



Convention on Biological Diversity

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Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity Twelfth meeting

Geneva, 12–16 November 2023

Item 4 of the provisional agenda*

Progress in the implementation of the priority tasks of the multi-year programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity

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Note by the Secretariat

I. Introduction

1. In its decision 15/3, on the review of progress in the implementation of the Convention and the Strategic Plan for Biodiversity 2011–2020 and the achievement of the Aichi Biodiversity Targets, the Conference of the Parties welcomed the updated analysis of national biodiversity strategies and action plans and of the national reports, as well as the efforts made by Parties to reflect issues related to indigenous peoples and local communities, traditional knowledge, customary sustainable use of biodiversity and gender issues in their national biodiversity strategies and action plans.
2. In the same decision, the Conference of Parties noted with deep concern that, despite encouraging progress, the full and effective participation of indigenous peoples and local communities and the consideration of traditional knowledge and the customary sustainable use of biodiversity had not been adequately reflected in the implementation of the Convention on Biological Diversity or in many national biodiversity strategies and action plans.
3. As requested under decision [15/10](#), Parties and other Governments were subsequently invited to report on the implementation of the current programme of work on Article 8(j) and Related Provision of the Convention, as well as on the implementation of the new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, once adopted. In the same decision, Parties were also invited to report on progress in relation to the application of the various voluntary guidelines and standards developed by the Working Group on Article 8(j) and Related Provisions.

* CBD/WG8J/12/1/Rev.1

4. To assist the Working Group in its task, the Secretariat has prepared the present interim report on the basis of information received in response to notification No. [2023-024](#). Views received will be made available in document CBD/WG8J/12/INF/3. As such, the analysis is built on the previous progress report, issued on 19 October 2019.¹

II. Progress made by Parties towards the achievement of Aichi Biodiversity Target 18 of the Strategic Plan for Biodiversity 2011–2020

5. Target 18 reads as follows:

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

6. In addition, further to the adoption of the Kunming-Montreal Global Biodiversity Framework at the fifteenth meeting of the Conference of the Parties, and in particular Targets 21 and 22, submissions received included relevant information on the steps taken towards the implementation of those targets.

Summary of submission received

7. In relation to progress in the implementation of the programme of work on Article 8(j) and related provisions, submissions were received from Colombia, Germany, the Sudan, the CBD Women's Caucus and the Sámi Parliament of Sweden.

8. One of the submitters reiterated its commitment to continuing to support for the implementation of the programme of work on Article 8(j) and related provisions at the global level, through activities, initiatives and projects that fully took into account the adopted principles of voluntary guidelines. The submitter noted that elements of the programme of work on Article 8(j) and related provisions were integrated into the design of current supported projects, such as the national biodiversity strategies and action plans accelerator partnership, which included a key component for strengthening the integration of indigenous peoples and local communities into the revisions of national biodiversity strategies and action plans. Projects referred to in the submission included the ICCA Global Support Initiative, which supports the diversity, quality and vitality of governance of the global network of protected areas and other effective area-based conservation measures. The submitter also referred to other projects that had been initiated and would support the implementation of the future new programme of work on Article 8(j) and other provisions, such as:

(a) The project “Transformative Pathways: indigenous peoples and local communities leading and scaling up conservation and sustainable use of biodiversity” implemented by a consortium led by the Forest Peoples Programme;

(b) A new phase of the ICCA Global Support Initiative, focused on Aichi Targets 3 and 22, was implemented in a consortium led by the United Nations Development Programme.

9. Another submitter noted that activities carried out during the implementation of the current programme of work on Article 8(j) and related provisions had led to the strengthening of environmental land management processes from an indigenous cosmovision. The submitter also noted that many aspects of the Framework were of interest and relevance to indigenous peoples and local communities.

10. Another submitter highlighted the progress made at the national level in the implementation of the programme of work on Article 8(j) through the development and dissemination of

¹ CBD/WG8J/11/2.

awareness-raising and capacity-building materials. In that regard, the submitter noted that a booklet on community protocols had been prepared and distributed to indigenous peoples and that several workshops had been held to clarify and explain the content of these community protocols.

11. In its submission, the Sámi Parliament in Sweden highlighted that progress had been made in the implementation of Articles 8(j) and 10(c), especially in relation to tasks 1, 2 and 4 of the current programme of work. Useful tools, such as the various voluntary guidelines, had also been developed, even though experience in their application at the national level had been limited.

12. The same submitter explained that, at the international and national levels, the Sámi Parliament cooperated well with the Ministry for Climate and Enterprise regarding work related to the Convention. The Parliament had provided expertise and advice on issues relating to traditional knowledge, customary sustainable use and indigenous rights and was currently involved in the preparation for the national biodiversity strategy and action plan of Sweden. In addition, in 2021, in an effort to strengthen and improve the implementation of Article 8(j) and related provisions, the Ministry for Climate and Enterprise (previously known as the Ministry for Environment and Energy) had appointed the Sámi Parliament as the national focal point of Sweden on traditional knowledge and customary sustainable use. The Parliament had also been active in a national forum (Programråd) established to enable local communities to be involved in implementation activities at the national level. The Sámi Parliament also note that it was represented in the Environmental Objectives Council, which was tasked with supporting authorities in undertaking and implementing activities on various environmental objectives. In addition, the Act on Consultation on Matters Concerning the Sámi People had entered into force in March 2022, With the aim to ensure the right of the Sámi peoples to participate in decision-making processes at all levels of society and to strengthen their influence in matters that particularly affected them. Lastly, the Sámi Parliament indicated that it had developed material on traditional knowledge and biodiversity to make relevant actors aware of the Convention, its Articles and traditional knowledge, so as to ensure that decisions were based on the best available knowledge.

13. In its submission, the CBD Women's Caucus noted that there was not sufficient information to determine whether the current programme of work had been successful in terms of gender responsive implementation. Nonetheless, an example related to activities undertaken with the Endorois community in Kenya was highlighted to illustrate how tasks under the current programme of work had been implemented, taking into account the needs and priorities of girls and women.

III. Progress in the mainstreaming of Article 8(j) and related provisions across the areas of work of the Convention

A. Protected areas and other effective area-based conservation measures

14. In its decision [15/13](#), the Conference of the Parties encouraged Parties and other Governments to work together with all stakeholders to jointly implement the Framework in a spirit of cooperation and mutual support, at the global, regional, subregional, national and subnational levels, across areas and sectors, through bilateral joint work programmes where appropriate, and through existing global, regional, subregional, national and subnational instruments, mechanisms and processes.

15. Pursuant to the decision, the Secretariat of the Convention collaborated with relevant partners to begin the development of a global partnership to support the achievement of Target 3 of the Framework, drawing in particular on experiences and lessons learned from the Global Partnership on Aichi Target 11 and the Friends of the Programme of Work on Protected Areas partnership.

16. The Secretariat convened a meeting to develop a global partnership to support the achievement of Target 3 in collaboration with the World Commission on Protected Areas of the International Union for Conservation of Nature and the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC). The meeting was hosted by UNEP-WCMC in Cambridge, United Kingdom of Great Britain and Northern Ireland, from 12 to 14 June 2023. Six

representatives of indigenous peoples and local communities attended the meeting. Participants discussed, among other things, the full and effective participation of indigenous peoples and local communities in the partnership, as well as how the partnership could support implementation of the elements of Target 3 related to indigenous and traditional territories and recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.

17. Three meetings on marine and coastal biodiversity have been held since the fifteen meeting of the Conference of Parties and were attended by experts and representatives of indigenous peoples and local communities, namely:

(a) A Sustainable Ocean Initiative national workshop for Jamaica on other effective area-based conservation measures in the marine fishery sector (Kingston, 17–19 May 2023);

(b) An online Sustainable Ocean Initiative workshop on ocean-related capacity-building needs for the Kunming-Montreal Global Biodiversity Framework (5–9 June 2023);

(c) A Sustainable Ocean Initiative regional capacity-building workshop for East, South and South-East Asia (Seoul, 5–8 September 2023). Experts from the Forest Peoples Programme and the International Collective in Support of Fish workers received financial assistance to attend the meeting).

B. Access and benefit-sharing

18. In decision [15/9](#), the Conference of the Parties agreed that the benefits from the use of digital sequence information on genetic resources should be shared fairly and equitably and to develop a solution for the sharing of benefits from the use of such information. The Conference of the Parties also agreed that a solution for the fair and equitable benefit-sharing on such information should, inter alia, take into account the rights of indigenous peoples and local communities, including with respect to the traditional knowledge associated with genetic resources that they hold. In the same decision, it recognized that the monetary and non-monetary benefits arising from the use of such information should, in particular, be used to support conservation and sustainable use of biological diversity and, inter alia, benefit indigenous peoples and local communities. The Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources was established in decision 15/9 to undertake further development of a multilateral benefit-sharing mechanism, including such elements as the role, rights and interests of indigenous peoples and local communities, including associated traditional knowledge, and to make recommendations to the Conference of the Parties at its sixteenth meeting.

19. Indigenous peoples and local communities participated in the work undertaken under the Convention through the following meetings and activities:

(a) The submission of views on issues for further consideration for digital sequence information on genetic resources (first quarter of 2023);²

(b) The fifth meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol (Montreal, Canada, 20–22 June 2023);

(c) A global workshop on biodiversity, traditional knowledge, health and well-being (Rio de Janeiro, Brazil, 27–28 July 2023). The meeting was organized by the World Health Organization (WHO), the Pan American Health Organization and the Secretariat of the Convention to prepare recommendations for the first WHO Summit on Traditional Medicine, which was held in India in August 2023. The Secretariat provided relevant information on processes developed and experiences acquired under the Convention, with a particular focus on Article 8(j), the Framework and the Nagoya Protocol to help to inform the drafting of the recommendations;

² Available at www.cbd.int/notifications/2023-003.

(d) A subregional dialogue on national biodiversity strategies and action plans (Manila, 14–17 August 2023).

20. Activities to strengthen the capacity of indigenous peoples, local communities and Parties have included the following:

(a) A monthly question-and-answer webinar on various topics of relevance to the Access and Benefit-sharing Clearing-House and the implementation of the Nagoya Protocol is being organized through the Access and Benefit-sharing Clearing-House. The monthly webinars are recorded and made available on the Clearing-House website. On 30 May 2023, a webinar was also held, in English and Spanish, on community protocols and customary laws.;

(b) Online forums, webinars and the fifth meeting of the Informal Advisory Committee on Capacity-building, which all enabled indigenous peoples and local communities to participate in the development of the Capacity-building and Development Action Plan for the Nagoya Protocol. Key outcome areas for capacity-building and development are identified in the Action Plan, along with indicative priority outputs and activities, including an outcome area that specifically concerns indigenous peoples and local communities.

C. Biosafety

21. Article 26 of the Cartagena Protocol on Biosafety addresses socioeconomic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous peoples and local communities. Under the discussions on risk assessment and risk management, the Conference of the Parties serving as the meeting of the Parties to the Protocol endorsed in its decision [CP-10/10](#) the recommendation from the Ad Hoc Technical Expert Group on Risk Assessment to develop additional voluntary guidance materials to support case-by-case risk assessments of living modified organisms containing engineered gene drives. In the same decision, it requested the Executive Secretary to ensure the full and effective participation of indigenous peoples and local communities in the discussions and work conducted under the Cartagena Protocol. Thus, to support the development of the additional voluntary guidance materials, indigenous peoples and local communities were invited, by notification No. [2023-007](#), to submit information. In addition, an expert from the indigenous peoples and local communities was selected to participate in the Expert Group during the 2023–2024 intersessional period and will contribute to the development of the additional voluntary guidance materials.

22. The Expert Group met in December 2019 and reviewed submissions and the outcomes of an online discussion with a view to supplementing the voluntary guidance on socioeconomic considerations that it had previously developed. In decision [CP-10/12](#), the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety took note with appreciation of the outcomes of the work of the Expert Group and invited Parties, other Governments, relevant organizations and stakeholders to share experiences with the use of the voluntary guidance.

23. In 2022, the Secretariat published *CBD Technical Series No. 100*, on synthetic biology, which contains considerations relevant to indigenous peoples and local communities, including a section on their engagement. In its subsequently adopted decision [15/31](#), the Conference of the Parties established a process for broad and regular horizon scanning, monitoring and assessment of the most recent developments in synthetic biology. A multidisciplinary ad hoc technical expert group in synthetic biology was established to support the process and with the request to include, whenever possible, expertise from a broad range of scientific disciplines, as well as interdisciplinary and intercultural expertise, and indigenous peoples and local communities. To support the process, indigenous peoples and local communities were invited through notification No. [2023-006](#) to submit information on synthetic biology and to take part in the Open-ended Online Forum on Synthetic Biology. Two experts from indigenous peoples and local communities are represented on the multidisciplinary Expert Group and will contribute to the assessment of topics in synthetic biology

identified during the horizon scanning activities. In addition, the Conference of the Parties also requested the Executive Secretary to support capacity-building, technology transfer and knowledge-sharing regarding synthetic biology, taking into account the needs of the Parties and of indigenous peoples and local communities.

24. The Secretariat has facilitated the participation of indigenous peoples and local communities in the following expert meetings held under the Convention and its Protocols:

(a) Meeting of the Ad Hoc Technical Expert Group on Socioeconomic Considerations (Vienna, 10–13 December 2019);

(b) Meeting of the Ad Hoc Technical Expert Group on Risk Assessment (online, 30 March–3 April 2020);

(c) Meeting of the Ad Hoc Technical Expert Group on Synthetic Biology (Montreal, 4–7 June 2019);

(d) First meeting of the multidisciplinary Ad Hoc Technical Expert Group on Synthetic Biology (Montreal, 11–14 July 2023);

(e) First meeting of the Ad Hoc Technical Expert Group on Risk Assessment (Montreal, 1–3 November 2023).

25. The Secretariat also facilitated the participation of indigenous peoples and local communities in the following activities:

(a) A webinar on the celebration of the twentieth anniversary of the entry into force of the Cartagena Protocol on Biosafety (11 September 2023).

(b) A webinar on non-State actors' engagement in the Action Agenda for Nature and People, 27 September 2021;

(c) Online discussions on non-State actors' engagement in the Action Agenda for Nature and People (27 September–10 October 2021). A representative of indigenous peoples and local communities participated as a moderator for the discussions.

D. Participation of indigenous peoples and of local communities in meetings of the Convention

26. In the period 2019–2023, a total of 99 representatives of indigenous peoples and local communities received funding from the Voluntary Trust Fund, which enabled their participation in official meetings held under the Convention. The Secretariat expresses its gratitude to Australia, Egypt, Finland, Germany, Mexico, New Zealand, Norway, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland for their continuing support of the General Trust Fund for Voluntary Contributions to Facilitate the Participation of Indigenous and Local Communities in the work of the Convention.

IV. Conclusion

27. Significant progress towards the achievement of Aichi Biodiversity Target 18 has been made during the period under review. However, it is unlikely that Target 18 has been met in its entirety. In addition, in terms of on-the-ground implementation of the Convention, it is clear that the full engagement and effective participation of indigenous peoples and local communities are necessary to ensure that the targets of the Kunming-Montreal Global Biodiversity Framework are met in order to achieve the vision of living in harmony with nature by 2050.

28. The present note is an interim progress report on the implementation of Article 8(j) and related provisions. An updated progress report will be prepared in 2024 for consideration by the Subsidiary Body on Implementation at its fourth meeting. Consequently, the present document does not contain a recommendation.
