

General Introduction

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It is clear that negotiations carried out within the framework of the Convention on Biological Diversity (CBD) have greatly contributed to bringing to the forefront knowledge and practices that have long been neglected or ignored by scientists and developers: local ecological knowledge. This term seems the most apt to express what the rather heavily worded article 8(j) of the Convention describes as the “knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles”. These terms leave room for theoretical and political debate.

It was during the Jakarta Conference in 1995 that the parties to the CBD first decided to include the application of article 8(j) in the agenda for their next meeting, in Buenos Aires in 1996. Since the treaty was opened for signature in 1992, this subject had always been considered to be a marginal or even minor point compared with the principal objectives: conserving biodiversity, using its elements in a sustainable way and creating a system for the equitable sharing of benefits arising from its use. Few of the observers and negotiators imagined at the time the importance that the respect, recognition and preservation of local ecological knowledge would take on in the field of biodiversity.

Between Buenos Aires and Kuala Lumpur, where the last conference of the parties was held in 2004, between the workshops in Madrid in 1997, Seville in 2000 and Montreal in 2002 and 2004, the work carried out under the aegis of the CBD has brought about a significant change in thinking and shown the importance of the problems raised by the application of article

8(j). It is true that this article has been applied first and foremost to the Amerindians or the Australian Aborigines, whose struggle to survive and be recognized has been given a great deal of media coverage. But its field of application goes much further. Article 8(j) has unmistakably become a kind of test for measuring the success and progress of the CBD.

To understand the nature of this progress, it is necessary to bear in mind one of the most significant innovations of the CBD: it recognizes in the preamble that States have sovereign rights over the various components of their biodiversity. These components are no longer considered as being part of the common heritage of humanity. The initial determination to manage the biosphere at the international level using a scientific basis (the creation of a network of scientists) and regulations (the definition of taxons* and protected areas) is being abandoned in favor of a system for coordinating the use of biodiversity and especially access to the resources it provides, while striving to respect equity between countries. We have therefore moved from a collective interest in our common heritage, to a common interest in the management of a whole host of different forms of heritage, all under State responsibility. This State pre-eminence is nevertheless tempered in the aforementioned preamble by the obligation for parties to take into account a category of key stakeholders in the conservation of biodiversity: local communities and indigenous populations.

Under its harmless exterior, this turnaround has changed the very nature of debates and the content of decisions made. Local knowledge has been reinstated: it can no longer be reduced to mere mining predation; on the contrary, it is presented as sustainable, especially knowledge “embodying traditional lifestyles”. The reasoning behind this appears self-evident, although its veracity is far from universally accepted: belonging to a tradition seems to guarantee a certain antiquity, and if the components of biodiversity are still in existence today, then this is because their use is sustainable. Human activities are therefore no longer excluded from conservation initiatives recommended by the CBD, which advocates, for example, on-farm conservation of agricultural biological resources. Decisions give an important place to humankind, and use an ecosystem approach that includes anthropic factors that are no longer reduced to their negative consequences alone. This revival has an immediate corollary, with serious implications: the change of status granted to ecological knowledge and know-how. From tools for sustainable use and management, they are increasingly seen as

objects of conservation, and key components of the heritage to be conserved, in the same way as the other elements of biodiversity. They thus become potential tools for identity demands and are found, for example, at the heart of struggles relating to the recognition of the political and land rights of indigenous peoples. The link between the indigenous issue and ecological know-how is present in debates and has gained such importance that the CBD now plays a key role in international negotiations concerning the rights of indigenous communities.

Today, the aim is thus to conserve local practices, to control their use and to exploit them. This implies identifying them in order to draw up an inventory and to set up conservation and monitoring mechanisms. It is also vital to reinforce the rights of the custodian populations by promoting access legislation and usage contracts. In this context it is no surprise that intellectual property rights are thrust to the forefront. In fact, a large part of the negotiations concerns intangible resources (knowledge), especially those attached to the biological resources in question. The challenge is to ensure that the exchange complies with objectives for conservation and sustainable use, and that it is seen as equitable by those involved.

The work of the CBD on local ecological knowledge is far from complete. The process has in fact only just begun. Wishing to remain open and available, negotiators from most international authorities concerned with these issues have not yet adopted the definitions and limited the meaning and content of the often polysemic and controversial terms at the heart of debates: tradition, natural heritage, local communities, indigenism, etc. The first part of this book contains points of view and thoughts on these concepts and the institutional agreements that make it possible — or have done so throughout French history — to acknowledge, or on the contrary to marginalize, the local level and the indigenous issue.

The conservation and exploitation of ecological knowledge hold an important place in current international concerns: these issues are discussed in the second and third parts. The second part examines various inventory and conservation mechanisms, such as regional parks and conservatories. The third part reviews initiatives concerning the exploitation of heritage, territorial development and support for local products, among which the protection of geographical indications plays a key role today.