



Convention on Biological Diversity

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Item 10 (a) 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

Informal dialogue on the outcomes of the first meeting of the Subsidiary Body on Article 8(j), with a focus on its modus operandi**

Note by the Secretariat

1. The informal dialogue on the outcomes of the first meeting of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities (SB8J), with a focus on its modus operandi, was held at the United Nations Environment Programme headquarters in Nairobi on 13 and 14 August 2026. The informal dialogue was made possible thanks to the generous financial support of the Government of Norway and the European Union.
2. The objective of the informal dialogue was to provide a space for Parties, indigenous peoples and local communities and relevant stakeholders to exchange views informally on the above issues. The dialogue aimed to promote mutual understanding, identify areas of possible convergence and clarify issues that may require further consideration.
3. The informal dialogue was opened with welcoming remarks from the Executive Secretary of the Convention on Biological Diversity. Ms. Sikeade Egbuwalo and Ms. Jennifer Tauli-Corpuz were invited to serve as co-moderators of the informal dialogue. Mr. Julian Portilla and colleagues from the Centro de Colaboración Cívica (CCC) served as facilitators.
4. At the opening of the informal dialogue the Secretariat explained that the dialogue was intended to be informal, was not expected to produce a negotiated outcome and would be conducted under the Chatham House Rule, with no attribution of speakers or positions. The dialogue would not produce negotiated text. Two presentations delivered during the informal dialogue are available online.¹
5. At the request of the co-moderators, the Secretariat is making the summary of the co-moderators' of the key outcomes of the informal dialogue available as an information document for the seventeenth meeting of the Conference of the Parties. The summary is contained in the annex to the present note.

* CBD/COP/17/1/Rev.1.

** The present document is being issued without formal editing.

¹ Presentation "Draft modus operandi of SB8J", available at <https://www.cbd.int/traditional/doc/draft-modus-operandi-sb8j-en.pdf> and presentation "Participation practices of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions", available at <https://www.cbd.int/traditional/doc/practices-wg8j-en.pdf>.

Annex

Co-moderators' summary of the outcomes of the Informal Dialogue on 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

I. Introduction by the co-moderators

1. The dialogue is informal and does not seek to produce negotiated text or an agreed outcome.
2. The present summary provides a non-attributable overview of the exchanges and views expressed during the informal dialogue and does not constitute a negotiated or agreed outcome. It will be made available to the Conference of the Parties as an information document.

II. Areas of convergence

3. Participants recognized both (i) the intergovernmental and Party-led character of SB8J and (ii) the mandate of SB8J to ensure the full and effective participation of indigenous peoples and local communities.
4. It was made clear that decision-making remains with Parties. In keeping with this understanding, it was agreed that the discussion should focus on how the enhanced participation of indigenous peoples and local communities should be organized and what parameters should be established to define the terms of such participation.
5. The experience of the former Working Group on Article 8(j) was regarded as a point of reference. Its participatory practices were seen as fostering trust, maintaining institutional memory, and enabling efficient meetings. Opinions varied on whether and how to continue them, but some interventions made it clear that the process could be improved as needed.
6. Participants stated that the Party-nominated presiding Chairperson and the Bureau should retain procedural authority and responsibility for conducting meetings, with representatives of indigenous peoples and local communities serving in advisory or observer roles, through the "Friends of the Bureau".
7. It was noted by most participants that it is important to have representatives from indigenous peoples and local communities as "Friends of the Bureau" in a two-way stream that is mutually beneficial for Parties, indigenous peoples and local communities
 - (a) Parties and the Bureau benefit from the experience, knowledge, expertise and perspectives of indigenous peoples and local communities;
 - (b) Indigenous peoples and local communities benefit by gaining information and clarity on the conduct of meetings which in turn allows for more effective participation and engagement in meeting proceedings.
8. There was support for principles of clear, transparent, inclusive, legitimate, accountable and workable procedures.
9. Some also highlighted the need to consider regional and gender balance and the nomination of indigenous peoples and local communities, including the importance of women and youth among them.
10. In relation to the nomination and selection of representatives of indigenous peoples and local communities, there was broad agreement that the process should be simple and eligibility

requirements, nomination stages, terms, replacement procedures and reporting responsibilities should be sufficiently clear to avoid inconsistent practice.

11. Participants also noted the need to balance continuity and expertise with rotation and opportunities for newer representatives.

III. Areas of divergence and areas needing further discussion

A. Continuation or review the practice of the former Working Group on Article 8(j)

12. It was noted by some that the practices developed under the former Working Group worked well and that these had operated over many years and supported participation and institutional memory.

13. Other participants noted that the establishment of SB8J needed careful review and assessment of the practices rather than an automatic continuation of previous practices, with roles and procedures expressly defined by the Conference of the Parties.

B. Friends of the Bureau

14. Although support for the “Friends of the Bureau” mechanism was broad, views differed on practical arrangements.

15. Matters requiring clarification included the number and balance of representatives; the basis and timing of designation; participation between sessions; access to information; confidentiality; Party-only consultations; terms and rotation; and responsibilities to consult and report back.

C. Inclusive and differentiated representation

16. Some participants stressed that the two constituencies, indigenous peoples and local communities, have distinct rights, identities, circumstances and representative institutions which should not be conflated.

17. It was clarified that recognizing these distinctions was not intended to diminish the participation of local communities.

18. While inclusive participation was broadly supported, the discussion highlighted that indigenous peoples and local communities should not automatically be treated as a homogeneous constituency.

D. Regional approaches: Five regional groups or seven sociocultural regions for the nomination of the “Friends of the Bureau”

19. Some participants noted a preference for use of the seven sociocultural regions as a basis for the nomination and selection of the Friends of the Bureau, noting that this was an established practice under the Working Group on Article 8(j).

20. Other participants favored using the five United Nations regional groups, noting their consistency with the intergovernmental structure of the Convention, the Bureau and Party-nominated positions.

21. Some participants emphasized that the regional approach should include the principle of inclusivity within the regions, ensuring participation of subregions, small island developing States and the Caribbean.

22. Some participants suggested including biocultural considerations in determining the regions.

23. Some participants emphasized that any regional approach should be inclusive, respecting existing institutions and self-organized structures.

24. Some participants noted that it is not up to Parties to interfere in internal processes related to the nomination and selection of representatives of indigenous peoples and local communities.

25. Views differed on the scope of the seven-region approach. Some stated that these regions were identified through processes led by indigenous peoples themselves, while others recalled that the seven sociocultural regions were used for the participation of both indigenous peoples and local communities in the practice of the former Working Group.

26. Regional rotation was also identified as requiring further consideration in the modalities for selection of the Co-chair nominated by indigenous peoples and local communities; however, due to time constraints, those modalities were not discussed.

E. Party involvement in nominations

27. Some participants favored nomination by indigenous peoples and local communities through their own governance structures, representative institutions, organizations and regional processes, without requiring Party endorsement. Others favored a role for Parties through endorsement or non-objection to support transparency and national accountability.

28. Some participants raised concerns, noting that a substantive endorsement or veto could affect independence, delays, legitimacy or accessibility of the process.

29. Some participants stated that representatives serving as “Friends of the Bureau” should be selected from those attending the meeting; additional selection modalities, including endorsement, would be impractical.
