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**REVIEW OF ACTIVITIES OF THE UNITED NATIONS
SYSTEM RELATING TO INDIGENOUS PEOPLES:
AN INTERACTIVE DISCUSSION**

Information received from the United Nations system

**THE CONVENTION ON BIOLOGICAL DIVERSITY
AND INDIGENOUS PEOPLES**

The Convention and indigenous and local community issues

1. Article 8 (j) of the Convention on Biological Diversity calls upon State 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. The implementation of article 8 (j) and related provisions is important to the overall objective of the Convention. The Convention encourages States to promote the wider application of such knowledge, innovations and practices with the approval and involvement of indigenous peoples. Article 8 (j) also refers to the rights of indigenous and local communities to enjoy the benefits which arise from the application of their traditional knowledge, innovations and practices. The text of the Convention can be found on the following web site: www.biodiv.org.

2. The Conference of the Parties to the Convention first discussed the implementation of article 8 (j) at the third meeting, held in Argentina in 1996. At the same time, national and international indigenous meetings and workshops, including a technical meeting of indigenous experts, were held to inform and prepare indigenous representatives.

3. Following the third meeting of the Conference of the Parties, a five day Workshop on Traditional Knowledge and Biological Diversity was held in Madrid, in November 1997. At the workshop, case studies by Governments concerning measures taken to support traditional knowledge and the implementation of article 8 (j) were considered. Many indigenous representatives participated in the workshop and contributed to the formulation of recommendations for the implementation of article 8 (j) to protect indigenous knowledge, innovations and practices.

4. In addition to article 8 (j), there are other provisions in the Convention which are of concern to indigenous people. For example, article 10 (c) relates to the protection and customary use of biological resources in accordance with traditional practices that are compatible with conservation or sustainable use. Similarly, article 18 (4) refers to the development of methods of cooperation for the development and use of indigenous and traditional technologies.

5. The Conference of the Parties, at its fourth meeting, held in Bratislava from 4 to 15 May 1998, established an ad hoc open-ended intersessional working group to address the implementation of article 8 (j) and related provisions of the Convention. The mandate of this Working Group is:

(a) To provide advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity;

(b) To provide the Conference of the Parties with advice relating to the implementation of article 8 (j) and related provisions, in particular on the development and implementation of a programme of work at national and international levels;

(c) To develop a programme of work, based on the structure of the elements proposed in the Madrid workshop report;

(d) To identify those objectives and activities falling within the scope of the Convention; to recommend priorities taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits; to identify for which work-plan objectives and activities advice should be directed to the Conference of the Parties and which should be directed to the Subsidiary Body on Scientific, Technical and Technological Advice to recommend which of the work-plan objectives and activities should be referred to other international bodies or processes; and to identify opportunities for collaboration and coordination with other international bodies or processes with the aim of fostering synergy and avoiding duplication of work;

(e) To provide advice to the Conference of the Parties on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and make proposals on the strengthening of mechanisms that support such cooperation.

6. The first meeting of this Working Group was held in Seville, Spain from 27-31 March 2000. The report of the first meeting of the Ad Hoc Open-ended Intersessional Working Group on article 8 (j) and Related Provisions of the Convention on Biological Diversity (UNEP/CBD/COP/5/5) was the main document to assist the Conference of the Parties in its deliberation at its fifth meeting. The principle decision adopted by the Conference of the Parties concerning article 8 (j) and related provisions is decision V/16.

7. The Ad Hoc Open-ended Intersessional Working Group held its second meeting in Montreal, Canada from 4 to 8 February 2002. The priority tasks of the programme of work as outlined in the annex to decision V/16 were discussed, under the following items, with recommendations to be considered at COP 6:

Report on progress in the integration of relevant tasks of the programme of work on article 8 (j) and related provisions into the thematic programmes of the Convention on Biological Diversity;

Review of progress in the implementation of the priority tasks of the programme of work on article 8 (j) and related provisions;

Outline of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities;

Draft recommendations 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 and on lands and waters traditionally occupied or used by indigenous and local communities;

Participatory mechanisms for indigenous and local communities;

Assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications for the protection of the knowledge, innovations and practices of indigenous and local communities.

The report of the Ad Hoc Open-ended Working Group (UNEP/CBD/COP/6/7) can be found on the CBD web site: www.biodiv.org.
