References to benefit-sharing in biodiversity-related conventions

Ecosystem approach

Protected areas

CBD

Decision VII/28 – Programme of Work on Protected Areas – Programme Element 2: Governance, participation, equity and benefit sharing
Goal 2.1 – To promote equity and benefit sharing. Target: Establish by 2008 mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas.
Suggested activities of the Parties: Assess the economic and socio-cultural costs, benefits and impacts arising from the establishment and maintenance of protected areas, particularly for indigenous and local communities, and adjust policies to avoid and mitigate negative impacts, and where appropriate compensate costs and equitable share benefits in accordance with the national legislation. – Use social and economic benefits generated by protected areas for poverty reduction, consistent with protected-area management objectives.

Decision IX/18 – Encourages Parties to ensure that conservation and development activities in the context of protected areas contribute to the eradication of poverty and sustainable development and ensure that benefits arising from the establishment and management of protected areas are fairly and equitably shared in accordance with national legislations and circumstances, and do so with the full and effective participation of indigenous and local communities and where applicable taking into account indigenous and local communities' own management systems and customary use.

Decision X/31 – Invites Parties to: (a) Establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities, related to protected areas, in accordance with national laws and applicable international obligations
Further invites parties to: (d) Further develop and implement measures for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas and make protected areas an important component of local and global sustainable development consistent with national legislations and applicable international obligations;

World Heritage

WHC-08/32.COM/24Rev – The World Heritage Committee, [adopts] the following Statement of Outstanding Universal Value [of Monarch Butterfly Biosphere Reserve, Mexico];
[...] Recommends the State Party to inform about existing programs being implemented in the property, reflecting the resources invested in management and conservation activities with emphasis on actions aiming to halt illegal logging and submit a report to the World Heritage Centre by 1 February 2009. Particular attention should be given to: a) continuing and strengthening the work with local communities on environmental protection and alternatives livelihoods to logging
c) developing and implementing, ...a detailed plan for sustainable public use of the nominated property and an effective benefit-sharing mechanism for local communities as an incentive to enhance their support on the conservation of the property;

WHC-09/33.COM/20 – Ngorongoro Conservation Area (United Republic of Tanzania)
Requests the State Party to ensure the active participation of resident communities in decision-making processes and develop benefit-sharing mechanisms to encourage a sense of ownership of, and responsibility for, the conservation and sustainable use of the property's natural resources;

WHC-09/33.CON/20 – Gunung Mulu National Park (Malaysia)
Requests the State Party to keep the World Heritage Centre informed on the above allegations concerning unresolved claims of traditional land use as well as on ways in which the State Party and the management authority of the property have been engaging with community leaders to effectively resolve conflicts surrounding land rights and benefit sharing from tourism;

WHC-10/34.COM/20 – Ngorongoro Conservation Area (United Republic of Tanzania)
Reiterates the importance to change the current governance framework so as to facilitate more meaningful stakeholder involvement in land-use planning and the development of more transparent and effective benefit-sharing mechanisms and a realistic overall tourism strategy;

WHC-10/34.COM/20 – The World Heritage Committee, [adopts] the following Statement of Outstanding Universal Value [of Ngorongoro Conservation Area, United Republic of Tanzania]:
Protection and management requirements: [...] The active participation of resident communities in decision-making processes is essential, including the development of benefit-sharing mechanisms to encourage a sense of ownership of, and responsibility for, the conservation and sustainable use of the property's natural and cultural resources.

WHC-11/35.COM/20 – Monarch Butterfly Biosphere Reserve (Mexico)
Welcomes the State Party's efforts to promote alternative livelihoods for local communities, and requests the State Party to implement the recommendations of the 2011 reactive monitoring mission, in particular: Develop a clear and transparent benefit-sharing mechanism to clarify how all communities located within the property and its buffer zones are compensated for their efforts to conserve the property, and to ensure that any tourism revenue is distributed more equitably,

WHC-11/35.COM/20 – Refers the nomination of the Western Ghats, India, back to the State Party, noting the potential of the nominated property to meet criteria (ix) and (x), to allow the State Party to address the following important issues: Facilitate increased engagement with all stakeholders to build awareness and support, foster participatory governance approaches, and ensure equitable sharing of benefits,

WHC-13/37.COM/20 – Recognizes the valuable role played by local communities, including indigenous peoples, in the management of cultural and natural heritage properties and further encourages programmes at Latin America and the Caribbean World Heritage properties to also focus on the active involvement and participation of the local communities in their implementation and derivation of direct benefits;

WHC-14/38.COM/16 – Ngorongoro Conservation Area (Tanzania, United Republic of)
Also welcomes the initiation of a dialogue process with the local communities of the property aimed at improving stakeholder involvement in decision-making over land-use, identification of sustainable livelihoods, benefit-sharing and other issues, and encourages the State Party to use this process as an opportunity to review wide- ranging governance issues, including management and conservation approaches, stakeholder involvement and benefit sharing, and to identify adequate options for sustainable livelihoods that do not negatively impact on the OUV of the property;

WHC-14/38.COM/16 – Rwenzori Mountains National Park (Uganda)
Welcomes progress made in engaging local communities in management, fire protection activities, sustainable use of resources, sharing of benefits and recognition of the cultural values of the property as well as towards the development of a sustainable financing strategy for the property

WHC-14/38.COM/16 – The World Heritage Committee, [...] Adopts the following Statement of Outstanding Universal Value [of Okavango Delta, Botswana]:
Protection and management requirements: [...] Efforts should centre on ensuring that indigenous peoples living in the property are included in all communication about the World Heritage status of the property and its implications, that their views are respected and integrated into management planning and implementation, and that they have access to benefits stemming from tourism.

WHC-14/38.COM/16 – Encourages the State Party to continue efforts to work collaboratively with local communities and indigenous peoples on the management of the property [Mount Hamiguitan Range Wildlife Sanctuary, Philippines] and to ensure the equitable access and sharing of benefits, including those that may accrue from tourism

Inland water & marine areas

CBD

Decision IV/4 – Work plan of the SBSTTA – Conservation and sustainable use: Compiling case studies of watershed, catchment and river basin management experiences and best practices, to synthesize the lessons that emerge from these studies, and to disseminate information through the clearing-house and other appropriate mechanisms. Areas where the SBSTTA should concentrate its efforts include: Examples of equitable sharing of benefits derived from use of inland water biological diversity;

Recommendation VI.3 – BELIEVING that wise use of wetlands will benefit the quality of life of local and indigenous people and that these people, in addition to their traditional role in wise management, should derive the benefits that result from conservation and wise and sustainable use of wetlands

Resolution VII.8 – Incentives for local and indigenous people's involvement and wise use are essential: everyone must benefit in the long term; a. local and indigenous people benefit from participatory management arrangements through the maintenance of sustainable livelihoods [...] b. Other benefits of participatory management for local and indigenous people include: i. maintaining spiritual and cultural values associated with a wetland; ii. more equitable access to wetland resources; iii. increased local capacity and empowerment; iv. reduced conflicts among stakeholders; and v. maintaining ecosystem functions (e.g., flood control, improved water quality, etc.)

Resolution VII.18 – Guidelines for integrating wetland conservation and wise use into river basin management – Develop and implement management plans which take into account the goals and aspirations of the local stakeholders, including the consideration of fair and equitable sharing of benefits, as the success of such plans depends on the effectiveness of public participation and support

Resolution VIII.14 – New Guidelines for management planning for Ramsar sites and other wetlands Outcomes. This is the purpose of management. These are the favourable conditions of the ecological character features, such as habitats and species on the sites, which in turn may depend upon the effective management of particular socio-economic practices, such as ensuring sustainable fisheries or adequate marketing of rice production and/or equitable distribution of the benefits of tourism. It will often be necessary to undertake restoration management to bring ecological character management to ensure that the required conditions or processes are maintained. The condition of features must be defined and quantified. If this is not done, it will not be possible to judge whether the required conservation or sustainable use outcomes have been achieved.

Resolution X.19 – Wetlands and Integrated River Basin Management – Definitions of IWRM and IRBM are many and varied, but most reflect the principal philosophy of coordinated, collaborative decision-making across multiple land and water use sectors on multiple, connected scales, in order to ensure that the social and economic benefits of land and water resource use can be sustained and shared equitably, while still protecting vital ecosystems and their services.

Resolution XI.11 – Principles for the planning and management of urban and peri-urban wetlands Practical principle 3: Understanding the value of wetlands: Trade-offs in terms of livelihood options and economic benefit–sharing, involving both the market and the state, need to be considered.

Key issues and potential solutions for future sustainable urban and wetland management and planning
Key issues facing wetlands from the pressures associated with urbanization: Poor equity of access to the benefits derived from wetland ecosystem services and endemic urban poverty can result in the over-exploitation of wetlands out of economic necessity.

Ramsar

Mountain

CBD

Decision VII/27 – Programme of Work on Mountain Biodiversity – Goal 1.3: To promote the sustainable use of mountain biological resources. Actions: Strengthen local capacity for sustainable tourism management, in order to ensure that benefits derived from tourism activities are shared by indigenous and local communities, while preserving natural and cultural heritage values.

Trophy Hunting

CITES

Conf. 10.15 (Rev. CoP14) – RECOGNIZING that Namibia is actively promoting community-based management of wild resources as a conservation tool and has approved management plans for ibex that ensure the financial benefits derived from trophy hunting of a limited number of specimens go direct to the managing communities and that the communities use an equitable share of such financial benefits to sustain the management programme for the species;

REDD+

CBD

Decision XI/19 – (Biodiversity-related safeguards for REDD+) – The application of safeguards considers [...] the following possible adverse impacts [...]: (f) Lack of tangible livelihood benefits to indigenous and local communities and lack of equitable benefit–sharing;
Clarifying tenure issues, as deemed appropriate by each Party, and in accordance with national priorities, objectives, circumstances, capabilities and national legislation, remains a challenge for many aspects of the activities referred to in paragraph 1 of decision XI/19, including for applying safeguards related to indigenous and local communities. This will require nationally specific solutions. Impacts on indigenous and local communities and benefit–sharing are closely linked to solving land tenure and rights issues, as deemed appropriate by each Party, and in accordance with national priorities, objectives, circumstances, capabilities and national legislation.

Sustainable use

CBD

Decision VII/12 – Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity – Practical principle 6. Operational guidelines: Investigate and develop means of ensuring equity of access and methods for helping to ensure that the benefits derived from using components of biodiversity are equitably shared;
Practical principle 12: The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources.
Practical Principle 13: The costs of management and conservation of biological diversity should be internalized within the area of management and reflected in the distribution of the benefits from the use.

CITES

Conf. 13.2 (Rev. CoP14) – the COP URGES the Parties to: a) make use of the Principles and Guidelines for the Sustainable Use of Biodiversity, also taking into account scientific, trade and enforcement considerations determined by national circumstances; [...]

Ramsar

Resolution IX.1 – An updated definition of 'wise use', taking into account the Convention's mission statement, the MA's terminology, the concepts of the ecosystem approach and sustainable use applied by the Convention on Biological Diversity, and the definition of sustainable development adopted by the 1987 Brundtland Commission, is:
'Wise use of wetlands is the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.'

CMS

UNEP/CMS/Resolution 8.18 – The CBD–CMS Joint Work Programme (2006–2008)
Convention bodies: Collaborating to explore the applicability to migratory species of the Addis Ababa Principles and Guidelines on Sustainable Use for the Sustainable Use of Biodiversity;

UNEP/CMS/Resolution10.5 – Updated Strategic Plan 2006–2014 – The Role of CMS, Contribution to sustainable development: Ultimately, CMS is committed to assisting its Contracting Parties to move towards a truly sustainable use of natural resources. [...] It supports conservation programmes to bring long-term benefits to local communities while helping to reduce the rate of biodiversity loss.

Tourism

CBD

Decision VII/14 – Guidelines on Biodiversity and Tourism Development – The main goals are established to maximize the positive benefits of tourism to biodiversity, ecosystems, and the economic and social development, and of biodiversity to tourism, while minimizing negative social and environmental impacts from tourism, and can cover: (c) Fair and equitable sharing of benefits of tourism activities, with emphasis on the specific needs of the indigenous and local communities concerned;
In relation to sharing of benefits arising from tourism and the conservation of biodiversity with indigenous and local communities, it should be noted that benefits may take various forms, including: job creation, fostering local enterprises, participation in tourism enterprises and projects, education, direct investment opportunities, economic linkages and ecological services. Appropriate mechanisms need to be established/ evolved to capture the benefits.

World Heritage

WHC-97/CONF.204/11 – Nanda Devi National Park (India)
[...] Allowing a certain amount of visitation may facilitate the presentation of this World Heritage Area to the general public and may generate income for the benefit of local people as well. Hence, the Bureau, while taking note of the high level of protection afforded to Nanda Devi National Park, invited Indian authorities to consider undertaking a feasibility study for specialized (mountaineering) tourism development in the Park.

WHC-98/CONF.203/18 – Royal Chitwan National Park (Nepal)
The National Parks and Wildlife Conservation Act has been recently amended to ensure that 30- 50% of the tourism revenues from the Park are used for development projects benefiting local communities.

WHC-99/CONF.209/22 – Bwindi Impenetrable Forest (Uganda)
A number of measures have been taken by the site–management to improve security, including: [...]
(j) enlisting of local community support who share tourism benefits. [...]

WHC-11/35.COM/20 – Monarch Butterfly Biosphere Reserve (Mexico)
Also requests the State Party to submit to the World Heritage Centre, by 1 February 2015, a report on the state of conservation of the property, including information on progress achieved in the development of a benefit–sharing mechanism, the improvement of the visitor experience, and the development of non–butterfly related tourism activities.

WHC–11/35.COM/20 – Also encourages the State Party, Quang Binh Provincial People's Committee, Park management, and all partners of the Park to continue their efforts to strengthen conservation and management of the Park and its buffer zone, in order to ensure that tourism development and the use of natural resources by local communities is environmentally sustainable and benefits equitably shared;

WHC–13/37.COM/20 – Refers the nomination of Mount Hamiguitan Range Wildlife Sanctuary, Philippines back to the State Party taking note of the potential for this site to meet criteria (x), in order to allow the State Party to: Prepare a detailed Visitor and Tourism Management Plan as a sub-plan to the Management Plan in recognition of the potential for increasing pressure for access and higher numbers of park visitors. Such a plan should be prepared in consultation with local communities to anticipate and plan for the impact of opening the site to increased visitation and to ensure that local people share in the benefits of future tourism use of the site;

Ramsar

Resolution IX.7 – RECOGNIZING that whilst sustainable wetland tourism can be a positive alternative to other land uses, tourism does not always bring socio–economic and cultural benefits to local communities and other stakeholders, and that in some cases it may lead to the exacerbation of existing problems and the creation of new inequalities in access to resources and distribution of benefits;
ENCOURAGES social inclusion and equitable sharing of the benefits of tourism inter alia for indigenous peoples and local communities as well as national conservation and tourism activities in support of wetland conservation, and the involvement of such communities in decision–making;

Conceptual definition of "sustainable tourism" (UNWTO, 2004)
[...] sustainable tourism should: Ensure viable, long–term economic operations, providing socio–economic benefits to all stakeholders that are fairly distributed, including stable employment and income–earning opportunities and social services to host communities, and contributing to poverty alleviation.

Mining/power projects

World Heritage

WHC-2000/CONF.204/21 – Recommendations of the Technical Workshop on World Heritage and Mining held at IUCN Headquarters (Gland, Switzerland)
The WORLD HERITAGE COMMITTEE AND STATE PARTIES are invited to note these findings: The mining industry has the potential to make significant contributions as follows: c) In respect of Community Development, it can: Respect the authority of national and regional governments, take into account their development objectives, and support the sharing of the economic benefits generated by operations.

WHC–08/32.COM/24Rev – Rice Terraces of the Philippine Cordilleras (Philippines)
Also requests the State Party to supply further details of the proposed mini–power project, including benefits to local communities, and to undertake an Environmental Impact Assessment (EIA) for the project;

Financing

CBD

Decision VIII/26 – Invites Parties, other Governments, international organizations and stakeholders to communicate to the Executive Secretary their experiences in the implementation of the programme of work on incentive measures contained in decisions V/15, VI/15 and VII/18 and provide views on elements such as: d) The development of mechanisms, including policy, legal and institutional measures in full consultation with representatives of indigenous and local communities that ensure the fair and equitable sharing of benefits arising from positive incentive measures;

Resolution VII.8 – Measuring local and indigenous people's involvement – [...] indicators that can assist to measure the extent of local and indigenous people's involvement – Incentives: A more equitable sharing of benefits among stakeholders has resulted from the participatory management process.

Resolution X.24 – ALSO ENCOURAGES Contracting Parties, the private sector and other stakeholders, respecting national legislation, to pay attention to the potential of incentive measures and funding mechanisms under climate change adaptation and mitigation activities to support the sustainable use and restoration of wetlands as well as to support local livelihoods and contribute to poverty eradication, and to the delivery of a wide range of wetland ecosystem services (PES), consistent and in harmony with the Convention, the internationally agreed development goals and other relevant obligations, in the context of the services provided by wetlands

Ramsar

Resolution X.28 – URGES Contracting Parties, in relation to the framework of actions set out in Resolution IX.1A, also to: establish financial incentives or investments such as micro–credit schemes including revolving funds and seed funding, especially in partnership with the private sector, that improve wetland management and contribute to tangible poverty eradication in the short and medium term, with the aim of promoting self–sufficiency and equitable benefit sharing in the long term;
encourage the introduction of payments for ecosystem services as a means to raise funds for poverty eradication programmes, including through avoided deforestation and avoided wetland degradation, as well as through private sector partnerships for access and benefit sharing

Livelihoods

CITES

Decision 12.22 – The Secretariat should [...] conduct, in cooperation with the Parties, a review of their national policy regarding the use of and trade in CITES-listed species, taking into account economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes, CITES–relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and reinvestment in conservation, as well as stricter domestic measures that Parties apply or are affected by; [...] and produce a report analysing the economic impacts of wildlife trade policies in terms of socio–economic and conservation benefits and costs, economic value, levels of legal and illegal trade, improvement of the livelihood of local communities, and the role of the private sector involved in wildlife trade;

Conf. 16.6 – RECOMMENDS the following to be considered when Parties address livelihood issues – Regarding empowerment of rural communities
ENCOURAGES Parties to work with key stakeholder groups to design, implement and monitor effective strategies with regard to the implementation of CITES listings, recognizing that: a) solutions are likely to be case- and situation-specific; b) although amendments to the CITES Appendices must, unless indicated otherwise in an annotation, come into effect 90 days after their adoption by the Conference of the Parties, developing appropriate solutions to mitigate negative impacts on the livelihoods of rural communities may require more time to implement relevant policy changes; c) developing guidelines is an ongoing process as more knowledge is gained about specific impacts, and successful as well as unsuccessful experiences, which means that the monitoring and evaluation of strategies will be priority aspects in the development of appropriate implementation strategies and policies; and

RECOGNIZES that: empowerment of rural communities should be encouraged through measures that include, as appropriate: maximizing the benefits for rural communities of CITES implementation and trade concerned, in particular to support poverty eradication; promoting alternatives to rural communities to enhance the effective implementation of CITES–listing decisions, for instance income-generation approaches, such as payment for ecosystem services, sustainable tourism, employment in eco-tourism or as game wardens, and licences or concessions for tourism, hunting, fishing and harvesting, and the development of alternative products;

Ramsar

Resolution X.24 – URGES Contracting Parties to develop and implement policies that promote opportunities to take advantage of the regulatory services already provided by wetlands to the global climate system, while at the same time contributing to improving human livelihoods and meeting biodiversity goals, and to communicate progress, successes and best practices to the Convention;

Traditional knowledge

General obligations

CBD

Convention Art. 8(j): Each Contracting Party shall, as far as possible and as appropriate: Subject to its 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;

Decision II/9 – Statement to IPF: The Convention on Biological Diversity [...] also encourages [...] the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices, in pursuance of the objectives of the Convention. Articles 8(j), 10(c) and 18.4 of the Convention provide the general framework for this.

Decision V/16 – Tasks of the first phase of the Programme of Work on the implementation of Article 8(j) and related provisions – Element 4. Equitable sharing of benefits – Task 7. Based on tasks 1, 2 and 4, the Working Group to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices; (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities; (iii) advancement of the identification of the rights of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.

Decision VII/16 – Akwé: Kon Voluntary Guidelines – Proposed developments on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities should ensure that tangible benefits accrue to such communities, such as payment for environmental services, job creation within safe and hazard-free working environments, viable revenue from the levying of appropriate fees, access to markets, generation of income generating (economic) opportunities for small and medium-sized businesses. In accordance with national legislation or relevant national regulations, indigenous and local communities should be involved in the financial auditing processes of the developments in which they participate to ensure that the resources invested are used effectively.
Any developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities should maintain a balance between economic, social, cultural and environmental concerns, on the one hand, while, on the other hand, maximizing opportunities for the conservation and sustainable use of biological diversity, the access and equitable sharing of benefits and the recognition of traditional knowledge, innovations and practices in accordance with Article 8(j) of the Convention, and should seek to minimize risks to biological diversity. The cultural, environmental and social impact assessment processes should reflect this.

Decision VIII/15 – Provisional indicators for assessing progress in implementing the goals and objectives of the Strategic Plan – Target 9.2. Promote the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit–sharing.

Nagoya Protocol Art. 5.5: Each Party shall take legislative, administrative or policy measures, as appropriate, in order that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable way with indigenous and local communities holding such knowledge. Such sharing shall be upon mutually agreed terms.

Decision X/42 – Tkarihwaié:ri Code of Ethical Conduct – Indigenous and local communities ought to receive fair and equitable benefits for their contribution to activities/interactions related to biodiversity and associated traditional knowledge proposed to take place on, or which are likely to impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities. Benefits–sharing should be regarded as a way of strengthening indigenous and local communities and promoting the objectives of the Convention on Biological Diversity and ought to be equitable within and among relevant groups, taking into account relevant community-level procedures.

CITES

Conf. 16.6 – RECOMMENDS the following to be considered when Parties address livelihood issues – Regarding empowerment of rural communities: Incentives: Benefits should be considered, as appropriate and in accordance with the provisions of the Convention and national policies and legislation, and
RECOGNIZES that: empowerment of rural communities should be encouraged through measures that include, as appropriate: recognizing resource tenure and ownership, and traditional knowledge of or in rural communities associated with CITES–listed species, subject to any applicable national or international law;

Forest

CBD

Decision IV/7 – Work Programme for Forest Biological Diversity – Objectives: To identify traditional forest systems of conservation and sustainable use of forest biological diversity and to promote the wider application, use and role of traditional forest–related knowledge in sustainable forest management and the equitable sharing of benefits, in accordance with Article 8(j) and other related provisions of the Convention;

Decision VI/22 – Forest biological diversity: Recognizes the important role that indigenous and local communities can play in the implementation of the programme of work and, in addition, encourages the development of community–based approaches for the conservation and sustainable use of forest biodiversity,integrating traditional forest–related knowledge and benefit–sharing considerations in accordance with Article 8(j) and related provisions of the Convention on Biological Diversity [see also para 13 restating art. 8(j)]

Tourism

CBD

Decision V/25 – Recommends to Governments, the tourism industry and relevant international organizations, to consider this assessment as a basis for their policies, programmes and activities in the field of sustainable tourism, and encourages them to pay particular attention to: (b) The need to develop, with all the potential stakeholders, strategies and plans, based on the ecosystem approach and aiming at a balance between economic, social, cultural and environmental concerns, while maximizing opportunities for the conservation and sustainable use of biological diversity, the equitable sharing of benefits and the recognition of traditional knowledge, in accordance with Article 8(j) of the Convention, and seeking to minimize risks to biological diversity.

Mountain

CBD

Decision VII/27 – Programme of Work on Mountain Biodiversity – Goal 1.5: To maintain genetic diversity in mountain ecosystems in particular through the preservation and maintenance of traditional knowledge and practices. Actions: Respect, preserve and maintain indigenous knowledge, practices, processes and technologies to ensure conservation, sustainable use of biodiversity and sharing of benefits.

Island

CBD

Decision VIII/1 – Programme of Work on Island Biodiversity – Target 9.2: Traditional knowledge, innovations and practices regarding island biodiversity respected, preserved and maintained, the wider application of such knowledge, innovations and practices promoted with the prior informed consent and involvement of the indigenous and local communities providing such traditional knowledge, innovations and practices, and the benefits arising from such knowledge, innovations and practices equitably shared

Dry and Sub-humid lands

CBD

Decision VIII/2 – Programme of Work on the Biodiversity of Dry and Sub–humid Lands – Target 9.2: Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit sharing.

Genetic resources

General obligations

CBD

Convention Art. 1: The objectives of this Convention [...] are [...] the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Convention Art. 15.7: Each Contracting Party shall take legislative, administrative or policy measures [...] 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 the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

Decision VI/24 – Bonn Guidelines – Distribution of benefits: Pursuant to mutually agreed terms established following prior informed consent, benefits should be shared fairly and equitably with all those who have been identified as having contributed to the resource management, scientific and/or commercial process. The latter may include governmental, non–governmental or academic institutions and indigenous and local communities. Benefits should be directed in a way as to promote conservation and sustainable use of biological diversity.
Mechanisms for benefit–sharing: Mechanisms for benefit–sharing may vary depending upon the type of benefits, the specific conditions in the country and the stakeholders involved. The benefit–sharing mechanism should be flexible as it should be determined by the partners involved in benefit– sharing and will vary on a case–by–case basis. Mechanisms for sharing benefits should include full cooperation in scientific research and technology development, as well as those that derive from commercial products including trust funds, joint ventures and licences with preferential terms.

Nagoya Protocol Art. 1. The objective of this Protocol is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding, thereby contributing to the conservation of biological diversity and the sustainable use of its components.

Nagoya Protocol Art. 5: Fair and Equitable Benefit–Sharing
1. In accordance with Article 15, paragraphs 3 and 7 of the Convention, benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention. Such sharing shall be upon mutually agreed terms.
2. Each Party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on mutually agreed terms.
3. To implement paragraph 1 above, each Party shall take legislative, administrative or policy measures, as appropriate.
4. Benefits may include monetary and non–monetary benefits, including but not limited to those listed in the Annex.

CMS

UNEP/CMS/Resolution 8.18 – Indicative list of categories of information on migratory species to be considered in the development of a NBSAP
Details of: Applications for access to genetic resources or associated traditional knowledge involving migratory species and accompanying benefit sharing arrangements according to international and domestic law

Forest

CBD

Decision VI/22 – Expanded Programme of Work on Forest Biological Diversity – Programme Element 1: Conservation, sustainable use and benefit–sharing
Goal 2 Objective 1: Mitigate the economic failures and distortions that lead to decisions that result in loss of forest biological diversity. Activities: Develop mechanisms to ensure that monetary and non–monetary costs and benefits of forest biodiversity management are equitably shared between stakeholders at all levels.
Goal 5 Objective 1: Promote the fair and equitable sharing of benefits resulting from the utilization of forest genetic resources and associated traditional knowledge. Activities: Establish mechanisms to facilitate the sharing of benefits at local, national, regional and global levels; Strengthen capacity of indigenous and local communities to negotiate benefit–sharing arrangements. Promote dissemination of information about benefit–sharing experiences.

Inland water

CBD

Decision VII/4 – Revised Programme of Work on Inland Water Biodiversity – Within the programme of work goals and objectives are listed under each programme element. Overarching these, and operating as fundamental guiding principles, are the following: (d) To promote the fair and equitable sharing of benefits gained from the use of inland water genetic resources and associated traditional knowledge based on prior informed consent in accordance with national laws.

BonaLex