



Convention on Biological Diversity

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Subsidiary Body on Implementation

Fourth meeting

Nairobi, 21–29 May 2024

Item 2 of the provisional agenda*

Review of implementation: progress in national target setting and the updating of national biodiversity strategies and action plans

Report on the implementation of the multi-year programme of work on implementation of Article 8 (j) and related provisions of the Convention

Note by the Secretariat

I. Introduction

1. At its fifth meeting, the Conference of the Parties to the Convention, in its decision [V/16](#), decided to endorse the programme of work on the implementation of Article 8 (j) and related provisions of the Convention on Biological Diversity. In the same decision, the Conference of the Parties decided to give priority to tasks 1, 2, 4, 5, 8, 9 and 11 of the programme of work, as well as tasks 7 and 12, noting that the latter would be initiated following the completion of tasks 5, 9 and 11. The programme of work is the main instrument established under the Convention towards the achievement of the Parties' commitments under Article 8 (j) to respect, preserve and maintain the knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, promote their wider application with the approval and involvement of the holders of such knowledge and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

2. The Conference of the Parties conducted an in-depth review of the programme of work at its tenth meeting. In its decision [X/43](#), the Conference of the Parties decided to revise and update the programme of work as follows: to retire completed or superseded tasks 3, 5, 8, 9 and 16; to maintain ongoing tasks 1, 2, 4, 7, 10 and 12; and based on the results of the work, to identify any further activities needed. In the same decision, the Conference of the Parties decided to postpone the consideration and commencement of other uninitiated tasks, namely, tasks 6, 11, 13, 14 and 17, until the completion of other tasks and in the light of ongoing developments. Also in decision X/43, the Conference of the Parties decided to include a new major component on Article 10, with a focus on Article 10 (c), in the revised programme of work and requested the Ad Hoc Open-ended Intersessional Working Group on Article 8 (j) and Related Provisions of the Convention, building on

* CBD/SBI/4/1.

the Addis Ababa Principles and Guidelines, to develop further guidance on sustainable use and related incentive measures for indigenous peoples and local communities and to consider measures to increase their engagement with Governments at national and local levels in the implementation of Article 10 and the ecosystem approach.

3. Tasks undertaken since the tenth meeting of the Conference of the Parties contributed to the implementation of Aichi Biodiversity Target 18, which aimed at ensuring that by 2020, the traditional knowledge, innovations and practices of indigenous peoples and local communities relevant to biodiversity conservation and sustainable use were respected and fully integrated into the implementation of the Convention.

4. At its fifteenth meeting, in its decision [15/10](#), the Conference of the Parties decided to develop a new programme of work on Article 8 (j) and other provisions of the Convention related to indigenous peoples and local communities, aligned with the Kunming-Montreal Global Biodiversity Framework, with the full and effective participation of indigenous peoples and local communities. In response to a request made by the Conference of the Parties, the Ad Hoc Open-ended Intersessional Working Group on Article 8 (j) and Related Provisions of the Convention on Biological Diversity, at its twelfth meeting, adopted recommendation [12/2](#) on the new programme of work, for consideration by the Conference of the Parties at its sixteenth meeting.

5. Against that background, the present note serves to provide a report on the implementation of the multi-year programme of work on implementation of Article 8 (j) and related provisions of the Convention, as set out in the table below. The Subsidiary Body on Implementation is expected to take note of the report at its fourth meeting.

<i>Task</i>	<i>Actors</i>	<i>Status</i>	<i>Short description</i>
<p>Task 1. Parties to take measures to enhance and strengthen the capacity of indigenous and local communities to be effectively involved in decision-making related to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity subject to their prior informed approval and effective involvement.</p>	Parties	Intended to be undertaken on an ongoing basis, the task has been implemented and continues to be implemented.	<p>In the context of implementing Aichi Biodiversity Target 18, Parties have undertaken activities to enhance the capacity of indigenous peoples and local communities in decision-making. Despite this, there is a clear demand for more capacity-building activities, as such activities have contributed to supporting collaboration among Parties and indigenous peoples and local communities.</p> <p>To support the implementation of this task, the Secretariat, with the support of donors, organized regional training and capacity-building activities for indigenous peoples and local communities, involving officials from developing and least developed countries.</p> <p>With a view to promoting the further implementation of this task, the Secretariat plans to continue capacity-building activities at the margins of meetings under the Convention and other relevant meetings held in other forums.</p> <p>The task remains of relevance to the implementation of the Kunming-Montreal Global Biodiversity Framework.</p>
<p>Task 2. Parties to develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas,</p>	Parties	Intended to be undertaken on an ongoing basis, the task has been implemented and continues to be implemented.	<p>Progress has been made in the implementation of Aichi Biodiversity Target 18 related to the participation of indigenous peoples and local communities in biodiversity decision-making. However, further work is needed to enhance the full participation of indigenous peoples and local communities, notably in processes related to the development, review and updating of national biodiversity strategies and action plans and national reports.</p> <p>At the international level, mechanisms such as the Voluntary Funding Mechanism under the Convention have facilitated the participation of indigenous peoples and local communities in meetings under the Convention.</p>

<p>taking into account the ecosystem approach.</p>			<p>The task remains of relevance to the implementation of the Framework.</p>
<p>Task 3. On the request of the Executive Secretary, Parties and Governments, with the full participation of indigenous and local communities, would establish a roster of experts based on the methodologies used by the Conference of the Parties, to allow the experts to support the implementation of this programme of work.</p>	<p>Secretariat of the Convention</p>	<p>The task was completed.</p>	<p>Following its review of the programme of work, the Conference of the Parties to the Convention, at its tenth meeting, decided to retire completed task 3 (decision X/43).</p>
<p>Task 4. Parties to develop, as appropriate, mechanisms for promoting the full and effective participation of indigenous and local communities with specific provisions for the full, active and effective participation of women in all elements of the programme of work, taking into account the need to:</p> <ul style="list-style-type: none"> (a) Build on the basis of their knowledge; (b) Strengthen their access to biological diversity; (c) Strengthen their capacity on matters pertaining to the conservation, maintenance and protection of biological diversity; (d) Promote the exchange of experiences and knowledge; 	<p>Parties</p>	<p>Intended to be undertaken on an ongoing basis, the task has been implemented and continues to be implemented.</p>	<p>Parties have made progress in the development of measures and mechanisms related to promoting the full and effective participation of indigenous and local communities, with specific provisions for the full, active and effective participation of women in all elements of the programme of work (see documents CBD/WG8J/11/INF/3 and CBD/WG8J/12/INF/3). Further work by Parties is needed to further facilitate the active participation of women and girls and children and youth from indigenous peoples and local communities in the implementation of the Convention.</p> <p>The task remains of relevance to the implementation of the Framework.</p>

<p>(e) Promote culturally appropriate and gender-specific ways in which to document and preserve women's knowledge of biological diversity.</p>			
<p>Task 5. The Executive Secretary to prepare, for the next meeting of the Ad Hoc Open-ended Working Group on Article 8 (j), an outline of a composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, a plan and a timetable for its preparation, based, inter alia, on advice submitted by Parties, Governments, indigenous and local communities and other relevant organizations regarding sources and availability of information on these matters. Parties, Governments and indigenous and local communities and other relevant organizations to submit the information and advice to address the requirements of this task and Parties to include in their national reports the current state of implementation of Article 8 (j).</p>	<p>Secretariat of the Convention</p>	<p>The task was completed.</p>	<p>The composite reports were compiled and published and are available at www.cbd.int/traditional/outcomes.shtml.</p> <p>Following its review of the programme of work, the Conference of the Parties, at its tenth meeting, decided to retire completed task 5 (decision X/43).</p>
<p>Task 6. The Working Group to develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application in accordance with Article 8 (j).</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was not initiated by the Conference of the Parties in the light of other ongoing tasks and developments.</p>	<p>Many aspects of this task were addressed through the implementation of other tasks. This included the adoption of the Plan of Action on Customary Sustainable Use of Biological Diversity; work under the Joint Programme of Work on the Links between Biological and Cultural Diversity; and the establishment of various guidelines and codes of conduct pertaining to traditional knowledge, in</p>

			<p>particular the adoption of the Mo'otz Kuxtal Voluntary Guidelines.</p> <p>These Voluntary Guidelines aim towards supporting 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 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.</p> <p>The composite report on the status and trends regarding the knowledge, innovations and practices of indigenous peoples and local communities comprises key documents which have contributed to the implementation of task 6. Those documents, which have been compiled, published and included in the composite report, are available at www.cbd.int/traditional/outcomes.shtml.</p>
<p>Task 7. Based on tasks 1, 2 and 4, the Working Group to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure:</p> <p>(a) That indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices;</p> <p>(b) That private and public institutions interested in using such knowledge, practices and innovations obtain the</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>At its twelfth meeting, the Conference of the Parties decided to implement tasks 7, 10, and 12 in an integrated manner that would be mutually supportive of the Nagoya Protocol and other international efforts (decision XII/12 D).</p> <p>Building on decision XII/12D, the Conference of the Parties, at its thirteenth meeting, adopted the Mo'otz Kuxtal Voluntary Guidelines to facilitate the development of mechanisms, legislation or other suitable 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 for accessing their knowledge, innovation and practices (decision XIII/18). Moreover, the Voluntary Guidelines focus on promoting the fair and equitable sharing</p>

<p>prior informed approval of the indigenous and local communities;</p> <p>(c) Advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.</p>			<p>of benefits derived from the use of their knowledge, innovations, and practices relevant to the conservation and sustainable use of biological diversity and address the reporting and prevention of the unlawful appropriation of traditional knowledge.</p>
<p>Task 8. Identification of a focal point within the clearing-house mechanism to liaise with indigenous and local communities.</p>	<p>Parties and Secretariat of the Convention</p>	<p>The task was completed.</p>	<p>Following its review of the programme of work, the Conference of the Parties, at its tenth meeting, decided to retire task 8 (decision X/43).</p> <p>In relation to this task, the Conference of the Parties invited Parties to consider designating national focal points for Article 8 (j) and related provisions to facilitate communications with indigenous and local community organizations and to promote the effective development and implementation of the programme of work on Article 8 (j) and related provisions (decision X/40 B).</p> <p>The current list of designated focal points is available at www.cbd.int/doc/lists/nfp-cbd-tk.pdf.</p>
<p>Task 9. The Working Group to develop, in cooperation with indigenous and local communities, guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on sacred sites and on lands or waters occupied or used by indigenous and local communities. The guidelines and recommendations should ensure the participation of indigenous and</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>At its seventh meeting, the Conference of the Parties endorsed 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 on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities (decision VII/16, sect. F).</p> <p>In the light of the adoption of the Akwé: Kon Voluntary Guidelines, the Conference of the Parties at its tenth meeting decided to consider task 9 completed (decision X/43).</p>

<p>local communities in the assessment and review.</p>			
<p>Task 10. The Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>At its twelfth meeting, the Conference of the Parties decided to implement tasks 7, 10, and 12 in an integrated manner that would be mutually supportive of the Nagoya Protocol and other international efforts (decision XII/12, sect. D).</p> <p>Building on decision XII/12 D, the Conference of the Parties at its thirteenth meeting adopted the Mo'otz Kuxtal Voluntary Guidelines to facilitate 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 for accessing their knowledge, innovations and practices (decision XIII/18). Moreover, the Voluntary Guidelines focus on promoting the fair and equitable sharing of benefits derived from the use of their knowledge, innovations, and practices relevant to the conservation and sustainable use of biological diversity. Particular attention should be given to section II.C of the Voluntary Guidelines (paras. 15 and 16), which focuses on reporting and preventing unlawful appropriation. Section V of the Voluntary Guidelines, comprising paragraphs 26–28, is also of significance for task 10.</p>

<p>Task 11. The Working Group to assess existing subnational, as appropriate, national and international instruments, particularly intellectual property rights instruments, that may have implications for the protection of knowledge, innovations and practices of indigenous and local communities, with a view to identifying synergies between these instruments and the objectives of Article 8 (j).</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was not initiated by the Conference of the Parties in the light of other ongoing tasks and developments.</p>	<p>At its twelfth meeting, in decision XII/12, section E, regarding sui generis systems for the protection, preservation and promotion of traditional knowledge, innovations and practices, the Conference of the Parties took note of the revised elements for sui generis systems and invited Parties to make use of them as might be appropriate (para. 2). In paragraph 3 of the same decision, the Conference of the Parties invited the Working Group to incorporate potential elements of sui generis systems and the draft glossary, as appropriate, in its work on tasks 7, 10, and 12.</p> <p>Subsequently, at its thirteenth meeting, the Conference of the Parties addressed tasks 7, 10 and 12, leading to the adoption of the Mo'otz Kuxtal Voluntary Guidelines (decision XIII/18).</p>
<p>Task 12. The Working Group to develop guidelines that will assist Parties and Governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8 (j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8 (j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>At its twelfth meeting, the Conference of the Parties decided to implement tasks 7, 10, and 12 in an integrated manner that would be mutually supportive of the Nagoya Protocol and other international efforts (decision XII/12 D).</p> <p>Building on decision XII/12D, the Conference of the Parties, at its thirteenth meeting, adopted the Mo'otz Kuxtal Voluntary Guidelines to facilitate the development of mechanisms, legislation or other suitable 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 for accessing their knowledge, innovation and practices (decision XIII/18). Moreover, the Voluntary Guidelines focus on promoting the fair and equitable sharing of benefits derived from the use of their knowledge, innovations, and practices relevant to the conservation and sustainable use of biological diversity and address the reporting and prevention of the unlawful appropriation of traditional knowledge.</p>

<p>Task 13. The Working Group to develop a set of guiding principles and standards to strengthen the use of traditional knowledge and other forms of knowledge for the conservation and sustainable use of biological diversity, taking into account the role that traditional knowledge can play with respect to the ecosystem approach, in situ conservation, taxonomy, biodiversity monitoring and environmental impact assessments in all biodiversity sectors.</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was not initiated by the Conference of the Parties in the light of other ongoing tasks and developments.</p>	<p>Possible future actions towards the implementation of elements contained in task 13 should take into account progress made in the implementation of some aspects of relevance to this task, notably those addressed through the adoption of the Plan of Action on Customary Sustainable Use of Biological Diversity and the Mo'otz Kuxtal Voluntary Guidelines.</p>
<p>Task 14. The Working Group to develop guidelines and proposals for the establishment of national incentive schemes for indigenous and local communities to preserve and maintain their traditional knowledge, innovations and practices and for the application of such knowledge, innovations and practices in national strategies and programmes for the conservation and sustainable use of biological diversity.</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was not initiated by the Conference of the Parties in the light of other ongoing tasks and developments.</p>	<p>The following is of relevance to the implementation of task 14: the Conference of the Parties, at its ninth meeting, invited Parties and Governments, with the participation of indigenous peoples and local communities, to report on positive measures for retaining traditional knowledge in areas relevant to the conservation and sustainable use of biological diversity (decision IX/13, sect. D, para. 4 and annex).</p>
<p>Task 15. The Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity, in order to facilitate the</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>At its fourteenth meeting, the Conference of the Parties adopted the 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 (decision 14/12).</p>

recovery of traditional knowledge of biological diversity.			
<p>Task 16. The Executive Secretary to identify, compile and analyse, with the participation of indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.</p>	<p>Secretariat of the Convention and the Working Group on Article 8 (j) and Related Provisions</p>	<p>The task was completed.</p>	<p>Further to a compilation process, the Working Group on Article 8 (j) and Related Provisions developed a proposed code of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge. The proposed code of ethical conduct was transmitted to the Conference of the Parties, for consideration at its tenth meeting, where Parties adopted its elements of the code of ethical conduct and decided to entitle the elements of the code “The Tkarihwaié:ri Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity” (decision X/42).</p>
<p>Task 17. The Executive Secretary to develop, in cooperation with Governments and indigenous and local communities, methods and criteria to assist in assessing the implementation of Article 8 (j) and related provisions at the international, regional, national and local levels, and reporting of such in national reports in conformity with Article 26.</p>	<p>Secretariat of the Convention</p>	<p>The task remains under implementation in the context of the ongoing further development of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework and the development of the new programme of work on Article 8 (j) and other provisions of the Convention related to indigenous peoples and local communities.</p>	<p>Progress has been made in the implementation of this task, in particular in relation to the traditional knowledge elements of the global strategic plans for biodiversity, in particular the Strategic Plan for Biodiversity 2011–2020. One of the main examples of progress was the adoption of the following four traditional knowledge indicators to monitor the implementation of Aichi Biodiversity Target 18:</p> <ul style="list-style-type: none"> (a) Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities (decision X/43); (b) Status and trends in the practice of traditional occupations (decision X/43); (c) Status and trends of linguistic diversity and numbers of speakers of indigenous languages (decisions VII/30 and VIII/15); (d) Trends in which traditional knowledge and practices are respected through their full integration, safeguards and the

			<p>full and effective participation of indigenous and local communities in the national implementation of the Strategic Plan (decision XI/3, sect. A, annex).</p> <p>The adoption of the four traditional knowledge indicators contributed to the implementation of task 17. Further work is required for development of data-collection methodologies and operationalization of those indicators.</p> <p>The process for the further development of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework includes an assessment of the current status of the four traditional knowledge indicators and an outline of steps for their further development and operationalization.</p>
<p>Plan of Action on Customary Sustainable Use of Biological Diversity</p>	<p>Working Group on Article 8 (j) and Related Provisions</p>	<p>The Plan of Action was established.</p>	<p>At its tenth meeting, the Conference of the Parties decided to include a new major component on Article 10 with a focus on Article 10 (c) in the revised programme of work on Article 8 (j) and related provisions and requested the Working Group, building on the Addis Ababa Principles and Guidelines, to develop further guidance on sustainable use and related incentive measures for indigenous peoples and local communities (decision X/43, para. 8).</p> <p>At its twelfth meeting, the Conference of the Parties, in decision XII/12 (sect. B), endorsed the Plan of Action on Customary Sustainable Use of Biological Diversity. In the same decision (sect. B), it invited Parties, other Governments, relevant organizations, indigenous peoples and local communities and stakeholders to implement the Plan of Action on Customary Sustainable Use of Biological Diversity, taking into account diverse national circumstances, including legal and policy regimes, and to report on progress to the Executive Secretary, as well as through the national reporting process.</p> <p>The primary objective of the Plan of Action is to promote, within the framework of the Convention, a just implementation of Article 10 (c) at local, national, regional</p>

			and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of implementation.
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