ANEXO 12

CDB - Article 8(J)

Convenio sobre la Diversidad Biológica (CDB).
Conferencia de las Partes: Decision VI/10
Article 8(j) and related provisions (abril 2002)

DECISION VI/10

ARTICLE 8 (J) AND RELATED PROVISIONS

The Conference of the Parties,

Recalling decision V/16,

Also recalling the second phase of the programme of work and the general principles on the implementation of Article 8(j) and related provisions,

Further recalling paragraph 2 of decision V/16 to complete task 7 relating to the fair and equitable sharing of benefits and task 12 concerning the safeguard and full guarantee of the rights of indigenous and local communities over their traditional knowledge, innovations and practices (which could include sui generis systems) within the context of the Convention of the first phase of the programme of work, and that tasks 5 and 11 have not been completed,

Emphasizing the need for dialogue with representatives of indigenous and local communities, particularly women for the conservation and sustainable use of biological diversity within the framework of the Convention,

Noting the progress made in the integration of relevant tasks of the programme of work in the thematic programmes of the Convention, and in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions,

Recalling principle 10 of the Rio Declaration on Environment and Development,

Recognizing the need to further explore ways and means to enhance the full and effective participation of indigenous and local communities in the Convention process,

Recognizing that the Convention on Biological Diversity is the primary international instrument with the mandate to address issues regarding the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity,

Also recognizing that indigenous and local communities have their own systems for the protection and transmission of traditional knowledge as part of their customary law,

Further recognizing the need to strengthen national laws, policies and other measures, where necessary, and the need for synergies with measures at the international level for the protection of traditional knowledge, innovations and practices of indigenous and local communities,

Noting with appreciation the work of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, and that of the Permanent Forum on Indigenous Issues established by the Economic and Social Council, the Working Group on Indigenous Populations of the United Nations Commission on Human Rights, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development, and the World Health Organization, the International Labour Organization and encourages further collaboration among them and with the Convention on Biological Diversity,

Noting that other relevant international and intergovernmental bodies such as the United Nations Conference on Trade and Development, the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Trade Organization, the Working Group on Indigenous Populations of the Commission on Human Rights, and the World Health Organization are also discussing related matters in their work programmes,

Noting the ongoing review process of the World Trade Organization Agreement on Trade–related Aspects of Intellectual Property Rights, particularly with respect to Article 27.3 (b) and Article 71 of the Agreement,

Noting also the work on the role of intellectual property rights in the implementation of access and benefit–sharing arrangements with the framework of the Ad Hoc Open–ended Working Group on Access and Benefit–Sharing,

Further noting paragraph 19 of the Declaration of the World Trade Organization Doha Ministerial Meeting related to the examination by World Trade Organization Council on Trade–related Aspects of Intellectual Property Rights of the relationship between the Agreement on Trade–related Aspects of Intellectual Property Rights and the Convention on Biological Diversity as well as the protection of traditional knowledge,

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

1. Requests the Executive Secretary of the Convention to examine, in collaboration with the Food and Agriculture Organization of the United Nations, the implication of the International Treaty on Plant Genetic Resources for Food and Agriculture on the issues under *Article 8(j) and related provisions;*

2. Notes the progress made in the integration of the relevant tasks of the programme of work in the thematic programmes of the Convention and emphasizes to Parties the need for further action on:

a. With regard to forest biological diversity, the development of methodologies to advance the integration of traditional forest–related knowledge into sustainable forest management, promotion of activities to assemble management experiences and scientific, indigenous and local information at the national and local levels, and dissemination of research results and syntheses of reports on relevant scientific and traditional knowledge on key forest biological issues;
b. With regard to marine and coastal biological diversity, the provision of information regarding approaches to the management of marine and coastal living resources in relation to those used by indigenous and local communities;
c. With regard to inland water ecosystems, the implementation of the guidelines for establishing and strengthening local communities' and indigenous peoples' participation in the management of wetlands, adopted by the Conference of the Parties to the Ramsar Convention, through its resolution VII.8;
d. With regard to agricultural biological diversity, the need to support local dryland and sub–humid ecosystems, and capacity–building to promote farming practices and information exchange to assist farmers and indigenous and local communities to transform unsustainable agricultural practices to sustainable ones and to increase productivity;

3. Urges Parties, where they have not already done so, to include information in their national reports on each of the thematic programmes dealt with under the Convention on Biological Diversity, on:

a. The status and trends in relation to traditional knowledge, innovations and practices of indigenous and local communities;
b. Measures taken to enhance the participation of indigenous and local communities, particularly that of women from such communities, and their relevant organizations in the implementation of national work programmes in each of the thematic areas; and
c. Capacity–building measures taken to facilitate the involvement of indigenous and local communities and the application of the knowledge they hold, with their prior informed consent, in the management, conservation and sustainable use of biological diversity in each of the thematic areas at national, subnational and local levels;

4. Requests the Executive Secretary to prepare a progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into each of the thematic areas, taking into account the above information, for the consideration of the Ad Hoc Working Group on Article 8(j) and Related Provisions at its third meeting;

5. Reminds Parties of the need for further action in relation to the potential impacts of genetic use restriction technologies on the indigenous and local communities and on Farmer's Rights, according to the studies and reports elaborated by different relevant organizations, the consultations held by the Executive Secretary, and other appropriate analysis and information sources;

b). Review of progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions

Recalling paragraph 6 of decision V/19, in which it is recommended that Parties prepare their national reports through a consultative process involving all relevant stakeholders, as appropriate, or by drawing upon information developed through other consultative processes, and requests Parties to ensure that indigenous and local communities, as well as women are included in the consultative process, particularly in relation to the preparation of those sections of the national report dealing with Article 8(j) and related provisions and the programme of work,

6. Requests the Executive Secretary to prepare a report on progress on the implementation of the programme of work on Article 8(j) and related provisions based on information submitted in national reports, and other relevant information, for the next meeting of the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions;

7. Decides that one meeting of the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8 (j) and Related Provisions be organized prior to the seventh meeting of the Conference of the Parties in order to ensure further advancement of the implementation of the work programme on Article 8(j) and related provisions;

c). Outline of 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 biodiversity

8. Adopts the outline of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity as a basis for proceeding with the first phase of information-gathering and reporting, as contained in annex I to the present decision;

9. Requests the Executive Secretary to undertake the first phase of the composite report, based upon elements 1 and 2 in the outline, and to submit the first phase report to the next meeting of the Ad Hoc Open–Ended Inter–Sessional Working Group on Article 8(j) and Related Provisions. This will include recommendations for the subsequent phases and, as necessary, revision of the outline;

10. Also requests the Executive Secretary to use the information contained in the report to support further advancement of the programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity;

11. Further requests the Executive Secretary to ensure the full and effective participation of indigenous and local communities, particularly women, in the completion of the report, through, *inter alia*, the organization of regional workshops, and encourages Parties and Governments to hold national workshops. In that regard, appropriate financing should be provided. The outcome of the workshops will be submitted to the Secretariat as a contribution to the composite report;

d). Recommendations for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities

12. Adopts, pursuant to Article 8(j) and Article 14 of the Convention on Biological Diversity and decision V/16 of the Conference of the Parties, the recommendations for the conduct of cultural, environmental, and social impact assessments regarding development 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 contained in annex II to the present decision;

13. Requests the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions, at its third meeting, to carry out further work on 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. Such work, with the aim of strengthening the social and cultural aspects, should complement and be in conjunction with the "guidelines for incorporating biodiversity-related issues into environmental assessment legislation and/or processes and in strategic environmental assessment", endorsed by the Conference of the Parties in its decision VI/7 A, and address institutional and procedural considerations;

14. Also requests the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions to submit the outcome of its work from its third meeting for consideration at the seventh meeting of the Conference of the Parties;

15. Invites Parties and Governments to pay due regard to these recommendations until the complete set of guidelines for impact assessment is finalized;

16. Requests Parties and Governments to undertake education and awareness–raising and develop communication strategies that allows indigenous and local communities, with special attention to indigenous and local community women, relevant government departments and agencies, private sector developers, potential stakeholders in development projects, and the public at large to be made aware of these recommendations, for incorporation, as appropriate, into policies and processes for the assessment of proposed developments;

17. Invites those secretariats of intergovernmental agreements, agencies, organizations and processes whose mandates and activities involve potential significant impacts on biological diversity, or who are in the process of developing guidelines or policies regarding such impacts, to take into consideration the recommendations contained in annex II to the present decision;

18. Also invites international funding and development agencies that provide funding and other forms of assistance to Governments, developing countries, in particular least developed countries and small island developing States, to facilitate the incorporation of the recommendations into policies and processes for the assessment of proposed developments;

19. Further invites international funding and development agencies and relevant non-governmental organizations, where requested, and in accordance with their mandates and responsibilities, to consider providing assistance to indigenous and local communities, particularly women, for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on territories, lands and waters traditionally occupied or used by them, and which take into account the recommendations in annex II to the present decision.

e). Participatory mechanisms for indigenous and local communities

20. Invites Parties, Governments and relevant international, non-governmental and indigenous and local community organizations, to submit to the Executive Secretary information on their national experiences, case-studies, best practices, and lessons learned concerning participatory mechanisms for indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions of the Convention;

21. Requests the Executive Secretary to prepare a synthesis report based on the information referred to in paragraph 20 above, and, taking into account that conditions may vary from country to country, invites Parties and Governments to use the report as a basis for the establishment and/or strengthening of mechanisms at the national and local levels aimed at promoting full and effective participation of indigenous and local communities, especially women, in the decision–making process regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity;

22. Requests the Executive Secretary to explore and, as appropriate, secure potential sources of funding to facilitate the full and effective participation of indigenous and local communities of all geographical regions in meetings organized within the framework of the Convention and to report thereon to the Conference of the Parties;

23. Urges Parties and Governments to strengthen their efforts to support capacity–building aimed at the full and effective participation of indigenous and local communities, particularly women, in decision–making processes regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity at all levels (local, national, regional and international); and, where indigenous and local communities and Parties and Governments deem appropriate, promote their participation in the management of biological diversity; and encourage the capacity–building efforts of indigenous and local communities in getting access to existing protections in national and international laws regarding the preservation, maintenance and utilization of their traditional knowledge;

24. Also urges Parties and Governments and, as appropriate, international organizations to encourage and support the development of communication mechanisms, such as the Indigenous Biodiversity Information Network, among indigenous and local communities in response to their need for better understanding of the objectives and provisions of the Convention on Biological Diversity and for supporting discussions on guidelines, priorities, time–lines and the implementation of the thematic programmes of the Convention;

25. Requests the Executive Secretary to consult with the secretariats of relevant environmental conventions and programmes, such as the United Nations Convention to Combat Desertification, the United Nations Framework Convention on Climate Change, the Convention on Wetlands (Ramsar, Iran, 1971), the Convention on the Conservation on Migratory Species of Wild Animals, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and to explore the possibility of cooperating in order to facilitate collaboration among the different conventions with regard to the participation and involvement of indigenous and local communities in discussions related to the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity;

26. Also requests the Executive Secretary to communicate with the Permanent Forum on Indigenous Issues, established as a subsidiary organ of the United Nations Economic and Social Council, and other relevant bodies such as the World Intellectual Property Organization, the United Nations Conference on Trade and Development and the United Nations Educational, Scientific and Cultural Organization, in order to explore possibilities of coordination and collaboration on matters of mutual concern;

27. Urges Parties and Governments to develop, implement and evaluate, in cooperation with indigenous and local communities, strategies aimed at promoting awareness and enhancing access by indigenous and local communities to information on issues relating to Article 8(j) and related provisions of the Convention;

28. Requests the Executive Secretary to establish a technical expert group to develop the roles and responsibilities of the thematic focal point within the clearing–house mechanism of the Convention on issues related to Article 8(j) and related provisions, in accordance with task 8 of the programme of work adopted by the Conference of the Parties in its decision V/16;

29. Also requests funding agencies, in particular the Global Environment Facility, to provide information on activities and processes, including information on the criteria for eligibility and access to project funding, and make such information easily accessible to Parties, Governments and indigenous and local communities (for example, through electronic, print/broadcast, popular publications, and other means);

30. Invites the Global Environment Facility to give special consideration in funding to projects that clearly contain elements of participation of indigenous and local communities, where appropriate, and to continue to apply the Global Environment Facility's policy on public involvement to support the full and effective participation of indigenous and local communities;

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

31. Invites the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization to continue its efforts to promote the more effective participation of indigenous and local communities in its work and invites the Intergovernmental Committee to examine and consider mechanisms to protect traditional knowledge, such as the disclosure of the origin of relevant traditional knowledge in applications for intellectual property rights;

32. Invites the Scientific, Technical, and Research Commission of the Organization of African Unity to continue its work and requests the Executive Secretary to encourage and assist the African Union to facilitate implementation of, in a manner consistent with the Convention on Biological Diversity, the African Model Law for the Protection of the Rights of Local Communities, Farmers and Breeders and for the Regulation of Access to Biological Resources;

33. Also invites Parties and Governments, with the approval and involvement of indigenous and local communities representatives, to develop and implement strategies to protect traditional knowledge, innovations and practices based on a combination of appropriate approaches, respecting customary laws and practices, including the use of existing intellectual property mechanisms, sui generis systems, customary law, the use of contractual arrangements, registers of traditional knowledge, and guidelines and codes of practice, with the support of relevant intergovernmental organizations such as the Working Group on Indigenous Populations of the United Nations Commission on Human Rights, the Permanent Forum on Indigenous Issues established by the Economic and Social Council, the World Health Organization, the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, and the United Nations Conference on Trade and Development;

34. Requests the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity to address the issue of sui generis systems for the protection of traditional knowledge, focusing in particular on the following issues:

a. Clarification of relevant terminology;
b. Compiling and assessing existing indigenous, local, national and regional sui generis systems;
c. Making available this compilation and assessment through the clearing–house mechanism of the Convention;
d. Studying existing systems for handling and managing innovations at the local level and their relation to existing national and international systems of intellectual property rights, with a view to ensure their complementarity;
e. Assessing the need for further work on such systems at the local, national, regional and international levels;
f. Identifying the main elements to be taken into consideration in the development of sui generis systems;
g. The equitable sharing of benefits arising from the utilization of traditional knowledge, innovations and practices of indigenous and local communities, taking into account the work carried out by the Intergovernmental Committee Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore with a view to promote mutual supportiveness, and existing regional, subregional, national and local initiatives;

35. Also requests the Executive Secretary to continue to compile information provided by Parties and Governments relating to existing national legislation and other measures for the protection of traditional knowledge, innovations and practices;

36. Invites the World Trade Organization and the World Intellectual Property Organization to make available to the Executive Secretary information referred to in paragraph 35 above provided through their respective notification systems;

37. Requests the Executive Secretary to make the information referred to in paragraphs 35 and 36 above available through, *inter alia*, the clearing–house mechanism, with a view to enabling Parties and Governments to monitor the implementation of Article 8(j) and to identify best practices;

38. Invites the World Intellectual Property Organization to forward to the Executive Secretary all documents considered to be relevant with respect to advances made by the Intergovernmental Committee so that they be included in documentation for meetings of the Working Group on Article 8(j);

39. Encourages Parties and Governments, where they have not already done so, to take measures to establish or improve operational links between their national governmental intellectual–property bodies, national focal points of the Convention on Biological Diversity, and indigenous and local communities and their organizations in order to better coordinate and institute measures to protect their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity, particularly with regard to traditional–knowledge documentation initiatives and community–based registries of traditional knowledge;

40. Also encourages Parties and Governments, with the assistance of international development agencies and other relevant organizations, as appropriate, and with the participation, involvement and consent of the concerned indigenous and local communities, to undertake pilot projects in order to evaluate the effectiveness of existing intellectual property rights regimes, contractual methods and new systems being developed as a means of protection of traditional knowledge;

41. Invites Parties and Governments, with the approval and involvement of indigenous and local communities to examine the feasibility of establishing mechanisms to protect the traditional knowledge, innovations and practices of these communities relevant to the conservation and sustainable use of biological diversity, taking into consideration customary laws and practices, and subject to national legislation:

42. Also invites Parties, Governments, international development agencies, and other relevant international organizations and institutions to provide technical and financial assistance to developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition, and to indigenous and local communities, in consultation with the national focal points, where appropriate, for the enhancement of national capacities for the establishment and maintenance of mechanisms to protect traditional knowledge at national and subnational levels, and for building the capacity of indigenous and local communities to develop strategies and systems for the protection of traditional knowledge;

43. Further invites Parties and Governments, indigenous and local communities and relevant organizations to exchange national experiences among countries where progress has been made in incorporating elements of customary law relevant for the protection of traditional knowledge, innovations and practices of indigenous and local communities in national legislation;

44. Also invites Parties and Governments, indigenous and local community organizations and other relevant organizations to submit case–studies and other relevant information for the Executive Secretary to compile and disseminate through the clearing-house mechanism concerning:

a. Information regarding the nature, diversity and status under national laws of customary laws of indigenous and local communities, collected with their full and effective participation;
b. The development of strategies by indigenous and local communities to protect their traditional knowledge, innovations and practices, emphasizing the approaches used, the method of implementation and problems encountered;
c. The establishment of operational links between national intellectual–property authorities and indigenous and local communities to facilitate the protection of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity;
d. Experiences in the implementation of regionally harmonized sui generis systems; and
e. The activities and conduct of researchers and academic institutions pertinent to the protection and promotion of traditional knowledge, innovations and practices;

45. Requests the Executive Secretary to disseminate the case–studies and information referred to in paragraph 44 above through the clearing–house mechanism and other relevant means;

46. Invites Parties and Governments to encourage the disclosure of the origin of relevant traditional knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity in applications for intellectual property rights, where the subject matter of the application concerns or makes use of such knowledge in its development;

47. Urges Parties and Governments to examine, as appropriate, relevant provisions of the Convention on Biological Diversity with respect to prior informed consent and mutually agreed terms where traditional knowledge is used in its original form or in the development of new products and/or new applications;

48. Invites Parties and Governments, with the assistance of the World Intellectual Property Organization, to take into account traditional knowledge in the examination of novelty and inventive step in patent applications;

49. Also invites Parties, Governments and relevant international organizations to submit information on the feasibility of establishing appropriate dispute–settlement or arbitration procedures and mechanisms, including the possible application of Article 27 of the Convention on Biological Diversity, to address cases of disputes between contracting Parties concerning the interpretation or application of the Convention relating to traditional knowledge, innovations and practices.

ANNEX I

OUTLINE OF 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 BIODIVERSITY, AND THE PLAN AND TIMETABLE FOR ITS PREPARATION

I. OUTLINE OF THE COMPOSITE REPORT

The following is an indicative list of possible topics and sub-topics that could be addressed in the composite report. Review of phase I will lay the necessary foundation for the subsequent review under phase II.

A. Phase I

1. THE STATE OF THE RETENTION OF TRADITIONAL BIODIVERSITY–RELATED KNOWLEDGE

1. The state of retention of traditional knowledge varies considerably from country to country and within countries; in relation to global food and medicinal security; and across and within major ecosystem categories. In many indigenous and local communities, some traditional practices relevant to the conservation and sustainable use of biological resources have ceased as a result of such factors as loss of land, disappearance of subsistence species from local ecosystems, and national programmes for modernization and resettlement. However, the knowledge of those practices still remains, making their reintroduction, in relevant circumstances, a practical option for the purposes of indigenous and local communities. In this section, it is proposed, under the following headings, to assess the state of retention of traditional knowledge in relation to three important biological diversity sectors (food, medicine, and conservation and sustainable use of flora and fauna) and in relation to the major ecosystem

categories, and also assess the feasibility of taking measures to conserve and protect threatened traditional knowledge and practices associated with the conservation and sustainable use of biological diversity.

1.1 Status of traditional knowledge of plant genetic resources for food and agriculture (PGRFA)
1.2 Status of traditional knowledge of animals and microorganisms for food and other purposes
1.3 Status of traditional medicinal knowledge
1.4 Status of traditional knowledge systems concerning the following ecosystem categories:

1.4.1 Forests
1.4.2 Dryland and steppes ecosystems
1.4.3 Marine and coastal ecosystems
1.4.4. Island ecosystems
1.4.5. Mountain and valley ecosystems
1.4.6 Inland waters
1.4.7 Arctic ecosystems

1.5 Knowledge versus practice: state of retention of traditional knowledge concerning practices relevant to the customary management, conservation and sustainable use of biological diversity that are no longer maintained or are at risk of disappearing

1.6 Assessing the feasibility of using existing traditional knowledge to maintain customary practices relevant for the management, conservation and sustainable use of biological diversity

2. The research should be conducted in a fashion that is not intrusive, gives effect to the need to respect, preserve and maintain traditional knowledge, innovations and practices, and respects the capacity of indigenous and local communities to protect traditional knowledge.

2. IDENTIFICATION AND ASSESSMENT OF MEASURES AND INITIATIVES TO PROTECT, PROMOTE AND FACILITATE THE USE OF TRADITIONAL KNOWLEDGE

3. National reports to date have revealed a range of measures that have been taken in various countries at national and local levels to stem the loss of traditional knowledge. Such measures include legislation governing access to genetic resources that also requires the free prior informed consent of affected indigenous and local communities; recognition of customary systems of land tenure; establishment of traditional knowledge registers; introduction of sui generis laws to protect traditional knowledge; language programmes to recover and/or maintain local languages; constitutional recognition of the rights of indigenous and local communities, with empowerment at the local level to enact various laws that can be used to protect the interests of the community; wider application of traditional knowledge, with the consent and involvement of its holders, in a range of biodiversity conservation and sustainable use measures; repatriation from museums and other holding institutions of important objects and associated information to communities of origin, researchers to return knowledge and information of indigenous peoples to the respective groups; and the establishment of codes of ethics, to be determined by indigenous peoples, to guide conduct of researchers. While measures differ from country to country and among communities, a mix of appropriate initiatives is emerging that can facilitate the revival and maintenance of traditional knowledge and cultural practices relevant to the conservation and sustainable use of biological diversity. It is proposed that these initiatives be assessed under the following headings:

2.1 Regional and national land use practices
2.2 Incentive measures
2.3 Capacity–building measures
2.4 Repatriation of objects and associated information to communities of origin
2.5 Strategic planning for conservation and sustainable use of biological diversity within the context of community development planning
2.6 Legislative (including policy and administrative) measures

B. Subsequent phases

3. THE RELATIONSHIP BETWEEN BIOLOGICAL, CULTURAL AND LINGUISTIC DIVERSITY

4. A number of studies have highlighted the fact that many of the centres of highest biological diversity are also places of high cultural and linguistic diversity, and have demonstrated that the relationship between biological, cultural and linguistic diversity is mutually dependent in many of these regions. A decrease in the diversity of any of these components could lead to a loss of traditional knowledge and therefore diminish humanity's capacity to conserve and sustainably use many of the Earth's vital ecosystems. It is proposed that the issues raised with respect to the continued maintenance and application of traditional knowledge, innovations and practices by virtue of the nature of the relationship between biological, cultural and linguistic diversity be addressed under the following headings:

3.1 Diversity: the key to a sustainable future
3.2 Loss of local languages as a factor in the loss of traditional knowledge
3.3 Loss of biological diversity as a factor in the loss of traditional knowledge, and vice versa
3.4 Cessation of cultural practices relevant to the conservation and sustainable use of biological diversity as a factor in the loss of traditional knowledge
3.5 Impoverishment
3.6 Migration
3.7 Reduction in numbers of indigenous peoples
3.8 Loss of ancestral lands and territories

4. IDENTIFICATION OF NATIONAL PROCESSES THAT MAY THREATEN THE MAINTENANCE, PRESERVATION AND APPLICATION OF TRADITIONAL KNOWLEDGE

5. Many of the processes that may continue to threaten the maintenance and survival of traditional knowledge have their roots in the histories of many countries, for example, in the processes of colonization involving conflict, introduced diseases, dispossession of territories, resettlement, forced assimilation, and marginalization of indigenous and local communities. Some studies have indicated that national development programmes and policies, modernization of agricultural production and other natural resource–based industries, education and training programmes, and employment strategies often do not take into sufficient account the needs of indigenous and local communities. Similarly, there has been a lack of effective indigenous and local community involvement in the design of the necessary policies and programmes to enable such communities to protect their traditional knowledge or to capitalize on their innovative capacities for the conservation and sustainable use of biological diversity within the national and global economies. It is proposed that these issues could be addressed as follows:

4.1 Demographic factors
4.2 National development policies/programmes
4.3 Education, training and employment policies/programmes
4.4 National programmes for modernization through the development, transfer and adoption of new technologies
4.5 Identification of activities, actions, policies and legislative and administrative procedures that may discourage the respect for, preservation and maintenance of traditional biodiversity–related knowledge

5. IDENTIFICATION OF PROCESSES AT THE LOCAL COMMUNITY LEVEL THAT MAY THREATEN THE MAINTENANCE, PRESERVATION AND APPLICATION OF TRADITIONAL KNOWLEDGE

6. A number of factors that may threaten the maintenance of traditional knowledge also occur at the local community level, by disrupting the processes of intergenerational transmission of languages, cultural traditions and skills. The significance of these factors will vary from country to country, but they generally include changes to patterns of settlement; the movement of young people to cities for employment, education and lifestyle opportunities; introduction of new technologies, foods and medicines, making people less reliant on traditional ways; low levels of life expectancy brought about by changes in lifestyle and new epidemics such as HIV–AIDS; and a host of new cultural influences disseminated through modern media. Many indigenous and local communities, while having a solid natural resource base and the traditional knowledge to conserve and use it sustainably, nevertheless, may not have sufficient capacity to be able to develop these assets for the benefit of their communities in today's economy. In some instances, this situation has encouraged the development of these assets by outside interests to the detriment of the communities and has resulted in their further marginalization. These issues would be explored under the following headings:

5.1 Territorial factors and factors affecting communal lands
5.2 Cultural factors
5.3 Economic factors (including the relationship between poverty and ecosystem stress)
5.4 Social factors (including demographic, gender and familial factors)
5.5 Constraints on the exercise of customary laws relevant to the management, conservation and sustainable use of biological diversity
5.6 Lack of capacity to manage contemporary threats to biological diversity resulting from development, over–use and socio–economic pressures generated outside the community
5.7 The impact of HIV–AIDS on the maintenance of traditional knowledge systems
5.8. Impact of organized religions on traditional knowledge and practices

6. TRENDS REGARDING THE RECOGNITION AND IMPLEMENTATION OF ARTICLE 8(J) AND RELATED PROVISIONS

7. While measures taken in support of Article 8(j) and related provisions both internationally and nationally are relatively recent, it may be possible to discern trends in terms of which measures are proving more effective, how they are being monitored, and what improvements can be made. Many indigenous and local communities, particularly women, have also taken their own initiatives to preserve, protect and promote the use of their traditional knowledge. It is proposed that these trends be analysed according to the following headings:

6.1 International trends

6.1.1 Intergovernmental agencies and processes
6.1.2 Non–governmental organizations

6.2 The role of the World Bank and the regional development banks

6.3 National trends
6.4 Trends at the local level
6.5 Private sector trends
6.6 Articulation and application of traditional knowledge (including indigenous knowledge) and contemporary scientific management practices for the conservation and sustainable use of biological diversity
6.7. Implications of globalization

7. CONCLUSIONS: LESSONS LEARNED AND IDENTIFICATION OF BEST PRACTICES FOR THE MAINTENANCE, PRESERVATION AND APPLICATION OF TRADITIONAL KNOWLEDGE

8. The report would include conclusions based on the findings emerging from the consideration of the previous topics and sub–topics.

C. Plan for the preparation of the report

9. The objective is to produce the first phase of a 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 for the consideration of the third meeting of the Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions so that the Working Group can make recommendations for the consideration of the Conference of the Parties at its seventh meeting.

10. Accordingly, the following stages are proposed for the preparation of the first phase of the report:

a. **Stage 1:** Selection and appointment of a consultant to prepare the report; the consultant should be engaged as soon as possible after the sixth meeting of the Conference of the Parties;
b. **Stage 2:** Based on the decision of the Conference of the Parties at its sixth meeting regarding the outline of the report, address the elements of the report. This stage will entail literature surveys, extraction and analysis of information, and preparation of a written report for each of the elements (chapters) identified in the outline. Research and the writing up of the chapters should be completed within 12 months of starting (i.e., September 2003);
c. **Stage 3:** The separate chapters of the report are to be edited, and the introduction and concluding chapters, the executive summary and recommendations are to be prepared by the consultant. The executive summary and recommendations should be prepared in a format suitable for presentation to the Ad Hoc Working Group on Article 8(j) and Related Provisions for consideration at its third meeting. This stage should be completed by 31 December 2003, with the distribution of the executive summary and recommendations to Parties, indigenous and local communities, and relevant organizations;
d. **Stage 4:** Review of the report by the Ad Hoc Working Group on Article 8(j) and Related Provisions at its third meeting. It is assumed that the third meeting would take place in February or March 2004 to enable sufficient time for the preparation and presentation of the report;
e. **Stage 5:** Consideration of the report by the Conference of the Parties at its seventh meeting, taking into account recommendations from the third meeting of the Ad Hoc Working Group on Article 8(j) and Related Provisions.

D. Overview of timetable for preparation of the first phase of the composite report

STAGE	TASK	RESPONSIBILITY	DURATION	DEADLINE	MEETING
Stage 1	Appointment of consultant to prepare report	Executive Secretary		30 September 2002	
Stage 2	Compile the chapters of the first phase of the report	Consultant	12 months	30 September 2003	
Stage 3	Complete the first phase of the report and distribute to Parties, etc.	Consultant and Executive Secretary	3 months	31 December 2003	
Stage 4	Review of the first phase of the report	Ad Hoc Open–ended Inter–Sessional Working Group on Article 8(j) and Related Provisions			Third meeting of the Working Group
Stage 5	Consideration of the first phase of the report and recommendations	Conference of the Parties			Seventh meeting of the Conference of the Parties

II. CONSIDERATIONS REGARDING THE SIZE AND SCOPE OF THE REPORT

11. An accurate and comprehensive assessment of the status and trends with regard to the state of traditional knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity is essential to the formulation of policies, plans and strategies at international, regional, national and local levels.

12. The most important considerations concerning the composite report are its scope and size as these will have a direct bearing on the amount of time and resources needed to complete the task. Two factors that have significant bearing on the elements to be addressed in the report are:

a. The size and diversity of the global population of the world's indigenous and local communities embodying traditional lifestyles, and, in particular, those communities comprised of small groups of indigenous peoples; and
b. The fact that, because of a multitude of factors operating at international, national and local levels, traditional knowledge relevant to the conservation and sustainable use of biological diversity is being lost at an appalling rate – a trend that must prevented and arrested.

13. To date, no definition of what or who constitutes an indigenous or local community embodying a traditional lifestyle has been advanced for the purposes of the Convention, although matters of definition will be addressed as part of task 12 of the programme of work. A possible working definition and use of terms for the purpose of this report must respect the diversity, in all aspects, of indigenous and local communities.

14. A number of recent studies have shown a direct correlation between biological, cultural and linguistic diversity. The implication being that a loss of cultural diversity will also have a direct impact on biological diversity. According to estimates by the United Nations Educational, Scientific and Cultural Organization (UNESCO), indigenous people comprise between 70 and 80 per cent of the world's estimated 6,000 cultures and speak most of the estimated 6,700 languages in the world today. Most of the world's linguistic diversity is carried by very small communities of indigenous and minority people. Nearly 2,500 languages are in danger of immediate extinction; and an even higher number are losing the ecological contexts that keep them as vibrant languages, resulting in mass extinction of cultural and linguistic diversity and incalculable consequences for the conservation and sustainable use of many of the world's ecosystems.

15. Given the large body of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity maintained by indigenous and local communities, and the diverse threats to its maintenance and preservation, it is suggested that the composite report present a thorough and comprehensive analysis as the necessary basis for informed decision–making, policy formulation and implementation, and strategic planning for the conservation and sustainable use of world biological diversity by the Conference of the Parties, Parties and Governments, intergovernmental agencies, regional economic integration organizations, indigenous and local communities, and relevant scientific and non–governmental organizations. However, in presenting such an analysis, it is noted that the possible impacts of intellectual property protection systems on the protection, preservation, maintenance and application of traditional knowledge, innovations and practices have been the subject of a number of analyses[22]. An ongoing assessment of the mechanisms for the protection of traditional knowledge has been carried out by the World Intellectual Property Organization (WIPO), in collaboration with the Convention on Biological Diversity, therefore the impact of intellectual property systems on the protection of traditional knowledge is not further considered in the present report.

16. Indigenous and local communities, as holders of traditional knowledge, will be the primary beneficiaries of the report, as it will identify and assess measures and initiatives to protect, promote and facilitate the use of traditional knowledge.

III. OUTLINE OF COMPOSITE REPORT: RATIONALE

17. The traditional biodiversity–related knowledge of indigenous and local communities and the languages that sustain it are being lost at an accelerating rate. Many communities fear that much of this precious knowledge will be lost with the passing of the current generation of Elders. The erosion of this knowledge creates an irrevocable loss to our storehouse of knowledge of the Earth's biological diversity, its conservation, management and sustainable use, and represents a grave threat to world food and medicinal security and indigenous and local community livelihoods. It is imperative that positive measures to counteract them should be put in place and pursued.

18. The composite report will be compiled in the sequence of priorities determined by the Parties and set out in section I above, with a strong emphasis on item 2 of phase I. It would describe the current situation of the respect for, preservation and maintenance of traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity at the global level, and identify what is required to ensure their continued maintenance and application, thereby laying the foundation for some form of global plan of action to reverse the loss of this vast body of knowledge essential to the maintenance of much of the planet's biological diversity.

19. It is also anticipated that, for the purposes of the Convention, the report will provide baseline data and information – both quantitative and qualitative – by which future trends in the maintenance, preservation and application of traditional biodiversity–related knowledge, innovations and practices might be monitored and assessed.

20. To the extent feasible, the composite report will be geographically balanced, and will take into consideration regional initiatives as a basis for a global analysis, which will also include information from international sources.

IV. SOURCES AND AVAIBABILITY OF INFORMATION

21. The priority elements should be compiled from existing published reports and any supplementary information provided by Parties, Governments, organizations representing indigenous and local communities, and it would be based on information already available released in the public domain. The consultant shall observe the applicable national legislation when accessing and using these sources of information.

National reports

22. National reports and other relevant information submitted by Parties will ensure comprehensive coverage of the status and trends relating to traditional knowledge, innovations and practices in terms of its state of preservation; recognition and incorporation within national biological diversity programmes and strategies; and national measures being undertaken to enhance and secure respect, preservation and maintenance of traditional knowledge.

Agency reports

23. Consistent with the ways and means for undertaking the programme of work identified in section IV of the annex to decision V/16, the Executive Secretary is to consult with and invite relevant international organizations to contribute to the undertaking of task 5, also with a view to avoiding duplication and to encourage synergies. Accordingly, information relevant to task 5 is to be sought from international agencies such as the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO), the United Nations Conference on Trade and Development (UNCTAD), the World Bank, and the United Nations Development Programme (UNDP), and from the secretariats of environment–related conventions such as the Convention to Combat Desertification, the Convention on Wetlands (Ramsar, Iran, 1971), the Convention on Migratory Species, the United Nations Convention on the Law of the Sea, the Convention on International Trade in Endangered Species, the World Heritage Convention, and the United Nations Framework Convention on Climate Change.

24. In recent years, many United Nations agencies such as UNEP, FAO, UNHCHR, WIPO, ILO, UNCTAD, UNESCO and WHO, and intergovernmental agencies and processes have undertaken surveys and studies, and compiled reports concerning issues relevant to task 5. As examples of these reports , the following can be cited:

a. Food and Agriculture Organization of the United Nations, The State of the World's Plant Genetic Resources for Food and Agriculture. (FAO, Rome, 1998);.
b. Oloka–Onyango J and Udagama D, The realization of Economic, Social and Cultural Rights: Globalization and its Impact on the Full Enjoyment of Human Rights: Preliminary Report. (Commission on Human Rights, Geneva, document E/CN.4/Sub.2/2000/13, 15 June 2000);
c. Posey DA (ed), Cultural and Spiritual Values of Biodiversity: A Complementary Contribution to the Global Biodiversity Assessment. (Intermediate Technology Publications, London and United Nations Environment Programme, Nairobi, 1999);
d. World Intellectual Property Organization, Intellectual Property Needs and Expectations of Traditional Knowledge Holders: World Intellectual Property Organization Report on Fact–finding Missions on Intellectual Property and Traditional Knowledge (1998–1999). (WIPO, Geneva, 2001).

Indigenous and local community analysis and information

25. Indigenous and local community organizations are well suited to provide relevant assessments of the host of issues that affect the respect, preservation, maintenance and application of their traditional knowledge, innovations and practices. The scope of the work should reflect reasons for traditional knowledge loss and the loss of traditional practices and innovations. On a regional basis, the efforts of indigenous and local communities should be resourced to address this problem. The global diversity of indigenous and local communities must be recognized and taken into account, respecting prevailing traditional practices, with the help of the International Indigenous Forum on Biodiversity.

26. In many countries, peak organizations representing indigenous and local communities have undertaken relevant studies, and proposed policy initiatives and strategies for incorporation into national biological diversity action plans. Many indigenous and local communities also have major responsibilities with government agencies for the management of protected areas under joint or cooperative arrangements. In addition, there is also a wealth of anthropological studies and assessments of the issues confronting indigenous and local communities as they seek to maintain their cultural identities in an increasingly globalized society.

Reports by non–governmental organizations

27. As with international agencies, a number of non–governmental organizations such as the World–Wide Fund for Nature (WWF), Terralingua, the African Centre for Technology Studies (ACTS), the Rural Advancement Foundation International (RAFI), Cultural Survival, International Work Group for Indigenous Affairs and the Third World Network, have also published important studies, reports and other information relevant to task 5. One such example is the recent study published by the WWF and Terralingua:

> Oviedo G, Maffi L and Larsen PB, Indigenous and Traditional Peoples of the World and Ecoregion Conservation: An Integrated Approach to Conserving the World's Biological and Cultural Diversity. (WWF International and Terralingua, Gland, Switzerland, 2000).

V. WAYS AND MEANS FOR THE PREPARATION OF THE COMPOSITE REPORT

28. With regard to the compilation of the composite report, and in light of the comments made in section II above regarding its possible size and scope and following the recommendation of the Working Group on Article 8(j), the Conference of the Parties endorsed following approach for the preparation of the report:

a. A consultant team should be employed by the Secretariat, for a period of 12 to 15 months, to prepare a report of some 100–120 pages, including the executive summary (10–15 pages for the benefit of policy makers) and recommendations for distribution to Parties and Governments, relevant intergovernmental agencies, indigenous and local communities and relevant organizations for their consideration prior to the third meeting of the Working Group on Article 8(j);
b. Terms of reference for consultant team selection should include background, qualifications, experience, including regional experience, direct knowledge of indigenous cultures, understanding and involvement with indigenous and local communities. An advisory group/steering committee, in which indigenous and local populations will be represented, should assist the work of the consultant and provide a liaison with regional groups and local communities;

c. The review of the report should include the full and effective participation of indigenous and local communities, while being mindful to avoid intrusiveness. The report would make particular use of national reports, case–studies, other data submitted to the Executive Secretary in response to various decisions of the Conference of the Parties, and other relevant published information (see section IV above). Work would essentially entail desktop analysis of this information. The report should be focused, thoroughly researched and scientifically rigorous. It would also include up-to-date information provided by Parties and indigenous and local community organizations. In this context, a mechanism for full participation that respects the needs of indigenous communities should be established. The report must be approved by the Conference of the Parties prior to its formal dissemination in final form;

d. In preparing the report, the communities' established codes of ethics guidelines, which entail permission and/or consent of indigenous and local communities to enter the communities and conduct the research, will be respected and followed.

VI. SOURCES OF FUNDING

29. Consistent with the ways and means for undertaking the programme of work identified in section IV of the annex to decision V/16, Parties, Governments, and international, regional and national organizations should provide appropriate financial support, including to indigenous and local communities, for the development of this report.

ANNEX II

RECOMMENDATIONS 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

1. The purpose of these recommendations is to help facilitate: (a) Appropriate participation and involvement of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity (hereinafter referred to as "indigenous and local communities"); (b) Taking into account the cultural, environmental and social concerns and interests of indigenous and local communities; (c) The inclusion of traditional knowledge, innovations and practices, including technologies and customary methods of indigenous and local communities as part of environmental, social and cultural impact assessment processes.

2. These recommendations are voluntary and intended to serve as guidance for Parties and Governments, according to their national legislation, in the development of their impact assessment regimes.

I. RECOMMENDATIONS FOR THE INTEGRATION OF CULTURAL, ENVIRONMETAL AND SOCIAL IMPACT ASSESSMENTS AS A SINGLE PROCESS

3. The recommendations allow for the consideration of the integration of cultural, environmental, social impact assessments as a single process. Accordingly, the conduct of impact assessments should meet the requirements of the Convention on Biological Diversity as defined in its Articles 14 and 8(j), and take into account the general principles guiding the programme of work on Article 8(j) and related provisions. These recommendations should take into account work on integration of biodiversity issues into the environmental impact assessment and strategic impact assessment in accordance with Article 14 of the Convention, and pay special attention to cultural and socio-economic considerations.

A. Cultural impact assessments

4. Through the cultural impact assessment process, issues that are of particular cultural concern should be identified, such as beliefs and religions, customary practices, forms of social organization, systems of

natural resources use, including patterns of land use, places of cultural significance, sacred sites and ritual ceremonies, languages, customary law systems, political structures, roles and customs.

5. There is a need to respect both the custodians and holders of traditional knowledge and the knowledge itself.

6. Possible impacts on all aspects of culture, as indicated in paragraph 4 above, including sacred sites should therefore be taken into consideration while developing cultural impact assessments.

B. Environmental impact assessments

7. In order to effectively undertake an environmental impact assessment for a proposed development, the analysis should include areas of significant conservation value, environmental constraints, geographical aspects and potential synergistic impacts.

8. The direct and indirect impacts of the development proposal on local biological diversity at ecosystem, species and genetic levels should be assessed, and particularly in terms of those components of biological diversity that the relevant community and its members rely upon for their subsistence, livelihood, and other needs.

9. Development proposals should be rigorously assessed for their potential to introduce alien invasive species into local ecosystems.

10. With respect to living modified organisms, due regard should be paid to Article 8(g) of the Convention on Biological Diversity and other relevant international agreements, and, in particular, the Cartagena Protocol on Biosafety.

C. Socio–economic impact assessments

11. In order to effectively undertake a socio–economic impact assessment for a proposed development, analysis should be carried out with respect to demographic factors, housing and accommodation, employment, infrastructures and services, income and asset distribution, traditional systems of production as well as educational needs, technical skills and financial implications.

12. Proposed developments should be evaluated in relation to tangible benefits to such communities, such as job creation, viable revenue from the levying of appropriate fees, access to markets and diversification of income–generating (economic) opportunities for small and medium–sized enterprises.

13. Developments involving changes to traditional practices for food production, or involving the introduction of commercial cultivation and harvesting of a particular wild species should have those changes and introductions assessed.

14. In socio–economic impact assessments, social development indicators consistent with the views of indigenous and local communities should be developed and should give consideration to gender, generational considerations, health, safety, food and livelihood security aspects and the possible effects on social cohesion and mobilization.

II. GENERAL PROVISIONS

15. Indigenous and local communities should be fully and effectively involved in the assessment process. The traditional biodiversity–related knowledge of involved indigenous and local communities should

be applied along with modern scientific assessment methodologies and procedures. Consultation should allow for sufficient time and should take place in the appropriate language and in a culturally appropriate manner.

16. Where the national legal regime requires prior informed consent of indigenous and local communities, the assessment process shall consider whether such prior informed consent has been obtained.

17. The vital role that women play, in particular indigenous women, in the conservation and sustainable use of biological diversity and the need for the full and effective participation of women in policy–making and implementation for biological diversity conservation should be fully taken into consideration, in accordance with the Convention.

18. Recognition should be given to the resource and capacity–building needs of indigenous and local communities and assistance should be provided, to the extent possible, to facilitate their full and effective participation in impact assessment procedures, including the provision of resources (technical, educational and other needs).

19. All human rights, including social and cultural rights, and any rights related to the environment, must be respected.

20. Pursuant to national legislation, the customary laws and intellectual property rights of indigenous and local communities, with respect to their traditional biodiversity–related knowledge, innovations and practices shall be respected in all circumstances related to the proposed development.

21. In the absence of any legal mechanisms for the protection of traditional knowledge, innovations and practices, indigenous and local communities should, if desired, define their own protocols for access to and use of traditional knowledge in impact assessment procedures, and Governments will assist and participate in such initiatives if required by and according to their national legislation.

22. Consistent with the ecosystem approach, proponents of development proposals should recognize the importance of understanding and applying the values and knowledge, where relevant, of use of biological diversity held by indigenous and local communities and their application for sustainable development.

23. In the context of impact assessments, and particularly with respect to mitigation and threat–abatement measures associated with the development, where there is a threat of significant reduction or loss of biodiversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.

24. In order to manage any disputes that may arise in relation to a development proposal and in the ensuing impact assessment processes, dispute–resolution means or mechanisms should be available or be established.