

Response by the Secretariat of the Convention on Biological Diversity

Summary of key issues for indigenous peoples under the Convention on Biological Diversity

The mandate established within the programme of work for Article 8(j) and related provisions (decision V/16, annex) is to develop guidelines and principles and to that extent it is common practice that such guidelines remain voluntary. However, although voluntary, such guidelines are adopted by the consensus of the Parties to the Convention and carry an ethical and moral weight and over time become established standards in customary international law. Parties to the Convention provide regular reports to the Secretariat, which include actions taken regarding the implementation of Conference of the Parties decisions including voluntary standards and guidelines. As well as guidelines, the Convention also negotiates and adopted legally binding agreements such as the Nagoya Protocol. Through protocols, standards and guidelines the 193 parties to the Convention has agreed that:

A. Access and use of traditional knowledge should be based on prior informed consent

The Nagoya Protocol is a legally binding protocol that establishes that access to traditional knowledge associated with genetic resources is based on prior informed consent or approval and involvement.

The Bonn Guidelines which is a voluntary guideline requires the prior informed consent of indigenous and local communities and the approval and involvement of the holders of traditional knowledge, innovations and practices should be obtained, in accordance with their traditional practices, national access policies and subject to domestic laws.

The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities requires that any activities/interactions related to traditional knowledge associated with the conservation and sustainable use of biological diversity, occurring on or likely to impact on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities and impacting upon specific groups, should be carried out with the prior informed consent and/or approval and involvement of indigenous and local communities.

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 and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities provide a collaborative framework ensuring the full involvement of indigenous and local communities in the assessment of cultural, environmental and social impact of proposed developments on sacred sites and on lands and waters they have traditionally occupied. The Guidelines require prior and informed consent concerning developments proposed on traditional territories.

B. Mutually Agreed Terms

The Nagoya Protocol requires that equitable sharing of benefits arising from the use of TK is based on mutually agreed terms. The NP also requires (article 7) that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established. The Nagoya protocol also requires that - Parties shall support, the development by indigenous and

local communities, including women within these communities, of minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources.

Bonn Guidelines in Paragraph 35 – states that Prior informed consent is linked to the requirement of mutually agreed terms. And *Paragraph 48* - Pursuant to mutually agreed terms established following prior informed consent, benefits should be shared fairly and equitably with all those who have been identified as having contributed to the resource management, scientific and/or commercial process. The latter may include governmental, non-governmental or academic institutions and indigenous and local communities. Benefits should be directed in such a way as to promote conservation and sustainable use of biological diversity.

C. Equitable Sharing of Benefits

The Working Group on Article 8(j) and related provisions continues to work on guidance concerning equitable sharing of benefits under task 7 of the revised programme of work which request: the **Working Group** to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities (iii) advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.

D. Use of registers and databases for TK

A number of concerns and questions have been raised about the documentation of traditional knowledge including its challenges and opportunities. The Conference of the Parties of the Convention on Biological Diversity has discussed (in COP 7 Decision VII/16) the use of databases and registers for recording traditional knowledge and have decided that while in some cases databases and registers may play a role in the protection of traditional knowledge, innovations and practices, such databases and registers are only one approach in the effective protection of traditional knowledge, innovations and practices and their establishment should be voluntary, not a requirement for protection, and established with the prior informed consent of indigenous and local communities.

The Secretariat has assisted WIPO in the finalization of the WIPO TK TOOLKIT which provides all the information needed, by indigenous peoples, including possible benefits and challenges, to decide whether or not they wish to pursue documentation of their knowledge.

The World Intellectual Property Organization (WIPO) Traditional Knowledge Documentation Toolkit (available at <http://www.wipo.int/tk/en/resources/tkdocumentation.html>) aims to empower indigenous peoples and local communities to decide for themselves whether they wish to have their TK documented or not, and to make the right decisions regarding how to safeguard their interests and keep control of their IP rights, interests and options.

E. Community Protocols

The Convention is increasingly exploring the role of community protocols. The Nagoya Protocol (article 12) requires Parties to take into consideration and the support the development of community protocols and procedures by indigenous peoples, with respect to traditional knowledge. Community protocols have the potential to inform users of traditional knowledge about obligations arising from customary law, without necessarily revealing the communities customary laws.

SECTION 1 - Evaluation of the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Q1. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- **Challenges and institutional limitations in the agency's / organizations' capacity to approach indigenous issues;**

The Secretariat of the Convention serves 193 Parties, and engages both rights and stakeholders but strictly speaking, is not an implementation body. The Convention is implemented through the Parties to the Convention therefore the Convention does not have country offices but national focal points usually established within national environmental departments. Indigenous peoples and local communities have engaged with the Convention from its very beginnings as evidence by their inclusion in the preamble and the text of the Convention. The Convention itself has a focused mandate on conservation, sustainable use and benefit sharing. Article 8(j) applies to specifically to knowledge, innovations and practices of indigenous and local communities relevant for conservation and sustainable use, and related provision article 10(c), deals with customary sustainable use of biodiversity.

UNPFII recommendations directed to the CBD and requesting actions beyond the mandate of the Convention or its Secretariat is the single largest obstacle to effective implementation of such recommendations.

Draft recommendations directed to the Conference of the Parties to the Convention – the governing body - are first discussed by a subsidiary body, the Working Group on Article 8(j), which usually meets once every two years. The Working Group forwards its recommendations as draft decisions to the Conference of the Parties (COP), for consideration and possible adoption for action.

Decisions requiring action from the Secretariat often stipulate “subject to the availability of funds”, and for the most part funds for these purposes are voluntary and come from donor Parties. In 2013 and 2014, the worldwide economic downturn continues to have adversely impacted the funds available for these activities. Furthermore, the Convention's biennium processes and sometimes lengthy negotiations can make it difficult to report on concrete outcomes to the UNPFII on an annual basis. However, the new working methods initiated by the Forum, including the new reporting cycle which allows for the in-depth reporting of a limited number of agencies per annual session, provides a useful mechanism to ensure that agencies can elect for in-depth reporting every few years making it easier to report on concrete outcomes. However, attention will need to be paid to follow-up of in-depth dialogues as reporting back opportunities within the new working methods are limited.

- **Inclusion of indigenous peoples' issues in the agenda, strategic or policy framework of your organization, and in the work of the agency/organization, including at country level;**

Article 8(j) (traditional knowledge), along with Article 10(c) (customary sustainable use of biodiversity) and related provisions, are addressed as cross-cutting issues by the Convention on Biological Diversity. Indigenous peoples and local communities also have a unique mechanism to enhance their participation in the Convention through the ad hoc open-ended Working Group on Article 8(j) and related provisions. The Working Group meets biennially and sends draft decisions directly to the governing body, the Conference of the Parties (COP), for its consideration, as well as provides advice directly to the Nagoya Protocol process, as well as SBSTTA, on matters of mutual interest.

The Parties to the Convention has adopted a voluntary fund for the participation of indigenous peoples and local communities in meetings held under the Convention.

Parties to the Convention are required to supply a national report on progress made in the implementation of the Convention, and are requested to involve indigenous peoples and local communities in its development.

- **Existence of guidelines or policies on engagement with indigenous peoples in the work of your organization;**

The Secretariat adheres to the UNEP Policy – *UNEP and Indigenous Peoples: A Partnership in caring for the Environment* (November 2012) and is considering minor adaptations, in the context of the Convention.

- **Strategies, policies and activities to support the implementation of the UN Declaration on the Rights of Indigenous Peoples at international and country level;**

The Convention addresses respect, preservation, protection, maintenance and promotion of the knowledge, innovations and practices (traditional knowledge) of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, as well as customary sustainable use through the work programme for Article 8(j) and related provisions.

The issue of traditional knowledge is taken up in Article 31 of the United Nations Declaration on the rights of indigenous peoples.

Actions to realize article 8(j) and related provisions, is taken up in the programme of work for article 8(j) and related provisions. The objective of the programme of work is “to promote within the framework of the Convention a just implementation of Article 8(j) and related provisions, at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation”.

- **Budgetary allocations for projects/activities on indigenous peoples’ issues;**

Many actions requested from the Secretariat require voluntary funding from Parties. Contributions in 2013 from the Government of Japan, allowed for the organization of four regional workshops for the Latin American and Caribbean region, Africa, Asia, and Pacific during 2013-14. The Government of Sweden has also provided funds in 2014 for the further development of community based monitoring and information systems, as a contribution to indicators for traditional knowledge.

Furthermore, funds for ABS capacity building and the NB-Subs workshops will include the participation of indigenous and local community representatives in 2013-14 biennium. Three full-time staff positions remain dedicated to indigenous and local community issues, two of which are funded from the core budget.

- **Identify good practices.**

Participation of indigenous peoples in the work of the Convention

Indigenous peoples identify the Convention as one of the most progressive institutions within the United Nations concerning the participation of indigenous peoples in its work. The Conference of the Parties established the Ad Hoc Open-ended Working Group on Article 8 (j)

and related provisions which is responsible for the development and implementation of the work programme with the full participation of indigenous and local communities (ILCs). The Working Group on Article 8(j) includes enhanced participation mechanism for ILCs including the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as an indigenous and local community bureau, and co-chairs for sub-working groups and contact groups, and enhanced opportunities to make interventions on all agenda items. A voluntary funding mechanism was also established to facilitate the participation of ILCs in all relevant meetings held under the Convention¹. The Secretariat also conducts regular capacity building workshops in all developing regions, to assist indigenous peoples and local communities to effectively participate in Convention processes at international national and sub-national levels.

Q2. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- **Existence of participatory mechanisms for indigenous peoples in your organization, and/or other ways for the participation by indigenous peoples' representatives in the work and decision-making processes within your organization (in the boards and/or consultative bodies, etc...)**

Please refer to previous response under good practices.

- **Development of guidelines on how to apply the principle of free, prior and informed consent in the work of the agency / organization;**

The Working Group on Article 8(j) and related provisions is currently developing, under task 7 of the programme of work, guidelines for prior and informed consent for access and use of traditional knowledge. These guidelines will be a core element of guidelines for national legislation or other national arrangements for the effective implementation of Article 8(j) and related provisions at the national level.

Furthermore the Nagoya Protocol on Access to Genetic Resources, which includes traditional knowledge associated with genetic resources and requires, in article 7, that traditional knowledge is accessed with the prior informed consent or approval and involvement of the relevant indigenous and local communities. Furthermore, the Protocol obliges Parties, in article 12, in implementing their obligations to take into consideration indigenous and local communities' customary laws, community protocols, and procedures, which are often used as mechanisms by indigenous peoples for prior and informed consent. In article 12, 3(a) requires that Parties endeavour to support, the development by indigenous and local communities, including women of community protocols, minimum requirements for prior and informed consent and model contractual clauses for benefit sharing arising from the utilisation of traditional knowledge. Similar arrangements are required for genetic resources, where indigenous peoples and local communities have the established right to grant access to such resources.

- **Experiences of dialogue and cooperation with indigenous peoples' organizations at international and local level;**

The Convention has extensive networks with both indigenous peoples and local communities and remains one of the largest international gatherings of indigenous peoples outside of the UNPFII and the EMRIPs. All capacity building workshops are conducted in partnership with local indigenous organizations as well as regional indigenous biodiversity networks. The COP has recognized the International Indigenous Forum on Biodiversity (IIFB), which is the

¹ Refer Decision VIII/5, D, paragraph I

indigenous caucus to the CBD in various COP decisions as a principle indigenous mechanism for input into CBD processes, including meetings.

- **Experiences of facilitation of dialogue between indigenous peoples and governments at national level.**

Increasingly article 8(j) capacity building workshops include national focal points for article 8(j) (traditional knowledge), as well as indigenous peoples and local community representatives and aim to build a dialogue at the national level concerning the effective implementation of article 8(j) and related provisions. Parties are also requested to include indigenous peoples and local communities in the drafting of national reports.

Q3. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- **Adoption of a holistic approach to development “with culture and identity”, which takes into account the specific views and needs of indigenous peoples;**

Related to the theme of development with culture and identity, the Joint Programme of Work on the Linkages between Biological and Cultural Diversity continues to explore, with partners, the implications of these linkages for policy makers.

- **Initiatives developed and/or implemented on protecting and promoting cultural diversity and inter-culturality;**

The Secretariat of the Convention in partnership with UNESCO, has established a Joint Programme of Work on the Linkages between Biological and Cultural Diversity. The Joint Programme of Work has produced web-tools for partners and policy makers in 2013-14 and is implementing lessons learned through integration into regional capacity building workshops, as well as regional initiatives including the 1st European Conference for the Implementation of the UNESCO-SCBD Joint Programme on Biological and Cultural Diversity, 8-11 April 2014, Florence, Italy.

- **Initiatives to recover or preserve and protect indigenous peoples' heritage sites and other parts of their tangible and intangible heritage;**

The Convention continues to work on the respect, preservation, protection and promotion of traditional knowledge and currently the Working Group on Article 8(j) and related provisions, is developing the main elements for national legislation or other arrangements to effectively implement article 8(j) and related provisions at the national level (Tasks 7, 10 and 12).

Regarding initiatives to recover traditional knowledge (intangible cultural heritage), the Working Group on Article 8(j) and related provisions is currently negotiating guidelines for repatriation of traditional knowledge in order to facilitate the recovery of traditional knowledge (Task 15).

- **Initiatives to protect indigenous traditional knowledge and genetic resources;**

The Nagoya Protocol

A major accomplishment at COP 10 was the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources of the Convention on Biological Diversity (Nagoya Protocol) following six years of intense negotiations. Indigenous and local communities participated, including

those on government delegations, throughout the negotiations. The Nagoya Protocol is the first international instrument of particular relevance to indigenous and local communities negotiated since the adoption of the UN Declaration on the rights of indigenous peoples (September 2007). As such it is a significant step in mainstreaming indigenous rights as a cross-cutting issue in international negotiations.

The purpose of the Protocol is to effectively implement one of the three core objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. It builds on the access and benefit-sharing provisions of the Convention.

The Preamble provides a context for the interpretation of the text of the Protocol. The preamble contains seven paragraphs relevant to ILCs and TK. These paragraphs includes references to article 8(j), the interrelationship between GR and TK and their inseparable nature, the diversity of circumstances in which TK is owned or held (including by countries), the identification of the rightful holders of TK, the Declaration on the rights of indigenous peoples and the non-extinguishment of existing rights.

At the core of the Protocol are obligations related to access to genetic resources, the fair and equitable sharing of benefits arising out of genetic resources, as well as compliance with prior informed consent and mutually agreed terms. In addition, to support compliance Parties have the obligation to take measures to monitor the utilization of genetic resources, including through the designation of check points and reporting requirements. Furthermore, an internationally recognized certificate of compliance issued by the providers of genetic resources will serve as evidence that genetic resources have been accessed in accordance with prior informed consent and that mutually agreed terms have been established. The issuance of certificates of compliance will be made available to the Access and Benefit-sharing Clearing House established under the Protocol.

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

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

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

It should also be noted that the Decision of the Conference of the Parties contains a review clause related to developments in the World Intellectual Property Organization (WIPO). To be more specific, four years after the entry into force of the Protocol, the Conference of the Parties serving as the Meeting of the Parties to the Protocol is to undertake an evaluation of the effectiveness of the Protocol. In this context, the Conference of the Parties decided that the implementation of the article related to compliance with domestic legislation or regulatory requirements on access and benefit-sharing for traditional knowledge associated with genetic resources should be reviewed in light of developments in other relevant international organizations, including the World Intellectual Property Organization.

Finally, the article of the Protocol addressing the relationship with international agreements and instruments may also be of interest. It refers to the possibility for Parties to develop and

implement other relevant international agreements, including other specialized access and benefit-sharing agreements, provided that they are supportive of and do not run counter to the objectives of the Convention and the Protocol. It also refers to the need to pay due regard to ongoing work under relevant international organizations.

Work Programme on Article 8(j) of the Convention (traditional knowledge)

Sui Generis systems of protection for traditional knowledge

Regarding article 8(j) and related provisions, the Conference of the Parties requested the Secretariat to continue its work on sui generis systems by collating and analyzing information including evidence about the effectiveness of sui generis measures that have been taken at the local, sub-national, national, or regional levels. An essential element of sui generis systems is prior and informed consent.

The Tkarihwaié:ri code of ethical conduct

At its tenth meeting, the COP also finalized the negotiation of, and adopted, the Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity (“the Tkarihwaié:ri^[1] code of ethical conduct) and invited Parties and Governments to make use of its elements to guide the developments of models of codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge. The code provides for Prior informed consent and/or approval and involvement

New Tasks of the 8(j) programme of work and Prior Informed Consent

The COP also adopted a revised multi-year programme of work for Article 8(j) including the initiation of new tasks related to the recently adopted Nagoya Protocol and its implementation, including: (i) guidelines for benefit sharing and obtaining prior informed consent from indigenous and local communities, (ii) the identification of obligations of provider and user countries, and (iii) guidelines for the national implementation of Article 8(j) and related provisions and standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources. The COP also decided to initiate work on the development of guidelines for the repatriation of information, including cultural property.

The COP also adopted two additional indicators for traditional knowledge to complement the already adopted indicator on status and trends in traditional languages. They are: (i) status and trends in land-use and land tenure in the traditional territories of indigenous and (ii) local communities and status and trends in practice of traditional occupations. Future indicators work will consider indicators for customary sustainable use (Article 10(c)).

Sustainable Development

The COP 11 decided on a major new component of work on sustainable use of biodiversity with a focus on customary sustainable use and at COP 12 the Parties will considered the adoption of a Global Plan of Action for Customary Sustainable Use of biodiversity. The plan of action is a significant contribution to the post-2015 development agenda as well as poverty alleviation.

- **Has your agency/organization employed indigenous staff?**

The secretariat employs three staff to manage and facilitate the work programme for Article 8(j) and related provisions, two of who are indigenous and one local community.

- **Establishment of targeted policies, programmes, projects, benchmarks and budgets for indigenous peoples in the areas of education, health, environment, and social and economic development;**

The Conference of the Parties has established four (4) indicators for traditional knowledge in support of Target 18 of the revised Strategic Plan for Biodiversity 2011-2020.

<p>Target 18 - By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.</p>	<p>Trends in integration of biodiversity, ecosystem services and benefit-sharing into planning, policy formulation and implementation and incentives</p> <ul style="list-style-type: none"> · Trends in land-use change and land tenure in the traditional territories of indigenous and local communities (B) (decision X/43) · Trends in the practice of traditional occupations (B) (decision X/43)
	<p>Trends in accessibility of scientific/technical/traditional knowledge and its application</p> <ul style="list-style-type: none"> · Trends in which traditional knowledge and practices are respected through their full integration, safeguards and the full and effective participation of indigenous and local communities in the national implementation of the Strategic Plan (B)
	<p>Trends in accessibility of scientific/technical/traditional knowledge and its application</p> <ul style="list-style-type: none"> · Trends of linguistic diversity and numbers of speakers of indigenous languages (B) (decision VII/30 and VIII/15)

- **Has your agency / organization provided priority attention to indigenous women, children and youth?**

Taking into consideration the important role of indigenous women in knowledge transmission, and as holders of gender specific knowledge relevant for biological diversity, in such areas as conservation, sustainable use, seed diversity and food security, the Convention is proud of its efforts to engage indigenous and local community women in Convention processes. The most recent progress report to the Working Group on Article 8(j) indicates that more than 50 % indigenous and local community participants funded through the voluntary fund are women.

Q4. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

CBD Response - Decade of the World's Indigenous peoples - Second International Decade of the World's Indigenous People

Introduction

All activities within the framework of the Convention on Biological Diversity related to indigenous and local communities directly contribute to the implementation of the objectives of the Decade of the World's Indigenous People. In particular, Article 8(j) and related provisions directly address matters of the utmost importance to indigenous and local communities by focusing on respect, preservation and maintenance of the knowledge, innovations and practices of indigenous and local communities, embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. Article 8(j) also requires that these knowledge, innovations and practices are promoted with the approval and involvement of the knowledge holders and encourage the equitable sharing of benefits

arising from their use. Further to this, recent decisions of the governing body (referred to as COP) have consistently and by consensus interpreted “approval” in this context, as “prior and informed consent” and have interpreted their obligations to Article 8(j) to include “protection” of traditional knowledge.

In brief, the CBD has considerably advanced our work on the promotion and protection of traditional knowledge, with a view to completing and adopting international guidelines and standards by 2020. Meanwhile, Parties are being urged to take practical measures, with the effective participation of indigenous and local communities, such as the development of national action plans for traditional knowledge and customary sustainable use, to ensure their obligations regarding Target 18 are met by 2020.

In distilling our work into outcomes, the Convention has entered a period of enhanced implementation and actively seeks and encourages the involvement of indigenous and local communities in review, development and implementation of the work programme of Article 8 (j) and related provisions, which contributes directly to the goals of the Second Decade of the World’s Indigenous People

- **Existence of disaggregated data and statistics on indigenous peoples;**

The Secretariat provides regular reports on the participation of indigenous peoples in meetings held under the Convention, which include regional and gender breakdowns. Furthermore the COP in decision X1/14 B, paragraph 20

Requests the Executive Secretary to take practical steps to ensure that representatives of local communities have equitable access to the Voluntary Fund for the Participation of Indigenous and Local Communities the Work of the Convention, as well as capacity-building workshops; to commence disaggregation of data and statistics on local community representatives; and to report on these measures to the eighth meeting of the Working Group on Article 8(j) and Related Provisions for its consideration;

Thus from COP 11 onwards, the Secretariat disaggregates data based on self-identification in application forms to the voluntary fund for the participation of indigenous and local communities in meetings held under the Convention allowing applicants to identify as “indigenous” and/or “Local community” representative. The most recent report of participation which contains disaggregated data and statistics on indigenous peoples is available as **UNEP/CBD/WG8J/8/2** at <https://www.cbd.int/doc/?meeting=WG8J-08> .

Existence of specific monitoring mechanism, official reports or research on the situation of indigenous peoples;

The Secretariat produces both biennial progress reports on the implementation of article 8(j) and related provisions which focus on traditional knowledge and increasingly, customary sustainable use of biological diversity. Also at the request of the COP, the Secretariat, has provided specific reports such as the Report on the Situation of Isolated Indigenous Peoples and the Protection of Traditional Knowledge (**UNEP/CBD/WG8J/5/INF/17/ADD1**) and 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 (**UNEP/CBD/WG8J/5/INF/18**). Between 2002 and 2007, the Secretariat conducted an extensive indepth study referred to as the Composite Report on the Status and Trends Regarding the Knowledge, Innovations and Practices of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity (**UNEP/CBD/WG8J/5/3**), which identified **twenty-three (23)** international, national and local processes that may threaten the maintenance, preservation and application of traditional knowledge, innovations and practices.

Those obstacles are:

1. Environmental threats (including environmental damage, climate change, invasive species).
2. Loss of indigenous languages.
3. Coerced imposition of foreign religions and value systems.
4. Continuing colonization and coerced assimilation.
5. Imposed foreign education systems.
6. Objectification through tourism.
7. Militarization, conflict, insecurity and war.
8. Application of new technologies where there is a lack of opportunity for ILCs to adopt and adapt new technologies within their value systems and to support respect, retention and maintenance of traditional knowledge.
9. Social disintegration, including high rates of suicide, incarceration and violent death.
10. Racism and discrimination.
11. Degraded health and well-being including poverty, HIV, and restrictions on traditional health practices and practitioners.
12. Destruction or reduced availability of traditional foods and medicines and food aid.
13. Gender issues ^{2/}

² Gender issues need to be carefully presented from an indigenous perspective, i.e., men are often deeply and profoundly affected by the loss of traditional economic opportunities, such as the loss of the hunt, as this often goes to the heart of their feelings of self-worth as well as their esteem within the community; also, gender is a broad concept for indigenous peoples.

14. Lack of capacity, including infrastructure, training, and financial and social capital.
 15. Increasing populations – including young populations and low life expectancy.
 16. Increasing urbanization, forced relocations and coerced migration resulting from, among other things dispossession and environmental damage.
 17. Restrictions on self-governance and lack of participation in decision making processes.
 18. Lack of respect for traditional knowledge and customary law, including lack of formal recognition by government and academia, and denigration of traditional knowledge and traditional knowledge holders in the general public.
 19. Lack of security for ILC land tenure/usufruct rights and restrictions on access to traditional territories including sacred sites and protected areas.
 20. Unsustainable economic development and degradation of ILCs traditional economic bases.
 21. Unsustainable exploitation of natural resources (with possible subcategories for fish, forests, etc.).
 22. Globalization, including concentration of political and economic power and homogenization of cultural influences.
 23. Misappropriation of traditional knowledge including through Bioprospecting and weak/inappropriate intellectual property rights regimes.
- **How do your agency / organization address the issue of indigenous peoples in its targeting of the MDGs?**

Q5. Please provide information on how activities aimed at implementing the United Nations Declaration on the Rights of Indigenous Peoples and the objectives of the Second International Decade of the World's Indigenous Peoples impact on the achievement of the Millennium Development Goals.

The Convention and MDG 7 “Ensuring sustainability”

At COP 10, Parties to the Convention expressed their commitment to continuing to pursue more efficient and coherent implementation of the three objectives of the Convention on Biological Diversity, addressing implementation gaps, where appropriate, including through the fulfilment of commitments significantly reducing the rate of loss of biodiversity, including through preserving and maintaining knowledge, innovations and practices of indigenous and local communities, and at COP 11 adopted the Nagoya Protocol on Access to Genetic Resources (and associated traditional knowledge) and the fair and equitable sharing of benefits arising from their utilization.

Q.6. Please provide information on how your agency envisages activities including indigenous peoples’ rights into the proposed Sustainable Development Goals, in the framework of the new post-2015 development agenda.

The Secretariat of the Convention is working to raise awareness amongst the Governments participating in the open-ended working group process regarding the relevance of biodiversity in future development paradigms and the role of traditional knowledge and customary sustainable use in sustainability.

Q7. Does your agency have regular or ad hoc capacity-building programmes on indigenous peoples' issues for staff, or a plan for capacity-building activities in this area, at headquarters or in the field?

The Secretariat adheres to the UNEP Policy on indigenous peoples: A Partnership in Caring for the Environment, Policy Guidance, November 2012. The article 8(j) team working on traditional knowledge and customary sustainable use is also mandated to integrate these matters as cross-cutting issues across all the work programme of the Convention. With that in mind, the 8(j) team regularly supports and works with colleagues to support these mainstreaming efforts.

Q8. Does your agency have a focal point on indigenous issues? If so, please provide the name and contact information of this person.

The Secretariat has three (3) staff dedicated to indigenous issues.

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Viviana Figueroa (viviana.figueroa@cbd.int) and
Djessy Monnier (djessy.monnier@cbd.int)

Q9. Please provide a list of conferences and other meetings organized or supported by your agency on indigenous issues for the current year as well as next year (2014).

During 2013 the Secretariat prepared and facilitated the 8th meeting of the Ad hoc Open-Ended Working Group on Article 8(j) and related provisions (7-11 October 2013) and a Regional Capacity-building Workshop for Latin America and Caribbean Region on Traditional Knowledge under the CBD", in Cochabamba, Bolivia, from 9 to 11 December 2013;

In 2014, the Secretariat is working with indigenous partners and donors to organize three additional regional indigenous and local community capacity building workshops in Africa (26-28 March, 2014, Nairobi, Kenya), Asia (venue and dates under discussion), and the Pacific (venue and dates under discussion).

As well as this the Secretariat continues to fund and invite indigenous representatives to participate in most workshops offered by the Secretariat across a wide range of issues and especially on the Nagoya Protocol.

Information on CBD meetings is available at: <http://www.cbd.int/meetings/>

SECTION 2 - Questionnaire to the UN System and Other Intergovernmental Organizations in preparation of the Thirteenth Session of UN Permanent Forum on Indigenous Issues

(i) Please provide information on how your agency is dealing with any of the important issues listed on the UNPFII agenda for 2014, in the seven regional areas of the UNPFII.

Of particular interest to the Convention, the agenda for the UNPFII at its thirteenth session, in 2014, takes up matters of mutual interest concerning the post-2015 development agenda, as well the Asian region. The Secretariat is currently working with the Asian Indigenous Peoples Pack (AIPP), Tebtebba Foundation, the Forest Peoples programme and the Stockholm Resilience Centre (Government of Sweden), to facilitate capacity building workshops for indigenous and local communities in preparation for COP 12. The Secretariat is also working with these partners to explore the potential of community-based monitoring and information systems (CBMIS) as a contribution to measuring indicators adopted for traditional knowledge, as well as the broader application in monitoring UN DRIPS.

Regarding the post 2015 development agenda, the Secretariat is working with the Inter-Agency Support group on indigenous peoples Issues to prepare a common paper on traditional knowledge. The Secretariat is also working to influence the process to ensure that biodiversity issues are fully considered and taken into account.

(ii) Please provide information on progress in implementing the recommendations of the UNPFII specifically addressed to your agency.

RESPONSE FROM THE CBD TO RECOMMENDATIONS ARISING FROM THE ELEVENTH AND TWELFTH SESSIONS OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

INTRODUCTION

1. Recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues (UNPFII) were considered by the seventh meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (October 2011) and the eleventh meeting of the Conference of the Parties (October 2012).

2. At its eleventh meeting, the Conference of the Parties (COP) noted the recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues and *requested* in decision XI/14 G, that the Executive Secretary continue to inform the United Nations Permanent Forum on Indigenous Issues about developments of mutual interest.³

3. In paragraph 2, of the same decision, the Conference of the Parties noted the recommendations contained in paragraphs 26 and 27 of the report of the tenth session of the United Nations Permanent Forum on Indigenous Issues (E/2011/43-E/C.19/2011/14) regarding, among other matters, the use of the term “indigenous peoples and local

³ Including the revised programme of work on Article 8(j) and, in particular, work on customary sustainable use (Article 10(c)), the implementation of the Nagoya Protocol and related capacity-building efforts, the joint programme of work on biological and cultural diversity, the Tkarihwaí:ri Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity and the Akwé: Kon³ Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to Take Place on, or Which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities

communities” and *requested* the eighth meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, taking into account submissions by Parties, other Governments, relevant stakeholders and indigenous and local communities, to consider this matter, and all its implications for the Convention on Biological Diversity and its Parties, at its next meeting, for further consideration by the Conference of the Parties at its twelfth meeting. A compilation of submissions is presented in UNEP/CBD/WG8J/8/INF/10 and UNEP/CBD/WG8J/8/INF/10/Add.1. In addition, to further assist the Working Group in its discussions, the Secretariat has conducted a survey of the use of the term “indigenous peoples” by agencies participating in the United Nations Inter-Agency Support Group on Indigenous Peoples’ Issues (IASG). Sixteen agencies have responded and the table of results is included in UNEP/CBD/WG8J/8/INF/10/Add.1.

4. In addition to further consideration of recommendations 26 and 27 from the tenth session of the UNPFII, the eighth meeting of the Working Group on Article 8(j) and Related Provisions will also consider recommendations arising from the eleventh and twelfth sessions of the UNPFII.

5. Section I of the present document deals with recommendations 26 and 27 of the report of the tenth session of the UNPFII, including a brief overview of submissions received. Section II draws attention to new recommendations arising from the eleventh and twelfth sessions of the UNPFII, and provides some initial guidance. Section III provides possible draft recommendations for the consideration of the Working Group.

I. RECOMMENDATIONS ARISING FROM TENTH SESSION OF THE UNPFII FOR CONSIDERATION BY THE WORKING GROUP

6. The following recommendations were submitted by the UNPFII to the seventh meeting of the Working Group on Article 8(j) and Related Provisions. Relevant complementary information is provided, as appropriate, where the work has been ongoing and/or builds on previous recommendations.

Tenth session UNPFII 2011⁴

Recommendation 27. The Permanent Forum reiterates to the parties to the Convention on Biological Diversity, and especially to the parties to the Nagoya Protocol, the importance of respecting and protecting indigenous peoples’ rights to genetic resources consistent with the United Nations Declaration on the Rights of Indigenous Peoples. Consistent with the objective of “fair and equitable” benefit sharing in the Convention and Protocol, all rights based on customary use must be safeguarded and not only “established” rights. The Committee on the Elimination of Racial Discrimination has concluded that such kinds of distinctions would be discriminatory².

7. Recommendation 27 was included in a revision of recommendations arising from UNPFII, at the request of the International Indigenous Forum on Biodiversity, for the consideration of Parties at the eleventh meeting of the Conference of the Parties.

8. Regarding the Nagoya Protocol, Parties, in adopting the Protocol, have included seven preambular paragraphs of specific interest to indigenous and local communities, and which aid in the interpretation of the proceeding articles, including a final preambular paragraph, “Affirming that nothing in this Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities”.

9. Article 12 concerning traditional knowledge associated with genetic resources, addresses customary use in paragraph 4, by stating that: “Parties, in their implementation of this Protocol, shall, as far as possible, not restrict the customary use and exchange of genetic

⁴ Extracts taken from E/2011/43-E/C.19/2011/14.

resources and associated traditional knowledge within and amongst indigenous and local communities in accordance with the objectives of the Convention.”

10. Concerning the issue of equitable sharing of benefits arising from genetic resources, Article 5 of the Nagoya Protocol requires, in paragraph 2, that each Party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on mutually agreed terms.

11. The Nagoya Protocol also requires (Article 7, Access to Traditional Knowledge Associated with Genetic Resources) that access to traditional knowledge is based on the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established, in order to ensure the equitable sharing of benefits.

Recommendation 26. Affirmation of the status of indigenous peoples as “peoples” is important in fully respecting and protecting their human rights. Consistent with its 2010 report (E/2010/43 and E/C.19/2010/15), the Permanent Forum calls upon the parties to the Convention on Biological Diversity, and especially including the Nagoya Protocol, to adopt the terminology “indigenous peoples and local communities” as an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years ago.

12. This matter on the use of the term “indigenous peoples and local communities”, is a repeat of the recommendation made by UNPFII at its ninth meeting and was taken up by the Conference of the Parties at its eleventh meeting,⁵ at the request of the International Indigenous Forum on Biodiversity, resulting in the Conference of the Parties requesting the eighth meeting of the Working Group on Article 8(j) and related provisions to consider this matter, and all its implications for the Convention on Biological Diversity and its Parties, to enable further consideration by the Conference of the Parties at its twelfth meeting.

13. To assist the Working Group in its discussions, a compilation of submissions is made available as UNEP/CBD/WG8J/8/INF/10 and Add.1. The compilation includes submissions from Australia, Bolivia, Brazil, Finland, as well as the following indigenous and non-governmental organizations: Red Indígena de Turismo de México A.C; Consejo Regional Otomí del Alto Lerma de México; Red de Mujeres Indígenas y Biodiversidad de Guatemala; Asociación IXACA VAA de Desarrollo e Información Indígena de Costa Rica; INBRAPI de Brasil; Plataforma Dominicana de Afrodescendientes y EcoHaina de Republica Dominicana; Forest Peoples Programme and Natural Justice supported by another 72 organizations and networks; Center for Social Sustainable Systems- Fundación Andes Chinchasuyo; Assembly of First Nations (AFN); and a Joint Submission of Grand Council of the Crees (Eeyou Istchee). To assist the Working Group in its consideration of this issue, a table summarizing the use of the term “indigenous peoples” within the United Nations system is also included in UNEP/CBD/WG8J/8/INF/10/Add.1.

14. *The Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity has requested* the Executive Secretary to prepare an independent analysis, including by obtaining advice from the United Nations Office of Legal Affairs, and to make it available to the Conference of the Parties at least 90 days before its twelfth meeting with the view to facilitating further consideration of the matter. The Working group has also recommended to COP, that it decide, at its twelfth

⁵ Recommendations arising from the Ninth and Tenth Sessions of the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity (UNEP/CBD/WG8J/7/7/Rev.1).

meeting, based on the results of the analysis and advice, on the appropriate terminology to use in future decisions and secondary documents under the Convention.

Eleventh session UNPFII 2012⁶

General recommendations

40. The Permanent Forum recommends that the full, effective and direct representation and participation of indigenous peoples, including their indigenous governments, councils, parliaments and other political institutions, should be ensured at all United Nations forums and multilateral and bilateral negotiations, and in the drafting processes of the corresponding emerging instruments, for example, those under discussion at the World Bank, the World Intellectual Property Organization (WIPO), the secretariat of the Convention on Biological Diversity. Such instruments must be harmonized with the Declaration, which is regarded as a reflection of the minimum human rights standards necessary for the promotion and protection of indigenous peoples, nations and communities. Such instruments should be consistent with or exceed those minimum standards.

15. Along with the United Nations system, the Secretariat of the Convention takes a human rights based approach to service delivery for indigenous and local communities, including in facilitating the participation of indigenous and local community representatives in the work of the Convention, including in meetings held under the Convention. Mechanisms for the full and effective participation of indigenous and local communities in meetings held under the Convention, and in particular the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, have been established within the framework of the Convention since its inception. Such mechanisms include financial support to enable indigenous and local communities to attend the meetings (particularly through the Voluntary Fund for indigenous and local community representatives), logistical support, assuring participation in formal and informal groups (such as contact groups and Friends of the Chair groups), and capacity-building efforts. The work of the Secretariat to engage ILCs in these respects is seen as a good practice model for the rest of the United Nations system.

Twelfth session of the UNPFII 2013⁷

General recommendations

20. The Permanent Forum recommends that States, in collaboration with indigenous peoples and United Nations agencies, including UNICEF and UNESCO, prepare a comprehensive report on the number of indigenous languages spoken in each State. It is important to identify the current numbers and ages of fluent speakers of each indigenous language, in addition to measures, including constitutional, legislative, regulatory and policy measures, as well as financial support, whether ongoing or project-based, by States, United Nations agencies and indigenous peoples, to ensure that indigenous languages continue to be used, survive and thrive and do not become extinct.

16. In paragraph 14 of decision X/43, the Conference of the Parties adopted two additional indicators for traditional knowledge: status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities; status and trends in the practice of traditional occupations, to complement the previously adopted indicator on status and trends of linguistic diversity and numbers of speakers of indigenous languages;

⁶ Report of the eleventh session of the United Nations Permanent Forum on Indigenous Issues E/2012/43 - E/C.19/2012/13

⁷ Report of the twelfth session of the United Nations Permanent Forum on Indigenous Issues E/2013/43- E/C.19/2013/25.

17. Advancing the work regarding the operationalizing of the indicator on indigenous languages would go a long way to fulfilling the request in recommendation 20, concerning a possible report on indigenous languages.

18. The Secretariat of the Convention on Biological Diversity has engaged the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a possible agency focal point for the collection of data regarding indigenous languages. UNESCO has advanced a framework to collect reliable, comparable statistics based on national censuses, however to date neither the Secretariat nor UNESCO has secured additional funds to operationalize this work.⁸

33. The Permanent Forum invites the agencies of the United Nations system, including UNDP, the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD), in cooperation with the secretariats of the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and the United Nations Framework Convention on Climate Change, as well as other relevant stakeholders, to convene a workshop on African pastoralism, indigenous peoples' rights and climate adaptation.

19. The Secretariat of the Convention could work with lead agencies including FAO, IFAD and UNFCCC to realize such a workshop, pending the availability of resources. Thanks to the generosity of the Government of Japan, the Secretariat is already planning to facilitate a capacity-building workshop for indigenous and local communities in preparation for the twelfth meeting of the Conference of the Parties (October, 2014) for the African region. Therefore, the Secretariat will explore, with the other agencies, possible synergies in delivering workshops for the African region during 2014.

Specific recommendations

25. The Permanent Forum recommends that UNESCO, the United Nations Development Programme (UNDP), the Convention on Biological Diversity and the World Intellectual Property Organization (WIPO) work closely with indigenous peoples to develop an instrument to protect traditional knowledge and culture-based economic opportunities and activities as a potential way of strengthening the identities of indigenous peoples in order to contribute to gross domestic product growth, environmental protection and mutual appreciation of cultures.

20. The Convention on Biological Diversity has considerably advanced the implementation of the programme of work on Article 8(j) and Related Provisions, whose objective is to promote within the framework of the Convention, a just implementation of Article 8(j) and related provisions,⁹ at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation.

21. Recent advances include: the revised programme of work on Article 8(j) and, in particular, a major component of work on customary sustainable use (Article 10(c)); advances in tasks 7, 10, 12 and 15;¹⁰ which may assist in the further implementation of the Convention

⁸ It is the understanding of the Secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extra-budgetary resources are available. UNPFII Report at its twelfth session E/2012/43 – E/C.19/2012/13, Section B, paragraph 3.

⁹ Concerning knowledge innovations and practices of indigenous and local communities, as well as customary sustainable use of biological diversity.

¹⁰ **Task 7.** To develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices; (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities; (iii) advancement of the identification of the obligations of countries of origin, as well as Parties and

and the Nagoya Protocol and related capacity-building efforts, including on Nagoya Protocol articles concerning associated traditional knowledge; adoption of the Tkarihwaié:ri Code of Ethical Conduct in Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity and the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to Take Place on, or Which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities.

22. Concerning the issue of “culture-based economic opportunities and activities”, recent work on Article 10(c) (customary sustainable use) is most relevant. A plan of action for customary sustainable use¹¹ will be considered at the eighth meeting of the Working Group on Article 8(j) and the twelfth meeting of the Conference of the Parties.

(iii). Name some of the obstacles your agency has encountered in implementing the recommendations of the Permanent Forum, including those addressed specifically to your agency.

Please refer to Section I, Question (i).

(iv). What are the factors that facilitate your agency’s implementation of the recommendations of the Permanent Forum, including those addressed specifically to your agency?

Governments where such knowledge, innovations and practices and the associated genetic resources are used.
Element 5. Exchange and dissemination of information

Task 12. To develop guidelines that will assist Parties and Governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.

Task 10. To develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

Task 15. To develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

¹¹ In its decision XI/14 F, the Conference of the Parties agreed on the development of a plan of action on customary sustainable use, as a new major component of the revised programme of work on Article 8(j) and related provisions. In paragraph 10 of the same decision, the COP also agreed on three priority tasks, those being: (a) **To incorporate customary sustainable use practices or policy**, as appropriate, with the full and effective participation of indigenous and local communities, **into national biodiversity strategies and action plans**, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports; (b) **To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c)** and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c); (c) To identify **best practices** (e.g. case studies, mechanisms, legislation and other appropriate initiatives) to: (i) Promote, in accordance with national legislation and applicable international obligations, the full and effective participation of indigenous and local communities, and also **their prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas**, including marine protected areas, that may affect indigenous and local communities; (ii) **Encourage the application of traditional knowledge and customary sustainable use in protected areas**, including marine protected areas, as appropriate; (iii) **Promote the use of community protocols** in assisting indigenous and local communities to affirm and promote customary sustainable use in protected areas, including marine protected areas, in accordance with traditional cultural practices;

Factors that facilitate the Convention's implementation include receiving actionable recommendations within the mandate of the institution and as well as voluntary funds to facilitate activities such as capacity building. On occasion, UNPFII participation in meetings is highly useful.

(v). Please provide information on joint initiatives, programmes or projects undertaken in cooperation with other UN agencies.

The Secretariat of the Convention is a committed and active member of the United Nations Inter-Agency Support Group on Indigenous People's Issues and in 2012-13 was the Chair of the IASG. In 2014, the Secretariat is coordinating a joint paper on traditional knowledge and the post-2015 development agenda.

The Secretariat of the Convention in partnership with UNESCO manages a joint programme of work on the linkages between biological and cultural diversity. The joint programme is assisted by an informal liaison group which includes representatives of indigenous peoples.

The Secretariat also works closely with the World Intellectual Property Organization to ensure harmony and coordination and complementarity concerning mutual work of traditional knowledge and genetic resources. During 2014, the Secretariat will organize three regional workshops in cooperation with WIPO.

The Secretariat also works with relevant UN agencies concerning the operationalization of indicators for traditional knowledge, including with UNESCO on traditional languages, OHCHR and ILC on traditional occupations and the International Land Coalition of land tenure.

(vi). Please provide information on activities undertaken collectively by the Inter-Agency Support Group on Indigenous Peoples' Issues in view of implementing the recommendations of the Permanent Forum.

The IASG responds to actions and recommendations requested by the UNPFII at its annual meetings and responses in its annual report which is submitted to the UNPFII before each session. The IASG is collectively considering assistance to indigenous peoples for preparatory processes for the WCIP, as well as embedding indigenous perspectives in the dialogue for the post 2015 development agenda and the SDGs.

End
