



Convention on Biological Diversity

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Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity Twelfth meeting

Geneva, 12–16 November 2023

Item 6 of the provisional agenda**

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

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Note by the Secretariat

I. Background

1. In its decision [15/10](#), the Conference of the Parties to the Convention on Biological Diversity decided to develop a new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, aligned with the Kunming-Montreal Global Biodiversity Framework and with the full and effective participation of indigenous peoples and local communities.

2. In the same decision, the Conference of the Parties requested the Secretariat to convene an Ad Hoc Technical Expert Group on the 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 Expert Group was tasked with providing advice on the further elaboration of the new programme of work on, and the possible institutional arrangements and future modus operandi for, Article 8(j) and other provisions of the Convention, considering the possible establishment of a subsidiary body, continuing the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity or other arrangements. The Expert Group held a meeting in Manaus, Brazil, from 11 to 13 July 2023. The report of the meeting is contained in document [CBD/A8J/AHTEG/2023/1/3](#). The present document is informed by the conclusions of the Expert Group on the institutional arrangements and modus operandi of a subsidiary body and the proposed new programme of work.

* Reissued for technical reasons on 5 October 2023.

** CBD/WG8J/12/1/Rev.1.

II. Draft programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities

3. The Expert Group emphasized that the proposed programme of work needs to be aligned with the Kunming-Montreal Global Biodiversity Framework, with specific attention to the considerations for its implementation and specific targets. Modifications to the title of the programme were suggested to better reflect the role of indigenous peoples and local communities in the broader scope of the Convention and its Protocols, and efforts to enhance their participation were underscored. Adjustments were proposed for each element, highlighting the importance of traditional knowledge, gender-responsive and human rights-based approaches. Two new elements were introduced at the meeting: a human rights-based approach and direct funding access for indigenous peoples and local communities in biodiversity conservation. The Expert Group's advice is aimed at ensuring coherence with the Framework and the roles, contributions and rights of indigenous peoples and local communities in its implementation.

4. In accordance with decision [15/10](#), the Working Group may consider using annex I to the present document, which has been put forth by the Expert Group, to develop the new programme of work on Article 8(j) and other provisions of the Convention. Each section of the proposed programme of work is comprehensively addressed in the report of the meeting of the Expert Group.

III. Options for institutional arrangements

5. The outcomes of the discussions held and advice provided by the Expert Group with regard to the options outlined in decision 15/10 in relation to possible institutional arrangements and future modus operandi for Article 8(j) and other provisions of the Convention are summarized below:

(a) There was a strong consensus among experts to support the establishment of a permanent subsidiary body on Article 8(j) and other provisions with a mandate to provide advice to the Conference of the Parties, other subsidiary bodies of the Convention and, subject to their approval, the Conference of the Parties serving as the meetings of the Parties to the respective Protocols on matters relevant to indigenous peoples and local communities within the scope of the Convention and the new programme of work, and in alignment with the Kunming-Montreal Global Biodiversity Framework;

(b) It was noted that the options under consideration were not necessarily mutually exclusive. Any preferred option should, at the very least, maintain, but preferably enhance, participation mechanisms developed in line with current practices of the Working Group that had worked well during the previous phase. The full and effective participation of indigenous peoples and local communities in the implementation of the Convention and the Framework was paramount across all the options for institutional arrangements that were under consideration;

(c) The justifications or rationale provided by the experts in support of the establishment of a subsidiary body on Article 8(j) and other provisions included the following:

(i) The establishment of a subsidiary body would provide the best option for representatives of Parties, indigenous peoples and local communities and stakeholders to engage in the various processes under the Convention and, where appropriate, the Protocols;

(ii) Establishing a subsidiary body would be a transformative recognition of the role of successive generations of indigenous peoples and local communities in and their contribution to the conservation and sustainable use of biological diversity, in the wake of the adoption of the also transformative Framework, thereby demonstrating unwavering commitment to the protection of the rights and interests of indigenous peoples and local communities and their traditional knowledge;

- (iii) A subsidiary body would be the most efficient structure for indigenous peoples and local communities to provide or receive, as appropriate, advice to or from other subsidiary bodies and processes under the Convention and, where appropriate, the Protocols;
 - (iv) A subsidiary body would be the most effective institutional arrangement to carry out effectively the mandate of providing advice on the implementation of the new programme of work, once adopted;
 - (v) The establishment of a subsidiary body would send a strong signal to Parties and encourage them to take, in national implementation processes, appropriate and meaningful policy, legal and administrative measures that respected, preserved and maintained the knowledge, innovations and practices of indigenous peoples and local communities and safeguard the indispensable role of those communities in the conservation and sustainable use of biological diversity;
- (d) The establishment of a subsidiary body would have the same budgetary implications as those of the Working Group;
- (e) The Expert Group noted that the establishment of a subsidiary body on Article 8(j) and other provisions should be aimed primarily at ensuring the enhanced and strengthened participation of indigenous peoples and local communities in all processes under the Convention. It also noted the following:
- (i) The meetings of the subsidiary body should be, where feasible, and taking into account the experience of the Permanent Forum on Indigenous Issues, subject to rotation among the seven sociocultural regions identified by the Forum in order to provide opportunities for broader participation engagement and awareness-raising in each of those regions;
 - (ii) Building on the successful practice of the Working Group, the subsidiary body should maintain the practice of appointing two co-chairs, one nominated by Parties and the other by indigenous peoples and local communities;
 - (iii) The subsidiary body should establish its own bureau, consisting of representatives nominated by Parties and indigenous peoples and local communities across all regions. Following the successful practice of the Working Group, the bureau may involve representatives of indigenous peoples and local communities by inviting them to serve as friends of the bureau;
 - (iv) The name to be proposed for the subsidiary body should reflect its specific mandate, communicating clearly the nature and scope of its purpose;
- (f) On the basis of the foregoing, the Expert Group agreed to submit the aforementioned assessment on options for institutional arrangements to the Working Group, for consideration at its twelfth meeting, and called upon the Working Group to recommend to the Conference of the Parties that it establish, at its sixteenth meeting, a subsidiary body on indigenous peoples and local communities, as provided for in the Convention.

IV. Recommendations

6. In the light of the proposals contained in the report of the Expert Group, the Working Group may wish to consider the following draft decision for submission to the Conference of the Parties for consideration at its sixteenth meeting.

The Conference of the Parties,

Recalling its decision V/16 of 26 May 2000, by which it endorsed the programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity¹

¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

annexed to that decision and decision X/43 of 29 October 2010, by which it revised said programme of work for the period 2010–2020,

Recognizing the need for a more holistic, forward-looking and integrated programme of work, taking into account such recent developments as the adoption of the Kunming-Montreal Global Biodiversity Framework,²

Building on the composite report on the status and trends regarding traditional knowledge, innovations and practices of indigenous peoples and local communities, as well as the guidelines, standards and other tools already developed by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity and adopted by the Conference of the Parties,

Emphasizing the need for the effective implementation of the guidelines and standards related to Article 8(j) and other provisions of the Convention at the national level to support the implementation of Targets 1, 3, 5, 9, 13, 19, 21, 22 and 23 of the Framework,

Noting that a number of tasks of the current programme of work on Article 8(j) and related provisions are ongoing for Parties,

A. Programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2050

1. *Decides* to adopt a programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities to 2050 as contained in annex I to the present decision;

2. *Requests* Parties and invites other Governments to report on progress in the implementation of the Programme of Work, including the application of existing and relevant guidelines and standards;

3. *Reiterates* its invitation to Parties in paragraph 7 of decision X/40 B of 29 October 2010 to consider designating national focal points for Article 8(j) and related provisions to facilitate communications with indigenous peoples and local communities to promote the effective implementation of the programme of work on Article 8(j) and other provisions;

4. *Encourages* Parties to engage with indigenous peoples and local communities as on-the-ground partners in the implementation of the Convention, including by recognizing, supporting and valuing their collective actions and respecting their indigenous and traditional territories and their efforts in applying, preserving and maintaining their traditional knowledge, innovation and practices in relation to promoting the conservation and sustainable use of biodiversity,

5. *Urges* Parties to fully involve indigenous peoples and local communities in the preparation of national reports and in the revision, update and implementation of national biodiversity strategies and action plans aligned with the goals and targets of the Kunming-Montreal Global Biodiversity Framework;

B. Institutional arrangements for the full and effective participation of indigenous peoples and local communities in the work undertaken under the Convention

6. *Decides* to further integrate the work on indigenous people and local communities into the work of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation by, inter alia, ensuring that agenda items on matters of relevance to indigenous people and local communities are considered by the appropriate subsidiary body, applying also the mechanisms for the enhanced participation of indigenous peoples and local communities in a manner consistent with the practices established under the Ad Hoc Open-ended

² Decision 15/4, annex.

Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity;

7. *Also decides* to establish a subsidiary body on Article 8(j) and other provisions of the Convention, the modus operandi of which is contained in annex II to the present decision, with a mandate to provide advice to the Conference of the Parties, other subsidiary bodies and, subject to their request, the Conferences of the Parties serving as the meetings of the Parties to the Protocols, on all matters of relevance to indigenous peoples and local communities that are within the scope of the Convention and its Protocols.

Annex I

Draft programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2050

I. Objective

1. The objective of the present programme of work is to promote, within the framework of the Convention on Biological Diversity¹ and in alignment with the Kunming-Montreal Global Biodiversity Framework,² the implementation of Article 8(j) and other provisions of the Convention at the local, national, regional and international levels and to ensure the full and effective participation of indigenous peoples and local communities at all stages and levels of its implementation, thereby ensuring an ongoing recognition of the unique association that indigenous peoples and local communities have with the Convention and its Protocols.

II. General principles

2. The full and effective participation of indigenous peoples and local communities, in particular indigenous women, girls and young people, should be ensured, from the local to the global level, in all stages of the identification, implementation and monitoring of the elements of the programme of work.

3. Traditional knowledge, innovations, practices and technology should be valued, considered essential and given the same respect and consideration as other forms of knowledge. Genuine collaborations and the co-production of knowledge in ways that respect the knowledge-generation processes and the integrity of each knowledge system should be promoted. The inclusion of knowledge from diverse systems and practices should be mainstreamed into the development and implementation of policies on biodiversity conservation.

4. A holistic approach consistent with the spiritual and cultural values and customary practices of indigenous peoples and local communities should be adopted, recognizing their connection to their territories, lands and resources, as well as their right, in accordance with relevant national legislation and international obligations, to have control over their traditional knowledge, innovations, practices and technology.

5. The ecosystem approach is a strategy for the integrated and holistic management of land, water and living resources that promotes conservation and sustainable use, including the customary sustainable use of biological diversity in an equitable manner.

6. Traditional knowledge, innovations, practices and technology held by indigenous peoples and local communities should only be used with the free, prior and informed consent³ of indigenous peoples and local communities. The use of traditional knowledge should be subject to the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practice based on mutually agreed terms in accordance with domestic law and with due consideration of the customary laws, community protocols and procedures of indigenous peoples and local communities.

7. The implementation of the programme of work should follow a gender-responsive approach and a human rights-based approach respecting, protecting, promoting and fulfilling human rights.

¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

² Decision 15/4.

³ Free, prior, and informed consent refers to the tripartite terminology of “prior and informed consent”, “free, prior and informed consent” and “approval and involvement”. All references to “free, prior, and informed consent” in the programme of work refers to the tripartite terminology.

The Framework contains an acknowledgment of the human right to a clean, healthy and sustainable environment and a commitment to ensuring access to justice and information and the full protection of environmental human rights defenders. Nothing in the present programme of work may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in future, as also stated in the United Nations Declaration on the Rights of Indigenous Peoples.⁴

III. Elements

1. Conservation and restoration

To promote and support the conservation, protection and restoration of biological diversity led by indigenous peoples and local communities, thereby contributing to the implementation of Targets 1, 2 and 3 of the Kunming-Montreal Global Biodiversity Framework.

Tasks

- 1.1 The institutional arrangements remain to be determined⁵ for developing guidelines, with the full and effective participation of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Target 3, including mosaics of community-based conservation, protection and restoration practices led by indigenous peoples and local communities.
- 1.2 The institutional arrangements remain to be determined for supporting the establishment of grievance and redress mechanisms in support of the application of a human rights-based approach in the implementation of the Framework.
- 1.3 The institutional arrangements remain to be determined for developing guidelines to promote and support, subject to national legislation and international obligations, traditional land use; secure land tenure and governance by indigenous peoples and local communities for the conservation and sustainable use of biodiversity; and identify and promote best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) and their implementation.
- 1.4 Parties are to promote the rights of indigenous peoples and local communities without formal access to land, including in urban areas, and to partner with them in the conservation, protection and restoration of biodiversity and creation of blue and green spaces.
- 1.5 All actors are to promote partnerships between indigenous peoples and local communities and other actors in conservation and restoration.
- 1.6 The institutional arrangements remain to be determined for developing guidelines for the full inclusion of land use by, and development plans, including spatial planning, of, indigenous peoples and local communities covering their indigenous and traditional territories to foster effective and integrated management processes addressing land and sea use changes.

2. Sustainable use of biological diversity

To promote, encourage and respect the sustainable use of biological diversity, focusing on the customary sustainable use of indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity⁶ and Targets 4, 5, 9, 10 and 11 of the Kunming-Montreal Global Biodiversity Framework.

⁴ General Assembly resolution 61/295, annex.

⁵ The phrase “the institutional arrangements remain to be determined” is used as a placeholder in the present draft programme of work until discussions on institutional arrangements for Article 8(j) and other provisions are finalized.

⁶ Decision XII/12 B, annex.

Tasks

- 2.1 Parties are 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 and legislation.
- 2.2 All actors are to promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) of the Convention and to enhance customary sustainable use of biological diversity.
- 2.3 All actors are to identify and promote appropriate measures and best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) in support of tasks 2.1 and 2.2.
- 2.4 All actors are to develop proposals to support indigenous peoples and local communities with on-farm and in situ conservation activities.
- 2.5 All actors are to develop communication, education and public awareness materials, including in indigenous languages, on the value and contributions of indigenous, local and traditional food systems and cultural heritage, and on those systems and their products and advantages for human health and biodiversity.

3. Sharing of benefits from the utilization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information

To promote the fair and equitable sharing of benefits arising from the utilization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information, thereby contributing, inter alia, to the implementation of Goal C and Target 13 of the Kunming-Montreal Global Biodiversity Framework.

Tasks

- 3.1 The institutional arrangements remain to be determined (taking into account the Mo'otz Kuxtal Voluntary Guidelines, for the development of mechanisms, legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”, depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge)⁷ for developing a plan of action and mechanisms to support the implementation of the Convention and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity⁸ in relation to genetic resources and traditional knowledge associated with the genetic resources of indigenous peoples and local communities. Such a plan of action should include capacity-building activities and technical and legal assistance.
- 3.2 Parties, with the full and effective participation of indigenous peoples and local communities, are to promote and strengthen programmes aimed at the valorization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information, taking into account their priorities and interests.
- 3.3 The Secretariat of the Convention is to undertake studies on concrete access and benefit-sharing cases and experiences of indigenous peoples and local communities, including the effectiveness of databanks and databases on the utilization and protection of genetic resources, traditional knowledge associated with genetic resources, digital sequence information and their

⁷ Decision XIII/18, annex.

⁸ United Nations, *Treaty Series*, vol. 3008, No. 30619.

associated provenance metadata, including the disclosure of the origin of products and information on the process arising from such utilization.

- 3.4 All actors should promote programmes that encourage collaboration and partnerships between indigenous peoples and local communities and the users of traditional knowledge associated with genetic resources and digital sequence information.
- 3.5 All actors are to support capacity development for indigenous peoples and local communities and dialogues with external stakeholders, taking into account the cultural and organizational contexts and adjusting to sui generis governance structures.
- 3.6 All actors are to support capacity development for indigenous peoples and local communities and users, and to create platforms for information exchange between indigenous peoples and local communities and Parties, as well as for dialogue with external actors.
- 3.7 All actors are to support initiatives by indigenous peoples and local communities to develop biocultural community protocols or other measures to ensure their free, prior and informed consent and the effective and equitable sharing of benefits arising from the use of traditional knowledge associated with genetic resources and digital sequence information.

4. Knowledge and culture

To support the transmission and protection of traditional knowledge and ensure that traditional knowledge and other knowledge systems are valued equally, thereby contributing to the implementation of Article 8(j) of the Convention and Goal C and Targets 21 and 22 of the Kunming-Montreal Global Biodiversity Framework.

Tasks

- 4.1 All actors are to support efforts by indigenous peoples and local communities: (a) to strengthen the intergenerational transmission, use and revitalization of traditional knowledge, including in formal and informal education settings, through secure indigenous knowledge systems and cultural and education centres; and (b) to contribute to other international processes.
- 4.2 All actors are to promote the implementation, strengthening and dissemination of the Joint Programme of Work on the links between biological and cultural diversity.⁹
- 4.3 The institutional arrangements remain to be determined for promoting the inclusion of traditional, indigenous and local knowledge as equally valid as science in all bodies of the Convention, such as the Subsidiary Body on Scientific, Technical and Technological Advice, and in other processes, including the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and the Secretariat is to promote such inclusion.
- 4.4 Parties, with the full and effective participation of indigenous peoples and local communities, in particular indigenous women, girls and young people, are to undertake capacity-building and awareness-raising activities in the light of the Long-term Strategic Framework for Capacity-building and Development¹⁰ in order to promote the inclusion of traditional knowledge as an equally valid part of the broader mainstreaming of biodiversity conservation across society and sectors of production, as well as other relevant global processes.
- 4.5 The Secretariat is to establish a global network of national focal points on Article 8(j) and related provisions to support the implementation of the Convention at the national level.

⁹ UNEP/CBD/COP/10/INF/3, annex I. In accordance with decision 15/22, the Joint Programme of Work is led by the Secretariat, the United Nations Educational, Scientific and Cultural Organization, the International Union for Conservation of Nature and other partners.

¹⁰ Decision 15/8, annex I.

- 4.6 The Secretariat, in collaboration with indigenous peoples and local communities and other actors, is to organize the exchange of knowledge and to establish learning platforms to promote the implementation of the tasks in the programme of work.
- 4.7 All actors are to promote the co-production of new knowledge by indigenous peoples and local communities, scientists and other stakeholders necessary for the resilience, adaptation and continuation of customary sustainable use practices by indigenous peoples and local communities and biodiversity conservation under rapid environmental change.
- 4.8 The institutional arrangements remain to be determined, building on the guidelines and standards aimed at the national level and previous work on sui generis systems, and taking into account the safeguards framework, for developing a comprehensive and efficient safeguards framework (see decisions XII/3 and 14/15) for indigenous peoples and local communities and the promotion and management of their traditional knowledge, innovations and practices related to the conservation of biological diversity and the sustainable use of its components.

5. Strengthening implementation and monitoring progress

To contribute to the implementation of programmes of work and the Kunming-Montreal Global Biodiversity Framework through decisions, principles, guidelines and standards of relevance for indigenous peoples and local communities, and to strengthen the integration of Article 8(j) and other provisions of the Convention in the work undertaken under the Convention.

Tasks

- 5.1 Parties, in collaboration with national focal points on Article 8(j) and related provisions, are to promote the wider application, implementation and monitoring at the national level of adopted guidelines and other principles and standards, including by ensuring adequate financing and taking national policy, legal and administrative measures, with the full and effective participation of indigenous peoples and local communities. Examples of such guidelines and other principles and standards include:
 - (a) The Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions;¹¹
 - (b) The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or Which Are Likely to Impact on, Sacred Sites and Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;¹²
 - (c) The Tkarihwaié: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;¹³
 - (d) The Plan of Action on Customary Sustainable Use of Biological Diversity;¹⁴
 - (e) The Mo'otz Kuxtal Voluntary Guidelines;
 - (f) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity.¹⁵
- 5.2 All actors are to promote the implementation of the Gender Plan of Action (2023–2030),¹⁶ as appropriate, emphasizing the effective participation of indigenous peoples and local communities, taking into account the special role of gender, women, girls and young people in the generation, transmission and protection of traditional knowledge, conservation and

¹¹ Decisions 14/13, annex.

¹² Decision VII/16 F, annex.

¹³ Decision X/42, annex.

¹⁴ Decision [XII/12 B](#), annex.

¹⁵ Decision 14/12, annex.

¹⁶ Decision [15/11](#), annex.

protection of biological diversity and recognizing their equal rights and access to land and natural resources, taking into account national realities, circumstances and capacities.

- 5.3 The institutional arrangements remain to be determined for developing guidelines and proposals for the establishment of national incentive schemes for indigenous peoples and local communities to preserve and maintain their traditional knowledge, innovations, practices and technology and for the application thereof to national strategies and programmes for the conservation and sustainable use of biological diversity.
- 5.4 The institutional arrangements remain to be determined for developing guidelines on the operationalization of the four traditional knowledge indicators, contextualizing the land-use change and land tenure indicator,¹⁷ including by mapping existing indigenous and traditional territories, documenting legislation and recognizing indigenous peoples' land tenure rights and the collective actions of indigenous peoples and local communities, thereby contributing to the protection of biodiversity, and reporting on progress made.
- 5.5 The institutional arrangements remain to be determined for contributing to the continuous monitoring of the implementation of the programme of work on Article 8(j) and other provisions through the indicators of the status of and trends in traditional knowledge¹⁸ adopted under the previous programme of work, and their further operationalization under the renewed Joint Programme of Work on the Links Between Biological and Cultural Diversity.

6. Full and effective participation of indigenous peoples and local communities

To enable the full and effective participation of indigenous peoples and local communities, in particular indigenous women and girls, in decision-making related to biodiversity conservation and the implementation of the Kunming-Montreal Global Biodiversity Framework.

Tasks

- 6.1 The institutional arrangements remain to be determined for implementing and further developing enhanced participation mechanisms used by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention and increasing the Voluntary Funding Mechanism to support the effective participation of indigenous peoples and local communities in processes of relevance to the Convention and its Protocols.
- 6.2 Parties are to ensure the full and effective participation of indigenous peoples and local communities in the development, revision and implementation of national biodiversity strategies and action plans and national reports, and to strengthen partnerships and collaboration with indigenous peoples and local communities, recognizing their collective actions and contributions for the implementation of the Convention.

7. Human rights-based approach

To contribute to the application of a human rights-based approach, in accordance with the Kunming-Montreal Global Biodiversity Framework.

Tasks

- 7.1 The institutional arrangement is to be determined, in collaboration with the relevant United Nations bodies, including the Inter-Agency Support Group on Indigenous Peoples' Issues and

¹⁷ References to "land" include both lands and waters traditionally occupied or used by indigenous peoples and local communities.

¹⁸ The adopted indicators for traditional knowledge are: trends in land-use change and land tenure in the traditional territories of indigenous and local communities (decision X/43); trends in linguistic diversity and numbers of speakers of indigenous languages (decisions VII/30 and VIII/15); trends in the practice of traditional occupations (decision X/43); and trends in which traditional knowledge and practices are respected through their full integration, safeguards and full and effective participation of indigenous and local communities in the national implementation of the Strategic Plan.

its members, and other relevant organizations, as well as indigenous peoples and local communities, for:

(a) Supporting and promoting, as appropriate, traditional land tenure and securing land tenure for indigenous peoples and local communities;¹⁹

(b) Developing guidelines to promote a human rights-based approach in conservation efforts.

7.2 The Secretariat is to enhance collaboration with relevant bodies to promote the full protection of environmental human rights defenders, including from arbitrary persecution and lethal and non-lethal violence at the national and international levels

7.3 The institutional arrangement is to be determined for developing guidance on the implementation of Target 22 of the Framework with regard to access to justice and information related to biodiversity conservation by indigenous peoples and local communities.

7.4 The institutional arrangement is to be determined for reviewing and updating, as needed, the Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions to ensure continued alignment with international standards and practices, in particular the language adopted under the United Nations Declaration on the Rights of Indigenous Peoples.

8. Direct access to funding for biodiversity conservation by indigenous peoples and local communities

To promote the implementation of Target 19 of the Kunming-Montreal Global Biodiversity Framework, in particular in relation to supporting direct access to funding by indigenous peoples and local communities.

Tasks

8.1 In line with the request of the Conference of the Parties in its decision 14/16 of 30 November 2018, Parties are encouraged to make use of the guiding principles on assessing the contribution of collective action of indigenous peoples and local communities.

8.2 The Secretariat is to facilitate platforms to enhance the mobilization of financial resources within the scope of the Strategy for Resource Mobilization²⁰ for the implementation on the ground of the Convention by indigenous peoples and local communities, as well as to contribute to other international processes.

8.3 The institutional arrangement is to be determined for developing guidelines and principles for the development or improvement of existing policies, mechanisms and other appropriate initiatives and measures to ensure direct access to funding for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local community, including indigenous women and young people.

8.4 The Secretariat is to commission a study to identify good practices and gaps in policies, mechanisms and other measures to inform multiple initiatives regarding direct funding, also taking into account the need for adaptive strategies for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities, including actions to be carried out by indigenous women and young people.

¹⁹ References to “traditional tenure” include lands and waters.

²⁰ Decision [15/7](#), annex I.

Annex II

Proposed modus operandi of the permanent subsidiary body on Article 8(j) and other provisions of the Convention

I. Functions

1. The Subsidiary Body on Article 8(j) and other Provisions will perform its functions under the guidance of the Conference of the Parties to the Convention, and the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols for items referred to it by them. The functions of the Subsidiary Body on Article 8(j) and other Provisions are those contained in its terms of reference (decision XII/26, annex).

II. Areas of work

2. The functions of the Subsidiary Body on Article 8(j) and other Provisions, reflect the two interrelated areas of work described below. The Subsidiary Body on Article 8(j) and other Provisions undertakes work in these areas, *mutatis mutandis*, for matters referred to it by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

1. Provide advice on matters related to the respect, preservation, and maintenance of the knowledge, innovations and practices of indigenous peoples and local communities

3. This will include providing advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

2. Provide advice to the Conference of the Parties and other subsidiary bodies

4. This will include advice to the Conference of the Parties, other Subsidiary Bodies, and, subject to their request, the Conferences of the Parties serving as the meeting of the Parties to the respective Protocols, on all matters of relevance to indigenous peoples and local communities, including on the implementation of Article 8(j) and other provisions and the programme of work on Article 8(j) and other provisions.

III. Procedural matters

5. The work of the Subsidiary Body on Article 8(j) and other Provisions will be conducted in accordance with the relevant provisions of decision XII/26, including the following:

(a) In line with paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties apply, *mutatis mutandis*, to the meetings of Subsidiary Body on Article 8(j) and other Provisions with the exception of rule 18, which will not apply;

(b) The Subsidiary Body on Article 8(j) and other Provisions should meet in each intersessional period. The meetings of the subsidiary body should be, where feasible, and taking into account the experience of the Permanent Forum on Indigenous Issues, subject to rotation among the seven sociocultural regions identified by the Forum in order to provide opportunities for broader participation engagement and awareness-raising in each of those regions. The number and length of the meetings and activities of the Subsidiary Body and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extrabudgetary funding;

(c) When the Subsidiary Body on Article 8(j) and other Provisions serves a Protocol of the Convention, decisions under the Protocol shall be taken only by the Parties to the Protocol;

(d) The Subsidiary Body on Article 8(j) and other Provisions should undertake any tasks that fall within the scope of its terms of reference and those that are referred to it by the Conference of the Parties or the Conference of the Parties serving as the meetings of the Parties to the respective Protocols and should report on its work to these bodies.

6. The Subsidiary Body on Article 8(j) and other Provisions shall perform its functions under the guidance of a bureau that will be elected by the Subsidiary Body itself and comprising two members each from the five united nations regional groups. The bureau may involve representatives of indigenous peoples and local communities and upon the invitation of the Subsidiary Body, these representatives may to serve as friends of the bureau. The Chair of the Subsidiary Body will, however, be elected by the Conference of the Parties on the basis of nominations received by the regional group which exercises its turn. As a general rule, the chairing of the Subsidiary Body on Article 8(j) and other Provisions shall rotate among United Nations regional groups.¹ A co-chair representing indigenous peoples may be elected by the Conference of the Parties on the basis of nominations received indigenous peoples and local communities. The Chair will be elected at an ordinary meeting of the Conference of the Parties, and shall take office from the end of that meeting of the Conference of the Parties and remain in office until the successor takes office at the end of the next ordinary meeting of the Conference of the Parties. Candidates for the Chair of the Subsidiary Body should have experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities in the context of the Convention. The regional groups, when identifying a candidate, should take into account the availability of time by the candidates for the work of the Subsidiary Body on Article 8(j) and other Provisions. In the event that the Chair is from a country that is not a Party to one or both Protocols, a substitute would be assigned from among members of the Bureau representing a Party to the Protocol to chair items related to one or the other Protocol. The President of the Conference of the Parties will invite the Chair of the Subsidiary Body on Article 8(j) and other Provisions to preside over the sessions of the Bureau on matters related to the Subsidiary Body.

7. The Subsidiary Body on Article 8(j) and other Provisions may, within the budgetary resources approved by the Conference of the Parties or the Conference of the Parties serving as the meetings of the Parties to the Cartagena or Nagoya Protocols in respect to a specific decision by these bodies within the mandate of the Subsidiary Body, make requests to the Executive Secretary and utilize mechanisms under the Convention or its Protocols, as appropriate.

8. The Executive Secretary should provide to the Subsidiary Body the support necessary to carry out its functions and mandate. The Subsidiary Body, may, as appropriate, and subject to the availability of resources, use mechanisms that are established under the Convention. The meetings of the Subsidiary Body on Article 8(j) and other Provisions will be conducted in plenary sessions or, where the necessary budgetary resources have been approved by the Conference of the Parties, in open-ended sessional working groups, as appropriate. Up to two open-ended sessional working groups of the Subsidiary Body on Article 8(j) and other Provisions could be established and operate simultaneously during meetings of the Subsidiary Body. The working groups would not meet in parallel to the plenary. The working groups shall be established on the basis of well-defined terms of reference and will be open to all Parties and observers.

IV. Focal points

9. Parties should designate national focal points to follow up on the work of the Subsidiary Body. The existing national focal points for Article 8(j) and related provision may continue to be the focal points for the Subsidiary Body on Article 8(j) and other Provisions.

¹ Following the practice of rotation in the chairing of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, and with a view to avoiding that, at any one time, a regional group provides the chairs of more than one subsidiary body, the order of the regions from which the Chair of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention is elected shall be as follows: African States, Western European and other States, Asia-Pacific States, Latin America and Caribbean States, and Eastern European States.

V. Documentation

10. The Secretariat will use its best endeavours to make the documentation for meetings of the Subsidiary Body on Article 8(j) and other Provisions available three months before the opening of each meeting, and in any case at least six weeks before the opening of the meeting, in accordance with rule 10 of the rules of procedure for meetings of the Conference of the Parties.

11. The number and length of documents, including information documents, should be kept to a minimum and documentation should include proposed conclusions and recommendations for consideration by the Subsidiary Body on Article 8(j) and other Provisions.
