same ecosystems and addressing interdependent issues.



Convention on Biological Diversity

The objectives of the CBD are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from commercial and other utilization of genetic resources. The agreement covers all ecosystems, species, and genetic resources.



United Nations Convention to Combat Desertification

The UNCCD aims to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievements of sustainable development in affected areas.



United Nations Framework Convention on Climate Change

The UNFCCC sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. Its objectives are to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a time-frame sufficient to allow ecosystems to adapt naturally to climate change; to ensure that food production is not threatened; to enable economic development to proceed in a sustainable manner.

The Conferences of the Parties to each Rio Convention have underlined through numerous articles and decisions the need for enhanced collaboration among the conventions, in order to enhance synergy and reduce duplication of activities. In August 2001, the Conventions established a Joint Liaison Group as an informal forum for exchanging information, exploring opportunities for synergistic activities and increasing coordination. Options for collaboration have been explored in several meetings and documents, and a number of collaborative activities are already underway.

13. National Implementation

How are the Parties or national governments expected to implement the convention and how can national implementation be monitored?

The requirement to integrate consideration of the conservation and sustainable use of biological resources into national decision making, and mainstream issues across all sectors of the national economy and policy making framework, are the complex challenges at the heart of the Convention.

Article 6 of the Convention on General Measures for Conservation and Sustainable Use states that each Contracting Party shall, in accordance with its particular conditions and capabilities:

- Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned;
- Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

a. National Biodiversity Strategy and Action Plan

Parties to the Convention have an obligation for national biodiversity planning. A National Biodiversity Strategy and Action Plan (NBSAP) should be formulated that will reflect how the country intends to fulfill the objectives of the Convention in light of specific national circumstances, and the related action plans will constitute the sequence of steps to be taken to meet these goals.

Towards the implementation of the CBD at the national level, the COP has called on all Parties to come up with their NBSAPs. So far, 166 Parties have developed NBSAPs. COP9 calls on the remaining 26 parties to develop their NBSAPs by 2010.

b. National Reports

Article 26 calls for Parties to present, through their national reports, information on measures which have been taken for the implementation of the provisions of the Convention and their effectiveness in meeting the objectives of the Convention. Article 10(a) encourages Parties to integrate consideration of the conservation and sustainable use of biological resources into national decision making.

Parties are already supposed to submit their 4th National Report since the start of the Convention. However, not all Parties have made their reports.

c. National Focal Point

Each country that is a Party to the CBD establishes a National Focal Point (NFP) for the Convention. Normally, the focal point is nominated by a higher authority within a government, such as the environment ministry, to act as liaison with the Convention.

The primary function of national focal points is to act as liaisons with the Secretariat on behalf of their Parties. They are responsible for:

- i. Receiving and disseminating information related to the Convention;
- ii. Ensuring that Parties are represented at meetings under the Convention;
- iii. Identifying experts to participate in ad hoc technical expert groups, assessment processes and other processes under the Convention;
- iv. Responding to other requests for input by Parties from the Conference of the Parties and the Secretariat;
- v. Collaborating with national focal points in other countries to facilitate implementation of the Convention;
- vi. Monitoring, promoting and/or facilitating national implementation of the Convention;

d. National Clearing House Mechanism

The National Clearing House Mechanism (or National CHM) is a website that provides relevant information on the Convention in a particular country. It makes use of new information technologies, such as use of the World Wide Web (www), in order to reach many people, in different regions at a low cost.

Although a large number of Parties have established national CHMs, and an equally significant number have access to email, very few have established national CHM Websites. A national CHM website should contain all national biodiversity-related information that is required to assist policy makers and interested stakeholders to meet obligations under the Convention and to conserve and sustainably use biodiversity.

14. Relevance and Usefulness of the CBD for Indigenous Peoples

Indigenous peoples are the original practitioners of sustainable use of biodiversity, whether or not government recognizes this fact. Just as human rights are inherent rights regardless of government recognition or not, indigenous peoples practice biodiversity conservation and sustainable use, with or without government recognition.

The objectives of conservation, sustainable use and access and benefit sharing of biological diversity are objectives that have been promoted by indigenous peoples in their own communities through time. Now, these objectives have been embodied into an international treaty, the CBD, which sets obligations and targets that are legally binding for governments. It is therefore imperative that government should work together with indigenous and local communities for the successful implementation of the CBD.

The CBD is a legally binding instrument. As such, Parties are obliged to comply with and implement its programs of work for the conservation of biodiversity. Since the objectives of the CBD are what indigenous peoples are already doing in their own communities, this means that indigenous peoples are implementing the CBD. Thus, for governments to meet the targets of the Convention, they would have to work with and through the communities in its implementation.

At the same time, indigenous peoples' organizations can use the CBD to bring their issues and concerns in relation to biodiversity conservation and sustainable use to the attention of the government. In this way, the CBD could serve to advance their struggles for their rights and interests. This can be done at all levels, not only in policy formulation at the international level, but down to implementation of work at the national and local level.

To do this, indigenous peoples' organizations need to start by finding which programs of work in the CBD are most relevant to their particular situation and environment, and use this to their advantage. They need to find out the national biodiversity strategy and implementation plan of their government, assert their rights to be involved and hold them accountable for this.



Exercise 2

Workshop – How can indigenous peoples make use of the CBD in addressing the priority issues in their communities? (1 hour)

Exploring ways for indigenous peoples to use the CBD:

Instructions:

1. Divide the participants according to country or community of origin. Each group is given 30 minutes for the discussion.
2. Instructions: Recall the objectives of the CBD. Discuss how the CBD (articles, thematic programmes, cross-cutting issues and national biodiversity strategic action plans) can be used to address the priority issues that indigenous peoples face in their respective communities.
3. Each group is given 10 minutes to report the results of their group work to the body.
4. The facilitator summarizes the group reports, noting common ideas and closes the discussion.

Endnotes:

¹ Indigenous Peoples and the Global Environment Facility (GEF). Indigenous Peoples' experiences of GEF-funded Biodiversity Conservation – A critical study by Thomas Griffiths Forest Peoples Programme, 2005.

² Sources for this section are www.cbd.int/biosafety/ and "Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety" by Lim Li Lin, Third World Network.



Module

3

INDIGENOUS PEOPLES' CONCERNS ON THE CONVENTION ON BIOLOGICAL DIVERSITY

OBJECTIVES

1. To present the state of biodiversity in the participants' communities, including threats and existing indigenous knowledge systems in relation to biodiversity.
2. To learn about CBD provisions most relevant to indigenous peoples.
3. To become aware of issues and dangers of the CBD to indigenous peoples.
4. To explore ways to strengthen the position of indigenous peoples in relation to the CBD, using the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as the framework and guideline.

RESOURCES

- "Negotiating Biodiversity A Field Guide to the Convention on Biological Diversity" - powerpoint
- "The Biodiversity Convention: The Concerns of Indigenous Peoples."
- UN Declaration on the Rights of Indigenous Peoples



TIME

HOURS

4

ACTIVITY:



Exercise 1

Poster Presentation – State of Local Biodiversity, Opportunities and Threats (30 minutes)

Showing existing conditions of biodiversity and identifying opportunities and threats to biodiversity conservation.

Instructions:

1. As a preparatory activity before the session, participants group themselves according to place of origin. Each group draws a poster depicting the state of their local biodiversity, the threats to biodiversity and their traditional knowledge and other positive factors that help conserve biodiversity in their communities.
2. At the start of the session, each group posts their poster on the wall and a reporter explains the poster to the group. Questions or clarifications may be asked by the other participants.
3. After all groups have reported, the facilitator summarizes the main points and introduces the topic: IPs and the CBD.

INPUT AND DISCUSSION: (2 hours)

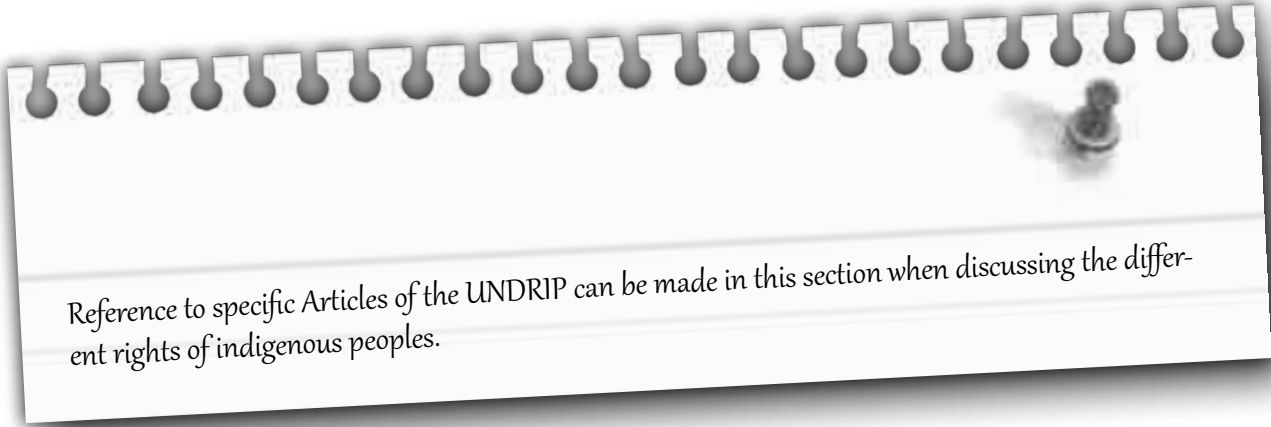
1. General Facts on Indigenous Peoples and Biodiversity

Fifty million of the 370 million global population of indigenous peoples live in tropical forests. Indigenous peoples comprise less than 4% of the population of the world but constitute 95% of the cultural diversity, and over 50% of the population in areas of high biodiversity. In Russia, indigenous peoples occupy 60% of the total land area.

Indigenous peoples speak 4,000 – 5,000 of the world's 6,000 languages. Half of all languages are spoken by communities of less than 10,000 speakers or less (and half of these with 1,000 speakers or less.) The loss of each distinctive culture represents the collective loss for human-kind of possible options and possible opportunities for innovation in responding to collective challenges.

Loss of ecosystems leads to the loss of traditional lifestyles, linguistic diversity and traditional knowledge. Because indigenous peoples have nurtured species variation for thousands of years, they have made it possible to have the current breadth of biodiversity. Indigenous knowledge, expertise and understanding is based on sustainable principles. Indigenous peoples have been so innovative in developing and encouraging species diversity that the distinction “domesticated” and “wild” is somewhat meaningless.

2. Principal Claims as Indigenous Peoples:

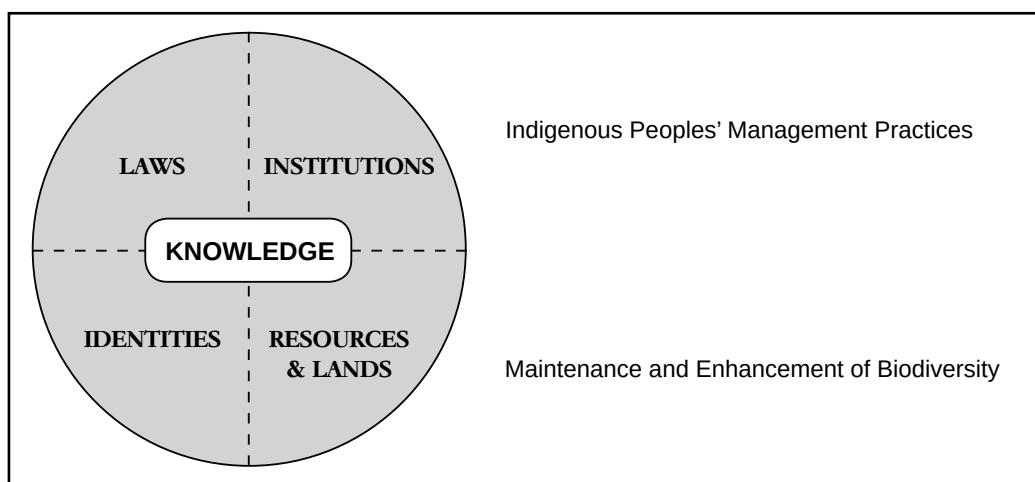


Reference to specific Articles of the UNDRIP can be made in this section when discussing the different rights of indigenous peoples.

The following are the basic rights of indigenous peoples. These are inherent rights, which are recognized under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP):

- a. Rights to the collective ownership of our territories (Articles 26, 27);
- b. Right to self-determination (Articles 3, 32);
- c. Right to the exercise of customary law according to our social and cultural practices (Articles 5, 11);
- d. Right to be represented, both legally and politically, through our own institutions (Articles 18, 19);
- e. Right to control our own indigenous knowledge (Article 31).

Illustration: A Diversity of Knowledge



3. Critical Principles for Indigenous Knowledge and the Use of Biodiversity:

- Indigenous peoples live in territories. This means that indigenous peoples and their communities are responsible for the control and use of the total environment: soil, sub-soil, trees and plants, animals and birds. All the resources of an area are included—and, shores, lakes, rivers, islands and sea areas.
- Indigenous territories are considered to be inalienable. They are owned by a people as a whole and are passed from ancestors to descendants as part of its heritage. Neither indigenous nor non-indigenous people have the right to sell or dispose of indigenous territories.
- Indigenous peoples have their own concept of ownership for their territories. Their resources can be utilized or sold by agreed consent. Individual households work specific areas for their needs, within the framework of the territory as a whole.
- Territories are part of a holistic vision of the universe, including political control over resource use; spiritual reverence for the invisible religious aspects of forest life; and a perception of the forest as landscape fashioned by history of indigenous activity.

4. Indigenous and Local Communities in the Articles of the Convention

The following are the provisions and articles of the CBD with reference to indigenous and local communities:

The following relevant articles of the CBD may be provided to the participants as a hand-out.

The Preamble

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components

Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation

Article 8(j): Traditional Knowledge (in-situ conservation)

Each Contracting Party shall, as far as possible and as appropriate:

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Article 10: Sustainable Use

Each Contracting Party, shall, as far as possible and as appropriate:

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

Article 15: Access to Genetic Resources

Recognizes state sovereignty over natural resources:

Authority to determine access to genetic resources rests with the national government and is subject to national legislation (Art. 15 (1))

Each Party will “facilitate access to genetic resources for environmentally sound uses” and not impose restrictions which are counter to the objectives of the Convention (Art. 15 (2))

Access to genetic resources should “be on mutually agreed terms,” and “shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party (Art. 15 (4) and 15 (5)).

Article 16: Access to and Transfer of Technology

Concerned with promoting access to and transfer of technology, including biotechnology, that is relevant to the conservation and sustainable use of biodiversity with due consideration for intellectual property rights.

Article 17: Exchange of Information

Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

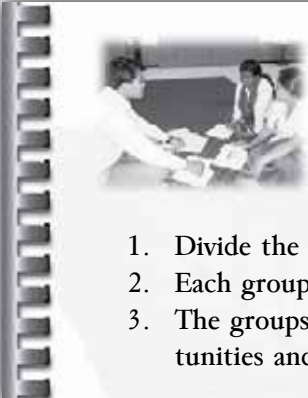
Article 18: Technical and Scientific Cooperation

The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of this Convention. For this purpose, the Contracting Parties shall also promote collaboration in the training of personnel and exchange of experts.

Article 19: Handling of Biotechnology and Distribution of its Benefit

Promotes the participation of developing countries in biotechnological research.

Promotes priority access to the results and benefits of the research by developing countries providing genetic materials.



Exercise 2

Text Analysis (30 minutes)

1. Divide the participants into 3 groups.
2. Each group reads Articles 8(j), 10(c), 15 and 18 of the CBD.
3. The groups together make a critique of about the strengths, weaknesses, opportunities and threats of each of these articles from the point of view of IP rights.

5. Indigenous Peoples' Concerns about the CBD: The Dangers of the Convention

It is necessary to be aware of some of the dangers of the Convention that are of concern to indigenous peoples.

The CBD as an agreement between states

The CBD recognizes the value of biodiversity at genetic, species and ecosystem levels. The Convention is an agreement between the state governments and tries to embrace the conflicting interests of northern and southern countries which both want access to the rich genetic resources in the South. The main focus of the beneficiaries of the Convention appears to be states, who are often the very instigators of biodiversity loss.

Northern interests strongly influence, if not effectively control, the international intellectual property rights (IPR) regimes. Developing states of the South want sovereignty over their resources and are opposed to free access from international interests. The states of the South are in need of revenue and have economic interests of their own. Indigenous rights are often ignored.

The CBD tries to solve this conflict of interest between the northern and southern states. It recognizes national sovereignty over resources while facilitating access within a framework of conservation and sustainable use. Genetic resources are no longer the common property of humanity. But if benefits are secured on a national level, they can still become the property of big business, should a state make an unsuitable agreement. Thus, indigenous peoples from both North and South are caught between states negotiating their resources in the interest of multinational corporations and other economic pursuits.

Drafting Process

The convention was speedily negotiated at the Earth Summit, and although there had been several preparatory committee meetings and some consultations, the process was exceptionally rapid for indigenous peoples.

The preferred model of a consultation process for indigenous peoples has been the 13-year process of developing the UN Declaration on the Rights of Indigenous Peoples which was adopted on September 13, 2007.

State Sovereignty

Indigenous peoples live within the boundaries of states and yet have held inalienable ancestral rights to territories since time prior to the creation of the state. The UNDRIP, in contrast to the CBD, attempts to *ensure that indigenous rights to territories can be respected within the framework of the state*.

The Biodiversity Convention does not address this problem but, on the contrary, reaffirms a unilateral state sovereignty.

Indigenous and Local Communities

The phrase “indigenous and local communities embodying traditional life styles” has made recognition of indigenous rights unnecessarily complicated because *it ignores existence as peoples*.

The concept of “traditional” (embodying traditional lifestyles) is highly problematic. It gives the impression that Article 8(j) only applies to indigenous peoples who are isolated and fossilized in some cultural time-warp living in a never changing present

Indigenous Peoples and Protected Areas

Indigenous peoples are opposed to the use of protected areas that deprive them of their lands and rights to resources.

The concern for indigenous peoples is that conservation NGOs, multilateral development institutions and states will identify reserved areas without taking into consideration the presence of the inhabitants living there, most of whom are usually indigenous.

Access to Resources

“Ex-situ conservation in the country of origin” could be used by national institutions to take indigenous genetic resources in the “national interest” and develop them on the basis that they are threatened. Compensation would then not be necessary.

Indigenous rights are ignored when northern countries receive access to resources in return for recognizing the South’s rights over the resources.

The reference to intellectual property rights, raised in Article 8(j) and later in the Convention, is limited when it is in the context of state sovereignty.

Funding Mechanisms

The Global Environment Facility (GEF) only finances the *incremental costs*, reducing the capacity and incentive for developing countries to promote projects. National governments have to pay for the internal costs.

This also means that the GEF can only finance projects with indigenous peoples if argued that their interests are not of national benefit, placing them in a difficult position in relation to our state governments.

The GEF suffers from all the problems encountered in the multilateral development banks and supports top-down projects weak on consultation and participation (not to mention control and consent when indigenous peoples are involved).

General Concerns

The Convention fails to incorporate the advances made in other sections of the UN, particularly in the Human Rights Council (HRC), the UN Declaration on the Rights on Indigenous Peoples and the UN Permanent Forum on Indigenous Issues (UNPFII).

The CBD increases the power of states to control lands and resources, promotes further developments of protected areas, promotes and facilitates agreements between states and bio-prospecting companies to gain access to the genetic resources in indigenous territories; and opens up the possibility for financial mechanisms to carry out a limited number of top-down projects to support biodiversity.

Positive and Negative Aspects

Positive:

Decisions during the COP9 in May 2008 took note of the UNDRIP in its recognition of the need to promote full and effective participation of indigenous and local communities in the implementation of its goals and programs on specific themes and cross-cutting issues. Indigenous peoples should always take note of this and assert the UNDRIP as the minimum standard and framework by which policy formulations and programs affecting indigenous peoples should be based during CBD negotiations, processes and implementation.

Negative:

The CBD does not recognize indigenous peoples’ collective, inherent, inalienable and sovereign rights over our lands and resources. Indigenous peoples do not have full and effective participation in the CBD processes. The CBD recognizes prior informed consent (PIC) of

States, but recognizes PIC of indigenous peoples only in relation to traditional knowledge. The CBD does not recognize indigenous peoples as peoples with a defined set of rights (rights holders), but merely regarded as stakeholders (referred to as “indigenous and local communities”).

National Implementation

When the country does not recognize indigenous peoples and indigenous peoples’ rights, this usually means that they will be implementing CBD programs and projects that are threats to indigenous peoples, such as protected areas and access and benefit sharing that do not respect the rights of indigenous peoples. There are cases where there are conflicting issues and obligations at the national level, such as in the national coordinating mechanism and NBSAP implementation.

6. Strengthening Indigenous Peoples’ Position in the CBD

State sovereignty and control over resources

Although the phrase “over their own biological resources” appears referring to states, it could be argued that “their” refers strictly to state lands and not to areas where resources are owned by indigenous peoples. Many states classify indigenous territories as “public lands.” This statement should not imply the dispossession of indigenous territories and resources.

Where the Convention refers to the sovereign rights of states, it should be made clear that this does not refer to the right of any government to alienate indigenous lands or change the law of land ownership unilaterally. As peoples living within the boundaries of states, indigenous peoples should have the rights to control their resources.

Article 22 says that the Convention “will not affect rights and obligations of Contracting Party deriving from any existing international agreement.” The rights of indigenous peoples, as they stand in the UN Declaration on the Rights of Indigenous Peoples, are minimum standards of indigenous peoples’ rights and they should not on any circumstances be undermined.

Indigenous and local communities embodying traditional lifestyles

An indigenous community is distinct from a local community (for example of peasant farmers) —the local community is connected directly to the state and the indigenous community is, first and foremost, a part of an indigenous people. The term “community” should refer to, and not undermine, the term “indigenous peoples.” The most logical solution would be to clarify the convention with a reference to ‘indigenous’ peoples and local communities.”

The term “traditional” should not be used to reinforce notions of changeless peoples. The importance of indigenous peoples’ contribution to innovative activity is well-documented.

The principle of self-identification, recognized in ILO Convention 169, should be used to define terms such as “traditional”—in a dynamic manner which looks at processes of continuity rather than content. The term “customary” would be a useful orientation to clarify the meaning of traditional in this context.

Protected Areas

Indigenous peoples are in a strong position to ensure that no programmes or policies have adverse impact on biodiversity. When states encounter dangers to biodiversity, they are obliged to notify other states—the people living in the state should be informed too. Provisions should be established by the COP so that indigenous peoples can report on the state of biodiversity in their own territories.

There is a need to ensure that indigenous peoples are recognized fully as the owners and managers in protected areas on their territories, in situ conservation takes place under indigenous control and with indigenous consent, and that indigenous peoples and organizations are included in any decision which will affect them.

Access to Genetic Resources

Any criteria for defining conservation or sustainable use must be based on indigenous peoples' own definitions. Definitions of indigenous should not be thrust upon by outsiders. There needs to be an agreement on principles which reflect the socio-cultural lifestyle of indigenous peoples and their own sustainable utilization of resources.

Benefits must be arranged through mutual agreement with all indigenous peoples involved. Benefits should not be turned into a process where knowledge becomes commodified. Access is a predominant issue. The right to deny access without prior informed consent and control over activities on indigenous territories is paramount. When that is respected, use and benefits can be negotiated.

Financial Mechanisms

The financial mechanisms of the Convention which relate to indigenous peoples and our territories must be targeted to those of us most affected by the problems. Careful consideration and preparation is needed to genuinely contribute to the capacity of indigenous peoples to protect biodiversity. Before considering GEF funding, incremental costs must be abolished, because the financial mechanism will not work while they remain.

Article 8(j)

In Article 8(j), the first phrase, “subject to its national legislation” is limiting. A more constructive approach is to say that national legislation must secure the provisions in the article.

From an intellectual property rights perspective, Article 8(j) broadens the limited notion of “intellectual.” Innovation and practice for indigenous peoples is not simply intellectual, but relates to the dependence on biological resources referred to in the preamble. In effect, the language of the Convention leads to a wider concept of access to resources, embodying cultural, intellectual and scientific knowledge and practices.

Implementation will start from national legislation. States should respect indigenous peoples' rights, both internationally (through the UNDRIP) and nationally (through different legislative mechanisms). Mechanisms for securing legal provisions need to be there to respect, preserve and maintain knowledge, innovation and practices.

Outlines of national legislation could be prepared by the Secretariat on the basis of a process of consultation with indigenous peoples. A discussion of sui generis rights will arise in this context. If indigenous peoples are to support this approach, it is essential that sui generis laws protect indigenous peoples' rights, and do not simply provide state governments with opportunities to plunder indigenous peoples' resources.

7. Conclusion

Participation of indigenous peoples in the CBD should be through a full and meaningful process. The Parties should not necessarily try to solve the questions of indigenous peoples and the Convention immediately. They should work out a process where agreements can be reached through a just and constructive set of arrangements. Support is urgently needed to help indigenous peoples carry out their own process of mutual consultation of rights, knowledge and biodiversity.



Exercise 3

Workshop – Comparing the UNDRIP to the CBD (1 hour)

Instructions:

1. Participants are divided into smaller groups.
2. Given 30 minutes, each group answers the question: How can the UN Declaration on the Rights of Indigenous Peoples be used to address the concerns of indigenous peoples in the CBD.
3. List down the answers on a kraft paper. Assign a group reporter who reports the answers to the body.
4. The facilitator summarizes the reports and closes the topic.

Module 4

INDIGENOUS PEOPLES' MOVEMENTS AND THE INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB)

OBJECTIVES

1. To trace the history of the International Indigenous Forum on Biodiversity (IIFB) and indigenous peoples' participation in the work of the CBD.
2. To understand the mandate and role of the IIFB and how it functions.
3. To be aware of the direction and future of the IIFB and how indigenous peoples can participate.

RESOURCES

- "The International Indigenous Forum on Biodiversity" - powerpoint
- Photographs from www.indigenousportal.com
- Samples of IIFB Statements



TIME

2

HOURS

INPUT AND DISCUSSION: (1½ hours)

1. Introduction

Indigenous peoples' organizations and movements have been active for many years in advocating for indigenous peoples' rights in the CBD process. They have done this primarily through the International Indigenous Forum on Biodiversity (IIFB), which is a mechanism by which indigenous representatives are able to participate in meetings of the CBD. This topic will trace how indigenous peoples' participation in the CBD has developed through the years and present how the IIFB works to bring indigenous peoples issues into the CBD negotiations.

2. History of the IIFB

In the first CBD Conference of the Parties in Nassau, Bahamas and in the last COP2 in Jakarta, Indonesia, there was little indigenous peoples' participation. Indigenous peoples' participation started in an attempt to persuade the Parties that indigenous peoples had a right to participate in the debates of the Convention.

During COP3, held in Buenos Aires in 1996, article 8(j) on traditional knowledge was included as an agenda item of the CBD. This pushed indigenous organizations to organize themselves in order to participate effectively in the process. Thus, they convened a preparatory meeting

for national and international indigenous organizations prior to COP3. The international indigenous meeting was called the International Indigenous Forum on Biodiversity.

The convenors of this first international meeting were indigenous organizations (such as the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests) that could facilitate communication between regions, as well as local indigenous organizations from Argentina. At this international meeting, the convenors took into account the regional balance of indigenous participants.

In 1997, the CBD organized a Workshop on Traditional Knowledge in Madrid in order to decide the elements, ways and means to address the issue of indigenous knowledge within the Convention. The indigenous organizations reconvened again as IIFB and coordinated their work in technical teams. Over 300 indigenous delegates from around the world were present. They presented a unified position before the Parties, advocating for the creation of an Open-ended Working Group on Article 8(j) and related provisions as the best mechanism to guarantee their participation in the discussions.

In 1998, prior to COP4, the IIFB again organized its preparatory meeting. The combined efforts of the indigenous organizations with the support of certain “friendly countries” resulted, in spite of the opposition from some parties, in the creation of the Working Group on Article 8(j). This was a major victory for indigenous peoples’ organizations negotiating in the CBD.

From then on, the IIFB has held its sessions prior to all the Working Groups and COP meetings. A smaller group of IIFB Indigenous representatives follows the issue of Access and Benefit-Sharing and the Indigenous Peoples’ Committee on Conservation monitors the meetings of the Working Group on Protected Areas.

The Indigenous Women’s Biodiversity Network also forms a part of the IIFB. It was created at the fourth meeting of the IIFB in Seville in March 2000. The Indigenous Women’s Biodiversity Network meets every time the IIFB is convened and attempts to incorporate the gender perspective in the deliberations and decisions of the Convention from an indigenous women’s perspective. The Network is presently chaired by Ms. Lucy Mulenkei of the Maasai people.

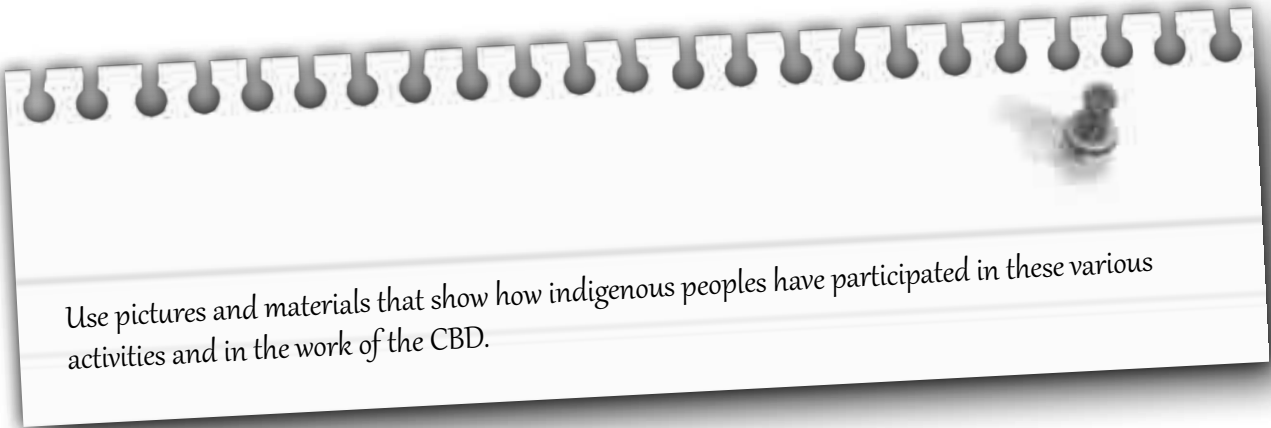
At the fifth meeting of the COP, which took place in Nairobi in 2000, Parties officially appreciated and recognized the important role of the IIFB in the implementation of Article 8(j). This was another major victory for indigenous peoples, which facilitated greater participation of indigenous peoples in a wide range of CBD activities.

Decision V/16 of the Fifth COP states:

Recognizes the role that the International Indigenous Forum on Biodiversity has played since the third meeting of the Conference of the Parties, in addressing the Conference of the Parties on the implementation of Article 8(j) and related provisions;

Invites Parties and Governments to support the participation of the International Indigenous Forum on Biodiversity, as well as relevant organizations representing indigenous and local communities, in advising the Conference of the Parties on the implementation of article 8(j) and related provisions.

3. Indigenous Peoples' Participation in the Work of the CBD



Use pictures and materials that show how indigenous peoples have participated in these various activities and in the work of the CBD.

Indigenous peoples have actively participated in the work of CBD since 1994 until the present. Following is a chronology of meetings in the work of the CBD, wherein indigenous representatives have been fighting hard for the inclusion of indigenous issues in the Convention's processes at the international level:

Year	Event with indigenous peoples' participation
1994-1995	Little indigenous participation in the first two COPs
1996	First International Indigenous Forum on Biodiversity prior to COP-3 in Buenos Aires
1997	Workshop on Traditional Knowledge and Biodiversity. Prior meeting of the IIFB
1998	Fourth Conference of the Parties. Prior meeting of IIFB
2000	First meeting of the Working Group on 8(j) . Prior meeting of IIFB
2000	Fifth Conference of the Parties. Prior meeting of IIFB
2001	First meeting of the Working Group on ABS. Prior meeting of IIFB
2002	Second meeting of the Working Group on 8(j). Prior meeting of IIFB
2002	Sixth Conference of the Parties. Prior meeting of IIFB
2003	Second meeting of the Working Group on Access and Benefit-Sharing (ABS) and Third meeting of the Working Group on 8(j). Prior meetings of IIFB
2004	Seventh Conference of the Parties. Prior meeting of IIFB
2005	Third meeting of the Working Group on ABS. Prior meeting of IIFB
2005	First meeting of the Working Group on Protected Areas. Prior meeting of IIFB
2006	4th meeting of the WG on 8j & WG on ABS, and COP8. Prior meeting of IIFB
2007	5 th meeting of WG on 8j and WG on ABS. Prior meetings of IIFB
2008	6 th meeting of WG on ABS, 2 nd meeting of WG on Protected Areas and 9 th Meeting of the Conference of Parties. Prior meetings of IIFB
2009	7 th meeting of the WG on ABS. Prior meeting of the IIFB

4. Mandate and Function of the IIFB

The IIFB is an open forum of indigenous peoples, with the mandate of facilitating the full and effective participation of indigenous peoples in the CBD process in order to advocate for indigenous rights. Any indigenous organization or representative can participate in IIFB's meetings, prior to the official meetings of the CBD.

Over the years, the IIFB has been improving its ways of participation in the CBD meetings and its internal and intersessional organization.

Some of the ways that the IIFB works and participates in the CBD include:

- Research and presentation of case studies of indigenous peoples;
- Participation in meetings as co-chairs, contact groups, liaison groups, Ad Hoc Technical Expert Groups (AHTEGs), speakers, etc.;
- Issuing bulletins on indigenous peoples concerns and developments in the CBD process;
- Formation of thematic teams and working groups including the Working Groups on Indicators, Communication, Education and Public Awareness (CEPA), and the Indigenous Peoples Coordinating Committee on Conservation (IPCCC);
- Press work;
- Lobbying strategies during negotiations;
- Parallel events during CBD meetings.

In strengthening its internal and intersessional organization, the IIFB has attempted to consolidate a regional structure based on Communication and Coordination Committees, but without full success. It has been more successful in forming Working Groups on different themes such as indicators, CEPA and the IPCCC. Currently, the IIFB works through Ad Hoc committees, which help coordinate the work of the IIFB before and during the meetings. There is also a recommendation for the IIFB to establish a mechanism for transition in its leadership.

5. Practical Information about the IIFB

The IIFB, acting as the caucus of indigenous participants at CBD meetings, has served as an overarching body for supporting indigenous strategizing and coordination. At these meetings, the IIFB serves as a focal point to give a united voice for indigenous peoples. It is open to all indigenous participants attending the CBD meeting but has no formal structure. Co-chairs are chosen for the purposes of convening the forum and to chair the discussions. An Ad Hoc Coordinating Committee, composed of regional focal points has been constituted, primarily to prepare and facilitate indigenous participation in COP meetings.

Regional caucuses under the IIFB also meet, in order to share information and coordinate actions of indigenous participants for each of the 7 global regions identified by the UN Permanent Forum on Indigenous Issues—Latin America and Caribbean, Africa, Asia, Pacific, North America, Arctic Region and Russia.

In recent years, more efforts have been given towards strengthening the networking and collaboration on specific CBD issues by interested indigenous organizations. This has resulted in the establishment of the Indigenous Peoples Committee on Conservation (IPCC), the IIFB Working Group on Indicators and a Working Group on Communication, Education and Public Awareness (CEPA).

The IIFB Working Group on Indicators was established in January 2006 to develop indicators relevant to indigenous peoples under the CBD Strategic Plan, the 2010 Biodiversity Target and the Millennium Development Goals. Composed of indigenous organizations from different global regions, it has a Coordinating Committee to oversee its activities. Secretariat services for the working group are provided by Tebtebba. The IIFB Working Group on Indicators coordinated a process of regional and thematic workshops, leading to an International Expert Seminar on Indicators held in March 2007 in Banaue, Philippines. The report of the Interna-

tional Seminar was submitted to WG8j5 in October 2007, which recommended national testing of the proposed indicators, and the adoption of global indicators by COP10.

The IIFB Working Group on CEPA was established in March 2006 at COP8, following an indigenous educators workshop. The workshop developed the Introductory Module on Indigenous Peoples and the CBD, and a CEPA Plan of Action. Members met in October 2007 and January 2008 to plan for a Trainors Training Workshop for Educators in Bonn, Germany, post COP9 and to discuss network activities.

Funding for participation of indigenous participants in the CBD is provided by the Voluntary Fund for CBD participation. Funds are also raised from other sources by the Ad Hoc Coordinating Committee.

6. Future and Direction of the IIFB

At this point, it is necessary to address the following identified needs for the future of the IIFB:

- Bringing the CBD down to the national and local levels so that more indigenous peoples can participate. This is especially needed now that the priority of the CBD for the next 10 years is national implementation;
- Indigenous peoples' organizations need to undertake national capacity building programs and conduct education and public awareness activities so that more local organizations are able to participate in the CBD;
- Better articulation of indigenous peoples' positions at the international, national and local levels is needed;
- It is necessary to create regional work teams with a balanced representation of technicians, local authorities, and political organizations, who will be in charge of the different tasks in coordination with the IIFB;
- Enhance participation of IIFB by getting accredited in all CBD processes.



Exercise 1

Open Forum - How can indigenous communities participate in the IIFB? (30 min)

Exploring and sharing how indigenous communities can participate in the IIFB:

1. Now that we know what the IIFB is and how it works, participants who have had some experience can share how they have participated in the work of the IIFB.
2. Others may ask questions from the resource person or those who have shared experiences.
3. Other participants may make suggestions on how they see themselves or their communities participating in the work of the IIFB in the future.
4. The facilitator summarizes the ideas that came up, links them up with the previous lecture and closes the discussion.



Module

5

THE CBD AND TRADITIONAL KNOWLEDGE

OBJECTIVES

1. To share and appreciate traditional knowledge systems and practices of the indigenous participants as integral to the workshop.
2. To know and understand the provisions of the CBD in relation to traditional knowledge.
3. To know what are the main elements of the CBD work program on Article 8(j) and Related Provisions and what has been done to implement CBD commitments on traditional knowledge.
4. To explore how indigenous peoples' representation and participation in the CBD can contribute to ongoing work on traditional knowledge.

RESOURCES

- “The CBD and Traditional Knowledge” - powerpoint
- *Value Indigenous Knowledge*
- Pachamama Newsletters



TIME

3 1/2

HOURS

ACTIVITY:

Preparatory Activities before the Session:

- Appreciating local traditional knowledge systems and practices of the indigenous peoples.
1. Before the start of the session, one of the participants is asked to open the session with an indigenous prayer, which will later be translated and explained to the participants.
 2. The participants, in groups, are asked to prepare different dishes from their own cultures to serve during the workshop in order to showcase their indigenous cuisine. Each group describes the preparation of each dish.
 3. Participants are asked to come in their indigenous attire and to prepare for a cultural presentation for the program during solidarity night.

INPUT AND DISCUSSION: (1½ HOURS)

1. What is Traditional Knowledge?

Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment, traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds. Traditional knowledge is mainly of a practical nature, particularly in such fields as agriculture, fisheries, health, horticulture, and forestry.

2. Its Role and Value

There is today a growing appreciation of the value of traditional knowledge. This knowledge is valuable not only to those who depend on it in their daily lives, but to modern industry and agriculture as well. Many widely used products, such as plant-based medicines and cosmetics, are derived from traditional knowledge. Other valuable products based on traditional knowledge include agricultural and non-wood forest products as well as handicraft.

Traditional knowledge can make a significant contribution to sustainable development. Most indigenous and local communities are situated in areas where the vast majority of the world's plant genetic resources are found. Many of them have cultivated and used biological diversity in a sustainable way for thousands of years. However, the contribution of indigenous and local communities to the conservation and sustainable use of biological diversity goes far beyond their role as natural resource managers. Their skills and techniques provide valuable information to the global community and a useful model for biodiversity policies. Furthermore, as on-site communities with extensive knowledge of local environments, indigenous and local communities are most directly involved with conservation and sustainable use.¹

"Local and indigenous knowledge" refers to the cumulative and complex bodies of knowledge, know-how, practices and representations that are maintained and developed by peoples with extended histories of interactions with the natural environment. These cognitive systems are part of a complex that also includes language, attachment to place, spirituality and worldview. Many different terms are used to refer to this knowledge, these include:²

- traditional ecological knowledge (TEK);
- indigenous knowledge (IK);
- local knowledge;
- rural peoples'/farmers' knowledge;
- ethnobiology/ethnobotany/ethnozoology;
- ethnoscience;
- folk science;
- indigenous science.



Exercise 1

Mind Mapping Traditional Knowledge

Key Concept	Mind mapping is an effective tool for participants to explore their concepts of traditional knowledge as a group.
Objectives	Participants will use graphic organizers (mind maps) to visualize, clarify, and interpret information pertaining to traditional knowledge. Participants will become familiar with a comprehensive concept of traditional knowledge, how it is defined by others in their community and/or country and the numerous facets associated with traditional knowledge.
Pre-Planning	Facilitators should be able to introduce and demonstrate a mind map. They should also be familiar with any educational restrictions (language, ability to work effectively in groups, etc.) that may inhibit participants' contribution and address them prior to the activity, if possible.
Procedure	Divide the participants into groups, arranging them based on country or community, as appropriate. On a large piece of paper, participants will begin with the concept "traditional knowledge" in the middle of the page. As each major theme or idea emerges, participants will draw a line radiating from the center and write the ideas on these lines. As each idea materializes, quickly check whether the idea is an extension of an existing idea. If it is, then just continue the line. If the idea is a variation of an existing idea, draw a branch off of the central line and label it. If the idea is something totally and utterly new, then draw a brand new line from the rectangle in the center of the page. Look for linkages—pieces of information at the end of a path that can be linked together in some way. Links can be shown by labeling the common points with letters, figures or by drawing a curve between two points. If the mind map is being used as the basis for a talk or for planning purposes, then each major line radiating from the central rectangle could be labeled numerically to show its sequence.
Closure	Each participant group presents their work to the large group, describing their process of defining traditional knowledge as well as the specific areas they have demonstrated on their mind map. A short amount of time, depending on the number of participants, should be allotted for discussion. Participants will be able to then further their analysis, either through mind mapping or traditional linear expression, through the examination of threats to as well as recommendations for the protection of traditional knowledge.
Resources	Materials required: Colored markers or pens; large pieces of white, unlined paper For additional supplementary resources please refer to the Supplementary Resource CD.

3. The CBD and Traditional Knowledge

Several provisions in the CBD talk on traditional knowledge of indigenous and local communities. The major articles are the following:

Preamble:

The close dependence of many indigenous and local communities on biological resources and the desirability of sharing equitably benefits of traditional knowledge, innovation and practices relevant to the conservation of biological diversity and the sustainable use of its components.

Article 8, paragraph (j):

Parties have undertaken to:

- respect, preserve and maintain traditional knowledge relevant to the conservation and sustainable use of biological diversity
- promote its wider application with the approval and involvement of the holders of such knowledge and
- encourage the equitable sharing of the benefits.

Article 10 (c)

Protect and encourage customary use of biological resources in accordance with traditional cultural practices.

Article 18 (4)

Develop methods of cooperation for the development and use of technologies, including indigenous and traditional knowledge.

4. Actions Taken to Implement Commitments on Traditional Knowledge

The Convention has taken steps to implement its articles and program of work on traditional knowledge. In 1998, COP4 established the Ad Hoc Working Group on Article 8(j) and related provisions, which was tasked to elaborate the program of work of the CBD on traditional knowledge.

Process:

- COP4 in 1998 established the Ad Hoc Working Group on Article 8(j) and related provisions.
- The Working Group is open-ended, with full participation of indigenous and local community representatives.
- The Working Group elaborated the program of work on Article 8(j), which was subsequently adopted by COP5 in 2000.

- The Working Group on Article 8(j) has held six meetings:
 - » 1st in Seville, Spain on March 27-31, 2000;
 - » 2nd in Montreal, Canada on February 4-8, 2002;
 - » 3rd again in Montreal, Canada on 8-12 December 2003;
 - » 4th in Granada, Spain on January 23-27, 2006; and
 - » 5th in Montreal, Canada on October 15-19, 2007;
 - » 6th meeting in Montreal, Canada on November 2-6, 2009.
- The Working Group has also come up with a Composite Report on Status and Trends on Traditional Knowledge

5. IIFB Participation

The IIFB has participated actively in the work and activities of the Working Group 8(j) and Related Provisions and has developed a number of mechanisms for effective participation of indigenous peoples in relation to WG8(j). They serve as co-chair of the Working Group, set up the Friends of the Bureau, issue and submit statements, do the opening prayers during the meetings of the WG8(j) and organize and host the indigenous reception during various sessions of the CBD.

6. What are the Main Elements of the Work Program on Article 8(j)?

1. Status and trends regarding traditional knowledge

- Preparation of the Composite Report on status and trends regarding the knowledge innovations and practices relevant to the conservation and sustainable use of biological diversity:
 - » Phase I: state of retention of traditional biodiversity related knowledge;
 - » Phase II: Identification and assessment of measures and initiatives to protect, promote and facilitate the use of traditional knowledge;
 - » Development of a Plan of Action for the retention of traditional knowledge.
- Status of work:

Initial draft of Phase I regional and composite reports submitted to COP7
COP7 requested:

 - » To continue work on Phase I and produce a revised version;
 - » To initiate work on Phase II: identification and assessment of measures and initiatives to protect, promote and facilitate the use of traditional knowledge;
 - » To create an Advisory Group/Steering Committee with representation of indigenous and local communities (ILCs) to assist in completion of the report.

These tasks have now been completed.

After COP8, the Conference of Parties:

- *Recommended* that registers should only be established with the prior informed consent of indigenous and local communities;
- *Requested* to explore the possibility of developing technical guidelines for recording and documenting traditional knowledge, innovations and practices, and to analyze the potential threats of such documentation to the rights of holders of traditional knowledge, innovations and practices, with the full and effective participation of indigenous and local communities;
- *Requested* further research be conducted into highly vulnerable indigenous and

- local communities, with a focus on causes and solutions;
 - *Requested* research and preparation of a report on possible measures to ensure respect for the rights of unprotected and voluntarily-isolated communities taking into account their traditional knowledge and the development of access and benefit-sharing regimes;
 - *Renewed* the mandate of the advisory group to continue to provide advice on the further development of Phase II of the composite report/
- 2. Monitoring Guidelines on impact assessment for developments on sacred sites.**
- Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;
 - Endorsed by COP7 to guide Parties on the development and implementation of impact assessment regimes;
 - Objective: provide advice on incorporation of cultural, environmental, including biodiversity-related, and social considerations of indigenous and local communities into impact assessment procedures;
 - Governments and organizations are invited to use the Guidelines and incorporate them in policies for strategic environmental assessment.
- 3. Sui generis systems for the protection of traditional knowledge and equitable sharing of benefits.**
- COP7 requested the Ad Hoc Working Group on Article 8(j) to:
- Consider non-intellectual property-based sui generis forms of protection;
 - Further develop, as a priority issue, elements for sui generis system;
 - Review relevance and applicability of the Bonn Guidelines;
 - Make recommendations regarding the international regime on access and benefit-sharing;
 - Assess the role of databases and registers in the protection of traditional knowledge;
 - Explore existing and new forms of intellectual property protection.
- 4. Code of Ethical Conduct**
- In response to the recommendations of the UN Permanent Forum on Indigenous Issues, COP7 requested:
- Organization of a workshop on cultural, environmental and social impact assessment based on the Akwé: Kon Guidelines aimed at further strengthening understanding of the link between environment and cultural diversity;
 - Working Group on Article 8(j) to develop elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities;
 - Working Group on Article 8(j) and Related Provisions in its 6th meeting has completed its recommendations for a Code of Ethical Conduct, which was adopted by COP10.
- 5. Participatory mechanisms**
- Participation in the work of the Convention:
- COP7 established a funding mechanism to facilitate participation;
 - Executive Secretary to further develop communication networks and tools through the Clearing-House Mechanism.
- Participation at National Level:
- Parties encouraged to assist ILCs to hold regional meetings to prepare for meetings under the Convention;

- Establish national mechanisms for ILC participation, including ILC Advisory Committee;
 - Enhance capacity of national institutions to take into account ILC's concerns;
 - National Focal Points to make information available to ILC's;
 - Enhance capacities of ILCs to collaborate with universities and research institutions.
- 6. Article 10(c) implementation** - the 6th meeting of WG8(j) and Related Provisions recommended that the Parties decide at COP10 to prioritize the implementation of Article 10(c) as a major element in the future work of the Convention in relation to traditional knowledge.
- 7. Indicators on traditional knowledge.**



Exercise 2

Open Forum - How can indigenous peoples and local communities contribute and/or be involved in ongoing work on traditional knowledge of the CBD? (1 hour)

Drawing out ideas on how indigenous peoples can participate in the work of the CBD on Traditional Knowledge and how the CBD can be used to protect traditional knowledge at the local level:

1. Participants who have had some experience can share in what ways they have participated in the work of the CBD on traditional knowledge, e.g., participation in meetings, submission of case studies, etc.
2. Others can share how the CBD or some specific articles have been used to protect their traditional knowledge in their respective areas, e.g., research, mapping, case studies, lobby work, etc.
3. Other participants may make suggestions on how they see themselves or their communities contributing to the work on traditional knowledge or how the CBD can be used to protect their traditional knowledge in the future.
4. Meanwhile, the facilitator makes a list of possible ways to participate. After the discussion, the facilitator summarizes the ideas that came up, links these up with the previous lecture and the objectives of the CBD, and closes the discussion.

Endnotes:

¹ CBD website <www.cbd.int>.

² UNESCO LINKS <http://portal.unesco.org/science/en/ev.php-URL_ID=1945&URL_DO=DO_TOPIC&URL_SECTION=201.html>.



Module

6

ACCESS AND BENEFIT-SHARING OF GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE



OBJECTIVES

1. To understand the concept of access and benefit-sharing of genetic resources.
2. To know the articles of the CBD pertaining to access and benefit-sharing of genetic resources and associated traditional knowledge and the CBD processes and mechanisms dealing with this theme.
3. To understand the issues that indigenous peoples face in relation to access and benefit-sharing of genetic resources and intellectual property rights.
4. To agree on key principles that should guide indigenous peoples' access to and benefit-sharing of genetic resources.



RESOURCES

- "Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising Out of the Utilization of Genetic Resources"
- powerpoint
- "Convention on Biological Diversity (with annexes)"
- "Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization"
- "COP Decision 926 instructing the CBD to negotiate an international regime on ABS Decision (VII/19D)"
- "Report of the Seventh Meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing"
- "Report of the Eighth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing"
- "Report of the meeting of the Group of Legal and Technical Experts on Concepts, Terms, Working Definitions and Sectoral Approaches"
- "Report of the meeting of the Group of Legal and Technical Experts on Compliance in the Context of the International Regime on Access and Benefit-Sharing"
- "Report of the meeting of the Group of Technical and Legal Experts on Traditional Knowledge associated with Genetic Resources"
- "Sustaining Life on Earth: How the CBD promotes nature and human well-being"
- *Earth Negotiations Bulletin*



TIME

2

HOURS

ACTIVITY:



Exercise 1

Indigenous Knowledge of Biological and Genetic Resources (30 minutes)

Listing the biological and genetic resources (flora and fauna) found in the community and knowing what are the uses of these:

1. If the workshop is held in a community setting, the participants may go out to the community and list down the different kinds of living things they find, noting down their uses for the people. Otherwise, they can recall and list down the living things in their own communities and their various uses.
2. The participants present their findings to the whole group.
3. The facilitator uses the findings to explain the concept of biological and genetic resources and their uses for the people.

INPUT AND DISCUSSION: (1 hour)

1. What are Biological and Genetic Resources and their Uses?

Biological and genetic resources include plant material, animals, microorganisms, cells, and genes.

Indigenous peoples know, from their close interaction with nature, that nature and its biological and genetic resources provide our daily needs for survival. Nature provides cures to various illnesses. Wild plants provide pesticides that save our crops from pest outbreaks. Animals and insects contribute to the balance of nature and the ecosystem.

The vast array of interactions among the various components of biodiversity makes the planet habitable for all species, including humans. Our personal health, and the health of our economy and human society, depend on the continuous supply of various ecological services provided by nature that would be extremely costly or impossible to replace. These natural services are so varied as to be almost infinite. For example, it would be impractical to replace, to any large extent, services such as pest control performed by various creatures feeding on one another, or pollination performed by insects and birds going about their everyday business.

“Goods and Services” provided by ecosystems include:

- Provision of food, fuel and fibre;
- Provision of shelter and building materials;
- Purification of air and water;
- Detoxification and decomposition of wastes;
- Stabilization and moderation of the Earth’s climate;
- Moderation of floods, droughts, temperature extremes and the forces of wind;
- Generation and renewal of soil fertility, including nutrient cycling;
- Pollination of plants, including many crops;

- Control of pests and diseases;
- Maintenance of genetic resources as key inputs to crop varieties and livestock breeds, medicines, and other products;
- Cultural and aesthetic benefits;
- Ability to adapt to change.

Thus, protecting biodiversity is in our self-interest. Biological resources are the pillars upon which we build civilizations. Nature's products support such diverse industries as agriculture, cosmetics, pharmaceuticals, pulp and paper, horticulture, construction and waste treatment. The loss of biodiversity threatens our food supplies, opportunities for recreation and tourism, and our sources of wood, medicines and energy. It also interferes with essential ecological functions.

2. CBD Articles on Access and Benefit-Sharing (ABS)

One of the three main goals of the CBD is the fair and equitable sharing of the benefits from the use of genetic resources. This goal is reflected in a number of articles in the Convention that pertain to access and benefit-sharing of resources. These articles are the following:

Article 1 – Fair and equitable sharing of the benefits

- “[F]air and equitable sharing of the benefits arising out of the utilization of genetic resources, including...appropriate access to genetic resources and...appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Article 15 – Access to Genetic Resources

- Recognizes state sovereignty over natural resources.
- “Authority to determine access to genetic resources rests with the national government and is subject to national legislation” (Art. 15 (1)).
- Each Party will “facilitate access to genetic resources for environmentally sound uses” and not impose restrictions which are counter to the objectives of the Convention (Art. 15 (2)).
- Access to genetic resources should “be on mutually agreed terms,” and “shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party” (Art. 15 (4) and 15 (5)).

Article 16 – Access to and Transfer of Technology

- Concerned with promoting access to and transfer of technology, including biotechnology, that is relevant to the conservation and sustainable use of biodiversity with due consideration for intellectual property rights.

Article 17 – Exchange of Information

- “Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.”

Article 18 – Technical and Scientific Cooperation

- “The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of this Convention. For this purpose, the Contracting Parties shall also promote collaboration in the training of personnel and exchange of experts.”

Article 19 – Handling of Biotechnology and Distribution of its Benefits

- Promotes the participation of developing countries in biotechnological research.
- Promote priority access to the results and benefits of the research by developing countries providing genetic materials.
- However, what is developing is that the North can give the South the benefits of biotechnology on one condition: that they first give them access to biological resources.

History and Timeline of Work Done on Access and Benefit-Sharing (ABS) in the CBD

Fourth meeting of the Conference of the Parties (COP4), 1998

The Conference of the Parties established a Panel of Experts on Access and Benefit-sharing (ABS) to clarify concepts and principles related to the issue of access to genetic resources and the fair and equitable sharing of benefits arising out of their use, such as “prior informed consent”, “mutually agreed terms”, and others.

Fifth meeting of the Conference of the Parties (COP5), 2000

Taking into account the work of the Panel of Experts on ABS, in order to assist Parties with the implementation of the access and benefit-sharing provisions of the Convention, the COP established an Ad Hoc Open-ended Working Group with the mandate to develop guidelines and other approaches.

Sixth meeting of the Conference of the Parties (COP6), 2002

In 2002, The Bonn Guidelines on access to genetic resources and the fair and equitable sharing of the benefits arising from their utilization, developed by the Working Group, were adopted by the COP at its sixth meeting in The Hague, The Netherlands. These guidelines are voluntary and are intended to guide both the providers and users of genetic resources in the application of the access and benefit-sharing provisions of the Convention. They were adopted to assist Parties when establishing administrative, legislative or policy measures on access and benefit-sharing and/or when negotiating contractual arrangements for access to genetic resources and benefit-sharing.

For example, they address the steps in the access and benefit-sharing process, by providing guidance with respect to procedures that can be established in a provider country for obtaining prior informed

consent. They also provide an indicative list of typical mutually agreed terms regarding the conditions of access and use of genetic resources and, in addition, they provide guidance with respect to the roles and responsibilities of providers and users of genetic resources.

World Summit on Sustainable Development (WSSD) (2002)

At the World Summit for Sustainable Development, held in Johannesburg, South Africa in September 2002, governments called for the negotiation of an international regime to promote the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

Seventh meeting of the Conference of the Parties (COP7), 2004

At its seventh meeting in Kuala Lumpur, Malaysia in 2004, the COP followed up on the WSSD call and mandated the Working Group on ABS to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing with the aim of adopting an instrument/instruments to effectively implement the provisions in Article 15 (Access to Genetic Resources) and 8(j) (Traditional Knowledge) of the Convention, and the three objectives of the Convention. The COP also agreed on the terms of reference for the Working Group, including the process, nature, scope and elements for consideration in the elaboration of the regime (decision VII/19).

Eighth meeting of the Conference of the Parties (COP8), 2006

At its eighth meeting held in Curitiba, Brazil, the COP extended the mandate of the Working Group and requested it to complete its work as soon as possible, but no later than 2010. It also designated two co-chairs to lead the negotiation process: Mr. Timothy Hodges from Canada and Mr. Fernando Casas from Colombia. Following COP8, two meetings of the Working Group on ABS, as the negotiating body of the international regime, were held prior to the ninth meeting of the COP: the fifth meeting was held in Montreal, Canada from 8 to 12 October 2007, and the sixth meeting was held in Geneva, Switzerland from 21 to 25 January 2008.

Ninth meeting of the Conference of the Parties (COP9), 2008

At its ninth meeting in May 2008, the COP agreed on a schedule of meetings (decision IX/12) to complete the elaboration and negotiation of the international regime on access and benefit-sharing before the tenth meeting of the COP in October 2010. The COP decided that three meetings of the Working Group, the negotiating body of the international regime, would be held during the next biennium. The COP further agreed on the text which will provide the basis for the future elaboration and negotiation of the international regime. It also decided to establish three groups of technical and legal experts to address core substantive issues, such as compliance, concepts, terms, working definitions and sectoral approaches and traditional knowledge associated with genetic resources, in order to assist the Working Group on ABS.

Source: CBD website <www.cbd.int>.

3. Bonn Guidelines

A major achievement of the 4th Conference of the Parties (COP4) is what is called the Bonn Guidelines on access to genetic resources and the fair and equitable sharing of the benefits arising from their utilization (see Decision VI/24). The Guidelines were recognized as a useful first step of an evolutionary process in the implementation of relevant provisions of the Convention related to access to genetic resources and benefit-sharing. These voluntary guidelines are meant to assist Parties, governments and other stakeholders when establishing legislative, administrative or policy measures on access and benefit-sharing and/or when negotiating contractual arrangements for access and benefit-sharing. The Guidelines also serve as a manual for the negotiation and implementation of bio-prospecting contracts. It covers access to genetic resources after the CBD was ratified and other genetic materials not be found in existing collections. All pre-CBD genetic collections are already accessible without ABS requirements.

In 2010, COP10 adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

4. What are the Issues Faced by Indigenous Peoples in Relation to ABS?

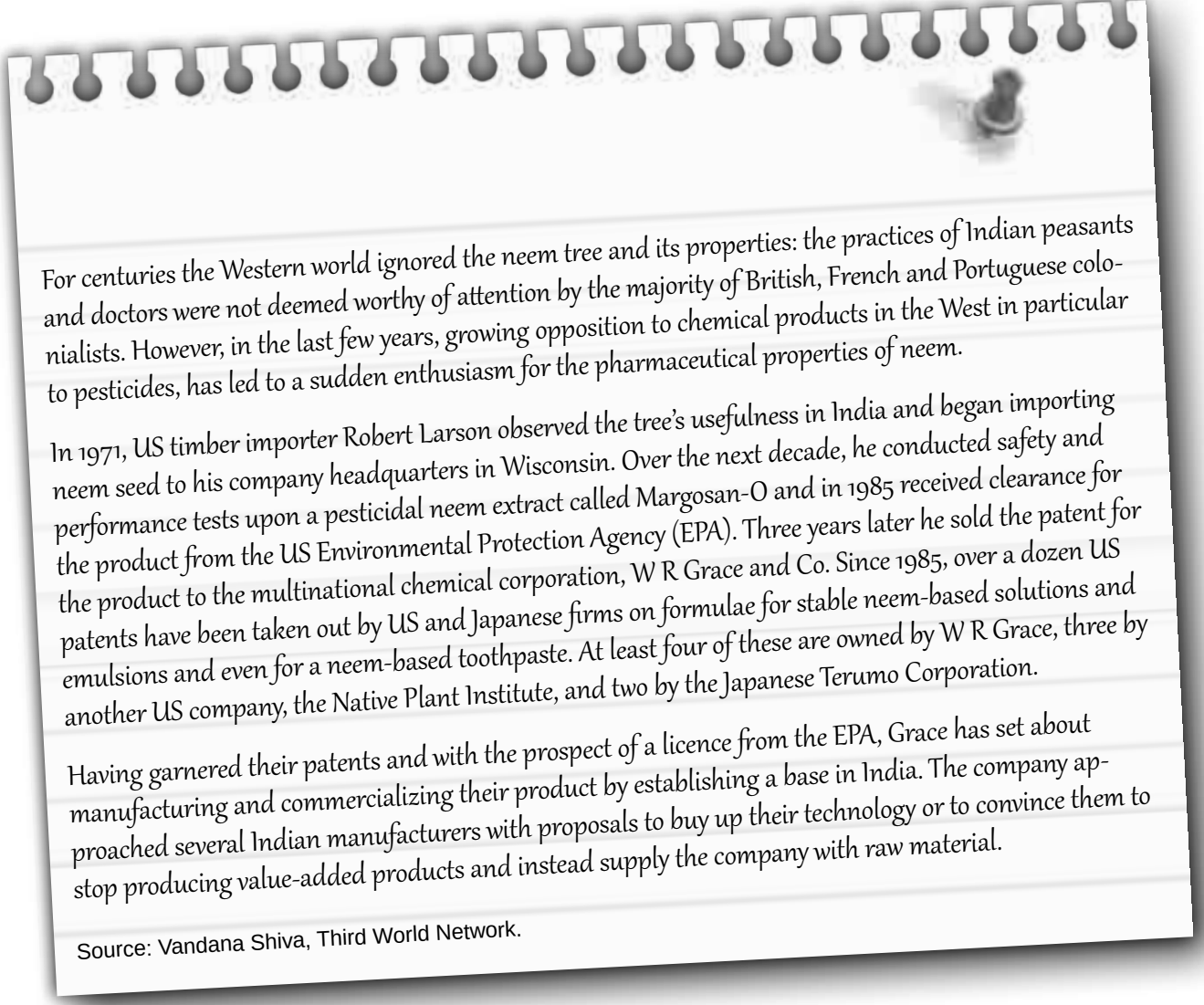
A. Biopiracy

Piracy means to take something that belongs to someone else without permission or payment. Biopiracy, therefore, means theft of bio-resources. The issue that indigenous peoples face is the question: from whom are these biological resources taken and payment is given for what?

Biopiracy of the Neem Tree

A classic case of biopiracy by transnational corporations is that of the neem tree (*Azadirachta indica*), a hardy, fast-growing evergreen of up to 20 metres in height, found throughout the drier areas of India. Several extracts of neem have recently been patented by US companies, and many farmers are incensed at what they regard as intellectual piracy. The village neem tree has become a symbol of Indian indigenous knowledge, and of resistance against companies, which would expropriate this knowledge for their own profit.

The neem's many virtues are to a large degree attributable to its chemical constituents. From its roots to its spreading crown, the tree contains a number of potent compounds, notably a chemical found in its seeds named azadirachtin. It is this astringency that makes it useful in so many fields: medicine, toiletries, contraception, timber, fuel, agriculture, insecticide. These properties, and others, known to Indians for millennia, have led to the tree's being called the "curer of all ailments."



For centuries the Western world ignored the neem tree and its properties: the practices of Indian peasants and doctors were not deemed worthy of attention by the majority of British, French and Portuguese colonialists. However, in the last few years, growing opposition to chemical products in the West in particular to pesticides, has led to a sudden enthusiasm for the pharmaceutical properties of neem.

In 1971, US timber importer Robert Larson observed the tree's usefulness in India and began importing neem seed to his company headquarters in Wisconsin. Over the next decade, he conducted safety and performance tests upon a pesticidal neem extract called Margosan-O and in 1985 received clearance for the product from the US Environmental Protection Agency (EPA). Three years later he sold the patent for the product to the multinational chemical corporation, W R Grace and Co. Since 1985, over a dozen US patents have been taken out by US and Japanese firms on formulae for stable neem-based solutions and emulsions and even for a neem-based toothpaste. At least four of these are owned by W R Grace, three by another US company, the Native Plant Institute, and two by the Japanese Terumo Corporation.

Having garnered their patents and with the prospect of a licence from the EPA, Grace has set about manufacturing and commercializing their product by establishing a base in India. The company approached several Indian manufacturers with proposals to buy up their technology or to convince them to stop producing value-added products and instead supply the company with raw material.

Source: Vandana Shiva, Third World Network.

B. Certificate of Origin/Certificate of Legal Provenance

This is an international system of certificates to accompany genetic resources accessed in accordance with CBD and national legislation. The international enforcement system for national access legislation is comparable to the World Trade Organization's (WTO) TRIPS Agreement for national patent laws. Certificates are issued by a legally competent body in the providing country. Its main use would be in intellectual property rights (IPR) applications.

Mechanism for Certificate of Legal Provenance:

- An independent document is issued under a self-standing system comprised of national government agencies and coordinated by CBD (patent offices not involved);
- Checks whether formal requirements are fulfilled before admitting a patent application for examination;
- Easy way of tracking what happens to a certified resource;
- Certificates can be used for other purposes, e.g., applying for research funding, submitting finished products for marketing.

C. Certificate of Compliance¹

Customary laws of indigenous and local communities generally also address natural resources, including genetic resources and associated traditional knowledge. These laws vary between indigenous and local communities in different countries and within countries. Their level of incorporation into national laws also varies between countries and within countries.

An effective and pragmatic way to take account of customary laws could be to ensure respect for customary law in access agreements and/or the international regime. In such cases the legal effect will be the protection of the rights of indigenous and local communities. However, there are indigenous and local communities that may not wish to enter into such agreements.

The respect of the rights of indigenous and local communities will constitute the basis for prior informed consent and mutually agreed terms. In particular, the involvement of indigenous and local community representatives in the negotiation of mutually agreed terms would enable customary laws regarding genetic resources and associated traditional knowledge to be taken into account. The resulting agreement would then govern the relationship between indigenous and local communities and the user.

The international regime addresses the rights of indigenous and local communities, including their rights to genetic resources and associated traditional knowledge. The recognition of their rights in the international regime indirectly promotes respect for customary laws in the national laws of countries where indigenous and local communities are located.

How could compliance measures take account of the customary law of indigenous and local communities? Specific measures to promote compliance could include:

- a. Establishment or recognition of indigenous competent authorities to advise on applicable processes for prior informed consent of indigenous and local communities;
- b. An internationally recognized certificate of compliance could contain minimum information related to indigenous and local communities, including details of the rights holders of traditional knowledge associated with genetic resources, as appropriate;
- c. Recognition of existing rights of indigenous and local communities in minimum and standard contractual terms for ABS arrangements as outlined in the draft study on compliance in relation to the customary law of indigenous and local communities, national law, across jurisdictions, and international law.²
- d. Monitoring of the use of traditional knowledge through checkpoints;
- e. Capacity building of indigenous and local communities representatives to facilitate their participation in negotiations on prior informed consent and mutually agreed terms.

D. Prior Informed Consent (PIC)

This is the consent obtained by the applicant from the designated government authorities, local community, indigenous people, the protected area or ex situ collection manager, or private land owner after disclosing fully the intent and scope of the bioprospecting activity, in a language and process understandable to all, and before any collecting of samples or knowledge is undertaken.

Procedures for obtaining PIC are usually initiated when the access application is submitted to the designated government authorities. Most of the ABS policies also require PIC from the providers of genetic resources and traditional knowledge. In certain cases, the government has provided model contracts or guides to assist in PIC negotiation. Governments that employ

best practices make explicit the need for mutually agreed terms, equitable and fair benefits, and informed consent.

Undefined guidelines on PIC from indigenous peoples and local communities:

- a. identifying the representatives of the communities and assessing their representation power and capacity;
- b. identifying all the parties affected by the project;
- c. presenting the bioprospecting project, legal concepts, and benefits for the community in a form and manner understandable to them;
- d. identifying and presenting the implications of the project for the community;
- e. identifying communities who share the same knowledge; and
- f. obtaining the PIC from several local and national government agencies that administer the same biological resource.

Bioprospectors must keep in mind that traditional communities and governments may choose to deny access and this is a legitimate decision based on the national sovereignty recognized by the CBD and ABS laws and policies.

E. Sui Generis Protection of Indigenous Knowledge

The idea behind sui generis systems is that while patents, trademarks and trade secrets are tools in the existing intellectual property rights regime that can help protect traditional knowledge, new mechanisms that incorporate these existing tools and add further protections for indigenous peoples should also be developed.

IPR systems alone cannot effectively protect traditional knowledge and respect for customary law because they are based on western legal systems, and as such, protect western industrial and cultural goals.

Sui generis (of its own kind) systems will necessarily not be uniform. International guidelines for their creation may exist, but the respective needs of different indigenous groups would require tailoring of sui generis systems to each group. It would be left up to countries to decide whether sui generis systems should be applied as domestic law, or only by specific application to indigenous groups.

Graham Dutfield argues that a primary difficulty in creating sui generis systems is that the rights at issue straddle real and intangible property. Because of this difficulty, Mr. Dutfield proposed the division of sui generis systems into two categories:

- national level sui generis systems that protect land rights; and
- systems protecting traditional knowledge and genetic resources at the community level.

National level sui generis systems for protecting land rights are necessary because protecting traditional knowledge without simultaneously protecting the land rights that make possible development of such knowledge would not be acceptable to indigenous peoples. An ABS regime to establish national level sui generis property rights should be based upon the principles of PIC and mutually agreed terms.

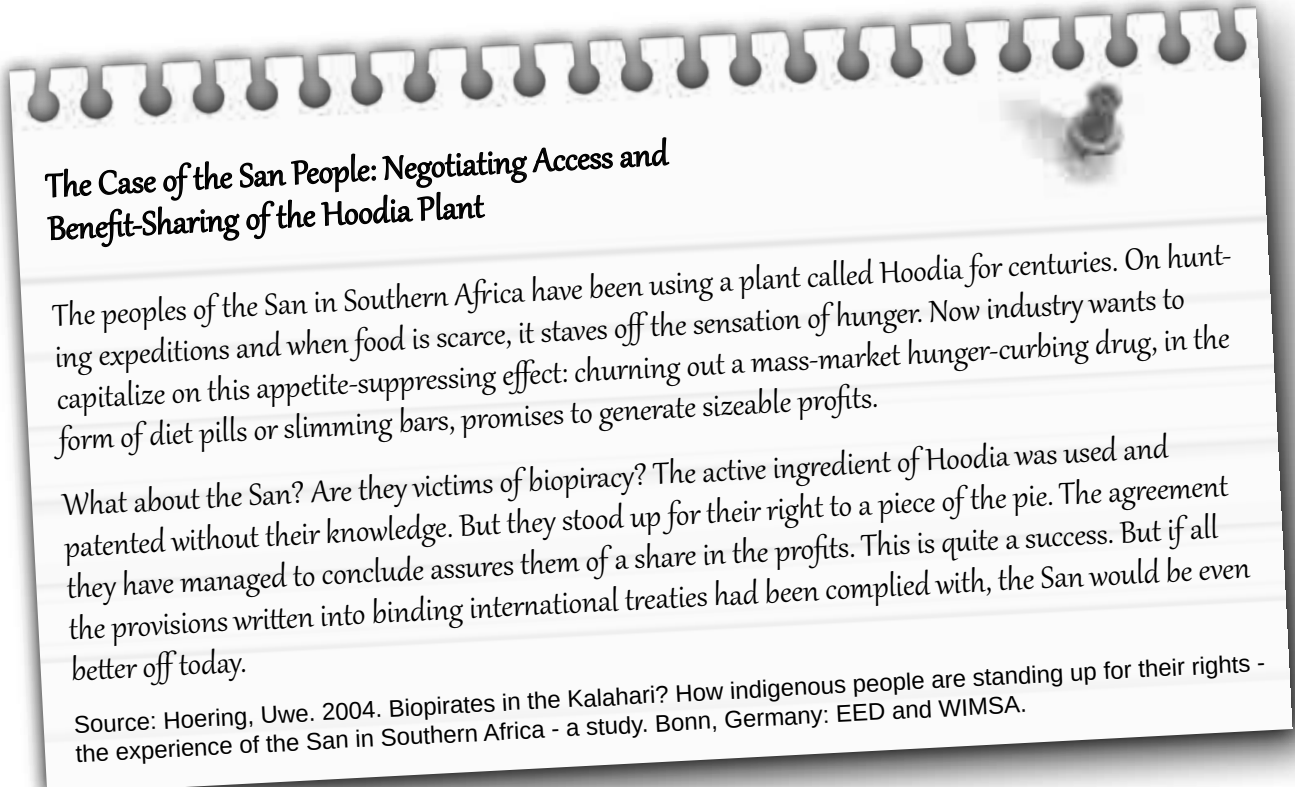
A sui generis system will require respecting the collective nature of traditional knowledge, as it may be difficult for an indigenous group to perceive traditional knowledge as something that can be divided into alienable units of property. Such a system can only be developed with the close collaboration of traditional knowledge holders and their communities.

At the community level, a sui generis regime based on indigenous and local community PIC would govern the rules of engagement for accessing traditional knowledge and associated genetic resources. The new compliance rules should place obligations not only on those accessing genetic resources and traditional knowledge, but also on the providers (indigenous and local communities). When establishing PIC procedures, respect for customary law should be ensured and attempts to override customary law should be prevented.

F. Public Domain/Public Disclosure

In 2003, the Tulalip Tribes said "...indigenous peoples have generally called for the protection of knowledge that the Western system has considered to be in the 'public domain,' as it is their position that this knowledge has been, is, and will be regulated by customary law. Its existence in the 'public domain' has not been caused by their failing to take the steps necessary to protect the knowledge in the Western IP system, but from a failure from governments and citizens to recognize and respect the customary law regulating its use."

A number of the strategies proposed for "protecting" indigenous peoples' knowledge are inappropriate and inadequate. The requirements of demonstrating "prior art" within the patent system, for example, has led some to suggest the creation of public registers for disclosed knowledge. Since disclosed knowledge is already in the public domain, registers can help indigenous peoples more effectively "protect" their knowledge by providing patent examiners with accessible stores of prior art. Indigenous peoples often dispute the contention that their disclosed knowledge exists in the public domain.



The Case of the San People: Negotiating Access and Benefit-Sharing of the Hoodia Plant

The peoples of the San in Southern Africa have been using a plant called Hoodia for centuries. On hunting expeditions and when food is scarce, it staves off the sensation of hunger. Now industry wants to capitalize on this appetite-suppressing effect: churning out a mass-market hunger-curbing drug, in the form of diet pills or slimming bars, promises to generate sizeable profits.

What about the San? Are they victims of biopiracy? The active ingredient of Hoodia was used and patented without their knowledge. But they stood up for their right to a piece of the pie. The agreement they have managed to conclude assures them of a share in the profits. This is quite a success. But if all the provisions written into binding international treaties had been complied with, the San would be even better off today.

Source: Hoering, Uwe. 2004. Biopirates in the Kalahari? How indigenous people are standing up for their rights - the experience of the San in Southern Africa - a study. Bonn, Germany: EED and WIMSA.



Exercise 2

Buzz Session - Indigenous Peoples' Concepts of Access and Benefit-Sharing (30 minutes)

Evoking indigenous peoples' principles and beliefs on access and benefit-sharing of genetic resources:

1. Participants gather in small groups of 3-5 people. The small groups hold a quick 10-minute discussion or buzz session answering the question: What do you believe should be the key principles guiding access and benefit-sharing of genetic resources of indigenous peoples.
2. They write down the key principles, one per card. Each small group can have 5 cards.
3. The facilitator collects all the cards and clusters them on the board.
4. The facilitator summarizes the key principles that indigenous peoples believe should guide the access to and benefit-sharing of their genetic resources.

Endnotes:

¹ UNEP/CBD/WG-ABS/7/3.

² UNEP/CBD/ABS/GTLE/2/INF/3, 25.



Module 7

INDIGENOUS WOMEN AND THE CBD

OBJECTIVES

1. To know the provisions and programs of the CBD in relation to women and gender equity.
2. To appreciate the particular role of indigenous women in the protection of biological diversity and traditional knowledge.
3. To identify concrete actions to ensure equitable gender relations in the application and implementation of the CBD.

RESOURCES

- *Indigenous Peoples and the Convention on Biological Diversity, Series No. 6: Asia Indigenous Women and the CBD*
- Opening Statement of the International Indigenous Forum on Biodiversity (IIIFB) 7th Conference of the Parties, Kuala Lumpur, Malaysia, 9 February, 2004
- *Diversity Makes the Difference: Actions to guarantee gender equity in the application of the Convention on Biological Diversity*



TIME

3

HOURS

INPUT AND DISCUSSION (20 minutes)

1. Gender Action Plan under the Convention on Biological Diversity

The Convention on Biological Diversity states in its Preamble:

*Recognizing also the important role that women play in the conservation and sustainable use of biological diversity, and affirming the need for the full participation of women at all levels of policy making and implementation for biological diversity conservation...*¹

In recognition of this, the CBD developed and elaborated the Gender Action Plan under the Convention. The plan defines the role that the Convention Secretariat will play in stimulating and facilitating efforts to overcome constraints and take advantage of opportunities to promote gender equality. It is also a reflection of the increasing awareness that gender equality and women's empowerment are important prerequisites for environmental conservation and sustainable development.

This Plan pursues four strategic objectives:

- To mainstream a gender perspective into the implementation of the Convention and the associated work of the Secretariat;
- To promote gender equality in achieving the three objectives of the Convention and the 2010 Biodiversity Target;
- To demonstrate the benefits of gender mainstreaming in biodiversity conservation, sustainable use and benefit-sharing from the use of genetic resources; and
- To increase the effectiveness of the work of the Secretariat of the CBD.

To achieve these objectives, the main strategies of the CBD gender program are the following:

A. Policy sphere

1. Make gender and biodiversity a strategic priority of the Convention
2. Secure ongoing commitments from funders to support gender and biodiversity
3. Secure high-level commitment for gender and biodiversity within the Secretariat.

B. Organizational sphere

1. Establish a body within the SCBD to support gender mainstreaming
2. Strengthen gender-specific capacities of all Secretariat, staff
3. Ensure gender equality is reflected in human resource management
4. Increase awareness of responsibility of all staff for gender mainstreaming
5. Develop indicators to measure the extent of gender mainstreaming within the Secretariat

C. Delivery sphere

1. Collect and disseminate gender-biodiversity related information
2. Link gender, biodiversity and poverty eradication
3. Identify, develop/improve and promote gender-biodiversity implementation tools and methodologies
4. Establish the basis for Parties to the CBD to integrate a gender perspective into the national biodiversity planning processes

D. Constituency sphere

1. Build partnerships and establish networks to promote the mainstreaming of gender within the CBD
2. Link the CBD Gender Plan of Action with the UN System's activities
3. Build awareness of biodiversity issues among gender and women's organizations
4. Build capacity of women, particularly indigenous women, to participate in CBD processes and decision-making

The CBD recognizes that Convention processes would benefit from building women's capacity, and ensuring the equitable involvement of women, particularly indigenous women at all levels of decision making relevant to the CBD. To facilitate such capacity building and equitable involvement in decision-making processes, a needs assessment in collaboration with gender experts and women, particularly indigenous women, should be conducted to analyze and plan for capacity building needs of these groups.

Based on these needs, preparatory meetings and trainings for women, particularly indigenous women leaders, should be supported prior to each Conference of the Parties. Support should also be enhanced for capacity building on biodiversity and gender implemented by indigenous women's alliances and other relevant gender organizations including through the establishment of a pool of experts/facilitators to support capacity building.



Exercise 1

Story Telling (40 minutes)

Evoking the role of indigenous women in conserving biological diversity in the community:

1. Indigenous women participants are encouraged to share stories of their role and knowledge in resource management, biodiversity conservation, sustainable agriculture, traditional medicine and ensuring food security in the community. Facilitators take note of the main points.
2. After the women have shared, the facilitator summarizes the main points on the role of indigenous women in biodiversity conservation and how important they are to the survival of the community.

2. Indigenous Women's Roles in Conservation and Sustainable Use of Biological Resources

Indigenous women possess a wealth of knowledge and experience vital to biodiversity conservation. Through many generations of living in close proximity to nature, indigenous women have developed traditional knowledge on resource management and biodiversity conservation. Among the knowledge and practices held by indigenous women are seed selection, storage and preservation, traditional herbal medicine, sustainable agriculture, planting, nurturing and protecting crops from pests, knowledge of edible plants and insects, promoting agrobiodiversity, among others. In fact, indigenous women's role in crop production and ensuring food security for the family and community is indispensable.

The stories of our indigenous women participants give us initial insights on the important role of women in biodiversity conservation and lead to a greater appreciation of the women's central role in the conservation, use and management of biodiversity in various environments.

Following are some examples of indigenous women's traditional knowledge that may be shared:

Women as Custodians of Seeds and Conservers of Biodiversity

The conservation of biodiversity and plant genetic resources is now widely recognized as crucial to food security. In rice culture, women play an important role as custodians of seeds and conservers of biodiversity.

In the Cordillera, Philippines, indigenous women play a traditional role in seed selection. In particular, deciding what variety of rice to grow and when to produce seed stocks is generally assigned to the wife, mother or daughter. In the absence of either, a seed selector, usually an elderly woman, is designated among the all-female harvesters. During harvest, the designated seed selector moves ahead of the main harvesting party, selecting at random panicles exhibiting the following characteristics: longer and sturdier panicles, having no empty grains, fully mature and disease free. The seed selector uses the *gamlang* (harvesting knife) in picking the desired panicles one at a time. When the required bundle size is obtained, she ties the panicles together, leaving a distinguishing mark such as a few flag leaves or a longer rice stalk with the bundle. Generally, seed stocks are bigger in size by 50%-70% than the grains in ordinary bundles.

Lotuho Indigenous Women Traditional Knowledge on Biodiversity

The Lotuho is one group among the many indigenous peoples found in Sudan, with a population of approximately 500,000. They live on the slopes of the Imatong mountain ranges along the Sudan-Ugandan borders, engaged in both pastoral and agricultural livelihoods.

The Lotuho women possess great wealth of traditional knowledge about the environment and uses of different plants, trees and animal species according to the community's way of life. It is her responsibility to select various seeds and have them stored for future planting. When someone is sick, she knows exactly what particular medicinal plant to give as treatment for the disease. In doing so, she maintains the continuity and sustains the different natural resources for future generations. All this knowledge is passed on to her by her grandmother or aunt while very young.

The indigenous women understand the importance of traditional knowledge in the community. They use it to find solutions to anything. For instance, they can tell when an enemy is coming by the noise a particular bird makes. Some women are the traditional birth attendants or midwives. They know that after cutting the umbilical cord of a newborn baby, they need to sterilize the wound with soot to prevent any infection.

Source: Susan Oduho, Africa Indigenous Women's Regional Workshop on Biodiversity, Traditional Knowledge and Women's Rights in Africa.

3. Women's Access and Control of Biodiversity

Biological diversity plays an essential role in meeting human needs, especially the needs of those living under conditions of poverty in rural areas. Biodiversity offers products that are used by them, such as food and fuel. The protection of their biological resources and the conservation of the environment is a key element to achieve sustainable development for the people (Juma 2003).

According to the World Bank, approximately 75% of the poor people in the world live in rural areas. Women account for 70% of the poor people in the world. (UNDP, quoted by the World Conservation, 2002). In contrast, women produce 80% of food in Africa, 60% in Asia, and 40% in Latin America (WRI 1992).

The poverty conditions experienced by millions of women across the continents are linked to the limitations they confront in gaining access to resources, including land and the components of biodiversity. Despite the sustainable manner in which women use biological diversity, they are often deprived of equitable participation in the access and control of such resources.

For instance, as a result of forest deforestation and degradation, women have gradually lost access to valuable resources like food and medicinal plants to care for their families and communities. This new situation has increased their dependence on men to meet these needs, thereby diminishing their traditional social position, and reducing their opportunities to make decisions at household and community levels. On the other hand, it has increased their workload and work schedule. As a result of these phenomena, the women's knowledge about the use of forest resources is also being lost. While the traditional production systems change, they lose power and access to foods of nutritional value. Many women have to adapt themselves to new products and a smaller diversification. Single crops have limited the variety of foods available, as a result of which, the women's ability to prepare a large variety of highly nutritional meals has also been lost.²

However, this fact has repeatedly been ignored and women's experiences and voices are often excluded from decision making on biodiversity programs. It is therefore necessary to recognize the importance of indigenous women's knowledge and their important role in achieving the objectives of the Convention. Indigenous women must be given every opportunity to fully participate in decision-making and implementation of programs for the sustainable use and conservation of biodiversity, and to benefit from the fair and equitable access and distribution of the benefits derived from the utilization of biodiversity.

4. Participation of Indigenous Women in the CBD

The Indigenous Women's Biodiversity Network (IWBN) was formed in 1998 at COP4 held in Bratislava, Slovakia. The main goal of the network is to promote and ensure the active participation of indigenous women at all levels in relevant international environmental for a and promote the vital role that indigenous women play in the protection of the environment.

Recognizing the gap in the visibility and advocacy of indigenous women's rights and concerns in the CBD, they decided to meet regularly prior to important CBD meetings, to prepare for indigenous women's full and effective participation at these meetings, as a part of the IIFB. It is a network of indigenous women working on environmental issues, which was formally created after three previously held "Indigenous Women and Biodiversity" workshops. This network is coorganized by the African Indigenous Women's Organisation (AIWO), a pan-African indig-

enous women's organization whose office is located in Nairobi, Kenya; and the Netherlands Centre for Indigenous Peoples (NCIV).

The Indigenous Women's Biodiversity Network has as its continued goal to promote, and to ensure, the active participation of indigenous women in all of the relevant international environmental fora, especially as indigenous women continue to be under-represented. Specifically, it seeks to promote the vital, important role that indigenous women have to play in the protection of the environment. As indigenous women are the keepers of specific traditional knowledge, innovations and practices, their rights of access to, and control over, their lands and resources are therefore vital to the sustainable use of the environment. Further, as indigenous women have less access to the money economy, but greater responsibilities in child-rearing and community health, indigenous women thus often have a far greater dependance on natural resources and biodiversity.

The Indigenous Women's Biodiversity Network is a part of the International Indigenous Biodiversity Forum" (IIFB), the formal Indigenous Peoples' Caucus that is active at the international level environmental meetings. The IWBN's meetings are held separately, but its members also fully and actively participate in the IIFB and regularly report to this body on its activities.³

In addition to these global meetings as IWBN, efforts are being given to activating indigenous women' regional networks to mainstream environmental issues and processes within their over-all work. One such activity is the Latin Americas initiative in Panama to organize a regional indigenous women and biodiversity network to enable them to have visibility and become active in the region. Likewise, the African Indigenous Women Organization (AIWO) and the Asian Indigenous Women's Network (AIWN) held their respective regional workshops in 2007 on Indigenous Women and the CBD.

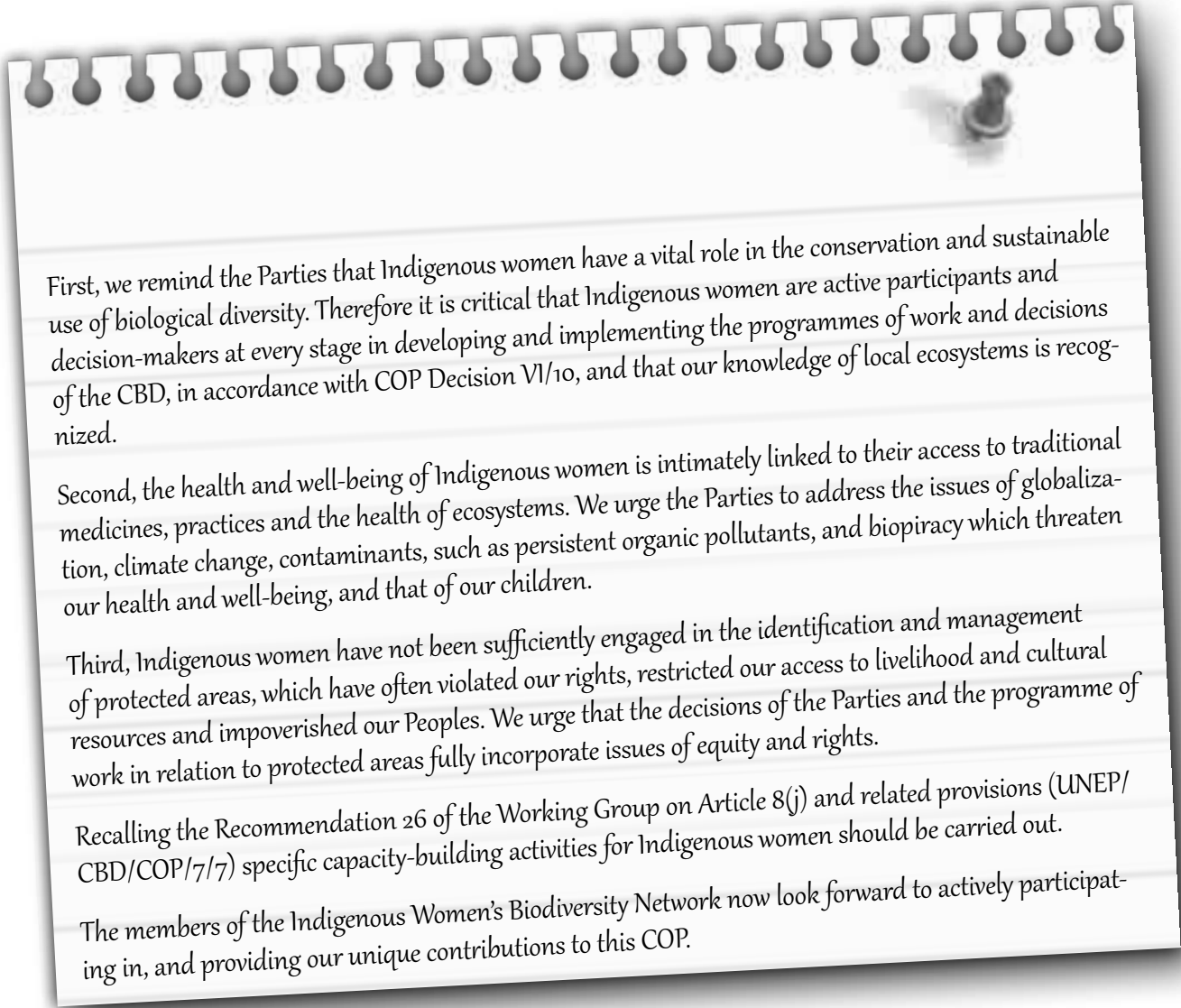
The growing role of indigenous women in the CBD is reflected in the following excerpts of an IIFB Statement that express the thinking of indigenous women on their participation in the IIFB and the CBD process:

Excerpts from Opening Statement of the International Indigenous Forum on Biodiversity (IIFB) 7th Conference of the Parties, Kuala Lumpur, Malaysia

9 February, 2004

...Indigenous women continue to affirm our cultures, histories, views of creation and ancestry, views of life and the world, and ways of being. These life ways are essential to the perpetuation, promotion, and development of our culture and safe guarding of the world's biodiversity. Recalling COP decision VI/10, which emphasizes the need for greater participation by women in the conservation and sustainable use of biological diversity, we call upon the Parties to focus on achieving the full and effective participation of Indigenous women in all programmes of work. There is a need for local, national, regional and international consultations with Indigenous women on how to achieve this.

...We would like to highlight some key issues that emerged from our meeting which we will be contributing to the deliberations of the next two weeks.



First, we remind the Parties that Indigenous women have a vital role in the conservation and sustainable use of biological diversity. Therefore it is critical that Indigenous women are active participants and decision-makers at every stage in developing and implementing the programmes of work and decisions of the CBD, in accordance with COP Decision VI/10, and that our knowledge of local ecosystems is recognized.

Second, the health and well-being of Indigenous women is intimately linked to their access to traditional medicines, practices and the health of ecosystems. We urge the Parties to address the issues of globalization, climate change, contaminants, such as persistent organic pollutants, and biopiracy which threaten our health and well-being, and that of our children.

Third, Indigenous women have not been sufficiently engaged in the identification and management of protected areas, which have often violated our rights, restricted our access to livelihood and cultural resources and impoverished our Peoples. We urge that the decisions of the Parties and the programme of work in relation to protected areas fully incorporate issues of equity and rights.

Recalling the Recommendation 26 of the Working Group on Article 8(j) and related provisions (UNEP/CBD/COP/7/7) specific capacity-building activities for Indigenous women should be carried out.

The members of the Indigenous Women's Biodiversity Network now look forward to actively participating in, and providing our unique contributions to this COP.

The CBD urges giving due consideration to the experiences of women in the elaboration of strategies and work plans at sub-national, national and international levels. It would be useful for us to identify concrete actions that we can take to ensure equitable gender relations in the application and implementation of the CBD at various levels.



Exercise 2

Workshop/Group Discussion (1 hour)

Identifying concrete actions to ensure equitable gender relations in the application and implementation of the CBD:

1. Participants are grouped into 3 smaller groups. Each group answers the question: "What can be done to ensure that indigenous women are given equal opportunities to participate in the application and implementation of the CBD? "Give recommendations for the local, national and international levels of participation in the CBD.
2. The groups write their recommendations on kraft paper using the following table:

Levels of Implementation	Recommendations to Ensure Equitable Participation of Indigenous Women in the CBD
Local	
National	
International	

3. Each group is given 10 minutes to report the results of their discussion.
4. The facilitator summarizes the main recommendations that came up and closes the discussion.

Endnotes:

¹ CBD, Preamble, paragraph 13, 1996.

² Filippini 2002.

³ <http://www.nciv.net/spaans/iwbn/IWBN.htm>.

Module 8

INDIGENOUS PEOPLES AND BIOTECHNOLOGY

OBJECTIVES

1. To understand genetic engineering, genetically modified organisms, and its impacts on indigenous peoples.
2. To understand what is bioprospecting and biopiracy and its impacts on indigenous peoples.
3. To know about the Cartagena Protocol and its relevance for indigenous peoples.
4. To explore what indigenous peoples need to do to address the problem of bioprospecting on indigenous peoples' territories.
5. To highlight initiatives and actions of indigenous peoples about GMOs and biotechnology.

RESOURCES

- "Protect Hawai'i's Biodiversity" - powerpoint
- *Indigenous People, Genes and Genetics: What Indigenous People Should Know About Biocolonialism: A Primer and Resource Guide*
- "Biosafety Assessment Tool"
- "Course on GMOs and implementing the Cartagena Protocol"
- "Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety"



TIME

2

HOURS

ACTIVITIES:



Exercise 1

Video Showing and Buzz Session (30 minutes)

1. Show a short film on Genetically Modified Organisms in Hawai'i, Indigenous Portal <www.indigenousportal.com>.
2. The participants have a short buzz session with each other about their reactions to the show.

INPUT AND DISCUSSION: (1 hour)

1. Definition of Terms

In order to understand the issue of genetically modified organisms, it is necessary to define some basic terms used.¹

- **Biodiversity:** General term used to designate the variability of living organisms of any source, including land and marine ecosystems, other aquatic ecosystems, and the ecological complexes they are part of; it comprises the diversity within each species and among species and ecosystems.
- **Biological resources:** The genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with real or potential value or usefulness to human beings.
- **Biosphere:** The total range of living beings and their environment that comprises the lithosphere (surface of the earth), the hydrosphere (earth waters) and the atmosphere, which is almost 15 km-thick from the surface of the earth.
- **Biotechnology:** Any technological application using biological resources, living organisms or their byproducts, for the creation or modification of products or processes for specific uses.
- **Biogenetic resources:** Biological and genetic resources, including plant material, animals, microorganisms, cells, and genes
- **Biopiracy** is the theft of biogenetic resources. It refers to the appropriation of the knowledge and genetic resources of farming and indigenous communities by individuals or institutions who seek exclusive monopoly control (patents or intellectual property) over these resources and knowledge.
- **Bioprospecting** is the search for “interesting” or potentially commercially valuable genes and species
- **Genetic diversity:** Variety of genes or sub-specific genetic varieties.
- **Genetic resources:** The genetic material with real or potential value.
- **Genetic Engineering (GE):** The manipulation of genetic material in the laboratory. It includes isolating, copying, and multiplying genes, recombining genes or DNA from different species to another, bypassing reproductive processes.
- **Genetically Modified Organisms** are plants that are modified by inserting genes from other organisms that have been engineered into crops to change the plant. For example, GMO soybeans can be sprayed with herbicides that would kill a conventional soybean. They look, grow and taste like conventional crops but at the molecular level they are different.
- **Genetic Use Restriction Technologies (GURTS)** is the “official” name for terminator technology that is used at the UN and by scientists. It refers to a general category of technologies that, in their design, provide a mechanism to switch previously introduced genes on or off, using external inducers like chemicals or physical stimuli (e.g., heat shock). There are two main categories of GURTs, namely trait-related or T-GURTs and variety-related or V-GURTs. While T-GURTs aim to control the use of traits such as insect resistance, stress tolerance or production of nutrients, V-GURTs aim to control reproductive processes that will result in seed sterility, thus affecting the viability of the whole variety. The ability to switch the GURTs mechanism on or off externally enables the producer to exercise control either over traits or the viability of seeds.

Source: EcoNexus, <www.econexus.info>.

2. Bioprospecting and Genetic Engineering: Threats to Indigenous Peoples

Some Problems with Genetics in Agriculture: Colonizing and Owning Life²

Intensive agriculture, mineral exploitation, and industrial production have led to massive and rapid genetic erosion and loss of agricultural biodiversity. The Food and Agriculture Organization (FAO) estimates that 75% of agricultural species have been lost over the last hundred years, largely as a result of industrial farming practices. Genetic engineering is being developed and mass-marketed by transnational agribusiness. Where the trend is to develop broad international markets for a single product, genetic uniformity through large, monocultural (single crop) rural landscapes is likely to continue.

Where these trends threaten indigenous peoples and small-scale farmers is that genetic engineering companies are now increasingly interested in reaching out to the small farmers and rural peasant communities, in the hope of replacing diverse agricultural crops with their genetically engineered seeds. The seed companies are moving into centers of diversity and origin: Monsanto potatoes are being introduced into the Andes, origin of the potato. Genetically engineered corn is being introduced to Mexico, where thousands of years ago, the Mayan people domesticated and diversified maize.

Many indigenous peoples are concerned about the theft of plant and animal species by the genetic engineering companies. Since 90% of the diversity of life forms is in developing countries, largely under the protection of indigenous and peasant rural communities, plant genetics companies have been prospecting in these territories. They are interested in the plant and animal species, and in the indigenous knowledge of the properties of these species for food and medicinal purposes.

In many cases, the companies are taking species without the knowledge or consent of the local indigenous people, and then illegitimately claiming legally-enforceable ownership over these plants and animals. They are applying for and receiving patents on plants and animals. The patents define the company as the inventor and exclusive owner of the living being. As a result of patenting life forms, all genetically engineered seed that is being tested and planted in the fields, and all genetically engineered foods in shops, restaurants, and supermarkets is under the patent control of the genetic engineering companies.

In addition to the idea of owning life, many people object to patenting plants because the patents give seed companies monopolies over plants. Farming organizations in particular are concerned about this development, in light of the rapid consolidation of the seed and agrochemical industries that has taken place in the last few years.

“Terminator” and “Traitor” Seeds³

Small-scale farmers who rely upon seed-saving and informal seed exchange number about 1.4 billion across the world. Interested in their business but concerned by their seed-saving practices, several companies have developed seed sterilization techniques that put chemical or biological locks on seeds. These techniques destroy the ability of the plants to produce their own viable seeds. In this way, the seed companies seek to ensure that farmers have to return to the seed market each planting season. It is feared that outcrossing, through processes such as cross-pollination, could spread genetically engineered seed sterility into other species. Appropriately labeled “Terminator” technologies, they have been widely opposed and are the subject of bans in India, and in states such as Maryland. In spite of sustained condemnation, the U.S. Department of Agriculture and Delta and Pine Land Co. continue to develop them.

A related, but younger, plant technology is “Traitor” technology. This technology involves using an external chemical to “turn on or off” genetic traits in plants. As an example, companies may try to “turn off” a plant’s natural defense mechanisms, and thus make use of pesticides necessary to successfully grow the plant. The most obvious implication of this technology is an increased dependence on chemicals for agriculture. Other frightening implications also loom—like the possibility for applications in biowarfare. The Terminator and some Traitor traits are carried in the pollen of the plants containing them, so the possibility of outcrossing into nonintended species is a real danger.

Who does bioprospecting and genetic engineering?

- Pharmaceutical and agricultural companies
- Biotech firms
- University researchers
- Government agencies



Corporation and Institutions with Permits for Open-Field GMO Experiments in Hawai'i

Hawaii Agriculture Research Center, Southern Illinois University, Iowa State University, University of Arizona, Stanford University, University of Hawaii, Stine Biotechnology, Applied Pytologics, WyFFels Hybrids, DNA Plant Tech, University of California, University of Wisconsin, Aventis, Prodigene, Garst, Du Pont, Pioneer, Syngenta, Monsanto, DeKalb, Holdens, Dow, NC+ Hybrids, Ciba-Geigy.

Where does bioprospecting and genetic engineering occur?

- In biologically diverse areas where there is great diversity among species and populations
- Indigenous territories

Why indigenous territories and peoples?

- Indigenous peoples have conserved and developed biodiversity over generations
- Indigenous knowledge is sought for their extensive knowledge about traditional uses of plants, animals and genetic resources.

What are the impacts of bioprospecting on indigenous peoples?

- Right to free, prior, and informed consent is violated, i.e., samples and knowledge taken without fully informing and getting permission

- No acknowledgement of the contribution of indigenous peoples, i.e., no proper attribution of source and no sharing of commercial benefits

3. Genetic Engineering (GE) and Genetically Modified Organisms (GMOs)

What are the impacts of genetic engineering?

These include the following: Health Risks, BioPollution, Crop Contamination and Legal issues for farmers such as liability, insurance, contracts, litigation.

- Health Risks:
 - » Creation of new allergens in our food supply
 - » Mutations that increase food toxicity
 - » Eating engineered genes has the potential to harm human health
 - » Transferring antibiotic resistance to humans and animals
- BioPollution, Crop Contamination

Examples of Genetic Engineered Crops Permitted for Field Experiments in Hawai'i:
 Rice, Corn, Wheat, Tobacco, Papaya, Sunflower, Tomato, Coffee, Pineapple, Lettuce,
 Cotton, Barley, Sugarcane, Dendrobium, Peas, Peanuts, Potatoes, Apples

Examples of Genetic Engineering Field Experiments in Hawai'i:

- Corn with human genes by Dow
- Sugarcane with human genes by Hawai'i Agriculture Research Station
- Corn with jellyfish genes by Stanford University
- Tobacco with lettuce genes by the University of Hawai'i
- Rice with human genes by Applied Phytologies
- Corn with hepatitis virus genes by Prodigene
- Red algae with human antibodies by Mera Pharmaceuticals

Other examples that the participants know of may be shared.

4. What is the Cartagena Protocol?⁴

The Cartagena Protocol on Biosafety is the main international legally binding treaty that regulates "the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health."

It attempts to contribute to the protection of biodiversity and human health by operationalizing the precautionary approach in decision making relating to imports of GMOs. It was adopted by governments on 29 January 2000. At the latest, there are 157 Parties that have signed and ratified the Cartagena Protocol.

Although the Protocol focuses on transboundary movements of GMOs, its provisions could influence national and regional biosafety policies and laws by setting the minimum requirements. Parties have the right to formulate more comprehensive national laws with higher standards, as reaffirmed in Article 2(4) of the Protocol.

5. The Significance and Importance of the Biosafety Protocol

The Biosafety Protocol is significant because it recognizes the fact that GMOs are inherently different and carry particular risks and hazards. Thus, they need to be regulated internationally.

National governments have the sovereign right to regulate GMOs and their products in their respective countries. While many aspects of biosafety regulation are best addressed by national biosafety legislation, many aspects relating to the transboundary movement of GMOs are difficult to regulate domestically. Thus, an international law is seen as necessary.

The Cartagena Protocol on Biosafety now establishes an internationally binding framework of minimum standards of biosafety legislation and establishes the foundations of international law on the transboundary movement of GMOs.

This is very important, particularly for developing countries, because developing countries are and will continue to be the main importers of GMOs and products derived from GMOs, which are exported primarily from the North.

Public rejection in the North of GMOs and their products means that increasingly, markets are being sought for GMOs and their products in developing countries. Most developing countries do not yet have national biosafety laws or regulations. Developing countries also face an even greater environmental risk than countries of the North because most of the global centres of crop origin and diversification are located in the South.

GMOs are like alien invasive species in relation to nature varieties. GMOs will contaminate the original organisms once they are returned to their centers of origin, becoming dominant and hard to remove. For example, Mexico is recognized as a world center of corn. When genetically engineered corn was introduced in Mexico as food for animals, the GE varieties started interbreeding with the native corn. As an effect, these native corn varieties can no longer be found.

The Precautionary Principle has been reaffirmed and operationalized in the decision-making procedures in the Protocol. This means that in the absence of scientific certainty, Parties should err on the side of caution and ban or restrict the import of the GMOs on account of its potential adverse effects. The sound reaffirmation of the Precautionary Principle in the Protocol also further establishes this Principle as a principle of international law.

6. Some Key Weaknesses in the Biosafety Protocol

However, the Protocol, though significant, was a heavily negotiated text and is riddled with many deficiencies. Many categories of GMOs have been excluded from the general scope of the Protocol and from the prior informed consent procedures. But the risks from all GMOs are the same, whether they are used in agriculture, medicine or research, and regardless of whether they are classified as commodities or pharmaceuticals.

Products derived from GMOs (e.g., soy proteins, a product of transgenic soya beans) are excluded entirely from the general scope of the Protocol. As such, products derived from GMOs remain unregulated internationally. But naked DNA, which is the genetic material inserted into the recipient organism, subsists in the products derived from GMOs and has been shown to survive passage through the gut and can enter the blood stream.

The Protocol also does not apply to the transboundary movement of genetically engineered pharmaceuticals for humans that are addressed by other “relevant international agreements or organizations.”

The bulk of GMOs are excluded from the advance informed agreement (AIA) procedure. The AIA procedure requires that potential importers of GMOs are first notified and furnished with relevant information. This triggers a process of decision making based on risk assessment and the Precautionary Principle. While GMOs for food, animal feed or processing are clearly within the general scope of the Protocol, they are excluded from the AIA procedure. These form the bulk of traded GMOs—around 90% of the main GMO exporters’ exports (e.g., soya, canola, maize).

Likewise, GMOs that are destined for contained use (the Protocol defines contained use as specific measures that limit the contact and impact of GMOs on the external environment) and GMOs in transit (i.e., that are passing through the territory of a third party) are also excluded from the AIA procedure.

7. The Cartagena Biosafety Protocol and the WTO Agreements⁵

The relationship between the Cartagena Protocol on Biosafety and the WTO agreements has yet to be settled. The Cartagena Protocol on Biosafety was negotiated amid strong threats from major exporting countries that it would violate trade rules at the World Trade Organization (WTO). While the relationship between the Protocol and other international agreements is not definitively addressed in the Protocol, its substantive provisions are consistent with WTO obligations.

Many developing countries are now in the process of developing their national biosafety frameworks. As they do so, the politics and controversies surrounding genetic engineering continue. Numerous developing countries are facing intense pressure to formulate national biosafety frameworks that facilitate biotechnology development and acceptance, without the necessary biosafety considerations in place. Developing countries are also concerned to ensure that their biosafety regulations are trade consistent, so that they would not face the threat of a WTO complaint, as has happened to the EU.

8. What is the Position of indigenous Peoples in Relation to Genetic Resources and Indigenous Knowledge?

Because of the serious and long term impacts of genetic engineering on indigenous peoples and on the environment, indigenous peoples organizations and non government organizations have come out strongly on this issue as seen in the declaration in the next page:

Declaration on Indigenous Peoples' Rights to Genetic Resources and Indigenous Knowledge Convened at the Sixth Session of the United Nations Permanent Forum on Indigenous Issues

May 14-25, 2007, New York, New York

We, the undersigned Indigenous peoples and organizations, having convened during the Sixth Session of the United Nations Permanent Forum on Indigenous Issues, from May 14-25, 2007, upon the traditional territory of the Onondaga Nation present the following declaration regarding our rights to genetic resources and indigenous knowledge:

Reaffirming our spiritual and cultural relationship with all life forms existing in our traditional territories;

Reaffirming our fundamental role and responsibility as the guardians of our territories, lands and natural resources;

Recognizing that we are the guardians of the Indigenous knowledge passed down from our ancestors from generation to generation and we reaffirm our responsibility to protect and perpetuate this knowledge for the benefit of our peoples and our future generations;

Strongly reaffirming our right to self-determination, which is fundamental to our ability to carry out our responsibilities in accordance with our cultural values and our customary laws.

Strongly reaffirming our commitment to the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the Human Rights Council, including, Article 31, which establishes that:

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Recalling the Declaration of Indigenous Organizations of the Western Hemisphere, Phoenix, Arizona (February 1995), which asserted, "Our responsibility as indigenous peoples is to ensure the continuity of the natural order of all life is maintained for generations to come...We have a responsibility to speak for all life forms and to defend the integrity of the natural order...We oppose the patenting of all natural genetic materials. We hold that life cannot be bought, owned, sold, discovered or patented, even in its smallest form."

Recalling the Beijing Declaration of Indigenous Women, issued at the United Nations Fourth World Conference on Women in Beijing, which stated that "We demand that our inalienable rights to our intellectual and cultural heritage be recognized and respected. We will continue to freely use our biodi-

versity for meeting our local needs, while ensuring that the biodiversity base of our local economies will not be eroded. We will revitalize and rejuvenate our biological and cultural heritage and continue to be the guardians and custodians of our knowledge and biodiversity.”

Recalling the Ukupseni Declaration, at Kuna Yala, Panama, 12-13 November 1997, which declared that “We reject the use of existing mechanisms in the legalization of intellectual property and patent systems use of existing mechanisms including intellectual property rights and patents to legalize the appropriation of knowledge and genetic material, whatever their source, and especially that which comes from our communities.”

Recalling the INTERNATIONAL CANCUN DECLARATION OF INDIGENOUS PEOPLES at the 5th WTO Ministerial Conference - Cancun, Quintana Roo, Mexico, (12 September 2003), which stated, “Stop patenting of life forms and other intellectual property rights over biological resources and indigenous knowledge. Ensure that we, Indigenous Peoples, retain our rights to have control over our seeds, medicinal plants and indigenous knowledge.”

Concerned by the accelerated elaboration and negotiation of an international regime on access and benefit sharing under the auspices of the Convention on Biological Diversity and the nation-states who are Parties to the Convention failure, to date, to recognize the rights of indigenous peoples to control access to, and utilization of, the genetic resources that originate in our territories, lands and waters.

Therefore, we urge the United Nations Permanent Forum on Indigenous Issues to

1. Prepare a legal analysis on States, peoples and sovereignty and their relationship, scope and application, to assist the parties to the Convention on Biological Diversity in understanding sovereignty in the context of the Convention and the role of sovereignty in developing an international regime on ABS;
2. Recommend to the Convention on Biological Diversity that, consistent with international human rights law, states have an obligation to recognize and protect the rights of indigenous peoples to control access to the genetic resources that originate in their lands and waters, and associated traditional knowledge. Such recognition must be a key element of the proposed international regime on ABS.
3. Prepare a report on the social, cultural and economic impacts of commercialization of genetic resources and indigenous knowledge on indigenous peoples.
4. Disseminate this Declaration and the above recommended reports to all relevant UN fora.

Indigenous Peoples and Organizations Supporting the Declaration on Indigenous Peoples’ Rights to Genetic Resources and Indigenous Knowledge

1. Andes Chinchasuyo, Ecuador
2. Traditional Circle of Indian Elders and Youth
3. Tonatierra
4. Rapa Nui Parliament and 44 other IPOs.

9. What Actions have Indigenous Peoples taken in Relation to GMOs?

Protecting the Taro (Hawai'i)

Indigenous people's speaking tour, 2005: Maori, Paiute, and Hawaiian activists spoke on 4 islands to Native Hawaiians about the impact of GMOs in their communities.

Haloa ceremony, May 2005: Walter Ritte, Native Hawaiian activist from the island of Molokai and friends held a ceremony for Haloa (to protect the taro), pressuring the Dean of the University of Hawaii Andrew Hashimoto to sign a moratorium (end) on GE research of the Hawaiian taro. The University tried to compromise by forming a "bioethics panel" or Native Hawaiian advisory board, but unfortunately members of this "board" that the University hand selected were biased liaisons of UH with a vested interest in promoting GE taro to the Hawaii people.

Three hundred fifty protesters gather at UH president's office: Walter Ritte acted again with 350 protesters who gathered at the University of Hawaii's President's office to demand that UH stop genetically engineering taro and release their patents on the plant. People around the nation spoke of the power of the chants, the hula dancing, and the songs that were sung in honor of Haloa, and all of the major state television stations and newspapers covered the protest. The attention generated advanced the pressure on the University to respond to the public's outrage.

Letter demanding UH drop patents on taro, February 23, 2006: Native Hawaiian Walter Ritte and taro farmer Chris Kobayashi, with the help of Center For Food Safety, present a letter to the University of Hawaii demanding UH drop their patents on taro.

Native Hawaiians chain doors of University, May 18, 2006 demanding an audience with decision-makers at the University of Hawai'i.

Moratorium on GMO taro moves through Hawai'i State Legislature, 2007: In the legislature's 2007 session, a bill instating a moratorium on GE taro research passed all the way through the Senate, generating a great deal of dialog, media coverage, and new connections between native Hawaiians, taro farmers, and elected officials. Farmers, Native Hawaiians and concerned citizens flew in from all islands to offer hours of collective testimony in support of this bill which clearly affected the captive audience of elected officials. SB958 Passed through the Senate and moved to the House where Representative Clift Tsuji, Chair of the Agricultural Committee refused to hear the bill this session. Native Hawaiians and taro farmers went to the legislature in protest.



Exercise 2

Open Forum and Plenary Discussion (30 minutes)

Questions, comments and ideas on bioprospecting and genetic engineering:

1. Participants may raise questions to the resource person for clarification, or give reactions and comments on the topics.
2. The resource person responds to questions and comments.
3. The participants share their ideas on what indigenous peoples need to do to address the problem of bioprospecting and genetic engineering in their areas.
4. The facilitator summarizes the major points raised and closes the discussion.

Endnotes:

¹ Rodriguez Villalobos, Blanco Lobo, Azofeifa Cascante 2004.

² Harry, Howard, Sheldon 2000. Indigenous Peoples Council on Biocolonialism <http://www.ipcb.org> Jun00.

³ <http://www.ipcb.org/index.htm> - ProblemsWithAgriculturalGenetics.

⁴ Lim 2000.

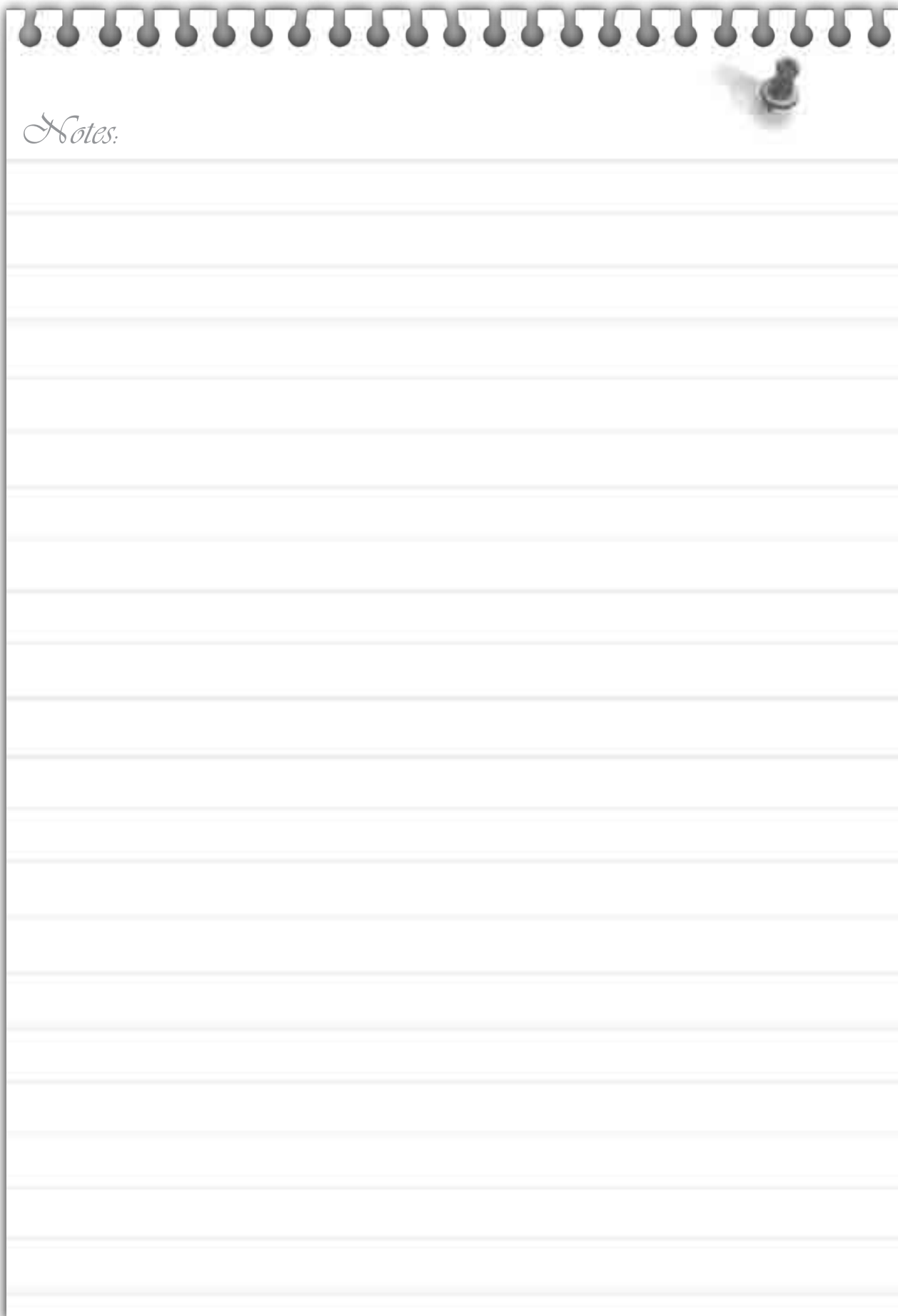
⁵ Third World Network 2004.

References:

Harry Debra, Stephanie Howard, Brett Lee Sheldon. 2000. *Indigenous People, Genes and Genetics What Indigenous People Should Know About Biocolonialism. A Primer and Resource Guide*. Nixon, NV: IPCB.

Lim Li Lin. 2000. *Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety*. Malaysia. TWN.

Rodriguez Villalobos, Guiselle Montserrat Blanco Labo, Francisco Azofeifa Cascante. 2004. *Diversity Makes the Difference: Actions to Guarantee Gender Equity in the Application of the Convention on Biological Diversity*. IUCN.



Module 9

INDIGENOUS PEOPLES, BIODIVERSITY AND CLIMATE CHANGE

OBJECTIVES

1. To understand the interrelationship between climate change, biodiversity and Indigenous peoples' traditional knowledge.
2. To enhance indigenous peoples understanding on current policies and programs on climate change
3. To understand REDD+, forests and biodiversity.
4. To encourage indigenous peoples' effective participation in shaping relevant policies and actions on the adverse consequences of climate change to biodiversity and indigenous peoples.

RESOURCES

- *Guide on Climate Change and Indigenous Peoples*
- "Climate Change, Biodiversity and Indigenous Peoples" - powerpoint
- Film - "Fever/Fiebre"
- *Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD): A Guide for Indigenous Peoples*
- "IIPFCC Policy Paper on Climate Change"
- "The Anchorage Declaration"
- "Report on Indigenous and Local Communities Highly Vulnerable to Climate Change Inter Alia of the Arctic, Small Island States and High Altitudes, With a Focus On Causes and Solutions"



TIME

3

ACTIVITY:



Exercise 1

Film Showing: (30 minutes)

Evoking participants understanding on climate change and indigenous peoples' concerns:

1. Show the film on indigenous peoples and climate change entitled "Fever/Fiebre."
2. Ask the participants to share their reactions to the film and their thoughts on the impacts of climate change on indigenous peoples, biodiversity and climate change.

INPUT AND DISCUSSION: (1 hour)

1. Introduction

Indigenous peoples have contributed the least to climate change, yet are among those who suffer most from its adverse consequences. They have sustainably managed their ecosystems and biodiversity for thousands of years and have contributed minimal carbon emissions that cause global warming and climate change.

Yet, the accelerating climate devastation brought about by unsustainable development is causing profound and disproportionate adverse impacts on indigenous peoples—on their cultures, human and environmental health, human rights, well-being, traditional livelihoods, food systems and food sovereignty, local infrastructure, economic viability, and their very survival as indigenous peoples.

Climate change is a consequence of the prevailing unsustainable development paradigm perpetuated by the world capitalist system and characterized by unsustainable production and consumption, gross luxury and concentration of wealth and power among a few industrialized countries and multinational corporations.

We need to realize that Mother Earth is not just in a period of climate change, but in climate crisis. Past and present generations of indigenous peoples have coped and adapted to climate change for thousands of years. However, the magnitude and nature of present-day climate change seriously challenge their resilience and capacities to adapt. It is therefore necessary to decisively address the climate crisis and end the destruction and desecration of the elements of life.

2. Interrelationship Between Climate Change, Biodiversity And Indigenous Peoples' Traditional Knowledge¹

Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities, developed and shared through experience gained over time and adapted to the local social structure, culture and environment. Such knowledge tends to be collective in nature. This knowledge is normally of a practical nature, and covers areas such as traditional livelihoods, health, medicine, plants, animals, weather conditions, environment and climate conditions, and environmental management

Climate change has a harmful effect on biological diversity and the related knowledge, innovations and practices of indigenous and local communities. Traditional knowledge is an inseparable part of indigenous and local communities' culture, social structures, economy, livelihoods, beliefs, traditions, customs, customary law, health and their relationship to the local environment. It is the totality of all such elements that makes their knowledge, innovations and practices vital in relation to biological diversity and sustainable development.

The Convention on Biological Diversity recognizes the following principles in relation to climate change and biodiversity:

- Climate change is the second cause of biodiversity loss;
- Biodiversity management can contribute to climate change mitigation and adaptation and to combating desertification.

Parties to the CBD are obliged to introduce necessary measures to prevent and mitigate the impacts of climate change to the Earth's biological diversity. Parties are also obliged to respect, preserve and maintain traditional knowledge, innovations and practices of indigenous and local communities, if these are seen to be relevant to conservation and sustainable use of biological diversity, including in the context of climate change. It is also recognized that the traditional knowledge, innovations and practices of indigenous and local communities can be of great value when considering climate change mitigation.

3. What are the Impacts of Climate Change on Biodiversity and Indigenous Peoples?

The IPCC (Intergovernmental Panel on Climate Change) Working Group predicts the following phenomena and future direction of the climate change trend:

- Warmer and fewer cold days and nights over most land areas;
- Warmer and more frequent hot days and nights over most land areas;
- Warm spells/heat waves. Frequency increases over most land areas;
- Heavy precipitation events. Frequency or proportion of total rainfall from heavy falls increases over most areas;
- Area affected by drought increases;
- Intense tropical cyclone activity increases;
- Increased incidence of extreme high sea levels (excludes tsunamis).

These changes result in severe impacts on biodiversity. An estimated 20-30% of plant and animal species assessed so far are likely to be at increased risk of extinction, according to IPCC, if increases in global average temperature exceed 1.5-2.5°C. One million species may face an increased threat of extinction as a result of climate change, according to the Millennium Ecosystem Assessment.²

Though all ecosystems (coral reefs, mangroves, high mountain ecosystems, remnant native grasslands and ecosystems overlying permafrost) are vulnerable to climate change, they respond differently. Some will often be slow to show evidence (e.g., long-lived trees), while others, e.g., coral reefs will show rapid response. Climate change has already begun to affect the functioning, appearance, composition and structure of ecosystems (e.g., decreasing thickness of sea ice in the Arctic, widespread bleaching of corals, wetland salinization and salt water intrusion).³

Changes in timing of natural events affects interactions between organisms, disrupting equilibriums and ecosystems services. Climate shifts force organisms to respond by adapting, or by migrating. This results in the arrival of new, or disappearance of species, because of an inability to adapt sufficiently, or because of fragmentation of habitats. This also affects the functioning of ecosystems in different communities.

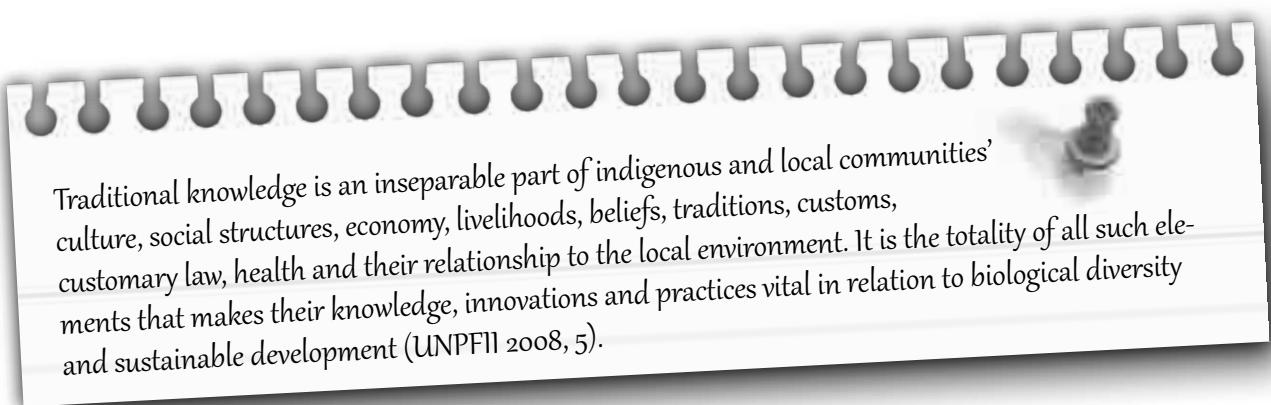
For indigenous peoples, the impacts of climate change include:

- Massive floods, strong hurricanes, cyclones and typhoons and storm surges lead to the destruction of houses, infrastructure (bridges, roads, electrical lines, dams, mine-tailing ponds, etc.), forests, agricultural lands, crops, livestock, marine and coastal resources;
- Massive land slides; loss of freshwater supplies, increase of pathogenic microorganisms and vectors which are carriers, loss of electricity, etc.;
- These lead to human impacts such as physical isolation because of floods and mas-

sive landslides which reduce possibilities for them to market their crops, livestock, marine and coastal resources, etc.; the loss and destruction of ancestral lands, resources and homes, food insecurity and hunger (destruction of crops, destruction of coral reefs and mangroves, and spawning beds of local fish, decrease and loss of livestock, etc.); fresh water insecurity; energy insecurity; increased prevalence and virulence of infectious diseases such as cholera, etc.;

- More frequent and prolonged droughts and floods cause the disappearance of plant and animal species that have sustained indigenous peoples as subsistence food sources or as essential to their ceremonial life;
- Extreme and unprecedented cold spells and prolonged wet environment results to health problems, such as hypothermia, bronchitis and pneumonia, especially among old people and young children;
- A drop in water levels, drought, desertification and saltwater intrusion leads to more hunger and impoverishment. Water and food insecurity is exacerbated;
- Traditional livelihoods ranging from rotational agriculture, hunting and gathering, pastoralism, high montane livestock and agricultural production, coastal and marine fishing, trapping, agro-forestry livelihoods, among others, are undermined because of climate change;
- Adverse impacts on traditional livelihoods and their ecosystem will also mean loss of traditional knowledge, innovations and practices associated with these livelihoods and ecosystems;
- Loss of revenue, economic opportunities and the practice of traditional culture are expected to increase the social and cultural pressures on indigenous peoples. The outmigration of indigenous youth to seek economic opportunities elsewhere because climate change has limited further their opportunities in their own communities, could lead to erosions of indigenous economies and culture;
- Increase in a number of indigenous persons who end up as environmental refugees or who outmigrate because their lands have gone underwater or have eroded due to landslides;
- Capacities of indigenous women to perform their roles as seed-keepers, water bearers, transmitters of culture and language, among others, are undermined;
- The loss or migration of culturally important species will make it more difficult for elders to practice and pass their traditional ecological knowledge to the next generation.

4. Why Should Traditional Knowledge of Indigenous Peoples be Centrally Considered in Issues Related to Biodiversity and Climate Change?



Traditional knowledge is an inseparable part of indigenous and local communities' culture, social structures, economy, livelihoods, beliefs, traditions, customs, customary law, health and their relationship to the local environment. It is the totality of all such elements that makes their knowledge, innovations and practices vital in relation to biological diversity and sustainable development (UNPFII 2008, 5).

Indigenous peoples have proven sustainable environmental practices. Indigenous peoples also consider care and maintenance of biodiversity as their responsibility.⁴ In their traditional worldviews, animals and plants, as well as other components of nature are regarded as relatives or sacred entities “willing to give themselves to people within a reciprocal system that demanded proper care and respect in return.”

Toledo (2000) has asserted that scientists from the fields of conservation biology, linguistic and anthropology of contemporary cultures, ethnobiology and ethnoecology, have evolved towards convergence on a shared principle: the world’s biodiversity will only be effectively preserved by preserving diversity of cultures and vice versa. This common statement has been nourished by four main sets of evidence:

- The most biologically diverse regions in the world also have the most linguistic diversity;
- The most biologically high-value regions in the world are indigenous territories;
- The recognized importance of indigenous peoples as main managers and dwellers of well preserved habitats; and
- Certification of conservation values and behavior among indigenous peoples rooted in pre-modern complex of belief-knowledge practices.

Indigenous and local communities have a unique contribution to make in mitigation initiatives as stewards of biodiversity. Since some mitigation measures such as biofuels have undesirable direct and indirect consequences, such as monoculture expansion and associated decline in biodiversity and their food security, their full and effective participation is crucial in the elaboration of state-developed mitigation measures to ensure that such schemes do not negatively affect vulnerable communities.⁵

5. How are Indigenous Peoples Responding to the Impacts of Climate Change on Biodiversity?

Biodiversity has adapted to previous climate changes during the earth’s history. What makes the situation different now is that ecosystems have a harder time to adapt to the present climate change for two main reasons:

- The climate is changing too fast;
- The large-scale conversion of habitats have greatly reduced the options available for natural adaptation: if a forest is surrounded by bare pasture or urban sprawl, for example, many animals and plants are unable to shift their range to more suitable locations should their current territories become unsuitable due to climate change.



Exercise 2

Sharing of Experiences (30 minutes)

How indigenous peoples are able to respond to the effects of climate change in their own communities:

1. Selected participants are asked to share their experiences of how they have responded to climate change in their own communities.
2. The facilitator summarizes the main points and links it to the next topic.

Traditional knowledge and practices are important to sustaining and managing the environment. Indigenous peoples employ many techniques to fight the double battle of biodiversity loss and adapting to climate change. These include migration, irrigation, water conservation techniques, land reclamation, changing where and at what elevation plants are cultivated, livelihood adaptation, etc.

However, indigenous people need to recognize that enhancing adaptive capacity requires combining local options with other strategies such as disaster preparation, land-use planning, environmental conservation and national plans for sustainable development. Further, long-term adaptation to climate change requires preparedness including investment of capital, labor, and time. In many indigenous regions of the world, there are already constraints on resources and a lack of access to technology for adaptation.⁶

As one among the most vulnerable to climate change, indigenous peoples' meaningful and effective participation must be ensured at all levels of policies and programs on climate change affecting them. All policies and programs affecting indigenous peoples should be based on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as the basic framework and as the minimum international standard on IP Rights.

However, the best way to mitigate climate change is to change the unsustainable production and consumption pattern, which is still the prevalent system dominating this world. The best mitigation measures involve structurally changing the development path towards a sustainable and low-carbon one and changing lifestyles, individually and collectively.

6. How Can Biodiversity be Used as a Solution for Climate Change?

Climate Change Mitigation: the process of reducing greenhouse gas (GHG) emissions.

Climate Change Adaptation: the process whereby ecological, social, or economic systems adjust to actual or expected climatic stimuli and their effects or impacts.

Biodiversity serves both mitigation and adaptation. Protecting biodiversity should be seen as an essential component of adaptation to climate change. Reducing deforestation and degradation can lead to the reduction of GHG emissions. It provides a "safety net" of genetic resources for adaptation. It provides protection (bioshields) against the negative impacts of climate change.

- **Reducing emissions** - Forests account for more than half of the global stock of carbon stored in terrestrial vegetation and soil .
- **Biodiversity safety nets** - Land races of many crops are providing genetic material for the development of drought-resistant crop varieties.
- **Bioshields** - The value of mangroves as coastal protection has been estimated at US\$25-50 per hectare.

7. What is Carbon Trading and Market-Based Mechanisms?

The Kyoto Protocol (KP) adopted during the 3rd Conference of the Parties to the UNFCCC sets targets for industrialized countries to reduce their pollution and gives them flexibility as to how they can reach these targets.

“Innovative mechanisms” were developed in the Protocol to allow Parties more flexibility in meeting their legally-binding targets. These so-called “market-based mechanisms” allow developed Parties to earn and trade emissions credits through projects implemented either in other developed countries or in developing countries, which they can use towards meeting their commitments.” These are the following:

- Emissions Trading;
- Joint Implementation (JI); and
- Clean Development Mechanism (CDM).

Emissions Trading, which includes carbon emissions trading, is very similar to the trading of commodities in a market place. Emissions trading allows countries to exchange emission allowances.

Joint implementation is a mechanism where a developed country can receive “emissions reduction units” when it helps to finance projects that reduce net emissions in another developed country (countries with economies in transition, specifically those from the former East European bloc).

The Clean Development Mechanism (CDM) allows a developed country to implement a project that reduces GHG emissions, or subject to constraints, removes greenhouse gases by carbon sequestration in a developing country. The resulting certified emissions reductions, known as CERs (equal to 1 metric tonne of CO equivalent), can then be used by the developed country to meet its emission reduction targets.

It is crucial for indigenous peoples to understand more fully these market-based mechanisms. Equipped with adequate information, they can evaluate the risks and opportunities, which will allow them to make their own decisions on whether to engage with the emissions market or not.

8. What Can be Done to Conserve Biodiversity while Mitigating Climate Change?

An example of conserving biodiversity in order to mitigate and adapt to climate change, particularly in a forest ecosystem, is REDD Plus—Reducing Emissions from Deforestation and Forest Degradation. This refers to actions that reduce forest loss due to deforestation activities and degradation (which account for 20% of GHG emissions) to be able to reduce emissions of greenhouse gases (GHGs) in developing countries. The “Plus” refers to enhancing carbon stocks, conservation and sustainable management of forests.

REDD Plus was adopted as a mitigation measure during the UNFCCC COP16 in Cancun in December 2010. Even prior to its adoption, however, pilot schemes on REDD Plus were being undertaken in tropical and sub-tropical countries. Funding mechanisms have also been set up by multilateral bodies including international financial institutions, private companies, governments and conservation groups, or are being proposed.

Currently, the major sources of funds available to pilot REDD Plus projects include:

- a. Global and regional funds such as the World Banks' Forest Carbon Partnership Facility (FCPF);
- b. Annex 1 countries who will provide funds directly to countries and through multilateral channels;
- c. Private sector;
- d. Voluntary carbon market.

Indigenous peoples who live in and depend on forests have developed and sustained an intricate relationship with forests and thus they view forests in a more wholistic way. For them, talking of forests in terms of carbon or emissions reduction does not make sense.

A significant part of the remaining tropical and sub-tropical forests are found in indigenous peoples' territories. For indigenous peoples who live and depend on forests, the concept and manner in which REDD+ is being shaped and implemented pose some problems which have to be addressed seriously.

Indigenous peoples fear that they will be excluded once more from their forests as what has happened in the establishment of Forest Protected Areas in the past. If their forests are designated as carbon forests and are used for emissions trading, there is a great possibility that they will be prevented from practicing their own traditional forest management practices and to use their forests for ceremonial purposes, shifting cultivation, as sources of timber and non-timber forest products and medicines, and other agro-forestry activities. Reduction of forests as carbon forests under REDD+ undermines the sustainable forest management systems of indigenous peoples and threatens further the rights of indigenous peoples to have access and control of their forests.

9. What are the Concerns of Indigenous Peoples in Relation to Climate Change?

Indigenous peoples have repeatedly articulated their concerns in various forums and meetings, including official meetings of the UNFCCC. These concerns of indigenous peoples are summarized in the policy paper below that was discussed and finalized at the International Indigenous Peoples Forum on Climate Change (IIPFCC) in Bangkok, Thailand from September 26-27 2009.

Policy Proposals on Climate Change

Mother Earth is no longer in a period of climate change, but in climate crisis...Indigenous Peoples have a vital role in defending and healing Mother Earth. We uphold that the inherent rights of Indigenous Peoples...must be fully respected in all decision-making processes and activities related to climate change.

- Anchorage Declaration 2009
Indigenous Peoples Global Summit on Climate Change

Climate Change calls for historic transformations

1. Climate change, in the light of the current global financial, economic, environmental and food crises, represents an unprecedented challenge and opportunity for humanity to transform global economic, political, social, cultural relations to live in balance with Mother Earth. Reaching climate equilibrium and justice is inseparable from acknowledging the historical responsibilities of developed countries while promoting social equity between and within nations, maintaining ecological integrity, addressing the climate and ecological debt, and pursuing an effective transition away from fossil fuel dependency towards a green economy. It requires honouring international commitments to poverty eradication, sustainable development, biodiversity, and human rights. The full and effective participation of indigenous peoples, local communities and vulnerable groups is key to achieve a just and equitable outcome of the climate negotiations.
2. Climate science, indigenous and traditional knowledge, international solidarity, equity and human rights, widespread social mobilisation and strong political leadership, are all building blocks towards desirable outcomes in Copenhagen and beyond.
3. Climate change governance must transcend state-governments' negotiations, to recognize the rights of indigenous peoples which includes the full and effective participation in all negotiations by indigenous peoples' traditional governments, institutions and organizations. It must also embrace diverse contributions and inter-cultural collaboration, recognizing distinct and valuable contributions from children and youth, women, indigenous peoples and local communities. All voices need to be included in climate governance and decision-making: we are all learners and teachers together in addressing human-induced climate change.

Indigenous Peoples are Rights-holders

4. We hold inalienable collective rights over our lands, territories and resources. Policies and actions that are being negotiated now directly affect our traditional lands, territories, oceans, waters, ice, flora, fauna and forests thereby also affecting the survival and livelihoods of over 370 million indigenous peoples from all regions of the globe. However, our concerns and views have not been seriously addressed in the climate negotiation processes, least of all those from indigenous women

and youth. We reiterate the States' and whole UN system's obligations to uphold regional and international human rights commitments and standards, especially the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The provisions of the UNDRIP articulate rights which must be respected and safeguarded in all climate decision-making and actions. We are therefore holders of collective rights, including sovereign and inherent rights to land and treaty rights, covenants and agreements. Protecting these rights also strengthen the capacity and resilience of indigenous peoples and local communities to respond to climate change.

5. Respect for the human rights of indigenous peoples and local communities, valuing our traditional knowledge and innovations, and supporting our local mitigation and adaptation strategies are critical and invaluable requirements towards adequate holistic solutions to climate change. As such, our local strategies and priorities must be reflected in National Appropriate Mitigation Action (NAMAs) and National Adaptation Programme of Action (NAPAs), in the development and implementation of which we must participate fully and effectively. The distinct roles and responsibilities of indigenous women and youth, will need to be considered; underlining the importance of their inclusion in decision-making and planning processes.
6. Our rights to self-determination and free, prior and informed consent (FPIC) are the minimum standards to safeguard our rights and interests through the different stages of the project lifecycle, including policy framing, planning and design, implementation, restoration, rehabilitation, benefit-sharing and conflict resolution.
7. Our governing bodies have the right to enact such laws and regulations as appropriate and adopt mitigation and adaptation plans within their jurisdictional authority as they deem necessary to protect and advance the social, economic, political and cultural welfare of their communities in matters pertaining to climate change. Each indigenous people's governing body has the prerogative to determine and apply the best available science, including native sciences and conventional sciences, according to their cultural requirements consistent with the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

Indigenous Peoples' Contributions to Ecosystem-based Mitigation and Adaptation

8. We have intrinsic contributions towards addressing the climate crisis, and renewing the relationships between humans and nature. For generations, we have managed ecosystems nurturing its integrity and complexity in sustainable and culturally diverse ways. Our customary resource management systems have proven to be ecologically sustainable, low carbon economies. These include mobile pastoralism in drylands and rangelands, rotational swidden agriculture and ecological agriculture in tropical forest regions, the conservation, management and restoration of other natural ecosystems such as mangroves, savannahs, wetlands, the Arctic environment and small island ecosystems. Traditional knowledge, innovations and adaptation practices embody local adaptive management to the changing environment, and complement scientific research, observations and monitoring.

9. The climate crisis threatens our very survival, particularly forest-dependent, ice-dependent peoples, peoples in voluntary isolation, and the indigenous peoples of small island states and local communities. Addressing such vulnerabilities requires recognition, respect and strengthening of the traditional knowledge of indigenous peoples, and strengthening the resilience of ecosystems and indigenous peoples and local communities' capacities to adapt to climate change. Ecosystem-based adaptation based on holistic indigenous peoples' systems and rights can deliver significant social, cultural, spiritual and economic values to indigenous peoples and local communities as well as to the biodiversity of indigenous lands and territories. This should be considered with the full participation of indigenous peoples in the planning, design, implementation, monitoring and evaluation of these measures. The empowerment of indigenous peoples and local communities is critical to successful adaptation strategies to climate change.
10. Our cosmovision, ways of life and traditional practices have been in existence since time immemorial. Sumak Kawsay, Penker Pujustin and other indigenous visions and values propose a way of life that is respectful, responsible, balanced and harmonious with nature and offers equity and solidarity as the guiding principles of global wellbeing. Indigenous worldviews embody an organized, sustainable and dynamic economic system, as well as political, socio-cultural and environmental rights. This vindicates a social dimension of democracy that goes beyond formal democracy, where economy becomes a subordinate activity to the development of peoples in the name of humanity, solidarity and respect for Mother Earth.

Securing Indigenous Peoples' Territories

11. The global economic transition to sustainable, low carbon development will require revitalization of diverse local economies, including support for indigenous peoples' self-determined development. Economic planning combined with adaptive management to climate change will need to apply an ecosystem-based approach, and must fully respect the rights and interests of indigenous peoples and local communities. Securing our rights to our ancestral lands, forests, waters and resources, provides the basis for sustainable local social, cultural, spiritual and economic development, and some insurance against our vulnerability to the impacts of climate change. This is also beneficial towards improving ecosystem governance, ecosystem resilience and the delivery of ecosystem services.
12. Many forests are within the traditional lands and territories of indigenous peoples and indigenous peoples around the world live in and depend upon forests for their survival and to enjoy their fundamental rights to forests and land tenure. They are of cultural, social, economic and spiritual significance for us and provide benefits for humankind. Accordingly, the rights of indigenous peoples, including our land and resource rights, must be recognized and respected at all levels (local, national and international) before we can consider REDD initiatives and projects. The recognition of our rights must be in accordance with international human rights 

law and standards including the UNDRIP and ILO Convention 169, among other human rights instruments. If there is no full recognition and full protection for indigenous peoples' rights, including the rights to resources, lands and territories, and there is no recognition and respect of our rights of free, prior and informed consent of the affected indigenous peoples, we will oppose REDD and REDD+ and carbon offsetting projects, including CDM projects. All decision-making processes on REDD and REDD+, Clean Development Mechanism, Land Use and Land Use Change and Forests (LULUCF), Agriculture, Forestry and Other Land Use (AFOLU) as well as other ecosystem-based mitigation and adaptation measures and projects must be conditional to the free, prior and informed consent of indigenous peoples.

13. Our laws, regulations, and plans shall be recognized as authoritative and determinative as to the risks, values and benefits associated with measures to adapt to, or mitigate for, climate change effects within the territorial jurisdiction of tribal governing bodies.

The IIPFCC affirms our global unity and solidarity to realize the enjoyment of our collective rights and the recognition of our vision, indigenous knowledge and our contributions in solving the climate change crisis.



Exercise 3

Open Forum (30 minutes)

Questions, comments and ideas on what indigenous peoples need and can do in relation to biodiversity and climate change:

1. Participants raise questions to the resource person for clarification, or give reactions and comments on the topic. The resource person responds to questions and comments.
2. Participants also share experiences or ideas on what indigenous peoples need and can do to ensure their effective participation in shaping relevant policies and actions on the adverse consequences of climate change to biodiversity and indigenous peoples.
3. The facilitator summarizes the main points and closes the discussion.

Endnotes:

¹ John Henriksen Report to WG on Article 8(j).

² CBD 2008.

³ CBD Secretariat 2008.

⁴ Turner 2007.

⁵ UNPFII 2008, 7.

⁶ UNPFII 2008.

 OBJECTIVES

1. To understand the historical evolution of the scientific approach to conservation, national parks and protected areas (Pas)
2. To understand the different categories and governance systems of protected areas (PAs)
3. To highlight how protected areas have impacted on indigenous peoples' rights and lives.
4. To highlight indigenous peoples' concepts of sustainable use and conservation of biological diversity.
5. To explain how the CBD deals with protected areas and what is its program of work for conservation and expansion of protected areas.
6. To update the participants on recent initiatives on conservation and human rights.

 RESOURCES

- "Securing Indigenous Peoples' Rights in Conservation in Suriname: A Review"
- "Securing Indigenous Peoples' Rights in Conservation: Reviewing and promoting progress in Cameroon"
- "Securing Indigenous Peoples' Rights in Conservation: Review of policy and implementation in the Dzanga-Sangha Protected Area Complex"
- "Conservation and Indigenous Peoples: Assessing the Progress since Durban"
- *IUCN Resolutions and Recommendations on Indigenous Peoples - A Comparative Table*
- "Conservation and Human Rights"
- *Salvaging Nature-Indigenous peoples, protected areas and biodiversity conservation*
- *Guidelines for Applying Protected Area Management Categories*



TIME

3 1/2

HOURS

INPUT AND DISCUSSION (2 hours)

1. Introduction

IUCN's definition of a protected area¹

A protected area is a clearly-defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.

Protected areas are locations which receive protection because of their environmental, cultural or similar value. Countries often have extensive systems of protected areas developed over many years. These systems vary considerably from country to country, depending on national needs and priorities, and on differences in legislative, institutional and financial support. Protected areas transcend different environments from the highest mountains to the deepest sea, across forests, deserts, lakes and even national boundaries (territories).

What are the IUCN protected areas management/categories and governance types?²

There are more than 100,000 protected areas (PAs) in the world. They have different designations, and are managed with different objectives. In order to facilitate their organization and the use of a common standard at the international level, IUCN designed a global categorization system. The system adopted by the members of the IUCN in 1994 recognizes six categories assigned according to the management objectives of the Protected Areas. These are:

- I. Strict nature reserve/wilderness protection area: *protected area managed mainly for science or wilderness protection.*
- II. National Park: *protected area managed mainly for ecosystem protection and recreation.*
- III. Natural Monument: *protected area managed mainly for the conservation of specific natural features.*
- IV. Habitat/Species Management Area: *protected area managed mainly for conservation through management intervention.*
- V. Protected landscape / seascape: *protected area managed mainly for the landscape/seascape conservation or recreation.*
- VI. Managed Resource Protected Area: *protected area managed mainly for the sustainable use of natural ecosystems.*

IUCN recognizes four broad types of governance of protected areas, any of which can be associated with any management objective:

- a. ***Governance by government*** - A government body (such as a Ministry or Park Agency reporting directly to the government) holds the authority, responsibility and accountability for managing the protected area, determines its conservation objectives, develops and enforces its management plan and often also owns the protected area's land, water and related resources.
- b. ***Shared governance*** - Complex institutional mechanisms and processes are employed to share management authority and responsibility among a plurality of (formally and informally) entitled governmental and non-governmental actors.

- c. *Private governance* - Private governance comprises protected areas under individual, cooperative, NGO or corporate control and/or ownership, and managed under not-for-profit or for-profit schemes.
- d. *Governance by indigenous peoples and local communities* - This type includes two main subsets: (1) indigenous peoples' areas and territories established and run by indigenous peoples and (2) community conserved areas established and run by local communities.

2. Indigenous Peoples' Territories and Protected Areas

Especially in regions such as Latin America, North America, Oceania, Africa, Asia and the Arctic, many formally-designated protected areas are, at the same time, the ancestral lands and waters of indigenous peoples, cultures and communities.

IUCN has long adopted and promoted protected area policies that respect the rights and interests of indigenous peoples, and has developed tools and approaches to facilitate their recognition and implementation. Consistent with its policies, IUCN applies the following principles of good governance as they relate to protected areas overlapping with indigenous peoples' traditional lands, waters and resources:

- Protected areas established on indigenous lands, territories and resources should respect the rights of traditional owners, custodians, or users to such lands, territories and resources;
- Protected area management should also respect indigenous peoples' institutions and customary laws;
- Therefore protected areas should recognize indigenous owners or custodians as holders of the statutory powers in their areas, and therefore respect and strengthen indigenous peoples' exercising of authority and control of such areas.

In recent years there have been many important developments in relation to protected areas overlapping with indigenous peoples' lands, waters and resources. First, IUCN at its World Conservation Congresses has adopted specific policies on protected areas and indigenous peoples' rights. Secondly, at the national level many countries have adopted and applied new legal and policy frameworks relevant to indigenous peoples' rights, with important implications for protected areas. At the international level, several instruments such as the CBD Programme of Work on Protected Areas, as well as the UN Declaration on the Rights of Indigenous Peoples, have been adopted and have changed significantly the political landscape regarding indigenous peoples and protected areas.

3. History and Evolution of Protected Areas³

Human societies have long set aside special areas of the natural environment to meet ecological and cultural needs. Such areas have ranged from the communal resource areas and the sacred trees and groves of traditional societies to more formal reserves for hunting or other recreational interests of the nobility and other social elites. However, the modern era of protected-area management can be considered to originate with the establishment of the world's first national park at Yellowstone. Established on a Crow, Blackfeet, and Shoshone-Bannock territory in the United States in 1872, Yellowstone was selected because of its outstanding natural features. Today there has been a large expansion of protected areas that now cover more than 10 percent of the Earth's terrestrial surface.

Despite their well-documented roles as responsible environmental stewards on all continents, indigenous peoples have frequently been marginalized in past efforts to conserve biodiversity. Conflicts have long simmered between conservationists and Indigenous Peoples. From the 19th century on, game reserves, national parks, and other protected areas were frequently carved out of indigenous peoples' territories. Such expulsions continue today, particularly in Africa and parts of Asia, where the legal rights of traditional peoples are more tenuous.⁴

We can illustrate this issue with a well-known example. Yellowstone was conceived as a wilderness area, a place without people, and in 1871 the Shoshone-Bannock inhabitants were relocated to the Wind River reservation. The historical evidence about their willingness to move is mixed, but it is known that in 1877 a series of pitched battles occurred between tribal groups and the civilian superintendents. These resulted in the death of more than 300 people, and the administration of the park was subsequently turned over to the US Army in 1886.

The adoption of the "Yellowstone" model of protected areas has historically resulted in the forced relocation of indigenous peoples in a number of other areas, including the expulsion of the Ik to create the Kidepo National Park in Uganda and the Mongondwo people to create Domonga-Bone National park in Sulawesi. The policy of attempting to create protected areas without people has often had undesirable consequences for both the affected people and the areas that governments and conservation agencies were attempting to protect. In many of these areas, there is now a legacy of distrust between affected or potentially affected people and the governments and conservation agencies.

It has been estimated that as much as 85% of the world's protected areas are inhabited by indigenous peoples.⁵ This issue is not to be taken lightly, given these statistics. These complexities were recognized by the 2003 IUCN World Parks Congress. Recommendation 24 of the Congress noted that many protected areas overlap with the lands, territories, and resources of indigenous and traditional peoples. The recommendation further noted that in many cases the establishment of protected areas has affected the rights, interests, and livelihoods of indigenous peoples and that this has subsequently resulted in persistent conflicts.

Additionally, the recommendation noted that effective and sustainable conservation can be better achieved if the objectives of protected areas do not violate the rights of indigenous peoples living in and around them. It continued that it is widely acknowledged that successful and enduring implementation of conservation programs can only be guaranteed when there is consent for and approval by indigenous peoples, among others, because their cultures, knowledge, and territories contribute to the building of comprehensive protected areas. Recommendation 24 also noted that there is often a commonality of objectives between protected areas and the need of indigenous peoples to protect their lands, territories, and resources from external threats.

The World Parks Congress Resolution 1.53, which was built upon a previous resolution adopted by members of the IUCN at the first World Conservation Congress in Montreal in 1996, promoted policy based on the principles of:

1. Recognition of the rights of indigenous peoples with regard to their lands or territories and resources that fall within protected areas;
2. Recognition of the necessity of reaching agreements with indigenous peoples prior to the establishment of protected areas in their lands or territories;
3. Recognition of the rights of indigenous peoples concerned to participate effectively in the management of the protected areas established on their lands or territories, and to be consulted on the adoption of any decision that affects their rights and interest over those lands or territories.



Exercise 1

Compare and Contrast (30 minutes)

Understanding differing approaches to forest conservation:

1. Ask the participants to cite a few of their traditional practices in protecting and conserving their forests.
2. In contrast, others share some experiences with protected areas established by the government or private companies in different countries or communities.
3. The facilitator then asks the following question, which the participants collectively answer: "What is the difference in approaches to forest conservation between indigenous peoples and government-established protected areas?"
4. The facilitator summarizes main points of difference between traditional forest conservation by indigenous peoples and protected areas established by the State, with the following synthesis.

In the way that indigenous peoples relate to their environment and lands, it is clear that conservation is already integral in their worldviews and daily lives. This is because their worldviews have a close relationship to land and conservation is very much a part of their values. For indigenous peoples, the way you use the whole earth is to protect it.

In the western approach to protected areas, the main paradigm is to extract and use nature for commercial purposes, which has led to rampant exploitation and degradation of forests. Because of this, environmentalists thought that there is a need for protection of forests. However, their idea of conservation is exclusion of human use from forests through the declaration of protected areas.

4. CBD Program of Work on Protected Areas

According to the CBD website:

Protected areas are the cornerstones of biodiversity conservation. They constitute an important stock of natural, cultural and social capital, yielding flows of economically valuable goods and services that benefit society, secure livelihoods, and contribute to the achievement of Millennium Development Goals. Moreover, protected areas are key to buffering unpredictable impacts of impending climate change. The CBD Programme of Work on Protected Areas provides a globally-accepted framework for creating comprehensive, effectively managed and sustainably funded national and regional protected area systems around the globe.

5. Protected Area Provisions in the CBD

The Convention on Biological Diversity is the most important international legal instrument addressing protected areas. The term "protected area" is defined in Article 2 of the Convention as "a geographically defined area, which is designated or regulated and managed to achieve

specific conservation objectives.” Article 8 of the Convention contains specific references to protected areas by encouraging Parties to:

- Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
- Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
- Cooperate in providing financial and other support for in-situ conservation, particularly to developing countries.

CBD has developed a program of work on protected areas, part of which is the issue of governance by indigenous peoples. The CBD recognizes that indigenous peoples have to be part of the governance of protected areas, and that free, prior and informed consent (FPIC) should be obtained from affected indigenous peoples if there are new protected areas established.

In Decision VII.28 (on Protected Areas) of COP7 of the CBD:

23. Recalls the obligations of the Parties towards indigenous and local communities in accordance with article 8(j) and related provisions and notes that the establishment, management and planning of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations.

The CBD Programme of Work on Protected Areas is composed of four elements:

1. Direct actions for planning, selecting, establishing, strengthening, and managing, protected area systems and sites;
2. Governance, Participation, Equity and Benefit Sharing
- recognized a range of governance types, e.g., 6 categories of PAs, world heritage sites;
3. To provide an enabling policy, institutional and socio-economic environment for protected areas;
4. Standards, assessments, and monitoring.

Under element 2, Goal 2.2 and its related Target, focus on indigenous peoples as follows:

Goal 2.2: To enhance and secure involvement of indigenous and local communities and relevant stakeholders.

Target: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment of new, protected areas.

6. Protected Areas and other CBD Programmes of Work

Protected areas form a central element of the work in the thematic areas and cross-cutting issues addressed by the Conference of the Parties to the Convention. Each of the Programmes of Work below include provisions for protected areas:

1. **Programme of Work on Marine and Coastal Biodiversity:** The COP agreed in 2004 (Decision VII/5) that marine and coastal protected areas are an essential tool for the conservation and sustainable use of marine and coastal biodiversity. The COP also agreed that a national framework of marine and coastal protected areas should include a range of levels of protection, encompassing both areas that allow sustainable uses and those that prohibit extractive uses (i.e., “no-take” areas);
2. **Programme of Work on Inland Water Ecosystems:** The COP agreed in 2004 (Decision VII/4) to call for the establishment and maintenance of comprehensive, adequate and representative systems of protected inland water ecosystems within the framework of integrated catchment/watershed/river basin management;
3. **Programme of Work on Dry and Sub-humid Lands:** In Decision V/23, the use and establishment of additional protected areas and the strengthening of measures in existing protected areas are identified as some of the necessary target actions;
4. **Programme of Work on Forest Biodiversity:** This Programme of Work, which was adopted in Decision VI/22, contains a number of activities related to protected areas, including the call for improving the effectiveness of forest protected areas, and the establishment of new forest protected areas to control deforestation and to avoid greenhouse gas emissions;
5. **Programme of Work on Mountain Biodiversity:** This Programme of Work contains provisions on how to plan, establish and manage protected areas in mountain ecosystems, including: buffer zones around protected areas (Decision VII/27); the establishment of effective national, regional and international networks of mountain protected areas, and the promotion of integrated transboundary cooperation.
6. **Programme of Work on Traditional Knowledge:** Article 8(j) of this Programme of Work includes a component on protected areas relating to the management of protected areas by indigenous and local communities (Decision VI/10). Specific emphasis is put on the respect of their rights when establishing new protected areas (Decision VII/16);
7. **Programme of Work on Tourism and Biodiversity:** Decision VII/14 of the COP includes guidelines on how to incorporate sustainable use and equity strategies within and around protected areas;
8. **Global Taxonomy Initiative:** The value of taxonomic data in assisting protected area site selection is recognized in the Programme of Work for the Global Taxonomy Initiative, contained in Decision VI/8;
9. **Global Strategy for Plant Conservation:** In this strategy, the COP adopted targets 4 and 5 which specify that by 2010: a) at least 10% of each of the world’s ecological regions should be effectively conserved, implying increasing the representation of different ecological regions in protected areas, and increasing the effectiveness of protected areas; and b) protection of 50% of the most important areas for plant diversity should be assured.

7. Time Line of the Implementation of the CBD PoW on PA⁶

Date and Place	Activity	Results
Montecatini, June 2005	1 st Meeting of Working Group on Protected Areas (WGPA)	-Toolkit for implementation -Review process: regional meetings during 2007 and review at COP9 -Financial resources for implementation of Program of Work on Protected Areas (PoWPA)
Rome, February 2008	2 nd Meeting of WGPA	Review of implementation of PoW Mobilizing financial resources for the PoW
Bonn, 2008	COP9	(Decision IX.18): Review of implementation of PoWPA Mobilising financial resources for the PoW
Bonn, 2009-2010	CBD Regional meetings on PAs to feed into SBSTTA 14	
Nagoya, October 2010	In-depth review of implementation of the PoWPA at COP10	

An important decision reached during COP9 (Decision IX.18) was to review the implementation of PoWPA:

*The COP recognizes the need to promote full and effective participation of indigenous and local communities in the implementation of the PoW at all levels, also noting the **United Nations Declaration on the Rights of Indigenous Peoples**, and invites parties to:*

*(4c) Give special attention to the **implementation of programme element 2** of the programme of work on protected areas;*

*(5b) Establish **multi-stakeholder coordination committees** consisting of representatives from relevant government agencies and departments, indigenous and local communities...in support of the implementation of the programme of work...*

*(6b) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and **indigenous and local community conserved areas within the national protected area system through acknowledgement in national legislation or other effective means;***

*(6d) **Establish effective processes** for the full and effective participation of indigenous and local communities, **in full respect of their rights** and recognition of their responsibilities, in the governance of protected areas, **consistent with national law and applicable international obligations;***

(6e) Further develop and implement measures for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas and make protected areas an important component of local and global sustainable development consistent with national legislations and applicable international obligations;

19. Encourages Parties to ensure that **conservation and development activities in the context of protected areas contribute to the eradication of poverty and sustainable development** and ensure that benefits arising from the establishment and management of protected areas are fairly and equitably shared in accordance with national legislations and circumstances, and do so with the full and effective participation of indigenous and local communities and where applicable taking into account **indigenous and local communities' own management systems and customary use**;

COP9 also called for the mobilization of financial resources for the PoW, as follows:

(2) Recognizes that innovative mechanisms, including market-based approaches can complement but not replace public funding and development assistance;

(3d) Promote the valuation of ecosystem goods and services provided by protected areas, especially the socio-economic costs and benefits to indigenous and local communities and other relevant stakeholders, to achieve a better integration of conservation and development processes and to facilitate the contribution of protected areas to the eradication of poverty and the achievement of the Millennium Development Goals, to mobilize increased funding for protected areas;

(3h) Explore funding opportunities for protected area design, establishment and effective management in the context of efforts to address climate change recalling that effective actions to reduce deforestation could constitute a unique opportunity for biodiversity protection, as noted by the Conference of Parties in decision VIII/30;

(6h) Supporting the preservation and maintenance of traditional knowledge for the conservation and sustainable use of biodiversity in the management of protected areas.

How are Protected Areas being Implemented and What are Their Impacts on Indigenous Peoples?⁷

FPP did a study on how PAs are being implemented in a number of countries. From these case studies, it is clear that reconciling the needs and rights of human beings with the possibilities and limits of their natural environments is a challenge facing humankind in general and conservation in particular.



Exercise 2

Case Study Review (30 minutes)

1. The participants are divided into smaller groups to read and discuss some of the case studies mentioned below.
2. Each group identifies the weaknesses in the implementation of Protected Areas and the impacts on indigenous peoples of each of the case studies, then reports the results of their discussion to the whole group.
3. The Facilitator then summarizes the main points.

Case Study: Uganda

The study focuses on the situation of the Batwa people of South West Uganda who were expelled from their ancestral lands by the establishment of the Bwindi and Mgahinga Protected Areas and the Echuya Forest Reserve. Concerns have been raised about the situation of these people since the early 1990s. While efforts were made following these complaints to provide tiny plots of land to a small number of the evicted Batwa, these compensation programmes soon ceased.

Likewise efforts to involve the Batwa in management have not been followed through. Benefit sharing programmes for local communities are not reaching the Batwa effectively and systems for permitting communities to make strictly limited use of forests resources in Multiple Use Zones have benefited the Batwa less than their dominant neighbours. The Batwa remain a marginalized and immiserated group, with over 45% of the Batwa of SW Uganda still entirely landless and the others eking out a living on tiny pieces of farmland.

The case study, carried out by the United Organisation for Batwa Development in Uganda with the help of Forest Peoples Programme asks: what is the point of conservation organisations and governments making commitments to protect community rights if they do nothing to implement them? The study concludes that while certain frameworks exist and there is growing recognition of community rights in relation to protected areas, genuine participation of the Batwa, based on positions of equality, remains illusory in Uganda. Government authorities continue to act in a paternalistic manner toward communities and merely pass on a few responsibilities to communities rather than empowering Batwa communities to be active partners in decision making and implementation.

The Batwa continue to suffer multiple forms of marginalization in protected area management. Not only were they arbitrarily evicted from their homeland, thereby suffering the greatest injustices, they also now get the least amount of attention from government in the ongoing efforts to make protected area management more socially responsible. From this review it is clear that despite the call for a new conservation paradigm, and a new set of standards that reflect such a call, in practice, protected area managers in SW Uganda still perceive indigenous peoples as external to conservation and, as a result, the translation of the Durban Action Plan and CBD's Programme of Work on Protected Areas on the ground is far from satisfactory.

Immediate and concerted efforts are required on the part of the Government of Uganda, Uganda Wildlife Authority, and civil society to address these injustices and to put into effect the Durban Action Plan and the CBD Programme of Work on Protected Areas.

Case Study: Cameroon

The review assesses the progress being made in relation to the indigenous peoples living in Cameroon's southern forests, especially those Baka, Bakola and Bagyeli living in and around Lobeke, Boumba Bek, Nki and Campo Ma'an National Parks, as well as the Dja Wildlife Reserve that has been declared a World Heritage Site.

This case study, carried out by the "Pygmy" organization Okani with the help of Forest Peoples Programme, builds upon work since 2000 by FPP and local partners to document in Central Africa the degree to which the "new conservation paradigm" recognizing community rights is being applied on the ground, and to promote this in conservation projects affecting local and indigenous communities. The research for this Cameroon case study is based upon: outcomes of various processes addressing community rights issues in and around the protected

areas mentioned above; regional meetings between donors, practitioners, NGOs and community representatives to explore how to address gaps between international promises and on-the-ground progress; and new interviews with staff of the IUCN, Cameroonian government ministries, protected area directors and parks staff, and NGOs working with forest communities all over Cameroon.

This review highlights some of the positive initiatives that have taken place since 2004 to encourage application of the new standards protecting human rights, including the case of Campo Ma'an noted above. However, almost all of this work has been done by civil society organizations, rather than by conservation NGOs or the Cameroonian government.

The report concludes that, unfortunately, little progress has been made in Cameroon to secure forest communities' rights. Conservation organizations and donors, and the government, have done little in Cameroon to implement their international commitments to protect community rights in their conservation projects. Most of the new standards to which they have agreed remain unknown at the local level. Yet it is government people at the local level who most need to be informed about these new standards, and be given support to implement them. However, in addition to being impeded by a persistent lack of information and support, they are also constrained by outdated laws which contradict the government's international commitments.

The report identifies the tendency by government and conservation agencies and donors to organize workshops and conferences without any follow-up, and to arrange trainings without any field action. Those initiatives by conservation organizations claiming to target communities are having little impact, and most remain unknown to communities, who are supposed to be the main beneficiaries.

Case Study: Malaysia

The study in Malaysia was carried out by the indigenous peoples' organization, the PACOS Trust, of the Malaysian State of Sabah in North Borneo. The study reviews national policies and laws related to protected areas and indigenous peoples, summarizes the situation nationally and then explores in more detail the situation in Sabah with particular reference to the Crocker Range National Park.

Whereas in Peninsula Malaysia the indigenous peoples, referred to as Orang Asli, are now a small minority and have few rights to their lands under statutory law, in Sarawak and Sabah the Dayaks, KadazanDusuns and Muruts are numerous, even numerically dominant, and their rights are partially recognized under modified colonial land codes introduced by the British in the 1960s, which in part acknowledge "native customary rights." The gazettement of Protected Areas, however, is considered by the administration to extinguish such rights.

In practice, both in the Peninsula and in the two Borneo States of Sarawak and Sabah, the indigenous peoples continue to use and occupy their customary areas, even where these have been designated as Protected Areas. In Borneo, efforts to resettle the communities have been largely ineffective and resisted. In Sabah, the administration has thus sought to accommodate local people by a variety of informal or semi-authorized methods such as requiring communities to request Occupation Permits in Forest Reserves, conferring with communities when protected areas have been expanded, recruiting local people as "Honorary Park Rangers" and establishing Community Use Zones, as for example in the Crocker Range National Park. While not amounting to proper recognition of indigenous rights, these measures are accepted as steps in the right direction and evidence that the administration is not inflexible with respect to local communities.

The Bornean States have plural legal regimes which accept that custom is a source of law and rights which are administered by native courts. Outside of Protected Areas, in Sabah, this has permitted, to some extent, the recognition of customary systems of land use and conservation, notably of the *Tagal* systems for river and fishery management. The *Tagal* system of controlling community fisheries and limiting the use of natural fish poisons, has been officially acknowledged under the Inland Fisheries and Aquaculture Act of 2003. Another encouraging sign in Sabah is that indigenous peoples are being involved in the drafting of laws recognizing indigenous peoples' rights to their traditional knowledge and to benefits from its use.

Case Study: Philippines

The situation in the Philippines differs from the other countries reviewed in that the Constitution clearly protects the rights of indigenous peoples, there are laws in effect which clarify how rights to land should be recognized and the principle of Free, Prior and Informed Consent is likewise enshrined in national law. The study, carried out by Tebtebba, the Indigenous Peoples' International Centre for Policy Research and Education, reviews the national framework and implementation measures with respect to indigenous rights and then looks in detail at the situation of the Ayta people affected by the Bataan National Park.

Under the law, the National Biodiversity Strategy and Action Plan recognizes the value of indigenous peoples' knowledge of biological resources. The National Integrated Protected Areas Act (IPRA) likewise requires participation in the establishment of protected area, requires due recognition of indigenous cultural communities, protection of their tenures and that tribal communities be represented in Protected Area Management Boards. The Indigenous Peoples Rights Act provides a clear mechanism for the recognition of indigenous peoples rights to ancestral lands and domains and to control what happens on them. A Joint Circular sets out mechanisms for harmonizing indigenous land rights with PA management, giving primary responsibility for such areas to the indigenous peoples as the landowners.

Implementation of these measures is varied. Less than half of all claimed indigenous lands have yet been titled. Even where overlaps between indigenous peoples' lands and protected areas have been acknowledged, transfer of management has often not been carried out. Out of 96 protected areas where there is such overlap, in only 18 have the required Ancestral Domain Sustainable Development and Protection Plans yet been developed. In only 6 areas are indigenous peoples represented on the Protected Area Management Boards and even in these indigenous peoples are reported to have difficulties attending board meetings. A study carried out for the GEF finds that capacity building of indigenous peoples has been deficient.

The Ayta, a Negrito people of western Luzon, trace their occupation of the Bataan area back to long before the Spanish colonized the Philippines in the 16th century. They retain close ties to their ancestral domains. Although the area was first designated as a protected area in 1934, it was not until 1987 that a tiny area within the protected area of 41 ha. was allotted to the widely-dispersed Ayta as a Reservation. In 2004, the Ayta filed a claim under the IPRA for recognition of their ancestral domain extending over some 10,000 ha., being half of the extent of the Bataan National Park. There has been no progress with this claim since. However the Protected Area Management Board has allotted 2 places for Ayta on the Management Board but no training or outreach has been undertaken to allow them to effectively engage with the Protected Area authorities.

9. Demands of Indigenous Peoples in Relation to Conservation Policies and Laws and the Implementation of Protected Areas

Indigenous peoples have long demanded that conservation, protection of species and ecosystems, measures to address climate change and promote sustainable development should be achieved in a manner that is fully consistent with the human rights of indigenous peoples. There is a need to ensure that laws and regulations restricting humans' use of nature do not fall unfairly on those whose voice has historically been marginalised and ignored.

Human rights are interdependent; the violation of one right is likely to lead to the violation of many other rights. Thus, if a conservation project is implemented in a way that disregards indigenous peoples rights to their lands and resources, this is likely to violate other rights.

Some of the key rights and demands of indigenous peoples in relation to conservation are:

- Right to Self-Determination;
- Right to Lands, Territories, Resources;
- Right to Participation, Consultation and Free, Prior and Informed Consent;
- Right to Culture and Traditional Practices;
- Right to be free of Involuntary Resettlement;
- Right to Traditional Knowledge;
- Right to Health and Right to Healthy Environment;
- Right to Restitution and Compensation.

10. Updates and Initiatives in Relation to Conservation and Human Rights

1. Indigenous and Community Conserved Areas⁸

Indigenous peoples and local communities, both sedentary and mobile, have for millennia played a critical role in conserving a variety of natural environments and species. They have done this for a variety of purposes, economic as well as cultural, spiritual and aesthetic. There are today many thousand Indigenous and Community Conserved Areas (ICCAs) across the world, including forests, wetlands, and landscapes, village lakes, water catchment, rivers and coastal stretches and marine areas. The history of conservation and sustainable use in many of these areas is much older than for government-managed protected areas, yet they are often neglected or not recognized in official conservation systems. Many of them face enormous threats.

Fortunately, there is also a growing recognition of ICCAs and acknowledgement of their role in the conservation of biodiversity. The 5th World Parks Congress and the Programme of Work on Protected Areas of the CBD accepted them as legitimate conservation sites that deserve support and, as appropriate, inclusion in national and international systems. Some governments have followed suit. Others had already included them within their official Protected Area Systems.

2. Conservation Initiative on Human Rights (CIHR)⁹

The Conservation Initiative on Human Rights (CIHR) is a consortium of international conservation NGOs that seek to improve the practice of conservation by promoting integration of hu-

man rights in conservation policy and practice. CIHR members have come together because of a common interest in promoting positive links between conservation and rights of people to secure their livelihoods, enjoy healthy and productive environments and live with dignity.

CIHR membership is comprised of the international conservation organizations that participate in the Conservation CEOs Forum. These organizations include Birdlife International, Conservation International, Fauna & Flora International, IUCN, The Nature Conservancy, Wetlands International, Wildlife Conservation Society, and WWF.

The goal of CIHR is to improve the practice of conservation by ensuring that participating organizations integrate human rights into their work. Under the initiative, each of the participating organizations commits to uphold a set of human rights principles, enhance its capacities to ensure their implementation, and put in place appropriate accountability measures. Each organization will also participate in and support shared learning activities, and report on their implementation actions.



Exercise 3

Sharing and Discussion (30 minutes)

Next steps in Protecting Indigenous Peoples Rights in Protected Areas:

1. Participants share their ideas on how they can protect their rights in the establishment of protected areas in their communities and what activities they would like to do when they get back home to advocate for the respect of their rights in protected areas.
2. The facilitator closes the discussion by summarizing the main points discussed.

Endnotes:

¹ IUCN website <www.iucn.org>.

² IUCN Guidelines for Applying Protected Area Management Categories Edited by Nigel Dudley.

³ Claudia Sobrevila, 2008.

⁴ Brechin et al. 2003; Neumann 1998; Colchester 1997.

⁵ IUCN/WCPA 2000, 2004.

⁶ Maurizio ppt.

⁷ Forest Peoples Programme.

⁸ ICCA Website <www.iccaforum.org>.

⁹ Ibid.

References:

Dudley, Nigel, ed. 2008. *Guidelines for Applying Protected Area Management Categories*. Gland: IUCN.

Sobrevila, Claudia. 2008. *The Role of Indigenous Peoples in Biodiversity Conservation. The Natural but Often Forgotten Partners*. World Bank.

 OBJECTIVES

1. To learn how to access information on CBD implementation through the Clearing House Mechanism.
2. To be aware of the international obligations of governments in relation to the CBD as contained in their National Biodiversity Strategy and Action Plans (NBSAP) and country reports.
3. To assess the implementation by the government of its CBD obligations compared with actual experiences on the ground.
4. To stimulate discussions about practical initiatives and projects that participants can carry out to implement the CBD at the national and local level.

 RESOURCES

- “Review of Implementation of the CBD” - powerpoint
- NBSAPs
- Philippine Strategy and Action Plans
- Republic of the Philippines. “Assessing Progress towards the 2010 Biodiversity Target: The 4th National Report to the CBD, 2009”
- *Protecting and Encouraging Traditional Sustainable Use in Cameroon: Customary Use of Biological Resources by Local and Indigenous Peoples in Western Dja Reserve, Cameroon*
- *Customary sustainable use of biodiversity by indigenous peoples and local communities: Examples, challenges and recommendations relating to CBD Article 10(c)*



TIME

3

HOURS

ACTIVITY:

**Exercise 1****Accessing Information about National Implementation of the CBD (30 minutes)**

1. In a place with a computer and access to internet, participants open the website of the CBD <<http://www.cbd.int/>>.
2. Search the website for information on NBSAPs, National Reports, National Focal Points and National Clearing House Mechanism.
3. Access information needed on these topics.

INPUT AND DISCUSSION: (1 hour)

1. Introduction:

A review conducted by the UNEP of the implementation of the Convention on Biological Diversity identified the major accomplishments of the Convention since it came into effect in 1993. Among the major accomplishments identified are the following:

2. Accomplishments

- Successful translation of the provisions of the Convention into programmes of work on thematic and cross-cutting issues with defined measurable targets;
- Adoption of the Biosafety Protocol;
- Negotiations of the international regime on access and benefit sharing;
- Evolution of SBSTTA into a recognizable intergovernmental scientific body;
- Release of the 3 editions of the Global Biodiversity Outlook (GBO) and the publication of the Convention's Handbook and the technical series; *CBD News*;
- Forging strong partnerships with relevant organizations;
- Making the Convention a forum for indigenous and local communities;
- Prominence of the Convention and biodiversity at the World Summit on Sustainable Development; and the active presence of the Convention at sessions of the General Assembly as well as the Commission on Sustainable Development;
- In recognition of those efforts, funding to the Secretariat had substantially increased over the years from a few offices and few people to a full team of dedicated staff capable of effectively responding to the needs of the Parties.

3. Challenges

On the other hand, some challenges were also identified:

- To translate the 2010 target into national goals and targets;
- To mainstream biodiversity in all economic sectors;
- To engage stakeholders, including civil society at large, indigenous and local communities and the private sector;
- To improve the effectiveness of national reporting;
- To overcome the obstacles to implementation identified in the Strategic Plan and, in particular;
- To meet the capacity-building needs of Parties; and
- To generate the necessary additional financial resources and the political will for effective action.

At this point, it is necessary to examine the national implementation of the CBD in order to see how the accomplishments at the international level translate into actual progress in achieving the goals of the CBD at the national level.

4. What are National Biodiversity Strategies and Action Plans (NBSAPs)?

The National Biodiversity Strategy and Action Plan (NBSAP) is the cornerstone of a Party's plan with respect to its own biodiversity. It sets out a strategy that takes into account its own national environmental issues, priorities and goals. Alongside this strategy there should be an action plan that articulates the steps needed to achieve the goals set out in the strategy that by definition will also encompass the three objectives of the Convention. A regular review of the NBSAP is important to ensure adjustments are made as needed, and the action plan is revised as necessary. In fact, the preparation of the NBSAP is the only legally binding commitment under the Convention.

Article 6 of the Convention creates an obligation for national biodiversity planning. A national strategy will reflect how the country intends to fulfill the objectives of the Convention in light of specific national circumstances, and the related action plans will constitute the sequence of steps to be taken to meet these goals.

Article 6 of the Convention on General Measures for Conservation and Sustainable Use states that each Contracting Party shall, in accordance with its particular conditions and capabilities:

- Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned;
- Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

One hundred and sixty-six Parties have developed NBSAPs. COP9 calls upon remaining 25 Parties to develop their NBSAPs by 2010.

5. National Reporting

The Parties to the Convention are obliged to submit National Reports to the CBD containing detailed information that is vital to the COP in formulating policy through its decisions. The information contained in national reports also assists in setting global biodiversity priorities. They have been used as source information for the Global Biodiversity Outlook and other publications. Therefore, they are a vital tool in setting policy and measuring the success of the implementation of the Convention. In fact, the financial mechanism of the Convention, the Global Environment Facility (GEF), has provided financial assistance to developing country Parties through its implementing agencies to ensure that clear, accurate information concerning a Party's national state of Biodiversity is prepared.

Article 26 of the Convention states that the objective of national reporting is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures.

National Reports are made available to the public in order to assist intergovernmental agencies, non governmental organizations and scientific bodies formulate focused strategies and programmes for implementation of the CBD. They also assist Parties or groups of Parties to identify common issues to be addressed, thus facilitating the development of cost-effective and mutually-supportive regional initiatives for implementation.

The fifth meeting of the COP agreed that national reports would be called for on a four-yearly basis and considered at alternate meetings of the COP. As of 2006, COP has requested 4 National Reports. The fourth national reports were due 30 March 2009 (Decision VIII/14). They will provide essential information to assess progress towards the 2010 Biodiversity Target, at national level, drawing upon an analysis of the current status and trends in biodiversity and actions taken to implement the Convention at the national level, as well as to consider what further efforts are needed.

6. What are National Focal Points and what Do They Do?

A focal point is the person or institution designated by a government to represent the Party between meetings of the COP in its routine dealings with the Secretariat in matters involving the Convention. These dealings include such activities as communications, dissemination of information, representation at meetings, responding to various requests, collaboration with other stakeholder groups, monitoring, promoting and/or facilitating national implementation of the Convention.

Each country that is a Party to the COP establishes a National Focal Point (NFP) for the Convention. Normally, the focal point is nominated by a higher authority within a government such as the environment ministry to act as liaison with the Convention. In addition to the primary NFP, additional focal points may be nominated for specific functions. In the absence of multiple focal points acting in various roles with respect to the CBD, the national focal point assumes the entire role and responsibilities associated with the Convention.

The National Focal Points are responsible for:

- a. Receiving and disseminating information related to the Convention;
- b. Ensuring that Parties are represented at meetings under the Convention;
- c. Identifying experts to participate in ad hoc technical expert groups, assessment processes and other processes under the Convention;
- d. Responding to other requests for input by Parties from the COP and the Secretariat;
- e. Collaborating with national focal points in other countries to facilitate implementation of the Convention;
- f. Monitoring, promoting and/or facilitating national implementation of the Convention;

7. National Clearing House Mechanism

What is a National CHM?

Simply put, a National Clearing House Mechanism (or National CHM) is a website that provides relevant information on the Convention in a particular country.

Although a large number of Parties have established national CHMs, and an equally significant number have access to email, very few have established national CHM websites.

What Information Should a National CHM Website Provide?

Generally, a national CHM website should contain all national biodiversity-related information that is required to assist policy makers and interested stakeholders to meet obligations under the Convention and to conserve and sustainably use biodiversity. There are almost an infinite number of ways to organize this information and to make it easily accessible. Normally, categories to organize information may include the Convention, national CHM Services, National Contribution, Partnerships, Links and News.



Exercise 2

Document Review (30 minutes)

Knowing your government's commitments and reports to the CBD:

1. Copies of the latest government's NBSAPs and country reports to the CBD are accessed and provided to the participants.
2. The participants are given 15 minutes to go through the documents and familiarize themselves with their government's commitments.
3. The participants then identify the most significant commitments and accomplishments of the government as mentioned in the country report.
4. From their own knowledge and experience, the participants identify the most notable gaps in the implementation of the NBSAPs and national reports with respect to indigenous peoples' rights and other key issues in their respective countries.

8. Initiatives of Indigenous Peoples to Implement the CBD at the National and Local Level

A number of case studies mentioned below illustrate how indigenous peoples have taken the initiative to implement the CBD in their own countries.

The Tagal System: A good practice of fish resource management in Sabah, Malaysia

Most of the indigenous communities in Sabah have their own age-old customs or Adat and protocol in order to protect and safeguard the water resources and the living organisms in it. One of these is the Tagal system, also known as Bombon in some areas, which has been used by the indigenous Kadazan-Dusun and Murut in Sabah for generations.

Tagal in the KadazanDusun language means prohibition. The concept behind this system is collective ownership and responsibility, sustainable use of resources and maintaining balance of life. It is used to manage important resources in the community such as watersheds, fruit trees, wild life, rivers, but the most successful use is on fish resources management, especially in the protection of aquatic life forms in the river from over-exploitation and to prevent pollution of the river.

After the 1970s, fish resources began to dwindle and some species were on the brink of extinction as a result of logging activities up river that damaged fish breeding grounds. The rampant use of destructive fishing methods also caused fish to become extinct. Realizing this, some communities established the Tagal system, which is a combination of the traditional system with modern methods of conservation. The Tagal system aims to protect the river from pollution, conserve and protect fish from extinction, improve fish production as a main source of protein, stop the use of destructive fishing methods like bombing, electric and poison, and to carry out other activities to generate income for the people.

A Tagal is governed by the village headman and endorsed by the native chief. A Tagal committee is set up in each village to draft the rules of the Tagal system, which will be agreed upon by the whole community. The committees identify the boundaries of the river to be managed by the Tagal and mark red, orange and green zones of the river. Red zones are where fishing is totally prohibited, usually important breeding grounds of fish. Orange zones are where fishing is allowed once a year as agreed by the community. Green zones are where village members are allowed to fish with the consent of the Tagal committee. Catching only the specified size and species of fish is allowed. Catching fish if needed for special occasions, such as for birth rituals, is also allowed with the approval of the Tagal committee. The Tagal committee must ensure that the community is happy and benefitting from the system. They also must be fair such that all members have the right to fish in the Tagal area during the harvesting.

The Tagal system has proven to be one of the most successful systems in managing fish resources and conserving the river through sustainable use by the community. When the Fisheries Department of the Sabah government noticed that this system had been successfully implemented at the community level, they adopted the Tagal system into their management plan, and later into the Sabah Inland Fisheries and Aquaculture Enactment 2003. This has given recognition and additional power to the Tagal system by making it possible to take offenders to the civil court, aside from imposing higher penalties to those found guilty of violating the system.

This is a model for good practice in the conservation of natural resources with collaboration between the government and the community and a good example of a sui generis approach in biodiversity conservation. It shows that giving recognition to the traditional management system of the indigenous peoples can bring big impacts. Because of its success, other state agencies even outside Sabah are now replicating the model. The number of Tagal continues to grow until today.

Philippine Traditional Knowledge Network

In the Philippines, indigenous communities are undertaking local actions to document, revitalize, protect, promote and develop their indigenous knowledge, languages, traditional occupations and land use, as they assert their collective rights to self-determination. The Philippine Traditional Knowledge Network is a loose, open network of TK holders and their communities from north to south. This network tries to synergize local initiatives, by providing opportunities for indigenous communities to learn from the experience of others. The network has been meeting annually and has elaborated strategies and Action Plans to advance indigenous rights and traditional knowledge, nationally and locally.

An important activity identified by the members is community exchange visits, whereby network members visit each other, to learn directly from community experiences. A network member community hosts the visit of other network members, wherein its advanced practices with respect to traditional knowledge, conservation and customary resource management and sustainable use, and community development, are highlighted. To date, four communities have hosted cross visits for the network: 1) Talaandig community in Bukidnon; 2) Ibaloi community in Loakan, Baguio City; 3) Magbukun Ayta community, in Morong, Bataan, and 4) Subanen community, in Zamboanga, Sibugay. These gatherings of indigenous leaders from north to south provide a valuable opportunity to discuss and share experiences.

The network has also conducted workshops and conferences on various topics including: Traditional Knowledge and Genetic Resources, Customary Law and Governance, Climate Change and Food Security, Protected Areas, Values/Standards for TK products, and TK for Grassroots Initiatives for Urban Waste Management. National round table discussions have also been held with the participation of government agencies.

Other activities of the network include: Production of Music Album on Traditional Knowledge (Chuwassi), Urban Poor Community-based Indigenous Pre-school, Urban Waste Management Programs (biogas, vermiculture, segregation education in urban communities, convents), Youth/Children's Summer Biodiversity Camp to celebrate International Day of Biodiversity 2008, and Ibaloi Language Lessons and Conversations.

Applying the Ecosystem Approach in Tinoc, Ifugao

The indigenous Kalanguya people in 5 barangays of Tinoc, Ifugao agreed to engage in the pilot project in the application of the Ecosystem Approach. In this area are found the last stands of mossy forest in the Cordillera, Philippines. The watershed supplies water for communal rice field irrigation, domestic use, temperate climate vegetable gardens, headwaters of the Magat Mallig-Siffu River and the Magat Dam. Historically, the area is a hunting and food collection site of the Kalanguya people, whose main socio-economic activities are irrigated rice farming and shifting cultivation. Other traditional occupations include gardening, animal raising in backyards and pasturelands, woodcarving, blacksmithing, bamboo craft production, sugarcane production, hunting, fishing, salt production. In the 1990s camote farms were converted to high-input commercial vegetable production that started encroaching into the forest resulting in decreased biodiversity in the area. The Kalanguyas have rich traditional knowledge (TK) in agriculture, forestry, river resource management, herbal medicine, conservation of resources. However, much of these knowledge is no longer practiced.

The process in applying the Ecosystem Approach defined the following steps: site selection, introduction of the project to local barangay and municipal officials; Obtaining free, prior and informed consent (FPIC); participatory action research and mapping; awareness raising and education on traditional knowledge and science; and formulation of community development plan.

Among the accomplishments of the project so far are: an initial analysis on status and trends in land use and biodiversity vis-à-vis traditional occupation; participatory mapping and construction of 3-D map model showing status of land use in 2 areas; initial documentation of traditional knowledge and customary law; identification of a core of leaders for the promotion, strengthening and development of traditional knowledge practices and indigenous political systems.

As a result of these activities the community people have developed greater appreciation of traditional knowledge. They have launched a campaign to revitalize TK and practices through the use of traditional seeds and seed exchange and through synchronizing the cropping calendar. The government has also given their commitment for financial support to the project.

For future work, the community plans to campaign for cultural renewal and TK revival and build the capacity of core leaders, TK holders and authorities on custom law to enable them to actively lead in the Ecosystems Approach to development. Initiatives to upgrade traditional occupations will also be supported. Upscaling of the project is also planned within the Kalanguya territory in order to arrest the decline of traditional knowledge, practices and biodiversity.

Forest Peoples Programme (FPP) Case Studies on Article 10(c)

The CBD has called for case studies of sustainable use of biodiversity by indigenous peoples to help guide the implementation of Article 10(c) of the Convention. Triggered by this call, the Forest Peoples Programme (FPP) conducted 5 case studies with indigenous peoples' organizations in Venezuela, Guyana, Suriname, Cameroon and Thailand to help them document their systems of customary use, analyze their traditional cultural practices, assess their contribution to sustainable use and biodiversity conservation and assess the extent to which national laws and government policies and practices protect and encourage such activities.

All 5 studies were able to document the remarkable sophistication and variety of customary resource use, much of which is invisible to the local administration, forestry and environment ministries and conservation agencies. Peoples, who, according to national stereotypes, are considered backward, isolated and inferior, in fact practice long-established and subtle forms of environment use which are rooted in their cultures and long associations with particular ecosystems and locales.

The research interprets the 'traditional cultural practices' referred to in Article 10(c) as the communities' customary laws that have been consistently applied over time and that are enforced by social norms or sanctions. Only a few of the communities involved in the studies have developed formal codes of customary laws or set them down in writing, yet all have informal and generally known methods for encouraging compliance with customs and social norms.

The case study processes led to far more than the documentation. By carrying out these exercises through the involvement of the indigenous peoples' own organizations and with the engaged participation of leaders and community members, they led to: strengthened community organizations; raised awareness about indigenous peoples' rights under national and international law; enhanced respect for custom; reconnecting younger people with the wisdom of community elders; increased interest in revitalizing the use of customary use and law in their daily lives; appreciation of the importance of community-based management and development plans; and informed dialogue with the authorities.

All the community case studies included concrete recommendations on what States that are Parties to the Convention now need to do to comply with its requirements.

Source: Forest Peoples Programme. 2006. "Forest Peoples, Customary Use and State Forests: The Case for Reform." Paper for IASCP, Bali, 19-23 June.



Exercise 3

Brainstorming (30 minutes)

1. As a big group, the participants brainstorm together to answer the question:
“What initiatives or projects can be implemented to further carry out national and local implementation of the CBD?”
2. The facilitator makes a list of all suggested activities.
3. Choosing from the list of suggested activities, each participant completes the following statement by writing down in a metacard:
“When I go home, what I want to do to implement the CBD is to ____.”
4. All participants post their cards on a designated board or wall.

Notes:

OBJECTIVES

1. To appreciate how indigenous peoples' customary resource management and sustainable use are consistent with applying the Ecosystem Approach.
2. To understand what is the Ecosystem Approach of the CBD, its principles and operational guidelines.
3. To consider how communities, government and other actors within the ecosystem can complement each other's efforts in applying the Ecosystem Approach of the CBD.

RESOURCES

- "The Ecosystem Approach of the CBD" - powerpoint
- "Beginners' Guide to using the Ecosystem Approach"
- "Report of the Sixth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions"

**TIME****3**

HOURS

ACTIVITY:**Exercise 1****Know your ecosystem (10 minutes)**

1. The facilitator starts the activity by showing pictures to introduce the different types of ecosystems including: inland waters, marine and coastal, forest, grasslands, agricultural, desert or dry and sub-humid lands, mountain, island.
2. The participants are asked to identify their respective ecosystems.
3. From here, the facilitator defines what is an ecosystem and its components.

Definition - What is an ecosystem?¹

An ecosystem is made up of organisms living in a particular environment, such as a forest or a coral reef, and the physical parts of the environment that affect them.

The ecosystem concept fits into an ordered view of nature that was developed by scientists to simplify the study of the relationships between organisms and their physical environment, a field known as ecology. At the top of the hierarchy is the planet's entire living environment, known as the biosphere. Within this biosphere are several large categories of living communities known as biomes that are usually characterized by their dominant vegetation, such as grasslands, tropical forests, or deserts. The biomes are in turn made up of ecosystems. The living, or biotic, parts of an ecosystem, such as the plants, animals, and bacteria found in soil, are known as a community. The physical surroundings, or abiotic components, such as the minerals found in the soil, are known as the environment or habitat.

Ecosystem components are so interconnected that a change in any one component of an ecosystem will cause subsequent changes throughout the system.

Indigenous Approaches in Ecosystem Management



Exercise 2

Story-telling or Case Study Presentation (30 minutes)

Appreciating indigenous systems of ecosystem management through sharing of experiences:

1. A resource person or 2 participants are asked to describe their indigenous ways of natural resource management or how they manage their ecosystem in their respective communities.
2. After the stories are told or the case study is presented, the participants together answer the following questions, while the facilitator writes the answers in metacards and posts them in appropriate columns on the board:
“What are the characteristics of the indigenous approach of ecosystem management? (e.g., holistic, participatory, sustainable, collective, conserving, dynamic, innovative, etc.)”
3. The facilitator summarizes the answers, synthesizing the main points then relating it to the next topic on the Ecosystem Approach.

INPUT AND DISCUSSION: (30 minutes)

1. What is the Ecosystem Approach of the CBD?

The Ecosystem Approach is the primary framework of action for the Convention on Biological Diversity. It is a strategy to manage land, water and living resources that promotes conservation and sustainable use in an equitable way by considering the linkages of the natural system with the political, economic, social and cultural systems.

The CBD is expected to be implemented through five steps under the Ecosystem Approach. These steps are:

- Step 1: Determine the main stakeholders, define the ecosystem area and develop the relationship between them;
- Step 2: Characterize the structure and function of the ecosystem and set in place mechanisms to manage and monitor it (including integrating and supporting capacity-building for management);
- Step 3: Identify the important issues that affect the ecosystem and its inhabitants;
- Step 4: Determine the likely impact of the ecosystem on adjacent ecosystems;
- Step 5: Decide on long-term goals and flexible ways of reaching and monitoring them.

2. Things to Remember in Applying the Ecosystem Approach

There are things to remember in applying the Ecosystem Approach. First, there is no single way to apply the principles of the approach. Second, local stakeholders should be involved development and implementation. Third, you might already be using the Ecosystem Approach. Fourth, principles related to livelihoods tend to focus on economic benefits. Lastly, issues related to securing livelihood, which has more to do with the resilience of the ecosystem to maintain the production of fundamental goods and services, is normally not considered.

Operational Guidelines on the Use of the CBD's Ecosystem Approach

Following is a Beginners' Guide to using the Ecosystem Approach, accessed from the CBD website:

1. Introduction

The Ecosystem Approach is a tool; it provides a framework that can be used to implement the objectives of the Convention on Biological Diversity, including the work on, inter alia, protected areas and ecological networks. There is no single correct way to apply the Ecosystem Approach to management of land, water, and living resources. The principles that underlie the Ecosystem Approach can be translated flexibly to address management issues in different social, economic and environmental contexts. Already, there are sectors and governments that have developed guidelines that are partially consistent, complementary or even equivalent to the Ecosystem Approach (e.g., the Code for Responsible Fisheries, the Sustainable Forest Management approach, adaptive forest management).

There are a number of options for implementing the Ecosystem Approach. For example, the principles can be included in national and regional policies, planning processes and sectoral plans. The principles can also be applied at a local level to smaller projects.

2. Steps to using the Ecosystem Approach

Problem Definition

The first task is to define the problem or problems that need to be addressed. For example, the control of an invasive non-native species on an island. If the problem is very complex it might be necessary to break it down into several smaller problems so that each can be addressed more easily. For example, to conserve a wetland ecosystem while facilitating its sustainable use, it might be necessary to address (i) ecological degradation resulting from unsustainable use of wetland resources, and (ii) community well-being such as health, education, food security, and cultural values.

Having identified the issues, the next step is to ascertain what tasks would allow the problem to be addressed. The problem can be assessed against the tasks listed below as an initial step towards identifying a plan of action. This process can also be used to prioritize the actions to be undertaken.

3. Identifying the tasks to meet the problems identified

The tasks below have been drawn from the principles of the Ecosystem Approach. In each case, the Ecosystem Approach principle has been rephrased into a question which can be asked in relation to the problem(s) being addressed. The tasks are not listed in order of importance, they should be used in a way

which best fits the problem. For more information on how to answer the questions posed by the tasks and the rationale behind each, please refer to the Advanced User Guide.

- Task 1: How do you involve all members of society in decisions associated with the management of land, water and living resources?
- Task 2: How do you ensure management is decentralized to the lowest appropriate level?
- Task 3: How do you ensure the effects of management actions (potential or actual) on adjacent and other ecosystems are taken into account?
- Task 4: How can the economic context be understood so that market distortions that affect biological diversity are reduced, incentives are developed to promote biodiversity and sustainable use, and ecosystem costs and benefits are externalized?
- Task 5: What measures could be used to conserve ecosystem structure and functioning so as to maintain ecosystem services?
- Task 6: What measures can be taken to ensure ecosystems are managed within the limits of their functioning?
- Task 7: What actions can be taken so that the problem(s) is (are) addressed at the appropriate temporal and spatial scales?
- Task 8: How can varying temporal scales and lag-effects be taken into account when considering the sustainable use of ecosystems?
- Task 9: How can adaptive management be used to address the problem(s) identified?
- Task 10: How can an appropriate balance be sought between, and integration of, conservation and use of biological diversity?
- Task 11: How do you ensure all forms of relevant knowledge including, scientific, indigenous and local knowledge, innovations and practices are included?
- Task 12: What measures can be taken to facilitate the involvement of all stakeholders including all sectors of society and scientific disciplines?

It is important to remember that while there is no single correct way to implement the Ecosystem Approach, it should be stressed that all its principles need to be considered in a holistic way, and appropriate weight given to each, according to individual circumstances.

Cross-cutting issues

In addition to the individual tasks identified above there are a number of cross-cutting issues that need to be considered when applying the Ecosystem Approach.

Capacity building and participation

Community partnerships, stakeholder engagement, political and institutional willingness to participate and empower, and the commitment of other donors and sponsors is crucial for successful 



outcomes. Capacity building through financial and infrastructure support are important requirements for success.

Information, research and development

Resource, biophysical, social, and economic information is important to the successful completion of a project using Ecosystem Approach. Research and development might be required to target gaps in knowledge. Information should be readily accessible to all stakeholders, to allow more transparent decision making and empowerment.

Monitoring and review

Monitoring and review are crucial components of any programme using the Ecosystem Approach framework. They allow a responsive and adaptive management capability to be developed, and for reporting on performance and outcomes.

Governance

Good governance is essential for successful application of the ecosystem approach to a problem. Good governance includes sound environmental, resource and economic policies and administrative institutions that are responsive to the needs of the people.

Having identified what tasks need to be undertaken to meet the issues raised the next step is to create a management plan.

4. Creating a management plan

There is no correct way to create a plan, every situation is different and it is important to modify the plan to fit the circumstances under which the project will operate.

The following steps are thought key to the development of the management plan.

Identifying the issues

Issue identified and the project plan developed can be difficult to separate. The use of the Ecosystem Approach should begin with an issue. Having identified the issue (or several) it can be assessed against the tasks set out above in Section 3.

Creating a draft management plan

The draft management plan sets out the tasks, determines who should be involved and creates a draft timetable for action.



Timing

Choosing the right time to set up a project can be important. Opportunities or circumstances which can help or hinder the project's success include:

- Political stability;
- New government policies and strategies;
- Re-organization of government departments and institutions;
- The time taken to restore or maintain ecosystems should not be underestimated;
- Stakeholders should be given realistic timings so that they do not become disillusioned or frustrated by the time taken to put plans into action and for results to be achieved.

Key actors

A primary task is to decide which organization should lead the project's development and implementation. Reliance should not be placed on one organization as this can jeopardize its success. Successful projects often have one fully-committed organization (either governmental or non-governmental) which works with other partner organizations.

Engaging with stakeholders

Engage with the stakeholders as early as possible. Initial consultations are vital for ensuring people feel they can contribute to the development of the management plan, especially if it might impact on their activities. Stakeholders can provide ideas and reactions to help develop the project.

Setting objectives

All projects need well-defined and readily identifiable objectives. These and any actions should be agreed through discussions with stakeholders so that an understanding of the issues and actions necessary to address them can be agreed and understood.

Project design

The development of the project plan should consider

- Adaptive management;
- Long-term viability.

The ultimate aim for any project should be the continuation of the objectives beyond the project's lifespan. Financial stability is also key to long-term viability.

Defining the boundaries, scope and time scale

Although boundaries lead to limitations these can be necessary for managing ecosystems.

Producing the project work plan

The first task of the core work team is to produce a work plan, which should be done in a participatory and collaborative manner, using logical framework techniques to facilitate problem analysis and planning.

Reducing risk to project outcomes

Risk analysis should be used to identify critical issues/risks to the project.

Monitoring and evaluation

Monitoring can be used to assess progress and determine how future management can be developed to meet the project's goals. The monitoring of activities, aims and objectives should not be fixed but remain adaptable to changing conditions as knowledge, understanding and issues are raised and resolved.

Project implementation

Key concerns in implementing natural resource management projects include:

- length of time required. Habitat restoration may require 10-15 years of work before results become apparent.
- Staff competence and commitment is vital to project success;
- The creation of a network of partner agencies and interest groups, which will progressively take on the implementation of the project activities are vital.

Political, institutional and community support must be secured to fulfill the project goals and objectives.

Project implementation generally follows a series of stages, some of which overlap and can include several steps. For example:

Stage 1

- a. build project team
- b. produce work plan and develop links with local community
- c. establish advisory committees



Stage 2

- a. determine project activities
- b. desk-based actions
- c. capacity-building
- d. review project (adapting monitoring and research as required)

Stage 3

- a. putting agreed plan into action

Stage 4

- a. continuation and forward planning
- b. strategic plan for future initiatives



Exercise 3

Compare and Contrast (30 minutes)

Comparing the Ecosystem Approach with indigenous customary natural resource management:

1. In small groups, the participants are asked to compare the Ecosystem Approach of the CBD with their own practices of indigenous natural resource management by listing the similarities in 1 color of metacards and differences in another color of metacards.
2. The groups share their answers with the whole group.
3. The facilitator clusters the metacards, similarities in one column and differences in another column.
4. The facilitator then synthesizes the main points and by showing the similarities and differences between indigenous natural resource management and the Ecosystem Approach.

4. Bridging the Gap Between Indigenous Systems and the Ecosystem Approach

One way of bridging the gap between indigenous systems and the Ecosystem Approach is through implementation of Articles 10(c) and 8(j) of the CBD which state:

- Article 8(j): Traditional Knowledge (in-situ conservation)

Each Contracting Party shall, as far as possible and as appropriate:

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

- Article 10: Sustainable Use

Each Contracting Party, shall, as far as possible and as appropriate:

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.



Exercise 4

Small Group Discussion - Ways Forward (1 hour)

1. The facilitator writes down and participants read CBD articles 8(j) and 10(c), and the decisions and recommendations of the Working Group 6 on Articles 10(c) and 8(j).
2. In small groups, the participants discuss ways forward by answering the following questions:
 - How can you start applying the ecosystem approach?
 - What can indigenous peoples' organizations and communities do to start implementing the decisions of Working Group 8(j)?
3. The groups report the results of their discussions.
4. The facilitator summarizes the main points and closes the discussion.

Endnote:

¹ Clement 2006.

Reference:

Clement, Joel P. 2006. "Ecosystem." Microsoft Encarta.

 OBJECTIVES

1. To share case studies on what indigenous peoples are doing to protect traditional knowledge (TK).
2. To understand various global legal frameworks for recognition and protection of TK: UNESCO, UNDRIP, WIPO
3. To understand the relationships of international laws, national laws to customary laws in the protection of TK.
4. To discuss practical ways for the protection of TK given the diverse situations facing indigenous peoples, which contribute to the loss of TK.

 RESOURCES

- “Report of the Secretariat on Indigenous Traditional Knowledge to the Sixth Session of the UNPFII”
- “Study on Compliance in Relation to the Customary Law of Indigenous and Local Communities, National Law, Across Jurisdictions, and International Law”
- “Report of the International Seminar on Systems for the Protection and Commercialization of Traditional Knowledge”
- *Dunong at Batas*
- *Our Harvest in Peril*
- *Promoting Indigenous Knowledge for Food Security*
 - “Indigenous Peoples’ Concerns on the CBD”
 - powerpoint



TIME

3

HOURS

ACTIVITY:

**Exercise 1****Panel Discussion (30 minutes)**

What are the threats to traditional indigenous knowledge and what are indigenous peoples doing to protect Traditional Knowledge (TK)?

1. Resource persons or speakers from among the participants are asked to form a panel to discuss what are the threats to TK and what they are doing to protect their traditional knowledge.
2. Some of the case studies below may be presented.
3. The facilitator summarizes the main threats and measures for TK protection and proceeds to the discussion of the next topic.

Case Studies: Some Local Initiatives in TK Protection

Community protocol

The Talaandig, indigenous peoples of Sungco, Lantapan, Bukidnon, in the Philippines have established a community protocol to ensure that visitors and outsiders comply with customary law and are sensitive to the local culture. This ritual signifies the community's acceptance and welcoming of its visitors. It is performed by the elders and women, involving the offering of 1 peso by each participant, the butchering of 4 chickens, prayers and chants. Through this protocol, the visitors are assured of their safety and health while inside the territory of the tribe.

Indigenous peoples in Sabah, Malaysia also set up a similar mechanism using adat, the KadazanDusun's customary rules and practices relating to access and use of biological and genetic resources (please see p. 110 for information).

INPUT AND DISCUSSION (2 hours):

"Indigenous traditional knowledge" is used in general terms to mean traditional practices and culture and the knowledge of plants and animals and of their methods of propagation; it includes expressions of cultural values, beliefs, rituals and community laws, and it includes knowledge regarding land and ecosystem management. It is more often unwritten and handed down orally from generation to generation, and it is transmitted and preserved in that way. Some of the knowledge is of a highly sacred and secret nature and therefore extremely sensitive and culturally significant to members of the particular group.¹

1. Peoples in Context versus Abstract Traditional Knowledge

The term "traditional knowledge," when abstracted or disembodied from its broader spiritual, social, cultural, political and institutional context of specific peoples and places and history detracts from deeper understanding about the power relations which allow classification, utilization and expropriation of traditional knowledge.

Indigenous peoples have consistently stated that the way forward in promoting traditional knowledge is by recognizing their rights and empowering them in the development process, including upholding their right to free, prior and informed consent for all development, conservation and other activities affecting them.

2. The Politics of Knowledge

Researchers have warned about the dangers of depoliticized approaches that highlight knowledge, rather than people or their social and political context. Arun Agrawal, in his article on the politics of classification in the *International Social Science Journal*, examined the processes of establishing databases of indigenous knowledge starting with particularization, validation, abstraction, generalization, and dissemination.

He concludes that such efforts to document and catalogue traditional knowledge can strip away the detailed, contextual, applied aspects of knowledge that may be crucial to the meaning and effectiveness of such specific knowledge. These practices convert indigenous knowledge into instruments for scientific progress and development.

The efforts to document and scientize indigenous knowledge, can, thus, be doubly unfortunate. One they channel resources away from the more vital political task of transforming power relations. Two they may provide the means for more powerful social actors to appropriate useful indigenous knowledges. In the absence of real efforts to change the relations of power that define interactions between different social groups, weaker groups that possess valuable knowledge can be studied, and once their knowledge is in the public domain, it can be refined and privatised through the existing system of patents and intellectual property rights. Located in asymmetrical relations of power and conditions of poverty, poorer and weaker groups will be ill equipped to resist such expropriation.

The underlying causes and threats to traditional knowledge are the historical and contemporary colonization and exploitation of indigenous peoples and their traditional knowledge. These include:

- Non-implementation of human rights obligations;
- Destruction of lands and environment;
- Colonial education;
- Commercialization and misuse by tourism;
- Expropriation by researchers.

The problem of erosion, misappropriation and lack of respect for traditional knowledge is very serious and needs to be addressed at all levels—by communities, national governments and the international community through:

- Cultural renewal and revitalization;
- National legal recognition and protection;
- Appropriate international standards.

In addition, there is a need to understand the new threats to traditional knowledge posed by modern information, communication, and biological technologies. It is also necessary to understand the linkages between various policies arising from different international bodies and processes—Human Rights, Trade (WTO and WIPO), Environment (CBD), Culture (UNESCO), Food and Agriculture (FAO), etc. It is necessary to shape the policy framework governing these to ensure that indigenous traditional knowledge is protected and promoted.

3. Global Framework²

The right of indigenous peoples to protect and enjoy their traditional knowledge is recognized in a number of international instruments, including the following:

- Article 27 of the Universal Declaration of Human Rights;
- Article 15, paragraph 1 (c), of the International Covenant on Economic, Social and Cultural Rights;
- Article 27 of the International Covenant on Civil and Political Rights;
- Article 8(j) of the Convention on Biological Diversity;
- International Treaty on Plant Genetic Resources for Food and Agriculture;
- Articles 13, 15 and 23 of International Labor Organization Convention No. 169 con-

- cerning Indigenous and Tribal Peoples in Independent Countries;
- Berne Convention for the Protection of Literary and Artistic Works, as amended in 1979;
- Agreement on Trade-Related Aspects of Intellectual Property Rights;
- Article 3 of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;
- Paragraph 12(d) of the Non-legally Binding Authoritative Statement of
- Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests;
- Paragraph 26.1 of Agenda 21;
- WHO traditional medicine strategy, 2002-2005;
- Principle 22 of the Rio Declaration on Environment and Development;
- Articles 11 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

In addition to the above-mentioned texts and international instruments, there are numerous regional systems of protection, including:

- Draft American Declaration on the Rights of Indigenous Peoples of the Organization of American States;
- Bangui Agreement of the African Intellectual Property Organization;
- Tunis Model Law on Copyright for Developing Countries;
- Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions;
- Mataatua Declaration;
- Kari-Oca Declaration.

At the national level, there are numerous legislative and policy initiatives aimed at addressing the issue of indigenous traditional knowledge. A comprehensive list of legislative texts directed at the protection of traditional cultural expression can be found on the website of the World Intellectual Property Organization (WIPO). In many instances, domestic laws recognize indigenous customary law as the foundation of the relevant indigenous peoples' rights to land and heritage.

4. Different Approaches Towards Protection of Traditional Knowledge

General protection of human rights vs. specific indigenous peoples rights

Provisions in international documents offer various levels of protection that are principally either protection as an aspect of human rights law or protection that specifically addresses indigenous traditional knowledge.

Examples of human rights-based protection in relation to indigenous traditional knowledge are found in article 27, paragraph 2, of the Universal Declaration of Human Rights that recognizes that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. However, the protection provided by such a provision is limited. This can be illustrated by considering the problematic notion of "author," which evokes an understanding of an individual and does not easily encompass communal creation and ownership.

Another is found in article 15, paragraph 1 (c), of the International Covenant on Economic, Social and Cultural Rights that recognizes that everyone has the right to take part in cultural life.

An example of a more specific provision relating to indigenous traditional knowledge is Article 8(j) of the CBD. Article 8(j) calls upon parties to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities that embody traditional lifestyles relevant for the conservation and sustainable use of biological diversity. Although Article 8(j) directly considers indigenous traditional knowledge, it is limited to situations where traditional knowledge is relevant to biological diversity and is simply not designed to provide holistic protection for indigenous traditional knowledge.

The most explicit provision for the protection of indigenous traditional knowledge is contained in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP provides a strong statement in support of the protection of indigenous traditional knowledge. Article 31, paragraph 1, of the Declaration states the following:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Importantly, paragraph 2 of article 31 states that States “shall take effective measures to recognize and protect the exercise of these rights.” Article 11 of the Declaration emphasizes the right to practice and revitalize cultural traditions and customs and states that States shall provide redress through effective mechanisms, with regard to indigenous, cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs. The preamble of the Declaration also adds support to the protection of indigenous traditional knowledge by recognizing “that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.”

Comprehensive vs. narrow protection: indigenous peoples’ rights vs. intellectual property rights

Although international, regional and national documents do provide some protection for indigenous traditional knowledge, they fail to provide comprehensive protection.

There are a number of UN agencies and intergovernmental organizations that are currently engaged in activities aimed at addressing this inadequate protection, including the WIPO, the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD), the Food and Agriculture Organization (FAO), the Conference of the Parties to the CBD, and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The World Intellectual Property Organization has played a leading role in the push for the recognition of indigenous traditional knowledge and its protection from misuse and misappropriation. However, the preeminent role of WIPO has meant that the international debate has occurred primarily within the parameters of intellectual property law.

International intellectual property law provides protection for creators of certain works, whether in the areas of literature, music, dance or art. Although this does at times suffice, for the most part intellectual property law fails to protect indigenous rights and interests because western constructs of intellectual property focus on individual knowledge and creativity rather than on communal transgenerational knowledge. Attempting to alter intellectual property law so that it accommodates traditional knowledge, knowledge that is completely different in essence, is reminiscent of the proverb, “You can’t fit a round peg in a square hole.” No matter how one tries, it just does not fit. It is for this reason that a completely new and customized approach is needed.

Despite the attention that intellectual property rights (IPRs) have attracted in current debates, its possible role in the protection of TK is quite narrow and limited. The purpose of IPRs is not to conserve biodiversity or preserve knowledge but to create a market around specific pieces of information, requiring identification and isolation of the protected information.

The effective protection of TK needs the conservation of a whole system of knowledge that by its very nature is holistic and dependent upon the interaction with a particular environment. It is far more important for countries to grant and enforce indigenous rights than to develop an intellectual property regime in order to protect TK.

Protection of TK should use a holistic and broad approach rather than narrow protection. This would mean:

- Both renewal and preservation and protection from misuse and misappropriation;
- Defending land and resources from external threats;
- Maintenance of livelihood security;
- Use of indigenous languages;
- Revitalization through cultural adaptation and inter-cultural collaboration;
- Policy advocacy for the adoption of international, national and local standards on the rights of indigenous peoples.

Meaning of “protection and promotion”

In UNESCO terminology, “protection” refers to the adoption of measures aimed at preservation, safeguarding and enhancement. That is the sense in which the term is used in various instruments such as the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The term “protection” in this context has none of the connotations that it may evoke in the commercial sphere, e.g., prevention of misappropriation or assertion of intellectual property rights.

When used in conjunction with the term “promotion,” it implies the need to keep alive cultural expressions imperiled by the quickening pace of globalization. “Promotion” calls for perpetual regeneration of cultural expressions to ensure that they are not confined to museums, “folklorized” or reified. Furthermore, the paired terms “promotion and protection” are inseparable, applied in an expansive way.

5. Relationships and Levels of Protection of TK

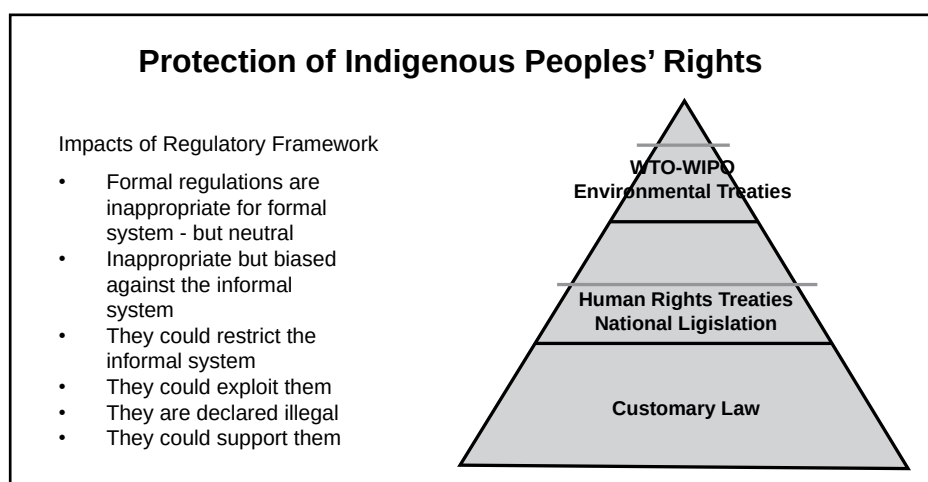
Hierarchy of values and protection measures

Property regimes are subsidiary to higher-order human rights and indigenous rights principles, and will need to respond to developments in those rights, and ensure that intellectual property principles and law do not prejudice the development of these principles.

Marginal modifications to the existing IPR regimes will not provide the range of protection due for traditional knowledge and resources and a sui generis regime is necessary.

Two approaches prevail with respect to the protection of TK of indigenous and local communities in national and international law.

One is through international human rights, cultural rights and indigenous rights regimes (e.g., HRC, UNESCO). The other is through regimes evolving around the wider distribution and use of traditional knowledge and traditional resources for sustainable development (e.g., CBD, WTO, WIPO). These two regimes will need to find ways to connect.



6. Interlinkages Between Customary Law, National Legislation and International Standards

Case Study: Protection and Promotion of Traditional Knowledge: The journey from the local community to the international arena

The Cordillera Region in the Philippines has over 1 million inhabitants, making this a densely-populated mountain area. Ten distinct ethno-linguistic groups or indigenous peoples live in the region. Most of the people practice terraced rice culture, combined with family woodlots and community forests, swidden agriculture, crafts, hunting.

The rice terraces of the Cordilleras are outstanding because of their altitude (up to 1500 meters) and steep slopes (maximum of 70 degrees). A complex system of dams, sluices, channels and bamboo pipes keeps whole groups of terraces adequately flooded. The world-famous Ifugao rice terraces are around 2,000 years old, which are still in use, and are continuously maintained by Ifugao farmers.

In 1973, a presidential decree by then President Marcos recognized the Banaue terraces as a national landmark. In 1995, 5 terrace clusters in Ifugao were inscribed as 'living cultural landscapes' on the World Heritage list of UNESCO (in Mayoyao, Hungduan, Kiangan, Banaue). In 1996, the American Society of Civil Engineers recognized the rice terraces as one of the world's best examples of soil and water conservation technology.

On the ground, the Ifugao indigenous people have a traditional practice of forest management called *muyong*, which refers to family-owned woodlots. Among the Ifugao, each woodlot, known as *muyong*, is privately-owned and cared for by a specific kinship group. Because the *muyong* is both a watershed and a source of fuel and timber, replanting is required for its maintenance. A well-maintained *muyong* is more diverse than some primary forests: despite the relatively small area it covers, a *muyong* hosts as many as 200 plant varieties.

In this case, we see an interface between customary law, national legislation and international recognition in the case of the rice terraces and woodlots of Banaue, Ifugao, Philippines.

The attention brought by the labeling of the terraces as "Cultural Heritage" has led to the introduction of requirements, seen by many in the community as static and confining, that must be met in order to maintain "heritage value," e.g., limitations in buildings and choice of crops. This has compromised the continued sustainability of traditional management.

At the same time the attention introduces socio-economic changes, including a growing tourist industry. With the increase in tourism there has been intensification of forests extractive activities linked to marketing of wood handicrafts, the promotion of a cash crop economy, and increased building construction for tourists.

These buildings capture the clash between the value definitions of the land under systems of traditional knowledge in comparison to the "heritage sites" of the UNESCO list. The buildings are built for the most part in the *muyong* zone of the mountain, above the terraces. While the sustainable land management of the past placed most importance, and protection, on the forested areas above the terraces in their roles as water sources and soil stabilizers, the "heritage" view highlights the terraces from the rest of the landscape as the place of greatest importance and need of protection.

In addition, the Philippine government has issued a policy that specifically recognizes local traditional forest-related knowledge. DENR (Department of Environment and Natural Resources) Memorandum Circular 96-02 (MC 96-02) of 1996 provides Interim Guidelines Governing the Issuance of "Muyong Resources Permit" (MRP) in the Province of Ifugao. The Memorandum states that the DENR "recognizes the significant role the indigenous communities in the Cordilleras are playing in preserving the *muyong* for livelihood, biodiversity conservation and as buffer zones against destructive human intrusions in the uplands."

The DENR Memorandum provides for the issuance of an MRP, which grants the privilege of resource extraction and disposition to qualified individuals. It defines the requirements in applying for MRP such as the location and size of the *muyong*, the number of trees planted, the volume of raw materials the applicant needs for livelihood and a certification that the applicant has practiced the traditional *muyong* for the past 20 years. The memorandum imposes stringent conditions on the MRP holder for harvesting or cutting of trees, processing, transportation, restoration and monitoring.

There have been contradictory outcomes of *muyong* recognition. This DENR policy recognizes the *muyong* as a sustainable forest system. On the other hand, the policy takes back what it gives by requiring the woodlot owners to apply for the MRP, by imposing restrictions on the

continued practice of the muyong, and by requiring MRP holders to submit to the conditions set forth in MC 96-02.

Some questions that need to be answered in this case are: “What lessons can be learned from the experience? What are the appropriate roles and relationships between customary law, national legislation and international recognition in the protection and promotion of traditional knowledge?”

In addition, protecting TK needs to take into consideration some important issues such as:

- Lack of land security;
- Government development projects like dams, mining, market gardens, tourism are transforming local economies and landscape;
- Material poverty, especially to access basic services;
- Lack of social services which encourages migration to cities;
- Recognition of indigenous peoples and implementation of the Indigenous Peoples Rights Act (IPRA).

In conclusion, some basic assumptions and recommendations for TK protection include the following:

- The core of protection of TK is customary law;
- Indigenous peoples have rights over their knowledge and resources, which are not part of a national or international melting pot of knowledge, but organized according to customary law and a shared cosmology;
- Indigenous peoples have traditions of sharing, and many are interested in contributing substantially to sustainable development. But to get there will require mutual respect, obligation, reciprocity and trust;
- There is a need to recognize the limitations of the public domain or cultural commons when applied to indigenous knowledge and to address the deep differences between existing IPR law and indigenous customary law in developing an international legal regime.



Exercise 2

Group Sharing - Discussion (30 minutes)

Practical ways of protecting and promoting TK:

1. Participants are divided into small groups to discuss the practical ways they know of or have used in their own communities and organizations to protect and promote indigenous traditional knowledge.
2. After the discussion, the groups share the results of their discussion with the whole group.
3. The facilitator summarizes the practical ways used by indigenous peoples to protect and promote indigenous knowledge, links this with the previous discussion and closes the topic.

Endnotes:

¹ Mick Dodson's Report to UNPFII.

² Ibid.



Notes:

Module 14

COMMUNICATION, EDUCATION AND PUBLIC AWARENESS

OBJECTIVES

1. To understand the broad framework for Communication, Education and Public Awareness (CEPA) of the CBD.
2. To learn what work the International Indigenous Forum on Biodiversity (IIFB) has been doing on CEPA.
3. To highlight the International Year on Biodiversity leading to the International Decade on Biodiversity.
4. To share some practical educational methods, tips and activities.

RESOURCES

- Decision adopted by the Conference of the Parties to the CBD at its eighth meeting
- IIFB program on CEPA based on CBD program - powerpoint
- “Compilation of CBD COP Decisions on Article 13 (Public Education and Awareness) and IIFB Working Group on CEPA Plans”
- “Implementation Strategy for the International Year of Biodiversity”
- “Welcome to the International Year of Biodiversity”



TIME

3

HOURS

INPUT AND DISCUSSION (3 hours)

1. The International Year of Biodiversity¹

Proclaimed by the UN General Assembly in resolution 61/203, the International Year of Biodiversity (IYB) took place in 2010. This year coincided with the 2010 Biodiversity Target adopted by the Parties to the CBD and by Head of States and Governments at the World Summit for Sustainable Development in Johannesburg in 2002.

The celebrations aimed to raise public and political awareness of the importance of biological diversity to human well being. Within this context the IYB seeks to encourage a global discussion on the extent to which the goals of the Convention and relevant Millennium Development Goals have been met, including a celebration of successes in achieving the 2010 target. The objective is to have these discussions culminate in a commitment, by the global community, to reinforce these goals beyond 2010.

The 2010 Biodiversity Target

To achieve, by 2010, a significant reduction of the current rate of biodiversity loss at the global, regional and national level, as a contribution to poverty alleviation and to the benefit of all life on Earth.

The International Year of Biodiversity is an important contribution to implementation of the programme of work on communication, education and public awareness (CEPA) of the Convention and the mandate under its Article 13. IYB is an opportunity for Parties to communicate the national implementation of the CBD, and to take steps to mainstream biodiversity considerations into education, and the work of important economic sectors.

The International Year of Biodiversity is a unique opportunity to increase understanding of the vital role that biodiversity plays in sustaining life on Earth.

Main goals

- Enhance public awareness of the importance of conserving biodiversity and of the underlying threats to biodiversity;
- Raise awareness of accomplishments to save biodiversity realized by communities and governments;
- Promote innovative solutions to reduce the threats to biodiversity;
- Encourage individuals, organizations and governments to take immediate steps to halt biodiversity loss;
- Encourage dialogue between stakeholders for the steps to be taken in post-2010.

2. CBD Strategy of Work on CEPA

What is biodiversity and why should we be concerned about it? How can we use the biological resources of the planet in a way that ensures that they are available for generations to come? What does the CBD do to preserve the web of life? How do the programmes of work of the Convention contribute to the objectives of conservation and sustainable use of biodiversity and equitable sharing of the benefits from the use of genetic resources?

Answers to these questions are what the CBD Programme of Work on Communication, Education and Public Awareness, or CEPA, aims to provide for a variety of audiences in order to assist Parties, educators and civil society in the implementation of the CBD.

Emerging from Article 13 of the Convention, the CBD programme of work on CEPA seeks to:

- **Communicate** the scientific and technical work of the Convention in a language that is accessible to many different groups;
- Integrate biodiversity into **Education** systems in all Parties to the Convention;
- Raise **Public Awareness** of the importance of biodiversity to our lives, as well as its intrinsic value.

CBD Article 13 on Public Education and Awareness

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

3. Consideration of Article 13 by the COP

Background and status

The Conference of the Parties (COP) addressed Article 13 for the first time at its fourth meeting. COP4 decided that public education and awareness issues will be integrated into and become an integral component of all sectoral and thematic items under the programme of work of the Convention.

COP4 invited UNESCO to consider launching a global initiative on biodiversity education, training and public awareness, and requested the Executive Secretary to explore the feasibility of such an initiative and report to COP5 on progress. At its fifth meeting, the COP requested the Executive Secretary, in cooperation with UNESCO, to convene a consultative working group of experts to identify priority activities for the proposed global initiative on biological diversity public education and awareness.

COP6 adopted Decision VI/19 on Communication, Education and Public Awareness, which contains information on a Global Initiative on CEPA. The annex to the decision also contains the programme elements for the Global Initiative.

The CEPA work programme:

Programme element 1: “Towards a global communication, education and public awareness network”: Stimulating and coordinating networks composed of new information technologies and traditional communication mechanisms

Programme element 2: “Exchange of knowledge and expertise”: Exchanging of knowledge and expertise among professionals, enhancing development and innovation on CEPA

Programme element 3: “Capacity building for communication, education and public awareness”: Developing capacity of the Parties to market biodiversity to other sectors, and mainstream biodiversity into the work of other sectors

COP8 adopted a short list of priority activities to guide implementation of the programme of work on CEPA in the biennium. The short list is comprised of 10 priority activities:

- Establish implementation structure or process for CEPA activities;
- Assess the state of knowledge and awareness on biodiversity and determine capacity for communication;
- Develop key messages;
- Implement media relations strategy;
- Elaborate toolkits for development and implementation of CEPA strategies;
- Organize workshops for the articulation of CEPA strategies;
- Develop infrastructure and support for a global network;
- The International Day for Biological Diversity;
- Raise profile of meetings of the COP and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);
- Strengthen formal and informal education on biodiversity.

COP Guidance for Parties

The COP has urged Parties to place special emphasis on Article 13 in the development of their national strategies and action plans. It has also urged Parties to:

- Promote education on biodiversity through relevant institutions including NGOs;
- Allocate resources for the use of education and communication instruments;
- Allocate appropriate resources for the strategic use of education and communication instruments at each phase of policy formulation, planning, implementation and evaluation;
- Integrate biodiversity concerns into education strategies;
- Support relevant initiatives by major groups which foster stakeholder participation in biodiversity conservation and sustainable use (decision IV/10, B, paragraph 1).

The COP has encouraged Parties to make use of the media to promote public education and awareness about the importance of and appropriate methods for the conservation and sustainable use of biodiversity. Where necessary, provisions of the Convention should be illustrated and translated into local languages (decision IV/10, B, paragraphs 3 and 4).

In relation to Article 8(j) and related provisions, the COP has urged Parties, inter alia, to use means of communication other than Internet, including newspapers, bulletins and radio, and increasing the use of local languages (decision V/16, paragraph 12(e)).

The COP also requested Parties and Governments to undertake education and awareness raising, and develop communication strategies that allows indigenous and local communities, and the public at large, to be made aware of the recommendations related to Article 8(j) VI/10, paragraph 16.

4. IIFB Program on CEPA based on the CBD Program

Short-list of priority activities for the programme of work on CEPA 2010

Priority Activity 1: Establish implementation structure or process for CEPA activities

IIFB Proposed Actions

- Strengthen IIFB Working Group on CEPA.

Priority Activity 2: Assess the state of knowledge and awareness on biodiversity and determine capacity for communication

- IIFB Working Group on CEPA to survey indigenous peoples' state of awareness and understanding (Local and national).
- Identify appropriate targets for work plan on local, national, regional and International level.
- Develop questionnaire and carry out focused group discussions to assess needs.

Priority Action 3: Develop key messages

IIFB Proposed Key messages:

- The central and vital role of indigenous peoples in conservation and sustainable use of biodiversity and in sustainable development.

- “If governments are serious about poverty eradication, then they need to recognize and respect indigenous peoples’ rights to lands, territories and resources, to self-determination, and to customary management of resources and biodiversity.”
- Publicize and disseminate the key messages to all regions and groups who are undertaking CEPA work.
- Include message about climate change.
- Publicize and disseminate key messages to all the regional groups undertaking CEPA activities.

Priority Action 4: Implement media relations strategy

- Have a good awareness of usefulness of various media for local circumstances.
- Use local and regional newspapers by writing editorials and possibly promoting a CBD page.
- Use community radio/networks of community radio.
- Use face-to-face media/methods/meetings.
- Use role-plays/videos/cinemas/public service announcements on TV.
- Use music by working with musicians.
- Use visuals like posters.
- Use indigenous forms of communication, i.e., story telling and other oral means.

Priority Action 5: Elaborate toolkits for development and implementation of CEPA strategies

- Disseminate widely and use the educational resource kits on IPs and CBD.
- Use existing CBD materials.
- Collect IIFB Statements in different languages.

Priority Action 6: Organize workshops for articulation of CEPA strategies

- Organize workshops at local, national, regional and international levels to train more educators.

Priority Action 7: Develop infrastructure and support for a global network

- Use and promote IIFB website <<http://iifb.indigenousportal.com>>.
- Link-up organization websites with IIFB website.
- Coordination of network through listserve.

Priority Action 8: The International Day for Biodiversity

- Call for UNPFII support for International Day for Biodiversity with focus on IPs and Biodiversity.
- Work with National Focal Points/Look into possibility of National Days on Biodiversity.
- Make use of the International Day of the World’s Indigenous People (August 9).

Priority Action 9: Raise profile of the meetings of the COP and SBSTTA

- Strengthen participation of IPs in these meetings and all other meetings relevant meetings to IPs.
- Participate in CEPA fair.
- Organize side events.
- Use educational resource kits on IP and CBD developed by IIFB and Tebtebba.

Priority Action 10: Strengthen formal and informal education on biodiversity

- Encourage governments and local authorities to include this in formal curriculum at all levels, especially on the primary level.
- Reach out to teachers/schools (e.g., Teachers' Training).
- Develop brochures/educational resources.
- Include in Schools of Living Traditions/Elders meetings.
- Conduct gatherings and activities on the UNDRIP and CBD.
- Develop local curriculum activities/programmes.

Endnote:

¹ CBD website <www.cbd.int>.

Notes:

LEARNING TOOLS AND METHODS



RESOURCES

- “Outline of a Training Material on Module Making” - powerpoint
- Film - “Fever/Fiebre”
- Links to: TEMATEA issue based modules, Global Biodiversity Outlook, Set of books from CBD and IUCN on pastoralism, forests, etc.
- TEMATEA: Issue-based modules for coherent implementation of biodiversity related conventions
- “Global Biodiversity Outlook 2”
- “Pastoralism”
- “Drylands and Pastoralism”
- *Pastoralism, Nature Conservation and Development: A Good Practice Guide*

Introduction

In the course of its two-year project on the capacity-building of indigenous peoples on the Convention on Biological Diversity, Tebtebba has employed some learning tools and approaches, which proved useful and effective in training participants. These tools include the use of posters and mind maps. Both tools use visuals to illustrate and explain issues and problems affecting indigenous peoples in relation to conservation, sustainable use and equitable sharing of biological resources.

A how-to guide on writing modules by Prof. Raymundo Rovillos,¹ also served as one important resource during an indigenous educators' workshop, which Tebtebba spearheaded in between sessions of the COP8 in Curitiba, Brazil in March 2006.

Following are guides on the use of poster presentations, mind mapping and module making, which may help educators in the conduct of Communication, Education and Public Awareness in their respective areas.

Aside from these, there are other useful learning tools and methods such as group activities (e.g., buzz sessions), case studies, recap sessions and evaluation sessions. Some of these methods were also used in the training modules.

1. Poster Presentations: Linking local issues, the national context and the objectives of the CBD

Key Concept: The poster takes the place of a paper or narrative report (a common method used in workshops or trainings) to communicate the interlinkages of local, national and international issues and priorities related to cultural and biological diversity.

Objectives of the Activity:

Affirming the participants own experience and understanding of traditional knowledge and customary use and management of natural resources (cultural and biological diversity).

Establishing the local and national context for introducing the objectives of the CBD.

Steps:

1. Participants group themselves to discuss their own experience and understanding about conservation, sustainable use and access and benefit-sharing of natural resources; their actions undertaken to address these; as well as the relevant government laws, policies, programmes and projects. For this introductory discussion, it is not necessary to immediately introduce the terms “biodiversity” or the objectives of the CBD. The discussions will provide the local and national context for introducing the objectives of the Convention, at the end of the session.
2. Using graphical illustrations, participants draw a poster based on the following guidance:
Within the framework of indigenous peoples’ rights and traditional knowledge, describe the **key issues** and **priority actions** for your community and peoples, in relation to:
 - Conservation of natural resources (biological diversity);
 - Sustainable use of natural resources (biological diversity);
 - Access to natural resources and benefit-sharing;List the existing and proposed government policies, legislation, programmes or projects relevant to the above.
3. A rapporteur from each workshop group presents their poster, and other participants may ask questions. To save on time, other participants may write down their questions or comments on pieces of paper or “post-it” notes, which they stick on the poster after the presentation. These are gathered and responded to at a later session.
4. The facilitator thanks the participants for their posters which will be used as key resources and outputs of the workshop. The facilitator also affirms their understanding of the key issues being discussed under the Convention, and that their presentations concretize the objectives of the CBD into their local and national contexts.

2. Mind Mapping Traditional Knowledge

MIND MAPPING TRADITIONAL KNOWLEDGE (TK)

Key Concept	Mind mapping is an effective tool for participants to explore as a group their concepts of traditional knowledge.
Objectives	Participants will use graphic organizers (mind maps) to visualize, clarify, and interpret information pertaining to traditional knowledge. Participants will become familiar with a comprehensive concept of traditional knowledge, how it is defined by others in their community and/or country and the numerous facets associated with traditional knowledge.
Pre-Planning	Facilitators should be able to introduce and demonstrate a mind map. They should also be familiar with any educational restrictions (language, ability to work effectively in groups, etc.) that may inhibit participants’ contribution and address them prior to the activity, if possible.

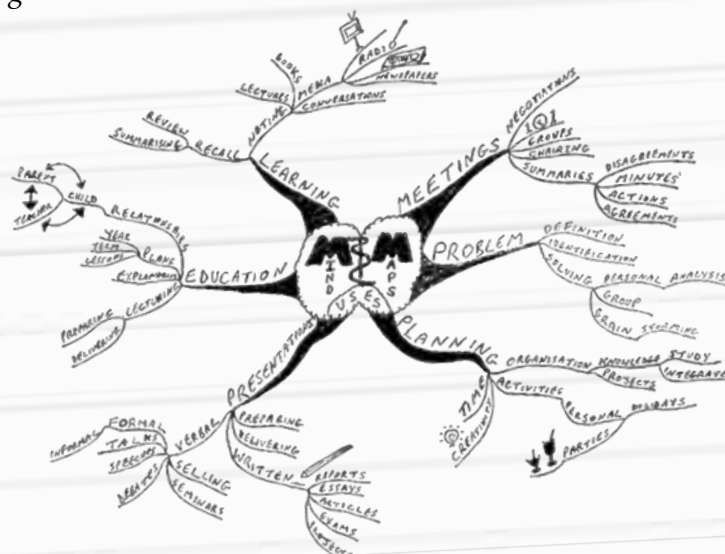
Procedure	Divide the participants into groups, arranging them based on country or community, as appropriate. On a large piece of paper, participants will begin with the concept “traditional knowledge” in the middle of the page. As each major theme or idea emerges, participants will draw a line radiating from the center and write the ideas on these lines. As each idea materializes, quickly check whether the idea is an extension of an existing idea. If it is, then just continue the line. If the idea is a variation of an existing idea, draw a branch off of the central line and label it. If the idea is something totally and utterly new, then draw a brand new line from the rectangle in the center of the page. Look for linkages—pieces of information at the end of a path that can be linked together in some way. Links can be shown by labeling the common points with letters, figures or by drawing a curve between two points. If the mind map is being used as the basis for a talk or for planning purposes, then each major line radiating from the central rectangle could be labeled numerically to show its sequence.
Closure	Each participant group presents their work to the large group, describing their process of defining TK as well as the specific areas they have demonstrated on their mind map. A short amount of time, depending on the number of participants, should be allotted for discussion. Participants will be able to then further their analysis, either through mind mapping or traditional linear expression, through the examination of threats to as well as recommendations for the protection of TK.
Resources	Materials required: Colored markers or pens; large pieces of white, unlined paper For additional supplementary resources, please refer to the Supplementary Resource CD,

What is “Mind Mapping”?

The acquisition of natural knowledge involves the creation and testing of interactive relationships in mental space, i.e., ‘spatial maps.’ A spatial map is a pictorial representation of ideas and how they are related to each other, i.e., ‘mental map’ or ‘mind map.’ In the creation of mind maps the mind focuses on a unifying idea or ‘theme.’ Themes are the organizers of meaning in the creative process of ‘mind mapping,’ i.e., ‘map learning.’ Mind map learning is a creative process which involves the use of unifying themes in order to understand relationships. In the context of traditional knowledge the ‘mind mapping technique’ is a powerful way to stimulate the brain to understand relationships and generate new ideas.

A mind map is a graphic ‘map.’ It is a way of organizing something or an area of information. Like a brain cell, every mind map has a central point. This can be an image or a word. This is the main focus and represents the main subject of the map. Then, the most important themes connected to the subject branch out from the central image or word. There are then smaller branches linked to the main ones. All the branches form a connected structure.

The mind is naturally associative, not linear. Any idea has thousands of links in your mind. Mind mapping allows associations and links to be recorded and reinforced.



3. Writing Modules

The following is an outline of a training material on module writing.²

Parts of a Module

1. Introduction
2. Aims and Objectives
3. Materials
4. Duration
5. Process/Activities
6. Discussion
7. Evaluation/Assessment
8. Conclusion
9. Glossary of Terms
10. References

The Introduction

The introduction welcomes the participants to the subject and gives some idea of the scope of the subject and what you hope to achieve with it.

You should try to keep this section brief and friendly.

Aims

The aims are broad statements which define what you are trying to do, grounded in what the subject demands. They can be general and should give your students an indication of the scope of your subject and its relationship to other subjects or the course in general.

Examples: At the completion of this subject students should:

- Acquire skills of economic analysis and reasoning (economics);
- Develop their ability to pose purposeful questions about the past and answer them imaginatively (history);
- Understand the institutions of the law, and their social, economic, and political form (law);
- Develop the capacity to think creatively and independently about new design problems and make a realistic estimate of their own potential for solving them (engineering);
- Develop a critical interest in the reform of the law (law).

Objectives

Define what participants are expected to learn in more specific and concrete statements. These statements indicate what learners should be able to do, demonstrate or understand as a result of having worked through the material. Learning objectives provide a guide to trainers and trainees. Clear objectives provide you, the trainer, with a valuable tool in curriculum development by enabling the rational choice of content and teaching and learning activities and are important in planning valid assessment. They provide the participants with a clear indication of what we want them to learn and helps them focus on these specific concepts.

Examples: By the end of the topic students will be able to:

- recognize and explain the role of indigenous peoples in governance through a detailed examination of the Philippines' 1997 IPRA (Indigenous Peoples' Rights Act);
- explain, using graphical and algebraic methods, the cost and benefits of multinational mining in indigenous communities;
- appreciate the range of policy options with regard to food security of indigenous peoples;
- explain the historical roots of marginalization of indigenous peoples; and
- interpret Article 8(j) of the CBD in the light of current practices in several indigenous communities.

Writing aims and objectives

The key word in any objective is the **verb** which describes exactly what sort of action the intended learning outcome is to be. It is possible to make learning objectives even clearer by referring to the conditions under which the performance is to be achieved and the level of competency attained. Objectives are therefore often made up of three components:

- **a behavioral term:** an action word that indicates what the learner should be able to do;
- **a condition:** an indication of the circumstances under which the action is to take place; and
- **a standard:** a description of the degree of skill to be demonstrated.

Objectives terminology

- cognitive (knowledge, thinking)
- affective (attitudes, feelings)
- psychomotor (practical skills)

In writing your objectives it may be helpful to consider further the six levels of the cognitive domain: knowledge, comprehension, application, analysis, synthesis and evaluation.

Content:

- Make your main points clear;
- Order your main points logically and effectively, given your theme and content;
- Provide adequate support (evidence and logical argument) for your main points;
- Support your assertions with evidence.

Aligning learning objectives with assessment

It is equally important to match the assessment methods to the objectives. Courses often fail to live up to expectations due to a mismatch of assessment and objectives.

Without the alignment of assessment with subject and course objectives, trainees are less likely to engage in learning.

Planning for alignment increases the likelihood that appropriate learning activities are chosen to ensure the achievement of objectives.

Conclusions:

- Conclusions should logically follow from the content;
- Put riders or limitations on your conclusions;
- Your conclusion should fit with your theme.

References:

- Cite your references in the essay;
- Your references should be consistent.



Exercise 1

Practicum in Conducting Education (40 minutes)

1. A few participants are asked to choose a specific topic for education that they would like to discuss as a practicum among the participants.
2. The participants prepare an education module for the topic or a specific education activity to facilitate the discussion of the topic.
3. Conduct a practice session for discussing the topic using the prepared module or chosen activity.
4. The other participants and the facilitators give their comments and critique on the module and on the way the instructor discussed the topic.
5. The facilitators synthesizes the whole topic on CEPA and closes the discussion.

Endnotes:

¹ Dean of the College of Social Sciences, University of the Philippines Baguio,

² Prepared by Dr. Raymundo Rovillos. He shared the module which he designed for indigenous educators.

ACRONYMS

ABS	Access and Benefit Sharing	GHG	greenhouse gas
AFOLU	Agriculture, Forestry and Other Land Use	GMO	genetically modified organisms
AIA	Advance Information Agreement	GURTs	Genetic Use Restriction Technologies
AIWN	Asian Indigenous Women's Network	IAIPTF	International Alliance of Indigenous and Tribal Peoples of Tropical Forests
AIWO	African Indigenous Women's Organisation	ICCAs	Indigenous and Community Conserved Areas
AMAN	Aliansi Masyarakat Adat Nusantara	IEN	Indigenous Environmental Network
CBD	Convention on Biological Diversity	IIFB	International Indigenous Forum on Biodiversity
CCA	Cultural Conservation Act	IIPFCC	International Indigenous Peoples Forum on Climate Change
CDM	Clean Development Mechanism	IITC	International Indian Treaty Council
CEPA	Communication, Education and Public Awareness	IK	Indigenous Knowledge
CERs	Certified Emissions Reductions	ILCs	indigenous and local communities
CHM	Clearing House Mechanism	ILO	International Labor Organization
CIHR	Conservation Initiative on Human Rights	INBRAPI	Instituto Indígena Brasileiro para Propriedade Intelectual
CITES	Convention on International Trade in Endangered Species	IPCB	Indigenous Peoples Council on Biocolonialism
COP	Conference of the Parties	IPCCC	Indigenous Peoples Coordinating Committee on Conservation
CSD	Commission on Sustainable Development	IPR	Intellectual Property Rights
DENR	Department of Environment and Natural Resources	IPRA	Indigenous Peoples Rights Act
ECOSOC	Economic and Social Council	IUCN	World Conservation Union
EPA	Environmental Protection Agency	IWBN	Indigenous Women's Biodiversity Network
EU	European Union	IWGIA	International Work Group for Indigenous Affairs
FCPF	Forest Carbon Partnership Facility	IYB	International Year of Biodiversity
FPIC	Free, Prior and Informed Consent	JI	Joint Implementation
FPP	Forest Peoples Programme	KP	Kyoto Protocol
GBO	Global Biodiversity Outlook		
GE	Genetic Engineering		
GEF	Global Environment Facility		

LULUCF	Land Use and Land Use Change and Forests	UNCHE	United Nations Conference on the Human Environment
MEAs	Multilateral Environmental Agreements	UNCLOS	United Nations Convention on the Law of the Sea
MRDC	Montañosa Research and Development Center	UNCTAD	United Nations Conference on Trade and Development
MRP	Muyong Resources Permit	UNESCO	United Nations Educational, Scientific and Cultural Organization
NAMAs	National Adaptation and Mitigation Action	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
NAPAs	National Adaptation Programmes of Action	UNEP	United Nations Environment Programme
NBSAP	National Biodiversity Strategy and Action Plans	UNESCO	United Nations Educational, Scientific and Cultural Organization
NCIV	Netherlands Centre for Indigenous Peoples	UNFAO	United Nations Food and Agriculture Organization
NFP	National Focal Point	UNFCCC	United Nations Framework Convention on Climate Change
NGOs	Non Government Organizations	UNFF	United Nations Forum on Forests
PAs	Protected Areas	UNPFII	UN Permanent Forum on Indigenous Issues
PACOS	Partner of Community Organization	UNRISD	United Nations Research Institute on Social Development
PIC	Prior Informed Consent	WGIP	Working Group on Indigenous Populations
POPs	persistent organic pollutants	WGRI	Working Group to Review Implementation
PoW	Program of Work	WIPO	World Intellectual Property Organization
PoWPA	Program of Work on Protected Areas	WSSD	World Summit on Sustainable Development
RAIPON	Russian Association of Indigenous Peoples of the North	WTO	World Trade Organization
REDD	Reducing Emissions from Deforestation and Forest Degradation	WWF	World Wide Fund
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice	WWW	World Wide Web
TEK	traditional ecological knowledge		
TK	traditional knowledge		
TWN	Third World Network		
UN	United Nations		
UNCCD	United Nations Convention to Combat Desertification		
UNCED	United Nations Conference on Environment and Development		

LIST OF RESOURCE MATERIALS

Most of the resource materials are included in the Supplementary Resource CD while other materials can be accessed from the specified websites.

Module 1:

- "Indigenous Peoples and Political Advocacy" – powerpoint.
- "Sustainable Development." *IWGIA Magazine*, (4) 2001.
- Tamayo, Ann Loreto, ed. 2003. *Indigenous Peoples and the World Summit on Sustainable Development*, Baguio City: Tebtebba Foundation.
- *We, Indigenous Peoples: A Compilation of Indigenous Peoples' Declarations*. 2005 Baguio City: Tebtebba Foundation.

Module 2:

- Oldham, Paul. "Negotiating Biodiversity A Field Guide to the Convention on Biological Diversity" – powerpoint.
- "Participation and prior informed consent of indigenous peoples in the CBD." Report on the 3rd IIFB (Bratislava, Slovakia, 4-6 May 1998) and COP4 of the CBD (4-15 May 1998).
- Lim Li Lin. "Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety." <http://www.biosafety-info.net/article.php?aid=8>.

Module 3:

- Oldham, Paul. "Negotiating Biodiversity A Field Guide to the Convention on Biological Diversity" – powerpoint.
- International Alliance of the Indigenous Peoples of the Tropical Forests. "The Biodiversity Convention: The Concerns of Indigenous Peoples."
- UN Declaration on the Rights of Indigenous Peoples.

Module 4:

- "The International Indigenous Forum on Biodiversity" – powerpoint.
- Photographs from www.indigenousportal.com.
- Samples of IIFB Statements.

Module 5:

- Scott, John. "The CBD and Traditional Knowledge" – powerpoint.
- *Value Indigenous Knowledge*. 2010. Baguio City: Tebtebba.
- Pachamama Newsletters - May 1, 2007. May 2008. May-September 2009. April-September 2010.

Module 6:

- "Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising Out of the Utilization of Genetic Resources" – powerpoint.
- "Convention on Biological Diversity (with annexes)." Concluded at Rio de Janeiro on 5 June 1992. <http://www.cbd.int/doc/legal/cbd-un-en.pdf>.
- "Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization." 2002. Secretariat of the Convention on Biological Diversity.
- "COP Decision 926 instructing the CBD to negotiate an international regime on ABS Decision (VII/19D) Adopted by the Conference of the Parties to the Convention on Biological Diversity at its Seventh Meeting (UNEP/CBD/COP/DEC/VII/19)," 9 - 20 February 2004, Kuala Lumpur, Malaysia. <http://www.cbd.int/doc/decisions/cop-07/cop-07-dec-19-en.doc>.
- "Report of the Seventh Meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing." (UNEP/CBD/WG-ABS/7/8). Paris, 2-8 April 2009. <http://www.cbd.int/doc/meetings/abs/abswg-07/official/abswg-07-08-en.doc>.
- "Report of the Eighth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (UNEP/CBD/WG-ABS/8/8)." Montreal, 9-15 November 2009. <http://www.cbd.int/doc/meetings/abs/abswg-08/official/abswg-08-08-en.doc>.
- "Report of the meeting of the Group of Legal and Technical Experts on Concepts, Terms, Working Definitions and Sectoral Approaches." (UNEP/CBD/WG-ABS/7/2). 2 - 5 December 2008, Windhoek, Namibia. <http://www.cbd.int/doc/meetings/abs/absgtle-01/official/absgtle-01-abswg-07-02-en.doc>.
- "Report of the meeting of the Group of Legal and Technical Experts on Compliance in the Context of the International Regime on Access and Benefit-Sharing (UNEP/CBD/WG-ABS/7/3)." Tokyo, 27 - 30 January 2009. <http://www.cbd.int/doc/meetings/abs/abswg-07/official/abswg-07-03-en.doc>.
- "Report of the meeting of the Group of Technical and Legal Experts on Traditional Knowledge associated with Genetic Resources." UNEP/CBD/WG-ABS/8/2). 16 - 19 June 2009 Hyderabad, India. <http://www.cbd.int/doc/meetings/abs/abswg-08/official/abswg-08-02-en.doc>.
- "Sustaining Life on Earth: How the Convention on Biological Diversity promotes

- nature and human well-being." <http://www.cbd.int/iyb/doc/prints/cbd-sustain-en.pdf>.
- Earth Negotiations Bulletin*.

Module 7:

- Indigenous Peoples and the Convention on Biological Diversity, Series No. 6: Asia Indigenous Women and the CBD*. 2008. Baguio City: Tebtebba Foundation.
- Opening Statement of the International Indigenous Forum on Biodiversity (IIFB). 7th Conference of the Parties, Kuala Lumpur, Malaysia, 9 February, 2004.
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Module 8:

- "Protect Hawai'i's Biodiversity" – powerpoint.
- Harry, Debra, Stephanie Howard, Brett Lee Shelton. 2000. *Indigenous People, Genes and Genetics: What Indigenous People Should Know About Biocolonialism: A Primer and Resource Guide*. Indigenous Peoples Council on Biocolonialism. <http://www.mindfully.org/GE/Indigenous-People-Biocolonialism.htm>.
- GENOK. "Biosafety Assessment Tool." www.genok.com.
- GENOK. "Course on GMOs and implementing the Cartagena Protocol." www.genok.com.
- Lim Li Lin. "Capacity Building in Developing Countries to Facilitate the Implementation of the Cartagena Protocol on Biosafety." <http://www.biosafety-info.net/article.php?aid=8>.

Module 9:

- Tauli-Corpus, Victoria, et al., eds. *Guide on Climate Change and Indigenous Peoples*. 2008 Baguio City: Tebtebba Foundation.
- "Climate Change, Biodiversity and Indigenous Peoples" – powerpoint.
- LifeMosaic and Tebtebba. 2010. "Fever/ Fiebre."
- Barnsley, Ingrid. 2008. *Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD): A Guide for Indigenous Peoples*. United Nations University.
- "International Indigenous Peoples Forum on Climate Change: IIPFCC Policy Paper on Climate Change." Discussed and finalized at the IIPFCC meeting in Bangkok, Thailand from September 26-27, 2009.
- "The Anchorage Declaration." 2009. Agreed by consensus of the participants in the Indigenous Peoples' Global Summit on Climate Change, Anchorage Alaska, April

24th 2009.

- John Henriksen. "Report on Indigenous and Local Communities Highly Vulnerable to Climate Change Inter Alia of the Arctic, Small Island States and High Altitudes, With a Focus on Causes and Solutions." Submitted to the Ad Hoc Open-Ended Inter- Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity Fifth meeting in Montreal, 15-19 October 2007.

Module 10:

- VIDS Vereniging van Inheemse Dorpschoufden in Suriname (Association of Indigenous Village Leaders in Suriname). 2009. "Securing Indigenous Peoples' Rights in Conservation in Suriname: A Review." *FPP Series on Forest Peoples and Protected Areas*.
- Association Okani. 2009. "Securing Indigenous Peoples' Rights in Conservation: Reviewing and promoting progress in Cameroon." *FPP Series on Forest Peoples and Protected Areas*.
- Forest Peoples Programme. 2009. "Securing Indigenous Peoples' Rights in Conservation: Review of policy and implementation in the Dzanga-Sangha Protected Area Complex." *FPP Series on Forest Peoples and Protected Areas*.
- Marcus Colchester, Maurizio Farhan Ferrari, John Nelson, Chris Kidd, Peninnah Zaninka, Messe Venant, Len Regpala, Grace T Balawag, Borromeo Motin, Banie Lasimbang. "Conservation and Indigenous Peoples: Assessing the Progress since Durban." *FPP Series on Forest Peoples and Protected Areas*.
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- IUCN Commission on Environment, Economic and Social Policy. "Conservation and Human Rights." In *Policy Matters*, Issue 15, July 2007.
- Marcus Colchester. 2003. *Salvaging Nature-Indigenous peoples, protected areas and biodiversity conservation*. England: WRM and FPP.
- Dudley, Nigel, ed. 2008. *Guidelines for Applying Protected Area Management Categories*. Switzerland: IUCN.

Module 11:

- "Review of Implementation of the Convention on Biological Diversity (UNEP/CBD/COP8/4/ Rev 1)" – powerpoint.
- National Biodiversity Strategies and Action Plans (NBSAPs). <http://www.cbd.int/nbsap/>.
- Philippine Strategy and Action Plans. <http://www.psdn.org.ph/nbsap/page9.html>.
- Republic of the Philippines. "Assessing Progress towards the 2010 Biodiversity

Target: The 4th National Report to the Convention on Biological Diversity, 2009." <http://www.cbd.int/doc/world/ph/ph-nr-04-en.pdf>.

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- Forest Peoples Programme. 2010. *Customary sustainable use of biodiversity by indigenous peoples and local communities: Examples, challenges and recommendations relating to CBD Article 10(c). Working draft of A synthesis paper based on case studies from Bangladesh, Cameroon, Guyana, Suriname, and Thailand*. http://www.forestpeoples.org/documents/conservation/10c_synthesis_draft_apr10_eng.pdf.

Module 12:

- "The Ecosystem Approach of the CBD" – powerpoint.
- "Beginners' Guide to Using the Ecosystem Approach." <http://www.cbd.int/doc/programmes/cro-cut/eco/eco-guide-be-en.pdf>
- "Report of the Sixth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (UNEP/CBD/COP/10/2)." 2 - 6 November 2009, Montreal, Canada. <http://www.cbd.int/doc/meetings/cop/cop-10/official/cop-10-02-en.doc>.

Module 13:

- "Report of the Secretariat on Indigenous Traditional Knowledge (E/C.19/2007/10) to the Sixth session of the Permanent Forum on Indigenous Issues." New York, 14-25 May 2007.
- "Study on Compliance in Relation to the Customary Law of Indigenous and Local Communities, National Law, Across Jurisdictions, and International Law." (UNEP/CBD/WG-ABS/7/INF/5). Prepared for the Seventh meeting of the Ad Hoc Open-Ended Working Group on Access and Benefit-Sharing, Paris, 2-8 April 2009.
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Quezon City: EED Philippine Partners' Task Force for Indigenous People's Rights.

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- Carino, Joji. "Indigenous Peoples' Concerns on the Convention on Biological Diversity" - powerpoint.

Module 14:

- "Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its eighth meeting." (UNEP/CBD/COP/DEC/VIII/6). Curitiba, Brazil, 20-31 March 2006. <http://www.cbd.int/decisions/?id=11018>.
- IIFB program on CEPA based on CBD program – powerpoint.
- "Compilation of CBD COP Decisions on Article 13 (Public Education and Awareness) and IIFB Working Group on CEPA Plans." 2009. Baguio City: Tebtebba Foundation. (unpublished material).
- Secretariat of the Convention on Biological Diversity. "Implementation Strategy for the International Year of Biodiversity-2010." <http://www.cbd.int/iyb/doc/iyb-implementation-plan-en.pdf>.
- Secretariat of the Convention on Biological Diversity. "Welcome to the International Year of Biodiversity." <http://www.cbd.int/2010/about/>.

CHAPTER IV. LEARNING TOOLS AND METHODS

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- LifeMosaic and Tebtebba. 2010. "Fever/Fiebre."
- Links to: TEMATEA issue based modules, Global Biodiversity Outlook, set of books from CBD and IUCN on pastoralism, forests, etc.
- TEMATEA: Issue-based modules for coherent implementation of biodiversity related conventions. <http://www.tematea.org/?q=node/960>.
- Secretariat of the Convention on Biological Diversity. 2006. "Global Biodiversity Outlook 2." Montreal. <http://www.cbd.int/doc/gbo/gbo2/cbd-gbo2-en.pdf>.
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