



WORKING GROUP ON ARTICLE 8(J) HIGHLIGHTS: WEDNESDAY, 9 OCTOBER 2013

Delegates met in plenary throughout the day. In the morning, they considered draft recommendations on progress in implementation of the Article 8(j) work programme, and customary sustainable use. In the afternoon, delegates participated in an in-depth dialogue “Connecting traditional knowledge systems and science, such as under the IPBES, including gender dimensions.” Informal consultations were held at lunchtime and in the evening on UNPFII recommendations, including consideration of the term “indigenous peoples and local communities.”

UNPFII RECOMMENDATIONS

Co-Chair Pande suggested forming a Friends of the Co-Chairs’ group to continue discussions and invited Norway, Togo, Argentina, Peru, Indonesia, UK, Canada and the IIFB to join the group. SPAIN, FRANCE, LITHUANIA, NEW ZEALAND, NAMIBIA, DENMARK, BOLIVIA, SUDAN, AUSTRALIA, UGANDA, BRAZIL, CHINA and others asked to join the group. Co-Chair Pande then called for informal consultations facilitated by Claire Hamilton (UK) and Valeria Gonzales Posse (Argentina).

PROGRESS IN IMPLEMENTATION

Delegates discussed a draft recommendation (UNEP/CBD/WG8J/8/CRP.3). The IIFB, supported by the EU, SENEGAL, NORWAY, JORDAN, ETHIOPIA and AUSTRALIA, proposed as a theme for the in-depth dialogue to be held at the next Working Group meeting “CEPA, harmonizing traditional knowledge, biodiversity, cultural diversity and well-being.” BRAZIL suggested “protecting shared traditional knowledge across borders.” BOLIVIA recommended “food and food sovereignty.” PERU suggested “education and research with a special focus on traditional knowledge.”

BRAZIL proposed requesting the Secretariat to inform IPBES about advice and recommendations arising from the in-depth dialogue. NORWAY stressed that the outcomes of the in-depth dialogue are only informational as they are not negotiated. ETHIOPIA questioned the usefulness of the proposal, noting that IPBES has already considered traditional knowledge.

On a reference to traditional occupations, CANADA suggested specifying that it refers to occupations related to the conservation and sustainable use of biodiversity, with AUSTRALIA and NEW ZEALAND seeking clarification of the concept of “traditional occupations.” The Secretariat recalled that traditional occupations are one of the traditional knowledge

indicators, and the ILO was unable to assist in collecting information due to lack of funds, leading to the proposal to request governments to provide information on this matter.

SUSTAINABLE USE

Co-Chair Retter introduced a draft recommendation (UNEP/CBD/WG8J/8/CRP.4), noting that throughout the document the terms “customary sustainable use” and “indigenous peoples” have been replaced by the terms “customary sustainable use of biodiversity” and “ILCs,” respectively.

On the operative text, CANADA and AUSTRALIA, opposed by NORWAY and BRAZIL, proposed replacing language that the ecosystem approach is “subject to ILCs’ rights over traditional knowledge” with “subject to the protection of traditional knowledge.” Following informal consultations, delegates agreed to delete reference to “rights” in this context, and add language recognizing that ILCs are the holders of traditional knowledge.

The MARITIME ABORIGINAL PEOPLES COUNCIL, supported by PERU and BENIN but opposed by ARGENTINA and AUSTRALIA, suggested that access to traditional knowledge “shall,” rather than “should,” be subject to PIC. Co-Chair Retter noted that the paragraph in question refers to a general principle, and delegates agreed to retaining “should.”

On the draft plan of action, the IIFB, supported by NEW ZEALAND, proposed clarifying that various elements associated with the traditional management of systems of lands, waters and territories of ILCs, and the access, control and management of these territories by ILCs, should not only be respected, but also secured and protected. NORWAY, opposed by the IIFB, suggested that these elements be “recognized” rather than “respected.” Delegates agreed to the elements being “recognized, secured and protected.” NORWAY, opposed by PERU and BRAZIL, proposed deleting reference to “access, control and management of territories by ILCs.” BRAZIL preferred reference to ILCs’ “involvement in” access, control and management, which was agreed. CANADA suggested, and parties agreed to, replacing reference to “lands, waters and territories” with “areas.”

On ILCs being “ecosystem-based and well placed to efficiently and economically manage ecosystems using the ecosystem approach,” GABON, supported by AUSTRALIA, requested clarification of the term “ecosystem-based.” The Secretariat explained that it refers to ILCs inhabiting a particular ecosystem. AUSTRALIA, supported by the IIFB, suggested, and delegates accepted, referring to “many ILCs.” BOLIVIA suggested including a reference to sustainable management of ecosystems. COLOMBIA, supported by MALAYSIA and MEXICO, proposed referring to ILCs’ livelihoods in the context of the relationship between ILCs and ecosystems.



On traditional knowledge and customary sustainable use being central to the full implementation of the ecosystem approach, which provides an important tool to strengthen communities' capacity to fully practice customary sustainable use, the EU proposed, and delegates accepted, adding "as appropriate" to allow for some restrictions to biodiversity use, such as in protected areas.

PERU suggested, and delegates agreed, to retain text whereby "customary sustainable use provides a source of learning related to socio-ecological systems and possible innovations for productive landscapes and continued human well-being." ARGENTINA recommended, and delegates agreed, to add "ecosystems" to a list of areas to be revitalized and restored with regard to measures to be taken to address unsustainable use of biodiversity.

On the rationale of the draft plan of action, CANADA recommended to refer to protected areas established without the "approval and involvement, or PIC" of ILCs, instead of "approval and involvement, and/or PIC." Delegates agreed to systematically use Nagoya Protocol language on "PIC or approval and involvement."

On a task on promoting and strengthening community-based initiatives and contributing to the implementation of Article 10(c), the IIFB, supported by BRAZIL, NEW ZEALAND and SOUTH AFRICA, suggested, and parties agreed to, including "other forms of support" beyond funding. CANADA, opposed by ETHIOPIA, NORWAY and BRAZIL, proposed to delete reference to the ITPGR in the context of community-based initiatives. Delegates decided to retain the reference.

On a task on identifying best practices, CHINA proposed encouraging the application of traditional knowledge and customary sustainable use not only in protected areas but also in surrounding areas. BRAZIL preferred retaining the original wording as approved by COP 11. The Secretariat pointed to a reference to "surrounding land and seascapes" under possible actions for this task. The IIFB enquired why the reference to guidelines on PIC, as an activity following the compilation of best practices on PIC, had been removed. On promoting the use of community protocols, ARGENTINA proposed, and delegates agreed, to add "in accordance with national legislation."

IN-DEPTH DIALOGUE

John Scott, CBD Secretariat, introduced the panelists. Joji Cariño, Tebtebba Foundation, highlighted opportunities arising from community-based monitoring and information systems and the need for appropriate safeguards, including free PIC and mechanisms for the full and effective participation of indigenous peoples and local communities in knowledge spaces, such as CBD and IPBES, to mitigate risks arising from unequal power relations between cultures and knowledge systems. In response to a question on how to integrate traditional knowledge in education systems, she emphasized: strengthening indigenous ways of knowledge transmission; engaging elders with traditional knowledge in early childhood education; and concentrating on life skills and political education.

Pernilla Malmer, Stockholm Resilience Center, shared experiences from dialogues across knowledge systems, emphasizing trust, respect, reciprocity, equity and transparency in facilitating cross-fertilization for better ecosystem governance and knowledge generation. She advocated a multiple evidence-based approach, complementarity of knowledge systems, and respect for mechanisms within each system to evaluate knowledge. Discussion focused on complementarity of different approaches (integration, parallel approaches and co-production of knowledge) in addressing exchanges between knowledge systems, as well as validation of knowledge systems.

Kathy Hodgson-Smith, Metis National Council, presented a research on Metis women's traditional knowledge, underscoring the need to pay more attention to the gender dimension of traditional knowledge. She explained that the traditional knowledge of women providing, preparing and preserving food, as well as managing land, is often overlooked and underutilized. A discussion followed on norms of respect of knowledge and knowledge holders.

Jennifer Rubis, UNESCO, presented on current activities on indigenous and local knowledge in IPBES, reporting on the June 2013 International Expert and Stakeholder Workshop on the Contribution of Indigenous and Local Knowledge Systems to IPBES, which aimed to rethink relationships between science and indigenous and local knowledge. She referred to a guide on working with different knowledge systems as one of deliverables for IPBES 2. The ensuing discussion addressed: ways in which science and traditional knowledge can work together; the building of confidence and capacity; and the artificial divide between science and traditional knowledge.

Brigitte Baptiste, Alexander von Humboldt Institute, Colombia, advocated building synergies between knowledge systems, pointing to a history of conflict of perspectives but also instances of cooperation. She said that IPBES can help build a global community of learning, warned against a focus on utilitarian goals, and called for new "social contracts" for knowledge co-production. The ensuing discussion focused on: the need for dialogue based on respect for indigenous culture and for empowerment of indigenous peoples; and the use of the term "science" and the types of knowledge systems it covers.

IN THE CORRIDORS

During lunchtime informal consultations, delegates sought to map a way forward on a potential change in terminology to "indigenous peoples and local communities." They reportedly started off by recalling that the COP 11 decision not only invited submissions on the issue, but also requested an analysis of implications by the Secretariat. Some participants pointed out that while the submissions had been compiled, the analysis had not yet been conducted, but was needed to inform such an important decision. Many delegations who indicated that they were ready to make a decision now, expressed willingness to address the concerns of other delegations as long as that did not preclude a final decision on the issue at COP 12. Thus, discussions focused on procedural issues related to recommending the submission of the analysis to COP 12. Certain participants emphasized that the compromise struck at COP 11 actually foresaw an analysis of "legal" implications of a change in terminology, but the term "legal" had somehow been left out of the final text of the decision.

In the corridors, one delegate opined that at the international level the concern is about language consistency, whereas, at the national level, implementation of international commitments is independent of references to "indigenous peoples and local communities" or ILCs under the CBD, since the relevant commitments vis-à-vis indigenous peoples have already been undertaken in other fora.

As the informal consultations resumed in the evening, delegates discussed whether to: note that the term "indigenous peoples" is used in UNDRIP and the Rio+20 outcome document; clarify that there is no intention to reopen the texts of the CBD and Nagoya Protocol; express willingness to consider using "indigenous peoples and local communities" in future COP decisions; and recommend that COP 12 decide on changing the terminology in future COP decisions on the basis of the results of an independent analysis of possible legal implications of this change for the Convention and its Protocols.