



## Convention on Biological Diversity

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### REPORT OF THE AD HOC TECHNICAL EXPERT GROUP ON THE NEW PROGRAMME OF WORK AND INSTITUTIONAL ARRANGEMENTS ON ARTICLE 8(J) AND OTHER PROVISIONS OF THE CONVENTION RELATED TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

MANAUS, BRAZIL, 11–13 JULY 2023

#### INTRODUCTION

##### A. Background

1. At its fifteenth meeting, the Conference of the Parties to the Convention on Biological Diversity adopted decision [15/10](#), on the development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, which, among other things, set out a process for further consideration of the matter. The development process included the convening of an ad hoc technical expert group on the new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, the terms of reference of which are contained in annex III to decision 15/10. The Ad Hoc Technical Expert Group on the New Programme of Work and Institutional Arrangements on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities was requested to submit the outcomes of its work to the Working Group on Article 8(j) and Related Provisions for consideration at its twelfth meeting.

2. Pursuant to the above, and with generous financial support from Brazil and the United Kingdom of Great Britain and Northern Ireland, the meeting of the Expert Group was held in Manaus, Brazil, from 11 to 13 July 2023.

##### B. Attendance

3. By notification [2023-019](#) of 3 November 2022, Parties, indigenous peoples and local communities and observers were invited to nominate candidates for the Expert Group.

4. The Secretariat of the Convention received a total of 66 nominations: 24 experts nominated by 19 Parties, 27 experts nominated by 27 indigenous peoples and local community organizations, and 15 experts nominated by 12 observer organizations.

5. The experts were selected in accordance with the relevant provisions of the consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice (see decision [VIII/10](#), annex III), and through the application of decision [14/33](#), on the procedure for avoiding or managing conflicts of interest in expert groups. The selection also took into account the expertise and experience of the nominees and the need to ensure equitable geographical distribution and gender balance.

6. Following selection under the guidance of the Bureau of the Conference of the Parties, the composition of the Expert Group was announced by the Secretariat through its notification [2023-061](#) of 31 May 2023. Ten of the 13 selected experts nominated by Parties, 10 of the 15 selected experts nominated by organizations representing indigenous peoples and local communities and 5 of the 6 selected experts nominated by other observer organizations attended the meeting (see annex II).

**Item 1. Opening of the meeting**

7. The meeting was opened at 10 a.m. on 11 July 2023 by the National Secretary for Biodiversity, Forests and Animal Rights of the Ministry of the Environment and Climate Change of Brazil, Rita Mesquita, and the representative of the Pankararu Indigenous Peoples, Cristine Julião Pankararu.

**Item 2. Organizational matters**

8. The Expert Group members elected Lucy Mulenkei and Matilda Wilhelm as Co-Chairs of the meeting.

9. The Expert Group adopted the following agenda on the basis of the provisional agenda<sup>1</sup> prepared by the Secretariat:

1. Opening of the meeting.
2. Organizational matters.
3. New programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities:
  - (a) Objectives, general principles, possible elements, tasks and actors;
  - (b) Options for institutional arrangements and their modus operandi.
4. Other matters.
5. Adoption of the report.
6. Closure of the meeting.

10. The Expert Group approved the organization of work provided in annex I to the annotated provisional agenda.<sup>2</sup>

**Item 3. New programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities.****(a) Objectives, general principles, possible elements, tasks and actors**

11. Following a brief introduction of the objectives and general principles of the proposed programme of work by a representative of the Secretariat, the Co-Chairs invited the Expert Group to address both sections consecutively.

12. The Expert Group proposed highlighting in the programme of work, the need for it to be aligned with the Kunming-Montreal Global Biodiversity Framework. The Group specifically noted the relevance of paragraph 7 (a) of section C of the Framework, focused on the contribution and rights of indigenous peoples and local communities, Goal C, on access and benefit-sharing, and Targets 1, 2, 3, 5, 9, 10, 13, 19, 21, 22 and 23. The Group also suggested including a reference to the non-derogation clause from section C of the Framework, as reflected in paragraph 7 of the draft programme of work (annex I) .

13. The Expert Group agreed that the objective of the current programme of work would remain valid for the new programme of work but suggested a modification to the latter's title, namely, to change "related provisions" to "other provisions", to better reflect the increasing recognition of the significant contribution of indigenous peoples and local communities to the implementation of the Convention, in particular in the context of the Framework.

14. The Expert Group observed that the general principles of the current Programme of Work (adopted by decision [V/16](#) and revised by decision [X/43](#)) would also remain valid, with minor adjustments and improvements to align them with the Framework. The proposed adjustments would be aimed at enhancing the participation of indigenous peoples and local communities in monitoring the elements and tasks of the

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<sup>1</sup> CBD/A8J/AHTEG/2023/1/1.

<sup>2</sup> CBD/A8J/AHTEG/2023/1/1/Add.1.

new programme of work, including by incorporating traditional technology, in line with Target 21, highlighting customary sustainable use and taking into consideration customary law and community protocols in relation to traditional knowledge. Furthermore, it was suggested that a principle highlighting the importance of promoting a gender-responsive and human rights-based approach should be added.

15. Before addressing each element and task of the proposed programme of work separately, the Expert Group discussed cross-cutting issues. It recognized that using the term “task” conveyed a stronger sense of commitment and alignment with the language employed in the current programme of work and the Framework. In addition, noting that guidelines were voluntary in nature, the Group proposed to delete the term “voluntary,” as it could undermine the importance of implementing any duly developed guidelines. With regard to the term “indigenous peoples and local communities”, the Group emphasized the need to clarify the understanding of the term “local communities”. In this regard, the Group proposed using the term “traditional local communities” to highlight the fact that local communities, in the context of the Convention, were limited to those embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

16. The Expert Group made the following observations regarding element 1 of the proposed programme. To follow the structure of the Framework, it was suggested that the conservation and restoration element be introduced as the first element of the programme. The Group recommended that Targets 1, 2 and 3 of the Framework be reflected and considered when addressing that element. Furthermore, the critical importance of including indigenous peoples and local community governance systems within the element was highlighted. The Group noted the importance of recognizing and incorporating the traditional knowledge, innovations and practices of indigenous peoples in conservation and restoration efforts. Several experts suggested the inclusion of all four traditional knowledge indicators adopted in the Strategic Plan for Biodiversity (2011–2020),<sup>3</sup> rather than focusing solely on the indicator related to land tenure, and proposed to move it to element 5. The Group proposed the addition of two new tasks related to: (a) promoting partnerships among indigenous peoples and local communities and other actors in the fields of conservation and restoration; and (b) spatial planning.

17. During the discussion on element 2, on the sustainable use of biological diversity, the Expert Group put forth several key observations. Experts highlighted that the element was aligned with Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity<sup>4</sup> and Targets 4, 5, 9, 10 and 11 of the Framework. The Group noted that the tasks associated with element 2 should prioritize implementation rather than the creation of new guidelines. It was also proposed to develop communication, education and public awareness materials in indigenous languages. In addition, the Group suggested to remove the proposed tasks related to registries and indigenous concepts of diverse agroforestry systems.

18. In relation to element 3, on the sharing of benefits from genetic resources, the Expert Group suggested the inclusion of genetic resources, traditional knowledge associated with genetic resources and digital sequence information, taking into consideration Goal C and Target 13 of the Framework. It was suggested to use the formulation “traditional knowledge associated with genetic resources”, as also used consistently in the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. In addition, the Group proposed to include a request to the Secretariat to undertake studies on the effectiveness of secure databanks and databases in relation to the use and protection of traditional knowledge associated with genetic resources and digital sequence information, and associated provenance metadata. Furthermore, a new task to further encourage the development of biocultural community protocols was suggested.

19. In relation to element 4, on knowledge and culture, the Expert Group noted its importance in view of its contribution to the implementation of Article 8(j) of the Convention and its relevance to Goal C, Targets 21 and 22 and section K of the Framework. The Group suggested emphasizing the importance of intergenerational transmission and the revitalization of traditional knowledge. In addition, two new tasks were introduced, namely, the establishment of a global network of national focal points on Article 8(j) and

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<sup>3</sup> Decision X/2.

<sup>4</sup> Decision XII/12 B, annex.

related provisions to support national-level implementation, and the organization of knowledge exchange and learning platforms by the Secretariat, in collaboration with indigenous peoples and local communities and other actors. The Group also emphasized the importance of knowledge co-production towards the resilience and adaptation of customary sustainable use practices.

20. The scope of element 5 was clarified and its title adjusted accordingly. The Expert Group emphasized that the implementation of activities and tasks under that element would contribute to the effective implementation of the programme of work and of the Framework through the use of existing tools and guidelines adopted by the Conference of Parties, in particular those emanating from the Working Group on Article 8(j) and Related Provisions. With a view to ensuring a gender-responsive approach in the programme of work, the Expert Group recommended the inclusion in that task of references to women, girls and young people and to the Gender Plan of Action (2023–2030). The Expert Group included the development of guidelines for establishing national incentive schemes to support indigenous peoples and local communities in preserving and maintaining their traditional knowledge.

21. In relation to element 6, on the full and effective participation of indigenous peoples and local communities, the Expert Group noted that the element was aimed at ensuring the active involvement of indigenous peoples and local communities in decision-making related to biodiversity and the comprehensive implementation of the entire Framework. As part of the streamlining process, the Group recommended the removal of proposed tasks 6.3 and 6.4, given that those tasks were already part of the activities and mandate of the Secretariat, in addition to being priorities for the entire United Nations system.

22. The Expert Group proposed to introduce two new elements into the programme of work, namely, a human rights-based approach and direct access to funding for biodiversity conservation by indigenous peoples and local communities.

23. In relation to promoting a human rights-based approach, now contained in element 7, the Expert Group proposed a consolidated task focused on enhancing collaboration with relevant human rights bodies to promote the full protection of human rights defenders, as provided for in the Framework. The Group also proposed a new task, to be carried out under an institutional arrangement yet to be determined, that would focus on developing guidance on the implementation of Target 22 with regard to access to justice and information related to biodiversity by indigenous peoples and local communities.

24. Regarding the proposed new element on direct access to funding for biodiversity conservation, the Expert Group recommended tasks aimed at enhancing the role of collective actions, in particular by indigenous peoples and local communities. In this regard, a task was proposed for Parties to apply the methodological guidance for identifying, monitoring and assessing the contribution of the collective actions of indigenous peoples and local communities, through the resource mobilization reporting Framework. The Group also proposed to include a request to the Secretariat to facilitate platforms to enhance the mobilization of financial resources for the implementation of the Convention on the ground. The Group further proposed to include a task related to access to direct funding for indigenous peoples and local community collective actions on biodiversity conservation and sustainable use, including for indigenous women and young people. It was suggested that a study be conducted to identify good practices and gaps in policies, as well as mechanisms to inform multiple initiatives regarding the direct funding of collective actions on biodiversity conservation by indigenous peoples and local communities. It was noted that the discussion on that element would contribute to the implementation of Target 19.

25. The proposed new programme of work, as further developed at the present meeting, is contained in annex I to the present report.

#### **(b) Options for institutional arrangements and their modus operandi**

26. A representative of the Secretariat provided a detailed presentation on the different options of possible institutional arrangements and their modus operandi for the implementation of Article 8(j) and other provisions of the Convention. He highlighted a possible mandate and the core elements of the modus operandi of each of the three options specified in paragraph 9 of decision 14/17. He also provided a list of issues that needed to be considered in the process of identifying and elaborating suitable institutional arrangements for advancing the new programme of work. He noted that a number of good practices could

be drawn upon in relation to institutional arrangements and modus operandi from the bodies already established under the Convention.

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

28. It was noted that the options under consideration were not necessarily mutually exclusive. Any preferred option should, at the very least, maintain, but preferably enhance, participation mechanisms developed in line with current practices of the Working Group of Article 8(j) and Related Provisions that had worked well during the previous phase. The full and effective participation of indigenous peoples and local communities in the implementation of the Convention and the Framework was paramount across all the options for institutional arrangements that were under consideration.

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

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

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

(c) A subsidiary body would be the most efficient structure for indigenous peoples and local communities to provide or receive, as appropriate, advice to or from other subsidiary bodies and processes under the Convention and, where appropriate, the Protocols;

(d) A subsidiary body would be the most effective institutional arrangement to carry out effectively the mandate of providing advice on the implementation of the new programme of work, once adopted;

(e) The establishment of a subsidiary body would send a strong signal to Parties and encourage them to take, in national implementation processes, appropriate and meaningful policy, legal and administrative measures that respected, preserved and maintained the knowledge, innovations and practices of indigenous peoples and local communities and safeguard the indispensable role of those communities in the conservation and sustainable use of biological diversity.

30. The establishment of a subsidiary body would have the same budgetary implications as those of the Working Group on Article 8(j) and Related Provisions.

31. The Expert Group noted that the establishment of a subsidiary body on Article 8(j) and other provisions should be aimed primarily at ensuring the enhanced and strengthened participation of indigenous peoples and local communities in all processes under the Convention. It also noted the following:

(a) The meetings of the subsidiary body should be, where feasible, and taking into account the experience of the Permanent Forum on Indigenous Issues, subject to rotation among the seven sociocultural regions identified by the Forum<sup>5</sup> in order to provide opportunities for broader participation engagement and awareness-raising in each of those regions;

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<sup>5</sup> Africa; the Arctic; Asia; Central and South America and the Caribbean; Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

(b) Building on the successful practice of the Working Group on Article 8(j) and Related Provisions, the subsidiary body should maintain the practice of appointing two co-chairs, one nominated by Parties and the other by indigenous peoples and local communities;

(c) The subsidiary body should establish its own bureau, consisting of representatives nominated by Parties and indigenous peoples and local communities across all regions. Following the successful practice of the Working Group on Article 8(j) and Related Provisions, the bureau may involve representatives of indigenous peoples and local communities by inviting them to serve as friends of the bureau;

(d) The name to be proposed for the subsidiary body should reflect its specific mandate, communicating clearly the nature and scope of its purpose.

32. On the basis of the foregoing, the Expert Group:

(a) Agreed to submit the aforementioned assessment on options for institutional arrangements to the Working Group on Article 8(j) and Related Provisions, for consideration at its twelfth meeting, and called upon the Working Group to recommend to the Conference of the Parties that it establish, at its sixteenth meeting, a subsidiary body on indigenous peoples and local communities, as provided for in the Convention;

(b) Requested the Secretariat to further elaborate and develop the details of the possible mandate and modus operandi of the subsidiary body, and to make them available to the Working Group on Article 8(j) and Related Provisions, for consideration at its twelfth meeting.

#### **Item 4. Other matters**

33. No other matters were raised under item 4.

#### **Item 5. Adoption of the report**

34. The Co-Chairs introduced the draft report of the meeting, which was adopted, as orally amended. In line with the terms of reference of the Expert Group, the report contained the outcomes of the work of the Expert Group and would be submitted to the Working Group on Article 8(j) and Related Provisions for consideration at its twelfth meeting.

#### **Item 6. Closure of the meeting**

35. Following the customary exchange of courtesies, the meeting was closed at 5 p.m. on 13 July 2023.

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

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

**II. General principles**

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

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

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

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

6. Traditional knowledge, innovations, practices and technology held by indigenous peoples and local communities should only be used with the free, prior and informed consent<sup>3</sup> of indigenous peoples and local communities. The use of traditional knowledge should be subject to the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practice based on mutually agreed terms in accordance with domestic law and with due consideration of the customary laws, community protocols and procedures of indigenous peoples and local communities.

7. The implementation of the programme of work should follow a gender-responsive approach and a human rights-based approach respecting, protecting, promoting and fulfilling human rights. The Framework contains an acknowledgment of the human right to a clean, healthy and sustainable environment and a commitment to ensuring access to justice and information and the full protection of environmental human rights defenders. Nothing in the present programme of work may be construed as diminishing or

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1760, No. 30619.

<sup>2</sup> Decision 15/4.

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

extinguishing the rights that indigenous peoples currently have or may acquire in future, as also stated in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>4</sup>

### III. Elements

#### 1. Conservation and restoration

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

##### *Tasks*

- 1.1 The institutional arrangements remain to be determined<sup>5</sup> for developing guidelines, with the full and effective participation of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Target 3, including mosaics of community-based conservation, protection and restoration practices led by indigenous peoples and local communities.
- 1.2 The institutional arrangements remain to be determined for supporting the establishment of grievance and redress mechanisms in support of the application of a human rights-based approach in the implementation of the Framework.
- 1.3 The institutional arrangements remain to be determined for developing guidelines to promote and support, subject to national legislation and international obligations, traditional land use; secure land tenure and governance by indigenous peoples and local communities for the conservation and sustainable use of biodiversity; and identify and promote best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) and their implementation.
- 1.4 Parties are to promote the rights of indigenous peoples and local communities without formal access to land, including in urban areas, and to partner with them in the conservation, protection and restoration of biodiversity and creation of blue and green spaces.
- 1.5 All actors are to promote partnerships between indigenous peoples and local communities and other actors in conservation and restoration.
- 1.6 The institutional arrangements remain to be determined for developing guidelines for the full inclusion of land use by, and development plans, including special planning, of, indigenous peoples and local communities covering their indigenous and traditional territories to foster effective and integrated management processes addressing land and sea use changes.

#### 2. Sustainable use of biological diversity

*To promote, encourage and respect the sustainable use of biological diversity, focusing on the customary sustainable use of indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity<sup>6</sup> and Targets 4, 5, 9, 10 and 11 of the Kunming-Montreal Global Biodiversity Framework.*

##### *Tasks*

- 2.1 Parties are to incorporate customary sustainable use practices or policies, with the full and effective participation of indigenous peoples and local communities, as appropriate, into national biodiversity strategies and action plans and legislation.
- 2.2 All actors are to promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) of the Convention and to enhance customary sustainable use of biological diversity.

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<sup>4</sup> General Assembly resolution 61/295, annex.

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

<sup>6</sup> Decision XII/12 B, annex.



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

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

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

#### *Tasks*

- 3.1 The institutional arrangements remain to be determined (taking into account the Mo'otz Kuxtal Voluntary Guidelines, for the development of mechanisms, legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”, depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge)<sup>7</sup> for developing a plan of action and mechanisms to support the implementation of the Convention and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity<sup>8</sup> in relation to genetic resources and traditional knowledge associated with the genetic resources of indigenous peoples and local communities. Such a plan of action should include capacity-building activities and technical and legal assistance.
- 3.2 Parties, with the full and effective participation of indigenous peoples and local communities, are to promote and strengthen programmes aimed at the valorization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information, taking into account their priorities and interests.
- 3.3 The Secretariat of the Convention is to undertake studies on concrete access and benefit-sharing cases and experiences of indigenous peoples and local communities, including the effectiveness of databanks and databases on the utilization and protection of genetic resources, traditional knowledge associated with genetic resources, digital sequence information and their associated provenance metadata, including the disclosure of the origin of products and information on the process arising from such utilization.
- 3.4 All actors should promote programmes that encourage collaboration and partnerships between indigenous peoples and local communities and the users of traditional knowledge associated with genetic resources and digital sequence information.
- 3.5 All actors are to support capacity development for indigenous peoples and local communities and dialogues with external stakeholders, taking into account the cultural and organizational contexts and adjusting to sui generis governance structures.

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<sup>7</sup> Decision XIII/18, annex.

<sup>8</sup> United Nations, *Treaty Series*, vol. 3008, No. 30619.

- 3.6 All actors are to support capacity development for indigenous peoples and local communities and users, and to create platforms for information exchange between indigenous peoples and local communities and Parties, as well as for dialogue with external actors.
- 3.7 All actors are to support initiatives by indigenous peoples and local communities to develop biocultural community protocols or other measures to ensure their free, prior and informed consent and the effective and equitable sharing of benefits arising from the use of traditional knowledge associated with genetic resources and digital sequence information.

#### **4. Knowledge and culture**

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

##### *Tasks*

- 4.1 All actors are to support efforts by indigenous peoples and local communities: (a) to strengthen the intergenerational transmission, use and revitalization of traditional knowledge, including in formal and informal education settings, through secure indigenous knowledge systems and cultural and education centres; and (b) to contribute to other international processes.
- 4.2 All actors are to promote the implementation, strengthening and dissemination of the Joint Programme of Work on the links between biological and cultural diversity.<sup>9</sup>
- 4.3 The institutional arrangements remain to be determined for promoting the inclusion of traditional, indigenous and local knowledge as equally valid as science in all bodies of the Convention, such as the Subsidiary Body on Scientific, Technical and Technological Advice, and in other processes, including the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and the Secretariat is to promote such inclusion.
- 4.4 Parties, with the full and effective participation of indigenous peoples and local communities, in particular indigenous women, girls and young people, are to undertake capacity-building and awareness-raising activities in the light of the Long-term Strategic Framework for Capacity-building and Development<sup>10</sup> in order to promote the inclusion of traditional knowledge as an equally valid part of the broader mainstreaming of biodiversity conservation across society and sectors of production, as well as other relevant global processes.
- 4.5 The Secretariat is to establish a global network of national focal points on Article 8(j) and related provisions to support the implementation of the Convention at the national level.
- 4.6 The Secretariat, in collaboration with indigenous peoples and local communities and other actors, is to organize the exchange of knowledge and to establish learning platforms to promote the implementation of the tasks in the programme of work.
- 4.7 All actors are to promote the co-production of new knowledge by indigenous peoples and local communities, scientists and other stakeholders necessary for the resilience, adaptation and continuation of customary sustainable use practices by indigenous peoples and local communities and biodiversity conservation under rapid environmental change.
- 4.8 The institutional arrangements remain to be determined, building on the guidelines and standards aimed at the national level and previous work on sui generis systems, and taking into account the safeguards framework, for developing a comprehensive and efficient safeguards framework (see decisions XII/3 and 14/15) for indigenous peoples and local communities and the promotion and

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

<sup>10</sup> Decision 15/8, annex I.

management of their traditional knowledge, innovations and practices related to the conservation of biological diversity and the sustainable use of its components.

## 5. Strengthening implementation and monitoring progress

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

### Tasks

- 5.1 Parties, in collaboration with national focal points on Article 8(j) and related provisions, are to promote the wider application, implementation and monitoring at the national level of adopted guidelines and other principles and standards, including by ensuring adequate financing and taking national policy, legal and administrative measures, with the full and effective participation of indigenous peoples and local communities. Examples of such guidelines and other principles and standards include:
  - (a) The Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions;<sup>11</sup>
  - (b) The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or Which Are Likely to Impact on, Sacred Sites and Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;<sup>12</sup>
  - (c) The Tkarihwaí: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;<sup>13</sup>
  - (d) The Plan of Action on Customary Sustainable Use of Biological Diversity;<sup>14</sup>
  - (e) The Mo'otz Kuxtal Voluntary Guidelines;
  - (f) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity.<sup>15</sup>
- 5.2 All actors are to promote the implementation of the Gender Plan of Action (2023–2030),<sup>16</sup> as appropriate, emphasizing the effective participation of indigenous peoples and local communities, taking into account the special role of gender, women, girls and young people in the generation, transmission and protection of traditional knowledge, conservation and protection of biological diversity and recognizing their equal rights and access to land and natural resources, taking into account national realities, circumstances and capacities.
- 5.3 The institutional arrangements remain to be determined for developing guidelines and proposals for the establishment of national incentive schemes for indigenous peoples and local communities to preserve and maintain their traditional knowledge, innovations, practices and technology and for the application thereof to national strategies and programmes for the conservation and sustainable use of biological diversity.
- 5.4 The institutional arrangements remain to be determined for developing guidelines on the operationalization of the four traditional knowledge indicators, contextualizing the land-use change

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<sup>11</sup> Decisions 14/13, annex.

<sup>12</sup> Decision VII/16 F, annex.

<sup>13</sup> Decision X/42, annex.

<sup>14</sup> Decision [XII/12 B](#), annex.

<sup>15</sup> Decision 14/12, annex.

<sup>16</sup> Decision [15/11](#), annex.

and land tenure indicator,<sup>17</sup> including by mapping existing indigenous and traditional territories, documenting legislation and recognizing indigenous peoples' land tenure rights and the collective actions of indigenous peoples and local communities, thereby contributing to the protection of biodiversity, and reporting on progress made.

- 5.5 The institutional arrangements remain to be determined for contributing to the continuous monitoring of the implementation of the programme of work on Article 8(j) and other provisions through the indicators of the status of and trends in traditional knowledge<sup>18</sup> adopted under the previous programme of work, and their further operationalization under the renewed Joint Programme of Work on the links between biological and cultural diversity.

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

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

### *Tasks*

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

## **7. Human rights-based approach**

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

### *Tasks*

- 7.1 The institutional arrangement is to be determined, in collaboration with the relevant United Nations bodies, including the Inter-Agency Support Group on Indigenous Peoples' Issues and its members, and other relevant organizations, as well as indigenous peoples and local communities, for:
- (a) Supporting and promoting, as appropriate, traditional land tenure and securing land tenure for indigenous peoples and local communities;<sup>19</sup>
  - (b) Developing guidelines to promote a human rights-based approach in conservation efforts.
- 7.2 The Secretariat is to enhance collaboration with relevant bodies to promote the full protection of environmental human rights defenders, including from arbitrary persecution and lethal and non-lethal violence at the national and international levels

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

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

<sup>19</sup> References to "traditional tenure" include lands and waters.

- 7.3 The institutional arrangement is to be determined for developing guidance on the implementation of Target 22 of the Framework with regard to access to justice and information related to biodiversity conservation by indigenous peoples and local communities.
- 7.4 The institutional arrangement is to be determined for reviewing and updating, as needed, the Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions to ensure continued alignment with international standards and practices, in particular the language adopted under the United Nations Declaration on the Rights of Indigenous Peoples.

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

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

### *Tasks*

- 8.1 In line with the request of the Conference of the Parties in its decision 14/16 of 30 November 2018, Parties are encouraged to make use of the guiding principles on assessing the contribution of collective action of indigenous peoples and local communities.
- 8.2 The Secretariat is to facilitate platforms to enhance the mobilization of financial resources within the scope of the Strategy for Resource Mobilization<sup>20</sup> for the implementation on the ground of the Convention by indigenous peoples and local communities, as well as to contribute to other international processes.
- 8.3 The institutional arrangement is to be determined for developing guidelines and principles for the development or improvement of existing policies, mechanisms and other appropriate initiatives and measures to ensure direct access to funding for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local community, including indigenous women and young people.
- 8.4 The Secretariat is to commission a study to identify good practices and gaps in policies, mechanisms and other measures to inform multiple initiatives regarding direct funding, also taking into account the need for adaptive strategies for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities, including actions to be carried out by indigenous women and young people.

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<sup>20</sup> Decision [15/7](#), annex I.

*Annex II*

**List of participants**

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