

Ref.: SCBD/SEL/OJ/JS/DM/74443

24 November 2010

NOTIFICATION

Programme of Work on Article 8(j) and related provisions: Request for contributions from Parties and stakeholders

Dear Madam/Sir,

The purpose of this notification is to invite Parties and stakeholders to contribute to the implementation of the programme of work on Article 8 (j) and related provisions consistent with relevant decisions of the tenth meeting of the Conference of the Parties.

In its decision X/43, the Conference of the Parties (COP) decided that the Working Group on Article 8 (j) and related provisions shall meet once during the inter-sessional period between its tenth and eleventh meetings, preferably back to back with another meeting under the Convention. Hence, the seventh meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions is tentatively scheduled to be held on 14-18 November 2011, back to back with the fifteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (7-11 November 2011).

In decision X/43 and related decisions X/40 and X/41, the COP also made a number of decisions regarding the work program on Article 8 (j) and related provisions. These are reviewed below with specific requests for input from Parties, other governments, indigenous and local communities, NGOs and other relevant organizations, in order to assist with the timely preparation of documentation for the seventh meeting of the Working Group.

X/40 Mechanisms to promote the effective participation of indigenous and local communities in the work of the Convention

In decision X/40, B, paragraph 7, the Conference of the Parties invited Parties to consider designating national focal points for Article 8(j) and related provisions to facilitate communications with indigenous and local community organizations and to promote the effective development and implementation of the programme of work on Article 8(j) and related provisions.

(a) Parties that designate national focal points for Article 8 (j) pursuant to the COP invitation to do so are invited to provide the contact information of the focal point to the Secretariat for inclusion in

To: CBD National Focal Points
Indigenous and Local Communities

the list of national focal points on the web-site of the Convention, so that networking and communications can be facilitated.

X/41 Elements of *sui generis* systems for the protection of traditional knowledge

In decision X/41, the Conference of the Parties noted the elements of *sui generis* systems, as set out in UNEP/CBD/WG8J/6/5, as useful elements to consider when developing *sui generis* systems for the protection of traditional knowledge, and requested the Executive Secretary to update this document, in light of case-studies and experiences received, for consideration by the Working Group on Article 8(j) at its seventh meeting. To assist in the updating of the note, the following submissions are requested from Parties, indigenous and local communities and other relevant organizations:

(b) Information regarding elements of *sui generis* systems relevant to the protection of traditional knowledge they have adopted, including assessments of the effectiveness of such measures, whether they are local, sub-national, national or regional in focus (decision X/41, paragraph 4);

(c) Regional measures that have been taken to protect traditional knowledge, innovations and practices of indigenous and local communities relevant to biological diversity that is held across national boundaries, including *sui generis* systems that are being developed or have been developed and/or implemented, including evidence regarding the effectiveness of such measures (decision X/41, paragraph 5.);

(d) Views through case-studies on how statutory laws and customary laws interact with regard to the protection of traditional knowledge, innovations and practices (decision X/41, paragraph 7).

(e) National laws, legislation, policies, programme and other relevant information regarding the protection of traditional knowledge (decision X/40, B, paragraph 3);

X/43 Multi-Year Programme of Work on the Implementation of Article 8(j) and Related Provisions

Progress reports

In decision X/43, the Conference of the Parties noted progress made in the integration of the relevant tasks of the programme of work in the thematic areas and through the national reports and requested the Executive Secretary to report on further progress to the seventh meeting of the Working Group on Article 8(j). To assist with this task, Parties are kindly requested to provide to the Secretariat information regarding:

(f) The implementation of the programme of work for Article 8(j) and related provisions, including on national participation of indigenous and local communities, and to do so in consultation with indigenous and local communities (decision X/43, para 3).

Revised Multi-year Programme of Work - Tasks 7, 10 and 12ⁱ

In decision X/43, the Conference of the Parties also decided to revise the programme of work and prioritise work on tasks 7, 10 and 12. The Executive Secretary is requested to compile and analyse information submitted on these tasks with a view to identifying minimum standards, best practices, gaps and lessons learned, which will identify further activities needed to fulfil these tasks. To that end, Parties, Governments, indigenous and local communities and other relevant organizations are requested to submit information on:

(g) National approaches to facilitate tasks including 7, 10 and 12 tasks (decision X/43, paragraph 5(b) and the programme of work for Article 8(j) as adopted by decision V/16);

Task 15 – Repatriation of Information

Also in decision X/43, the Conference of the Parties requested the Secretariat to compile and analyse submissions from Parties and other relevant organizations on national and international approaches for repatriation relevant to task 15 to assist the Working Group in considering how this task can be taken forward in both domestic and international contexts. In light of this, Parties and other relevant organizations are invited to provide information on:

(h) National and international approaches, including best practices for repatriation relevant to task 15ⁱⁱ, in accordance with Article 17, paragraph 2, of the Convention (refer Decision X/43, paragraph 6 and annexed terms of reference);

Article 10

Also in decision 10/43, the Conference of the Parties decided on a new major component of work on article 10 with a focus on article 10(c), and requested the seventh meeting of the Working group to provide advice on how this component could be implemented and to develop a strategy for the integration of this component, as a cross-cutting issue into the Convention's various programmes of work and thematic areas. To assist the Working Group in its consideration of this issue, Parties, indigenous and local community organizations, NGOs and other relevant organizations are requested to submit information regarding:

(i) The implementation of Article 10 of the Convention (sustainable use of biodiversity), with a focus on Article 10(c) (customary sustainable use), (decision X/43, paragraph 6);

In-depth Dialogue on Ecosystem management, ecosystem services and protected areas

Taking into account the decision of the Conference of the Parties to have an in-depth dialogue on ecosystem management, ecosystem services and protected areas at the seventh meeting of the Working Group, and in order to assist the discussions, Parties, indigenous and local communities, NGOs and other relevant organizations are requested to submit information on:

(j) Ecosystem management, ecosystem services and protected areas;

Indicators for Traditional Knowledge

The Conference of the Parties also adopted two additional indicators for traditional knowledge to complement the adopted indicator of status and trends in linguistic diversity, those being status and trends in land-use change and land tenure, and status and trends in traditional occupations. The COP requested to Executive Secretary to pursue the ongoing refinement and use of the indicators and to report to the Working Group. In order to explore and better understand the adopted indicator of land tenure, Parties, indigenous and local communities and other relevant organizations are invited to submit:

(k) Views on the development of indicators on secure land tenure (decision X/43, paragraph 19).

TIMEFRAME FOR CONTRIBUTIONS:

In order to facilitate the timely preparation of background documentation for the seventh meeting of the Working Group and to allow the Secretariat to provide documents three months before the meeting in accordance with decision IX/13 E, paragraph 8, Parties, governments and indigenous and local communities are invited to submit their contributions regarding the above-mentioned issues as soon as possible and no later than **1st April 2011**. This will ensure that the submissions received are properly reflected in the documentation for the meeting.

Please note that all submissions may be provided in any word processing format and should preferably be submitted electronically.

I thank you in advance for your cooperation and for your continued support to the work of the Convention.

Accept, Madam/Sir, the assurance of my highest consideration.

Yours sincerely,

Ahmed Djoghlaif
Executive Secretary

ⁱ **Programme of Work for 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 obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.

Element 7. Legal elements

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.

Element 5. Exchange and dissemination of information

Task 10. The Ad Hoc Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

ⁱⁱ Element 3. Traditional cultural practices for conservation and sustainable use

Task 15. The Ad Hoc Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.