

## **SUBMISSION**

### **In relation to the notification on the Programme of Work on Article 8(j) and related provisions**

#### **Request for contributions from Parties and stakeholders regarding possible elements of a new major component of work on Article 10, with a focus on Article 10(c)**

Ref.: SCBD/SEL/OJ/JS/dm/80290

Convention on Biological Diversity  
Braulio Ferreira de Souza Dias  
Executive Secretary  
413, rue Saint-Jacques Ouest, Suite 800  
Montreal, Quebec  
Canada H2Y 1N9

1 August 2012

Dear Mr. Ferreira de Souza Dias,

This is a joint submission by indigenous and local community organisations and supportive NGOs working on issues related to customary sustainable use of biodiversity in various countries. We would like to thank you for providing us this opportunity to provide our views on this important matter.

#### **1. *Introduction***

We would like to bring to your attention the following information and suggestions with the objective to advance the development of the Plan of Action for customary sustainable use as a new major component of the revised Programme of Work on Article 8(j) and Related Provisions, including a set of indicative tasks. This information is based on local-level experiences, realities and needs in relation to customary sustainable use<sup>i</sup>, the report and recommendations of the International Expert Meeting on Article 10(c), and the forthcoming CBD Technical Series and complementary legal review on recognizing and supporting territories and areas conserved by indigenous peoples and local communities.<sup>ii</sup>

#### **2. *Outcomes of international expert meeting on Article 10(c) as an INF document for COP11***

The report of the International Expert Meeting on Article 10(c) (held in Montreal in June 2011), particularly Annex I, contains very useful considerations and proposals that deserve further attention and reflection. We therefore suggest that the 10(c) expert meeting report be made an INF document for COP11 so that it can be used for reference and input.

### 3. *Key elements for the new major component*

**Secure land,**<sup>iii</sup> **resource and tenure rights** represent a fundamental condition for indigenous peoples' and local communities' effective customary sustainable use. In relation to this, governance and management by indigenous peoples and local communities is essential for effective and thriving customary sustainable use.

In-depth case studies carried out in the past few years demonstrate that in order to be able to continue to apply, generate, maintain and pass on customary sustainable practices and associated knowledge, indigenous and local communities need secure access to customary areas and the power to decide on use, control and management. This is a crucial incentive for communities to make it worthwhile to continue to invest in customary knowledge and practices and to manage resources in a long-term sustainable way. In cases where land, resource and tenure rights are insecure, customary sustainable use is weakened and threatened.<sup>iv</sup>

The fundamental importance of these issues is recognized in the United Nations Declaration on the Rights of Indigenous Peoples, particularly Articles 11 (on practicing and revitalizing cultural traditions and customs), 18 (participation in decision-making), 26 (on rights to lands, territories, and resources), 29 (conservation and protection of the environment), 32(2) (free, prior and informed consent for any activities affecting them). The importance of secure land, resource and tenure rights is also recognized in the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO Voluntary Guidelines), which were endorsed by the 38<sup>th</sup> special session of the Committee on World Food Security on 11 May 2012.<sup>v</sup> Further underscoring this point, the Rio+20 Outcome Document recognizes the importance of secure land tenure and traditional sustainable practices to address the needs of rural communities and food security (paragraph 109), encourages countries to implement the aforementioned FAO Voluntary Guidelines (paragraph 115), and commits to improving livelihoods by promoting secure land tenure, participation in decision-making, and benefit-sharing (paragraph 193).

These experiences contained in the case studies were reflected in the advice of the International Expert Meeting in 2011 for the content and implementation of the new major component of work on Article 10 with a focus on 10(c). The experts emphasised the importance of securing the territories and land, resource and tenure rights of indigenous peoples and local communities. The report states that respect for their territories includes cultural, social, economic, and ecological elements associated with the traditional stewardship and management systems of indigenous lands, waters and territories. It went on to stress that effective access, control, governance, management, and use by indigenous peoples and local communities of local territories are essential requirements for customary sustainable use.

An important element of secure land, resource and tenure rights is to ensure that **free, prior and informed consent** (FPIC) is respected and fully applied in all actions that may affect indigenous and local communities' lands and territories. This is an inherent component of indigenous peoples' and local communities' systems of stewardship, governance and management. It is a crucial mechanism for indigenous peoples and local communities to prevent unsustainable activities from entering and damaging their lands and territories.

Overall, the (indicative) tasks for the draft Plan of Action should therefore encourage Parties to:

- Take necessary measures to secure indigenous peoples' and local communities' territories and land, resource and tenure rights;
- Promote and support stewardship, governance and management by indigenous peoples and local communities;
- Ensure that laws, policies, and decision-making processes at all levels appropriately recognize and respect customary laws, institutions, worldviews, resource management practices, and traditional knowledge, languages, educational systems, and occupations;
- Review, revise, enact, and implement laws and policies at all levels in accordance with the ecosystem approach and with the full and effective participation and free, prior and informed consent of indigenous peoples and local communities; and
- Respect and apply the right of free, prior informed consent of indigenous peoples and local communities in all actions that may affect their territories, lands and waters (including inland, coastal and marine).

This would be a natural step to bring the Plan of Action on CSU in line with the Addis Ababa Principles and Guidelines, in particular Practical Principle 2:

Addis Ababa Practical Principle 2:

Recognizing the need for a governing framework consistent with international / national laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned.

Rationale: (...) Sustainability is generally enhanced if Governments recognize and respect the "rights" or "stewardship" authority, responsibility and accountability to the people who use and manage the resource, which may include indigenous and local communities. (...) Moreover, to reinforce local rights or stewardship of biological diversity and responsibility for its conservation, resource users should participate in making decisions about the resource use and have the authority to carry out any actions arising from those decisions.

The current list of indicative tasks for the action plan represents a good basis to develop the action plan. We would like to take this opportunity to suggest a number of changes and additions building on the work done so far on the indicative list.

#### **4. *Proposed Changes to the Draft COP11 Decision and the Indicative List of Tasks***

##### **4.1. *Preamble of the Draft COP11 Decision on Article 10(c)***

A number of elements mentioned above in the Key Elements for the New Component section above are to a certain extent addressed in existing CBD instruments such as the Akwé: Kon Guidelines and the Tkarihwaí:ri Code of Ethical Conduct and all of those elements are addressed in the United Nations Declaration on the Rights of Indigenous Peoples. It would be very useful to have reference to these instruments in the preamble of the draft Decision.

We therefore suggest the inclusion of the following text in the preamble of the draft Decision:

*“Recalling and acknowledging the Akwé: Kon Guidelines (Decision VII/16) and the Tkarihwaí:ri Code of Ethical Conduct (Decision X/42) and the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in September 2007...”*

## **4.2. List of Indicative Tasks, Section A: “Guidance on sustainable use and related incentive measures for indigenous and local communities”**

### 4.2.1. Land and resource rights

As mentioned in the section on “Key elements” above, secure land, resource and tenure rights is an essential element (and incentive) for customary sustainable use.

Based on the Expert Meeting on 10(c) report among others<sup>vi</sup>, we would like to propose the addition of the following task under the section “lands, waters and biological resources” to address this important issue:

*Task xx:* To review national and sub-national laws and policies, with a view towards legal recognition of collective or communal ownership and customary governance and management of territories, lands, sacred natural sites, and resources and to report on development through the national reporting system.

### 4.2.2. Free, prior and informed consent

A task related to free, prior and informed consent should also be developed under the section “lands, waters and biological resources”. We would like to suggest the following text:

*Task xx:* To develop mechanisms at the national and local level to ensure that the free, prior and informed consent of indigenous peoples and local communities is fully respected and upheld in all actions that may affect their territories, land, sacred natural sites, and resources, in accordance with the UN Declaration of the Rights of Indigenous Peoples and other relevant international instruments.

### 4.2.3. Customary law and institutions

Another key element and incentive measure of the new Plan of Action should be one or more tasks that **recognize and strengthen customary laws and traditional institutions**.

Customary laws (including community norms, protocols, rules and procedures) are the backbone of customary sustainable use, and customary institutions play a key role in guiding their communities and enforcing customary laws. As such these are essential elements of effective and sustainable governance and management. If customary laws and institutions are not respected and recognized in biodiversity decision-making and activities, sustainable customary practices and the related biodiversity and ecosystem functions are likely to be undermined.

With regards to customary law and traditional institutions, we have two suggestions:

- a) Urge Parties to remove the brackets around Task 3, or
- b) Propose a new task reading: “To review and update laws, policies, and decision-making processes at all levels to recognize and respect customary laws and traditional institutions related to customary sustainable use of biodiversity.

We would also suggest the inclusion of the following text (in bold) in Task 2 under the sub-heading “Customary sustainable use and diverse local economies”:

“To incorporate customary sustainable use practices and customary law and institutions[~~or policy~~], as appropriate, with the full and effective participation of indigenous peoples and local communities, and taking into account **the Addis Ababa Principles and Guidelines, Akwé: Kon Guidelines, and Tkarihwaié:ri Code of Ethical Conduct** [~~int~~] **within** national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and to achieve human well-being and to report on this through the national reports.”

#### 4.2.4. Traditional occupations and livelihoods

Also inextricably linked to customary sustainable use are traditional occupations and livelihoods. As reported by the International Expert Meeting on Article 10(c), former Equator Initiative prize winners proposed the following prerequisites for successful community projects that promote customary sustainable use and conservation: security of tenure; project driven from the bottom-up and with community ownership, support of elders, and commitment from community leaders; and redressing power imbalances<sup>vii</sup>.

We therefore suggest the inclusion of the following text, drawn from the advice of the International Expert Meeting, in the List of Indicative Tasks under the sub-heading “Customary sustainable use and diverse local economies”:

*Task xx:* To encourage, promote and develop innovative and equitable community-based economic initiatives and diverse local economies based upon secure land, resource and tenure rights, customary sustainable use and traditional occupations, and in accordance with customary laws and community-defined development priorities.

#### 4.2.5. An ecosystem approach to the law

Given the indivisible dependence between indigenous peoples’ and local communities’ cultures and identities, and customary laws and practices with their territories and areas, they are well-placed to implement the ecosystem approach and to advise on effective ways to enact and uphold an ecosystem approach in laws and policies. According to the recommendations of the forthcoming CBD Technical Series referred to in page 1, laws and policies at all levels should themselves integrate an ecosystem approach in order to effectively respond to the realities of natural and social-cultural processes that interact in an integrated manner.

We therefore suggest that Parties include the following text under the sub-heading “Lands, waters and biological resources”:

*Task xx:* To review, revise, enact, and implement laws and policies in accordance with the ecosystem approach and with the full and effective participation and free, prior and informed consent of indigenous peoples and local communities.

### ***4.3. List of Indicative Tasks, Section B: “Measures to increase the engagement of indigenous and local communities and governments at the national and local levels in the implementation of Article 10 and the ecosystem approach”***

#### 4.3.1. New sub-heading on “Decision-making, participation, capacity-building and access to information”

Drawing directly from the advice of the International Expert Meeting and the recommendations of the forthcoming CBD Technical Series mentioned in page 1, we suggest the inclusion of a new sub-heading on “Decision-making, participation, capacity-building, and access to information” in the List of Indicative Tasks under “Measures to increase the engagement of indigenous and local communities and governments at national and local levels in the implementation of Article 10 and the ecosystem approach”. We suggest the following Tasks to be included under this new sub-heading:

*Task xx:* To ensure the full and effective participation of indigenous peoples and local communities, in particular women, in public policy-making and biodiversity management and decision-making processes at all levels.

*Task xx:* To promote collaboration between indigenous peoples and local communities and relevant government agencies and other stakeholders for the practical implementation of Article 10(c) at national and local level, including through on-the -ground projects on customary sustainable use and the implementation of the Addis Ababa Guidelines, Akwé: Kon Guidelines, and Tkarihwaí:ri Code of Ethical Conduct, with the full and effective participation and free, prior and informed consent of indigenous peoples and local communities.

*Task xx:* To increase financial support and opportunities for participation of indigenous peoples and local communities in the CBD Secretariat’s sub-regional capacity building workshops on, inter alia, NBSAPs and the CBD Programme of Work on Protected Areas.

*Task xx:* To make information on traditional knowledge, customary sustainable use, the ecosystem approach, and related provisions and instruments of the CBD available in appropriate languages and disseminate to indigenous peoples and local communities, including through a series of sub-regional capacity-building workshops in collaboration with relevant organisations and networks.

*Task xx:* To support the capacity-building, networking, participatory documentation and research, and sharing of experiences and lessons learned on customary sustainable use amongst indigenous peoples and local communities and relevant institutions, particularly women, according to community-defined priorities.

#### 4.3.2. Climate change and customary sustainable use

The International Expert Meeting discussed the linkages between customary sustainable use and climate change, particularly how climate change further exacerbates threats to sustainable use. They emphasised the particular vulnerability of indigenous peoples and local communities to climate change because of their direct dependence on ecosystems and on predictable seasons and weather-based indicators. They also stressed that traditional knowledge and customary sustainable use practices provide significant experience with and insights into effective methods for adapting to climate change.

We therefore suggest that under the heading “Guidance on sustainable use and related incentive measures for indigenous and local communities”, Parties adopt a task specifically

addressing these issues by removing the brackets around Task 9 or further strengthening it by including reference to the particular vulnerability of indigenous peoples and local communities to the impacts of climate change.

**4.4. *List of Indicative Tasks, Section C: “Article 10, with a focus on Article 10(c), as a cross-cutting issue into the Convention’s various programmes of work and thematic areas”***

4.4.1. General section on Article 10(c) as a cross-cutting issue

The Plan of Action should include one or more Tasks that specifically address the cross-cutting nature of customary sustainable use within the various programmes of work and thematic areas under the Convention.

We therefore suggest the inclusion of the following text in the List of Indicative Tasks before the sub-heading “1. Protected areas”:

*Task xx:* To develop, in synergy with other relevant bodies of the Convention, a phased approach with a suitable process and timeline to ensure the integration of Article 10, with a focus on 10(c) as a cross-cutting issue into the Convention’s various programmes of work and thematic areas.

4.4.2. Protected Areas

Many recent academic studies, global in reach, also demonstrate that many territories and areas under the stewardship, governance and management of indigenous peoples and local communities are actually more effective at conserving biodiversity (including reducing deforestation) and ecosystem functions than State-governed areas.<sup>viii</sup> Appropriate respect, recognition and support for such territories and areas (including for their customary laws and institutions, and traditional knowledge, languages and occupations therein) would strengthen the capacities of indigenous peoples and local communities to continue to practice customary sustainable uses of biodiversity and to safeguard and revitalise ecosystems and their functions.<sup>ix</sup> It would also contribute directly to the achievement of the 2011-2020 Strategic Plan and Aichi Targets, particularly Targets 11 (potentially contributing as “effective area-based conservation measures” where and when indigenous peoples and local communities desire to do so), 14 and 18, as well as implementation of the Programme of Work on Protected Areas, particularly Element 2 on governance, participation, equity, and benefit-sharing.<sup>x</sup>

We therefore suggest the inclusion of the following text, drawn from the advice of the International Expert Meeting and the recommendations of the forthcoming CBD Technical Series mentioned in page 1, in the List of Indicative Tasks under the sub-heading “Protected areas”:

*Task xx:* To review, revise and enact legislation or policies, with the full and effective participation and free, prior and informed consent of indigenous peoples and local communities, that enable indigenous peoples and local communities to voluntarily identify, designate, govern, manage, sustainably use, and conserve their territories, areas, sacred natural sites, and natural resources through their own means and customary laws, institutions, and practices.

*Task xx:* To recognize the importance and role of sacred natural sites and their custodians, customary forms of protection, law, governance, and associated social, cultural, and spiritual values in the customary sustainable use of biodiversity, with the full and effective participation and free, prior and informed consent of the relevant indigenous peoples and local communities.

*Task xx:* To respect the wishes of indigenous peoples and local communities who do not want legal or other forms of recognition or support, particularly in situations of voluntary isolation or in relation to cultural sensitive or confidential information.

## **5. *Indicators for customary sustainable use***

We take note that the recommendation to COP11 by WG8(j)-7 concerning indicators recognises the possible dual application and complementarity of some of the indicators adopted for traditional knowledge as also being relevant for customary sustainable use and calls for further work to be carried out on the three indicators so far adopted for traditional knowledge by COP7 and COP10. We believe, however, that additional indicators related to customary sustainable use and traditional knowledge should be added to the existing ones. We would like to propose the consideration of the following two indicators:

1. “Number of governments legally recognizing customary law, institutions and practices”

This indicator was identified by the Working Group on Indicators of the International Indigenous Forum on Biodiversity at the “International Experts Seminar on Indicators Relevant for Indigenous Peoples, the Convention on Biological Diversity and the Millennium Development Goals” (see UNEP/CBD/WG8j/5/INF/2). It could be proposed as it is or slightly amended as follows:

“Status and trends in the legal recognition of customary sustainable use practices and customary law and institutions”.

The latter version is our preferred option.

2. “Vitality Index of Traditional Ecological Knowledge (VITEK)”

This indicator, developed by Terralingua ([www.terralingua.org/vitek](http://www.terralingua.org/vitek)), makes an effort to directly measure the status and trends in traditional ecological knowledge in indigenous communities and has already been tested in a number of such communities.

## **6. *Relevance to Other International Instruments***

We would also like to note that issues related to sustainable use (Article 10) and customary sustainable use (Article 10(c)) apply not just to the CBD, but also to many other international instruments, including all of the biodiversity-related conventions, the UNFCCC, CCD, human rights instruments, and the Millennium Development Goals. We would like to propose that the Secretariat explores ways and means through which the lessons learned and the standards developed on these issues in the CBD could apply to other relevant instruments and processes, for example, through the Inter-Agency Support Group on Indigenous Issues in collaboration with the secretariats of relevant conventions and treaties.

Signed:

- The South Central People Development Association (SCPDA) (Wapichan people, Guyana)
- Unnayan Onneshan – The Innovators, centre for research and action on development (working in support of Sundarbans traditional resource users, Bangladesh)
- The Association of Kaliña and Lokono Peoples in Marowijne (KLIM) (Kaliña and Lokono people, Suriname)
- The Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT) (Hmong and Karen people, Thailand)
- Association OKANI (Baka people, Cameroon)
- The Foundation for the Promotion of Indigenous Knowledge (FPCI) (Kuna people, Panamá)
- Forest Peoples Programme (UK)
- Natural Justice: Lawyers for Communities and the Environment (South Africa/international)
- The ICCA Consortium (Switzerland/international)
- Sacred Natural Sites Initiative (the Netherlands/international)
- Partners of Community Organisations (PACOS) Trust (Sabah, Malaysia)
- Jaringan Orang Asal SeMalaysia (JOAS) (Indigenous Peoples Network of Malaysia)
- Indigenous Peoples' Rights Programme – Open Society Initiative of Southern Africa
- Kalpavriksh Environmental Action Group (India)
- Asociacion ANDES (Peru)
- International Collective in Support of Fishworkers (India/international)
- ETC Foundation-COMPAS Network for Endogenous Development (the Netherlands/international)
- Centre for Indigenous Knowledge and Organizational Development (CIKOD) (Ghana)
- Kivulini Trust (Kenya)
- Save Lamu (Kenya)
- National Network for the sustainable management of Genetic Resources (JINUKUN) (Benin)
- NATURE TROPICALE NGO (Benin)
- Coalition for the Protection of African Genetic Heritage (COPAGEN) (present in Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Guinea Conakry, Mali, Niger, Senegal, and Togo)
- African Biodiversity Network
- The Gaia Foundation (UK)
- Terralingua (Canada)

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<sup>i</sup> Zaalman, Kumanajare, Biswana, Watalmaleo, Barend, Oeloekanamoe, Majarawai, Galgren, Kambel, de Jong, 2006, *Marauy Na'Na Emandobo Lokono Shikwabana. 'Marowijne: Our Territory'*. Commission on Land Rights of the Indigenous People of Lower Marowijne, Suriname and Forest Peoples Programme, UK. (English and Spanish); Tchoumba, Nelson, Handja, Nounah, Minsolo, 2006, *Protecting and Encouraging Customary Use of Biological Resources by the Baka in the west of the Dja Biosphere Reserve*. Forest Peoples Programme, UK. (English and French); Highland Mapping Development and Biodiversity Management Project, Inter-Mountain Peoples' Education and Culture in Thailand Association, 2006, *Indigenous Knowledge, Customary Use of Natural Resources and Sustainable Biodiversity Management*. IMPECT, Thailand and Forest Peoples Programme, UK.; David, Isaacs, Johnny, Johnson, Pugsley, Ramacindo, Winter and Winter, 2006, *Wa Wiizi, Wa Kaduzu: Our Territory, Our Custom*. Guyana. (English and Spanish); Colchester, Monterrey and Tomedes, 2004, *Protecting and Encouraging Customary Use of Biological Resources: the Upper Caura, Venezuela*. Forest Peoples Programme, UK. (English and Spanish); Kabir and Hossain, 2008, *Resuscitating the Sundarbans: Customary Use of Biodiversity & Traditional Cultural Practices in Bangladesh*. Unnayan Onneshan, Bangladesh.

<sup>ii</sup> Kothari, et al. (editors), forthcoming 2012. *Recognising and Supporting Territories and Areas Conserved by Indigenous Peoples and Local Communities: Global overview and national case studies*. Forthcoming CBD Technical Series volume; Jonas, et al, forthcoming 2012. *An Analysis of the Interplay between International, Regional and National Laws, Judgements and Institutional Frameworks on Indigenous Peoples' Territories and Community Conserved Areas* (working title). Available in September 2012 at [www.iccaconsortium.org](http://www.iccaconsortium.org).

<sup>iii</sup> In the context of this submission, when the word 'land' is used, we understand it in the same way as described it in the Akwé: Kon Guidelines terminology: lands and waters traditionally used and occupied by indigenous peoples and local communities. It also encompasses the concept of landscape and seascape.

<sup>iv</sup> See, for example, Centre pour l'Environnement et le Développement (CED) and Association Okani (Cameroon), South Central Peoples Development Association (SCPDA) (Guyana), Organisation of Kaliña and Lokono in Marowijne (KLIM) (Suriname), Inter-Mountain People Education & Cultures in Thailand Association (IMPECT) (Thailand) and Forest Peoples Programme (United Kingdom). Customary sustainable use of biodiversity by indigenous peoples. Case studies relevant to the *Satoyama Initiative* from Suriname, Guyana, Cameroon and Thailand. In Bélair C., Ichikawa K., Wong B.Y. L., and Mulongoy K.J. (Editors) (2010). *Sustainable use of biological diversity in socio-ecological production landscapes. Background to the 'Satoyama Initiative for the benefit of biodiversity and human well-being*. Secretariat of the Convention on Biological Diversity, Montreal. Technical Series no. 52, pp.22-35. Available at [www.cbd.int/doc/publications/cbd-ts-52-en.pdf](http://www.cbd.int/doc/publications/cbd-ts-52-en.pdf) ; Customary sustainable use studies listed in footnote 1 and available at <http://www.forestpeoples.org/customary-sustainable-use-studies>; Kothari, et al., forthcoming 2012; Swiderska, et al., 2012. *Biodiversity and Culture: Exploring community protocols, rights and consent*. Participatory Learning and Action Journal, Volume 65. IIED: London. Available at: <http://pubs.iied.org/14618IIED.html>; IUCN/CEESP, 2010. *Bio-cultural diversity conserved by indigenous peoples and local communities: Examples and analysis*, Companion volume to Briefing note no 10, IUCN/CEESP. Available in three languages from: <http://tinyurl.com/dx7fgwu>; Parrotta and Trosper (eds.) 2011 *Traditional Forest-Related Knowledge: Sustaining Communities, Ecosystems and Biocultural Diversity*.

<sup>v</sup> For example, the general principles of the FAO Voluntary Guidelines referenced above call upon States to "... Recognize and respect all legitimate tenure right holders and their rights. They should take reasonable measure to identify, record and respect legitimate tenure right holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights." The general principles continue by calling on States to "safeguard legitimate tenure rights against threats and infringements... promote and facilitate the enjoyment of legitimate tenure rights... provide access to justice to deal with infringements of legitimate tenure rights... [and] prevent tenure disputes, violent conflicts and corruption."

<sup>vi</sup> Rights and Resources Initiative, 2012. *What Rights? A Comparative Analysis of Developing Countries' National Legislation on Community and Indigenous Peoples' Forest Tenure Rights*. Washington DC: Rights and Resources Initiative; Jonas, et al, forthcoming 2012. *An Analysis of the Interplay between International, Regional and National Laws, Judgements and Institutional Frameworks on Indigenous Peoples' Territories and Community Conserved Areas* (working title). Available in September 2012 at [www.iccaconsortium.org](http://www.iccaconsortium.org); Hussein, A., forthcoming 2012. *Sacred Natural Sites in Kenya: A legal analysis*. African Biodiversity Network and the Gaia Foundation; *Statement of Common African Customary Laws for the Protection of Sacred Sites*. African Biodiversity Network, Kenya, April 2012; Customary sustainable use studies listed in footnote 1 and available at <http://www.forestpeoples.org/customary-sustainable-use-studies>.

<sup>vii</sup> See paragraphs 24-28 in the main report of the International Expert Meeting.

<sup>viii</sup> See, for example, Nelson and Chomitz, World Bank, 2011; Porter-Bolland *et al*, Forest Ecology and Management, 2011; Chaatre and Agrawal, PNAS, 2009; Soares Filho *et al*, PNAS, 2009; Nepstad *et al*,

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Conservation Biology, 2006; Duran, Mas, and Velasquez, *The Community Forests of Mexico*, 2005; Bray *et al.*, *Ecology and Society*, 2008; TM Hayes, *Human Ecology*, 2007; Ojha, Persha & Chhatre, IFPRI, 2010; Blomley *et al.*, *Oryx*, 2008.

<sup>ix</sup> For more information and specific recommendations, see Kothari, et al., forthcoming 2012 CBD Technical Series volume.

<sup>x</sup> In response to a call for resources, tools, and capacity development to further the implementation of the Programme of Work on Protected Areas, particularly Element 2, the ICCA Consortium, IUCN Global Protected Areas Programme, GIZ, CEESP, WCPA, and the Secretariat of the CBD produced draft guidance on governance of protected areas, which will be published as part of the IUCN WCPA Best Practice Guidelines. See: Borrini-Feyerabend, G., N. Dudley, B. Lassen, N. Pathak and T. Sandwith, forthcoming 2012. *Governance of Protected Areas—From Understanding to Action*, IUCN WCPA Best Practice Guidelines. Available at: <http://tinyurl.com/chc9n26>.