



UNEP



CBD



Convention on Biological Diversity

Distr.
LIMITED

UNEP/CBD/WG8J/7/L.6
4 November 2011

ORIGINAL: ENGLISH

AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Seventh meeting

Montreal, 31 October-4 November 2011

Agenda item 6 (d)

ARTICLE 10, WITH A FOCUS ON ARTICLE 10(c), AS A MAJOR COMPONENT OF THE PROGRAMME OF WORK ON ARTICLE 8(j) AND RELATED PROVISIONS

Draft recommendation submitted by the Chair

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions,

I. REQUEST TO THE EXECUTIVE SECRETARY

Noting that SBSTTA 15 and 16 and WGRI 4 will consider issues relevant to this component of the programme of work of Article 8 (j) concerning the sustainable use of biodiversity

1. *Requests* the Executive Secretary to inform SBSTTA 15 and 16 and WGRI 4 on the outcome of the deliberations of the Working Group on Article 8(j) and related provisions on the issue of customary sustainable use; and

2. *[Requests* the Executive Secretary to compile submissions from Parties, Governments, international organizations and indigenous and local communities, and to provide this compilation to the eleventh meeting of the Conference of the Parties as an official document for the agenda item of Article 10 with the focus on Article 10(c) as a major component of the programme of work of Article 8 (j) and Related Provisions.]

II. RECOMMENDATION TO THE CONFERENCE OF THE PARTIES

3. *Recommends* that the Conference of the Parties at its eleventh meeting adopts a decision along the following lines:

The Conference of the Parties,

Recognizing that sustainable use is the second pillar of the Convention,

Recognizing that Articles 8(j) and 10(c) are interconnected and mutually reinforcing,

Recalling decision X/43 which decided to include a new major component of work on Article 10 with a focus on Article 10(c), building on the Addis Ababa Principles and Guidelines,

Further recognizing that the implementation of sustainable use, including customary sustainable use, is crucial in achieving the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020,

/...

Reiterates the importance of a strategy to integrate Article 10, with a focus on article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas,

1. *Takes note with appreciation* of the report of the meeting on Article 10 with a focus on Article 10(c);¹

2. *Agrees* on the development of a Plan of Action on customary sustainable use, as a new major component of the revised programme of work for Article 8(j) and related provisions, with a view towards its further development and adoption by the Conference of the Parties at its twelfth meeting;

3. *Invites* Parties, Governments, indigenous and local communities, relevant international organisations to submit information for the development of the Plan of Action, taking into consideration among others, the indicative list of tasks contained in the annex to the present decision;

4. *Requests* the Executive Secretary to develop the draft Plan of Action for customary sustainable use, building on the Addis Ababa Principles and Guidelines, the ecosystem approach and relevant materials, in particular from other MEAs and relevant FAO instruments based on the indicative list of tasks, submissions, and other relevant information, including a gap analysis;

5. *Requests* the Executive Secretary when developing the draft Plan of Action, to include a proposal for phased implementation of the Plan of Action, based on the indicative list of tasks, submissions, and other relevant information, including a gap analysis, including consideration of funding and technical support for developing and least developed countries;

6. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions at its eighth meeting to review the draft Plan of Action for customary sustainable use and provide guidance about its implementation;

7. *Requests* the Executive Secretary to integrate customary sustainable use into the programme of work on protected areas including through specific guidance in the web-based e-modules of the programme of work with the full and effective participation of indigenous and local communities.

8. *Invites* Parties to address customary sustainable use, in particular customary sustainable use policies, in their national biodiversity strategies and action plans (NBSAPs), with the full and effective participation of indigenous and local communities;

9. *Mandates* the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions to provide views and advice on matters of relevance to traditional knowledge relevant to the conservation and sustainable use of biological diversity directly to the Subsidiary Scientific Body on Technical and Technological Advice on a regular basis with a view to the integration of Articles 8(j) and 10(c) considerations, as cross-cutting issues into the thematic programmes of the Convention, including by transmitting the views and advice derived from the in-depth dialogues established under the standing agenda item of the Working Group by paragraph 12 of decision X/43 of the Conference of the Parties, commencing with the programme of work on protected areas.

¹ UNEP/CBD/WG8J/7/INF/5.

*Annex***LIST OF INDICATIVE TASKS****A. *Guidance on sustainable use and related incentive measures for indigenous and local communities*****1. *Customary sustainable use and diverse local economies***

Task 1. To develop guidelines to promote and encourage community-based resource management and governance consistent with national legislation and applicable international instruments.

Task 2. 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 to achieve human well-being and to report on this through the national reports.

2. *Lands, waters and resources*

Task 3. To develop guidelines which may serve as input in developing and drafting of mechanisms, legislation or other appropriate initiatives to assist Parties to respect, and promote customary *sustainable* use and traditional knowledge, taking into consideration indigenous and local communities' customary laws, community protocols and procedures and in respect of traditional institutions and authorities;

Task 4. [To review, as appropriate, national and subnational policies, with a view to ensure that customary sustainable use is protected and encouraged.]

3. *Targeted support and funding*

Task 5. To provide information on a regular basis, including to the meetings of the Working Group, and through the Article 8(j) web-pages concerning the availability of funding in support of the initiatives to advance the implementation of Article 10(c).

Task 6. To promote and strengthen community based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and collaborate with ILCs in joint activities to achieve enhanced implementation of Article 10(c).

4. *Opportunities and knowledge gaps for further exploration*

Task 7. To explore the nexus between customary sustainable use and sustainable use, and related economic opportunities for indigenous and local communities.

Task 8. To develop advice and expand on the methods used to put value on biodiversity and ecosystem services so as to incorporate indigenous cultural and spiritual values with their prior and informed consent or approval and involvement, and comprehensively assess the relationship of ecosystem services to the customary sustainable use of biodiversity.

[*Task 9.* To explore the relationship between climate change and customary sustainable use, practices and traditional knowledge, as well as the value of customary sustainable use and traditional knowledge for climate change adaptation]²

² To be checked against WGRI-4 and SBSTTA-16

B. Measures to increase the engagement of indigenous and local communities and governments at national and local level in the implementation of Article 10 and the ecosystem approach

1. Education

Task 10. To integrate, as appropriate, issues of customary sustainable use, traditional knowledge and indigenous languages into formal and informal education systems, with the full and effective participation of indigenous and local communities.

Task 11. To develop guidance in cooperation with relevant organizations including indigenous and local community organizations, in particular of women, to promote intergenerational transmission of traditional knowledge and indigenous languages relevant for customary sustainable use by indigenous and local communities.

Task 12. To promote understanding and broad public awareness that the most biodiverse systems are formed in interaction with humans, and that traditional knowledge and customary sustainable use can contribute to and uphold biodiversity, landscapes and seascapes including in protected areas.

2. Gender dimensions

Task 13. To consider the specific knowledge roles and contributions of women, in relation to customary sustainable use, and mainstream gender aspects in mechanisms for participation, decision-making and management of biological resources and ecosystem services.

C. Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention's various programmes of work and thematic areas

1. Protected areas

Task 14. To identify best practices to (e.g. case-studies, mechanisms, legislation and other appropriate initiatives):

(a) To promote in accordance with national legislation, and applicable international obligations, the full and effective participation of indigenous and local communities and their prior and informed consent or approval and involvement in the establishment, expansion, governance and management of protected areas, including marine protected areas that may affect ILCs;

(b) To encourage the application of traditional knowledge and customary sustainable use in protected areas, including marine protected areas, as appropriate.

(c) To promote the use of community protocols in assisting ILCs to affirm and promote customary sustainable use in accordance with traditional cultural practices, in protected areas, including marine protected areas.

Task 15. To prioritize the integration of customary sustainable use into the programme of work on protected areas including through specific guidance in the web-based e-modules of the programme of work with the full and effective participation of indigenous and local communities.
