

11/2. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities.

The Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions

2. Requests the Executive Secretary to make annex II available for peer review, and to make the results of the peer review available to the ad hoc technical expert group envisaged in paragraph 7 of the draft decision that appears below, should it be established;

Annex II

**DRAFT POSSIBLE ELEMENTS OF THE NEW PROGRAMME OF WORK ON ARTICLE 8(J)
AND OTHER PROVISIONS OF THE CONVENTION RELATED TO INDIGENOUS PEOPLES
AND LOCAL COMMUNITIES**

I. SUSTAINABLE USE

[To promote the sustainable use of biological diversity, including the customary sustainable use of wildlife and traditional food production practices and agriculture systems

Suggested activities:

- 1.1 Develop voluntary guidelines to incorporate customary sustainable use practices or policies, with the full and effective participation of indigenous peoples and local communities as appropriate, into national biodiversity strategies and action plans.
- 1.2 Develop voluntary guidelines to promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use of biological diversity.
- 1.3 Identify and promote best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives).
- 1.4. Develop proposals to support indigenous peoples and local communities in on-farm and in situ conservation.
- 1.5 Develop communication, education and public awareness materials on the value and contributions of indigenous, local and traditional food systems, and on these systems and their products and their advantages for human health and biodiversity.
- 1.6 In accordance with national legislation and international obligations, encourage indigenous peoples and local communities to register their existing practices with the appropriate international mechanisms and initiatives, such as the Globally Important Agricultural Heritage Systems (GIAHS) of the Food and Agriculture Organization of the United Nations (FAO), as well as the programmes implemented by the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Satoyama Initiative, to assist in transmission to future generations in appropriate and respectful ways.
- 1.7 Develop guidance to promote indigenous concepts of diverse agroforestry systems in areas adjacent to protected areas.]

II. CONSERVATION AND RESTORATION

[To promote and support the conservation, protection and restoration of biological diversity by indigenous peoples and local communities

Suggested activities:

- 2.1 Develop voluntary guidelines, with the full and effective participation of indigenous peoples and local communities to strengthen the policy framework for community-based conservation, protection and

36 restoration practices led by indigenous peoples and local communities, such as indigenous and
37 community conserved areas (ICCAs) or traditional sacred sites.

38 2.2 Develop voluntary guidelines to facilitate, as appropriate, the integration of ICCAs into national
39 networks of protected areas by appropriately recognizing ICCA territories and strive for the full and
40 effective participation of indigenous peoples and local communities in protected area management.

41 2.3 Develop voluntary guidelines to promote and support, subject to national legislation, traditional land-
42 use change and land tenure by indigenous peoples and local communities and identify and promote
43 best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) and their
44 implementation.

45 2.4 Promote indigenous peoples and local communities, without formal access to land, to partner in the
46 conservation, protection and restoration of biodiversity.

47 2.5 Develop voluntary guidelines to operationalize the indicator on land-use change and land tenure¹ in
48 the lands and waters of indigenous peoples and local communities, traditionally used or occupied as
49 appropriate, including by mapping existing ICCAs, documenting legislation and recognition of
50 indigenous peoples land tenure rights and collective actions of indigenous peoples and local
51 communities contributing to the protection of biodiversity, and report on progress made.]

52 III. SHARING OF BENEFITS FROM GENETIC RESOURCES

53 [*To promote the fair and equitable sharing of benefits arising from the use of genetic resources associated*
54 *with traditional knowledge*

55 Suggested activities:

56 3.1 Develop voluntary guidelines and mechanisms to support Parties as appropriate, in the implementation
57 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits
58 Arising from their Utilization to the Convention on Biological Diversity, regarding the traditional
59 knowledge of indigenous peoples and local communities through capacity-building (regarding prior
60 and informed consent (PIC), mutually agreed terms (MAT), and equitable sharing of benefits and
61 biocultural community protocols as well as through legal, policy, or technical assistance, in accordance
62 with national legislation.

63 3.2 Promote and strengthen programmes aimed at valorization of genetic resources associated with
64 traditional knowledge.

65 3.3. Promote and support programmes aimed at ensuring the development of databanks/databases on the
66 use of genetic resources associated with traditional knowledge.

67 3.4 Promote programmes that encourage collaboration and partnerships between indigenous peoples and
68 local communities and the users of genetic resources associated with traditional knowledge.

69 3.5 Identify opportunities for capacity development for indigenous peoples and local communities and for
70 dialogue with external stakeholders, taking into account the cultural and organizational contexts, and
71 adjusted to *sui generis* governance structures.

72 3.6 Identify opportunities for capacity development for indigenous peoples and local communities, and
73 create platforms for information exchange between indigenous peoples and local communities and
74 Parties, as well as for dialogue with external stakeholders.]

¹ References to “land” include both lands and waters traditionally occupied or used by indigenous peoples and local communities.

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IV. KNOWLEDGE AND CULTURE

76 *[To support the transmission of traditional knowledge and ensure that traditional knowledge and other*
77 *knowledge systems are valued equally*

78 Suggested activities:

79 4.1 Develop proposals to support indigenous peoples and local communities, to strengthen the
80 transmission and use of traditional knowledge, including by enabling them to explore collection,
81 recording, documentation, storage and ways and means for the dissemination of indigenous and local
82 knowledge, through secure indigenous knowledge systems' documentation centres, and strengthen the
83 use and transmission of traditional knowledge to future generations, including for the goals of the
84 Convention and to contribute to other international processes, with “prior and informed consent”,
85 “free, prior and informed consent”, or “approval and involvement” of indigenous peoples and local
86 communities depending on national circumstances.

87 4.2 Promote the Joint Programme of Work (CBD, UNESCO, IUCN and partners) on the Links Between
88 Biological and Cultural Diversity (nature and cultures).

89 4.3 Promote the inclusion of traditional knowledge and indigenous and local knowledge systems as equally
90 valid in the work of the Subsidiary Body on Scientific, Technical and Technological Advice.

91 4.4 Develop voluntary guidelines to promote the mainstreaming of inclusion of traditional knowledge, as
92 an equally valid part of the broader mainstreaming of biodiversity across society and sectors of
93 production, as well as other relevant global processes, including the Sustainable Development Goals.]

94 **V. PROTECTION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND**
95 **TRADITIONAL KNOWLEDGE INNOVATIONS AND PRACTICES, INCLUDING**
96 **THROUGH APPLICATION OF GUIDELINES AND STANDARDS, AND FURTHER**
97 **ADVANCEMENT OF ARTICLE 8(J) AND RELATED PROVISIONS**

98 [5.1 In accordance with national legislation and with the full and effective participation of indigenous
99 peoples and local communities to promote the application, and monitoring of the following:

100 (a) The Akwé: Kon Voluntary Guidelines for the conduct of cultural, environmental and social
101 impact assessments regarding developments proposed to take place on, or which are likely to
102 impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and
103 local communities;²

104 (b) The Tkarihwaïé: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual
105 Heritage of Indigenous and Local Communities;³

106 (c) The Global Plan of Action on the Customary Sustainable Use of Biological Diversity;⁴

107 (d) The Mo'otz kuxtal⁵ Voluntary Guidelines for the development of mechanisms, legislation, or
108 other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and
109 informed consent” or “approval and involvement”, depending on national circumstances, of
110 indigenous peoples and local communities⁶ for accessing their knowledge, innovations and
111 practices, for fair and equitable sharing of benefits arising from the use of their knowledge,

² Adopted in [decision VII/16](#).

³ Adopted in [decision X/42](#).

⁴ Adopted in decision XII/12 [B](#), contained in the annex.

⁵ Meaning “roots of life” in the Mayan language.

⁶ The use and interpretation of the term “indigenous peoples and local communities” in these Guidelines should refer to [decision XII/12 F](#), paragraphs 2 (a), (b) and (c).

112 innovations and practices relevant for the conservation and sustainable use of biological
113 diversity, and for reporting and preventing unlawful appropriation of traditional knowledge;⁷

114 (e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge
115 Relevant for the Conservation and Sustainable Use of Biological Diversity.⁸

116 Consider the promotion of other principles, standards and guidelines within the context of the
117 Convention on Biological Diversity.

118 5.2 Promote the implementation of the Gender Plan of Action, as appropriate, emphasizing the effective
119 participation of indigenous peoples and local communities, and taking into account the special role of
120 gender in the generation, transmission and protection of traditional knowledge, in accordance with
121 national realities, circumstances and capacities.⁹

122 5.3 Explore, in collaboration with the United Nations Inter-Agency Support Group on Indigenous Peoples'
123 Issues and appropriate agencies, ways to recognize, support and promote, as appropriate, traditional
124 land tenure and secure land tenure for indigenous peoples and local communities.¹⁰

125 5.4 Explore, in collaboration with the United Nations Inter-Agency Support Group on Indigenous Peoples'
126 Issues and appropriate agencies, ways to promote a human rights-based approach in conservation
127 efforts.

128 5.5 Explore, in collaboration with the United Nations Inter-Agency Support Group on Indigenous Peoples'
129 Issues and appropriate agencies, ways to protect environmental defenders from arbitrary persecution,
130 through appropriate mechanisms at the national and international levels.¹¹

131 5.6 Building on the guidelines and standards¹² aimed at the national level, the previous work on *sui generis*
132 systems, and taking into account the safeguards framework, the Ad Hoc Open-ended Working Group on
133 Article 8(j) and Related Provisions, to develop a comprehensive safeguards framework (decisions XII/3
134 and 14/15) for indigenous peoples and local communities and the promotion and management of their
135 traditional knowledge, innovations and practices related to the conservation of biological diversity and
136 the sustainable use of its components with the effective participation of indigenous peoples and local
137 communities.]

138 VI. FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND 139 LOCAL COMMUNITIES

140 [6.1 Facilitate the full and effective participation of indigenous peoples and local communities in the work
141 of the Convention on Biological Diversity, regarding their traditional knowledge, innovations and
142 practices relevant for the conservation and sustainable use of biological diversity including through
143 implementing the enhanced participation mechanisms used by the Ad Hoc Open-ended Working Group
144 on Article 8(j) and Related Provisions and by maintaining the voluntary fund funding mechanism to
145 support their effective participation in meetings held under the Convention and its Protocols.

⁷ Adopted in [decision XIII/18](#). The adoption of the Mo'otz kuxtal voluntary Guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge.

⁸ Adopted in decision 14/2.

⁹ See decision XII/7.

¹⁰ References to "traditional tenure" include lands and waters.

¹¹ See Office of the United Nations High Commissioner for Human Rights:
<https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx>

¹² List of adopted guidelines and standards.

- 146 6.2 Parties, according to the national legislation, to promote full and effective participation and
147 engagement of indigenous peoples and local communities in the development of national reports, and
148 in the development, revision and implementation of national biodiversity strategies and action plans
149 (NBSAPs), and to strengthen partnerships with indigenous peoples and local communities, recognizing
150 their collective actions, for implementation of the Convention.
- 151 6.3 Collaborate with other relevant global processes, including but not limited to the United Nations
152 Permanent Forum on Indigenous Issues (UNPFII), the United Nations Expert Mechanism on the Rights
153 of Indigenous Peoples (EMRIP), the World Intellectual Property Organization (WIPO), the United
154 Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Science-
155 Policy Platform on Biodiversity and Ecosystem Services (IPBES), the Intergovernmental Panel on
156 Climate Change (IPCC), and the United Nations Framework Convention on Climate Change
157 (UNFCCC) with its recently established Local Communities and Indigenous Peoples Platform, as well
158 as the International Union for Conservation of Nature (IUCN).
- 159 6.4 Report to the Secretary-General of the United Nations on matters falling within the mandate of the
160 Convention on Biological Diversity in accordance with the [system-wide action plan for ensuring a coherent](#)
161 [approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples](#).
- 162 6.5 Explore, in collaboration with Parties and indigenous peoples and local communities and other
163 engaged actors, how the methodological guidance for identifying, monitoring and assessing the
164 contribution of the collective actions of indigenous peoples and local communities, through the
165 resource mobilization reporting framework, can best be applied, including the use of qualitative values
166 and methods as requested by the Conference of the Parties in [decision 14/16](#);
- 167 6.6 Explore ways and means, partnerships and opportunities to mobilize financial resources for on-the-
168 ground implementation of the Convention by indigenous peoples and local communities, as well as to
169 contribute to other international processes.]
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