



## Convention on Biological Diversity

Distr.  
GENERAL

CBD/WG8J/11/4  
12 October 2019

ORIGINAL: ENGLISH

---

AD HOC OPEN-ENDED INTER-SESSIONAL  
WORKING GROUP ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE CONVENTION  
ON BIOLOGICAL DIVERSITY

Eleventh meeting

Montreal, Canada, 20-22 November 2019

Item 5 of the provisional agenda\*

### INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

#### DEVELOPMENT OF A FULLY INTEGRATED PROGRAMME OF WORK ON ARTICLE 8(J) AND RELATED PROVISIONS WITHIN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

*Note by the Executive Secretary*

#### INTRODUCTION

1. In [decision 14/17](#), paragraphs 1 and 2, the Conference of the Parties decided to complete the current programme of work on Article 8(j) and related provisions no later than the fifteenth meeting of the Conference of the Parties, and to consider the development of a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 global biodiversity framework. This would allow for the full and effective participation of indigenous peoples and local communities in the work of the Convention, on the basis of achievements to date, ongoing and postponed tasks of Parties, and the 2030 Agenda for Sustainable Development,<sup>1</sup> the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC),<sup>2</sup> and gaps identified.

2. In paragraph 12 of the same decision, the Conference of the Parties requested the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions to develop, at its eleventh meeting, proposals for possible future work, as well as institutional arrangements and their modus operandi, for consideration by the Subsidiary Body on Implementation at its third meeting, in order to inform the development of a fully integrated programme of work as part of the post-2020 biodiversity framework that takes into account developments in other relevant international forums and organizations.

3. To assist the Working Group in its task, the present document brings together the main recommendations from the following documents:

---

\* CBD/WG8J/11/1.

<sup>1</sup> See General Assembly resolution [70/1](#), entitled “Transforming our world: the 2030 Agenda for Sustainable Development”.

<sup>2</sup> United Nations, *Treaty Series*, Registration No. [I-54113](#).

(a) Possible objectives to be considered to achieve an effective integration of Article 8(j) in the work of the subsidiary bodies, on matters of direct relevance to indigenous peoples and local communities, and to enable full and effective participation of indigenous peoples and local communities in the work of the Convention (CBD/WG8J/11/INF/9);

(b) Possible elements of work of the new programme of work on Article 8(j) and related provisions, as part of the post-2020 biodiversity framework (CBD/WG8J/11/INF/10);

(c) Possible institutional arrangements and their modus operandi for consideration in the post-2020 Global Biodiversity Framework (CBD/WG8J/11/INF/11);

(d) Budget estimates for possible options concerning institutional arrangements for the effective participation of indigenous peoples and local communities in the Convention, post-2020 (CBD/WG8J/11/INF/12).

4. The present document contains the following:

(a) In section I, an updated set of objectives and general principles for the new fully integrated Programme of Work within the post-2020 global biodiversity framework;

(b) In section II, possible elements of work and suggested activities, of a proposed new programme of work within the post-2020 biodiversity framework;

(c) In section III, an overview of the current institutional arrangements for the participation of indigenous peoples and local communities in the work of the Convention, including lessons learned and pros and cons of current arrangements, in the light of the options included in decision [14/17](#), paragraph 9, and options for such participation;

(d) In section IV, a draft recommendation on the objectives, general principles, and elements of work of a fully integrated programme of work of relevance to indigenous peoples and local communities in the post-2020 global biodiversity framework, including options for institutional arrangements for the effective participation of indigenous peoples and local communities in the work of the Convention;

(e) Two annexes, bringing together the objectives, general principles and elements of a fully integrated programme of work<sup>3</sup> of relevance to indigenous peoples and local communities in the post-2020 biodiversity framework.

5. The Working Group may wish to draw upon the draft recommendation in section IV and annexes I and II in order to develop a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 global biodiversity framework, for consideration by the Subsidiary Body on Implementation at its third meeting and the Open-ended Working Group on the Post-2020 Global Biodiversity Framework at its second meeting, and in due course the fifteenth meeting of the Conference of the Parties.

6. Additionally, as requested in decision [14/17](#), paragraph 11, the Executive Secretary has prepared a projection of the financial and governance implications of possible institutional arrangements for the implementation of Article 8(j) and related provisions for the biennium 2021-2022, for the consideration of the Working Group on Article 8(j) at its eleventh meeting, and of the Subsidiary Body on Implementation at its third meeting (CBD/WG8J/11/INF/12).

7. The present document draws upon the following sources:

(a) Relevant decisions of the Conference of the Parties including [14/15](#) on safeguards and [14/17](#) on integration;

---

<sup>3</sup> See [Article 8\(j\) and related provisions](#), Article [17](#) and Article [18](#).

(b) The report of the Online Forum on the Integration of Article 8(j) and Provisions Related to Indigenous Peoples and Local Communities in the Work of the Convention and its Protocols (CBD/A8J/OM/2019/1/3).<sup>4</sup> The online Forum was held during February and March 2019 and included a webinar (held on 19 February 2019 in three languages (English, French and Spanish)) and a survey;<sup>5</sup>

(c) A compilation of views on objectives, general principles and possible elements of a fully-integrated programme of work within the post-2020 biodiversity framework, prepared for the eleventh meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (CBD/WG8J/11/INF/1);<sup>6</sup>

(d) A compilation of views, as part of the post-2020 biodiversity framework, on possible elements of a future programme of work on Article 8(j) and related provisions, as well as possible institutional arrangements and their *modus operandi*, prepared for the fourteenth meeting of the Conference of the Parties ([CBD/COP/14/INF/5/Rev.1](#)).<sup>7</sup>

## I. UPDATED SET OF OBJECTIVE AND GENERAL PRINCIPLES FOR THE NEW FULLY INTEGRATED PROGRAMME OF WORK WITHIN THE POST 2020 GLOBAL BIODIVERSITY FRAMEWORK

8. The current programme of work on the implementation of Article 8(j) and related provisions<sup>8</sup> has as its objective: “to promote within the framework of the Convention a just implementation of Article 8(j) and related provisions, at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation”.

9. With respect to possible objectives, in the online forum and submissions received, many inputs highlighted the potential and broader contribution of indigenous peoples and local communities to the Aichi Biodiversity Targets, the Sustainable Development Goals and the Paris Agreement<sup>9</sup> under UNFCCC, and the importance of taking this into account in formulating the possible objectives of a future programme of work. The main views conclude that the objective of the original programme of work remains valid for both present and future work, with minor improvements, as provided in annex I below.

10. The current programme of work incorporates five general principles.<sup>10</sup> In the online forum and submissions received, the majority of the participants strongly agreed that these remain relevant for future work. The principle “access to traditional knowledge, innovations and practices of indigenous peoples

---

<sup>4</sup> The Online Forum webpages can be found at <https://www.cbd.int/tk/future.shtml>.

<sup>5</sup> The survey was answered by 119 respondents (54 in English, 19 in French and 46 in Spanish). The participants were 31% indigenous peoples; 4% local communities; 30% government representatives; 14% NGOs, 9% education sector; 6% international organization; 0% private sector, and 6% other, which included consultants working with indigenous peoples and local communities.

<sup>6</sup> As requested in decision 14/17, paragraph 8, and solicited through notification [SCBD/SSSF/AS/JS/MLS/87830](#).

<sup>7</sup> As requested by the Ad Hoc Open-Ended Inter-sessional Working Group on Article 8(j) and Related Provisions in recommendation 10/3, paragraph 2, and solicited through notification [SCBD/SPS/AS/JS/VF/87320](#).

<sup>8</sup> Adopted in decision V/16.

<sup>9</sup> United Nations, *Treaty Series*, Registration No. I-54113.

<sup>10</sup> General principles: 1. Full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work. Full and effective participation of women of indigenous and local communities in all activities of the programme of work. 2. Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge. 3. A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities and their rights to have control over their traditional knowledge, innovations and practices. 4. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way. 5. Access to traditional knowledge, innovations and practices of indigenous and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.

and local communities should be subject to prior and informed consent, free, prior and informed consent or approval and involvement from the holders of such knowledge, innovations and practices” was viewed as particularly important (87%, respondents prioritized this criteria). The second priority is that traditional knowledge be valued, given the same respect and considered as useful and necessary as other forms of knowledge (81%), followed by the full and effective participation of indigenous peoples and local communities, especially women, in all stages of the identification and implementation of the elements of the programme of work (78%), as well as a holistic approach consistent with the spiritual and cultural values and customary practices of indigenous peoples and local communities, their rights to have control over their traditional knowledge, innovations and practices (78%) and finally, that the ecosystem approach is the strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way (65%).

11. Some views received included some possible new principles, but most submissions overwhelmingly focused on updating the current general principles of the programme of work, which the majority found remains relevant for future work.

## **II. POSSIBLE ELEMENTS OF WORK AND SUGGESTED ACTIVITIES, WITHIN THE CONTEXT OF A NEW PROGRAMME OF WORK AND THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

12. The current programme of work on the implementation of Article 8(j) and related provisions<sup>11</sup> has 7 elements and 17 tasks,<sup>12</sup> which are addressed to Parties, the Executive Secretary and the Ad Hoc Open-Ended Working Group on Article 8(j) and Related Provisions. For ease of reference, an update on the current programme of work is available in CBD/WG8J/11/INF/8. In order to build on achievements to date, it is important to recall that the programme of work on Article 8(j) and related provisions<sup>13</sup> is the main instrument that Parties to the Convention on Biological Diversity have created in order to achieve, by 2020, the commitments in Article 8(j) and related provisions and, later, Aichi Biodiversity Target 18.<sup>14</sup>

13. Achievements to date (in chronological order) include:

(a) The composite report on the status and trends of traditional knowledge,<sup>15</sup> bringing together detailed regional information from every region and the identification of processes at the national and local levels that may threaten the maintenance, preservation and application of traditional knowledge;

(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>16</sup>

(c) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;<sup>17</sup>

(d) The Global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>18</sup>

---

<sup>11</sup> Adopted in decision V/16. 2000 to 2020

<sup>12</sup> See the current programme of work [here](#).

<sup>13</sup> The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in [decision V/16](#).

<sup>14</sup> See Target 18 at: <https://www.cbd.int/sp/targets/#GoalD>.

<sup>15</sup> [UNEP/CBD/WG8J/5/3](#), “Phase Two of the Composite Report on the Status and Trends Regarding the Knowledge, Innovations and Practices of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity”

<sup>16</sup> Adopted in [decision VII/16](#).

<sup>17</sup> Adopted in [decision X/42](#).

<sup>18</sup> Adopted in decision XII/12 [B](#), contained in the annex.

(e) The Mo'otz kuxtal<sup>19</sup> 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<sup>20</sup> 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>21</sup>

(f) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;<sup>22</sup>

(g) The Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions;<sup>23</sup>

(h) The Voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms;<sup>24</sup>

(i) The Methodological Guidance concerning the Contributions of Indigenous Peoples and Local Communities.<sup>25</sup>

14. With respect to a new programme of work, a number of new elements have been proposed in the online forum and in submissions. These proposed elements of work cover a broad range of issues, including (a) the effective implementation of guidelines and standards previously adopted under the Convention, (b) the implementation of the Plan of Action on Customary Sustainable Use, (c) recognizing and supporting community and indigenous protected areas, (d) food security for indigenous peoples and local communities and the elaboration of a safeguards framework specific to them. An elaborated list of possible elements with proposed tasks for a fully integrated programme of work on Article 8(j) and related provisions, as part of the post-2020 biodiversity framework, is contained in annex II below for ease of reference and as a basis for discussion during the eleventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions. The elements are in no particular order or priority.

15. Among the substantive elements and tasks for a new programme of work proposed by Parties, indigenous peoples and local communities, relevant organizations and stakeholders, the following themes are highlighted:

(a) Practical implementation of the various guidelines and standards already agreed upon within the framework of the Convention, as well as the necessity to elaborate a safeguard framework specific for indigenous peoples and local communities. Enabling the access of indigenous peoples and local communities as partners in the implementation of the Convention to financial resources, was also ranked as high priority;

(b) Fully realizing the potential contribution of Article 8(j) and related provisions and more broadly indigenous peoples and local communities and their collective actions, to the objectives, goals

---

<sup>19</sup> Meaning “roots of life” in the Mayan language.

<sup>20</sup> 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).

<sup>21</sup> Adopted in [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.

<sup>22</sup> Adopted in decision 14/12

<sup>23</sup> Adopted in decision 14/13

<sup>24</sup> Adopted in decision XII/3, contained in annex III.

<sup>25</sup> An indicative, non-exhaustive list of elements of methodological guidance is contained in decision 14/16.

and vision of the Convention, based a balanced and equal dialogue between knowledge systems, the use of community-based indicators and monitoring tools for assessing progress in the work of the Convention, and ecosystem-based climate change mitigation and adaptation through nature-based solutions in applying traditional knowledge;

(c) Cooperation with other global frameworks in the realm of conservation,<sup>26</sup> natural and cultural diversity, and climate protection. There was much support to intensify and broaden the joint efforts between the Convention and the United Nations Educational, Scientific and Cultural Organization (UNESCO), concerning nature and cultures, as well as the work of the Convention on Article 8(j) and related provisions with the recently established UNFCCC Local Communities and Indigenous Peoples' Platform;

(d) Building capacity for indigenous peoples and local communities regarding the Convention and the Nagoya Protocol on Access and Benefit-sharing, with particular focus on biocultural protocols, on strengthening the participation of indigenous peoples and local communities in the elaboration and implementation of national biodiversity strategies and action plans (NBSAPs), on developing legal elements to promote indigenous rights, and on considering options ensure the transmission of traditional knowledge to future generations, including through registering, recording and/or documenting traditional knowledge;

(e) Ensuring food security in the territories of indigenous peoples and local communities by promoting traditional agroecological practices, strengthening indigenous-led and/or community-based conservation efforts and including these in national conservation systems.

16. In considering future work, some submissions noted the lack of progress in the implementation of the Plan of Action on Customary Sustainable Use and called for additional efforts towards the implementation of its first phase. Additionally, the progress assessed by the Subsidiary Body on Implementation at its second meeting on the first phase of work on customary sustainable use demonstrates that implementation and reporting have been minimal.<sup>27</sup> As a result, it is proposed that the initial tasks of the Plan of Action on Customary Sustainable Use are carried over and incorporated into the new programme of work on Article 8(j) and related provisions, contained in annex II, section II, element 1.

17. In considering possible elements of work of relevance to indigenous peoples and local communities in the post-2020 global biodiversity framework, Parties may wish to take into account decision 14/17, which provides some guidance concerning this future work. Of particular relevance is decision 14/17, paragraph 2, in which the Conference of the Parties decided to consider the development of a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 biodiversity framework, to allow for the full and effective participation of indigenous peoples and local communities in the work of the Convention, on the basis of achievements to date, taking into account the ongoing and postponed tasks of Parties,<sup>28</sup> also taking into account the 2030 Agenda for Sustainable Development and its goals, the Paris Agreement, and gaps identified.

---

<sup>26</sup> Taking into account progress in IPBES work on procedures, methodologies, and approaches for working with indigenous and local knowledge, as well as the outcomes of the IPBES thematic and regional assessments, ensuring its uptake in the implementation of the Convention, in order to avoid overlap and duplication and to achieve coordination and harmony.

<sup>27</sup> See "Progress towards Aichi Biodiversity Target 18 on traditional knowledge and customary sustainable use of biodiversity" (CBD/SBI/2/INF/5).

<sup>28</sup> See [CBD/WG/8J/10/8](#).



### III. OPTIONS FOR INSTITUTIONAL ARRANGEMENTS FOR THE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION<sup>29</sup>

18. The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions is the principal institutional arrangement under the Convention on Biological Diversity to address the implementation of Article 8(j) and related provisions, including its programme of work on Article 8(j). It was established in 1998 by the Conference of the Parties at its fourth meeting. Its mandate is:

(a) To provide the Conference of the Parties with advice relating to the implementation of Article 8(j) and related provisions ([decision IV/9](#), para. 1<sup>30</sup>);

(b) To provide the Conference of the Parties with advice on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and make proposals for the strengthening of mechanisms that support such cooperation;

(c) To review progress in the implementation of the priority tasks of the programme of work on Article 8 (j) and related provisions (decision V/16, para. 9).

19. The Conference of the Parties decided that indigenous peoples and local communities should participate in the deliberations of the Working Group on Article 8(j) and Related Provisions to the widest possible extent in accordance with the rules of procedure. Thus, the Working Group has adopted practices to ensure the effective participation of indigenous peoples and local communities in its work. Enhanced participation practices in the Working Group include the following measures:

(a) The nomination of an indigenous co-chair to assist the chairperson of the meeting, as well as indigenous peoples and local community co-chairs for sub-working groups and contact groups;

(b) The nomination of seven representatives of indigenous peoples and local communities<sup>31</sup> as an indigenous peoples and local communities' Bureau to work as friends of the Bureau of the meeting;

(c) Enhanced opportunities to make interventions on all agenda items.

20. Additionally, to further assist the effective participation of indigenous peoples and local communities in the work of the Convention, the Conference of the Parties adopted the following mechanisms:

(a) A voluntary funding mechanism to facilitate the participation of indigenous peoples and local communities in meetings under the Convention (decision VII/16 G, para. 10);

(b) Traditional Knowledge Portal, which include specific web-pages and web-based tools;

(c) Capacity-building development programme.

21. The Working Group on Article 8(j) and Related Provisions has met 10 times since its establishment in 1998 and has some notable achievements, including guidelines and standards covering a broad spectrum of measures related to traditional knowledge and customary sustainable use of biodiversity, as noted above.

---

<sup>29</sup> See [decision 14/17](#), para. 9.

<sup>30</sup> A workshop was held in Madrid from 24 to 28 November 1997.

<sup>31</sup> Based on the seven geocultural regions recognized by the United Nations Permanent Forum on Indigenous Issues, those being: Africa; Asia; Central and South America and the Caribbean; the Arctic; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

22. With regard to submissions received about future institutional arrangements, the success of the Working Group and its products was generally recognized, but it was noted that the implementation at the national level of the adopted guidelines and standards as well as national reporting remain a challenge. Overall views expressed a strong desire for a new institutional arrangement that would facilitate knowledge exchange and promote problem solving, and a better integration of Article 8(j) and related provisions, across the work of the Convention.

23. Many views noted that new institutional arrangements for indigenous peoples and local communities should be considered in light of post-2020 arrangements, new proposed elements of work, and the need to find better ways and means to provide advice regarding all matters of direct relevance to indigenous peoples and local communities under the Convention, as cross-cutting issues.

24. Many proposals envisage an institutional arrangement that can facilitate intercultural dialogue and the sharing of experiences and success between organizations of indigenous peoples and local communities, Parties, non-governmental organizations, policymakers, scientists/academia, and others, improving collaboration for the implementation of the Convention.

25. Overall, the views received tend to lean towards the establishment of a permanent subsidiary body. However, many submissions also noted the importance of considering any future institutional arrangements in the light of the elements of work being proposed, to ensure a fully integrated programme of work, supportive of the goals and vision of the Convention. It is important to note that, whatever format a future institutional arrangement may take (i.e. a fully integrated programme of work, such as a standing agenda item in all subsidiary bodies and the Conference of the Parties, or a permanent subsidiary body or a working group, or a combination of these), the Secretariat can work with the Bureau to ensure that the final structure is facilitated in a fully integrated manner, with other subsidiary bodies and the Conference of the Parties, in order to achieve efficiencies and avoid overlap and duplication.

26. A draft recommendation to assist the Working Group in this matter appears in section IV below.

**IV. DRAFT RECOMMENDATION ON THE OBJECTIVES, PRINCIPLES, ELEMENTS OF WORK OF A FULLY INTEGRATED PROGRAMME OF WORK<sup>32</sup> OF RELEVANCE TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK, INCLUDING OPTIONS FOR INSTITUTIONAL ARRANGEMENTS FOR THE EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION**

---

<sup>32</sup> Article 8(j) and related provisions includes articles 10(c), 17 and 18.



27. In the light of the proposals contained in CBD/WG8J/11/INF/9, CBD/WG8J/11/INF/10, CBD/WG8J/11/INF/11 and CBD/WG8J/11/INF/12, the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions may wish to consider the following elements of a draft decision, also for further consideration by the Open-ended Working Group on the Post-2020 Global Biodiversity Framework at its second meeting, and by the Subsidiary Body on Implementation at its third meeting, and subsequently for consideration by the Conference of the Parties at its fifteenth meeting:

**A. Ways and instruments for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities and aiming at enhancing efficiencies, coherence and coordination**

*The Conference of the Parties,*

*Recalling* decision V/16, in which it established the programme of work on Article 8(j) and related provisions, and decision X/43,<sup>33</sup> in which it revised the multi-year programme of work for 2010-2020,

*Recognizing* the need for a more holistic, forward-looking and integrated programme of work, taking into account recent developments, including the Sustainable Development Goals,<sup>34</sup> the Paris Agreement<sup>35</sup> and the post-2020 arrangements for the Convention,

*Building* on the composite report on the status and trends of traditional knowledge and the guidelines, standards and other tools already developed by the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions and adopted by the Conference of the Parties,<sup>36</sup>

*Emphasizing* the need for the effective implementation of the guidelines and standards related to Article 8(j) and related provisions at the national level in order to achieve progress towards Aichi Biodiversity Target 18 of the Strategic Plan for Biodiversity 2011-2020,

*Noting* that a number of tasks of the current programme of work, as well as the implementation of the above-mentioned guidelines and standards adopted by the Conference of the Parties, represent ongoing responsibilities of Parties,

1. *Decides* to adopt a new fully integrated programme of work on Article 8(j) and related provisions within the post-2020 global biodiversity framework, as contained in the annex to the present decision;

2. *Also decides* to keep under review the post-2020 programme of work on Article 8(j) and related provisions as needed, and reprioritize elements and tasks, in order to ensure a fully integrated programme of work, supportive and coherent with the priorities of the post-2020 global biodiversity framework, which takes into account developments in other relevant international forums and organizations;

3. *Encourages* Parties to engage with indigenous peoples and local communities as on-the-ground partners in the implementation of the Convention, including by recognizing, supporting and valuing their collective actions, including their efforts to protect and conserve their territories towards the goals of the Convention, and fully engaging them in the preparation of national reports, in the revision

---

<sup>33</sup> In [decision X/43](#), the Conference of the Parties adopted a revised multi-year programme of work on Article 8(j), retiring completed or superseded tasks 3, 5, 8, 9 and 16.

<sup>34</sup> See General Assembly resolution [70/1](#), entitled “Transforming our world: the 2030 Agenda for Sustainable Development”.

<sup>35</sup> See United Nations Framework Convention on Climate Change, Conference of the Parties, twenty-first session, decision 1/CP.21 ([FCCC/CP/2015/10/Add.1](#)).

<sup>36</sup> See [decision VII/16](#).

and implementation of national biodiversity strategies and action plans, and in the process for developing and implementing the post-2020 global biodiversity framework for the Convention;

4. *Requests* Parties and other Governments to report on the implementation of the updated programme of work on Article 8(j) and related provisions, including the application of the various guidelines and standards developed under the aegis of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions and adopted by the Conference of the Parties, through national reports, and to the relevant subsidiary bodies, in order to determine progress made;

5. *Invites* Parties, as per decision X/40 B, paragraph 7, to consider designating national focal points for Article 8(j) and related provisions in support of existing national focal points, to facilitate communications with indigenous peoples and local community organizations, and to promote the effective development and implementation of the programme of work on Article 8(j) and related provisions;<sup>37</sup>

6. *Invites* the Executive Secretary to strengthen and support the network of national focal points on traditional knowledge and on the post-2020 global biodiversity framework, enabling them to play a key role at the national level in such areas as (a) national and subnational arrangements for the effective participation of indigenous peoples and local communities, (b) national arrangements for the protection, preservation and promotion of traditional knowledge and customary sustainable use, (c) facilitating the input of indigenous peoples and local communities into the drafting of national reports, and (d) in promoting capacity-building for indigenous peoples and local communities at the national and local levels, on issues related to the Convention;

#### **B. Institutional arrangements for indigenous peoples and local communities, in the post-2020 global biodiversity framework**

7. *Decides* to further integrate future work on matters of relevance to indigenous people and local communities into the work of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, so that agenda items on matters of relevance to indigenous people and local communities are taken up within the appropriate subsidiary body, applying the enhanced participation mechanisms used by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, to facilitate, as appropriate, the effective participation and full integration, within the work of the Convention, of representatives of indigenous peoples and local communities, before consideration by the Conference of the Parties, or by the Conferences of the Parties serving as the meeting of the Parties to the Protocols;

8. *Also decides* to [Continue the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions] [Establish a permanent subsidiary body on Article 8(j) and related provisions with a mandate to provide advice to the Conference of the Parties, other subsidiary bodies, and, subject to their approval, the Conferences of the Parties serving as the meeting of the Parties to the respective protocols, on matters that are relevant to indigenous peoples and local communities and are within the scope of the Convention;]

9. *Requests* the Executive Secretary, subject to the availability of resources, to convene an ad hoc technical expert group on indigenous peoples and local communities and the post-2020 global biodiversity framework,<sup>38</sup> which shall meet prior to the [twelfth meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions][first meeting of the subsidiary body on

---

<sup>37</sup> As of June 2019, 38 countries have designated a national focal point on traditional knowledge.

<sup>38</sup> The ad hoc technical expert group will be established according to the modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice except that the group will include experts nominated by the seven regions of indigenous peoples and local communities in addition to experts from Parties and organizations. It shall be both gender and regionally balanced.

Article 8(j) and related provisions], to provide advice on the further elaboration of the updated programme of work, and the mandate and modus operandi of the [Working Group] [Subsidiary Body].

*Annex I*

**OBJECTIVES, GENERAL PRINCIPLES, AND ELEMENTS OF WORK FOR THE  
PROGRAMME OF WORK FOR ARTICLE 8(J) AND RELATED PROVISIONS**

**2020-2050**

**I. OBJECTIVE**

*Note: The bold text is new text incorporated in the current programme of work in order to update it for the post-2020 period.*

The objective of this programme of work is to promote, within the framework of the Convention, a just implementation of Article 8(j) and related provisions 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, **ensuring an ongoing recognition of the unique association that indigenous peoples and local communities have with the Convention and its Protocols as partners in implementation.**

**II. GENERAL PRINCIPLES**

1. Full and effective participation of indigenous **peoples** and local communities in all stages of the identification and implementation of the elements of the programme of work. Full and effective participation of women of indigenous **peoples** and local communities in all activities of the programme of work.

2. Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge, **while promoting genuine collaborations that respect the process and outcomes of diverse knowledge systems and mainstreaming them into biodiversity policies.**

3. A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous **peoples** and local communities and their rights to have control over their traditional knowledge, innovations and practices.

4. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way, **recognizing the links between biodiversity loss and climate change. This approach also could contribute to nature-based solutions and ecosystem-based climate change mitigation and adaptation.**

5. Access to traditional knowledge, innovations and practices of indigenous **peoples** and local communities is subject to “prior **and** informed consent”, “**free, prior and informed consent**” or “**approval and involvement**” of indigenous peoples and local communities, depending on national circumstances, and on the ability of indigenous peoples and local communities to obtain a fair and equitable share of benefits arising from the use and application of their traditional knowledge, based on mutually agreed terms.

*Annex II*

**POSSIBLE ELEMENTS OF THE NEW PROGRAMME OF WORK ON Article 8(J) AND RELATED PROVISIONS AS PART OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

**I. SUSTAINABLE USE**

*To promote the sustainable use of biological diversity, including the customary sustainable use of wildlife and traditional agroecological practices and food systems*

Suggested activities:

- 1.1 Incorporate customary sustainable use practices or policies, as appropriate, into national biodiversity strategies and action plans.
- 1.2 Promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use of biological diversity.
- 1.3 Identify and promote best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives).
- 1.4 Support indigenous peoples and local communities in on-farm and in situ conservation.
- 1.5 Produce communication, education and public awareness materials on the value of indigenous, local and traditional food systems, and on their advantages for human health and biodiversity.
- 1.6 Encourage indigenous peoples and local communities to register their existing practices with the appropriate international mechanisms, such as the Globally Important Agricultural Heritage Systems (GIAHS) of the Food and Agriculture Organization of the United Nations (FAO), to assist in transmission to future generations.
- 1.7 Promote indigenous concepts of diverse agroforestry systems in areas adjacent to protected areas.

**II. CONSERVATION AND RESTORATION**

*To promote and support the conservation and restoration of biological diversity by indigenous peoples and local communities*

Suggested activities:

- 2.1 Strengthen 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) or traditional sacred sites.
- 2.2 Facilitate, as appropriate, the integration of ICCAs into national networks of protected areas by legally recognizing ICCA territories and strive for the integration of indigenous peoples and local communities in protected area management.
- 2.3 Promote and support, as appropriate, traditional land tenure by indigenous peoples and local communities.
- 2.4 Operationalize the indicator on land-use change and land tenure<sup>39</sup> in the traditional territories of indigenous peoples and local communities, including by mapping existing ICCAs, documenting collective actions of indigenous peoples and local communities contributing to the protection of biodiversity, and report on progress made.

---

<sup>39</sup> References to “land” include both “lands and waters traditionally occupied or used by indigenous peoples and local communities.

### III. SHARING OF BENEFITS FROM GENETIC RESOURCES

*To promote the fair and equitable sharing of benefits arising from the use of genetic resources associated with traditional knowledge*

Suggested activities:

- 3.1 Support indigenous peoples and local communities in the implementation of 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, through capacity-building (regarding prior and informed consent (PIC), mutually agreed terms (MAT), and benefit-sharing (BS)) as well as through legal, policy, or technical assistance.
- 3.2 Identify opportunities for capacity development of indigenous peoples and local communities, and create platforms for information exchange between indigenous peoples and local communities, and Parties, as well as for dialogue with external stakeholders.

### IV. KNOWLEDGE AND CULTURE

*To support the transmission of traditional knowledge and ensure that traditional knowledge and other knowledge systems are valued equally*

Suggested activities:

- 4.1 Support indigenous peoples and local communities, to strengthen the transmission and use of traditional knowledge, including by exploring collection, recording, documentation, storage and ways and means for the dissemination of indigenous and local knowledge, through secure indigenous knowledge systems' documentation centres, and strengthen the use and transmission of traditional knowledge to future generations for the goals of the Convention and to contribute to other international processes.
- 4.2 Promote the Joint Programme of Work (CBD, UNESCO, IUCN and partners) on the links between biological and cultural diversity (nature and cultures).
- 4.3 Promote the integration of traditional knowledge in the work of the Subsidiary Body on Scientific, Technical and Technological Advice.
- 4.4 Promote the mainstreaming of traditional knowledge, as part of the broader mainstreaming of biodiversity across society and sectors of production, as well as other relevant global processes, including the Sustainable Development Goals.

### V. PROTECTION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND THEIR (TRADITIONAL) KNOWLEDGE INNOVATIONS AND PRACTICES, INCLUDING THROUGH APPLICATION OF GUIDELINES AND STANDARDS, AND FURTHER ADVANCEMENT OF ARTICLE 8(J) AND RELATED PROVISIONS

5.1 Promote the application of the following:

- (a) 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>40</sup>

---

<sup>40</sup> Adopted in [decision VII/16](#).



- (b) The Tkarihwaié: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;<sup>41</sup>
- (c) The Global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>42</sup>
- (d) The Mo'otz kuxtal<sup>43</sup> 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<sup>44</sup> 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>45</sup>
- (e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity.<sup>46</sup>

Promote other principles, standards and guidelines within the context of the Convention on Biological Diversity.

- 5.2 Implement the Gender Plan of Action, emphasizing the effective participation of indigenous peoples and local communities, taking into account the special role of gender in the generation, transmission and protection of traditional knowledge.<sup>47</sup>
- 5.3 Explore, in collaboration with the United Nations Inter-Agency Support Group on Indigenous Peoples' Issues and appropriate agencies, ways to recognize, support and promote traditional land tenure and secure land tenure for indigenous peoples and local communities.<sup>48</sup>
- 5.4 Explore in collaboration with the United Nations Inter-Agency Support Group on Indigenous Peoples' Issues and appropriate agencies ways to promote a human rights-based approach in conservation efforts and to protect environmental defenders from arbitrary persecution, through appropriate mechanisms at the national and international levels.<sup>49</sup>
- 5.5 Building on the guidelines and standards aimed at the national level, the previous work on *sui generis* systems, and taking into account the safeguards framework, the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, to develop a comprehensive safeguards framework for indigenous peoples and local communities and the legal protection, promotion and management of their traditional knowledge, with the effective participation of indigenous peoples and local communities, taking into special consideration the collective characteristic of indigenous and local knowledge.

---

<sup>41</sup> Adopted in [decision X/42](#).

<sup>42</sup> Adopted in decision XII/12 [B](#), contained in the annex.

<sup>43</sup> Meaning “roots of life” in the Mayan language.

<sup>44</sup> 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).

<sup>45</sup> Adopted in [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.

<sup>46</sup> Adopted in decision 14/2.

<sup>47</sup> See decision XII/7.

<sup>48</sup> References to traditional tenure includes lands and waters.

<sup>49</sup> Refer to OHCHR: <https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx>

## VI. FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

- 6.1 Ensure the full and effective participation of indigenous peoples and local communities in the work of the Convention on Biological Diversity, including through promoting the enhanced participation mechanisms used by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions and by ensuring appropriate funding for their effective participation in meetings held under the Convention and its Protocols.
  - 6.2 Parties to promote full and effective participation and engagement of indigenous peoples and local communities in the development of national reports, and in the development, revision and implementation of national biodiversity strategies and action plans (NBSAPs), and to strengthen partnerships with indigenous peoples and local communities, recognizing their collective actions, for implementation of the Convention.
  - 6.3 Collaborate with other relevant global processes, including but not limited to the United Nations Permanent Forum on Indigenous Issues (UNPFII), the World Intellectual Property Organization (WIPO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the Intergovernmental Panel on Climate Change (IPCC), and the United Nations Framework Convention on Climate Change (UNFCCC) with its recently established Local Communities and Indigenous Peoples Platform, as well as the International Union for Conservation of Nature (IUCN).
  - 6.4 Report to the Secretary-General of the United Nations on matters falling within the mandate of the Convention on Biological Diversity in accordance with 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](#).
  - 6.5 Explore, in collaboration with Parties and indigenous peoples and local communities and other engaged actors, how 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, can best be applied, including the use of qualitative values and methods as requested by the Conference of the Parties in [decision 14/16](#);
  - 6.6 Explore ways and means, partnerships and opportunities to mobilize financial resources for on-the-ground implementation of the Convention by indigenous peoples and local communities, as well as to contribute to other international processes.
-