

# ECO

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In this issue

- **Indigenous Peoples and Local Communities**
- **Knato Whaling**
- **Reflections on Resource Mobilisation**
- **Alien Invasive Species**
- **Ecosystem restoration**

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**Submissions** are welcome from all civil society groups.

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## Indigenous Peoples and Local Communities at the CBD

*International Indigenous Forum on Biodiversity (IIFB)*

The COP to the Convention on Biological Diversity is the *only* decision-making body of an international convention to use the term ‘indigenous and local communities’. All other relevant and peer processes, including the COPs to the other Rio Conventions, have adopted the correct terminology of ‘indigenous peoples and local communities’ in their relevant decisions. The CBD has used it in a few instances but not consistently.

### Peer processes: the Rio meetings

The CBD emerged from the Rio Earth Summit in 1992, along with the Framework Convention on Climate Change, and its implementation is therefore guided by Agenda 21, which was also adopted at the Rio Summit. Agenda 21 defined, among many notable achievements, a new framework for participation in UN processes known as the “major group” process.

**Agenda 21** (Section III, 23.3) States that “any policies, definitions or rules affecting access to and participation by non-governmental organizations in the work of United Nations institutions or agencies associated with the implementation of Agenda 21 must apply equally to all major groups.” It recognizes nine major groups of civil society, including “Indigenous People”(s). Chapter 26 of the document is devoted to indigenous peoples.<sup>1</sup>

The 2002 World Summit on Sustainable Development (WSSD), on the ten-year anniversary of the Rio Summit, reaffirmed the importance of indigenous peoples in sustainable development and explicitly used the term ‘indigenous peoples’ in doing so. **Johannesburg Declaration on Sustainable Development:**

“We reaffirm the vital role of the *indigenous peoples* in sustainable development.”(Para 25)

Again on the 20th anniversary, the international community came together at Rio+20 and affirmed throughout the decision documents that the

appropriate terminology for UN processes when referring to indigenous peoples is to use the term “indigenous peoples”. The term is found throughout the **Outcome document of Rio+20** (A/CONF.216/L.1\*) adopted in Rio de Janeiro in June 2012, including in para 197 on Biodiversity.

### UN special mechanisms on indigenous peoples

At the CBD COPs, the same State Parties that have in all other international contexts used the terminology of “indigenous peoples”, including in the adoption by the UN General Assembly of the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** in 2007. This Declaration recognizes in Article that “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.” Those countries that had voted against the adoption of UNDRIP - Australia, Canada, New Zealand and United States - have by stated their support as well (in 2009 and 2012, respectively).

**The United Nations Permanent Forum on Indigenous Issues (UNPFII) raised this issue to the CBD several times including at COP9 and COP10**, as reported by the CBD Executive Secretariat to the 7th meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions.<sup>2</sup>

*Paragraph 112: The Permanent Forum calls upon the Parties to the Convention on Biological Diversity to adopt*

the terminology “indigenous peoples and local communities” as an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years ago.

25. This matter has been raised from time to time during meetings of the Convention, both in the Working Group on Article 8(j) and Related Provisions and during meetings of the Conference of the Parties. The phrase “indigenous and local communities” is the phrase utilized in the text of the Convention and has been used consistently in decisions of the Conference of the Parties and its subsidiary bodies. However, the wording suggested by the Forum has been used in Conference of the Parties decisions in a few instances, notably in paragraphs 7, 8 and 10 of decision IX/13. The Conference of the Parties may wish to consider this matter and decide on an appropriate course of action.

Furthermore at COP10, the CBD “noting that the involvement of local communities in accordance with Article 8(j) has been limited” has decided to hold an “ad hoc expert group meeting of local-community representatives (...) with a view to identifying common characteristics of local communities, and gathering

advice on how local communities can more effectively participate in Convention processes, including at the national level, as well as how to develop targeted outreach, in order to assist in the implementation the Convention and achievement of its goals;”<sup>3</sup> This meeting took place on 14–16 July 2011 in Montreal and planned to report to the seventh meeting of the Working Group on Article 8(j) and COP11. The CBD therefore has recognized the distinctive nature of indigenous peoples and local communities in real terms, yet continues to conflate the groups in references in text.

The International Indigenous Forum on Biodiversity (IIFB) has continually reiterated the importance of using the term “indigenous peoples”. Under international law Indigenous Peoples have recognized legal status distinct from local communities.

The IIFB supports the tabled proposal to change all references to “indigenous and local communities” to “Indigenous Peoples and Local Communities”.

1 [www.un.org/esa/dsd/agenda21/res\\_agenda21\\_23.shtml](http://www.un.org/esa/dsd/agenda21/res_agenda21_23.shtml)

2 UNEP/CBD/WG8J/7/7: p. 7, para 25 and p. 9 para 32

3 para 21, decision X/43 on the multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity

## Knato Whaling

*Bona Beding, Lamafa from Lamalera, Indonesia*

As an heir to Lamafa tradition, and the culture of Lamalera people, discussions at COP11 on biodiversity and sustainability are of importance to me. Listening to discussions here in Hyderabad, it seems that conservation is still considered the main solution. This concept is not new for indigenous peoples like us, the Lamalera people, who have survived for many centuries by living in harmony with nature.

Lamalera, a small village of just 4000 inhabitants, is located in the southern part of Lembata Island, East Nusa Tenggara Province, Indonesia. For centuries our main livelihood has been catching fish.

A now famous tradition of the Lamalera is the “catching” of sperm whales or orcas. The word ‘knato’ which is often misinterpreted as hunting though a more accurate translation would be “taking the package sent by God”.

For us, life in the sea is linked inextricably to our life on land. Our actions at sea are a test of their honesty, ethics, and the value they place on life so a man who abandons his wife will not taste success in the knato. Before a lamafa (ship’s captain) sets sail for 6 months– the season is from May to October – there are several traditions to be

adhered to, if he wants to “catch” fish. He cannot feud with his mother and must ask her for forgiveness of any trespass before leaving. These traditions are connected to our respect for women as the giver of life, the nurturer. So the lamafa as the person who harpoons the fish, carries the fate of the widows, the orphans, and his community on his shoulders.

The lamafa has a right to take special parts (whale liver and heart) of knato for his mother. The rest of his family are prohibited from eating these, neither can they be bartered. We believe that it is a bad omen for the community if anyone other than the lamafa’s mother consumes these organs.

For us the sea is our mother who brings us to life, nurtures, and protects us. This belief underpins our culture which is why we always protect their sea in return and we call ourselves the owners of the sea or Lefaalep. Our world view means we cannot sell the fish we catch; it can only be bartered for other foods like corn, paddy, and fruit. This barter takes places twice a week at the market and this is also a social occasion where we catch up with friends from

Side event on traditional knowledge of the Lamalera community by ICSF-UNU-ICCA Consortium today, 18:15 Room 1.08, HICC.

other communities.

There are different rites for the opening of sea season, while in the sea season, and with the sea season closing. Our sea time begins by with certain rituals at the peak of Labalekang mountain and involving rocks, whales, and sea bathing. The cycle of rites will eventually be completed when the catch brought back to the land. Our understanding of time and space is through the reading of the sea, winds, and currents; knowledge which has

been passed down over generations.

Conservation is not a unique concept that we developed. We share that world view with the many indigenous peoples of the world. Social wisdom, embedded in our spiritual beliefs, has ensured that natural resources have been sustainably used for centuries. Hence, we encourage Parties to learn from local wisdom and turn it into the main road for saving the environment. To save biodiversity does not mean to eliminate local wisdom.

Agenda Item 3.1

## Five elements for a fair agreement on resource mobilization

*BirdLife, Conservation International, The Nature Conservancy & WWF coalition's mid-COP reflections*

With only five day to go, Parties still seem stuck mainly in procedural discussions on the make or break issue of this COP. But without creating some substance on content now, the groundwork risks becoming too weak for an agreement at the end of this COP.

Whether it is Parties with high, increasing or low resources and capacities, all have to contribute with some new commitments now, unless they want to risk a COP-failure on this crucial issue. In our opinion, the following five equally important elements need to be successfully addressed now to achieve a balanced result at COP11.

### I. Recognize progress made since COP10

- Acknowledge increasing financing commitments from some Parties since COP10,
- Recognize Parties' efforts in implementing the Aichi Targets since COP10.

### II. Decide on prerequisites for resource mobilization targets now

- Adopt the revised reporting framework, with plans for its review based on experience in its application,
- Endorse the average annual biodiversity funding, based on currently available information, for 2006-2010 as baseline for resource mobilization.

### III. Accelerate process and set right enabling conditions by COP12

- All Parties to finalize national financial reports for the baseline period,
- All Parties to provide national funding needs assessments as part of their NBSAPs by 2014,
- Strengthen absorptive capacity in order to ensure effectiveness of national and international funding allocations,

- Initiate a process to map appropriate funding instruments for each Aichi Target, considering synergies amongst them,
- The High Level Panel to continue its work in developing a more precise estimate of global costs for further consideration.

### IV. Agree on fair resource mobilization targets

- Committing to a 20% compounded annual increase in international financial flows to developing countries from 2013 to 2020, and committing to a 10% compounded annual increase in domestic funding. New knowledge from refined assessments could require reassessment of the target in future, with a view to adopting a new target at COP 12,
- Enhancing south-south cooperation to provide much needed and additional financial and technical support,
- Ensuring sufficient support of the Convention's core budget.

### V. Assess existing and explore new and additional funding instruments

- Assess existing funding mechanisms in the context of the MEA's on their effectiveness ,
- Encourage the exploration and development of all possible financial mechanisms that can help meet the level of resources needed,
- Ensure appropriate environmental and social safeguards for such instruments are in place,
- Explore synergies with other sectors, such as agriculture, fisheries, water supply and treatment, to support financing of Aichi Target implementation.

*CBD Alliance would like to thank Swedbio for their continued and ongoing support, as well as Christensen Funds for supporting the participation of CBD Alliance candidates at the COP11.*

## Invasive Alien Species (IAS): A serious and immediate threat

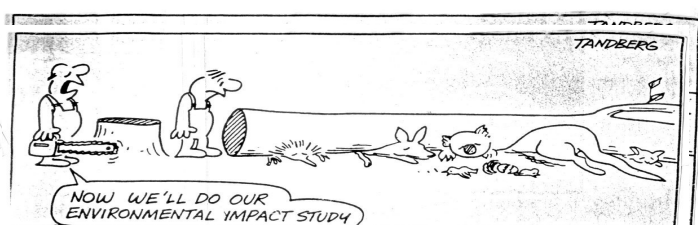
Helena Paul, EcoNexus

It was sobering to hear Party after Party briefly set out how invasive alien species are increasingly serious drivers of biodiversity and livelihood loss. Island biodiversity with its many endemic species is particularly vulnerable. We heard about the Asian Lion fish, alien shrimp in rice and new diseases of banana and coconut as well as now familiar scourges such as water hyacinth. In some regions, invasive alien species (IAS) are already making agriculture more difficult and leading to urban drift.

Climate change complicates the issues by altering ecosystems, leading to new types of IAS. In some cases, whole ecosystems of IAS are appearing, for example in connection with monoculture tree plantations in Africa. Obviously there are major trade issues to be resolved, since many alien species arrive as products, and have been introduced as novelties for many years. We even have the 'glofish', described as the first genetically engineered pet. Even though it has only been commercialized in the US, they have been found in New Zealand, Japan, and the EU. Genetically engineered cold tolerant Eucalyptus could become a serious invasive in whole regions that have never been previously threatened. Synthetic biology brings a whole set of new invasive risk: one reason why a moratorium is required, to pause and think about what we are doing.

If we are to achieve Aichi Target 9 we urgently need action, broad cooperation and sharing of information and skills. IAS are with us now, and they have the capacity to accelerate biodiversity loss, including the loss of agricultural biodiversity. They represent a serious and growing threat to Indigenous Peoples, smallholder and peasant farmers, pastoralists, and artisanal fishers.

It is a great pity that the excellent Global Invasive Species Programme was forced to close at a point when its services are needed in every part of the world. We can only hope that the new Global Invasive Alien Species Information Partnership functions as effectively. There seems to be strong collective will to act on this issue. Here at least is something Parties can agree on. But the challenge is enormous.



## URGENT: Reality Checks on Ecosystem Restoration

Christine von Weizsäcker, ECOROPA

Ecosystem Restoration was addressed at SBSTTA15. It was not an easy topic and cautionary elements were included: “restoration is not a substitute for conservation, nor is it a conduit for allowing intentional destruction or unsustainable use. Rather, ecosystem restoration is the last resort ...” (In the first preambular para of CRP.2 this should be “welcomed” not just “noted”.) Authorities, have to address the task of “identifying, analysing and addressing both underlying and direct causes of ecosystem degradation or fragmentation and using the knowledge gained for preventing or reducing activities which cause further degradation, deterioration or destruction” and of “improving the status and resilience of ecosystems” (Paras 1(b) and (d) in CRP.2 therefore need to be maintained and defended.) First and foremost: Stop the drivers of biodiversity loss!

The *Society for Ecological Restoration* and other actors want green light in a big way. To quote WWF in Al Jazeera: “A mechanism is now in development to mobilise investment in the restoration of degraded lands and help redirect agricultural expansion on to those lands.” Restoration and then handing over to the Ministry of Agriculture? Parts of CRP.2 are unfortunate combinations of scientific project proposal and PR campaign language.

Para 2(f) and (g): We need to learn that in the real world there are never benefits only. Parties should listen to other experiences: e.g. those of the local co-inhabitants of ecosystems, and of the *Global Initiative on Invasive Species* (GISP). Failed attempts to re-compose the historically grown complexity of the nature/people interface are well documented. “Supporting the large scale replication of projects...” (para 2(ii)) is bound to fail without respect for national and local specificities. “Bearing in mind that such areas may be occupied or used by indigenous and local communities” and that their participation in projects should be promoted (para 1 (c) and (e)) weakens previous text. Good heavens, it is their land!

Ecosystems look untidy, sometimes bleak and un-touristy. But is all of this “degraded land”? Ecosystem Restoration has to face the controversies on “Landgrabbing”, “Biofuels”, “Offsetting”, “Payment for Ecosystem Services”. These days, outside interests come in “sustainability” wrapping. It is the obligation of Parties to assess whether the wrapping tells the truth about the content.