



Convention on Biological Diversity

Distr.: General
30 September 2024

English only

Conference of the Parties to the Convention on Biological Diversity Sixteenth meeting

Cali, Colombia, 21 October–1 November 2024

Item 14 of the provisional agenda*

Implementation of Article 8(j) and related provisions

Summary report on the informal dialogue on the new programme of work and institutional arrangements on Article 8(j) and other provisions**

Note by the Secretariat

1. The informal dialogue on the new programme of work and institutional arrangements concerning Article 8(j) and related provisions, co-convened by Canada, the Democratic Republic of the Congo and the International Indigenous Forum on Biodiversity, was held at the United Nations Environment Programme headquarters in Nairobi on 25 May 2024.
2. At the request of the co-conveners, the Secretariat of the Convention on Biological Diversity is making the report available as an information document for the sixteenth meeting of the Conference of the Parties. The report is contained in the annex to the present note.

* CBD/COP/16/1.

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

Annex

Summary report on the informal dialogue on the new programme of work and institutional arrangements on Article 8(j) and other provisions

I. Introduction

1. An informal dialogue on the new programme of work and institutional arrangements on Article 8(j) and other provisions, co-convened by the Democratic Republic of the Congo, Canada, and the International Indigenous Forum on Biodiversity, was held at the United Nations Environment Programme headquarters in Nairobi on 25 May 2024. The dialogue was co-facilitated by former Co-Chairs of the contact group on the new programme of work during the twelfth meeting of the Open-ended Working Group on Article 8(j) and Related Provisions of the Convention held in Geneva in November 2023. The dialogue was held under the Chatham House Rule.

II. Opening session

2. The dialogue was opened with a spiritual indigenous blessing, followed by welcoming remarks from representatives of the co-conveners and Colombia, participating as the incoming presidency of the sixteenth meeting of the Conference of Parties.

III. Summary of discussions on the key themes

3. Three main themes were addressed during the dialogue: (a) options for institutional arrangements for Article 8(j) and other provisions of the Convention on Biological Diversity, (b) the proposed new programme of work, and (c) enhanced participation of indigenous peoples and local communities in the work of the Convention.

Theme 1: options for institutional arrangements for Article 8(j) and other provisions of the Convention on Biological Diversity

4. In relation to this theme, a presentation was made by the Secretariat of the Convention highlighting key decisions of the Conference of the Parties that led to the creation of the Working Group on Article 8(j) and the first version of the programme of work on Article 8(j) and related provisions. The presentation recalled that the Working Group was established at the fourth meeting of the Conference of the Parties (decision IV/9) and that a programme of work was adopted at the fifth meeting of the Conference of the Parties. It was highlighted that, at the fourteenth meeting of the Conference of the Parties, Parties initiated discussions on the new programme of work and institutional arrangements on Article 8(j) and other provisions in the context of the negotiations of the post-2020 biodiversity framework. In this context, the following three options for institutional arrangements were presented:

- (a) Establishing a permanent subsidiary body;
- (b) Continuing the Working Group on Article 8(j) with a renewed mandate;
- (c) Applying enhanced participation mechanisms to integrate indigenous peoples and local communities into the work of the Convention (decision 14/17).

5. Lastly, during the presentation, it was noted that at its fifteenth meeting, the Conference of the Parties had decided that the new programme of work be aligned with the Kunming-Montreal Global Biodiversity Framework and mandated further discussions on the possible institutional arrangements (decision 15/10).

6. The following key points were raised during the dialogue:

- In relation to the first option on establishing a permanent subsidiary body, many interventions reiterated the support for the establishment of a permanent subsidiary body, noting that this would be the suitable option for continuity in the consideration of issues related to Article 8(j) as reflected in the Kunming-Montreal Global Biodiversity Framework. Other interventions highlighted that a key issue for consideration relates to the cost implications associated with establishing a subsidiary body. In this regard, the Secretariat was asked to provide more details on the cost implications of the three options to inform the discussions and decision-making process at the sixteenth meeting of the Conference of the Parties.
- In relation to the third option on applying enhanced participation mechanisms to integrate indigenous peoples and local communities into the work of the Convention, some interventions raised concerns about the time and existing capacity of the established bodies to handle the issues related to Article 8(j). It was noted that these bodies usually have heavy agendas and workloads. Others noted that coordination and efficiency were key factors to ensure that the work on Article 8(j) is not isolated from existing processes of the Convention on Biological Diversity. One intervener recalled that the Working Group on Article 8(j) had worked in coordination with established subsidiary bodies on several tasks requested by the Conference of the Parties.
- On the issue of governance, there was general agreement that the existing Bureau of the Conference of the Parties should serve as the bureau of the permanent subsidiary body if established. It was also proposed that the governance structure include a representative of indigenous peoples and local communities to serve as a co-chair of the body and for additional representatives of indigenous peoples and local communities as bureau members to ensure equitable representation and active participation.
- There was a call for an open-ended subsidiary body with wide participation of Parties, indigenous peoples and local communities and stakeholders, rather than an expert body, to ensure inclusivity and in-depth discussions.
- More generally, it was highlighted that building consensus before the sixteenth meeting of the Conference of the Parties was important to facilitate negotiations during the meeting itself through outreach, strategic planning and informal conversations among Parties and others.

Theme 2: the new programme of work on Article 8(j) and other provisions of the Convention

7. The Secretariat made a presentation to introduce the theme, providing background information on the current programme of work and noting that most of its 17 tasks had been completed.

8. Further to the presentation, the co-facilitators noted that the proposed programme of work includes 38 proposed tasks, a notable increase from the previous 17 tasks. The proposed new programme of work also envisages that these tasks will be completed by 2030. Given the significant number of tasks and the limited number of meetings of the Conference of the Parties remaining until 2030, the need for prioritization was emphasized. The following points were raised during the discussion:

- Participants stressed the need for a structured programme of work to advance elements directly linked to the Framework. It was noted that the prioritization of tasks should address critical gaps in the implementation of the Framework to fast-track progress on specific targets. This exercise could be fulfilled by completing the column assigning the level of priorities in the proposed programme of work, which was initially discussed at the twelfth meeting of the Working Group on Article 8(j).
- In relation to the proposed task 5.4, participants underscored the significance of reviewing the glossary of terms for issues related to Article 8(j) and related provisions. In this regard, it was stressed that [decision 14/13](#), which adopted the glossary, explicitly recognized it “as a living resource and reference, and to revisit and update the glossary, when necessary, as may be appropriate as part of the development of the post-2020 arrangement”. The emphasis was

placed on ensuring an inclusive revision process, with a cautious approach to prevent the exclusion of any group. Furthermore, it was acknowledged that the terminology used in the Convention, dating back to 1992, predates the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. Consequently, some participants have suggested reviewing the terminology in light of the UNDRIP. One intervener advocated for the inclusion of people of African descent in the proposed programme of work, proposing a specific new ninth element with three tasks related to the territorial distinction of people of African descent, addressing recommendations from United Nations mechanisms, and recognizing their specific contributions to conservation.

- It was noted by a few participants that brackets in the text of the proposed programme of work are concentrated on the two new elements: human rights-based approaches and direct access to finance. More discussions and information are needed to understand the scope of the human rights-based approach within the mandate of the Convention and how direct access to finance relates to the international and national levels.
- A participant indicated that continuing work on traditional knowledge indicators should remain a key priority, noting that these indicators are already in the monitoring framework of the Framework, and that work is needed to operationalize them effectively at the national level.

Theme 3: enhanced participation of indigenous peoples and local communities in the context of the Convention

9. Discussions on this theme began with some reflections from the indigenous Co-Chair of the twelfth meeting of the Working Group on Article 8(j), who shared her experience gained in this role. She provided suggestions on how to enhance the role of the indigenous Co-Chair. It was proposed that the indigenous Co-Chair be elected prior to the meeting of the Working Group, allowing the indigenous Co-Chair to work with the Presidency of the Conference of the Parties and the Secretariat earlier in all the preparations for the meeting. Early preparation and discussion with the indigenous co-chair would facilitate better planning and enable indigenous peoples and local communities to gain ownership over the proceedings.

10. The following points were raised in the discussions that followed:

- Participants raised concerns about the terminology used in Article 8(j). While noting that the Convention processes use the terms “indigenous peoples and local communities”, in some cases, confusion around the definitions of “local communities” and how this relates to their rights may exacerbate conflicts over lands and territorial rights. The request to review the terminology aims not to exclude indigenous peoples, local communities, or any group but to agree on a human rights-based approach that differentiates the distinct rights of indigenous peoples, local communities and other groups but does not diminish the rights of the various groups, taking into account specific national circumstances. It was noted that the interchangeable use of the terms, such as the use of the acronym “IPLC,” or the conflation of both terms, could lead to discrimination and misrepresentation against both groups. The importance of using capital letters for “Indigenous Peoples” as per the United Nations editorial manual was stressed, as this reflects the recognition of indigenous peoples as distinct cultural groups with their own sovereign rights.
- In this context, the need to take into account the recommendations and expert advice from United Nations human rights mechanisms, including the Permanent Forum on Indigenous Issues, was underscored.
- A participant highlighted that indigenous women are key guardians of biodiversity and traditional knowledge, underscoring the need to ensure the participation of women of indigenous peoples and local communities.

- It was emphasized that a new programme of work to implement Article 8(j) should strengthen the human rights-based approach in the implementation of the Framework using and reinforcing existing national platforms and mechanisms.
- It was noted that countries have different realities, and these distinct realities have to be taken into account in a flexible manner. Some countries only recognize local communities, while others only recognize indigenous peoples. In some countries, both groups are recognized in their territories.
- A participant emphasized that the discussion on the terminology should not hinder the implementation of the Framework or the adoption of the new programme of work.

IV. Closing of the session

11. A representative of Colombia, as the incoming Presidency of the Conference of the Parties, was invited to close the meeting. In her closing remarks, it was noted that the dialogue was useful in fostering a common understanding of critical issues and that this would facilitate negotiations at the sixteenth meeting of the Conference of the Parties. Furthermore, she emphasized the importance of recognizing the diversity of actors involved in the process and the need to ensure that their voices are heard.
