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SUBMISSION**Progress on Implementation of the Programme of Work for Article 8(j) and related provisions (Ref.: SCBD/SPS/DC/VN/JS/VF/jh/86963)**

25 January 2018

Convention on Biological Diversity

Dr. Cristiana Paşca Palmer

Executive Secretary

413 Rue Saint-Jacques Ouest, Suite 800

Montreal, Quebec, Canada H2Y 1N9

Dear Dr. Cristiana Paşca Palmer,

This is a submission by the Global Forest Coalition (GFC) and members and partners of the Community Conservation Resilience Initiative (CCRI)¹, together comprising a diverse group of Indigenous Peoples', community-based and civil society organisations and networks working on issues related to collective action and biodiversity conservation.

During SBI1 last year (May 2-6) in Montreal, GFC had published its position paper that included recommendations to Agenda Item 4 'Review of progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020' which also included discussion on the implementation of Aichi Target 18, including the plan of action on customary sustainable use². GFC also provided inputs during the CBD meetings in December 2017, including WG8(j)10 to further contribute to this process. The main recommendations can be found in this paper: <http://globalforestcoalition.org/policy-recommendations-cbd-sbstta-21-wg8j-10/>

We are pleased to continue contributing to refining this process. In line with our earlier submissions we have provided some brief suggestions that we thought still needed attention, including specific reference to the role of women that is integral to the implementation of Aichi Target 18 and the CBD's 2015-2020 Gender Plan of Action (Decision XII/7)³.

Thank you for the opportunity to provide inputs on these important matters.

Best wishes,

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¹ For more information about the Community Conservation Resilience Initiative, please see: <http://globalforestcoalition.org/resources/supporting-community-conservation/>.

² GFC Position Paper presented at the SBSTTA20 and SBI1: <http://globalforestcoalition.org/wp-content/uploads/2016/04/SBI-1-recommendations-on-community-conservation-EN.pdf>

³ <https://www.cbd.int/gender/action-plan/>

SUBMISSION of Global Forest Coalition (GFC)
Progress on Implementation of the Programme of Work for Article 8(j) and related
provisions (Ref.: SCBD/SPS/DC/VN/JS/VF/jh/86963)

1. Indigenous peoples and local communities have traditionally been the primary stewards of natural resources. Their diverse cultural values, spiritual traditions and varying governance systems shape their relations with nature, and in return ecosystems provide them with livelihoods. To ensure an equitable and just world, we need to transform the recognition of this intricate relationship to deliverable action. It is estimated that territories and areas managed and conserved by Indigenous Peoples and local communities encompass up to 22% of the earth's terrestrial area and coincide with 80 percent of the planet's biodiversity.⁴
2. There is an increasing scientific and political recognition of this role by the UN Convention on Biodiversity (CBD), which acknowledges that ecosystem conservation and restoration initiatives by indigenous peoples and local communities can contribute significantly to forest conservation and restoration⁵. In addition, it appreciates the role of collective action, including by indigenous peoples and local communities⁶.
3. These collective actions are a bundle of inherent capacities of resilience. They embrace learning, diversity and above all the belief that humans and nature are strongly coupled to the point that they should be conceived as one social-ecological system. However, such relationships have not been systematically addressed in the regions where a great number of community conservation initiatives are found and there still is a lack of recognition of customary sustainable use practices of indigenous peoples and local communities at the national level.
4. The Tenth Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and related provisions, also duly recognised the “important contributions that traditional knowledge, innovations and innovations and practices, and the customary use of biodiversity by indigenous peoples and local communities to the conservation and sustainable use of biodiversity can make to the achievement of most of the Sustainable Development Goals. The working group subsequently *invites* Parties, when implementing the 2030 Agenda for Sustainable Development,⁷ to mainstream traditional knowledge, innovations and practices, including those on customary sustainable use of biodiversity, into the implementation of all relevant Sustainable Development Goals with the full and effective participation of indigenous peoples and local communities⁸”

⁴ World Bank, 2008; Kothari et al, 2012.

⁵ <https://www.cbd.int/decision/cop/default.shtml?id=13382>

⁶ <https://www.cbd.int/decision/cop/default.shtml?id=13366>

⁷ General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, annex.

⁸ CBD/WG8J/REC/10/5

CBD Decisions on Plan of Action on Customary Sustainable Use

5. **Decision XIII/1** (“Progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011-2020 and towards the achievement of the Aichi Biodiversity Targets”) encourages Parties to “reinforce and strengthen efforts to mainstream Article 8(j) and Article 10(c), including the Plan of Action on Customary Sustainable Use of Biological Diversity... in the development, updating and implementation of the national biodiversity strategies and action plans” (para. 18).
6. The Plan of Action on Customary Sustainable Use was also mentioned in several other COP13 decisions, including:
 - **Decision XIII/3** (“Strategic actions to enhance the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming and the integration of biodiversity within and across sectors”), preamble;
 - **Decision XIII/5** (“Ecosystem restoration: short-term action plan”), para. 8 and Annex, para. 9;
 - **Decision XIII/19** (“Article 8(j) and related Articles: other matters related to the programme of work”), Annex, para. 7; and
 - **Decision XIII/20** (“Resource mobilization”), para. 19.

PLAN OF ACTION ON CUSTOMARY SUSTAINABLE USE ON BIOLOGICAL DIVERSITY (UNEP/CBD/COP/DEC/XII, B, Annex⁹)

Task 1: To incorporate customary sustainable use practices or policies, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports.

7. The progress report presented at the tenth meeting of the Ad Hoc Working Group on Article 8(j) and related provisions prepared by the Secretariat of the NBSAPS received by 12 September 2017, provided the following update¹⁰:
 - (a) From the 147 NBSAPs received by 12 September 2017, only five Parties¹¹ reported indigenous peoples and local communities participating on NBSAPs Committees;
 - (b) A total of 28 Parties¹² reported that indigenous peoples and local communities were consulted in the revision of the NBSAPs;
 - (c) Four Parties¹³ reported that indigenous peoples and local communities would be involved in the implementation of the NBSAPs;

⁹ <https://www.cbd.int/doc/publications/cbd-csu-en.pdf>

¹⁰ CBD/WG8J/10/7 <https://www.cbd.int/meetings/WG8J-10>

¹¹ Argentina, Ireland, Namibia, Paraguay and the Philippines.

¹² Algeria, Brazil, Burundi, Cameroon, Colombia, Costa Rica, Democratic Republic of the Congo, Ethiopia, Finland, Gambia, Ghana, Grenada, Guatemala, Guyana, Japan, Malawi, Mexico, Peru, Senegal, Solomon Islands, South Africa, Sri Lanka, Slovakia, Suriname, Thailand, Togo, Uganda, Venezuela and Zambia.

¹³ Australia, Austria, Belgium and Nepal.

- (d) A total of 107 of the 147 NBSAPs did not mention the participation of indigenous peoples and local communities in the revision of the NBSAP;
- (e) Additionally, some countries, such as Malta and Serbia, have established commitments in their national biodiversity strategies and action plans which relate to the preservation of the knowledge and practices of local communities;
8. **Recommendation: Better reporting against the Plan of Action is vital.** All Parties should report updates in their national reports (in collaboration with IPLCs) while at the same time separate products like the Local Biodiversity Outlook can be used to more deeply examine and discuss implementation of the Plan of Action and mainstreaming of CSU¹⁴.
9. We recommend the next Conference of the Parties to urge all Parties to help in realising the recommendations adopted at the Tenth meeting of the Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8(j) and related provisions of the Convention on Biological Diversity, including recommendation CBD/WG8J/RECE/10/3¹⁵ which is also in line with the Plan of Action on Customary Sustainable Use of Biological Diversity (UNEP/CBD/DEC/XII/2, B Annex), in particular to Task 1 that addresses reporting on customary sustainable use in the NBSAPs and the fifth national reports¹⁶.
10. **Recommendation: Synergies with reporting to the High Level Political Forum on the implementation of the Sustainable Development Goals (SDGs):** The CBD would greatly benefit from more robust mechanisms for supporting and reviewing (sub-)national implementation, including the development of NBSAPs, implementation of CBD related commitments by Indigenous Peoples, local communities and other rightsholder groups such as women, and the preparation of national reports. The initial rounds of Voluntary National Reviews (VNRs) considered by the High Level Political Forum could provide useful lessons for a peer-review mechanism in the CBD for NBSAPs as well as national reports. In particular, experience to date with the VNRs shows that much stronger emphasis is needed on ensuring genuine participation of Indigenous peoples, local communities and women, and other rightsholder and stakeholder groups in the preparation and review of VNRs.
11. The HLPF SDGs for 2018 is themed “Transformation towards sustainable and resilient societies” which will see the some countries presenting their VNRs addressing Goals 6 (water and sanitation), Goal 7 (energy), Goal 11 (resilience cities), Goal 12 (consumption and production) and Goal 15(Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss). All these Goals are inherently linked with the General Principles of the Plan of Action on CSU that notes, “*The ecosystem approach, a strategy for the integrated management of land, water and living resources that promote conservation and sustainable use of biological diversity in an equitable way, is consistent with the spiritual and cultural values as well as customary practices of many indigenous and local communities and their traditional knowledge, innovations and practices*’ (General Principle, 3.)”.

¹⁴ GFC and FPP Submission of May 2017 on Programme of Work on Article 8(j) and related provisions (Ref.: SCBD/SPS/DC/VN/JS/DM/86220)

¹⁵ <https://www.cbd.int/doc/recommendations/wg8j-10/wg8j-10-rec-03-en.pdf>

¹⁶ See also GFC Submission of September 2017 on Preparation for the post-2020 Strategic Plan <http://globalforestcoalition.org/wp-content/uploads/2017/09/GFC-CCRI-submission-on-post-2020-process-final.pdf>

India's NBSAP and Supporting Community Forest Rights

By the All India Forum of Forest Movements

The only legislation in India in recent times that recognises traditional knowledge, full participation of IPs and local communities and their traditional practices, is The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (in short referred to as FRA) passed by the Indian Parliament in 2006.

The NBSAP Action Plan, Addendum to 2014 to NBAP 2008¹, published by the Ministry of Environment, Forests & Climate Change (MoEFCC), Government of India, mentions that this legislation is one of the key legislations responsible for biodiversity conservation. But, since January 2008, when this legislation came in to force, the implementation of the Act through recording of both individual and community rights is very poor, primarily because of the opposition from the same Ministry, its officials and the foresters on the ground.

Analysis of the NBSAP implementation report of India reveals severe lack of participation of the Indigenous Peoples and local forest communities in the preparation of the both NBSAP 2008 and [2014](#). There is a clear lack of information on how the Government and the MoEFCC plans to take advantage of the FRA 2006 in forest and biodiversity conservation through the full and effective participation of the Indigenous Peoples and local communities, including the voices of women.

India's Fourth and [Fifth](#) National Reporting mentions Joint Forest Management and working of the Joint Forest Management Committees (JFMCs), which do not have any legislative backing, but fails to report on the FRA 2006 and its impact on biodiversity conservation. The issue of FRA 2006 rights conferred to the IPs and local communities is completely avoided in the Indian Government's reports and communications to the CBD.

The communities from the Chilapata-Buxa forests in the Himalayan West Bengal and the Tadoba-Andhari National Park and Tiger Reserve in Maharashtra, have strongly recommended "for the immediate implementation of the FRA 2006 as passed by the Indian Parliament, in not only recognising their rights but recording them and upholding the role and power of the Gram Sabha." (draft report on the India CCRI, in press). The CCRI report on India further says that formal recording of rights and allowing the Gram Sabha to function will have a multiplier effect on the community conservation initiatives and facilitate the process of community control over and decentralised, democratic governance of forests.

The CCRI project communities also recommended that the rights of communities within the Tadoba-Andhari national park and tiger reserve should be immediately settled and following the provisions of the FRA 2006 their consent taken before any decision on relocation is taken and a resettlement plan is prepared. The livelihood crisis that the communities are undergoing at present, could be addressed largely with the recording of their tenurial rights over land and community forest resources. The communities also feel that the governments should allow, support and facilitate restoration of their forests according to their traditional wisdom and knowledge, requirements of local needs benefitting both the communities and wild life leading to the protection of both forests and biodiversity.

The recognition and recording of community rights according to the provisions of the Forest Rights Act, 2006 will ensure protection of forests and biodiversity, protection and conservation of forests and biodiversity, effective use of traditional knowledge and traditional practices, and full and effective participation of IPs and local communities in conservation and protection of forests and biodiversity ensuring increased participation of women through Gram Sabhas (village councils) and others committees under the Gram Sabhas.

Task 2: To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use of biological diversity; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c).

12. GFC as part of its Community Conservation Resilience Initiative (CCRI) aims to contribute to the implementation of the CBD Aichi Targets by providing policy advice on effective and appropriate forms of support for community conservation and restoration initiatives by Indigenous peoples and local communities, including women. Coordinated by GFC, the CCRI has been supporting more than 70 communities in 22 countries to assess their own conservation efforts and to identify forms of support needed to sustain and strengthen them. Many of the CCRI partners are also further supported through funds of the Women2030¹⁷ partnership program with the EU to address the gender dimension of biodiversity conservation and strengthen the roles of women engaging in customary sustainable use of biodiversity resources and practices.

Malaysia: Supporting ICCAs

By PACOS Trust

People in the Sungai Tombonuo ethnic group from Sungai Elo, Pitas, depend on their mangrove forests for protein, fuelwood and medicinal plants, and for spiritual purposes, and manage them based on traditional customary uses and practices. However, a large-scale shrimp-farming project is clearing mangroves vital to the community's livelihoods and the surrounding environment. The community is appealing to the company, state government and related agencies to stop the clearing of the mangroves and assist with restoration.

The CCRI work is still ongoing and some reflections from the communities identified challenges they are facing with the shrimp farm that has not only threatened their traditional hunting grounds, but also severely affected their traditional foods, including indigenous aquatic animals.

Particular to their case, the communities share that land applications in Kampung Kuyu were cancelled in favor of the shrimp farm and as such they are strongly working together with various other stakeholders and rightsholders. They want the Indigenous and Community Conserved Territories and Areas (ICCAs) of their community to be recognized as they themselves are working for the restoration of their mangroves, and they want them untouched.

13. **Recommendation: Strengthening localised collective actions in biodiversity mainstreaming is crucial** as the indigenous and local collective actions are based on long-term cultural connects to specific territories and areas that form the cornerstone for successful biodiversity conservation, sustainable use and restoration¹⁸.

¹⁷ Women2030 <http://globalforestcoalition.org/women2030/>

¹⁸ Mainstreaming Biodiversity and the Resilience of Community Conservation. <http://globalforestcoalition.org/wp-content/uploads/2016/04/mainstreaming-biodiversity-paper.pdf>

Task 3: To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives).

(ii) Encourage the application of traditional knowledge and customary sustainable use of biological diversity in protected areas, including marine protected areas, as appropriate and in accordance with national legislation;

14. There are growing numbers of good practices that showcase the contributions made by indigenous peoples and local communities, and that have documented the customary sustainable practices that contribute to biodiversity conservation. In GFCs [position paper presented in the CBD SBSTTA21 and WG8J10 in December 2017](#), many of the Community Conservation Resilience (CCRI) practices were presented alongside recommendations.¹⁹ Some of these good practices are reflected to address the customary sustainable use practices carried out by indigenous peoples and local communities in respect to community initiatives, community conserved areas, traditional livelihoods, women's contributions among others, some are also included here for reference.

IRAN: Supporting the Conservation practices of Nomadic Tribes

By CENESTA

The Abolhassani Indigenous Nomadic Tribal Confederacy is located in an extremely dry area of the Southeast Semnan Province. It is enclosed within a UNESCO Biosphere Reserve and part of a mosaic of protected areas. The Abolhassani have demonstrated remarkable resilience to drought through both indigenous knowledge and innovative solutions by incorporating limited agricultural opportunities to their mainstay of herding. The efforts of the community have also ensured healthy pastures and forests with an abundance of endangered and/or rare plant species. The Farrokhvand Tribe of Bakhtiari Indigenous Tribal Confederacy in Southwest Iran has been developing a conservation plan in their mid-range ICCA, resulting in the rehabilitation of territory based on the restoration of endangered plant species such as wild mountain celery.

These communities identified undermining of land rights, tenure, indigenous knowledge and customary management as external threats. The nationalisation of natural resources and rangelands has taken away the rights of indigenous communities' to their ancestral lands and has severely undermined the resilience of communities to cope with adverse environmental changes.

Despite the long history of nomadism in this area, government and development agencies have failed to understand rangeland management that communities have practised for centuries. National policies continue to undermine nomadism, and refuse to acknowledge its importance as a specialised form of adaptation to local environments, its ecological role or its proven capacity to provide livelihoods.

¹⁹ Policy Recommendation for SBSTTA-21 and WG8J10 <http://globalforestcoalition.org/policy-recommendations-cbd-sbstta-21-wg8j-10/>

15. **Recommendation: Considering “territory-based approaches” alongside “ecosystem-based approaches”.** Complimenting the growing acceptance of Indigenous and Community Conserved Territories and Areas (ICCAs) and Other Effective Area-based Management Systems (OEAMS) and in preparation for the Post-2020 biodiversity framework, it would be very relevant to engage in the discussion about territory-based approaches as many indigenous peoples’ and communities’ territories can span multiple ecosystems.
16. **Recommendation: Support for developing and recognising community protocols** to ensure that the rights of indigenous peoples and local communities are respected and adhered to.
17. All the above recommendations suggested are interlinked with one another as they all address the intricate web of the lives of indigenous peoples and local communities that is linked with their areas and territories, traditional knowledge and customary sustainable use. All these go hand-in-hand with each other.