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

Eleventh meeting

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Item 6 of the provisional agenda*

RECOMMENDATIONS FROM THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Note by the Executive Secretary

INTRODUCTION

1. As is the practice of the Convention, recommendations of the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity are considered by the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, which, in turn, makes recommendations for the consideration of the Conference of the Parties.
2. The present document is meant to facilitate and guide the discussion under this item concerning recommendations of relevance to the Convention on Biological Diversity emanating from the seventeenth and eighteenth annual sessions of the Permanent Forum, which were held from 16 to 27 April 2018¹ and from 22 April to 3 May 2019,² respectively.
3. Section I provides background information on the Permanent Forum, and section II contains a summary of relevant recommendations emanating from these two sessions of the Permanent Forum, not yet considered by the Convention on Biological Diversity. Section III provides a draft recommendation for consideration by the Working Group.

I. BACKGROUND

4. The Permanent Forum³ is a high-level advisory body of the Economic and Social Council, which established the Forum in its resolution [2000/22](#) of 28 July 2000 with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.
5. More specifically, the Permanent Forum:
 - (a) Provides expert advice and recommendations on indigenous issues to the Council as well as to programmes, funds and agencies of the United Nations through the Economic and Social Council;

* [CBD/WG8J/11/1](#).

¹ For the report on the seventeenth session, see *Official Records of the Economic and Social Council, 2018, Supplement No. 23 (E/2018/43-E/C.19/2018/11)*.

² For the report on the eighteenth session, see *ibid.*, 2019, *Supplement No. 23 (E/2019/43-E/C.19/2019/10)*.

³ For more information, see <https://www.un.org/development/desa/indigenouspeoples/unpfi-sessions-2.html>

(b) Raises awareness and promotes the integration and coordination of activities related to indigenous issues within the United Nations system;

(c) Prepares and disseminates information on indigenous issues.

6. The Permanent Forum meets annually for two-week sessions at United Nations Headquarters in New York. At its seventeenth session (16-27 April 2018), the Permanent Forum considered the theme “indigenous peoples’ collective rights to lands, territories and resources”. At its eighteenth session (22 April-3 May 2017), the Permanent Forum considered the theme “traditional knowledge: generation, transmission and protection”.

7. In line with the modus operandi of the Permanent Forum, at each session, the 16 independent experts adopt recommendations by consensus for the consideration of Governments and United Nations agencies, programmes, funds and other mechanisms. Recommendations of relevance to the Convention on Biological Diversity adopted at its seventeenth and eighteenth sessions are contained in section II below.

II. RECENT RECOMMENDATIONS OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

8. During the period 2018-2019, the Permanent Forum addressed specific recommendations to the Convention on Biological Diversity. Further to this, some of the general recommendations may also be of relevance to the Convention on Biological Diversity and are therefore included. To a certain extent, these recommendations may have already been considered by the Conference to the Parties to the Convention and its Protocols and the Secretariat in previous and current work. Where this is the case, it is mentioned below.

A. Recommendations emanating from the seventeenth session of the Permanent Forum

General and specific recommendations

25. The Permanent Forum urges the International Union for Conservation of Nature and the secretariat of the Convention on Biological Diversity to undertake, in collaboration with indigenous peoples, a study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity and submit a report to the Forum by its nineteenth session.

9. This recommendation by the Permanent Forum is highly relevant given the importance of documenting the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity in a clearer and more visible manner. The Convention acknowledges the vital importance and crucial role of indigenous peoples in the ever more challenging endeavour of safeguarding life on earth in all its forms. The recognition of the status of indigenous peoples as key players in these processes has increased internationally in recent years; however, acknowledgement of indigenous peoples as proactive partners in the conservation and sustainable use of biodiversity in the past, present and future, on an equal footing with Governments, still requires much improvement. This would be greatly assisted by raising awareness of the significance of the collective and local actions, along with related knowledge, innovations and practices.

10. While scientific evidence on this crucial role that indigenous peoples and local communities play in safeguarding biodiversity, and on the global climate, is growing, their participation in the processes of the Convention, including the development of national biodiversity strategies and action plans and national reports, remains poor.⁴ At the same time, an initial analysis of the sixth national reports has

⁴ In the review of the fifth national reports, indigenous peoples or local communities were mentioned by only 27 per cent of 196 Parties to the Convention on Biological Diversity.

shown that Parties are starting to realize the full potential of involving indigenous peoples and local communities in the implementation of the Convention.⁵

11. Thus, the subject matter of recommendation 25 of the seventeenth session of the Permanent Forum on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity is very pertinent to the work of the Convention, including future work.

12. As the Convention is now deeply involved in preparing a new strategic programme of work on Article 8(j) and related provisions and in conceptualizing institutional and budgetary arrangements for continuously ensuring the active participation of indigenous peoples in the work of the Convention, it will not be possible for the Convention to complete a separate publication in partnership with the International Union for Conservation of Nature (IUCN), as requested in recommendation 25, in time for 2020. However, the first and second publications of the *Local Biodiversity Outlooks*, along with the fifth edition of the *Global Biodiversity Outlook*, which does much to address the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity, will be made available to the Permanent Forum as soon as possible (see also the response to recommendation 26, below). Additionally, these ideas will be taken up as part of the consideration of possible elements of a fully integrated programme of work on Article 8(j) and related provisions in the post-2020 global biodiversity framework. In addition, the Secretariat draws attention to the relevance of the *Global Assessment on Biodiversity and Ecosystem Services*,⁶ recently completed by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which includes much relevant information on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity.

13. Finally, the Secretariat of the Convention will liaise with IUCN to ensure that relevant existing reports and knowledge products on the issue are made available to the Permanent Forum in time for its nineteenth session, in 2020.

26. The Permanent Forum recommends that the Secretariat of the Convention on Biological Diversity and the International Union for Conservation of Nature actively engage with indigenous organizations, relevant United Nations entities, non-governmental organizations and other actors to develop a set of actions and commitments in relation to conservation and human rights in the context of the post-2020 biodiversity framework and the next World Conservation Congress.

14. As indicated above, the Convention is currently in the midst of strategic planning efforts for the post-2020 global biodiversity framework. This includes the preparation a new programme of work on Article 8(j) and related provisions as well as the design of future institutional and budgetary arrangements for ensuring the participation of indigenous peoples and local communities in the work and decision-making of the Convention. Future work under consideration by the Working Group on Article 8(j) and Related Provisions at its eleventh meeting (November 2019) includes the following possible elements:

(a) Strengthening the policy framework for community-based conservation and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) and traditional sacred sites, in order to integrate them into national networks of protected areas, by legally recognizing ICCAs, and to strive for the integration of indigenous peoples in the management of protected areas;

⁵ Compared to the fifth national reports (2015), in the recent sixth national reports (2019), there is a significant increase in the amount of information about the implementation of Aichi Target 18 and the contribution of traditional knowledge to the achievement of other targets, which provides the basis to conclude that important progress was made to achieve this target, but at an insufficient rate to achieve it by 2020. Of the 106 reports analysed to date (August 2019), 97 per cent mention indigenous peoples and local communities compared to 27 per cent of the fifth national reports.

⁶ See <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services>

(b) Developing and implementing safeguards and redress mechanisms on issues concerning the rights of indigenous peoples and local communities arising from conservation initiatives;

(c) Supporting human rights and environmental defenders and protecting them from arbitrary persecution;

(d) Operationalizing the indicator on land tenure, and changes in land use, including by mapping existing ICCAs and documenting their collective actions that contribute to the protection of biodiversity;

(e) Consideration of the development of specific safeguards framework, based on the principles, standards and guidelines adopted under the Convention, and addressing any additional gaps identified, including gender equality, for consideration and adoption by the Conference of the Parties;

(f) Continuing to promote and implement, and report on the use of existing principles and guidelines adopted under the Convention, with a particular emphasis on the ongoing open tasks;

(g) Supporting indigenous peoples and local communities in the implementation of the Nagoya Protocol.

15. These proposals for future work highlight the importance of the topic “conservation and human rights” in the post-2020 global biodiversity framework. It is important to note that final decisions on the global biodiversity framework and corresponding programmes of work still require negotiation and final approval.

84. The Permanent Forum requests that entities, agencies, funds and programmes of the United Nations system allocate relevant financial and human resources to carry out commitments to indigenous peoples, as per the system-wide action plan on the rights of indigenous peoples and respective strategic plans and programmes and to provide information to the Forum about the allocation of such resources at its annual sessions.

16. The Convention allocates financial and human resources to carry out commitments to indigenous peoples as per the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples ([E/C.19/2016/5](#) and [Corr.1](#)), in various meaningful ways. At its fourth meeting, in 1998, the Conference of the Parties established the Open-ended Working Group on Article 8(j) and Related Provisions to raise the profile of indigenous peoples and local community issues throughout the Convention. The Working Group successfully developed and monitored the implementation of a work programme on Article 8(j) and elaborated a number of important guidelines and tools on different topics in the realm of traditional knowledge and the rights of indigenous peoples.⁷

17. With regard to the commitments contained in the system-wide action plan on developing capacity and within the period 2018-2019, the Convention organized the following regional training workshops on national arrangements on traditional knowledge for achieving Aichi Biodiversity Target 18 and contributing to Aichi Biodiversity Target 16 of the Strategic Plan for Biodiversity 2011-2020:

- (a) Latin America and the Caribbean: in Tepoztlan, Mexico, 2-6 April 2018;
- (b) The Pacific: in Whangarei, New Zealand, 21-25 May 2018;
- (c) Asia: in Kandy, Sri Lanka, 27-31 July 2018;
- (d) Africa: in Marrakesh, Morocco, 8-12 October 2018.

106. The Permanent Forum welcomes the publication of *Local Biodiversity Outlooks*, as a collaborative effort of the International Indigenous Forum on Biodiversity, the Forest Peoples Programme and the Secretariat of the Convention on Biological Diversity, and

⁷ Guidelines and other tools available at <https://www.cbd.int/traditional/outcomes.shtml>

looks forward to its second edition, to be published in 2020.

18. The Convention welcomes the Permanent Forum's recognition of the publication of *Local Biodiversity Outlooks* and, together with the International Indigenous Forum on Biodiversity and the Forest Peoples Programme, is currently working on its second edition, to be published in 2020.

19. Notably, during the online discussion forum on integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols (February 2019), which considered possible elements of work of relevance to indigenous peoples, for input into the post-2020 global biodiversity framework, the *Local Biodiversity Outlooks* was mentioned several times and highlighted as evidence of the collective contribution of indigenous peoples to ecosystem management.

107. The Permanent Forum supports the strengthening and further application of community-based mapping, monitoring and information systems as complementary evidence bases for assessment and monitoring of the 2030 Agenda, the Paris Agreement and the post-2020 biodiversity framework, and as tools for community governance and self-determined development.

108. The Permanent Forum urges Governments and donors to support community-based monitoring and information systems, citizen science and the democratization of information technologies, as complementary to national and global statistical and information systems, and to prioritize capacity-building and funding and for such initiatives.

20. Support for community-based mapping, monitoring and information systems, as important mechanisms for "ground-truthing", that is, for accurately assessing the implementation the Convention, on the ground at the community level, was repeatedly stressed by various participants in the online discussion forum on integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols. Taking these inputs into account, the Working Group at its eleventh meeting will consider among possible elements of work the following:

- (a) Updated indicators for the post-2020 global biodiversity framework;
- (b) Exploring the full potential of community-based monitoring and information systems as methods and tools for monitoring the implementation of the post-2020 global biodiversity framework.

21. The Secretariat acknowledges recommendation 108 by the Permanent Forum and will continue to inform the Forum of developments concerning future work.

B. Recommendations emanating from the eighteenth session of the Permanent Forum

General and specific recommendations

8. The Permanent Forum welcomes the recognition of indigenous peoples' rights to promote and protect their knowledge, in the implementation of Article 8(j) of the Convention on Biological Diversity, regarding traditional knowledge, innovations and practices. The Forum also welcomes steps already taken to include indigenous peoples in the development of the post-2020 global biodiversity framework to achieve the vision set out in the Convention of living in harmony with nature by 2050.

22. The Secretariat welcomes the Permanent Forum's acknowledgement of its work to date on safeguarding traditional knowledge and on implementing Article 8(j) and related provisions. Regarding the involvement of indigenous peoples in the post-2020 process, in 2018, the Convention embarked on an extensive consultation process which includes the drafting of a compilation of views submitted by indigenous peoples, Parties and relevant organizations, on future work and institutional arrangements for

indigenous peoples; and the facilitation of a multilingual online forum and a subsequent Internet survey (February and March 2019).

23. The results of this process form the basis of official documents covering objectives and principles, possible elements of work, and options for institutional arrangements, guaranteeing the effective participation of indigenous representatives in the preparatory process for the post-2020 global biodiversity framework, which will be considered by the Working Group on Article 8(j) and Related Provisions at its eleventh meeting, to be held in Montreal, Canada, from 20 to 22 November 2019. Having considered these matters, the Working Group will make a draft recommendation to the Conference of Parties at its fifteenth meeting, to be held in October 2020, on both future work of relevance to indigenous peoples and institutional arrangements for their effective participation in the post-2020 global biodiversity framework.

12. In the light of the emerging international legal framework for local communities, the Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights (OHCHR) prepare, in consultation with other relevant United Nations entities, including the secretariat of the Convention on Biological Diversity, and before 2022, a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.

24. The Secretariat of the Convention welcomes this initiative. The Convention has made substantial contributions to the development of the international legal framework around the rights of indigenous peoples through, among other things, the development of such guidelines as policies as:

(a) The Guidelines for the conduct of cultural, environmental and social impact assessments (the Akwe: 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 on lands and waters traditionally occupied or used by indigenous and local communities);⁸

(b) The Tkarikwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;⁹

(c) The global Plan of Action on the Customary Sustainable Use of Biological Diversity;¹⁰

(d) The Mo'otz kuxtal¹¹ 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 communities¹² 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;¹³

⁸ Decision VII/16.

⁹ Decision X/42.

¹⁰ Decision XII/12 B, annex.

¹¹ Meaning “roots of life” in the Maya language.

¹² The use and interpretation of the term “indigenous peoples and local communities” in these Guidelines should refer to decision XII/12 F, paragraphs 2 (a), (b) and (c).

¹³ Decision XIII/18. The adoption of the Mo'otz kuxtal voluntary guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge.

(e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;¹⁴

(f) The glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions;¹⁵

(g) The voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms;¹⁶

(h) Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities.¹⁷

25. The Secretariat also has considerable expertise in the concept of “local communities” and has contacted the Office of the United Nations High Commissioner for Human Rights (OHCHR) and supplied the relevant materials and reports to assist OHCHR in developing a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.

26. In particular, the Conference of the Parties to the Convention at its eleventh meeting, in 2012, adopted decisions of specific relevance to local communities.¹⁸

27. Information on the Expert Group Meeting of Local Community Representatives (Montreal, Canada, 14-16 July 2011) is available at <https://www.cbd.int/meetings/AHEG-LCR-01>. The report of the Expert Group ([UNEP/CBD/WG8J/7/8/Add.1](https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf)) was submitted to the Working Group at its seventh meeting.

13. The Permanent Forum recognizes the arrangements made by the Conference of the Parties to the Convention on Biological Diversity for the participation of the International Indigenous Forum on Biodiversity and the initiative to launch an international alliance for nature and culture as an inclusive multilevel platform for Parties to the Convention. The Forum underlines the need to effectively include indigenous peoples in the negotiations of the post-2020 global biodiversity framework to reflect the fundamental relationship between indigenous peoples and biodiversity.

28. The Joint Programme of Work between the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Links Between Biological and Cultural Diversity (2010-2020) has highlighted and raised awareness of the links between biological and cultural diversity and the concept of biocultural diversity, and the two secretariats are now preparing for a new strategic focus in the post-2020 global biodiversity framework. Through extensive consultation processes and building on three regional conferences held for Europe, Asia and the Pacific, and North America during this decade, the Secretariat has compiled possible elements of work to strengthen the links between biological and cultural diversity, for consideration by the Working Group on Article 8(j) at its eleventh meeting, the Subsidiary Body on Implementation at its third meeting (May 2020) and the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework at its third meeting (July 2020). These bodies will, in turn, make recommendations to the Conference of the Parties at its fifteenth meeting with a view to ensuring that the interplay between nature and culture is evident in the future work of the Convention.

¹⁴ Decision 14/12, Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity at: <https://www.cbd.int/guidelines/>

¹⁵ Decision 14/13, the glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions at <https://www.cbd.int/guidelines/>

¹⁶ Decision 14/15, Guidelines available at <https://www.cbd.int/guidelines/>

¹⁷ Decision 14/16, Guidelines available at <https://www.cbd.int/guidelines/>

¹⁸ See decision XI/14 B, paragraphs 17-21, at <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf>

29. Additionally, regarding the Permanent Forum's comment on the need to effectively include indigenous peoples in negotiations concerning the post-2020 global biodiversity framework, the Permanent Forum can be assured that the effective participation of indigenous peoples in the development of the post-2020 global biodiversity framework remains a priority for the Secretariat. Representatives of indigenous peoples are being funded and included in every event of relevance to the development of the framework. Additionally, the eleventh meeting of the Working Group on Article 8(j) and Related Provisions will provide a specific forum, where indigenous peoples enjoy an enhanced participation mechanism, for addressing these matters.

34. The traditional food systems of indigenous peoples depend on a healthy environment and access to traditional resources and play an important role in maintaining the communities' cultures and identities and their health and well-being. The Permanent Forum encourages indigenous peoples, States, United Nations entities and civil society organizations to raise awareness and promote the food cultures of indigenous peoples through support for indigenous peoples' food systems and unconditional access to traditional resources.

30. The Convention welcomes this recommendation by the Permanent Forum and underlines the need to raise awareness regarding food security and sovereignty and the promotion of the diverse food cultures of indigenous peoples, as well as unconditional access to traditional resources. This topic on traditional food systems and indigenous food security, may be considered a possible element of work in the future programme of work on Article 8(j) and related provisions, focusing, among other things, on:

(a) Supporting indigenous peoples and local communities in protecting and improving traditional agro-ecological practices and food systems to ensure nutritional sovereignty and promote agrobiodiversity;

(b) Promoting communication, education and public awareness materials on indigenous food systems.

31. As indicated above, these suggestions for future work will be considered by the Working Group on Article 8(j) at its eleventh meeting, the Subsidiary Body on Implementation at its third meeting and the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework at its third meeting. These bodies will, in turn, make recommendations to the Conference of the Parties at its fifteenth meeting with a view to ensuring that the interplay between nature and culture is taken into account in the future work of the Convention, in order to achieve its Vision of humanity living in harmony with nature by 2050.

III. POSSIBLE DRAFT RECOMMENDATIONS FOR THE CONSIDERATION OF THE WORKING GROUP

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

The Conference of the Parties,

Having considered the note by the Executive Secretary,¹⁹

1. *Takes note* of the recommendations emanating from the seventeenth and eighteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and requests the Executive Secretary to continue to inform the Permanent Forum of developments of mutual interest;

2. *Welcomes* the invitations of the Forum to contribute to:

¹⁹ CBD/WG8J/11/6.

(a) A study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity;

(b) A set of actions and commitments in relation to conservation and human rights in the context of the post-2020 biodiversity framework;

(c) A comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities;

3. *Decides* to include these activities in its future programme of work on Article 8(j) and related provisions;

4. *Requests* the Executive Secretary to facilitate the above-mentioned activities and to provide information to the Forum about these and other relevant activities of the Convention, including the allocation of financial and human resources to carry out commitments to indigenous peoples, in accordance with the Secretary General's system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.²⁰

²⁰ [E/C.19/2016/5](#) and [Corr.1](#).