

IPBES 4

Kuala Lumpur, Malaysia, 22 - 28 February 2016

Agenda Item 5 (d) of the provisional agenda

**Work on indigenous and local knowledge systems (deliverable 1(c))**

**Approaches for working with ILK in the Platform**

The recognition of the collective nature of Indigenous and Local Knowledge in the introductory paragraph needs to be reflected in the proposed approaches, procedures and mechanisms proposed for working with ILK in the platform.

1. The current text (6) Respecting rights and interests is welcome, but it is too weak on the legal issues to reflect existing international and domestic legal obligations to protect ILK. An additional paragraph is needed to address "due diligence" or "duty of care" approaches by IPBES to safeguard the use of ILK in the course of its work. For example, the Nagoya Protocol preamble states 'that nothing in this Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities'. A similar statement is needed for IPBES.
2. Proposed procedures for bringing ILK into the Platform's assessments, which are in line with IPBES adopted procedures, do not capture the requirements for working directly with ILK holders in-situ, and respecting the collective character of ILK which is not held individually, but collectively by ILK holders. Therefore, care needs to be taken at all stages in the nomination and selection of experts to ensure that they are aware of and respect the legal and customary rights and interests of traditional knowledge holders with respect to the use of indigenous and local knowledge. In regards to the transmission of any primary indigenous and local knowledge, experts must ensure that prior informed consent of IPLCs who are the holders of knowledge is obtained.
3. IPBES must not engage in any systematic collection of indigenous and local knowledge. We do not believe that this is the competent body to do this. Any documentation of ILK must have in place substantial safeguards and protocols in place prior to collection. Parties to the Convention on Biological Diversity and the Nagoya Protocol have substantive obligations for obtaining prior informed consent. In negotiations on an instrument or instruments on traditional knowledge at WIPO, some members are proposing principles that likely contradict the CBD and Nagoya Protocol. In this context, the precautionary approach to the use of indigenous and local knowledge should be followed.

3bis. The reference to prior informed consent should be expanded and made explicit. What are the standards? Where are these drawn from? Were they developed with the full and effective

participation of indigenous peoples? IPBES authors, many of whom are far from the understanding of the customary laws and cultural issues of indigenous and local communities, should have explicit guidance in all of the working groups and processes of this process.

3ter. Related to the legal context of ILK, the sections that refer to “co-production”, “knowledge exchange” and similar concepts should be expanded to include other models for providing evidence to this platform. Assessments should concentrate on gathering sufficient information to make supportable claims related to the conservation and sustainable use of biodiversity and ecosystem services. Co-production through the exchange of traditional knowledge is only one model. Other models include the use of proxy measurements to indicate the effectiveness of the use of ILK rather than exchange of ILK. There are also conditions where ILK is effective without the need for co-production of knowledge with scientists.

4. The proposed Roster of Experts needs to accommodate the inclusion of centres, peoples, communities and organizations who are familiar with local contexts and procedures for mobilising ILK holders to contribute their knowledge for IPBES products, eg respect for community protocols. These groups can register their distinct contributions to IPBES work based on the IPBES work programme.
5. Calls for ILK contributions can be broader than for very specific IPBES deliverables but for a broader range of IPBES work streams.
6. The Participatory Mechanism for working with ILK in the Platform needs to be conceived strategically, in similar fashion to the broad Stakeholder Engagement Strategy, but suitable for supporting the full and effective participation Indigenous Peoples and Local Communities and ILK holders in the platform. Firstly, IPLCs need to be recognized as a distinct grouping among the IPBES stakeholders, requiring their own engagement strategy. As currently operating, the coordinated stakeholders are composed of 2 groups informing and coordinating with each other: the International Indigenous Forum on Biodiversity and Ecosystem Services (IIFBES) and the Stakeholders Network. IPBES4 needs to note and welcome this development and that its SES will adequately address the diversity of stakeholders engaged in IPBES structure and processes.
7. The IPBES participatory mechanism for ILK, as proposed, needs be enhanced, piloted and developed, building on already existing structures and networks of IPLCs and respecting their self-organisation.
8. Accordingly, Indigenous Peoples and Local Communities with a long history of work on indigenous and local knowledge, have established a network of ILK Centres of Distinction composed of organizations with substantial experience in engaging within the United Nations system to deliver policy recommendations, implement projects and provide assessments, such as

for biodiversity indicators and community-based monitoring systems. Each Center has its own distinct activities and strengths, which by working together can provide a more comprehensive contribution to the IPBES functions and work programme. (See information note on ILK Centres of Distinction).

### **Procedures for Bringing Indigenous and Local Knowledge Into The Platform's Assessments**

IIFBES notes that the proposed procedures for bringing ILK into the platform's assessments mirror existing IPBES procedures and propose some enhancements but not any substantive changes.

There are also plans for further trialing of existing procedures and practices during the current work programme up to 2018. It is proposed that IPBES also collaborate with the SCBD in its planned regional capacity-building workshops planned for 2016 - Asia-Pacific (June or July) and Latin American (May) and COP13 in Mexico.

Further, IIFBES recommends that the planned IPBES evaluation includes consideration of the effectiveness of bringing ILK into IPBES into the Science-Policy platform. After 2018, the approaches and procedures of engaging ILK will be reviewed towards the revision and adoption of *sui generis* approaches and procedures relevant for ILK in the Platform.

### **Workshop on Cultural Ecosystem Services**

The IIFBES proposes the holding of an open-ended workshop on cultural ecosystem services (CES) to assist in providing inputs into both regional assessments and the global assessment and other relevant IPBES products.

Although cultural ecosystem services are one of the four types of commonly accepted ecosystem services (production, regulation, support, cultural), they are one of the least well-characterized with reference to the values of indigenous and local communities. Most papers concern themselves with largely non-indigenous values (recreation, tourism and aesthetics), and where ILC values are covered, such as spirituality, they do not generally reflect the deeper range of meanings held by ILCs.

The way of framing cultural ecosystem services is also incomplete. CES are commonly seen as the cultural or social values that are simply attached to underlying natural ecosystem services. However, many ecosystems are co-generated through the interactions between humans and nature. This has been captured in concepts such as coupled human and natural systems, social-ecological systems, and biocultural landscapes. One example is the Amazonian dark earths, or terra preta soils. These soils are not natural, but characterized of low-temperature charcoal residues of human origin, such as pottery shards, animal and fish bones. Terra preta soils are pre-Columbian nature, created by human activities between 450 BCE and 950 CE. This increased charcoal content is a historical legacy

from human activities that increases the level of carbon sequestration services of such soils.

The proposed workshop will engage ILK holders and other interested participants to better understand the diverse cultural values of ecosystem services, as well as increase an understanding of regional-scale and global-scale benefits that result from the positive interactions between humans and nature that can enhance ecosystem services.

### **Capacity building and Communications**

Recognizing that capacity building is cross cutting work;

That there are imbalances in institutional capacities between scientists and ILK holders and that two-way capacity mobilization is needed;

That the contributions of ILK holders and experts in the current work plan has been limited:

The IIFBES recommends the following:

- A voluntary fund that supports the participation of ILK holders in IPBES meetings and work
- More in depth dialogues and face to face inter-cultural learning among knowledge systems
- Capacity building workshops with IPLCs about engagement with IPBES;
- Strategic partnership with ILK Centres of Distinction
- Increase in communications with IPLCs, including, using new information and communications platforms of BES-Net of the Secretariat and participation in face-to-face trainings.