



Convention on Biological Diversity

Distr.: General
5 August 2025

Original: English

Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities

First meeting

Panama City, 27–30 October 2025

Item 4 of the provisional agenda*

Modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities

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Note by the Secretariat

I. Background

1. By its decision [16/5](#), the Conference of the Parties to the Convention on Biological Diversity established the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities. The mandate of the Subsidiary Body is to provide advice to the Conference of the Parties, other subsidiary bodies and, subject to their request, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization on matters relevant to indigenous peoples and local communities that are within the scope of the Convention and its Protocols.
2. In the same decision, the Conference of the Parties requested the Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities, at its first meeting, to further elaborate and finalize its modus operandi, on the basis of the draft contained in recommendation [12/2](#) of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention, taking into consideration the consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice and the modus operandi of the Subsidiary Body on Implementation, as well as established procedures of the Working Group. The finalized modus operandi is to be submitted to the Conference of the Parties for consideration at its seventeenth meeting, with a view to its adoption.
3. Also in the same decision, the Conference of the Parties requested the Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local

* [CBD/SB8J/1/1/Rev.1](#).

Communities, when developing its *modus operandi*, to take into consideration, *inter alia*, the following elements:

- (a) The need for the full and effective participation of indigenous peoples and local communities;
- (b) The cost-efficiency of its operations and management compared with those of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention;
- (c) The full recognition of its operations as Party-led processes;
- (d) The criteria and process for the selection of representatives of indigenous peoples and local communities, to be designated at the beginning of each of its meetings from the seven sociocultural regions to participate in its work as friends of the Bureau, and the role of Parties and the Bureau in those modalities;
- (e) Interaction with other subsidiary bodies, with a view to minimizing duplication and any additional burden on those bodies, while enhancing synergies.

4. In this context, the Conference of the Parties adopted by its decision [16/4](#) a programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities to 2030. In Task 6.1 of the programme of work, the Conference of the Parties requested that the Subsidiary Body implement and further develop the enhanced participation mechanisms used by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention.

5. The present document has been prepared to support the work of the Subsidiary Body by providing a synthesis of the responses received pursuant to notification No. [2025-061](#), in which the Executive Secretary of the Convention requested the submission of views and information on the draft *modus operandi* (sect. II). Submissions were received from Parties, indigenous peoples and local communities and relevant organizations¹ and reflected a range of perspectives. A compilation of the submissions will be made available as information document CBD/SB8J/1/INF/4. The present document also contains a draft decision and *modus operandi* for consideration by the Subsidiary Body (sect. III).

6. The proposed *modus operandi* contained in document [CBD/COP/16/L.6](#), which was submitted during the sixteenth meeting of the Conference of the Parties, will also be made available for reference as information document CBD/SB8J/1/INF/3.

II. Synthesis of views on the *modus operandi*

7. Several submitters emphasized that the Subsidiary Body should support the full and effective participation of indigenous peoples and local communities, underscoring the importance of ensuring their participation and involvement in the governance structure of the Subsidiary Body.

8. A number of submitters acknowledged that the operational and governance structure of the Subsidiary Body should be Party-led. One submitter recalled that the operational procedures and practices of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention had been Party-led processes that included a specific mechanism to facilitate the enhanced participation of indigenous peoples and local communities. In that context, some submitters suggested that the same approach be maintained for the Subsidiary Body, as it would

¹ Submissions were received from: (a) Parties (Armenia, Australia, Brazil, Canada, Colombia, European Union, Finland, Mexico, Norway, Saudi Arabia and Zimbabwe); (b) organizations of indigenous peoples and local communities (Assembly of First Nations, Association Tinhinan, Indigenous Peoples of Africa Co-ordinating Committee, International Indigenous Forum on Biodiversity, Nacionalidad Waorani del Ecuador, Pastoral Communities Empowerment Programme, Union of Indigenous Peoples “SOYUZ”); and (c) relevant stakeholders (African Wildlife Foundation and Food and Agriculture Organization of the United Nations).

foster a constructive dialogue in the implementation of Article 8(j) and other provisions of the Convention and raise the visibility of issues related to indigenous peoples and local communities in processes related to the implementation of the Convention and its Protocols and of the Kunming–Montreal Global Biodiversity Framework.

9. The importance of ensuring cost-efficiency and effectiveness was highlighted in several submissions. Some submitters also emphasized that scheduling the meetings of the Subsidiary Body back-to-back with meetings of other subsidiary bodies established under the Convention was good practice, noting that it allowed for better coordination among those bodies, while also ensuring overall cost-efficiency through the optimization of limited resources. Several submitters stressed the need for focused agendas for the meetings of the Subsidiary Body. They also pointed to the importance of promoting synergies among the subsidiary bodies and of ensuring collaboration between them, with a view to enhancing complementarity and coordination.

10. The need to mobilize adequate financial resources to enable the full and effective participation of indigenous peoples and local communities was highlighted in several submissions. One submitter pointed to the need to increase contributions to the Special Voluntary Trust Fund for Facilitating the Participation of Indigenous Peoples and Local Communities. Another submitter also emphasized the importance of capacity-building activities and targeted training sessions for representatives of indigenous peoples and local communities, to enable them to participate and engage in meetings and negotiations in an effective manner.

11. Regarding the governance structure of the Subsidiary Body, several submitters recommended that the Bureau of the Conference of the Parties serve as the Bureau of the Subsidiary Body. Many submitters also advocated maintaining the practice of inviting representatives from the seven sociocultural regions, as defined by the Permanent Forum on Indigenous Issues, to participate in meetings of the Bureau as friends of the Bureau.

12. The importance of equitable and inclusive selection mechanisms to achieve gender balance and promote youth participation in the work of the Subsidiary Body was emphasized in some submissions. One submitter noted that, where possible, women with expertise in gender issues from the perspective of indigenous peoples and local communities should be nominated to the Bureau and other structures established under the Subsidiary Body.

13. Several submitters emphasized that the nominations of representatives of indigenous peoples and local communities should be carried out through indigenous-led and community-defined governance structures and procedures. It was noted in one submission that self-selection processes led by indigenous peoples and local communities would contribute to fostering legitimacy, accountability and the full and effective participation of indigenous peoples and local communities in the work of the Subsidiary Body.

14. With regard to chairing modalities for meetings of the Subsidiary Body, several submitters supported having two co-chairs, with one chair nominated by Parties and the other nominated by representatives of indigenous peoples and local communities. Some submitters suggested that the nominations of co-chairs occur at meetings of the Conference of the Parties. They also pointed out that such an approach could be applied to the co-chairing of working groups and contact groups established by the Subsidiary Body. In addition, some submitters emphasized the importance of selecting nominees who were knowledgeable about issues relevant to indigenous peoples and local communities in the context of the Convention. Other submitters recommended establishing a process of rotating representation within regions and subregions to promote fairness and diversity.

15. Some submitters also stressed the need to establish mechanisms to address language and accessibility barriers. In that context, the importance of providing relevant information in all official languages of the United Nations and in indigenous languages in culturally appropriate formats in the work of the Subsidiary Body was highlighted.

16. One submitter proposed that the Subsidiary Body establish and strengthen coordination with relevant international organizations and entities, such as the Food and Agriculture Organization of the United Nations, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, the United Nations Educational, Scientific and Cultural Organization, the United Nations Framework Convention on Climate Change and the World Intellectual Property Organization, to build synergies and strengthen policies related to traditional knowledge.

17. Some submitters suggested that the Subsidiary Body recommend that intersessional activities, such as regional and global dialogues, workshops and online consultations, be organized or convened during intersessional periods so as to maintain an ongoing engagement with indigenous peoples and local communities.

III. Recommendations

18. In the light of decision [16/5](#), the Subsidiary Body may wish to recommend that, at its seventeenth meeting, the Conference of the Parties adopt a decision along the following lines:

The Conference of the Parties,

Acknowledging the unique role of indigenous peoples and local communities, their innovations, practices and traditional knowledge in the implementation of the Convention on Biological Diversity¹ and its Protocols and of the Kunming-Montreal Global Biodiversity Framework,² and their contributions to the work of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention, and recognizing the need for the full and effective participation of indigenous peoples and local communities in the work of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities established by decision [16/5](#) of 1 November 2024,

1. *Adopts* the modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities annexed to the present decision;

2. *Invites* the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation to support the work of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities by further incorporating and promoting the programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities to 2030;³

3. *Encourages* Parties, other Governments and relevant organizations to continue and enhance their support for the full and effective participation of representatives of indigenous peoples and local communities in the meetings of the Subsidiary Body on Scientific, Technical and Technological Advice, the Subsidiary Body on Implementation and the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities, including through contributions to the Special Voluntary Trust Fund for Facilitating the Participation of Indigenous Peoples and Local Communities.

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

² Decision [15/4](#), annex.

³ Decision [16/4](#), annex.

[Annex*]**Proposed modus operandi of the [permanent Subsidiary Body] on Article 8(j) and Other Provisions of the Convention on Biological Diversity****I. Functions**

1. The [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention on Biological Diversity will perform its functions under the guidance of the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Cartagena Protocol on Biodiversity 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 for items referred to it by them[, in a manner consistent with the mandates of Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation][, in collaboration with the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation]. [The [Subsidiary Body] on Article 8(j) and Other Provisions shall carry out its functions taking into account the roles and functions of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, with a view to ensuring complementarity with their work and avoiding overlaps.] The functions of the [Subsidiary Body] on Article 8(j) and Other Provisions are:

(a) To [promote and support the implementation of the work undertaken under the Convention pertaining to Article 8(j) and related provisions][promote the implementation and review][review and promote the implementation] of the programme of work on Article 8(j) and other provisions, including Article 10(c) of the Convention related to indigenous peoples and local communities, as contained in the annex to decision --;

(b) To provide advice to the Conference of the Parties and, as appropriate, the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols and other subsidiary bodies, on measures that enhance the implementation of Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities. This includes providing advice on the development and implementation of legal and other appropriate forms of measures to respect, preserve and maintain the knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

II. Operating principles

2. In carrying out its functions, the [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention shall align the elements of its programme of work with the relevant parts of the Kunming-Montreal Global Biodiversity Framework, in particular its 2030 targets, and prioritize the tasks that need early action.

3. In promoting the implementation of the programme of work contained in the annex to decision --, the [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention shall cooperate with and benefit from the assistance of United Nations agencies and other processes that have complementary functions and work on matters related to indigenous peoples and local communities.

III. Procedural matters

4. In line with paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties apply, mutatis

* The present annex is reproduced exactly as contained in recommendation [12/2](#) of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention.

mutandis, to the meetings of the [Subsidiary Body] on Article 8(j) and Other Provisions, with the exception of rule 18.

5. When the [Subsidiary Body] on Article 8(j) and Other Provisions serves a Protocol of the Convention, decisions under the Protocol shall be taken only by the Parties to the Protocol.

6. The [Subsidiary Body] on Article 8(j) and Other Provisions should undertake any tasks that fall within the scope of its programme of work and those that are referred to it by the Conference of the Parties or the Conference of the Parties serving as the meeting of the Parties to the respective Protocol and should report on its work to those bodies.

IV. Bureau and co-chairs

7. The Bureau of the Conference of the Parties will serve as the Bureau of the [Subsidiary Body] on Article 8(j).

8. The [Subsidiary Body] will have two co-chairs [elected by the Conference of the Parties], one nominated by Parties of the regional group that exercises its turn, in a rotation among United Nations regional groups,⁵ and the other nominated by representatives of indigenous peoples and local communities. At least one of the co-chairs will be selected from a developing country, taking into account gender balance. [The co-chairs shall take office from the end of the meeting of the Conference of the Parties at which they have been elected and remain in office until their successors take office at the end of the following ordinary meeting of the Conference of the Parties.] [The number and length of the meetings and activities of the Subsidiary Body and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extrabudgetary funding.]

9. Candidates for the co-chairing of the [Subsidiary Body] should have experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities in the context of the Convention. The regional groups, when identifying a candidate, should take into account the availability of time that the candidates have for the work of the [Subsidiary Body] on Article 8(j) and Other Provisions. In the event that the co-chair nominated by Parties and elected by the Conference of the Parties is from a country that is not a Party to one or both Protocols, a substitute would be assigned from among members of the Bureau representing a Party to the Protocol to chair items related to one or the other Protocol. The co-chairs of the [Subsidiary Body] will be ex officio members of the Bureau of the Conference of the Parties. The President of the Conference of the Parties will invite the co-chairs of the [Subsidiary Body] to the sessions of the Bureau on matters related to the [Subsidiary Body].

10. Further to the established and effective practice of the Ad Hoc Working Group on Article 8(j) and Related Provisions of the Convention, the Bureau of the Conference of the Parties serving as the Bureau of the [Subsidiary Body] will continue to invite representatives of indigenous peoples and local communities to designate at the beginning of each meeting of the [Subsidiary Body] one representative each from the seven sociocultural regions identified by the Permanent Forum on Indigenous Issues to participate in the work of the [Subsidiary Body], as friends of the Bureau.

V. Budgetary matters

11. The [Subsidiary Body] should meet in each intersessional period, back-to-back with meetings of the other subsidiary bodies of the Convention, unless otherwise decided by the Conference of the

⁵ Following the practice of rotation in the chairing of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, and with a view to avoiding that, at any one time, a regional group provides the chairs of more than one subsidiary body, the order of the regions from which the Chair of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention is elected shall be as follows: African States, Western European and other States, Asia-Pacific States, Latin America and Caribbean States and Eastern European States.

Parties [, with due consideration to the importance of ensuring the full and effective participation of the developing country Parties [and indigenous peoples and local communities]].

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

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

14. Upon a decision of the Conference of the Parties considering it necessary to carry out its mandate, and subject to the availability of resources, ad hoc technical expert groups may be established in accordance with section H, paragraph 8, of the consolidated *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice, as contained in annex III to decision [VIII/10](#) of 31 March 2006.

VI. Focal points

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

VII. Documentation

16. The Secretariat shall make the documentation for meetings of the [Subsidiary Body] on Article 8(j) and Other Provisions available at least six weeks before the opening of the meeting, in accordance with rule 10 of the rules of procedure for meetings of the Conference of the Parties.

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

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