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WORKING GROUP ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE CONVENTION  
ON BIOLOGICAL DIVERSITY

Tenth meeting

Montreal, Canada, 13-16 December 2017

Item 4 of the provisional agenda\*

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

*Note by the Executive Secretary*

#### **INTRODUCTION**

1. At its thirteenth meeting, the Conference of the Parties to the Convention on Biological Diversity considered the glossary of key terms and concepts 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 decision XIII/19 B, paragraph 2, the Conference of the Parties requested the Executive Secretary to make the draft glossary available for peer review by Parties, Governments, relevant organizations and indigenous peoples and local communities for further refinement, prior to the tenth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, with a view to its adoption at the fourteenth meeting of the Conference of the Parties.

2. Accordingly the draft glossary was made available for an initial peer review from 27 January to 1 May 2017.<sup>2</sup> Taking into account the comments received, the Executive Secretary revised the draft glossary and made it available for a second peer review from 4 to 28 August 2017 in order to prepare an advanced draft to assist the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions in finalizing this matter at its tenth meeting.

3. Section I of the present document contains background information on the evolution of the glossary. Section II provides an overview of submissions received. Section III provides a draft recommendation for the consideration of the Working Group. The revised glossary is presented in the annex to the present document.

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\* CBD/WG8J/10/1.

<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> Notification SCBD/SPS/DC/VN/JS/DM/86220 dated 27 January 2017, at <https://www.cbd.int/wg8j-10/review/>, and extended to 1 May 2017 via notification Ref.: SCBD/SPS/DC/VN/JS/VF/jh/86220 dated 6 April 2017.

## I. BACKGROUND

4. At its fifth meeting, in 2000, the Conference of the Parties proposed the development of a set of definitions. This was contained task 12 of the programme of work on the implementation of Article 8(j) and related provisions, which was annexed to [decision V/16](#).

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 to develop a glossary of terms relevant to Article 8(j) and related provisions on the basis of submissions received.

6. In response to decision VII/16 H, submissions for a glossary were compiled and made available to the Working Group at its fourth meeting, in January 2006 (see [UNEP/CBD/WG8J/4/7](#), annex II), and the Working Group then made a recommendation to the Conference of the Parties (see [UNEP/CBD/COP/8/7](#), annex, recommendation 4/5).

7. The Conference of the Parties, at its eighth meeting,<sup>3</sup> in 2006, invited the submission of views on the definitions contained in annex II of the note by the Executive Secretary ([UNEP/CBD/WG8J/4/7](#)), which were then considered by the Working Group at its fifth and sixth meetings.<sup>4</sup> No action was taken by the Conference of the Parties at that time, however, 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>5</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 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, in decision XII/12 D, on tasks 7, 10 and 12, the Conference of the Parties decided to develop a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions.<sup>6</sup> In paragraph 5 of the same decision, the Conference of the Parties requested that the proposed glossary be drafted following a gap analysis.<sup>7</sup> In order to conduct a gap analysis, the Secretariat considered terms and concepts adopted under the Convention, the Nagoya Protocol, and the Akwé: Kon Guidelines<sup>8</sup> as a starting point and context for the discussions. As part of the gap analysis, the Secretariat

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<sup>3</sup> Decision VIII/5 E, para. 8.

<sup>4</sup> See [UNEP/CBD/COP/9/7](#), annex, recommendation 5/5, and [UNEP/CBD/COP/10/2](#), annex, recommendation 6/2.

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

<sup>6</sup> Decision XII/12 D on tasks 7, 10 and 12, decided to address the glossary in sub-task (iv).

<sup>7</sup> The gap analysis was made available to the Working Group on Article 8(j) at its ninth meeting (see [UNEP/CBD/WG8J/9/2/Add.1](#)).

<sup>8</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).

considered terms or concepts suggested in UNEP/CBD/WG8J/8/6/Add.1, annex I, which were compared to terms and concepts already adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines.

12. The Working Group took this matter up again at its ninth meeting, in 2015, 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>9</sup> and to develop a comprehensive glossary for the consideration of the Conference of the Parties at its thirteenth meeting. Based on this request, the Executive Secretary developed a glossary and made it available for peer review through a notification dated 5 August 2016.<sup>10</sup> Taking into account input received, the Executive Secretary issued a document entitled “A glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions” (UNEP/CBD/COP/13/17), with the revised glossary provided as an annex, for the thirteenth meeting of the Conference of the Parties.<sup>11</sup>

13. At its thirteenth meeting, the Conference of the Parties considered the draft glossary and, in decision XIII/19 B, paragraph 1, recommended further consideration of the draft glossary by the Working Group on Article 8(j) at its tenth meeting. In paragraph 2 of the same decision, the Conference of the Parties requested the Executive Secretary to make the draft glossary available for peer review by Parties, Governments, relevant organizations and indigenous peoples and local communities for further refinement, prior to the tenth meeting of the Working Group on Article 8(j) and Related Provisions, with a view to its adoption at the fourteenth meeting of the Conference of the Parties.

14. Pursuant to the decision of the Conference of the Parties, the Executive Secretary made the draft glossary available for peer review. Two periods of peer review were provided for: from 27 January to 1 May and from 4 to 28 August 2017.

## II. AN OVERVIEW OF SUBMISSIONS RECEIVED

15. As a result of the first peer-review process,<sup>12</sup> submissions were received from 12 Parties, 1 other Government, 12 non-governmental organizations and 4 indigenous peoples’ and local communities’ organizations.<sup>13</sup> During the second peer-review process,<sup>14</sup> submissions were received from three Parties, one other Government, two United Nations organizations, two indigenous organizations and one university.<sup>15</sup> An analysis of the submissions provides an insight into which terms and concepts enjoy support versus terms and concepts on which there remains divergence.

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

<sup>10</sup> Notification 2016-099 (Ref. No. SCBD/SPS/CG/VN/KG/jr/85891), dated 5 August 2016, requesting comments by 6 September 2016.

<sup>11</sup> Peer comments received were made available in documents UNEP/CBD/COP/13/INF/5 and UNEP/CBD/COP/13/INF/5/Add.1.

<sup>12</sup> See notification SCBD/SPS/DC/VN/JS/DM/86220 dated 27 January 2017.

<sup>13</sup> Submissions were received from the following Parties: Australia; Bolivia; Brazil; Canada; European Union and its member States together with national contributions from Finland and Sweden; Mexico; Peru; Venezuela; Switzerland; and Japan. Submissions were also received from the following non-Parties: United States of America and the following organizations: Assembly of First Nations (AFN); Coordinator of Indigenous Organizations of the Amazon River Basin (COICA); Global ICCA Support Initiative/UNDP/GEF-Small Grants Programme; International Institute for Environment and Development and partners; International Labour Organization (ILO); Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES); and Indigenous Women’s Biodiversity Network (IWBN) for Latin America and Caribbean Region, and one submission from a Senior Research Fellow from Coventry University.

<sup>14</sup> See notifications SCBD/SPS/DC/VN/JS/jh/86690 (2017-070) dated 7 July 2017 and SCBD/SPS/DC/JS/86690 (2017-072) dated 4 August 2017.

<sup>15</sup> Canada, Norway, Plurinational State of Bolivia, United States of America; Food and Agriculture Organization of the United Nations (FAO); the Indigenous Knowledge and Peoples Network; the Society for Wetland Biodiversity Conservation Nepal, and the Australian National University.

16. Based on the analysis of the views received, the following terms appear to enjoy some support and are retained in the draft glossary: biocultural diversity;<sup>16</sup> biocultural heritage; community protocols; cultural heritage; sacred species; traditional custodian; traditional resources; and traditional territories.

17. The following terms and concepts received strong opposition in the peer-review process and have therefore not been included in the current draft glossary: indigenous and tribal peoples; and innovation.

18. As mentioned above, where proposals for revisions have been received for terms and concepts arising from the note by the Executive Secretary on *sui generis* systems for the protection of traditional knowledge (UNEP/CBD/WG8J/8/6/Add.1, annex, section II),<sup>17</sup> these have been taken into account with a view to ensuring that the text provided is both clear and concise, taking into account different points of view in order to develop a text that may enjoy consensus.

19. Also, in response to two submissions, the concept of “indigenous peoples’ and local communities’ community conservation areas”, also referred to as “ICCAs”, is included<sup>18</sup> since this concept has been used in official decisions of the Conference of the Parties.<sup>19</sup>

20. Additionally, terms and concepts endorsed or adopted in decisions of the Conference of the Parties are retained in the language of adoption. They include: customary sustainable use, indigenous and local communities, indigenous peoples and local communities, “Prior and informed consent” or “free, prior and informed consent” or “approval and involvement”, traditional knowledge, as well as terms endorsed in decision VII/16 F on the Akwé: Kon Voluntary Guidelines<sup>20</sup> which are: cultural impact assessment, cultural heritage impact assessment, customary law, environmental impact assessment, sacred site, social impact assessment, strategic environmental assessment, and traditional knowledge.

21. The draft glossary as presented in annex I is organized as follows: Section I contains terms and concepts derived from the text of the Convention; Section II contains terms contained in guidelines endorsed or adopted by the Conference of the Parties. Section III contains terms and concepts derived from document UNEP/CBD/WG8J/8/6/Add.1, revised in the light of comments received in the peer review. Section IV contains additional relevant terms and concepts.

22. During the two peer review processes conducted in 2017, Parties, other Governments, indigenous peoples, local communities and others were invited to provide views. However, as sections I and II contain terms and concepts based on the text of the Convention and decisions of the Conference of the Parties, these terms or concepts have not been modified. Based on the views received, the Executive Secretary has

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<sup>16</sup> This term “biocultural” is used in decision XII/12, B, Annex, which endorses the global Plan of Action on Customary Sustainable Use and was submitted and recommended in the peer review process.

<sup>17</sup> Those terms and concepts include: biocultural heritage, cultural heritage, innovations, sacred species, traditional custodian, traditional territories, and traditional resources.

<sup>18</sup> “Territories (lands and waters) and areas conserved by indigenous peoples and local communities” also referred to as Indigenous peoples Protected Areas and the acronyms ICCAs and IPAs, respectively.

<sup>19</sup> ICCAs are natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means. ICCAs can include ecosystems with minimum to substantial human influence as well as cases of continuation, revival or modification of traditional practices or new initiatives taken up by communities in the face of new threats or opportunities. Several of them are inviolate zones ranging from very small to large stretches of land and waterscapes. The term “ICCA” is an abbreviation for a phenomenon that has many diverse manifestations and names in cultures and locations around the world. These include wilayah adat, himas, agdals, territorios de vida, territorios del buen vivir, tagal, qoroq-e bumi, yerli qorukh, faritra ifempivelomana, qoroq, ancestral domains, country, community conserved areas, territorios autonomos comunitarios, sacred natural sites, locally managed marine areas, and many others. The ICCA abbreviation may encompass, but should never submerge, the diversity of such terms, which is a value in itself. Local / customary names should always be preferentially used, leaving the term ‘ICCA’ for general or intercultural communication, as per ICCA consortium <https://www.iccaconsortium.org/index.php/discover/>.

<sup>20</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.

prepared a revised final draft recommendation and glossary (see annex I) for the consideration of the Working Group at its tenth meeting.

### III. SUGGESTED RECOMMENDATION

23. The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions may wish to recommend that the Conference of the Parties adopt a decision along the following lines:

*The Conference of the Parties,*

*Noting* that clarity in terms and concepts within the context of Article 8(j) and related provisions can assist in the effective and consistent implementation of Article 8(j) and related provisions in order to achieve Aichi Biodiversity Target 18 by 2020,

*Also noting*, that a common understanding of key terms and concepts within the context of Article 8(j) and related provisions in meetings held under the Convention may assist the Parties in achieving consensus in future decisions and directions taken under the Convention, including in developing post-2020 arrangements,

1. *Agrees* to the glossary of key terms and concepts within the context of Article 8(j) and related provisions as contained in the annex to the present decision;
2. *Encourages* Parties, other Governments and observers to make use of the glossary, as appropriate, and to take it into account in future work under the Convention;
3. *Requests* the Working Group to keep the glossary in mind in its future work, as a living resource and reference, and to revisit and update the glossary as needed.

*Annex*

The present 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, nor is it intended to be exhaustive. The glossary is intended for use on a voluntary basis.

The use of the glossary is without prejudice to the terminology used in the Convention and may not be interpreted as implying for any Party a change in rights or obligations under the Convention.

The glossary is intended to facilitate a common understanding of terms and concepts used in the context of Article 8(j) and related provisions, in meetings held under the Convention.

Concerning national use, terms and concepts are subject to national legislation and the diverse national circumstances of each Party or Government, noting that many Parties have specific understandings of terms and concepts that they may already apply within their jurisdiction.

Terms and concepts described below complement the terms contained in the Convention and the Nagoya Protocol.

Terms and concepts 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, endorsed in decision VII/16 F, and the Mo'otzkuxtal Voluntary Guidelines adopted and welcomed in decision XIII/18 are included, as they are directly related to Article 8(j) and related provisions.

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, in meetings held under the Convention.

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.

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

<b>Section I</b>	
<b>Terms and concepts derived from the text of the Convention on Biological Diversity or decisions made under the Convention</b>	
<b>Term or concept</b>	<b>Understanding of the term or concept within the context of the Convention</b>
Traditional knowledge <sup>21</sup>	The knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. <sup>22</sup>
Customary sustainable use	Uses of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements. <sup>23</sup>
Indigenous and local communities or Indigenous peoples and local communities <sup>24</sup>	The Convention on Biological Diversity does not define the terms “indigenous and local communities” or “indigenous peoples and local communities.” The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition for “indigenous peoples”, and a definition is not recommended. <sup>25, 26</sup>
<b>Section II</b>	
<b>Terms and concepts derived from outputs of the programme of work on Article 8(j) and related provisions and adopted or endorsed by the Conference of the Parties to the Convention on Biological Diversity</b>	
<b>A. 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</b>	

<sup>21</sup> Also referred to in the IPBES process as “indigenous and local knowledge”. In this process, indigenous and local knowledge systems are in general understood to be dynamic bodies of integrated, holistic, social and ecological knowledge, practices and beliefs pertaining to the relationship of living beings, including people, with one another and with their environments. Indigenous and local knowledge is grounded in territory, is highly diverse and is continuously evolving through the interaction of experiences, innovations and various types of knowledge (written, oral, visual, tacit, gendered, practical and scientific). (See IPBES-5/1, Annex II).

<sup>22</sup> Derived from Article 8(j) and endorsed in decision VII/16 F on the Akwe: Kon Guidelines.

<sup>23</sup> Derived from Article 10(c).

<sup>24</sup> In decision XII/12 F, the Conference of the Parties decided to use the term “indigenous peoples and local communities” in future decisions under the Convention, without affecting in any way the legal meaning of Article 8(j) and related provisions of the Convention. Similar decisions were subsequently made by the Parties to the Cartagena and Nagoya Protocols, in December 2016 in decisions CBD/CP/MOP/DEC/VIII/19, and CBD/NP/MOP/DEC/2/7, respectively.

<sup>25</sup> Note: The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition for “indigenous peoples”; therefore, a definition is not recommended. However, the United Nations Permanent Forum on Indigenous Issues, as an expert body, provides advice on the “concept of indigenous peoples” by referring to the report of the Special Rapporteur, Mr. José Martínez Cobo, on the study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1982/2/Add.6), available at: [http://www.un.org/esa/socdev/unpfii/documents/MCS\\_v\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/MCS_v_en.pdf)

<sup>26</sup> Advice on local communities is available in decision XI/14, paragraphs 17-21 on local communities, and the report of the Expert Group Meeting of Local Community Representatives within the Context of Article 8(j) and Related Provisions (UNEP/CBD/WG8J/7/8/Add.1).

<b>Term or concept</b>	<b>Understanding of the term or concept within the context of the Convention</b> <i>*Note that the following terms and concepts were endorsed by the Conference of the Parties in decision VII/16 F on the Akwe: Kon Guidelines and should be applied also within the context of Article 14 of the Convention on Impact Assessment and Minimizing Adverse Impacts.<sup>27</sup></i>
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.
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.
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.
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 socioeconomic, cultural and human health impacts, both beneficial and adverse.
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.
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.
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.

<sup>27</sup> Article 14 of the Convention on Biological Diversity (“Impact Assessment and Minimizing Adverse Impacts”).



<b>B. Mo'otz Kuxtal Voluntary Guidelines for Traditional Knowledge</b> Decision XIII/18	
<b>Term or concept</b>	<b>Understanding of the term or concept within the context of the Convention</b> <i>Note these terms are understood in the context of access to traditional knowledge within the mandate of the Convention on Biological Diversity</i>
“Prior and informed consent” or “free, prior and informed consent” or “approval and involvement”	<p>Free implies that indigenous peoples and local communities are not pressured, intimidated, manipulated or unduly influenced and that their consent is given, without coercion;</p> <p>Prior implies seeking consent or approval sufficiently in advance of any authorization to access traditional knowledge respecting the customary decision-making processes in accordance with national legislation and time requirements of indigenous peoples and local communities;</p> <p>Informed implies that information is provided that covers relevant aspects, such as: the intended purpose of the access; its duration and scope; a preliminary assessment of the likely economic, social, cultural and environmental impacts, including potential risks; personnel likely to be involved in the execution of the access; procedures the access may entail and benefit-sharing arrangements;</p> <p>Consent or approval is the agreement of the indigenous peoples and local communities who are holders of traditional knowledge or the competent authorities of those indigenous peoples and local communities, as appropriate, to grant access to their traditional knowledge to a potential user and includes the right not to grant consent or approval;</p> <p>Involvement refers to the full and effective participation of indigenous peoples and local communities, in decision-making processes related to access to their traditional knowledge. Consultation and full and effective participation of indigenous peoples and local communities are crucial components of a consent or approval process;</p>
Community protocols	<p>Covers a broad array of expressions, articulations, rules and practices generated by communities to set out how they expect other stakeholders to engage with them. They may reference customary as well as national or international laws to affirm their rights to be approached according to a certain set of standards. Articulating information, relevant factors, and details of customary laws and traditional authorities helps other stakeholders to better understand the community’s values and customary laws. Community protocols provide communities an opportunity to focus on their development aspirations vis-à-vis their rights and to articulate for themselves and for users their understanding of their biocultural heritage and therefore on what basis they will engage with a variety of stakeholders. By considering the interconnections of their land rights, current socioeconomic situation, environmental concerns, customary laws and traditional knowledge, communities are better placed to determine for themselves how to negotiate with a variety of actors.<sup>28</sup></p>

<sup>28</sup> See decision XIII/18, paragraph 19 of the Mo'otz kuxtal voluntary guidelines for traditional knowledge.

<b>Section III</b>	
<b>Terms and concepts developed by the Working Group<sup>29</sup></b>	
<b>Term or concept</b>	<b>Understanding of the term or concept within the context of the Convention</b>
Biocultural diversity	<i>Biocultural diversity</i> is considered as biological and cultural diversity and the links between them. This definition is based on an understanding of indigenous and local community knowledge that is produced and maintained in individual and collective ways at the interface between biological and cultural diversity. Manifestations of indigenous and local community knowledge are evident in many social and ecological systems.
Biocultural heritage	<i>Biocultural heritage</i> reflects the holistic approach of many indigenous peoples and local communities. This holistic and collective conceptual approach also recognises knowledge as “heritage”, thereby reflecting its custodial and intergenerational character. Biocultural diversity has a heritage value building on the links between biological and cultural diversity. The cultural landscapes inscribed under the World Heritage Convention are examples of biocultural heritage.  Traditional knowledge, or indigenous and local knowledge, is at the interface between biological and cultural diversity. It is maintained and produced in individual and collective ways. Manifestations of indigenous and local knowledge are evident in many social and ecological systems.
Cultural heritage	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. Tangible cultural heritage includes but is not limited to cultural landscapes, sites, structures, and remains of archaeological, architectural, historical, religious, spiritual, cultural, or aesthetic value or significance, human remains. Intangible cultural heritage includes but is not limited to traditional knowledge, including for medicine, traditional food preparation and diets, as well as species and ecosystem management, and traditional cultural expressions’ including songs, dances, artistic expressions, stories, beliefs, relationships and associated values and histories.  The concept can also include gender specific heritage values.
Sacred species	A plant or animal that indigenous peoples and local communities deem to be of particular importance in accordance with the traditions and/or customs because of its religious or spiritual significance.
Traditional custodian	The group, clan or community of people, or an individual who is recognized by a group, clan or community of people, 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.
Traditional resources	Biological assets used traditionally by indigenous peoples and local communities.

<sup>29</sup> These terms and concepts are derived from a document on possible elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous and local communities issued for the eighth meeting of the Working Group ([UNEP/CBD/WG8J/8/6/Add.1](#), annex, section II).

Traditional territories	Lands and waters traditionally occupied, or used by indigenous peoples and local communities. <sup>30</sup>
<b>Section IV. Other relevant terms and concepts</b>	
<b>Term or concept</b>	<b>Understanding of the term or concept within the context of the Convention</b>
Indigenous peoples' and local communities' community conservation areas (ICCAs)	<p>Indigenous peoples' and local communities' community conservation areas are natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means. ICCAs can include ecosystems with minimum to substantial human influence as well as cases of continuation, revival or modification of traditional practices or new initiatives taken up by communities in the face of new threats or opportunities. Several of them are inviolate zones ranging from very small to large stretches of land and waterscapes. The term encompasses diverse manifestations and names in cultures and locations around the world.<sup>31</sup> Local/customary names should be preferentially used, leaving the term "indigenous peoples' and local communities' community conservation areas" for general or intercultural communication.<sup>32</sup></p> <p>Territories (lands and waters) and areas conserved by indigenous peoples and local communities are also referred to as indigenous peoples' protected areas (IPAs).</p>

<sup>30</sup> This definition commonly used in the Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities, which was adopted by the Conference of the Parties to the Convention on Biological Diversity in decision X/42.

<sup>31</sup> These include wilayah adat, himas, agdals, territorios de vida, territorios del buen vivir, tagal, qoroq-e bumi, yerli qorukh, faritra ifempivelomana, qoroq, ancestral domains, country, community conserved areas, territorios autónomos comunitarios, sacred natural sites, locally managed marine areas, and many others. The use of ICCAs may encompass, but should never submerge, the diversity of such terms, which is a value in itself.

<sup>32</sup> As per the ICCA Consortium at <https://www.iccaconsortium.org/index.php/discover/>