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CONVENTION ON BIOLOGICAL DIVERSITY

Fourteenth meeting

Item 13 of the provisional agenda*

Sharm El-Sheikh, Egypt, 17-29 November 2018

**COMPILATION OF VIEWS ON POSSIBLE ELEMENTS OF A FUTURE PROGRAMME OF
WORK ON ARTICLE 8(J) AND RELATED PROVISIONS AS PART OF THE POST-2020
BIODIVERSITY FRAMEWORK AS WELL AS POSSIBLE INSTITUTIONAL
ARRANGEMENTS AND THEIR MODUS OPERANDI**

Note by the Executive Secretary

INTRODUCTION

1. As requested in paragraph 2 of recommendation 10/3 of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, the Executive Secretary is circulating herewith, for the information of participants in the fourteenth meeting of the Conference of the Parties, a compilation of views and comments submitted to the Secretariat in response to notification 2018-047,¹ dated 8 May 2018, regarding:

(a) Possible elements of a future programme of work on Article 8(j) and related provisions as part of the post-2020 biodiversity framework;

(b) Possible institutional arrangements and their modus operandi.

2. Submissions were received from Australia, Canada, Colombia, European Union and its Member States, and South Africa. Submissions were also received from the following relevant organizations: Comité de Coordination des Peuples Autochtones d'Afrique (IPACC), the International Indigenous Forum on Biodiversity (IIFB), local community groups in Antigua and Barbuda, Red de Estudios sobre la Diversidad del Sur (RedSur), the Swedish network for practitioners of traditional ecological knowledge (Swedtek), the Water-Culture Institute, and Dr Larry Gorenflo and Dr Suzanne Romaine.² Views were also collected as part of the Latin America and the Caribbean regional workshop on traditional knowledge, Tepoztlán, México, 2-6 April 2018; the Pacific regional workshop on traditional knowledge, Whangārei, New Zealand, 21-25 May 2018; the Asian regional workshop on traditional knowledge, Kandy, Sri Lanka, 27-31 July 2018; and the African regional workshop on traditional knowledge, Marrakesh, Morocco, 8-12 October 2018. The submissions have been reproduced in the form and languages in which they were provided to the Secretariat.

* CBD/COP/14/1.

¹ <https://www.cbd.int/doc/notifications/2018/ntf-2018-047-tk-en.pdf>

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SUBMISSIONS

A. Submissions from Parties

Australia

SUBMISSION

Australia thanks the Secretariat for the invitation, communicated in its Notification 2018-047 Ref SCBD/SPS/AS/JS/VF/87320 of 8 May 2018, to submit views on possible elements of a future programme of work on Article 8(j) and related provisions, as part of the post-2020 biodiversity framework, as well as possible institutional arrangements and their modus operandi. We also thank the Secretariat for granting us an extension for our response.

We would like to thank the Secretariat for progressing work on the further integration of Article 8(j) and related provisions into the work of the Convention and its Protocols, on the future of the Working Group on Article 8(j) and on a future work programme. We see these considerations as critically important in the context of the negotiations on the post-2020 arrangements.

Australia would like to reiterate that while we do not hold a strong position on the three options proposed for changing the current Working Group structure, we look forward to ongoing discussion and meaningful domestic consultation on these options. Our main priority going forward is that any group or body should have the ability to ensure Indigenous issues are considered fully, and that Indigenous Peoples and Local Communities can fully participate in decisions of relevance.

Australia is also of the view that regardless of what option is agreed, implementation of any resulting changes must not be rushed. We are pleased to see the need for timely and considered consultation and engagement is reflected in the road map.

Australia was pleased the Subsidiary Body on Implementation at its 2nd meeting upheld the decision by the Working Group on Article 8(j) at its 10th meeting, with the removal of brackets around the options for the future structure of the Working Group post-2020. This decision now enables Australia to commence domestic consultation and engagement with Indigenous Peoples and Local Communities, amongst all levels of government and with non-government organisations. We look forward to the 14th meeting of the Conference of the Parties also supporting the decisions made by the Working Group and the Subsidiary Body in Egypt.

We look forward to working with the Secretariat, Parties to the Convention, Indigenous Peoples and Local Communities, and with governments and organisations nationally, to progress this work over the next 2 years.

Canada

SUBMISSION

Purpose

1. In notification 2018-047 Parties, Governments, Indigenous peoples and local communities and relevant international organizations were invited to submit views to the Executive Secretary on “Possible elements of a program of work on Article 8(j) and related provisions, as part of the post-2020 Biodiversity framework, as well as possible institutional arrangements and their modus operandi” in order to facilitate preparations for the fourteenth meeting of the Conference of the Parties to the Convention and support discussions on ways and instruments for achieving full integration of Article 8(j) and provisions related to Indigenous peoples and local communities in the work of the Convention and its Protocols.

2. In response to the above notification, Canada submits the following views and comments.
3. The Government of Canada is committed to supporting effective participation of Indigenous peoples and local communities (IPLCs) in the implementation of the Convention on Biological Diversity (CBD). Canada has played an influential role since the early developments of the implementation of the CBD's Article 8(j). This has been partly as a result of the interaction between the Canadian government and IPLCs in Canada. Canada has formally included representatives from National Indigenous Organizations on its CBD delegations and has financially supported Indigenous representation to ensure their perspectives are taken in consideration.
4. Canada has consistently reaffirmed the need for an enhanced participation of IPLCs at the CBD, particularly through the strengthening of the Working Group on Article 8(j) (WG8(j)) and in other fora under the Convention including its subsidiary bodies. Canada is of the view that recent discussions within the CBD on the future of the WG8(j) represent an opportunity to recognize the importance and value of IPLCs in the CBD and the relationship and unique perspective they maintain with biodiversity. Indeed, all Parties to the CBD have agreed, as far as possible and subject to their national legislation, to respect, preserve and maintain knowledge, innovations and practices of IPLCs embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The CBD's WG8(j) represents the main method used by the CBD to achieve this goal.
5. The WG8(j) has existed as part of Convention processes since 1998 - nearly 20 years. Canada believes that many matters of the CBD are relevant to IPLCs and would benefit from their ongoing participation and expert advice in Convention processes through the establishment of a permanent subsidiary body. This strengthens the need for ongoing expert advice and participation by IPLCs and Canada believes that whether or not the postponed tasks assigned to the WG8(j) have been fully completed, the value of the WG8(j) extends beyond tasks. The CBD needs a permanent body that provides a forum for IPLCs to channel their unique and important perspectives on the CBD's work.
6. Therefore, Canada would be interested in exploring questions around key elements of a new permanent body that would be embedded in the current institutional structure of the CBD. As such Canada offers the specific comments below on possible mandate, objectives, functions and roles of a new permanent body, as well as related governance considerations.

a) Mandate of a new, permanent body

Canada is of the view that the new permanent body could be mandated to provide advice to the COP and other CBD bodies, and subject to their approval, the COP serving as the meeting of the Parties to the respective Protocols, on matters that are relevant to IPLCs and are within the scope of the Convention. While a new permanent body could continue addressing specific issues and gaps of relevance to IPLCs and the Convention, it could also assume a mandate to provide advice to the COP, the Subsidiary Body on Implementation (SBI) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) on issues related to IPLCs. This could include providing advice from the perspective of IPLCs on draft decisions submitted to the COP by SBSTTA and SBI. As such, the new body would have an advisory, rather than a decision-making or negotiating mandate.

b) Objective of a new, permanent body

The overall objective of the new permanent body could be to contribute to respect, preserve and maintain knowledge, innovations and practices of IPLCs relevant for the conservation and sustainable use of biological diversity and promote their wider application, by ensuring that CBD decisions benefit from the perspective and experiences of IPLCs, and enhancing the participation of IPLCs in the Convention.

c) Functions and roles of a new, permanent body

The new permanent body could have two roles: (a) to provide advice to Parties and other organizations, through the COP, on how they could more effectively implement Article 8(j), including, inter alia: guidance to Parties, identification of policy and implementation gaps, reviewing existing processes and initiatives, amongst other areas; (b) to provide advice to Parties on the perspectives of IPLCs on relevant draft COP decisions developed by SBSTTA and SBI.

d) Governance and participation in a new, permanent body

The possible governance modality of a new permanent body would require extensive consultation within the CBD community. If accepted in principle, the new permanent body could function with a similar structure to the existing subsidiary bodies. The modalities to enhance the participation of IPLCs under the WG8(j) would be retained, with IPLCs representation on a Bureau and the ability of IPLCs to intervene as Parties do. Should Parties agree that the role of the new permanent body is an advisory one, it could be proposed that IPLCs have a certain number of seats, with the responsibility to represent the views of the broader IPLCs community and the ability to propose language to be considered in the development of the new body's advice. The COP would retain its role as the ultimate decision-making body at the CBD.

7. With respect to possible elements of a program of work, it should be noted that during SBI-2, Parties highlighted the need to ensure a more holistic, forward-looking and integrated approach when defining the elements of the program of work on Article 8(j) and related provisions. Canada also supports taking into consideration the goals and objectives of related developments, in particular the 2030 Agenda for Sustainable Development, the Paris Agreement, as well as the future post-2020 biodiversity framework.

Colombia

SUBMISSION

El 10 de mayo de 2018 la Secretaría del CBD emitió la notificación sobre *Posibles elementos de un futuro programa de trabajo sobre el Artículo 8 (j) y disposiciones relacionadas como parte del marco de la biodiversidad post- 2020, así como posibles arreglos institucionales y su modus operandi*³.

Se solicita a las Partes a presentar opiniones a la Secretaría Ejecutiva sobre posibles elementos de un futuro programa de trabajo sobre el Artículo 8 (j) y disposiciones relacionadas⁴.

A continuación, se presentan los insumos de COLOMBIA sobre el tema.

Posibles elementos de un futuro programa de trabajo sobre el Artículo 8 (j)

Como parte del un nuevo Plan de Trabajo en el marco de la diversidad biologica posterior a 2020, COLOMBIA considera importante incluir los siguientes temas:

1. Relación, uso y sistemas de protección del Conocimiento Tradicional asociado a Recursos Genéticos. Distribución justa y equitativa de beneficios que se derivan del acceso.
2. Sistemas Propios de Protección de los Conocimientos Tradicionales por parte de PI y CL - Protocolos bioculturales.
3. Sistemas propios de registro de CT.

³ <https://www.cbd.int/doc/notifications/2018/ntf-2018-047-tk-es.pdf>

⁴ Esta solicitud está en consonancia con las disposiciones del párrafo 2 de la recomendación 10/3 del Grupo de Trabajo Especial: “*Decide asimismo* considerar la posibilidad de elaborar un programa de trabajo plenamente integrado sobre el artículo 8 j) y disposiciones conexas dentro del marco de la diversidad biológica posterior a 2020 sobre la base de los logros alcanzados hasta la fecha, teniendo también en cuenta la Agenda 2030 para el Desarrollo Sostenible los Objetivos de Desarrollo Sostenible y el Acuerdo de París, así como las carencias que se hayan detectado”.

4. Seguimiento y revision de la implementacion de las directrices, guias y demas recomendaciones del WG8j para contribuir al fortalecimiento de los procesos nacionales de proteccion de los CT.
5. Fortalecimiento de las capacidades institucionales públicas y comunitarias para abordar el tema (formacion, acompañamiento y adaptacion insitucional publica).
6. Intercambio de expertos y experiencias sobre proteccion y uso del CT entre pueblos, paises y regiones.
7. Herramientas de permanencia o retorno a territorios propios que permitan usos y modos tradicionales.

Posibles arreglos institucionales y su modus operandi

De acuerdo con el documento preparado por la Secretaria se contemplan 3 posibles escenarios para el futuro del Grupo de Trabajo 8j (en adelante GT8J):

- a. Que el GT8J se elimine y las cuestiones de trabajo sean integradas a los trabajos que realiza el Órgano Subsidiario de Asesoramiento Científico, Técnico y Tecnológico (SBSTTA).
- b. Que el GT8J se convierta en un órgano subsidiario que trabaje sobre estas cuestiones.
- c. Que el GT8J continúe con el mismo status y un nuevo plan de trabajo.

Frente a las anteriores posibilidades, COLOMBIA considera que es importante tener en cuenta los siguientes elementos frente a la decision que se tome:

1. Frente a las recomendaciones presentadas en el documento CBD/SBI/2/21, Colombia celebra el trabajo del Grupo de Trabajo 8J y reconoce la importancia que este tiene para la consecución de los objetivos de la Convención; por lo que damos la bienvenida a las discusiones sobre el futuro del mismo.
2. Encontramos la necesidad de contar con mayor información sobre las implicaciones financieras de los tres escenarios estudiados por la Secretaría.
3. Contar con un nuevo Plan de Trabajo en el marco de la diversidad biologica posterior a 2020, es esencial para continuar trabajando temas emergentes relacionados no solo con CT sino con el manejo y uso consuetudinario de la biodiversidad por parte de PI y CL.
4. Contar con una Instancia formal para discutir y tramitar temas esenciales para los PI y CL en el marco del CBD, permitirá no solo enriquecer las deliberaciones y decisiones, sino brindar espacios de participación legítimos que permitan contar con decisiones mejor sustentadas y robustas.
5. La posibilidad de tener una instancia de más largo plazo que permita acompañar el desarrollo de un nuevo plan de trabajo es clave para hacer un seguimiento y evaluación de su cumplimiento.
6. Es importante, tener la posibilidad de incluir temas emergentes en el nuevo plan de trabajo que permitirán ampliar los análisis y las opciones de cara al cumplimiento de las metas.

Finalmente, reiteramos nuestro interés de participar en el proceso de construcción de un nuevo plan de trabajo del Grupo de Trabajo sobre el artículo 8J, e insistimos que, a partir de la información conocida hasta el momento, no consideramos que la creación de un Órgano Subsidiario sea pertinente o necesaria.

European Union and its Member States

SUBMISSION

The EU and its Member States stress the important role that indigenous peoples and local communities (IPLC) have had for the implementation of the convention so far. A substantial proportion of the practical work concerning conservation and sustainable use of biodiversity has proven to be conducted by IPLC-

representatives in many parts of the world. Over time this has been recognized by parties to CBD and today, collective actions by IPLC's can constitute a part of the financial reporting. Traditional knowledge and customare sustainable use will offer a fundamental base for the implementation of the CBD also in the future work. The development of a new programme of work on Article 8(j) and related provisions as a fully integrated part of the post-2020 biodiversity framework as well as the institutional arrangement for this, should reflect this importance.

The existing institutional arrangements, providing for the full and effective participation of IPLC in the work of the CBD have, to some extent, constituted guiding principles for how IPLC related issues can be integrated in other multilateral co-operation under the UN. The full and effective participation of IPLC-representatives in the CBD work has resulted in inter-cultural interactions and learning across governments, the IPLC representatives, and other experts. These interactions can stimulate further collaborative projects back home on national level, such as through the Plan of Action on Customary Sustainable Use (Decision XII/12), and IPLC contribution to National Reporting through Community Based Monitoring and Information Systems (XII/12). The institutional arrangements for the work to come should be based on the experiences already gained, and the EU and its Member States are ready to engage in a process that will make the interactions between governments and IPLC even more efficient and transparent.

The EU and its Member States would also like to stress the fact that the representatives for IPLC may have limited capacity and resources to follow and to engage in the CBD-process. Much work is done by voluntary contribution from individuals. In the work to come, the EU and its Member States believe that the institutional arrangements should reflect this. The arrangements should provide for continuity and regularity so that IPLC can prepare in good time for their engagement, and follow the CBD process over time. We would not promote an arrangement where the IPLC are requested to participate on a need-based request from parties to the CBD. We either don't believe in an expert body that limits participation to selected indigenous experts. It is important to maintain the open-ended and inclusive spirit of the current structure.

The following principles should be applied for the work to come:

The EU and its Member States believe that future work relating to IPLCs should be organized in a way that meets the following four criteria:

Continuity: future work should build on the accomplishments of the work in the WG8j, especially given that it has served as a good practice in the wider UN system and has led to constructive partnerships, including with IPLCs;

IPLC participation: We must ensure full and effective participation of IPLCs on matters directly affecting them;

Increased focus on implementation: future arrangements should reflect the need to progressively shift the focus of further work on IPLCs to the implementation of existing guidance;

Efficiency: Any future arrangements should be cost-efficient and without significant budget implications compared to the current arrangement.

The new PoW would intend to be an effective intercultural learning platform for exchange of experiences and information, across governments, IPLCs and other experts, based on equity and reciprocity and usefulness for all involved, applying a Multiple Evidence Base approach (COPXII/12) , where the diversity of indigenous, local and scientific knowledge systems are seen as equally valid and contributing to conservation and sustainable use each on their own term.

A future programme of work

Process:

The specific tasks that should constitute the foundation in the future PoW need to be developed in an iterative manner to become efficient tools in the implementation of the post-2020 biodiversity framework.

This requires that the parallel development of the framework on other CBD related subjects is revisited during the process. A process for this should be decided at CBD COP 14. The EU and its Member States propose that during the intersessional period between COP 14 and 15, an AHTEG is commissioned to provide the elements of a PoW, to be further developed by the open-ended working group for Article 8(j) and related provisions at its eleventh meeting (WG8j 11). The WG8j 11 could preferably be held back-to-back with SBSTTA 23 which will offer an opportunity for the two constellations to collaborate in the development of the post-2020 biodiversity framework, in line with the requirement of an iterative process.

Substance:

Subjects that need to be considered in the future PoW

Follow-up on previous elements. As stressed in recommendations from SBI 2 Item 14, it is important to continue the attention to not concluded tasks, and to advance and monitor implementation and application of concluded elements, such as voluntary guidelines, in order to enhance the implementation further. Specific efforts should be made to support inclusion of Articles 8(j) and 10(c), including collaborative project between government and IPLCs, in NBSAPs.

The full and effective participation of IPLCs in the implementation of the CBD, particularly in the post-2020 biodiversity framework, in synergy with the 2030 Agenda and its goals.

Enhanced integration of Article 8(j) and related provisions in the implementation of the convention and its protocols.

Biodiversity and climate change in the perspective of the livelihood of IPLC and the implementation of Article 8(j) and related provisions. The importance of traditional knowledge in climate mitigation and adaptation, is of high importance to include in a future PoW, but also attention to the vulnerability of communities affected by rapid environmental changes.

The EU and its Member States also believe that useful synergies could be created between the newly established UNFCCC LCIP Platform established in 2017. Addressing climate change within the CBD framework from an IPLC perspective is not only relevant in order to achieve enhanced full and effective participation of IPLCs but also in order to meet the objectives of CBD.

Development of a specific safeguards framework on indigenous peoples and local communities under the Convention, based on principles, standards and guidelines adopted under the Convention. (ref recommendation in doc SBI/2/20, agenda item 8)

Continue to explore in collaboration between governments, IPLCs and other engaged actors, how the methodological guidance for identifying, monitoring and assessing the contribution of indigenous peoples and local communities' collective actions in the resource mobilization reporting framework can best be applied, including qualitative values and methods. (ref recommendation in SBI 2)

Plan of Action on Customary Sustainable Use (CBD/COP/XII/12) Phase 2, now under development, monitoring of progress with strong focus on implementation, in collaboration between IPLC, governments and other actors.

Community Based Monitoring and Information Systems (CBMIS) as methods and tools for monitoring in the post-2020 biodiversity framework, including contribution to the monitoring of the Sustainable Development Goals.

Linking the progress in IPBES work on procedures and approaches for working with Indigenous and Local Knowledge, including its contribution to outcomes in IPBES Thematic and Regional Assessment, ensuring its uptake in the implementation work of the CBD, and the use of the outcomes of the IPBES assessments in relation to ILK (TK) in terms of methods as well as outcomes of the assessment.

Continue to explore the interlinkages between biological and cultural diversity, in line with the UNESCO-SCBD Joint Program on the linkages between cultural and biological diversity.

Mainstreaming in sectors: Contribution of traditional knowledge to sustainable use of biodiversity, in particular agriculture, forestry, fisheries, tourism, energy and mining, infrastructure, manufacturing and processing, and health sectors.

Institutional arrangements

Focus on this task should be the institutional arrangement in the multilateral work.

There are good examples on guiding principles for how the institutional arrangements on national level can be accomplished and hence, this aspect doesn't need to be considered primarily at this stage in the process. Potentially it can become one of several tasks in the future PoW, that will have a strong focus on implementation.

A specific forum for IPLC related issues is needed also in the future process to maintain an efficient focus on these matters. The EU and its Member States believe that whether this should be an OEWG as it is now or a SB8j can be left unresolved until budgetary and governance implications of either option have been further evaluated, in line with the recommendation from the SBI 2 to the COP 14 on agenda item 14. The EU and its Member States are very interested to listen to the views of other parties and in particular IIFB and other IPLC representatives.

In addition to the specific 8j forum, matters relevant for Article 8(j) and related provisions can and should be integrated in the work of thematic subsidiary bodies under the convention. This can be complementary in order to ensure the efficiency in taking advantage of what is proposed on a specific forum above.

Experiences from the already existing procedural arrangements, with for example a shared co-chair responsibility between parties and IPLC-representatives at WG8j meetings, should be used and possibly refined if needed also in the future institutional arrangements.

South Africa

SUBMISSION

I refer to your notification ntf-2018-047 of 08 May 2018.

I am pleased to submit the elements listed below:

- Develop standards and guidelines for the protection, promotion and management of indigenous/traditional knowledge in consultation and participation. This must facilitate the development of sui generis systems of protection for Indigenous/traditional knowledge according taking into consideration customary laws, values and world-view. Most importantly, the legal framework must recognize the communal characteristic of Indigenous/traditional knowledge.
- Develop standards and guidelines for the documentation and recording of Indigenous/traditional knowledge. Develop implementing processes to facilitate collection, documentation, storage and dissemination of uncaptured indigenous knowledge on an active and continuous base through Indigenous Knowledge Systems Documentation Centers.
- Development of guidelines to provide material and non-material support mechanisms and incentives to Indigenous Peoples and local communities for capacity building initiatives towards promotion of Indigenous knowledge, innovations and practices, institutional strengthening and negotiating capacity. Furthermore, material and on-material incentives for maintaining and enhancing biodiversity.
- To develop elaborate guidelines and establish mechanism with an international scope for the application and implementation of Art. 8j) of the CBD and other articles related to the rights of Indigenous Peoples and Local Communities.

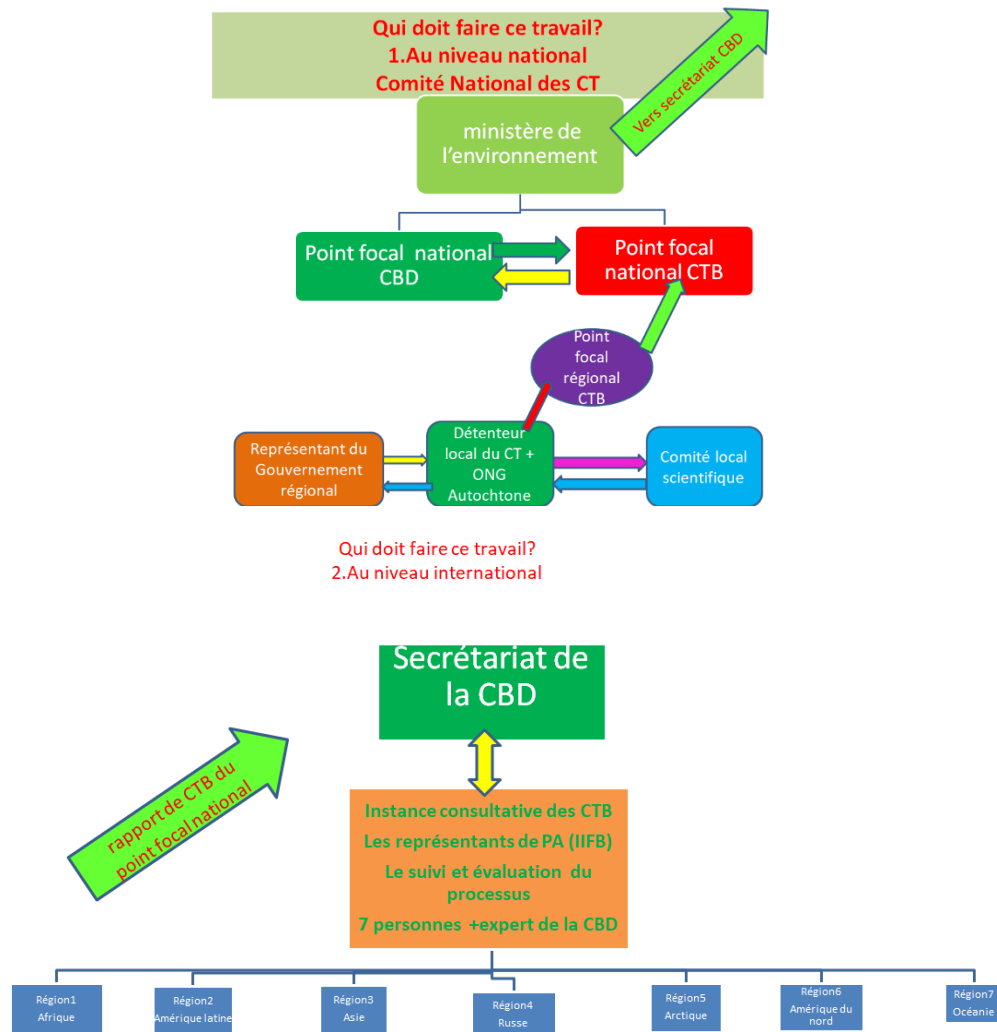
- Building mechanisms for community-based bio-cultural protocol. Developing a platform to engage in dialogue with external stakeholders, so that communities could engage constructively under the own terms and priorities. Development of an instrument that sets out clear guidelines in engaging communities.
- Mainstreaming of Indigenous/traditional knowledge with western science.

B. Submissions from relevant organizations

Comité de Coordination des Peuples Autochtones d’Afrique (IPACC)

SUBMISSION

1. Renforcer les Connaissances Traditionnelles Biodiversité (CTB)
 - Renforcement des capacités des peuples autochtones pour maintenir leurs connaissances traditionnelles (les détenteurs des connaissances : hommes et femmes).
 - Sensibilisation des PA de l’importance des CTB pour la préservation de la biodiversité.
 - Établir un répertoire des CTB.
 - Entreprendre des études analytiques pour pouvoir optimiser ces savoirs et préparer les conditions pour les restaurer sur le terrain.
 - Définir les CTB relatives à la préservation de la biodiversité (effectuer des études pratiques sur le terrain en collaboration avec les détenteurs du CTB).
2. Echanger les données d’expérience
 - Les Etats devront aider à répertorier les Connaissances Traditionnelles relatives à la biodiversité (CTB) relatives à la préservation de la biodiversité au niveau de chaque pays.
 - Etablir une base de données nationale des CTB. (Banque de CTB)
 - Modifier la législation nationale de façon à ce qu’elle soit adaptée à l’utilisation des CTB dans les NBSAP.
3. Echanger au niveau national
 - Les CTB répertoriées et codifiées pourront être partagés au niveau national, en vue de les restaurer dans les régions afin de préserver la biodiversité et atteindre les objectifs d’Aichi.
 - Chaque pays doit avoir un département des CTB pour pouvoir suivre la restauration sur le terrain de ces CTB (ex attaché au ministère de l’environnement).
4. Echanger au niveau international
 - Une base de données internationale doit être installée auprès du secrétariat de la CBD. En connexion avec les bases de données des Etats Parties.
 - Un échange permanent et mise à jour quotidien entre la base centrale CBD et les bases de données des Etats parties.
 - Un suivi et une évaluation des résultats pourront être assuré par le secrétariat de la CBD.
 - La mise en application du protocole de Nagoya avec un cadre judiciaire international garantissant l’usage approprié des CTB (garantir la propriété intellectuelle du CTB des Peuples Autochtones).
 - Les Peuples Autochtones recevront des bénéfices de l’usage de leurs CTB. (Développement de leur région santé + enseignement + sauvegarde des CTB à travers l’éducation + effectuer des études + Ateliers de formation de renforcement de capacités).



International Indigenous Forum on Biodiversity (IIFB)

SUBMISSION

A - INTRODUCTION

This submission sets out some of the collective interests of the International Indigenous Forum on Biodiversity (IIFB) with respect to the integration of enhanced participation of Indigenous Peoples and Local Communities (IPLCs), women and youth in the Convention on Biological Diversity (CBD) and related Protocols. It sets out a variety of considerations relating to IPLCs, including best practices and the application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to the CBD, a variety of principles, and a programme of work.

B - PURPOSE

It is important that a new partnership with the CBD be based on principles of understanding and cooperation for all stakeholders that have demonstrated a long and positive history of relationship-building with the establishment of the IIFB on behalf of IPLCs around the globe, a process that was formally generated from the COP5 Decision in Nairobi, initiating a joint cooperation partnership to improve the role and participation of indigenous and local communities in achieving the objectives of the Convention, especially on the formulation and implementation of a program of work of Art. 8J at the

national and international level, by which it was arranged that all efforts be deployed to further explore how to increase the participation of indigenous peoples, therefore, it invited the Parties and other governments to support the IIFB, in its functions of advising the COP on the article 8J and related provisions.

To continue this significant commitment into the future, beyond 2020, the IIFB would like to advance the following best practices to guide the CBD:

- Ongoing recognition and respect for the cultures, practices and collective traditions of IPLC, particularly as regards to Traditional Knowledge related to biological and cultural diversity;
- Ongoing recognition of the unique association that IPLCs have with the CBD and its Protocols;
- Ongoing support for effective and culturally appropriate IPLCs partnerships; and
- Ensuring the full, equitable and effective IPLC participation in the CBD, its Protocols, and related processes. This is necessary to develop appropriate decisions and guidance for Parties concerning the conservation and sustainable use of biological diversity by Indigenous Peoples, which consist of approximately 5% of the world's population, occupy 25% of the sub-polar lands, a higher proportion of national conservation lands, and manage a very high percentage of the world's biodiversity.

There is no universally accepted definition of Indigenous or Traditional Knowledge, and the CBD has developed a Glossary of Key Terms and Concepts to be used within the Context of Article 8(j) and related provisions. In fact, there are a variety of definitions, arising from slightly different perspectives or purposes, and terminology, including 'Traditional Knowledge', 'traditional ecological knowledge', 'Indigenous and local knowledge', 'local and Traditional Knowledge', and 'Indigenous knowledge'. Various combinations of these words and their acronyms are among those that have been used. All definitions have similarities, but also subtle differences. The Secretariat of the CBD continues to work with Indigenous Peoples and Local Communities on addressing Traditional Knowledge. The following is a comprehensive interpretation of Traditional Knowledge from the IIFB, based on the CBD:

“Traditional knowledge refers to the knowledge, innovations and practices of Indigenous peoples and local communities around the world. It may be developed from experience gained over millennia and adapted to the local culture and environment but may also be acquired through spiritual means. Mother Earth is fundamental for the development of cultural diversity and Traditional Knowledge. It is transmitted orally from generation to generation.

It tends to be collectively owned and takes the form of stories, songs, poems, art, food, cloth, folklore, proverbs, cultural values, beliefs, rituals, customary and community laws, local language, and agricultural practices, including the development of plant species and animal breeds. Traditional knowledge is an integral part of the ways of life and being of Indigenous peoples and local communities. It has a practical aspect, particularly in such fields as agriculture, livestock, fisheries, health, horticulture, and forestry, while these are intertwined with issues related to peoples' ways of life and being” (IIFB 2018).

There have been a range of measures to protect biodiversity-related knowledge, including but not limited to digital libraries, registers, cultural knowledge management system inventories, web portals, and in situ management projects that rely on local Indigenous knowledge. The CBD has acknowledged that IPLCs must control their collective intellectual property and other information relating specifically to their cultures, traditional practices and innovations, and heritage information, as an integral aspect of Traditional Knowledge generally.

There are several Articles in the UNDRIP that are directly related to the matters of cultural rights of Indigenous peoples. Article 15, for instance, states that:

Indigenous peoples have the right to the dignity and diversity of the cultures, traditions and aspirations, which shall be appropriately reflected in education and public information.

In addition, the UNDRIP also describes a ‘floor’ of rights and principles that must be adhered to, which related to Indigenous peoples. Three further Articles are set-out below to help establish this context.

Article 3 states:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 25 states that:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Indigenous peoples have expressed that their responsibilities extend to Traditional Knowledge, which cannot be divorced from their lands, territories, seas or other resources.

Finally, Article 31(1) states:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

This extends to genetic resources and biodiversity, as well as the development of intellectual property rights over these areas.

C - PRINCIPLES

The following principles are non-exhaustive but are intended to help contextualize the establishment of a new permanent, open-ended forum for the integration of enhanced participation in the future of the CBD and related Protocols. They are advanced in the spirit of engendering a thoughtful consideration of the future of IPLCs participation in the CBD in the post-2020 period.

1. A permanent, open-ended, and inclusive body

- Any new body must be permanent, open-ended, and inclusive, and therefore cannot merely be a body of ‘experts’ who may not have the knowledge or relationships with IPLCs that are required within the CBD and its Protocols.
- ‘Experts’ may be relied upon, but do not in and of themselves represent or, even worse, replace a direct IPLCs voice on matters relating to the CBD and its Protocols, especially regarding the conservation of biodiversity, its sustainable use and associated traditional knowledge within the lands, territories and waters of indigenous peoples.

2. Full, equitable and effective participation, including in leadership roles

- While the terminology of the CBD has been ‘full and effective participation’, IPLCs are seeking build partnerships with the CBD and others, and this calls for a form of substantive *equity* within those partnerships.
- Leadership roles are also based on an equity of partnerships, so this requires that IPLCs are involved in setting the agenda for not only the continued work of the Working Group on 8(j), but also what the future of the CBD and its Protocols will look like through learning, and an exchange of information and experiences.
- The CBD must acknowledge IPLCs as the owners and experts of their own heritage and Indigenous Traditional Knowledge, and that therefore they must have an active role in decisions and decision-making that may affect or impact Traditional Knowledge, innovations or practices, and/or cultural heritage values.

- The CBD and its Protocols will be responsive to and respectful of the diverse and dynamic nature of IPLC decision-making and governance structures. This includes traditional decision-making processes according to their laws and customs, as well as contemporary decision-making structures and governance processes that have been developed in accord with their laws and customs (e.g., Indigenous Trusts, Boards, Organizations, Committees, etc.).
- The CBD will make every effort to ensure all engagement respects IPLCs rights to self-determine their own decisions affecting the management, protection and promotion of their Indigenous Traditional Knowledge and heritage values.

3. IPLC participation in accordance with their own structures and procedures

- IPLCs have their own governance structures. IPLCs know who the knowledge holders are; who has the cultural authority to collect, use, and release Indigenous Traditional Knowledge, including cultural information; and who has the authority to speak for their specific Indigenous peoples' clans/ tribes/ organizations, etc. To interfere with these processes is to invite controversy and mistrust.
- When engaging with IPLCs, the CBD should be considered in its approach by tailoring the engagement according to the nature of the activity and IPLC protocols, requirements and circumstances.
- The following core principles of integrity, inclusion, deliberation, and influence should be adopted:
 - o Integrity - openness and honesty about the scope and purpose of engagement;
 - o Inclusion - opportunity for a diverse range of ideals, values and perspectives to be freely and fairly expressed and heard;
 - o Deliberation - sufficient and credible information for dialogue, choice and decisions, and space to weigh options, develop common understandings and to appreciate respective roles and responsibilities; and
 - o Influence - Indigenous people have input in designing how they participate, when policies and services reflect their involvement, and when the people's impact is apparent.

4. Respect and recognition of the diversity of IPLCs

- As the first peoples and original inhabitants of their lands, territories and waters, Indigenous peoples must be acknowledged, respectfully appropriately as owners and holders of knowledge, who hold specific cultural knowledge and have authority regarding their lore, customs and heritage values. They are recognized within their Traditional groups for this knowledge and authority. Indigenous Knowledge holders have the cultural authority to collect, use and release specific cultural knowledge to others. Indigenous Knowledge holders may or may not be Elders or elderly.
- Respect the rights of Indigenous Peoples and local communities in relation to their knowledge, ideas, cultural expressions and materials, and their rights to maintain secrecy of their Indigenous Traditional Knowledge, innovations and practices.
- Recognise and protect Indigenous Traditional Knowledge in accordance with Indigenous Peoples' perspectives, protocols, and cultural values.
- Indigenous men, women, elders and young people, have rights to practice their laws and customs, and have their distinct roles and responsibilities to maintain and sustain their Indigenous Traditional Knowledge, innovations and practices regarding the activities and requirements of the CBD and its Protocols.
- Indigenous Peoples and local communities have their rights to access, enjoy, move about, camp, erect shelters and other structures, enter and remain, hold meetings, hunt, fish have access to and use the natural and cultural resources (including but not limited to water, food, medicinal plants, timber, tubers, charcoal, wax, stone, as well materials for fabricating tools, hunting implements, making artwork and musical instruments), share and exchange resources derived from the land and waters, participate in cultural and spiritual activities, maintain and protect places of importance under traditional laws, customs

and practices, conduct ceremonies and rituals, and to transmit Indigenous Traditional Knowledge to members of their traditional group.

- The mentioned rights are inherent and inalienable.

5. Supportive of the objectives of a “Learning” Platform

- In assessing the future work of Working Group on 8(j), it has been identified that there is a gap in collaboration with civil society stakeholder groups including those representing IPLCs, youth, women, academia, and local authorities.
- There needs to be support of mainstreaming efforts with key actors and consideration of partnerships with IPLCs, civil society organizations, youth, women, academia, and other non-state actors as a key part of the transformation of the Convention and its Protocols.
- Partnerships with IPLCs, Civil Society Organizations, Women and Youth should be considered with non-state actors, in collaboration with the IIFB, the Global Youth Biodiversity Network (GYBN), the CBD Alliance, and other stakeholder groups.
- Partnerships could provide further guidance on modes of collaboration and ways and means to build these partnerships in a manner that is respectful of the values, customs, rights and interests of IPLCs.
- IPLCs continue to share and learn from other peoples’ experiences and a “Learning” Platform would be advantageous and beneficial for a wide range of actors to take away genuine, positive messages for all concerned.

6. Inclusive of fundamental ethical best practices

- Fundamental ethical best practices are broader than just Free, Prior, and Informed Consent (FPIC), and include knowledge security, and a recognition of inherent rights (i.e., a ‘rights-based’ approach).
- They also include intellectual property rights such as copyright, which imply collaboration and partnerships, access and benefits, and the use, access and management of data, which could also include information sharing agreements.
- While FPIC is a component of an ethical best practice, these principles empower Indigenous Peoples with their cultural objection and right to give or withhold their free, prior and informed consent to actions that affect their lands, territories and natural resources and their lifestyles.⁵
- Indigenous Knowledge holders have always held ownership of any intellectual property associated with Indigenous Traditional Knowledge and that such rights are not affected and less encroached by their sharing of that Indigenous Traditional Knowledge with the CBD.
- It should be agreed that any intellectual property rights are not assigned to the CBD.
- The CBD in turn will not assert or permit a Third Party to assert that it owns any intellectual property right of an IPLCs from where the information originally was obtained.
- Free, Prior, Informed and Consent includes, but is not limited to:
 - o Free - means that there is no manipulation or coercion of the Indigenous People and that the process is self-directed by those affected by the project;
 - o Prior - implies that consent is sought sufficiently in advance of any activities being either commenced or authorized, and time for the consultation process to occur must be guaranteed by the relative agents;
 - o Informed - suggests that the relevant Indigenous Peoples receive satisfactory information on the key points of the project such as the nature, size, pace, reversibility, the scope of the project, the reason for it, and its duration. This is the more difficult term of the four, as different groups may

⁵ United Nations Permanent Forum on Indigenous Issues.

find certain information more relevant. The Indigenous People should also have access to the primary reports on the economic, environmental cultural impact that the project will have. The language used must be able to be understood by the Indigenous Peoples;

o Consent - means a process in which participation and consultation are the central pillars. It also means that the IPLCs can say “NO” and not be involved in the activity.

- The CBD has the Mo’OtzKuxtal Voluntary Guidelines for Parties to be guided if there are no national guidelines for free, prior and informed consent in their Country.
- IPLCs must have confidence that safeguards are in place to satisfy them on how their Indigenous Traditional Knowledge will be used, stored, managed, protected and maintained - and that expressions of their heritage, knowledge and culture will remain their intellectual property.
- Agreements with IPLCs should have fair and equitable sharing of outcomes and benefits among both parties. Both parties need to be satisfied they are receiving appropriate outcomes (benefits) commensurate with the Indigenous Traditional Knowledge shared.
- In addition to fair and equitable sharing of outcomes, monitoring and appropriate measures need to be taken to ensure that Indigenous Peoples are not harmed by either the misuse of their traditional knowledge or the resources associated with such knowledge.

7. Adequate Secretariat funding, in addition to voluntary contributions

- The CBD should consider expanding its guidelines for accepting funding from a broader base than just Parties, other UN organizations, and organizations whose work is relevant to the CBD and its Protocols.
- Any new body should be involved in managing the budget to ensure that the most appropriate IPLCs are engaged in the processes of the CBD, Subsidiary Bodies and its Protocols.

D - OBJECTIVES

A permanent, open-ended, and inclusive IPLCs body, such as a new Subsidiary Advisory Body to the CBD, would play a strategic role in respecting and promoting Traditional Knowledge, and the knowledge of IPLCs, and provide a Learning Platform. It would uphold the rights of IPLCs through improving the effectiveness and efficiency of the work of Parties, including in implementing and monitoring of programmes under the CBD, develop new programmes and agree on appropriate actions. Any new body would be envisioned as a mechanism to exercise these rights and its structures and must therefore reflect this purpose and be in line with UNDRIP.

The objective of a new IPLCs body under the CBD would be to provide high-level advice on relevant issues through analysis, appropriate policy recommendations, and options, in order to enable those organizations to guide and enhanced action on biodiversity to support the implementation of the Article 8j Program of Work and related provisions of the CBD. It would also provide advice on other activities conducted by other actors that are relevant to the CBD and its Protocols. This could include actors such as Tourism, Business, Agriculture, Foods, Industries, Forestry and Infrastructure where either IPLCs, Indigenous women and/or youth have been impacted or affected both negatively and positively by the activities of such actors.

In order to achieve the full realization of the right to participate in decision-making, IPLCs must be bestowed with appropriate consultative and participatory status within the CBD. The new IPLCs body would participate through its own institutions, with full, equitable, effective, direct and meaningful participation in all activities and at all stages of implementation, providing recommendations, lessons learned, and advice and information directly to the Conference of Parties (COP).

E - PROGRAMME OF WORK

POSSIBLE ELEMENTS FOR FUTURE WORK	TO CONTINUE
Element 1. In situ conservation-traditional crops and animals, Indigenous agro ecological practices, local food systems	Element 17: Continued Promotion of Convention on Biological Diversity CBD, Nagoya Protocol and Cartagena Protocols among IPLCs
Element 2. Indigenous protected areas/ ICCAs/ Indigenous led conservation	Element 18: Implementation of Gender Plans of Action among Parties and IPLCs and indigenous women, for the compliance with the Gender Plans of Action of the Decision XII / 7.
Element 3. Review and Updating (Second phase) of the Plan of Action on Customary Sustainable Use of biodiversity	Element 19: Full and effective participation in the National Biodiversity Strategic Action Plans NBSAPS and implementation of partnerships with IPLCs for CBD implementation
	Element 20: Learning platforms and events engaging IPLCs, youth, women, academia, sub-national governments
Element 4. Finance and IPLCs <ul style="list-style-type: none"> • Both the effectiveness of safeguards and the extent that IPLCs are able to access financial support • Elaboration of culture, spiritual and, traditional occupations, traditions, socioeconomic safeguards by and for IPLCs 	Elaboration of bio-cultural community protocols, oral customary laws and practices
Element 5. Collaboration with other relevant Global assessments <ul style="list-style-type: none"> • Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Second Work Programme • Intergovernmental Panel on Climate Change (IPCC) 6th Assessment Report • Global Sustainable Development Reports • Traditional Knowledge, land tenure, resources, minerals, and water 	Ecosystems restoration (Indigenous permaculture), Indigenous principle of restoration.
Element 6. Nature and culture linkages in integrated social- ecological systems <ul style="list-style-type: none"> • Linkages between biological and cultural diversity, and • Complementarities and distinctiveness of diverse knowledge systems 	Follow up emergent issues: Synthetic Biology, Digital sequence, Living Modified Organisms, Gene editing, geoengineering, etc. A high priority training plan on these issues for the IPLC, at least in the short and medium term.
Element 7. Implementation of existing CBD principles and guidelines <ul style="list-style-type: none"> • Awke:kon Guidelines (including addressing cumulative impacts to IPLCs of multiple pressures/threats) 	Implementation of Aichi Target 18 (Indigenous languages, linguistic diversity, inventory and data generate)
Element 8. Review and Updating of Traditional Knowledge Indicators for post-2020 biodiversity framework Community-based monitoring and information systems (CBMIS) <ul style="list-style-type: none"> • Local Biodiversity Outlooks 	Sacred and secret knowledge, traditional cultural expressions, sacred sites, practices and beliefs

POSSIBLE ELEMENTS FOR FUTURE WORK	TO CONTINUE
<p>Element 9. Support for implementation of Nagoya Protocol (including capacity building on Free, Prior, Informed Consent (FPIC), Mutually Agreed Terms (MAT), and Benefit-sharing (BS), Legal, policy or technical assistance and Indigenous Help Desk for ABS</p>	<p>Elaboration of best practices for ABS, better understanding of the complex relationship with cultural values, understanding the limits of ABS, and articulation with IPRs</p> <p>Development of guidelines to assist Parties and governments in enacting laws or establishing other mechanisms, as appropriate, to implement Article 8 (j) and its related provisions (which may include sui generis systems). Establish tasks with an integrated approach to traditional knowledge within the framework of the Convention and its Protocols, beyond the provisions of Article 8J and Related Provisions, especially with regard to the Cartagena Protocol (impacts on the introduction of transgenics) and the Nagoya Protocol (prior informed consent, equitable benefits sharing and community protocols).</p>
<p>Element 10. Capacity building for IPLCs, including institutional strengthening of IIFB Capacity building development with culturally appropriate tools, methodologies and in Indigenous languages, that include, among others, the development and strengthening of bio cultural community protocols.</p>	<p>In own languages</p>
<p>Element 11. Ecosystem-based mitigation and adaptation to climate change by IPLCs using traditional knowledge, innovation and practices</p>	<p>Indigenous languages, linguistic diversity, inventory and data generation</p>
<p>Element 12: Promote mainstreaming TK in SDGs, Paris Agreement, Sendai Disaster Risk Reduction, UNCCD, and other relevant global processes</p>	
<p>Element 13: Mainstreaming IPLCs and TK in agriculture, fisheries, forestry, tourism, mining, oil and gas, infrastructure, manufacturing and health and other relevant sectors</p>	
<p>Element 14: Communication, Education and Public Awareness – raising about CBD and its Protocols, including by and for IPLCs</p> <ul style="list-style-type: none"> • Values and Knowledge transmission and exchange of experiences – knowledge dialogue - between scientific knowledge and traditional knowledge. 	
<p>Element 15: IPLCs natural and cultural heritage, Sacred sites,</p>	
<p>Element 16: Collective Actions of IPLCs and resource mobilization</p>	

F - CONCLUSION

This submission is made in a spirit of collaboration and sets out the collective interest of the IIFB with respect to the integration of enhanced participation of IPLCs in the CBD and related Protocols, consistent with the UNDRIP. In doing so, we must remember to remember that:

“Each space has its own plants, animals, songs, medicines...that allows the development of different relationships among men and among men and Mother Nature” (Cajete, 2006)

Among Indigenous Peoples, a song, story, or medicinal knowledge has a reciprocal relationship and connection with particular human beings, animals, plants, and places (Cajete, 1986).

The IIFB would welcome the opportunity to further elaborate any aspect of the submission, or to answer any questions that may arise through Mr. Francisco Ramiro Batzín as a Global Coordinator of the IIFB, his cellphone number is +502 52066705 and email: batzinzr@gmail.com

Local community groups in Antigua and Barbuda

SUBMISSION

Dear CBD Colleagues, just expressing gratitude on behalf of the local community groups in Antigua and Barbuda who have benefited in multiple ways from the various types of technical support, capacity building and training events provided which are leading to our empowerment. The networking and partnerships built with various CBD processes has grown exponentially and is as a result of the ongoing dynamic and engaging work of the article 8J team through John Scott and Viviana. I have sought from each meeting that I have attended since 2015 to bring benefits back to the local community groups. Antigua’s local community engagement started in 2015 and our involvement and participation has been in the following events.

- Participation in the International training workshop on Community-based monitoring, Indicators on traditional Knowledge and Customary Sustainable Use and community protocols within the strategic plan for biodiversity 2011-2020, Guatemala 2015
- Participation in the Dialogue workshop on Assessment of Collective Action of Indigenous peoples and local Communities in Biodiversity Conservation and Resource Mobilization-Guatemala, 2015
- Participation in the Expert meeting on the Repatriation of Traditional Knowledge Relevant to the Conservation and Sustainable Use of Biological Diversity Guatemala, 2015
- Participation in the Twenty-first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 21), 11 to 14 December 2017 and the tenth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (WG8J 10), 13 to 16 December 2017 in Montreal, Canada
- Participation in the Carnegie Council Workshop on Trans disciplinary Research and Governance on Climate-related Geoengineering Dec 17th, Montreal, Canada. And the side event at SBSTTA 22, July in Montreal
- Participated in the IPBES 5th Plenary, Bonn, Germany, March 6-10, 2017, the CDB-IPBES meeting in Montreal Dec 2017 and at the 6th Plenary in Medellin, Colombia, March 2018 and we are contributing to the continuing assessment processes.
- Antigua’s participation at the Bio Bridge round table in Columbia, 2017 and submission of a project proposal in June 2018
- Antigua has also participated in the informal consultation on the IPLC Platform organized by the government of Canada 11-12 September 2017 in Ottawa, Canada
- Participation through selection by the Convention for Biological Diversity in the Sustainable Oceans Initiative (SOI) from in Costa Rica where two colleagues from Antigua participated in the SOI Panel presentation on Traditional Knowledge

- Antigua was one of the Author of the Local Biodiversity Outlook (LBO) Indigenous Peoples' and Local Communities' Contributions to the Implementation of the Strategic Plan for Biodiversity 2011-2020 which complements the fourth edition of the Global Biodiversity Outlook 4
- Participant in Building Measures to Implement the Nagoya Protocol, e-learning modules and workshop facilitated by The International Development Law organization (IDLO) and the Secretariat of the Convention on Biological Diversity in The Hague, the Netherlands, July 11-15, 2016. This has led to the local group's involvement in the legislative processes at the country level and they have been assigned as key contact point functioning as "community watch dogs.
- Antigua's local communities will be benefiting from a project involving Forest Peoples Program (FFP) and SwedBio to get data and indicators to fill gaps in the Aichi Targets and to provide case studies for the GBO 5 and LBO 2, June 2018
- CBD Gender Focal Point and UN Women selected me to facilitate the Gender mainstreaming workshop, July, Montreal 2017
- Nominated to the Ad Hoc Technical Expert Group (AHTEG) in Synthetic Biology participating in the online forum and in the Dec 5-8, 2017 meeting, Montreal, Canada

Based on the many tangible benefits shown and of great benefits to the local groups in Antigua and Barbuda, I have listed some ideas that can be consider to make the 8JWG grow from strength to strength as a permanent sharing platform that supports elements of work on local actions. The 8JWG platform should have the channels and modalities for open, active and effective participation in the CBD meetings able to provide leadership for the other IPLC platforms across the other conventions to build synergies and bring coherence across conventions. This mechanism will allow for the continued sharing of the knowledge and perspectives of IPLC's in biodiversity conservation, ecosystems protection halting the biodiversity loss and degradation taking place all over the world. The IPLC with IPLC's having their own autonomous space for sharing knowledge and experiences and be given equal conditions as parties with guaranteed financing, training and capacity building for effective participation.

At the international level, changes are taking place and IPLC platforms are being developed to ensure a more direct and permanent voice, there is need for openness and inclusion, with IPLC's having their own autonomous space for sharing knowledge and experiences and be given equal conditions as parties with guaranteed financing, training and capacity building for effective participation.

Currently the 8jWG is providing and sharing so much information and case studies which is motivating other groups and empowering many networks. The 8JWG can also be a mechanism to provide knowledge and information also to parties and share the innovative ways of IPLC' actions in the protection of our biodiversity. This process must be a continuing mechanism where members seek to find effective ways to educate parties and to bring equality to the process ensuring that all stakeholder are respected and that all matters of relevance can be brought to the COP such as the inclusion of Customary Sustainable Use and Traditional Knowledge.

The WG must be seen not as an observer group which limits participation but a process to channel perspectives for indigenous peoples and local communities. The process must have a rights-based approach, leads to ethical standards, the security of the knowledge, FPIC, developing leadership among the groups, having respect and recognition of the people and leading to effective participation in the CBD and its protocols.

Several gaps exist in 8j in customary use, technology. There is dire need to develop community-based monitoring building with indicators which can be demonstrated though case studies, monitoring and assessments, IPBES has seriously taken on TK through centres of ILK, development of cultural protocols so there is need to strengthen the ongoing process to Influence parties through the sharing of experiences, and case studies on how this is being done.

The role and contributions of IPLC's is notable in transforming-knowledge innovation and practices. There are so many cases of collective actions, so the development of the platform will enable the fuller integration, the coherence across conventions and synergies with many more benefits. This platform must provide for our big ambitions, it must be comprehensive, open to all group for effective participation and full inclusion.

The reporting on IPLC in the national reports requires efforts by the parties and it must no longer be done in a piece meal manner but need a comprehensive approach to obtain our stories, our information and our views.

Antigua has legislation in place, so the Focal Point must be compliant and follow the guideline for maintaining and sustaining the rights to holistically protect, conserve, maintain and monitor the biodiversity and its ecosystems of the local communities.

The principles for the future WG8J must include:

- Full and effective participations
- Equal status with parties
- Self-selection
- Open ended and inclusive
- To channel perspectives for indigenous peoples and local communities
- Adequate funding from the Secretariat and Voluntary Contributions is required to enable its functions so building partnerships and strategic relationships is key with philanthropists and donors.
- In some countries Eco-Tourism is an industry that does offer an enterprise where IPLC's could make great contributions to the education and sustainable land-use component as well as providing livelihoods.

Red de Estudios sobre la Diversidad del Sur (RedSur)

SUBMISSION

Me dirijo a usted en la oportunidad de dar respuesta a la notificación N° 2018-047, solicitando la opinión de los pueblos indígenas sobre posibles elementos de un futuro programa de trabajo sobre el Artículo 8 (j) y disposiciones conexas como parte del marco de la biodiversidad después de 2020, así como los posibles arreglos institucionales y su modus operandi. El mandato del artículo se circunscribe en tres grandes líneas de trabajo:

a) *el reconocimiento por parte de la sociedad mayoritaria de la importancia de los conocimientos tradicionales de los pueblos indígenas y comunidades locales dentro del ecosistema mundial de saberes, estos saberes han sido grandes dinamizadores del saber occidental en diferentes campos de la ciencia y las practicas de las sociedades mayoritarias y esto ha impactado de alguna manera sobre el hombre y la mujer indígena y local de los diferentes países.*

b) *la promoción de los conocimientos tradicionales pertinentes al ámbito de la diversidad biológica, conservación y preservación desde los pueblos indígenas y comunidades locales en conjunto con los gobiernos e instituciones gubernamentales a través de diversos medios de divulgación y promoción, valga decir, medios de comunicación, redes sociales, páginas web; a nivel comunitario, educativo, cultural, científico y tecnológico y por ultimo;*

c) *el fomento de los beneficios que se deriven de los usos de estos conocimientos, lo cual implica reforzar interinstitucionalmente el tema de la propiedad intelectual colectiva base de la producción de conocimientos de los pueblos indígenas y comunidades locales, así como otros niveles de actuación gubernamental para hacer posible la distribución justa y equitativa de los beneficios de la diversidad biológica, desde la agricultura, la alimentación, hasta la producción industrial de productos*

provenientes de los conocimientos ancestrales y tradicionales la biodiversidad de estos pueblos y comunidades locales.

En este sentido, se establece nuestra opinión en las tres líneas ya explicadas dentro del artículo 8J. En primer lugar, nuestra opinión es que para pensar en acciones posteriores al 2020 es necesario evaluar las acciones de las partes sobre las tareas y políticas puntuales desarrolladas durante la década. Sus debilidades y aciertos son nuestro foco de atención para avanzar en los aspectos inherentes a una agenda posterior a 2020. La evaluación consiste en el diseño de un baremo ajustable a particularidades socioculturales de las partes para responder sobre las acciones generadas y las pendientes a los fines de tomar esta experiencia para el diseño de una nueva agenda de trabajo para la próxima década.

Por otro lado, es importante resaltar que nuestra opinión se genera en virtud a nuestra experiencia, y el monitoreo de nuestras acciones y la del punto focal desarrollamos las siguientes acciones:

a) Reconocimiento institucional y gubernamental. Los funcionarios públicos y de organizaciones no gubernamentales ejercen funciones regulatorias sobre los elementos que propone el artículo 8J, sin embargo, unas de las barreras que se encuentra dentro de las instituciones es el factor de desvalorar los conocimientos ancestrales y/o tradicionales asociado a la biodiversidad. En este sentido, se pretende que estos funcionarios pueden mejorar sus acciones mediante:

- ✓ Establecer una política nacional para el Desarrollo y Fortalecimiento de Capacidades desde la perspectiva comunitaria, dirigida a los funcionarios de las partes, para valorar, respetar, preservar y mantener los conocimientos ancestrales y/o tradicionales, las innovaciones y las prácticas de los pueblos indígenas.
- ✓ Reforzar los criterios para la contratación de funcionarios cuyas competencias estén dentro de las esferas de la diversidad biológica, pueblos indígenas y comunidades locales.
- ✓ Generar estrategias de abordaje con comunidades locales y pueblos indígenas mediante la implementación del mecanismo de la consulta y el consentimiento libre, previo e informado.
- ✓ Desarrollar protocolos de ética y bioética para el abordaje comunitario.

b) Promoción bajo diferentes estrategias. Comunitarias, formales, informales y en medios de divulgación en masa:

- ✓ Implementar estrategias de promoción con la participación de las mujeres indígenas, para sensibilizar a las generaciones actuales, y fortalecer la transmisión de los conocimientos ancestrales y tradicionales sobre la diversidad biológica, para la conservación y utilización sostenible.
- ✓ Crear bases de datos sobre aquellos conocimientos tradicionales y sus prácticas asociadas a la diversidad biológica para el uso sostenible, previo consentimiento de las comunidades locales y pueblos indígenas, para ser promovido en medios digitales, académicos, comunitarios y de índole científica a los fines de lograr su valoración en círculos académicos conservadores. Los conocimientos tradicionales son considerados vitales y de valoración única y sagrada, los cuales solo pueden ser divulgados con el consentimiento de los portadores de estos.
- ✓ Publicar libros impresos y digitales de los conocimientos tradicionales de diversidad biológica de los pueblos indígenas y comunidades locales.
- ✓ Generar medios digitales de divulgación de los conocimientos tradicionales de diversidad biológica de los pueblos indígenas y comunidades locales.

c) El Fomento y protección de los conocimientos tradicionales de los pueblos indígenas y comunidades locales. Los usos de los conocimientos tradicionales entrañan muchos campos de aplicación los cuales han funcionado para la mejora de los niveles de bienestar y calidad de vida de las personas en el campo de la medicina, farmacia, agricultura, alimentación, entre otros. Su uso efectivo

debe ser regulado mediante la aplicación de estrategias de protección de los derechos de propiedad intelectual colectiva.

- ✓ Establecer medidas nacionales para la protección de los Conocimientos Tradicionales asociados a la diversidad biológica, la valoración, conservación y la utilización sostenible, con la aprobación y la participación de quienes posean esos conocimientos, innovaciones y prácticas.
- ✓ Incorporar en los estudios de alto nivel científico aquellos relativos a los pueblos indígenas y comunidades locales para su verificación, valoración y validación y posterior protección en medios académicos conservadores.
- ✓ Desarrollar estrategias de protección dentro de las políticas de cooperación sur-sur y norte-sur.
- ✓ Desarrollar y fortalecer capacidades de las comunidades locales y los pueblos indígenas para la protección de los conocimientos tradicionales vulnerados por las prácticas furtivas de la sociedad mayoritaria.

Swedish network for practitioners of traditional ecological knowledge (Swedtek)

Familj jordbrukarnas Riksförbund; Föreningen Naturbrukarna Sverige; Föreningen Svenskt Fjälljordbruk (interim); Förbundet Sveriges Småbrukare; Skärgårdsbönder. Arbetsgruppen inom Skärgårdarnas Riksförbund; Förbundet Svensk Fäbodkultur och utmarksbruk (FSF)

SUBMISSION

The Swedish network for practitioners of traditional ecological knowledge (Swedtek), was recently initiated by the following six NGO-parties to create a national platform for collaboration on the basis of and with focus on the CBD and especially articles 8(j) and 10(c): Traditional knowledge, innovations, practises and customary sustainable use of biological diversity. The purpose is to strengthen and to supplement the national work on the convention in current parts. The intention is also to develop qualities and potential opportunities for sustainable traditional use of biological diversity and entrepreneurship as well as natural, cultural and other societal values.

According to our opinion there is reason to pay attention to the needs of respecting, preserving and maintaining knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles in Sweden. As we see it there is an obvious need to improve terms and conditions and participation for practitioners of indigenous and local communities living with traditional lifestyles and managing traditional knowledge, as well as to improve conditions and opportunities to preserve and develop sustainable use of biological diversity and related knowledge, innovations and customs.

With this background we would like to draw your attention to the following.

1. There may be a need for mechanisms to identify and give visibility to indigenous people and local communities not yet received relevant attention, also in developed countries like Sweden.

There may be reasons to consider the significance of a well-developed and mature urbanization, when as an example groups of indigenous people and local communities for a long time may have been made invisible, have ended up in a huge democratic deficit, and also when the urban population increasingly lost contacts and knowledge about rural history and both biological and cultural diversity.

2. There may be a need to pay attention to the earliest formations of the nation states, even in developed countries like Sweden.

There may be reasons to consider if the early buildup of the nations also may involve marginalization and invisibility for (certain) groups of indigenous people and local communities.

3. There may be a need to consider a funding mechanism to also permit real opportunities and facilitate the participation for groups of indigenous people and local communities also in developed countries like Sweden.

4. In this context, there is also reason for us to mention and draw attention to a current mission of national work on traditional knowledge to conservation and sustainable use of biodiversity. A mission from the Government in parallel to the SEPA and the Sami Parliament.

We enclose herewith both the origin engagement letter (2017-03-09) and the reported mission (2018-03-01). These documents we have unfortunately only in Swedish.

In our opinion the mission is properly formulated, but the report leaves much to be desired, then it lacks essential clarifications and leaves fundamental issues and circumstances in our interest in a continued weak and peripheral situation and our local communities in a continued vulnerability. We were initially informed about the work, some of us invited and participated in a late workshop but have not yet been given the opportunity to comment on the report. At this stage of the process, we now choose not to further deepen our views on the current reported mission. We may have reason to return to this issue later.

Water-Culture Institute

SUBMISSION

A Cultural Approach to Conserving Aquatic Biodiversity

Aquatic and riparian biodiversity is uniquely important to traditional cultural lifeways of Indigenous and local communities but is being lost at an alarming rate. While details of aquatic biodiversity trends are complex, with key information gaps on status and trends in many regions, enough is known to develop effective action plans to address the problems. Because of the inter-connectedness of traditional cultures with the ecological health of the water ecosystems attending to biodiversity can bring both environmental and cultural benefits. At the same time, steps to strengthen the capacity of local communities to manage and protect their water ecosystems will prove beneficial to terrestrial biodiversity as well.

The programme of work I would like to propose in connection to Article 8(j), and Related Provisions, and particularly to Article 10(c), is an analysis and capacity-building action plan for mainstreaming traditional cultural principles and practices into the conservation and governance of important aquatic ecosystems. The short title: A Cultural Approach to Conserving Aquatic Biodiversity. The elements would include capacity-building measures, networking, and workshops oriented primarily to Indigenous and local communities, but also, secondarily (and perhaps separately) for government planners, NGOs and businesses.

Scope of Work: A detailed scope of work would be developed in consultation with the CBD. The activities would likely include (a) PLA (Participatory Learning and Action) and participatory GIS workshops in two or three suitable locations where the CBD and/or partner organizations are already active, (b) a community-of-practice network built around a website and social media, (c) case study reports for each location, (d) a training manual consolidating lessons learned, and (e) a concluding workshop to consider next steps.

Institutional arrangements: This is conceived as a pilot or Phase 1 project conducted by Water-Culture Institute with involvement from CBD and/or other partners, to demonstrate the viability and effectiveness of the concept. If deemed successful, the function and approach could be absorbed into the CBD or developed into a program of Water-Culture Institute, or a program under the auspices of another NGO, or some other option.

Why Water-Culture Institute (WCI)? WCI is currently (until Dec. 2018) conducting a global study of Indigenous Water Sovereignty Strategies, with support from Christensen Fund. This study (See attached

overview) would provide a useful background for the theme of conserving aquatic biodiversity, since many of the strategies will be similar.

Dr Larry Gorenflo and Dr Suzanne Romaine

SUBMISSION

Dr Suzanne Romaine and I have been working on the interface between linguistic and biological diversity for several years now and have passed some of the publications that have resulted from this work on to the Secretariat of the CBD in Montreal. This is in response to the notification (May 2018) requesting input on potential work on Article 8(j). We wanted to offer the following two recommendations:

1. Promoting maintenance of indigenous languages, through dedicated programs designed to conserve language use and intergenerational transmission.
2. Creation of protected areas set aside for the conservation of traditional cultures and the natural systems in which they evolved and prospered.

I should say that our reasoning reflects a belief that languages are at the foundation of much of what Article 8(j) tries to protect/conservate, and that their erosion will lead to the inevitable erosion of traditional knowledge and everything that accompanies it. The second point focuses particularly on a practical step that can help to protect traditional cultures from being overwhelmed by expanding modern culture and the loss of traditional practices that often accompanies such expansion. We had thought about introducing “as appropriate” or some such wording but felt that if you found value in either of these suggestions you would be much more skilled at developing appropriate text (that could be acceptable to a wide range of nations) than we.

Latin America and the Caribbean regional workshop on traditional knowledge, Tepoztlán, México, 2-6 April 2018

SUBMISSION

En este contexto internacional, los participantes identificaron en grupos de trabajos los temas que aun están pendientes de consideración, tales como:

- Definición y mayor desarrollo de los roles de los puntos focales de Conocimientos Tradicionales (artículo 8 J).
- Directrices para fortalecer las normas y principios relacionados a la conservación de la biodiversidad en áreas de pueblos indígenas y comunidades locales y su vínculo con los idiomas indígenas.
- Fortalecer puntos de verificación nacional para identificar la trazabilidad sobre el acceso y la utilización de conocimientos tradicionales.
- A nivel nacional los países podrían crear mecanismos de diálogo que permita un diálogo previo a la participación en las reuniones oficiales, este organismo también podría socializar las decisiones de la Conferencia de las Partes a los pueblos indígenas y las comunidades locales.
- A nivel nacional se debería desarrollar una ley nacional de conocimientos tradicionales que integren todos los aspectos.
- En los procesos post 2020 se debería incluir un plan de seguimiento, participación y monitoreo.
- Directrices para la promoción del desarrollo económico de los pueblos indígenas y comunidades locales basado en conocimientos tradicionales.
- Directrices para promover los conocimientos tradicionales asociados a la alimentación.

- Directrices para recuperar los conocimientos tradicionales.

Pacific regional workshop on traditional knowledge, Whangārei, New Zealand, 21-25 May 2018

SUBMISSION

Participants were invited to share their views on this process, including their views on how the situation was before and how the situation is today and how they would vision a future of living in harmony with nature. The participants emphasized:

- The importance of love and respect for Nature;
- In the past, many cultures and peoples lived in harmony with Nature as they could speak with Nature and had an enduring relationship;
- The importance of restoring Nature and role of IPLCs;
- The importance of mutual understanding with Nature – a Living Relationship;
- The need to take action to preserve Nature, Culture and traditional knowledge.

Asian regional workshop on traditional knowledge, Kandy, Sri Lanka, 27-31 July, 2018

SUBMISSION

IPLCs Vision of the Post 2020 Biodiversity Framework

Promote implementation of COP Decisions & CBD Guidelines on TK of IPLCs

- Implementation and monitoring of TK Guidelines developed by CBD-WG8J
- Promote importance of cultural impact assessment and implementation of Akwe:Kon guidelines
- Mainstreaming with SDGs and Climate Change Action Plans

Capacity Building & Education

- Capacity building for IPLCs and for government representatives on TK recognition & protection
- Emerging issues – further capacity building and documentation on issues such as SynBio, GMOs/LMOs, Crispr, Digital sequence information
- Guidance and rights-based education on documentation of TK & GRs
 - Documentation within the control of IPLCs
 - How to IPLCs can protect themselves against harmful aspects documentation
 - Establishment of protective and safeguard measures
- Education programs on transfer of knowledge and use of technologies

Legal & Policy Development & Reform

- Strengthen national policy frameworks on TK – ABS, Climate Change, Conservation, Cultural Diversity
- Support documentation by IPLCs themselves of their biocultural community protocols
- Enhance respect for legal pluralism & customary law
- Respect for IP Competent Authorities or customary institutions
- Legal & policy reform to address laws that prevent achievement of TK indicators

Participation, networking & Partnership

- Strengthen IPLCs participation at local and national levels, taking into consideration good practices

- Enhance access of IPLCs to government resources for TK promotion and protection
- Use budget analysis tools to monitor government spending for TK
- Develop effective mechanisms for partnership between IPLCs and government at national level
- Establish a knowledge-sharing platform & network of IPLCs at national, regional, and global levels

Monitoring

- Continue the publication of Local Biodiversity Outlooks, to be developed alongside GBO
- Enhanced monitoring of status and protection of TK – better cooperation between community-based monitoring and national monitoring of TK indicators (linguistic diversity, traditional occupations, land use change, land tenure, government action)
- Third party monitoring
- Participatory community mapping and land demarcation
- Increased visibility and respect for contribution of collective action of IPLCs to CBD objectives

Local Biodiversity Outlooks

- LBO 2 – written by IPLCs themselves → requests strong contributions from Asia
 - Deadline for government reports on Dec 2018; GBO 5 will be drafted beginning January 2019
 - IPLCs should provide inputs by Dec 2018, for inclusion in GBO 5; IPLCs may also participate in government process
 - Commenting and revision process January-April 2020
 - Final launching of both GBO 5 and LBO 2 will be in May 2020 during SBSTTA/SBI
 - LBO 2 timeline will be the same as GBO 5, because they are viewed as complementary products
 - IPLCs are encouraged to submit case studies and information on December 2018
 - There is an indigenous advisory board & facilities for editorial support through FPP
 - IPLCs Vision: for the LBO to continue to be developed in a complementary way with the GBO

Indigenous technologies

- Support and promote indigenous technologies, in accordance with Articles 17 and 18 of the CBD
- Allow indigenous technologies to be shared
- Promote sharing of experiences on the use of indigenous technologies

Customary resource Management & Customary Sustainable Use

- Strengthened implementation of the plan on CSU
- Monitor the status and trends in customary sustainable use
- Recognition of linkages between biodiversity, cultural diversity and knowledge diversity
- Rotational farming, fire management, local food systems, forest management, traditional fishing

Conservation and Human Rights

- Strengthen the policy framework and respect for IPLCs conservation practices (such as ICCAs & sacred sites)
- Safeguards + grievance and redress mechanisms on IPLC rights issues arising from conservation initiatives
- Support for activists & IPHRDs who are being harassed, criminalized and killed

Address issues of Intellectual Property Rights and TK

- Respect and protection for community IPRs
- Full integration of ABS and IPRs at national level
- Full respect for IPLCs right IPRs

- ABS in biological resources

Institutional arrangements

- IPLCs vision for institutional arrangement – a more permanent structure within the CBD to focus on TK, with more effective working methods
- But, the CBD parties have stated that the discussion on the institutional arrangement will come after the work plan is determined
- Options on the table include: full integration, continuation of WG8J, a subsidiary body, or a combination
- IPLCs at Asia Training-Workshop to submit vision to CBD
- National and Regional IPLCs to submit views on TK Work Program

African regional workshop on traditional knowledge, Marrakesh, Morocco, 8-12 October 2018

SUBMISSION

IPLC Positioning in the Post-2020 Vision: Recommendations

- In Africa there is a lot that has to be done. African Governments need to enhance their commitment in working with IPLCs and recognize their role in the contribution to the programme of work of the Convention on Biological diversity.
- Build Capacity on Environmental legal instruments and ensure that they include them in any future formulation and implementation of their work programs on the Convention.
- Capacity and awareness is very crucial on both target 18 and 16 of Nagoya Protocol there is still a lot to be done. Government, donors and all partners have to work together to ensure that no one to be left behind. We have to reach out at the community level because it is there that we can get the knowledge to help us translate the work to national, regional and international level.
- The African Union should take a greater role in Africa to ensure that they include IPLC in their work by enhancing their effective participation on different activities undertaken on the developed guidelines on the Nagoya Protocol and guide the African states in the importance of recognizing and fully involving IPLCs.
- IPLCs are already doing a lot of work out there but they have not been recognized or appreciated and even helped to translate what they are doing as work that is contributing to the achievement of the Aichi targets of the strategic plan of the CBD and its 2050 vision
- Important to mainstream the contribution of traditional knowledge to sustainable use of biodiversity, in particular agriculture, forestry, fisheries, tourism and other areas related to conservation of Biodiversity and other natural resources.
- Let's look and see IPLCs beyond TK there is a lot of contribution they can offer. Let's start form the young and promote the inclusion of the youth.
- It is important to give a chance for IPLCs to give views, holistically use the human rights approach that allows a participatory approach that gives the voice to everyone

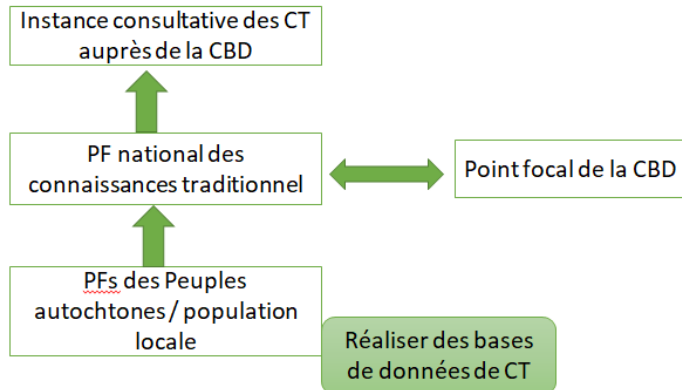
Post 2020 Actions: Recommendations from the Egyptian Group

- Documentation of surveying IPLCs geographical distribution and relevant TK knowledge;
- Establish specific departments within relevant government bodies for IPLCs as well as allocating national funds;
- Capacity building for IPLCs representatives on institutional engagement;
- Ensure the full involvement of IPLCs in various national institutions as a significant criterion upon providing funds;
- Awareness raising for IPLCs on the environmental challenges and relevant international conventions, protocols and treaties;

- Ensure the full cooperation between TK stakeholders e.g. universities, research centers, ministries private sectors and NGOs;
- Mainstreaming TK issues within National development policies
- Develop a Convention recognizing and supporting cultural diversity

Post 2020 Plan D'action & Niveau Institutionnel : Groupe Nord Afrique

- Baseline: Plateforme réalisée par les participants au Forum de la biodiversité des peuples autochtones (IPACC)



- Recommandations après 2020 - Afrique Francophone
 - Transformer le groupe de travail existant sur(8j) en organe subsidiaire chargé de donner un avis sur les connaissances traditionnelles (CT)
 - Définir le programme de travail annuel de l'organe subsidiaire sur les connaissances traditionnelles
 - L'organe subsidiaire est composé des membres des comités nationaux APA
 - Mettre en place un cadre de partage d'expériences entre des peuples autochtones et les communautés locales
 - Mettre en place un programme de formation sur le protocole communautaire bioculturel
 - Allouer un fonds pour la promotion des connaissances traditionnelles
- Actions après 2020
 1. Concrétiser le fond pour les peuples autochtones en considérant :
 - a. pour des projets concrets avec les PA
 - b. Pour les forums et conférences sur les CT
 - c. Pour encourager la PA à participer dans les rencontres internationales
 2. Maintenir l'idée de réaliser des études d'impact des projets dans les territoires des PA
 3. Réaliser un Plan d'action des projets à mener par / pour les PA