



**Convention on  
Biological Diversity**

Distr.  
GENERAL

UNEP/CBD/WG-ABS/9/INF/6  
2 June 2010

ORIGINAL: ENGLISH

AD HOC OPEN-ENDED WORKING GROUP ON  
ACCESS AND BENEFIT-SHARING

Ninth meeting (resumed)  
Montreal, 10-16 July 2010

**RECOMMENDATIONS ARISING FROM THE NINTH SESSION OF THE UNITED NATIONS  
PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII) RELEVANT TO THE  
NEGOTIATION OF THE INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING**

*Note by the Executive Secretary*

At the request of the United Nations Permanent Forum on Indigenous Issues, the Executive Secretary is circulating herewith, for the information of participants in the resumed ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, the attached recommendations of relevance to the negotiation of the international regime on access and benefit-sharing as contained in the report of the ninth session of the Permanent Forum, held in New York from 19 to 30 April 2010 (E/2010/43-E/C.19/2010/15).

/...

*Annex*

**EXTRACTS FROM THE REPORT OF THE NINTH SESSION OF THE UNITED NATIONS  
PERMANENT FORUM ON INDIGENOUS ISSUES (UNPFII) (E/2010/43-E/C.19/2010/15)  
RELEVANT TO THE NEGOTIATION OF THE INTERNATIONAL REGIME ON ACCESS  
AND BENEFIT-SHARING**

“13. The Permanent Forum recognizes the importance of indigenous peoples knowledge systems as the basis of their development with culture and identity and therefore recommends that ongoing international processes, such as negotiations on the international regime on access and benefit-sharing of the Convention on Biological Diversity, the Ad Hoc Working Group on Long-term Cooperative Action of the United Nations Framework Convention on Climate Change, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, should recognize and integrate the crucial role and relevance of indigenous knowledge systems in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

“(…)

“106. The Permanent Forum notes with concern the slow progress made in the negotiations on the final protocol on access and benefit-sharing. The Permanent Forum reiterates its requests to the parties to the Convention to take into account the United Nations Declaration on the Rights of Indigenous Peoples in the negotiation, adoption and implementation of the access and benefit-sharing protocol.

“(…)

“111. The Permanent Forum notes the general capacity-building efforts on access and benefit-sharing in the African region carried out under Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) of Germany and encourages further efforts to bolster indigenous participation in those workshops and also in developing workshops specifically for indigenous peoples and local communities.

“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.

“113. The Permanent Forum reiterates to the parties to the Convention on Biological Diversity that, consistent with international human rights law, States have an obligation to recognize and protect the rights of indigenous peoples to control access to the genetic resources that originate in their lands and waters and any associated indigenous traditional knowledge. Such recognition must be a key element of the proposed international regime on access and benefit-sharing, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

“114. The Permanent Forum invites United Nations bodies with expertise on human rights, cultural rights and the traditional knowledge of indigenous peoples to provide legal and technical comments on the revised draft protocol to the Convention on Biological Diversity on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization for transmission to parties to the Convention for consideration in their final negotiations.

“115. The Permanent Forum decides to appoint Michael Dodson and Victoria Tauli-Corpuz, Members of the Permanent Forum, as Special Rapporteurs to organize and undertake a technical review of the proposed international regime on access and benefit-sharing, as recommended in paragraph 48 (i) of the report of the international expert group meeting on the international regime on access and benefit-sharing and indigenous peoples’ human rights of the Convention on Biological Diversity (E/C.19/2007/8).

“116. The Permanent Forum recommends that the Ad Hoc Working Group on Access and Benefit-sharing consider at its next meeting the report of the international indigenous and local community consultation on access and benefit-sharing and the development of an international regime (UNEP/CBD/WG-ABS/5/INF/9).

“117. The Permanent Forum decides to appoint a member to participate in any future meetings of the Working Group on access and benefit-sharing and the tenth Conference of the Parties to the Convention.”

-----