

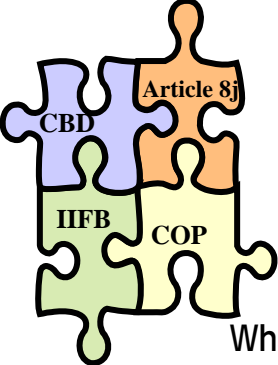


# Help us make this handbook better

This handbook is intended as a guide for first-time participants in the CBD process as well as an ongoing resource. Your comments or suggestions would be greatly appreciated.

1. What are some things you learned by observing and participating in the Convention on Biological Diversity (CBD) process?
2. What did not make sense? What was confusing?
3. Would you add anything to this handbook to make it easier to follow these meetings?

We would appreciate your feedback on the meetings and this handbook. You can send any comments or suggestions to James Lamouche ([jlamouche@naho.ca](mailto:jlamouche@naho.ca)) or James Sinclair ([jsinclair@naho.ca](mailto:jsinclair@naho.ca))



# Understanding the Puzzle Pieces of the Convention on Biological Diversity – The Basics

## What is the Convention on Biological Diversity?

The Convention on Biological Diversity, called the CBD for short, is an international treaty that has three objectives:



To conserve biological diversity (i.e., life in all its forms).



To promote the sustainable use of biological diversity.



To promote the fair and equitable sharing of benefits from the use of genetic resources (e.g., food, seeds, medicines, and other gifts of nature).

## When was the Convention on Biological Diversity created?

Since 1972, there have been many international meetings that have talked about protecting the environment. The following flow chart shows the link between three important United Nations meetings. From these meetings the CBD was created and continues to be discussed and implemented.



## Who takes part in the Convention on Biological Diversity?

As with all international agreements, any country can become Party to the CBD by *ratifying it*. This means that they agree to the commitments stated in the CBD, including the three objectives listed above. Right now, there are a total of 188 countries who are party to the CBD.

Canada ratified the convention on December 4, 1992. The United States has not ratified the CBD.

## Why is the Convention on Biological Diversity important?

Indigenous Peoples around the world rely on the plants and animals around them for survival. The environment shapes their cultures, knowledge, medicines, languages, homes and even clothing. Indigenous Peoples have always protected the biological diversity in their surroundings. In fact, studies show that wherever Indigenous Peoples live, the highest levels of biological diversity can be usually found. But this is changing. Plants and animals, and the very survival of people, is threatened by development projects like mining, logging and hydro-electric projects. The CBD is one way that makes sure that governments make a commitment to protecting biological diversity.



# Understanding the Nuts and Bolts of the CBD Machine

There are three basic parts that keep the CBD machine oiled and in working order. These work around the rules and objectives stated in the Convention.

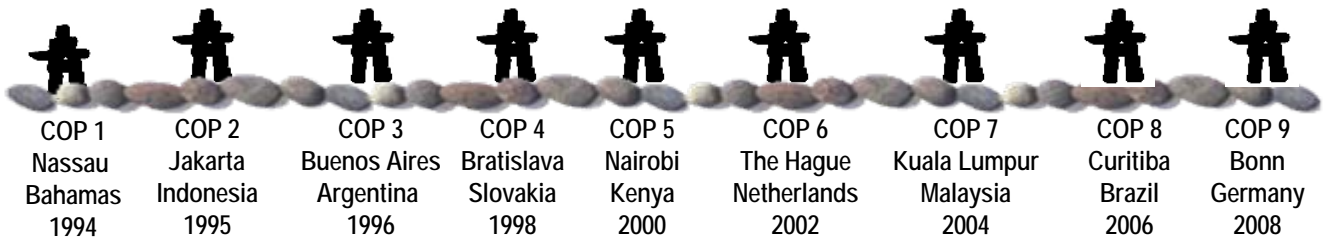
A **Secretariat** takes care of meeting logistics, document preparation and administration. It is located in Montreal.

**SBSTTA** stands for the Subsidiary Body on Scientific, Technical and Technological Advice. This is a big title that means that it gives scientific and technical advice and input on the Convention. A group of experts meets about once a year, usually in Montreal, to give scientific and technical advice to the Conference of the Parties (COP).

**COP** stands for the Conference of the Parties.

## What is the COP?

Countries who have ratified the CBD meet roughly every two years in different places of the world. This meeting is called the Conference of the Parties, or COP. Countries like the U.S., who have not ratified the CBD, participate as observers. This timeline shows you where and when all COP meetings took place.



## Who goes to the COP?

Thousands of people from around the world, including Indigenous Peoples, government representatives (Parties to the CBD), non-government organizations (like Greenpeace), and inter-governmental organizations (like the World Health Organization) go to the COP meetings.

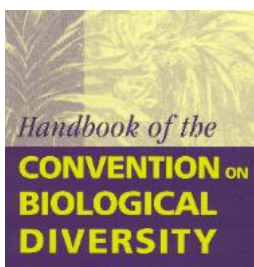


## What happens at the COP?

COP meetings are two weeks long. Days begin early and end very late. There are many, sometimes hundreds, of meeting documents. A lot of time is spent writing or editing documents. These documents outline the actions that Governments will take in the future. If Parties agree on the content of the documents, they are adopted. Once a document is adopted, it is up the Parties to try to put the words into action.

## Indigenous Peoples' Participation

Since COP3, Indigenous Peoples have been active participants at CBD meetings, including COP and SBSTTA. There are other meetings of the CBD where Indigenous Peoples have been present to bring their specific concerns forward. Indigenous participants have consistently called for the full and effective participation in the CBD process. The next fact sheets will talk more about this.



# CBD Articles of Importance to Indigenous Peoples

There are several important areas of the CBD which are of great importance to Indigenous Peoples. They include :

the preamble

Article 8(j) on Traditional Knowledge

Article 10 (c) and (d) on Sustainable Use

Article 15 on Access to Genetic Resources

Article 16 on Access to and Transfer of Technology

Article 17 on Exchange of Information

Article 18 on Technical and Scientific Cooperation

Article 19 on Handling of Biotechnology and Distribution of Benefits

Article 8(j) will be discussed in greater detail on the following fact sheet. The other articles are written out below for your information as they appear in the CBD.

## The Preamble:

*"Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,*

*Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation."*

## Article 10 (c) and (d)

"Each Contracting Party, shall, as far as possible and as appropriate:

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirement.

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced."

## Article 15 (7)

"Each contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms."

## Article 16

There are five paragraphs to this article. The importance is that it is relevant to conservation and sustainable use of biodiversity with respect to intellectual property rights.

## Article 17 (2)

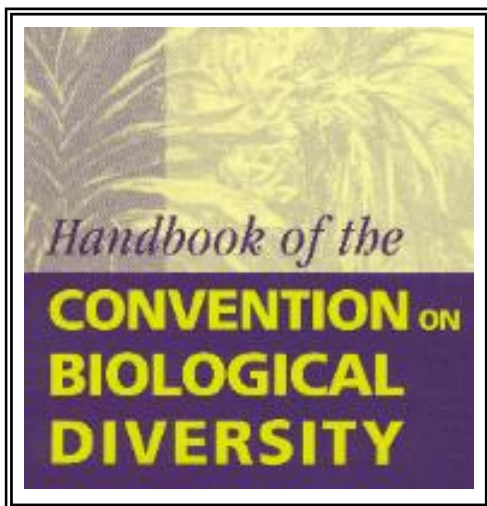
“Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.”

## Article 18 (4)

“The Contracting Parties, shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of this Convention. For this purpose, the Contracting Parties shall also promote collaboration in the training of personnel and exchange of experts.”

## Article 19

This article has four paragraphs. Importantly it talks about the issue of the biotechnology and the benefits arising from use of biotechnology.



This Handbook is produced by the Secretariat on the CBD and is available at most meetings. Pick up your free copy. It includes:

- a good introduction to the CBD
- the full text of the Convention
- all the decisions of the CBD



# Finding your way through Article 8(j) of the Convention on Biological Diversity

## What is Article 8(j)?

Of the 42 Articles included in the CBD, Article 8(j) is but one subsection. But it is very meaningful for Indigenous Peoples around the world because it talks about protecting their traditional knowledge. The following is the full text of Article 8(j).

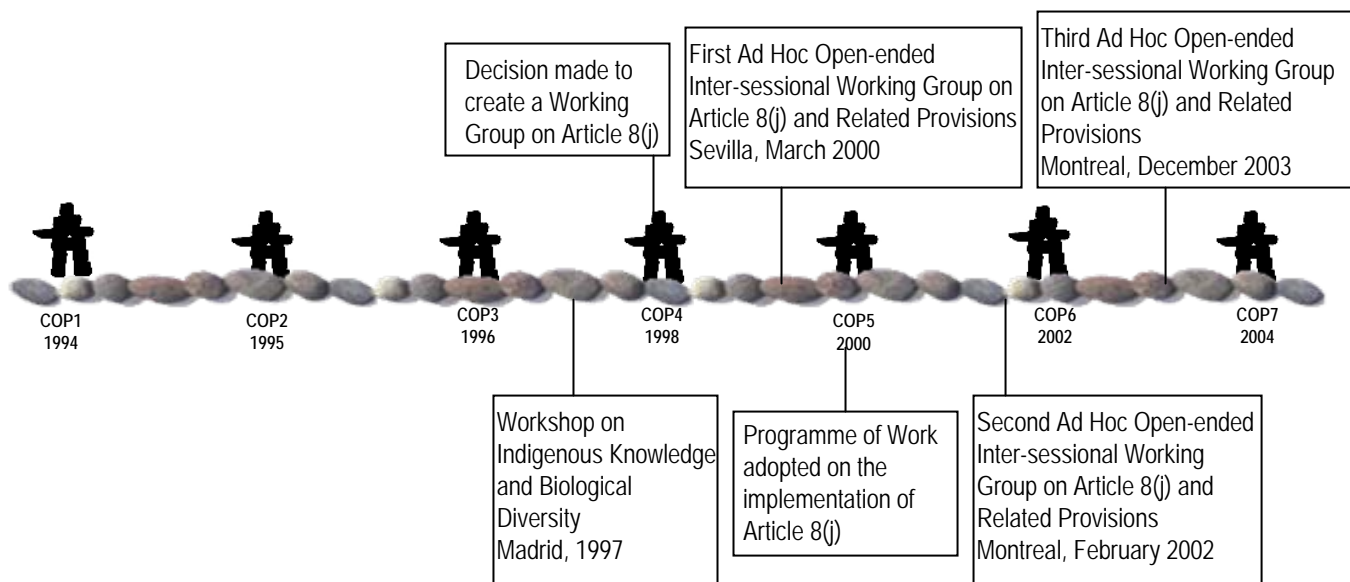
*Each contracting Party shall, as far as possible and appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices*

## What does this mean?

Basically, this article tells countries that they have to respect, promote and preserve traditional knowledge, practices and creations of Indigenous Peoples. Countries have to ask before they use Indigenous Peoples' knowledge. Finally, if profit is made off of Indigenous Peoples' knowledge, practices or creations, they should be given a fair share of the benefits.

## What are the activities around Article 8(j)?

If we look back again on the flow chart of the COP meetings, we can see where Article 8(j) became of great interest. Over the years, a workshop on Indigenous Knowledge and Biological Diversity was held and a working group on Article 8(j) was formed (the long name for the working group is the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions). The working group now meets before each COP meeting.





# Indigenous Peoples' Participation with the CBD

Participants at the First Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions

## How have Indigenous Peoples participated?

Indigenous Peoples are active at the CBD meetings. The CIBN, IIFB and IWBN (all below) have held meetings to discuss their specific concerns and interests around the CBD. They have lobbied governments at United Nations meetings and they have created ways of sharing information. Some main areas of work are discussed below.

## Canadian Indigenous Biodiversity Network and [ibin.net](http://ibin.net)

The Canadian Indigenous Biodiversity Network (CIBN) was set up in 2001 as a national network of Indigenous organizations and individuals. This network holds monthly teleconference calls to discuss issues related to the CBD and is a way for sharing information amongst members.

Another way that information is shared is through IBIN, a newsletter distributed within Canada and internationally. This newsletter was started in 1999 and is published quarterly.

## International Indigenous Forum on Biodiversity

The International Indigenous Forum on Biodiversity (IIFB) was first held in 1996 at COP3. This forum is open to all Indigenous Peoples interested in and working on the CBD. The IIFB meets before each of the major meetings of the CBD, like the COP, SBSTTA, the Working Group on Access and Benefit Sharing and the Working Group on Article 8(j) and Related Provisions.

During the IIFB, participants talk about their concerns and strategies around the CBD. They draft text as well as opening and closing statements for the official CBD meetings. Indigenous participants are also active lobbying government officials on changing, inserting or deleting text from the documents in their favour.

During COP5 in 2000, Indigenous Peoples were identified as important participants on issues related to biological diversity, traditional knowledge and intellectual property rights. It was significantly, the IIFB was recognized as an advisory body to the COP regarding work around Article 8(j).

## Indigenous Women's Biodiversity Network

The Indigenous Women's Biodiversity Network (IWBN) began at the COP4 meeting in 1998. This network is open to all Indigenous women. It was created so that Indigenous women could share their unique experiences and perspectives on the environment and biodiversity. Also they are able to discuss ways to make the CBD documents include more words on gender and recognize Indigenous women's traditional knowledge and their roles in the use and conservation of biodiversity. They lobby to make the CBD documents.

The meetings of the IWBN are generally one day long and take place at COP meetings and at the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions.



Participants at the Third Meeting of the IWBN, Montreal, 2002



# Understanding the Lingo – Some useful acronyms

ABS	Access and benefit sharing
BCO	Biodiversity Convention Office
CBD	Convention on Biological Diversity
CBS	Canadian Biodiversity Strategy
CCME	Canadian Council of Ministers of the Environment
CEAA	Canadian Environmental Assessment Act
CEPA	Canadian Environmental Protection Act
CHR	Commission on Human Rights
CIBN	Canadian Indigenous Biodiversity Network
CIDA	Canadian International Development Agency
CHM	Clearing House Mechanism
CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)
COP	Convention of the Parties (to the CBD)
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
CSD	Commission on Sustainable Development (UN)
CWS	Canadian Wildlife Service
DFAIT	Department of Foreign Affairs and International Trade
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian Affairs and Northern Development (now INAC)
EC	European Community
ECOSOC	United Nations Economic and Social Council
EIA	Environmental Impact Assessment
ETC	Erosion Technology and Concentration Group
FAO	Food and Agriculture Organization
FCCC	United Nations Framework Convention on Climate Change
GATT	General Agreement on Tariffs and Trade (now WTO)
GEF	Global Environment Facility
GMO	Genetically modified organism
GRULAC	Latin America and Caribbean Group
GTI	Global Taxonomy Initiative
HGDP	Human Genome Diversity Project
HUGO	Human Genome Organization
IBIN	Indigenous Peoples' Biodiversity Information Network
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICONS	International Conservation Networking System
IDRC	International Development and Research Centre
IFF	International Forum on Forests



## Some more important Lingo to learn...

IGC	Inter-governmental Committee on Genetic Resources, Traditional Knowledge and Folklore of WIPO
IIFB	International Indigenous Forum on Biodiversity
ILO	International Labour Organization
IMF	International Monetary Fund
INAC	Indian and Northern Affairs Canada
IPBN	Indigenous Peoples' Biodiversity Network
IPR	Intellectual property rights
ITTGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for the Conservation of Nature (The World Conservation Union)
MAT	Mutually agreed terms
MYPOW	Multi-year Program of Work
NGO	Non-governmental organization
NIH	National Institutes of Health (USA)
NTFP	Non-timber forest product
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
PBRs	Plant breeders' rights
PGR	Plant genetic resources
PIC	Prior informed consent
POW	Program of Work
Ramsar	Convention on Wetlands of International Importance
R&D	Research and development
RAFI	Rural Advancement Foundation International
SIDS	Small Island Developing States
SARA	Species at Risk Act
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
TEK	Traditional ecological knowledge
TRIPs	Trade-Related Aspects of Intellectual Property Rights
TRRs	Traditional resources rights
UN	United Nations
UDHR	Universal Declaration on Human Rights
UNCED	United Nations Commission on Environment and Development (the Earth Summit)
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UPOV	International Union for the Protection of New Varieties of Plants
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WRI	World Resources Institute
WTO	World Trade Organization
WWF	World Wide Fund for Nature



# Your English Dictionary to the CBD\*

<b>Ad hoc</b>	Within the CBD process, this refers to a group which is brought together and is open to participation by anyone (parties/governments).
<b>ABS</b>	This is the acronym for Access and Benefit Sharing. The CBD recognizes that countries have the right to manage their own biodiversity and genetic resources and share in benefits when these resources are used to make money. The CBD has developed guidelines to help manage access to these resources by outside countries, companies and researchers. The guidelines also make sure countries and knowledge holders share in any profits.
<b>Bracketed text</b>	This refers to text which is inserted into the documents by participants at the CBD but which is not approved or agreed upon. This text remains [bracketed] and open for discussion at a later meeting.
<b>Ex Situ</b>	When talking about Article 8(j), this Latin word refers to an unnatural environment, like museums, zoos and labs, etc.
<b>IPR</b>	IPR is the acronym for <b>Intellectual Property Rights</b> . IPR are the laws that protect intellectual property. This protects the works of authors and inventors and gives them economic control over what they made. IPR treats knowledge as private property. For Indigenous Peoples, their intellectual property, or knowledge, has not usually fit within this model and so they seek other ways ( <i>sui generis</i> ) of protecting it.
<b>Inter alia</b>	This Latin word means “among others”.
<b>In situ</b>	A Latin word meaning “in its place”. When talking about Article 8(j), it refers to biodiversity and the natural environment in its natural location, like the soil or the water.
<b>Open ended</b>	In CBD talk, this means a group that will continue until its tasks have been completed or the COP decides otherwise.
<b>Sui Generis</b>	This is a Latin term that means “of its own kind”. Within the CBD, <i>sui generis</i> usually refers to special or unique laws.
<b>TK</b>	Often you will hear people talking about TK. This is the acronym commonly used for <b>traditional knowledge</b> . TK is collective knowledge, owned by everyone in a community or culture. It is passed from one generation to another, usually through spoken word or example. TK is special and specific to a people’s land, region or community. Inuit for example use the term <i>Inuit Qaujimaqatqangit</i> . It more accurately signifies the profound individuality of Inuit culture in all its aspects including values, world-view, language, social organization, knowledge, life skills, perceptions and expectations. It has been defined as the Inuit way of doing things: the past, present and future knowledge, experiences and values of Inuit society.

\* There is a fuller glossary list in Pauktuutit’s Protecting Indigenous Peoples’ Traditional Knowledge and Intellectual Property: A Community Guide



# Related Web sites on the CBD

Feel like doing some extra research on the CBD? The following are some good Web sites for you to browse:

**Official site of the CBD:** <http://www.biodiv.org>

**Canadian Biodiversity Convention Office:** <http://www.bco.ec.gc.ca>

**Earth Negotiations Bulletin:** <http://www.iisd.ca>

**World Resources Institute:** <http://www.wri.org>

**United Nations Department of Economic and Social Affairs –  
Commission on Sustainable Development:** <http://www.un.org/esa/sustdev>

**United Nations Guide for Indigenous Peoples:**  
<http://www.unhchr.ch/html/racisms/00-indigenousguide.html>

**Genetic Resources Action International – GRAIN:** <http://www.grain.org>

**Eldis Biodiversity Resource Guide:** <http://www.eldis.org/biodiversity/WPC.html>