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Agenda item 10 (a)
Implementation of Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities: modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities
Working Group I

Modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities

Draft decision submitted by the Chair of Working Group I

The Conference of the Parties,

Acknowledging the unique role of indigenous peoples and local communities [and of people of African descent, comprising collectives embodying traditional lifestyles][, including women and youth among them,][as appropriate, in line with national priorities and circumstances,] their innovations, practices and traditional knowledge [and technologies] in the implementation of the Convention on Biological Diversity [1] and its Protocols and of the Kunming-Montreal Global Biodiversity Framework, [2] and their contributions to the work of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, and recognizing the need for the full and effective participation of indigenous peoples and local communities in the work of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities established by decision 16/5 of 1 November 2024,

1. [*Adopts*] the modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities annexed to the present decision;

[2. *Invites* the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation to support the work of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities by further

[1] United Nations, *Treaty Series*, vol. 1760, No. 30619.
[2] Decision 15/4, annex.

incorporating and promoting the programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities to 2030;[3]]

3 *Encourages* Parties, [in accordance with national priorities and circumstances,] and invites other Governments and relevant organizations, to continue and enhance their support for the full and effective participation of representatives of indigenous peoples and local communities [and of people of African descent, comprising collectives embodying traditional lifestyles][, as appropriate, in line with national priorities and circumstances,] in the meetings of [the subsidiary bodies and, as applicable, their governing structures][the Subsidiary Body on Scientific, Technical and Technological Advice, the Subsidiary Body on Implementation and the Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities], including [by ensuring that the host countries deliver entry visas to all participants designated by Parties and national organizations of indigenous peoples and local communities to attend official meetings held under the Convention, and] through contributions to the Special Voluntary Trust Fund for Facilitating the Participation of Indigenous Peoples and Local Communities.

[Annex
Modus operandi of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities

I. Functions

1. The Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity[4] Related to Indigenous Peoples and Local Communities shall perform its functions under the guidance of the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety[5] and the Conference of the Parties serving as the meeting of the Parties to 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[6] for items referred to it by them. The Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities shall work in collaboration with the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation and carry out its functions taking into account their roles, functions and mandates, with a view to ensuring complementarity with their work and applying procedures that avoid overlaps. The functions of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities are:

(a) To promote, support and review the implementation of the work undertaken under the Convention pertaining to Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities;

(b) To provide advice to the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as well as, upon their request, to the other subsidiary bodies, on knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and on matters of relevance to indigenous peoples and local communities that are within the scope of the Convention and its Protocols.

[3] Decision 16/4, annex.
[4] United Nations, *Treaty Series*, vol. 1760, No. 30619.
[5] Ibid., vol. 2226, No. 30619.
[6] Ibid., vol. 3008, No. 30619.

II. Operating principles

2. In its modalities, the Subsidiary Body shall function as a Party-led body. In carrying out its functions, the Subsidiary Body shall align its work with the strategic plan for the implementation of the Convention and prioritize the tasks that need early action.

3. The functions of the Subsidiary Body shall be guided by the principles of transparency, inclusiveness, gender responsiveness, equity, respect for rights, in accordance with national legislation, the recognition of diverse knowledge systems, the value of intergenerational dialogue, cost-efficiency and collaboration with the other subsidiary bodies.

4. The Subsidiary Body shall ensure the full, effective and meaningful participation of indigenous peoples and local communities, including women, youth and knowledge holders among them, in all aspects of its work.

5. In carrying out its functions, the Subsidiary Body shall cooperate with and will benefit from the assistance of United Nations entities, expert bodies and processes that have complementary functions and work on matters related to indigenous peoples and local communities.

III. Procedural matters

6. In line with paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties apply, mutatis mutandis, to the meetings of the Subsidiary Body, with the exception of rule 18.

7. When the Subsidiary Body serves a Protocol to the Convention, decisions under the Protocol shall be taken only by the Parties to the Protocol.

8. The Subsidiary Body shall undertake any tasks that fall within the scope of its programme of work and those that are referred to it by the Conference of the Parties or the Conference of the Parties serving as the meeting of the Parties to the respective Protocol and shall report on its work to those bodies.

IV. Bureau and co-chairs

9. The Bureau of the Conference of the Parties shall serve as the Bureau of the Subsidiary Body.

[10. The Subsidiary Body shall have two co-chairs elected by the Conference of the Parties. One co-chair shall be nominated by Parties from the United Nations regional group that exercises its turn, in a rotation among United Nations regional groups.[7] The other co-chair, representing indigenous peoples and local communities, shall be nominated on a rotational-basis among the [seven sociocultural regions[8]] [applied under the Permanent Forum on Indigenous Issues][United Nations regional groups.]]

11. Nominations shall be carried out by [indigenous peoples and local communities through their own governance structure, representatives and organizations][organizations or representative bodies[, as endorsed by Parties,] of indigenous peoples and local communities [[officially registered] [in their respective countries] [at the national level]]].

[7 Following the practice of rotation in the chairing of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, and with a view to avoiding that, at any one time, a regional group provides the chairs of more than one subsidiary body, the order of the regions from which the Chair of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention related to indigenous peoples and local communities is elected shall be as follows: African States, Western European and other States, Asia-Pacific States, Latin America and Caribbean States and Eastern European States.]

8 [For the purpose of the Convention on Biological Diversity, the Arctic sociocultural region comprises the following indigenous peoples: Atabaskian, Aleut, Dolgan, Gvichin, Kereki, Kety, Koryak, Mansi, Nganasan, Nenets, Saami, Selkup, Khanty, Chuvan, Chukchi, Evenk, Even, Enets, Inuit and Yakigir.]

12. At least one of the co-chairs shall be selected from a developing country, taking into account gender and geographical balance. The co-chairs shall not be from the same region. The co-chairs shall take office from the end of the meeting of the Conference of the Parties at which they have been elected and remain in office until their successors take office at the end of the following ordinary meeting of the Conference of the Parties.]

13. Candidates for the co-chairing of the Subsidiary Body should have experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities in the context of the Convention. When identifying a candidate,[the regional group and representatives of indigenous peoples and local communities] [should take into account] the availability of time that the candidates have for the work of the Subsidiary Body [should be taken into account].

14. In the event that the co-chair nominated by Parties and elected by the Conference of the Parties is from a country that is not a Party to one or both Protocols, a substitute shall be assigned from among members of the Bureau representing a Party to the Protocol to chair items related to one or the other Protocol.

15. The co-chairs of the Subsidiary Body shall be ex officio members of the Bureau of the Conference of the Parties. The President of the Conference of the Parties shall invite the co-chairs of the Subsidiary Body to the sessions of the Bureau on matters related to the Subsidiary Body.

16. Capacity-building on the processes of the Convention shall be provided to the co-chairs.

[17. Further to the established [and effective] practice of the Ad Hoc Working Group on Article 8(j) and Related Provisions of the Convention, the Bureau of the Conference of the Parties serving as the Bureau of the Subsidiary Body shall continue to invite representatives of [organizations or representative bodies of] indigenous peoples and local communities [officially registered] [in their respective countries] to designate at the beginning of each meeting of the Subsidiary Body one representative each from [the United Nations regional groups][the seven sociocultural regions [applied under][identified by][acknowledged by] the Permanent Forum on Indigenous Issues] [following selection procedures and structures determined by each region] to participate in the work of the Subsidiary Body, as friends of the Bureau. [Candidates for the function of friends of the Bureau should have strong connections with indigenous peoples and local communities at the national and local levels in their respective countries, experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities.] [Similar to the rule for Bureau members, friends of the Bureau may be elected for a maximum of two consecutive terms.]]

17. Alt.1 The Bureau of the Conference of the Parties serving as the Bureau of the Subsidiary Body shall, at the beginning of each meeting of the Subsidiary Body, invite representatives of indigenous peoples and local communities to participate in the work of the Subsidiary Body, as friends of the Bureau, for consultation and in the capacity of observers.

[17. Alt.1 bis. There shall be [five][10] seats for the friends of the Bureau, ensuring [equal representation among the five United Nations regions][seven sociocultural regions] [regional rotation] and [fair][balanced][equal] representation [among][of] indigenous peoples and local communities, [officially registered in their respective countries] to designate at the beginning of each meeting of the Subsidiary Body [one representative each from [the United Nations regional groups][the seven sociocultural regions [applied under][identified by][acknowledged by] the Permanent Forum on Indigenous Issues] [following selection procedures and structures determined by each region] to participate in the work of the Subsidiary Body, as friends of the Bureau]. [Candidates for the function of friends of the Bureau should have [strong connections with indigenous peoples and local communities at the national and local levels in their respective countries,] experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities.] [Similar to the rule for Bureau members, friends of the Bureau may be elected for a maximum of two consecutive terms.]]

[17. Alt.2 At the beginning of each meeting of the Subsidiary Body, the Bureau of the Conference of the Parties serving as the Bureau of the Subsidiary Body shall invite [one][two] representative[s] from each region, in a balanced manner between indigenous peoples and local communities, [[officially] registered or recognized in their respective country] to participate in the work of the Subsidiary Body, as friends of the Bureau.]

V. Budgetary matters

18. The Subsidiary Body shall meet once in each intersessional period, back-to-back with meetings of other subsidiary bodies, unless otherwise decided by the Conference of the Parties, with due consideration for the importance of ensuring the full and effective participation of indigenous peoples and local communities[, including women and youth among them].

19. Should the Conference of the Parties consider it necessary to the Subsidiary Body to carry out its mandate, and subject to the availability of resources, as appropriate, ad hoc technical expert groups may be established, with full and effective participation of indigenous peoples and local communities, and in accordance with section H, paragraph 18, of the consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice, as contained in annex III to decision VIII/10 of 31 March 2006.

20. The number and length of the meetings and activities of the Subsidiary Body and its expert groups shall be reflected in the budget adopted by the Conference of the Parties or extrabudgetary funding.

VI. Organizational matters

21. The Subsidiary Body may make requests to the Executive Secretary and use mechanisms under the Convention, as appropriate, within its mandate and the budgetary resources approved by the Conference of the Parties in respect to a specific decision by the Conference of the Parties.

22. The Executive Secretary shall provide to the Subsidiary Body the support necessary to carry out its functions and mandate. The Subsidiary Body, may, as appropriate, and subject to the availability of resources, use mechanisms that are established under the Convention. The meetings of the Subsidiary Body shall be conducted in plenary sessions [or, where the necessary budgetary resources have been approved by the Conference of the Parties[, in open-ended sessional working groups, as appropriate.] [Up to two open-ended sessional working groups of the Subsidiary Body may be established and operate simultaneously during meetings of the Subsidiary Body.] The working groups would not meet in parallel to the plenary sessions. The working groups shall be established on the basis of well-defined terms of reference and be open to all Parties and observers].

VII. Focal points

23. Parties should designate national focal points[, including from indigenous peoples and local communities, as appropriate,] to follow up on the work of the Subsidiary Body, as appropriate. The existing national focal points for Article 8(j) and related provision of the Convention may continue to be the focal points for the Subsidiary Body. National focal points [are encouraged to][should] work with indigenous peoples and local communities to help to facilitate their full and effective participation in the work of the Subsidiary Body, [where applicable], and in accordance with national legislation [and international instruments][, where applicable]. [Parties are encouraged to designate [additional] national focal points from indigenous peoples and local communities to follow up on the work of the Subsidiary Body and to engage with them at the national and local levels.]

VIII. Documentation

24. The Secretariat shall make the official pre-session documentation for meetings of the Subsidiary Body available in the six official languages of the United Nations at least six weeks before

the opening of the meeting, in accordance with rule 10 of the rules of procedure for meetings of the Conference of the Parties, and shall further endeavour to make meeting documents available three months before the opening of each meeting.

25. The number and length of documents, including information documents, shall be kept to a minimum, and documentation shall include proposed conclusions and recommendations for consideration by the Subsidiary Body.

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