



Addressee: Member States Convention on Biological Diversity (CBD)

Paragraph #77 Session #3 (2004)

Full Text

The Forum:

- (a) Urges all Governments and the international community to fully apply the AKWE:KON guidelines for any proposed development on sacred sites and lands and water traditionally occupied by indigenous and local communities;
- (b) Welcomes the establishment of a trust fund for the participation of indigenous and local communities in the work of the Convention on Biological Diversity, and urges Governments to provide funding to ensure an adequate level of participation by indigenous and local communities in the work of the Convention;
- (c) Notes the decision by the Conference of Parties to the Convention to negotiate, within the framework of the Convention, an international regime on access to genetic resources and the sharing of benefits arising from their realization, and emphasizes that such negotiations should be developed and should allow the full participation of members of the Forum and indigenous representatives to participate in the negotiations;
- (d) Urges indigenous and local communities to contribute actively to the work of the Secretariat of the Convention on the composite report on the status and trends of traditional knowledge to ensure that the report is truly reflective of the concerns of indigenous and local communities with regard to the loss of traditional knowledge of relevance to biological diversity;
- (e) Recommends that the Executive Secretary of the Convention organize, in coordination with other relevant agencies, a workshop on indicators to measure

progress in the objectives of the multi-year programme of work and other programmes of work, with the full participation of indigenous peoples and their organizations, in order to incorporate the necessary human and social indicators;

(f) Recommends that the Convention's ad hoc open-ended working group on article 8(j) advance its mandate to develop mechanisms for the effective sui generis systems of protection based on customary laws of indigenous peoples, especially in light of the decision of the Conference of Parties to the Convention to increase the pace in the elaboration and implementation of a proposed international regime on access and benefit-sharing.

Comments

The Government of Norway reports the following:

(b) Representatives of the Samediggi (Sami Parliament) have been included in delegations to relevant meetings under the Convention, such as the Conference of the Parties and the working group on traditional knowledge (article 8)

(d) Since the first meeting of indigenous peoples under article 8(j) in Madrid, the Norwegian government has provided financial support to enable Sami representatives to participate in this work.

CBD Parties - (a) The COP has been actively considering the preservation of sacred sites, lands and waters occupied by indigenous and local communities. COP has requested governments to use the Akwe:Kon guidelines.

(c) The Working Group on Access and Benefit Sharing has been mandated, with the Working Group on Article 8(j), an international regimen on access and benefit-sharing to effectively implement the concepts of prior informed consent for access to genetic resources and of arrangement for the fair and equitable sharing of the benefits derived from the utilisation of genetic resources. The results of the deliberations of the Working Group at its meetings in February 2005 and March 2006 will be submitted for consideration by the COP at its eighth meeting, to be held in Brazil in May 2006. Noting the general UNPFII Recommendation for increased participation, the CBD is ensuring an adequate level of participation by indigenous representatives in these meetings, until the proposed Voluntary Fund is established after COP8.

(d) The work programme provides for the preparation of a composite report on the status and trends of traditional knowledge. In February 2004 the Conference of the Parties requested that work be initiated on Phase II of the composite report,

in consultation with the approval of indigenous and local communities. Indigenous and local communities are invited to undertake field studies and to communicate their views to the Secretariat on the application of traditional knowledge, innovations and practices before 31 May 2005 to ensure that their views are adequately reflected in phase two of the composite report.

The CBD is committed to working with indigenous and local communities and contribute to their capacity-building. Indigenous and local communities are involved in the formulation and review of our studies through consultancies and now also through the Advisory Group/Steering group that was recently created. This body, in which indigenous communities are represented, will assist in the completion of the composite report and undertake a peer review of the revised version, in consultation with indigenous peoples and local community organizations that have participated in the work of the Convention.

(f) The Working Group on Article 8(j) will consider the issue of sui generis systems at its next meeting in the first quarter of 2006. To prepare for this, the Secretariat is in the initial phase of reviewing relevant material regarding sui generis systems and in relation to the other topics above-mentioned. Indigenous communities have been invited to communicate to the Secretariat any relevant information on existing sui generis systems, as well as their views and suggestions no later than 31 May 2005.

Update (March 2007)

The development of sui generis systems for the protection of traditional knowledge was considered by the fourth meeting of the Working Group on Article 8(j) and the eighth meeting of the Conference of the Parties. The Conference of the Parties has requested the Executive Secretary to continue gathering and analyzing information in consultations with parties, governments and indigenous and local communities and to further develop as a priority issue, the possible elements for consideration by the fifth meeting of the Working Group on Article 8(j) so that it can identify priority elements and make recommendations regarding their adoption to the ninth meeting of the Conference of the Parties.

The eighth meeting of the Conference of the Parties adopted a timetable for the development of an international regime on access and benefit sharing with the view of adopting a regime as soon as possible but no later than 2010 and has also made significant decisions to enhance the participation of indigenous and local communities on issues related to traditional knowledge and associated genetic resources.

Area of Work

Environment