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### CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Thirteenth meeting

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Item 14 of the provisional agenda\*

### **A GLOSSARY OF RELEVANT KEY TERMS AND CONCEPTS TO BE USED WITHIN THE CONTEXT OF ARTICLE 8(J) AND RELATED PROVISIONS**

*Note by the Executive Secretary*

#### **INTRODUCTION**

1. The Ad Hoc Inter-sessional Open-ended Working Group on Article 8(j) and Related Provisions at its ninth meeting considered the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions, as a sub-task of task 12 of the programme of work on the implementation of Article 8(j) and related provisions.<sup>1</sup> In recommendation 9/3, paragraph 1, the Working Group requested the Executive Secretary to revise the glossary contained in the annex to the note by the Executive Secretary on the subject,<sup>2</sup> and to develop a comprehensive glossary, taking into account the comments made at its ninth meeting, as well as relevant terms used in other agreements and by other international organizations, and to submit the revised glossary to the Conference of the Parties at its thirteenth meeting for its consideration. A draft decision based on recommendation 9/3 of the Working Group is contained in the compilation of draft decisions (UNEP/CBD/COP/13/2).

2. Further to this request, the Executive Secretary developed a comprehensive glossary and made it available for peer review through a notification dated 5 August.<sup>3</sup> Taking into account input received, the Executive Secretary has prepared the present document, with the revised glossary provided as an annex, in order to assist the Conference of the Parties in its discussions on the glossary. Peer comments received are available in document UNEP/CBD/COP/13/INF/5.

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\* UNEP/CBD/COP/13/1.

<sup>1</sup> Task 12. The Working Group to develop guidelines that will assist Parties and Governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.

<sup>2</sup> UNEP/CBD/WG8J/9/2/Add.1.

<sup>3</sup> Notification 2016-099 (Ref. No. SCBD/SPS/CG/VN/KG/jr/85891), dated 5 August 2016, requesting comments by 6 September 2016.

3. Section I of the document provides background information on the evolution of the glossary. Section II explains the methodology for the gap analysis, which was requested in paragraph 5 of decision XII/12 D. Section III provides an overview of the peer review process. The revised glossary is presented in annex I. Analysis of relevant key terms and concepts previously considered and noted by the Working Group under its agenda item on *sui generis* systems for the protection, preservation and promotion of traditional knowledge, innovations and practices of indigenous and local communities<sup>4</sup> (hereinafter “*sui generis* systems”), as well as relevant advice provided by the Working Group, where applicable, is provided in annex II, section A, while additional relevant terms used in other agreements and by other international organizations, as well as relevant advice where applicable, for consideration for inclusion in the glossary, are considered in section B of the same annex.

## I. BACKGROUND

4. The Conference of the Parties at its fifth meeting, in 2000, first proposed the development of a set of definitions in decision V/16, which adopted task 12 (among others) of the programme of work on the implementation of Article 8(j) and related provisions.

5. The Conference of the Parties then considered the matter at its seventh meeting, in 2004, and in paragraph 4 of decision VII/16 H, on *sui generis* systems for the protection of traditional knowledge, requested the Executive Secretary, based on submissions received, to develop a glossary of terms relevant to Article 8(j) and related provisions.

6. In response to decision VII/16 H, submissions for a glossary were compiled and made available to the fourth meeting, in January 2006, of the Working Group on Article 8(j) and Related Provisions,<sup>5</sup> which took note of the draft glossary of terms relevant for Article 8(j) contained in document UNEP/CBD/WG8J/4/7, annex II.

7. The Conference of the Parties, at its eighth meeting, in May 2006, in decision VIII/5 E, paragraph 8, invited the submission of views on the definitions contained in document UNEP/CBD/WG8J/4/7, annex II, which were considered by the Working Group on Article 8(j) and Related Provisions at its fifth and sixth meetings. However, in order to avoid duplication of efforts and overlap, no action was taken at that time, as the Working Group was considering initiating related work on task 12 that also considered the development of key terms and concepts.

8. In 2008, in decision IX/13 A, paragraph 7, the Conference of the Parties decided to initiate task 12, recognizing the effective contribution of ongoing work under the Working Group on Article 8(j) and Related Provisions, in particular on *sui generis* systems. In 2010, in decision X/43, paragraph 5(b) the Conference of the Parties decided to revise the programme of work and to maintain task 12 (among others) as a priority.<sup>6</sup>

9. In 2012, the Conference of the Parties, in decision XI/14 C, on tasks 7, 10 and 12, decided to advance these tasks by initially identifying how their implementation could best contribute to work under the Convention and the Nagoya Protocol, and commissioned a study which was considered by the Working Group on Article 8(j) and Related Provisions at its eighth meeting, resulting in recommendation 8/4 on how tasks 7, 10 and 12 could best contribute to work under the Convention and the Nagoya Protocol.

10. Additionally, in paragraph 10 of its decision XI/14 E on *sui generis* systems, the Conference of the Parties invited Parties to consider the terms and definitions developed in response to decision VII/16 H, invited further views, and requested the Executive Secretary, based on information received, to

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<sup>4</sup> Refer to section II of annex I to document UNEP/CBD/WG8J/8/6/Add.1, Possible elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities, at <https://www.cbd.int/doc/?meeting=WG8J-08>.

<sup>5</sup> See UNEP/CBD/WG8J/4/7.

<sup>6</sup> Decision X/43, paragraph 5 (b) to maintain ongoing tasks, including tasks 1, 2, 4, 7, 10 and 12.

revise the terms and definitions and to propose a glossary for the consideration of the Working Group on Article 8(j) and Related Provisions at its eighth meeting in 2013. The proposed glossary was made available as UNEP/CBD/WG8J/8/6/Add.1, annex I.

11. In 2014, the Conference of the Parties, in paragraph 3 of decision XII/12 E on *sui generis* systems, recognizing the relevance of the draft glossary,<sup>7</sup> and taking into account the need to further refine it, invited the Working Group to use the draft glossary, as appropriate, in its work on task 12.

12. In addition, in decision XII/12 D, on tasks 7, 10 and 12, in paragraph 2 the Conference of the Parties decided to address the tasks in an integrated manner and to identify and prioritize sub-tasks. Sub-task “iv” is to develop a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions.

13. In 2015, the Working Group took this matter up again at its ninth meeting, and in recommendation 9/3, paragraph 1, requested the Executive Secretary to revise the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions<sup>8</sup> and to develop a comprehensive glossary for the consideration of the Conference of the Parties at its thirteenth meeting.

## II. GAP ANALYSIS

14. In 2014, in decision XII/12 D, paragraph 5, the Conference of the Parties requested that the proposed glossary be drafted following a gap analysis. Taking into account the need for consistency within the Convention, the Secretariat considered terms and concepts adopted under the Convention, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and the Akwé: Kon Guidelines<sup>9</sup> as a starting point and context for the discussions. Lists of terms and concepts included in the texts of the Convention and the Nagoya Protocol respectively are available at <https://www.cbd.int/convention/articles/default.shtml?a=cbd-02> and <https://www.cbd.int/abs/text/articles/default.shtml?sec=abs-02>.

15. The proposed draft glossary for Article 8(j) and related provisions in annex I to the present document is designed to complement previously adopted terms and concepts under the Convention and the Nagoya Protocol.<sup>10</sup> Terms adopted under the Akwé: Kon Guidelines are automatically included in the glossary, as they have been endorsed by the Conference of the Parties in decision VII/16 F and are directly relevant to Article 8(j) and related provisions.

16. As requested in paragraph 3 of decision XII/12 E, the Secretariat has also considered the terms in the note by the Executive Secretary on *sui generis* systems prepared for the eighth meeting of the Working Group on Article 8(j) and Related Provisions (UNEP/CBD/WG8J/8/6/Add.1,<sup>11</sup> annex I). That document contains terms compiled from various sources<sup>12</sup> that had previously been submitted to the Working Group but had not yet been fully considered owing to the pending work on task 12.

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<sup>7</sup> As contained in UNEP/CBD/WG8J/8/6/Add.1, annex I.

<sup>8</sup> As contained in UNEP/CBD/WG8J/9/2/Add.1.

<sup>9</sup> Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (annex to decision VII/16 F).

<sup>10</sup> Decision XII/12 D, noting the desirability for consistency throughout the programme of work on Article 8(j), and between the Convention and the Nagoya Protocol.

<sup>11</sup> Possible elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities.

<sup>12</sup> Including the United Nations Permanent Forum on Indigenous Issues, the World Intellectual Property Organization, the International Institute for Environment and Development, and submissions received from Kechua-Aymara Association for Nature and Sustainable Development (ANDES, Peru), Fundación Dobbo Yala (Panama), University of Panama, Ecoserve (India), Centre for Indigenous Farming Systems (India), Herbal and Folklore Research Centre (India), Centre for Chinese Agricultural Policy (CCAP, China), Southern Environmental and Agricultural Policy Research Institute (ICIPE, Kenya), the Pacific Island Countries Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture, the Kenya Forestry Research Institute; the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the

17. As part of the gap analysis, terms or concepts suggested in document UNEP/CBD/WG8J/8/6/Add.1, annex I, were compared to terms and concepts already adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines. Where terms suggested in document UNEP/CBD/WG8J/8/6/Add.1, annex I, have been superseded by terms adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines, the adopted meaning is used, and included, as appropriate, for the purposes of the glossary. Also as part of the gap analysis, where terms and concepts suggested in document UNEP/CBD/WG8J/8/6/Add.1, annex I, section II are not in common use in the official documentation of the Working Group on Article 8(j), they have been removed. Additionally, to ensure that a comprehensive glossary could be considered, the Secretariat has included relevant advice provided by the Working Group on such matters as “local communities”.

18. With respect to relevant terms used in other agreements and by other international organizations,<sup>13</sup> terms and concepts of direct relevance and that have been adopted through intergovernmental processes are considered for inclusion. Advice from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Permanent Forum on Indigenous Issues (UNPFII) of direct relevance to the glossary has been included. Some terms and concepts adopted under relevant instruments of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO), and the International Fund for Agricultural Development (IFAD) are proposed for inclusion. Draft terms and concepts from the World Intellectual Property Organization (WIPO)<sup>14</sup> were considered but are not included as they have yet to be negotiated or adopted.

19. Work undertaken in other international processes, including UNPFII, FAO, OHCHR, UNDP and other agencies, was also considered. Although these processes have seldom focused on or adopted terms or concepts of relevance to Article 8(j) and related provisions, processes under OHCHR and UNPFII have produced advice on the concept or common characteristics of “indigenous peoples”, which is of direct relevance to the glossary and is included for the consideration of the Parties. However, it should be noted that a definition of “indigenous peoples” is not adopted or recommended by these organizations or by indigenous peoples.

20. The glossary presented in annex I is intended as a comprehensive glossary of key terms and concepts relevant to Article 8(j) and related provisions of the Convention. It includes terms and concepts adopted in the Akwé: Kon Guidelines and takes into account terms and concepts in document UNEP/CBD/WG8J/8/6/Add.1, annex I, section II, as well as relevant advice from the Working Group on Article 8(j) and Related Provisions. It also includes relevant terms and advice used in other agreements and by other international organizations, as well as relevant advice, where applicable. It is intended to be complementary to and in harmony with terms and concepts already adopted under the Convention and the Nagoya Protocol.

### **III. PEER REVIEW PROCESS**

21. In line with recommendation 9/3 of the Working Group on Article 8(j), the Executive Secretary developed a comprehensive glossary and made it available for peer review. Comments were received from Argentina, Brazil, Canada, Costa Rica, India, Japan and Venezuela as well as the University of Canberra,<sup>15</sup> ICCA Consortium, Pacari Network, Red de Cooperación Amazónica (REDCAM), Red de Mujeres Indígenas sobre Biodiversidad de América Latina y El Caribe (RMIB-LAC), and Coordinadora

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Regulation of Access to Biological Resources; and Natural Justice.

<sup>13</sup> Decision XII/12 C of the Conference of the Parties and recommendation 9/3 of the Working Group on Article 8(j) and Related Provisions.

<sup>14</sup> Refer to WIPO/GRTKF/IC/28/INF/7, 19 May 2014.

<sup>15</sup> Received from a member of the IPBES indigenous and local knowledge task force based at the University of Canberra, Australia.

de las Organizaciones Indígenas de la Cuenca Amazónica (COICA). Following the peer review process, comments received were compiled and analysed (see UNEP/CBD/COP/13/INF/5).

22. The draft glossary has been revised taking into account submissions received. However, terms and concepts adopted through a decision of the Conference of the Parties or under other international processes have been maintained, with only minor revisions where necessary to ensure the concept is adapted to the context of Article 8(j) and related provisions. Parties may wish to decide on the inclusion of terms used in other agreements and by other international organizations based on their relevance to the context of Article 8(j) and related provisions.

23. Some contributions received during the peer review process offered new or additional terms or concepts. Pending further advice from the Parties, additional terms and concepts proposed through the peer review have been collated and made available in the information document (UNEP/CBD/COP/13/INF/5) but have not been included in the draft comprehensive glossary contained in annex I.

*Annex I***GLOSSARY OF KEY TERMS AND CONCEPTS USED WITHIN THE CONTEXT OF ARTICLE 8(j) AND RELATED PROVISIONS**

This glossary provides descriptions of a number of terms and concepts used in the context of Article 8(j) and related provisions. It is not intended to provide formal definitions. The glossary is intended for use on a voluntary basis.

Terms and concepts described below complement the terms included in the Convention and the Nagoya Protocol and therefore those terms are not repeated in the following table.

Terms contained in the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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, adopted in decision VII/16 F, are automatically included, as they are directly related to Article 8(j) and related provisions.

The glossary also considers relevant terms used in other agreements and by other international organizations.

The glossary is complementary to the Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities, adopted in decision X/42.

The glossary is made available as a resource to be considered and used, as appropriate, in the context of Article 8(j) and related provisions, and subject to national legislation, noting that many Parties have specific understandings of terms and concepts that they already apply within their jurisdictions.

*(Terms are listed in alphabetical order in the English-language version.)*

<b>Term</b>	<b>Advice in the context of Article 8(j) and related provisions</b>	<b>Source</b>
1. Biocultural heritage <sup>16</sup>	<p>The knowledge, innovations, practices of indigenous peoples and local communities which are reflective of biocultural diversity. Biocultural heritage is typically held collectively and is inextricably linked to resources, such as biological and genetic diversity, plant varieties and animal species present in ecosystems on lands and waters traditionally occupied and used by indigenous and local communities. It includes the biological diversity, cultural diversity and customary laws developed within the socioecological context of indigenous peoples and local communities.</p> <p>By emphasizing collective rather than individual rights, and addressing biocultural diversity, biocultural heritage reflects the holistic approach of many indigenous and local communities. This conceptual approach also recognises knowledge as “heritage” as opposed to “property”, thereby reflecting its custodial and intergenerational character</p>	<p>Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II;</p> <p>Revised taking into account comments received in the peer review process.</p> <p>An emerging concept gaining acceptance.</p> <p>Also under discussion at Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).</p>

<sup>16</sup> A developing concept being considered within the context of the joint programme of work between the Secretariat of the Convention on Biological Diversity and UNESCO on the links between biological and cultural diversity, and IPBES.

Term	Advice in the context of Article 8(j) and related provisions	Source
2. Community protocols	Community protocols are participatory tools that articulate indigenous peoples' and community-determined values, procedures, and priorities, and set out rights and responsibilities under customary laws, the domestic legal system and other applicable law as the basis for engaging with external actors, such as governments, companies, academics, and NGOs. They can also include procedures, priorities or guidelines for establishing community consensus about access and benefit sharing of traditional knowledge, including intellectual properties rights and mutually agreed terms for access and benefit sharing, as well as any restrictions or prohibitions on access or use. Community protocols could become valuable tools for territorial and environmental management.	Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II; Revised taking into account comments received in the peer review process.
3. Cultural diversity	Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.	UNESCO Universal Declaration on Cultural Diversity (2 November 2001), Article 1 – Cultural diversity: the common heritage of humanity (full text), <sup>17</sup> and excerpted in IFAD Indigenous Peoples Glossary, <sup>18</sup> June 2016; entry No. 2142
4. Cultural heritage (tangible and intangible)	In the context of Article 8(j) and related provisions includes the physical (tangible) and/or non-physical (intangible) manifestation of an indigenous peoples and local communities' cultural heritage, in accordance with the traditional inheritance and transmission, includes but is not limited to, (tangible) cultural landscapes, sites, structures, and remains of archaeological, architectural, historical, religious, spiritual, cultural, or aesthetic value or significance, human remains, as well as (intangible) traditional knowledge, including for medicine, traditional food preparation and diets, as well as species and ecosystem management, and traditional cultural expressions including but not limited to songs, dances, artistic expressions, stories and histories.	Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II, which combines elements of UNESCO definitions (following) on tangible and intangible cultural heritage; Revised taking into account comments received in the peer review process.
	Further guidance from UNESCO on various aspects of cultural and natural heritage:	

<sup>17</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=13179&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>18</sup> IFAD *Indigenous Peoples Glossary / Glossaire sur les peuples autochtones / Glosario sobre los pueblos indígenas*, available at <https://www.ifad.org/documents/10180/4cd018b6-c7eb-40c4-9190-2066e5b9dc91>.

Term	Advice in the context of Article 8(j) and related provisions		Source
	Intangible cultural heritage	<p>Includes:</p> <p>(a) Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;</p> <p>(b) Performing arts;</p> <p>(c) Social practices, rituals and festive events;</p> <p>(d) Knowledge and practices concerning nature and the universe;</p> <p>(e) Traditional craftsmanship.</p>	<p>Text from the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (adopted 2003), available at <a href="http://www.unesco.org/culture/ich/en/convention#art2">http://www.unesco.org/culture/ich/en/convention#art2</a>.</p>
	Tangible cultural heritage	<p>Includes:</p> <p>Movable cultural heritage (paintings, sculptures, coins, manuscripts)</p> <p>Immovable cultural heritage (monuments, archaeological sites, and so on)</p> <p>Underwater cultural heritage (shipwrecks, underwater ruins and cities)</p>	<p>UNESCO - see <a href="http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/">http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/</a>.</p>
	Cultural heritage	<p>Includes:</p> <p>Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;</p> <p>Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;</p> <p>Sites: works of man or the</p>	<p>Text from the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 1972), available at <a href="http://whc.unesco.org/en/conventionext/">http://whc.unesco.org/en/conventionext/</a></p>



Term	Advice in the context of Article 8(j) and related provisions		Source
		combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.	
	Natural heritage	Includes: Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.	Text from the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted 1972), available at <a href="http://whc.unesco.org/en/conventionext/">http://whc.unesco.org/en/conventionext/</a>
5. Cultural heritage impact assessment	Is a process of evaluating the likely impacts, both beneficial and adverse, of a proposed development on the physical manifestations of a community's cultural heritage including sites, structures, and remains of archaeological, architectural, historical, religious, spiritual, cultural, ecological or aesthetic value or significance.		Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)

Term	Advice in the context of Article 8(j) and related provisions	Source
6. Cultural impact assessment	Is a process of evaluating the likely impacts of a proposed development on the way of life of a particular group or community of people, with full involvement of this group or community of people and possibly undertaken by this group or community of people: a cultural impact assessment will generally address the impacts, both beneficial and adverse, of a proposed development that may affect, for example, the values, belief systems, customary laws, language(s), customs, economy, relationships with the local environment and particular species, social organization and traditions of the affected community.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
7. Cultural right	Group's ability to preserve its way of life, social organization, customs, languages, beliefs and traditions.	Based on IFAD Indigenous Peoples Glossary, June 2016, entry no. 2147; Revised taking into account comments received in the peer review process.
8. Customary law	Law consisting of customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
9. Customary sustainable use of biological diversity	Uses of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements.	Adapted from Article 10(c) of the Convention.
10. Environmental impact assessment	Is a process of evaluating the likely environmental impacts of, and proposing appropriate mitigation measures for, a proposed development, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
11. First Nations	Term used in some countries to refer to indigenous peoples.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2161

Term	Advice in the context of Article 8(j) and related provisions	Source
12. Food security	Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2162.
13. Governance	Structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2167, and UNESCO “Concept of governance” at <a href="http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/">http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/</a>
14. Governance system	The parameters under which management and administrative systems will operate.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2168, and UNESCO <i>Concept of Governance</i> at <a href="http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/">http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/</a>
15. Indigenous and tribal peoples	<p>(a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.</p> <p>Article 1 of the Indigenous and Tribal Peoples Convention also indicates that self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.</p>	<p>Extract from the Convention concerning Indigenous and Tribal Peoples in Independent Countries (entry into force: 5 September 1991) (C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization), Article 1; available at <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314</a></p>
16. Indigenous community	Term used to refer to indigenous peoples.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2178

Term	Advice in the context of Article 8(j) and related provisions	Source
17. Indigenous peoples <sup>19</sup>	<p>The UNPFII uses the following explanation of the concept of indigenous peoples:</p> <p>Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.</p> <p>Note: The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition.</p>	UNPFII: PFII/2004/WS.1/3 (an official document of the UNPFII), “The concept of indigenous peoples”. The quote used originates from Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his Study on the Problem of Discrimination against Indigenous Populations. <sup>20</sup>
18. Innovation	In the context of Article 8(j) and 10(c) and related provisions innovation should be understood through the filter of tradition. In other words, tradition could act as a filter through which innovation occurs, that is, innovation and creation that occur within a framework of tradition and culture.	Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II. Revised taking into account comments received in the peer review process. See also African Model Law <sup>21</sup>
19. Local and traditional communities	<p>Local or traditional<sup>22</sup> communities living in rural and urban areas of various ecosystems may exhibit some of the following characteristics:</p> <ul style="list-style-type: none"> <li>(a) Self-identification as a local or traditional community;</li> <li>(b) Lifestyles linked to traditions associated with natural cycles (symbiotic relationships or dependence), the use of and dependence on biological</li> </ul>	Based on annex to UNEP/CBD/WG8J/7/8/Add.1 (report of the Expert Group Meeting of Local Community Representatives), taken note of in decision XI/14 B (subsection on local communities); Revised taking into account comments received in the peer

<sup>19</sup> Note: Across countries and continents, many terms and definitions are used to refer to indigenous peoples (Natives, First Nations, tribes, ethnic minorities, indigenous nationalities, Aborigines, indigenous communities, pueblos originarios (Bolivia), adat communities (Indonesia), scheduled tribes (India), hill peoples, highland peoples (Cambodia), etc.).

In Africa in recent years, progress has been made by the African Commission’s Working Group of Experts of the African Union in acknowledging and addressing the particular forms of discrimination facing ethnic minorities and other marginalized groups who identify themselves as indigenous peoples. (The full Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities (2005) is available at <http://pro169.org/res/materials/en/identification/ACHPR%20Report%20on%20indigenous%20populations-communities.pdf>.)

<sup>20</sup> See E/CN.4/Sub.2/1986/7 and Add.1-4. The conclusions and recommendations of the study, in Addendum 4, are also available as a United Nations sales publication (Sales No. E.86.XIV.3). The study was launched in 1972 and was completed in 1986, thus making it the most voluminous study of its kind, based on 37 monographs.

<sup>21</sup> The African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources (Organization of African Unity) <https://www.cbd.int/doc/measures/abs/msr-abs-oau-en.pdf>.

<sup>22</sup> Inclusion of traditional communities requested.

Term	Advice in the context of Article 8(j) and related provisions	Source
	<p>resources and linked to the sustainable use of nature and biodiversity;</p> <p>(c) The community occupies a definable territory<sup>23</sup> traditionally occupied and/or used, permanently or periodically. These territories are important for the maintenance of social, cultural, and economic aspects of the community;</p> <p>(d) Traditions (often referring to common history, culture, language, rituals, symbols and customs) and are dynamic and may evolve;</p> <p>(e) Technology/knowledge/innovations/practices associated with the sustainable use and conservation of biological resources;</p> <p>(f) Social cohesion and willingness to be represented as a local community;</p> <p>(g) Traditional knowledge transmitted from generation to generation including in oral form;</p> <p>(h) A set of social rules (e.g., that regulate land conflicts/sharing of benefits) and organizational-specific community/traditional/customary laws and institutions;</p> <p>(i) Expression of customary and/or collective rights;</p> <p>(j) Self-regulation by their customs and traditional forms of organization and institutions;</p> <p>(k) Performance and maintenance of economic activities traditionally, including for subsistence, sustainable development and/or survival;</p> <p>(l) Spiritual and cultural values of biodiversity and territories;</p> <p>(m) Culture, including traditional cultural expressions captured through local languages, highlighting common interest and values;</p> <p>(n) Biodiversity often incorporated into traditional place names;</p> <p>(o) Foods and food preparation systems and traditional medicines are closely connected to biodiversity/environment;</p> <p>(p) May have had little or no prior contact with other sectors of society resulting in distinctness or may choose to remain distinct;</p> <p>(q) Practice of traditional occupations and livelihoods;</p>	<p>review process.</p>

<sup>23</sup> Territory is interpreted as lands and waters.

Term	Advice in the context of Article 8(j) and related provisions	Source
	<p>(r) May live in extended family, clan or tribal structures;</p> <p>(s) Belief and value systems, including spirituality, are often linked to biodiversity;</p> <p>(t) Shared common property over land and natural resources;</p> <p>(u) Traditional right holders to natural resources;</p> <p>(v) Vulnerability to outsiders and little concept of intellectual property rights.</p>	
20. Nomadic	Persons without a fixed place of usual residence who move from one site to another, usually according to well-established patterns of geographical mobility.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2216
21. Prior informed consent	<p>[Free,] prior informed consent [or approval and involvement] should be understood as a continual process building mutually beneficial, ongoing arrangements between users of traditional knowledge and indigenous peoples and local communities, in order to build trust, good relations, mutual understanding, intercultural spaces, knowledge exchanges, create new knowledge and reconciliation and should include the full and effective participation of indigenous peoples and local communities, including customary laws and community protocols of indigenous peoples and local communities.</p> <p>It is not practical to propose a “one-size-fits-all” approach for [free,] prior informed consent [or approval and involvement] of indigenous peoples and local communities as regards access to the traditional knowledge they own or hold; and, therefore, these guidelines are intended to be used taking into account national and local circumstances of the indigenous peoples and local communities concerned.<sup>24</sup></p>	Extract from report of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity at its ninth meeting (UNEP/CBD/WG8J/9/6-UNEP/CBD/COP/13/3, dated 7 November 2015), recommendation 9/1 on voluntary guidelines <sup>25</sup>

<sup>24</sup> As the text above is before the thirteenth meeting of the Conference of the Parties for adoption, it has been duplicated here as is, in order to maintain consistency; it can be adjusted according to the outcome of related recommendation 9/1, contained in UNEP/CBD/COP/13/3.

<sup>25</sup> Recommendation 9/1, “Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the [free,] prior informed consent [or approval and involvement] of indigenous peoples and local communities for accessing their knowledge, innovations and practices, the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge”, annex, paragraphs 6 and 7.

Term	Advice in the context of Article 8(j) and related provisions	Source
22. Sacred site	May refer to a site, object, structure, area or natural feature or area, held by national Governments or indigenous communities to be of particular importance in accordance with the customs of an indigenous or local community because of its religious and/or spiritual significance.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
23. Sacred species	A plant or animal held by indigenous and local communities to be of particular importance in accordance with the traditions and/or customs because of its religious or spiritual significance.	Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II.
24. Self-identification	Attribution of certain characteristics or qualities to oneself.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2226
25. Social impact assessment	Is a process of evaluating the likely impacts, both beneficial and adverse, of a proposed development that may affect the rights, which have an economic, social, cultural, civic and political dimension, as well as the well-being, vitality and viability, of an affected community – that is, the quality of life of a community as measured in terms of various socio-economic indicators, such as income distribution, physical and social integrity and protection of individuals and communities, employment levels and opportunities, health and welfare, education, and availability and standards of housing and accommodation, infrastructure, services.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
26. Strategic environmental assessment	Is a process of evaluating the likely environmental impacts of proposed policies, plans or programmes to ensure that they are fully included and addressed at an early stage of decision-making, together with economic, social and cultural considerations.	Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)
27. Sustainable development	<p>Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>It contains within it two key concepts:</p> <ul style="list-style-type: none"> <li>the concept of “needs”, in particular the</li> </ul>	<p>World Commission on Environment and Development at <a href="http://www.un-documents.net/our-common-future.pdf">http://www.un-documents.net/our-common-future.pdf</a>, and IFAD Indigenous Peoples Glossary, June 2016, entry No. 2234</p> <p>World Commission on Environment and Development at <a href="http://www.un-">http://www.un-</a></p>

Term	Advice in the context of Article 8(j) and related provisions	Source
	<p>essential needs of the world's poor, to which overriding priority should be given; and</p> <ul style="list-style-type: none"> <li>the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.</li> </ul>	<p><a href="http://documents.net/our-common-future.pdf">documents.net/our-common-future.pdf</a></p>
28. Traditional custodian	<p>The group, clan or community of people, or an individual who is recognized by a group, clan or community of people, as the individual, in whom the custody or protection of the expressions of culture are entrusted in accordance with the customary law and practices of that group, clan or community.<sup>26</sup></p> <p>The traditional custodians may be the holders or protectors of traditional knowledge and/or biodiversity, and such assets can include seeds, traditional varieties, sacred forests, myths, and other relevant resources, tangible or intangible.</p>	<p>Based on UNEP/CBD/WG8J/8/6/Add.1, annex, section II;</p> <p>Revised taking into account comments received in the peer review process.</p>
29. Traditional knowledge (in the context of the CBD) <sup>27</sup>	<p>Refers to the traditional knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.</p>	<p>Text from the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding 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 (decision VII/16 F)</p>
30. Traditional resources	<p>Are tangible or intangible assets which may be of biological, spiritual, aesthetic, cultural and economic value, used traditionally by indigenous peoples and local communities.</p>	<p>UNEP/CBD/WG8J/8/6/Add.1, annex, section II</p>
31. Traditional territories	<p>Lands, and waters traditionally occupied, or used by indigenous peoples and local communities.</p>	<p>UNEP/CBD/WG8J/8/6/Add.1, annex, section II; in harmony with text in Akwé: Kon Guidelines.</p>
32. Tribal peoples	<p>Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by its own customs or traditions or by special laws or regulations.</p>	<p>Convention concerning Indigenous and Tribal Peoples in Independent Countries, ILO 169 at <a href="http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_COD E:312314,en:NO">http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_COD E:312314,en:NO</a></p>

<sup>27</sup> Sometimes referred to as indigenous and local knowledge (ILK) (under IPBES), or traditional environmental knowledge (TEK) (under UNESCO).



Term	Advice in the context of Article 8(j) and related provisions	Source
		and IFAD Indigenous Peoples Glossary, June 2016, entry No. 2250
33. Tribe	Notional form of human social organization based on a set of smaller groups, having temporary or permanent political integration, and defined by traditions of common descent, language, culture, and ideology.	IFAD Indigenous Peoples Glossary, June 2016, entry no. 2250
34. Vulnerable group	Group of people who have insufficient access to the quantity and quality of biological resources that would ensure a healthy life and/or are at risk of losing such access altogether.	Based on IFAD Indigenous Peoples Glossary, June 2016, entry No. 2260 and additionally World Food Programme;  Revised taking into account comments received in the peer review process; in the context of the CBD, “biological resources” is substituted for “food”.
35. Well-being	A context- and situation-dependent state, comprising basic material for a good life, freedom and choice, health, good social relations, and security.	IFAD Indigenous Peoples Glossary, June 2016, entry No. 2261 and see FAO at <a href="http://www.fao.org/docrep/018/i3144e/i3144e.pdf">http://www.fao.org/docrep/018/i3144e/i3144e.pdf</a>

*Annex II***OVERVIEW OF TERMS AND CONCEPTS CONSIDERED****A. Overview of relevant key terms and concepts previously considered and noted by the Working Group on Article 8(j) and Related Provisions**

1. Terms and concepts that have been previously submitted and collated from various sources<sup>28</sup> and considered by the Working Group on Article 8(j) in the note by the Executive Secretary on possible elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities (UNEP/CBD/WG8J/8/6/Add.1) are listed below.

2. In accordance with the methodology used in the gap analysis, terms and concepts not in common use in the official documentation of the Working Group are not recommended for inclusion in the annex. Where applicable, the rationale for the inclusion is included below. Where terms or concepts proposed in UNEP/CBD/WG8J/8/6/Add.1 have been superseded by terms adopted under the Akwé: Kon Guidelines, the terms adopted under the Akwé: Kon Guidelines are automatically included in the glossary, as they have been previously endorsed by the Conference of the Parties in decision VII/16 F and are directly relevant to Article 8(j) and related provisions.

3. The terms and concepts proposed in section II of the annex to UNEP/CBD/WG8J/8/6/Add.1 are:

- (a) Application/use/ utilization of traditional knowledge;
- (b) Biocultural heritage;
- (c) Bioprospecting;
- (d) Community protocols;
- (e) Cultural heritage (tangible and intangible);
- (f) Customary law;
- (g) Customary sustainable use of biological diversity;
- (h) Innovation;
- (i) Prior informed consent;
- (j) Protected area;
- (k) Research;
- (l) Sacred site;
- (m) Sacred species;
- (n) Traditional custodian;
- (o) Traditional knowledge;
- (p) Traditional resources;
- (q) Traditional territories.

4. The term “bioprospecting” has not been used in the official documentation of the Working Group and is not recommended for inclusion in the glossary. In the submissions received through the peer review, there is a convergence of views regarding the removal of the terms or concepts concerning “application/use/utilization of traditional knowledge” and “research”. They are therefore not included in the proposed glossary. The term “protected area” appears in Article 2 of the Convention, so is not included in the glossary. Other terms from the Article 2 of the Convention and Nagoya Protocol are omitted as well.

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<sup>28</sup> Including the United Nations Permanent Forum on Indigenous Issues, the World Intellectual Property Organization, the International Institute (the International Institute for Environment and Development), and submissions received from the Kechua-Aymara Association for Nature and Sustainable Development (ANDES, Peru), Fundación Dobbo Yala (Panama), University of Panama, Ecoserve (India), Centre for Indigenous Farming Systems (India), Herbal and Folklore Research Centre (India), Centre for Chinese Agricultural Policy (CCAP, China), Southern Environmental and Agricultural Policy Research Institute (ICIPE, Kenya), the Pacific Island Countries Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture, the Kenya Forestry Research Institute and the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, and Natural Justice.

5. Where advice has been received to improve the terms and concepts, where possible and appropriate it has been incorporated into the glossary contained in annex I to the present document.

6. Given the significant importance of the concept of “local communities” to the on-the-ground implementation of the Convention, and especially to Article 8(j) and related provisions, and to ensure a comprehensive glossary as requested in recommendation 9/3, relevant advice provided by the Expert Group Meeting of Local Community Representatives to the Working Group on Article 8(j) on common characteristics of local communities within the context of the Convention, is included in the glossary under the term “local and traditional communities”. The text provided in the glossary is largely an extract from the report of the expert group meeting of local community representatives (UNEP/CBD/WG8J/7/8/Add.1), revised to take into account comments received through the peer review, to include a reference to “traditional” communities. Parties may note that the advice centres on common characteristics and does not propose a definition.

7. Against this background, the following of the above-mentioned terms are contained in the glossary in annex I for consideration by the Parties: biocultural heritage; community protocols; cultural heritage (tangible and intangible); customary law; customary sustainable use of biological diversity; innovation; local and traditional communities; prior informed consent; sacred site; sacred species; traditional custodian; traditional knowledge; traditional resources; and traditional territories. In addition, as noted earlier, the glossary includes terms from the Akwé: Kon guidelines (“use of terms” section).<sup>29</sup>

#### **B. Overview of additional relevant terms used in other agreements and by other international organizations**

8. Some additional terms and concepts adopted under other relevant international processes are also included in the proposed glossary contained in annex I. These terms and concepts may be considered by the Parties for inclusion in the glossary, on a case-by-case basis and as appropriate, based on whether they are relevant to Article 8(j) and related provisions.

9. Relevant terms and concepts used by UNESCO and considered for inclusion in the glossary in relation to cultural heritage (tangible and intangible) in the context of Article 8(j) and related provisions include guidance on various aspects of cultural and natural heritage:

- (a) “Intangible cultural heritage”;
- (b) “Tangible cultural heritage”;
- (c) “Cultural heritage”;
- (d) “Natural heritage”.

10. Relevant terms listed in the IFAD Indigenous Peoples Glossary:<sup>30</sup>

- (a) Aboriginal;
- (b) Cultural diversity;
- (c) Cultural right;
- (d) Empowerment of indigenous peoples;
- (e) First Nations;
- (f) Food security;
- (g) Governance;
- (h) Governance system;

<sup>29</sup> Cultural impact assessment, cultural heritage impact assessment, customary law, environmental impact assessment, sacred site, social impact assessment, strategic environmental assessment, traditional knowledge.

<sup>30</sup> Indigenous Peoples Glossary / Glossaire sur les peuples autochtones / Glosario sobre los pueblos indígenas (<https://www.ifad.org/documents/10180/4cd018b6-c7eb-40c4-9190-2066e5b9dc91>). The terminology used in the IFAD glossary is derived from the IFAD policy on indigenous peoples and other IFAD policies, which are approved by the IFAD’s Executive Board formed by Governments. For this exercise, only terms and concepts of direct relevance to Article 8(j) and related provisions, and which include a definition or an explanation and have been adopted by the IFAD Executive Board, are included for consideration in the glossary.

- (i) Indigenous community;
- (j) Indigenous peoples;
- (k) Nomadic;
- (l) Self-identification;
- (m) Sustainable development;
- (n) Tribal peoples;
- (o) Tribe;
- (p) Vulnerable;
- (q) Vulnerable group;
- (r) Well-being.

11. It is not recommended to adjust or revise the texts adopted under UNESCO Conventions. Parties may simply wish to consider whether the UNESCO terms and concepts proposed are relevant to the context of Article 8(j) and related provisions. However, given that the focus of IFAD is on agricultural development, where minor revisions to the IFAD derived terms and concepts have been proposed in the peer review process, and to ensure the explanation falls within the context of Article 8(j) and related provisions, they have been incorporated for consideration.

12. Additionally, considering the significance of the concept of “indigenous peoples” to the on-the-ground implementation of the Convention, and especially to Article 8(j) and related provisions, and to ensure a comprehensive glossary, as requested in recommendation 9/3 of the Working Group on Article 8(j) and Related Provisions, relevant advice provided by the Office of the High Commissioner for Human Rights and the United Nations Permanent Forum on Indigenous Issues on common characteristics of indigenous peoples is also included for the consideration of Parties.

13. Excerpts from the ILO Indigenous and Tribal Peoples Convention are also included, under “indigenous and tribal peoples”.

14. Among the terms considered, some have not been included in the glossary for the following reasons. The term “aboriginal” is not recommended for inclusion in the glossary as it is regarded as a regional or national term. The concept of “empowerment of indigenous peoples” was removed, as some Parties felt this was too broad. Additionally, the term “vulnerable” was removed as also suggested by some Parties.

15. Against this background, the following of the above-mentioned terms and concepts are contained in the glossary in annex I for consideration by the Parties: cultural diversity; cultural heritage (tangible and intangible) and related terms; cultural right; First Nations; food security; governance; governance system; indigenous and tribal peoples; indigenous community; indigenous peoples; nomadic; self-identification; sustainable development; tribal peoples; tribe; vulnerable group; well-being.

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