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WORKING GROUP ON ARTICLE 8(j) AND
RELATED PROVISIONS OF THE CONVENTION
ON BIOLOGICAL DIVERSITY

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Item 7 of the provisional agenda*

INTEGRATION OF ARTICLE 8(J) AND PROVISIONS RELATED TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION AND ITS PROTOCOLS

Note by the Executive Secretary

INTRODUCTION

1. At its thirteenth meeting, the Conference of the Parties, in decision XIII/26, paragraph 3, invited Parties, other Governments and representatives of indigenous peoples and local communities to submit views on possible 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. Additionally, the Executive Secretary was requested to develop, on the basis of the views submitted, proposals on ways and instruments which should entail no additional financial burden and to make such proposals available to the Working Group at its tenth meeting for its consideration and to submit a recommendation to the second meeting of the Subsidiary Body on Implementation for further consideration.
2. Accordingly, the Executive Secretary solicited such views through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017. The views received are reproduced in CBD/WG8J/10/INF/4.
3. To assist the Working Group in its task, the Executive Secretary has prepared the present document. Section I provides an overview of the work carried out under the Convention on Articles 8(j) and related provisions.¹ Section II provides an overview of the views received on possible 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. Section III presents proposals 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. Finally, building on proposals made in section III, section IV suggests draft recommendations.

* CBD/WG8J/10/1.

¹ Provisions related to Articles 8(j) include: Article 10(c) on customary sustainable use of biological diversity; Article 17 on Exchange of information; and Article 18 on Technical and scientific cooperation which refers to indigenous and traditional technologies in its paragraph 4.

4. The Working Group is expected to consider the proposals and prepare recommendations for further consideration by Subsidiary Body on Implementation at its second meeting. In doing so, the Working Group may wish to take into account information document CBD/WG8J/10/INF/8, which contains an update on the programme of work, including an analysis on postponed tasks,² as well as a compilation of views received in CBD/WG8J/10/INF/4.

I. OVERVIEW OF WORK CARRIED OUT ON ARTICLE 8(J) AND RELATED PROVISIONS

A. Article 8(j) and related provisions, Articles 10(c), 17.2, 18.4

5. Article 8(j), and related provisions, Articles 10(c), 17.2 and 18.4 of the Convention address: the respect, preservation, maintenance and promotion of the knowledge, innovations and practices of indigenous peoples and local communities;³ protecting and encouraging customary sustainable use;⁴ encouraging the exchange of information, including indigenous and traditional knowledge and where feasible repatriation;⁵ as well as methods for the development and use of technologies, including indigenous and traditional technologies.⁶ These articles are regarded as cross-cutting and therefore relevant across the other areas of work of the Convention.

B. Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions

6. By decision IV/9, paragraph 1, the Conference of the Parties, held in Bratislava (1998) decided to establish the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to address the implementation of Article 8(j) and related provisions of the Convention. The mandate of this Working Group is to provide to the Conference of the Parties advice relating to the implementation of Article 8(j) and related provisions (decision IV/9) and to review progress in the implementation of the priority tasks of the programme of work (decision V/16, para. 9). The priority tasks were reviewed by the Conference of the Parties at its tenth meeting in decision X/43, which established a revised multi-year programme of work in 2010, available at: <https://www.cbd.int/doc/decisions/cop-10/cop-10-dec-43-en.pdf> (see the section on programme of work, below).

7. The Working Group on Article 8(j) and Related Provisions has met nine times since its establishment in 1998⁷ and has some notable achievements. In particular, the Working Group has raised the profile of indigenous peoples and local community issues throughout the Convention process. It has successfully developed and monitored the implementation of the work programme on Article 8(j) and related provisions, and delivered a number of guidelines and other tools.

² In decision X/43, the Conference of the Parties revised the programme of work on Article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

³ Article 8(j) “Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”

⁴ Article 10(c) “Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;”

⁵ Article 17.2 “Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.”

⁶ The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

⁷ At the fourth meeting of the Conference of the Parties.

C. Enhanced participation mechanisms

8. A fundamental principle of the programme of work and the Working Group on Article 8(j) has been the effective participation of indigenous peoples and local communities. Thus, the Working Group on Article 8(j) 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 such measures as: the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as an indigenous peoples and local community bureau, and co-chairs for sub-working groups and contact groups, and enhanced opportunities to make interventions on all agenda items. Additionally, to further assist the effective participation of indigenous peoples and local communities in the work of the Convention the Secretariat has established specific web-pages and web-based tools, including the Traditional Knowledge Information Portal, and facilitates regular capacity development efforts, and manages a voluntary funding mechanism for the participation of indigenous peoples and local communities in meetings held under the Convention.⁸ All in all, the work of the Secretariat to engage indigenous peoples and local communities is seen as a good practice for the rest of the United Nations system.

D. Programme of work on Article 8(j) and related provisions and update

9. The programme of work on Article 8(j) and related provisions⁹ is the main instrument that Parties to the Convention on Biological Diversity have given themselves to achieve the commitments in Article 8(j) and related provisions, and later to Aichi Biodiversity Target 18¹⁰ by 2020.

10. To date, the programme of work on Article 8(j) and related provisions has produced significant results including:

(a) The composite report on the status and trends of traditional knowledge¹¹ bringing together detailed regional information from every region and the identification of processes at national and local levels that may threaten the maintenance, preservation and application of traditional knowledge;

(b) Guidelines for the conduct of cultural, environmental and social impact assessments (the Akwe: 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);¹²

(c) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities¹³ and the global Plan of Action on the Customary Sustainable Use of Biological Diversity;¹⁴

(d) The Mo'otz kuxtal¹⁵ voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed

⁸ See: <https://www.cbd.int/traditional/fund.shtml>

⁹ The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in decision V/16.

¹⁰ Target 18 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.

¹¹ 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, available at: <https://www.cbd.int/doc/?meeting=WG8J-05>

¹² Decision VII/16.

¹³ Decision X/42.

¹⁴ Decision XII/12 B, annex.

¹⁵ Meaning "roots of life" in the Maya language.

consent” or “approval and involvement”, depending on national circumstances, of indigenous peoples and local communities¹⁶ 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.¹⁷

11. Task 15 of the programme of work regarding voluntary guidelines for the repatriation of traditional knowledge¹⁸ and a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions¹⁹ will be considered by the Working Group at its tenth meeting. Additionally, although not originally envisaged by the programme of work, and as indigenous peoples and local communities issues are regarded as cross-cutting, the Working Group at its tenth meeting will take up new work concerning resource mobilization. More specifically, it will consider the contribution of collective actions of indigenous peoples and local communities and safeguards in biodiversity financing mechanisms.

E. Plan of Action on Customary Sustainable Use of Biological Resources

12. After the most recent in-depth review and the establishment of a multi-year programme of work on Article 8(j) and related provisions in 2010, the Conference of the Parties at its tenth meeting, decided to place greater focus on the implementation of Article 10(c) on customary sustainable use of biological diversity.²⁰ Pursuing this, the Conference of the Parties in decision XI/14 F agreed on the development of a plan of action on customary sustainable use of biological diversity, as a new major component of the revised programme of work on Article 8(j) and related provisions, and at its twelfth meeting in decision XII/12 B, endorsed the global Plan of Action on Customary Sustainable Use, inviting Parties, other Governments, relevant organizations, indigenous and local communities and stakeholders to implement the plan of action on customary sustainable use of biological diversity, and to report on progress to the Executive Secretary, as well as through the national reporting process.

13. Additionally, with regard to possible future work on the Plan of Action on Customary Sustainable Use, the Conference of the Parties, in decision XI/14 F, paragraph 11, decided to transmit a list of indicative tasks to the Working Group on Article 8(j) and Related Provisions for future consideration, after the review of the first phase of the Plan of Action on Customary Sustainable Use. As the Subsidiary Body Implementation at its first meeting considered progress made in the implementation of Article 8(j), and Article 10(c), including the global Plan of Action on Customary Sustainable Use,²¹ it may be timely to revisit the indicative list of tasks in order to consider whether future work on customary sustainable use is warranted, in the light of advances made in the implementation of phase I but to do so in the broader considerations regarding the post-2020 arrangements for the Convention, in order to ensure fully integrated work.

14. Regarding progress on the implementation of the first phase of work of the Plan of Action on Customary Sustainable Use, to date reporting progress on implementation has been, at best, minimal. It was reported to the Subsidiary Body on Implementation at its first meeting, in the analysis of the national

¹⁶ 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).

¹⁷ 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.

¹⁸ 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.

¹⁹ See document CBD/WG8J/10/3 , a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions.

²⁰ See decision X/43.

²¹ See UNEP/CBD/SBI/1/14, Sect. I, recommendation 1/1.

biodiversity strategies and action plans²² in 2016 that, although 18 Parties had reported on inclusion of indigenous peoples and local communities in their national biodiversity strategies and action plan, only three had mentioned customary sustainable use. The Conference of the Parties addressed this issue at its thirteenth meeting, in decision XIII/1, paragraph 18, which encourages Parties to reinforce and strengthen efforts to mainstream Article 8(j) and Article 10(c), including the Plan of Action on Customary Sustainable Use of Biological Diversity and capacity development, in the development, updating and implementation of national biodiversity strategies and action plans.

15. In paragraph 22, of the same decision, Parties, other Governments, indigenous peoples and local communities, and relevant organizations were invited to submit updated information on progress towards Aichi Biodiversity Target 18 on traditional knowledge and customary sustainable use of biodiversity, including on the various elements of the target, as well as implementation of the Plan of Action on Customary Sustainable Use, in time to allow the Executive Secretary to synthesize and make available the information for consideration by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its tenth meeting and by the Subsidiary Body on Implementation at its second meeting.

16. The implementation of the Plan of Action on Customary Sustainable Use remains under review by the Subsidiary Body on Implementation and progress made in its implementation will be considered at the second meeting of the Subsidiary Body.

F. Article 8(j) and related provisions as cross-cutting issues

17. As Articles 8(j) (on traditional knowledge) and 10(c) (on customary sustainable use) and related provisions are cross-cutting issues, the Working Group over its lifetime has provided and continues to provide expert advice to specific areas of work under the Convention, including in the negotiations that led to the adoption of the Nagoya Protocol, the programme of work on protected areas, and more recently resource mobilization (concerning the collective actions of indigenous peoples and local communities and safeguards in biodiversity financial mechanisms).

18. In addition, a regular mechanism, established by the Conference of the Parties at its tenth meeting for advice on thematic areas of the Convention has been the inclusion of an in-depth dialogue on the agenda at each Working Group meeting or an additional temporary agenda item for new issues.²³

G. Postponed tasks of the revised programme of work (decision X/43)

19. In decision X/43, the Conference of the Parties decided to postpone the consideration and commencement of other uninitiated tasks of the programme of work, pending completion current tasks and in the light of ongoing developments, namely task 11, 6, 13, 14 and 17.²⁴

20. As priority tasks 7, 10, 12 and 15 are nearing completion, an update is provided on the programme of work, including an analysis on the status of postponed tasks 11, 6, 13, 14 and 17,²⁵ in an information document (CBD/WG8J/10/INF/8), in order to determine to what extent the postponed tasks have already been addressed in previous work. The analysis concludes that, in the light of the work completed by the programme of work on Article 8(j) and related provisions (referred to previously in para. 10), most aspects of the five postponed tasks have been addressed. In particular, the recent adoption of the Mo'otz kuxtal Voluntary Guidelines for Traditional Knowledge,²⁶ addresses most aspects in postpone tasks which suggest

²² See UNEP/CBD/SBI/1/2/Add.3.

²³ The in-depth dialogue is a regular feature of the Working Group that contributes advice to the other areas of work of the Convention (previously referred to as thematic areas), established by decision X/43, paragraph 12.

²⁴ See decision X/43, paragraph 7.

²⁵ In decision X/43, the Conference of the Parties revised the programme of work on Article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

²⁶ Decision XIII/18.

the development of additional guidelines. The analysis may assist the Working Group in the finalizing the current programme of work by the fourteenth meeting of the Conference of the Parties, in order to move towards the full integration of Article 8(j) and related provisions and indigenous peoples and local communities into the post-2020 arrangements for the Convention. In the event that the Working Group considers further work is needed, proposals for further work should be considered within the broader consultation processes for the Convention's post-2020 arrangements in order to ensure that any future work decided upon is fully integrated.

II. OVERVIEW OF VIEWS RECEIVED

21. In response to decision XIII/26, the Executive Secretary requested views²⁷ in order to assist the Working Group at its tenth meeting to explore possible 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. Views were received from six Parties, one international organization, two indigenous organizations, one local community organization and three non-governmental organizations.²⁸ They address both issues of process and substance and are further examined below.

A. Issues related to the integration process

22. The following provides an overview of submissions received which are related to the participation of indigenous peoples and local communities and the role of the Working Group on Article 8(j) and related provisions.

1. *Participation of indigenous peoples and local communities in meetings held under the Convention*

23. A common theme in submissions received is that a critical component of integration of Article 8(j) and related provisions is the full and effective participation of indigenous peoples and local communities in the work of the Convention. The effective participation of indigenous peoples and local communities is crucial for the implementation of the Convention and provides a fundamental basis for achieving sustainable development at all levels, including in decision-making, planning, implementation, and monitoring of policies and programmes. Seizing on this theme, many submissions took up the issue of how the participation of indigenous peoples and local communities should and could be strengthened in the work of the Convention. Some submissions also considered how participation could be improved at the national and subnational levels, including the coordination and designation of indigenous peoples and local communities representatives to Convention meetings, as well as participation in national arrangements, such as strategies for the protection and revalorization of traditional knowledge, and that recognizes and values the collective actions of indigenous peoples and local communities for the goals of the Convention.

24. Two submissions emphasized that experience acquired with the organization of concurrent meetings for Convention and its Protocols could inform consideration of how practices and approaches followed by the Working Group on Article 8(j) and Related Provisions could be fully integrated into the broader deliberations of the Convention on Biological Diversity and its Protocols, through its subsidiary bodies. This could include consideration of the enhanced participation mechanisms practiced under the

²⁷ In notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017. The views and information are available as CBD/WG8J/10/INF/4.

²⁸ Australia, Bolivia, Brazil, European Union and its member States with national contributions from Sweden and Finland, Mexico, Peru, Venezuela, Assembly of First Nations (Canada), Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica, Global Forest Coalition/Community Conservation Resilience Initiative, ICCA Consortium, Forest Peoples Programme and other members organizations of the International Indigenous Forum on Biodiversity, Red de Mujeres Indígenas sobre Biodiversidad de América Latina y el Caribe, Red de Cooperación Amazónica, Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).

Working Group, such as providing opportunities for indigenous peoples and local communities to verbally raise issues higher in the order of speakers to foster dialogue, appointment of an indigenous co-chair and an indigenous peoples and local communities Bureau to assist the Chairperson and Bureau, and by allowing indigenous peoples and local communities to raise issues during smaller contact group and friends of the chair deliberations, as a standard practice across the Convention. Another submission emphasized that the effective participation of indigenous peoples and local communities in all matters of relevance to them must be guaranteed as a universally accepted right. Several suggestions noted the best way to enhance efficiencies, coherence and coordination of the work of integrating Articles 8 and 10(c) is to ensure the effective participation of indigenous peoples and local communities in all areas of work under the Convention.

25. A remaining challenge for achieving full integration of Article 8(j) and related provisions and indigenous peoples and local communities in the work of the Convention and its Protocols is to determine to what extent the practices for enhanced participation of indigenous peoples and local communities enjoyed under the Working Group can be taken up by other subsidiary bodies or the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocols.

26. An alternative proposal in submissions received, to extending the practices for enhanced participation of indigenous peoples and local communities enjoyed under the Working Group to other bodies, is that sessions of the Working Group along with its practices for effective participation of indigenous peoples and local communities could be convened as needed, within other subsidiary bodies, the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocols. This could allow for effective participation mechanisms for indigenous peoples and local communities on all matters of direct relevance to them and the clustering of related subjects or agenda items within these bodies, possibly leading to greater efficiencies in the process and improved coherence in the outcomes.

2. *The Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions*

27. Views received emphasized that the Working Group has served as a critical space for cross-cultural interactions and learning between Governments and representatives for indigenous peoples and local communities as holders of unique knowledge and practices related to biodiversity and ecosystem services in a global context. The effective participation of indigenous peoples and local communities in the Working Group is seen as a best practice for indigenous peoples and local communities across the international system. However, in general there is agreement that the issues relevant to indigenous peoples and local communities, as well as Article 8(j) and related provisions (on traditional knowledge and customary sustainable use) need to be further strengthened and better integrated into the work of the Convention.

A permanent body on indigenous peoples and local communities

28. One suggestion is that the Working Group be converted into a permanent body with a mandate to provide advice directly to the Conference of the Parties to the Convention, its Protocols, its subsidiary bodies and the various areas of work. As working groups within the United Nations system are temporary bodies, this submission also suggests that, should the Working Group become a permanent mechanism, it should be named the “Subsidiary Body on Indigenous Peoples and Local Communities” (and their traditional knowledge in the conservation of biodiversity), or “Permanent Forum on Indigenous Peoples and Local Communities and Biodiversity” (under the Convention), with a view to strengthening and coordinating inputs from indigenous peoples and local communities towards achieving the objectives of the Convention in all subsidiary bodies and areas of work. Suggestions were also received to maintain and further develop the Working Group as an expert body.

A solutions-oriented think-tank

29. Advancing the full integration of Article 8(j) and the effective participation of indigenous peoples and local communities into the work of the Convention and its Protocols provides an opportunity to think creatively about the future work of Article 8(j) in the post-2020 period and in the light of emerging post-2020 arrangements. As proposed in one submission, another approach to the full and effective implementation of Article 8(j), which builds on previous suggestions, could be a re-conceptualization of the Working Group as an indigenous peoples and local community's solutions-oriented think-tank, as a source of expertise as well as a resource to be drawn upon by other areas of the Convention, including other subsidiary bodies. This could see the Working Group itself become an effective mechanism in achieving implementation of Article 8(j) and related provisions, including Article 10(c) and thematic areas.

30. The Working Group reconceptualized as an advisory or specialized body under the Convention that could be convened as needed for items of direct relevance to indigenous peoples and local communities, under the umbrella of other subsidiary bodies, such as the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, evoking the enhanced participation mechanisms enjoyed under the Working Group, as well as addressing its own programme of work, could be a way forward. Such an arrangement could see the sessions of the Working Group convened within other subsidiary bodies, allowing for a clustering a related issues, better participation of indigenous peoples and local communities and more coherent outcomes. This proposal is compatible with the previous suggestion to make the Working Group a permanent body with a mandate to provide advice to the subsidiary bodies, the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Protocols.

Full integration of the Working Group and indigenous peoples and local communities into the work of the Convention

31. Some submissions proposed that work on matters of direct relevance to indigenous peoples and local communities could be taken up as agenda items within the appropriate subsidiary body, and the Working Group would cease to operate as a separate body. These submissions suggest that this would require effective participation mechanisms for indigenous peoples and local communities on matters of direct relevance to them within the subsidiary bodies and Protocols, and the clustering of related subject matters or agenda items within these bodies, possibly leading to greater efficiencies in the process and improved coherence in the outcomes.

3. *Mechanisms for improving preparations for and participation in the Working Group on Article 8(j) and other meetings held under the Convention*

32. Careful preparation is needed before each meeting in order for the full potential of inputs from indigenous peoples and local communities to be realized²⁹ and in order to mobilize the contributions of participants in meetings of the Working Group on Article 8(j), especially indigenous peoples and local communities, with the goal of providing effective inputs in all areas of work under the Convention. It is essential to explore opportunities to enable this to happen. Electronic platforms can play a role. Regional preparatory workshops can also assist. Some Parties have nominated national focal points for Article 8(j) and related provisions³⁰ and created national working groups on Article 8(j) or advisory committees on indigenous peoples and local communities in order to implement obligations nationally and to provide a coordinated input for Convention processes and meetings.

²⁹ To provide advice on traditional knowledge (including on the equitable sharing of benefits) and customary sustainable use, as cross-cutting issues.

³⁰ See <https://www.cbd.int/doc/lists/nfp-cbd-tk.pdf>. To date, 37 Parties have nominated national focal points for traditional knowledge.

33. In some submissions, it is suggested that the Working Group and indigenous peoples and local communities could contribute more broadly to the Convention through such topics as Living in Harmony with Nature,³¹ and traditional knowledge and customary sustainable use for the Sustainable Development Goals. Some submissions also discuss the Joint Programme of Work between the Secretariat of the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization on the Links between Biological and Cultural Diversity,³² emphasizing that the concept of “biocultural diversity” needs to be taken into account, especially in discussing post-2020 arrangements. In sum, there was unanimous support for both strengthening and integrating the Working Group while also addressing outstanding work, considering future work, especially in the light of post-2020 arrangements, and finding better ways and means to provide advice as a cross-cutting issue to all matters of direct relevance to indigenous peoples and local communities under the Convention.

4. *Participation of indigenous peoples and local communities at the national level*

34. Some Parties and other contributors also took up the importance of national and subnational mechanisms for the effective participation of indigenous peoples and local communities in the work and implementation of the Convention, such as national working groups or committees. Some contributors called for a voluntary peer-review process at the local and national levels for the national reports and the national biodiversity strategies and action plans, to assist indigenous peoples and local communities and others to improve their participation and to assist in the implementation of the Convention at the national and local levels.³³ National structures such as these could assist in national coordination and implementation and contribute to issues under discussion in all the intergovernmental forums under the Convention.

5. *The participation of local communities*

35. Some submissions also took up the somewhat neglected issue of “local communities” calling for the establishment of a mechanism specifically for local communities to make proposals on behalf of, and to liaise with local communities, in order to improve their participation in Convention processes and recognise their collective contribution to the implementation of the Convention.

36. Although the Conference of the Parties at its eleventh meeting considered the issue of “local communities”,³⁴ the involvement of local communities remains limited for various reasons, including a lack of manifestation and organization at the international level, a lack of infrastructure within and between local communities, and a lack of a common language, as well as the lack of a working definition within the context of the Convention. In fulfilling the mandate and programme of work on Article 8(j) and related provisions, it may be useful to consider targeted outreach to local communities, including at the national and subnational levels, with a view to more fully involving them in Convention processes, especially recognizing the contribution of their collective actions to its implementation.

6. *Participation of indigenous peoples and local communities in broader arrangements under the Convention on Biological Diversity*

37. Finally, it was suggested in two submissions that indigenous peoples and local communities need to be participating effectively in broader coordination arrangements beyond the Convention, such as the Biodiversity Liaison Group, in order to promote the effective participation mechanisms used by the Working Group on Article 8(j) and to influence other processes related to environment and biodiversity. It was also suggested that important messages, such as the significant role played by indigenous and local

³¹ The theme for the fourteenth meeting of the Conference of the Parties, in 2018, is “Living in harmony with nature”.

³² A progress report on the Joint Programme of Work is available in CBD/WG8J/10/INF/9 to inform discussions on future work.

³³ See decision XIII/25.

³⁴ See [decision XI/14 B](#), paras. 16-21.

community conservation areas (ICCAs) in achieving the goals of the Convention, could be promoted to other relevant forums and members of the Biodiversity Liaison Group.

38. Building on this line of thought, another submission emphasized that integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols is a fundamental issue that would contribute to optimizing efforts, time and resources, and would certainly contribute to achieving the objectives of the Convention. Thus, integration could go beyond the Convention and its Protocols to establish dialogue, synergies, coordination and mutual support with other United Nations processes (including the Sustainable Development Goals), instruments and agencies. It could also increase and consolidate cooperation with the United Nations Educational, Scientific and Cultural Organization of the United Nations, the World Intellectual Property Organization and the Food and Agriculture Organization of the United Nations.

39. Some submissions suggested enhancing virtual platforms, such as the Traditional Knowledge Portal,³⁵ in order to further support the Working Group by promoting learning and exchanges between indigenous peoples and local communities, promoting dialogue between networks of indigenous peoples and local communities and policymakers and other actors, and by developing further and supporting existing networks of indigenous peoples and local communities related to biodiversity in order to contribute to intersessional work.

7. Capacity development for indigenous peoples and local communities and Parties

40. Indigenous representatives have also suggested that, in looking at national implementation, there are weaknesses in the vertical and horizontal linkages among different sectors that impact biodiversity, but more importantly, that there is a lack of coherence between what is being voiced by national Governments and local realities. They go on to say that much of this points to the continued need for capacity development for Parties and other major actors, including the private sector, and the building of creative partnerships between stakeholder groups. The full and effective implementation of the Convention calls for full and effective participation not only of indigenous peoples and local communities but of all stakeholders and the whole of society, if the Convention's goals are to be achieved.

41. Many submissions noted that capacity development for effective participation in meetings held under the Convention and in Convention processes, as well as on new and emerging issues, such as synthetic biology, is crucial for the effective participation and contributions of indigenous peoples and local communities and called for current efforts to continue up to and after 2020. In recent decisions, Parties have continued to prioritize capacity development for indigenous peoples and local communities. It is a continuing need, crucial to their effective participation in the Convention. Therefore, it should remain an important priority in consideration of future work.

42. This matter was taken up by the Conference of the Parties at its thirteenth meeting, in decision XIII/23, which adopts the Short-term Action Plan to Enhance and Support Capacity-Building for the Implementation of the Convention and its Protocols, and is therefore not addressed in the present document but should be kept in mind in developing post-2020 arrangements.

B. Possible future work

43. The following provides an overview of submissions received in relation to future work to be carried out on matters of relevance to indigenous peoples and local communities.

³⁵ See: <https://www.cbd.int/tk/default.shtml>

1. Customary sustainable use of biodiversity

44. It was noted in two of the submissions that the Plan of Action on Customary Sustainable Use of Biological Diversity³⁶ contains excellent considerations and guidance and was endorsed and opened for implementation only in 2014, and that it remains completely valid, even beyond 2020. The same submissions, along with others, note that the Plan of Action needs carrying over with some updating for the post-2020 period. The submission emphasizes that implementation of the Plan of Action is the crucial step and that there are bottlenecks in its implementation, in many cases.

45. In considering future work, some submissions noted lack of progress in the implementation of the Plan of Action on Customary Sustainable Use and called for additional efforts towards implementation of the first phase. Additionally, in [decision XI/14 F](#), paragraph 11, the Conference of the Parties decided to transmit a list of indicative tasks for the future consideration of the Working Group, after the review of the first phase of the Plan of Action. The indicative list is annexed to [decision XI/14 F](#).

46. Submissions emphasized that the second phase of the Plan of Action should focus on enhanced understanding and application of the first phase, including the three priority tasks.³⁷ The key concept here is better partnerships and collaboration and improved participation of indigenous peoples and local communities at the local and national levels, responding to the specific contexts and needs in each country for the implementation of the Plan. In order to assist the Working Group in considering priorities for a second phase of work on customary sustainable use, the Parties may need to consider convening a technical expert group meeting and calling for views in order to assist such a group in identifying priorities for the future consideration of the Working Group. However, in order to ensure that any new work envisaged after 2020 for Article 8(j) and related provisions is fully integrated, it may be preferable that this be determined within the broader discussions concerning post-2020 arrangements for the Convention and not in isolation.

2. Local Biodiversity Outlooks

47. In the theme of mainstreaming and integrating traditional knowledge and customary sustainable use, some submissions noted that the *Local Biodiversity Outlooks*, welcomed by the Conference of the Parties in decision XIII/3, provides an exemplary tool for demonstrating how traditional knowledge and customary sustainable use, as cross-cutting issues, are relevant across the work spectrum of the Convention. The *Local Biodiversity Outlooks* is also demonstrative of the role of indigenous peoples and local communities and their collective actions in attaining the goals of the Convention and underlines the need to approach biological and cultural diversity as inextricably linked.

3. The Joint Programme of Work on Biological and Cultural Diversity

48. In the same submissions it is also suggested that the symbiotic relationship between biological and cultural diversity should be taken forward in a more direct and effective way in the future work of the Convention. For example, the new 10-year plan from 2020 onwards or the post-2020 arrangements should mainstream biological and cultural diversity, building on lessons learned from the Joint Programme of Work between the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Links between Biological and Cultural Diversity, and using a

³⁶ Decision XII/12 B, paragraph 1, annex.

³⁷ The three priority tasks of the Plan of Action on Customary Sustainable Use are: Task 1: To incorporate customary sustainable use practices or policies, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports Task 2: To 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; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c). Task 3: To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives).

social-ecological framework, rather than formulating one single target on traditional knowledge and customary sustainable use. In order to assist the Working Group, a progress report on the Joint Programme of Work between the Secretariat of the Convention and UNESCO on the links between biological and cultural diversity is available in CBD/WG8J/10/INF/9.³⁸

4. *Proposals for national implementation*

49. Furthermore, the Working Group on Article 8(j) and related provisions should play a key role in developing proposals to guide national implementation, including targets for the post-2020 period. This work will need to be based on an assessment of the current state of implementation of traditional knowledge and customary sustainable use under the Convention, including shortcomings in the implementation of Target 18 and the failure to fully achieve several other related targets.

5. *Postponed tasks of the programme of work*³⁹

50. Representatives of indigenous peoples and local communities have emphasized in their submissions that there is a need to fully consider whether postponed tasks of the programme of work need to be revisited, adjusted or replaced in order to ensure their relevance in the light of other developments in recent years and current needs, including the recent adoption of Mo'otz kuxtal voluntary guidelines for Traditional Knowledge.⁴⁰

51. Some indigenous and local community representatives have emphasized that postponed tasks should not be abandoned if they remain relevant, especially in the light of the adoption and implementation of the Cartagena and Nagoya Protocols. At the same time, those representatives also believe that there is a need for a more holistic and forward-looking programme of work, rather than simply rehashing the list of tasks, which were developed almost two decades ago.⁴¹

52. Additionally, it was suggested in one submission on the integration and implementation of Article 8(j) that, in formulating future work, the Working Group should take into account gender and the Gender Plan of Action for the Convention. That submission also states that what is being discussed are major shifts and transformations in economics, politics and environment to which indigenous peoples and local communities as well as biological and cultural diversity can and should make a vital and major contribution. In the submissions, regarding the postponed tasks, there were no firm proposals on addressing these tasks; however, a proposal is made by the Executive Secretary for the consideration of the Working Group in the following section.

III. PROPOSALS 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

53. In the light of the overview of work carried out on Article 8(j) and related provisions presented in section I and the overview of views received in section II, the following are options for consideration regarding the way forward with respect to the full integration of Article 8(j) and related provisions in the work of the Convention and its Protocols. These proposals relate to: (a) the participation of indigenous

³⁸ Progress report on the SCBD-UNESCO Joint Programme on the Links between Biological and Cultural Diversity.

³⁹ In decision X/43, the Conference of the Parties revised the programme of work on Article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

⁴⁰ Decision XIII/18.

⁴¹ The programme of work on Article 8(j) and related provisions was adopted in decision V/16 at the fifth meeting of the Conference of the Parties, in 2000.

peoples and local communities⁴² and options for the Working Group on Article 8(j) and Related Provisions; and (b) the programme of work and possible future work.

A. Participation of indigenous peoples and local communities and options for the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions

54. There are a number of approaches proposed in the submissions received towards improving the effective participation of indigenous peoples and local communities in the work of the Convention. Submissions were also received on national implementation. Draft decisions emanating from the Subsidiary Body on Implementation on this matter have been considered and adopted by the Conference of the Parties at its thirteenth meeting, in order to improve the participation of indigenous peoples and local communities in national implementation. Additionally, and although capacity development is regarded as essential for the effective participation of indigenous peoples and local communities in the work of the Convention and submissions were received emphasizing its importance, this matter was taken up by the Conference of the Parties at its thirteenth meeting in decision XIII/ 23, which adopts the Short-term Action Plan (2017-2020) to Enhance and Support Capacity-Building for the Implementation of the Convention and its Protocols, and is therefore not taken up in the present document. However, as many submissions made it clear that capacity development for indigenous peoples and local communities and Parties is necessary for the effective participation of indigenous peoples and local communities and Parties in the work of the Convention, capacity development should remain a priority in post-2020 arrangements. When developing the long-term capacity development strategy envisaged in decision XIII/23, the Secretariat will ensure that indigenous peoples and local communities participate effectively.

55. Proposals for effective participation are dependent upon the future structures and processes envisaged. Therefore, participation and procedural and structural options are considered together, taking into account submissions received.

56. With respect to ways and instruments for achieving full integration of Article 8(j) and related provisions in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities, aiming at enhancing efficiencies, coherence and coordination, Parties may wish to consider the following options:

Option A: Enhanced integration

(a) Integrate future work on matters of relevance to indigenous peoples 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 peoples and local communities are taken up within the appropriate subsidiary body before consideration by the Conference of the Parties or the Conference of the Parties serving as the meeting of the Parties to the Protocols;

(b) When addressing matters of direct relevance to indigenous peoples and local communities in the subsidiary bodies, apply the enhanced participation mechanisms used by the Working Group on Article 8(j) and Related Provisions for the participation of indigenous peoples and local communities, as appropriate, in order to ensure their effective participation and to fully integrate them into the work of the Convention;

Option B: Permanent body

Extend the mandate of the Working Group on Article 8(j) and Related Provisions to become a permanent body under the Convention, with a view to providing advice across the Convention,

⁴² In meetings held under the Convention and at the national level including the participation of local communities.

including the Conference of the Parties and its Protocols, and their Subsidiary Bodies on all matters of direct relevance to indigenous peoples and local communities.

B. Participation of local communities

57. Based on the submissions received regarding local communities, the Executive Secretary would propose that, in order to strengthen the role of local communities and to more fully engage them in the work and implementation of the Convention, Parties and Governments that do not recognize indigenous peoples within their national territories are encouraged to explore the full potential of local communities, as on the ground partners, in the implementation of the Convention, including by recognizing, supporting and valuing their collective actions for the goals of the Convention.

C. The programme of work and possible future work

58. Having considered views submitted, and in order to ensure that future work is fully integrated in the broader work of the Convention, the Executive Secretary recommends that the current work programme be finalized by 2020 and future work on Articles 8(j) and related provisions be considered in the light of post-2020 arrangements and the need to find better ways and means to provide advice as a cross-cutting issue to all matters of direct relevance to indigenous peoples and local communities under the Convention.

59. In addition, future trainings and regional workshops on traditional knowledge and customary sustainable use could be enhanced by facilitating intercultural dialogues, experience sharing and work sessions alongside national (or subregional) events, where exchanges can happen between organizations of indigenous peoples and local communities, non-governmental organizations, policymakers, scientists/academia and others, and where collaboration can take place. The agreements and outcomes of such exchanges should be reflected in the national biodiversity strategies and action plans and national reports (including specific targets, indicators or plans and information on traditional knowledge and customary sustainable use). Also, (multi-country) projects could be promoted which focus on direct collaboration and implementation between Governments and indigenous peoples and local communities at the national and local levels to support customary sustainable use and collective action, as well as to address transboundary issues. Financial resources for indigenous peoples and local communities to implement the Plan of Action on Customary Sustainable Use are also essential.

D. Plan of Action of Customary Sustainable Use

60. There remains a strong need to raise awareness about the added value of customary sustainable use for the goals of the Convention and its relationship with traditional knowledge. In the coming years, the Parties could more proactively invest in the effective implementation of the Plan of Action on Customary Sustainable Use and other tools emanating from the Working Group and adopted by the Conference of the Parties. With regard to possible future work on the Plan of Action on Customary Sustainable Use, the Conference of the Parties in decision XI/14 F, paragraph 11, decided to transmit a list of indicative tasks contained in the annex to XI/14 F to the Working Group on Article 8(j) and Related Provisions for future consideration, after the review of the first phase of the Plan of Action on Customary Sustainable Use. It may therefore be opportune at this meeting to revisit the list of indicative tasks in order to decide whether a second phase of work on the Plan of Action of is warranted in the post-2020 arrangements.

E. Implementation of tools and standards developed by the Working Group and adopted by the Conference of the Parties

61. In order to make real progress on Article 8(j) and related provisions and to achieve Target 18 by 2020 or after, it is paramount that Parties and Governments that do not have national arrangements in place to address key issues, including traditional knowledge and customary sustainable use, should implement and report on the various guidelines and standards developed under the Working Group and adopted by the

Conference of the Parties. National implementation of existing tools, with the effective participation of indigenous peoples and local communities, should remain a priority for the Convention in the post-2020 arrangements.

F. Postponed Task of the revised programme of work on Article 8(j) and related provisions

62. Having analysed the postponed tasks of the revised programme of work on Article 8(j) and related provisions against work completed, the assessment is that most of the work on postponed tasks 6, 11, 13, 14 and 17 could be regarded as completed through previous work. This is examined in detail in information document CBD/WG8J/10/INF/8. The analysis concludes that, in the light of the work completed under the programme of work on Article 8(j) and related provisions (referred to in para. 10 above), most aspects of the five postponed tasks have been addressed. In particular, the recent adoption of the Mo'otz kuxtal voluntary guidelines⁴³ addresses most aspects in postponed tasks which suggest the development of additional guidelines.

63. In the light of the desire of the Parties to have a fully integrated programme of work post-2020, and the need to finalize the current programme of work by its eleventh meeting, the Working Group may wish to regard these tasks as having been addressed through previous work, or alternatively consider whether any outstanding work across these tasks can be dealt with by the Working Group at its eleventh meeting in an integrated manner, or make proposals for possible future work within the post-2020 arrangements for the Convention.

IV. SUGGESTED RECOMMENDATIONS

64. In the light of the proposals contained in section III above, the Working Group may wish to consider the following elements of a draft decision for further consideration by the Subsidiary Body on Implementation at its second meeting, and subsequently for consideration by the Conference of the Parties at its fourteenth meeting:

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/43,⁴⁴ in which it revised the multi-year programme of work for 2010-2020,

Noting that postponed tasks 6, 11, 13, 14 and 17 of the multi-year programme of work have been addressed through the completion of other tasks under the work programme on Article 8(j) and related provisions,

Recognizing the need for a more holistic, forward-looking and integrated programme of work, taking into account recent developments, including the Sustainable Development Goals,⁴⁵ the Paris Agreement⁴⁶ and post-2020 arrangements for the Convention,

⁴³ Decision XIII/18. 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 communities² 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.

⁴⁴ 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.

Taking into account the results of the “Muuchtanbal Summit on Indigenous and Local Experiences – Traditional Knowledge, Biological and Cultural Diversity – Mainstreaming the contribution of Traditional Knowledge, Innovations and Practices across Agriculture, Fisheries, Forestry and Tourism Sectors for the conservation and sustainable use of Biodiversity for Well-being”,⁴⁷

Building on the composite report on the status and trends of traditional knowledge and the guidelines and other tools and standards already developed by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, including:

(a) The Akwe: 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;⁴⁸

(b) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;⁴⁹

(c) The Mo’otz kuxtal⁵⁰ 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 communities⁵¹ 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;⁵²

(d) 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;⁵³

(e) The global Plan of Action on the Customary Sustainable Use of Biological Diversity;⁵⁴

Taking into account the Joint Programme of Work between the Secretariat of the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization on the links between biological and cultural diversity,⁵⁵

Welcoming the completion of work on task 15, by the adoption of 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,

⁴⁵ See General Assembly resolution 70/1, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”.

⁴⁶ United Nations Framework Convention on Climate Change, Conference of the Parties, twenty-first session, decision 1/CP.21 (see FCCC/CP/2015/10/Add.1)

⁴⁷ The “Muuchtanbal” Summit on Indigenous and Local Experiences was held on the margins of the thirteenth meeting of the Conference of the Parties. Its declaration can be found at : <https://www.cbd.int/cop/cop-13/other/declaration-muuchtambal-en.pdf>

⁴⁸ Decision VII/16.

⁴⁹ Decision X/42, annex.

⁵⁰ Meaning “roots of life” in the Maya language.

⁵¹ The use and interpretation of the term “indigenous peoples and local communities” in these Guidelines should refer to decision XII/12 F, paragraph 2 (a), (b) and (c).

⁵² Decision XIII/18.

⁵³ Due to be adopted by the Conference of the Parties at its fourteenth meeting, in response to tasks 7, 10 and 12 of the revised programme of work on Article 8(j) and related provisions.

⁵⁴ Decision XII/12 B, annex.

⁵⁵ See decision X/20 on cooperation with other conventions and international organizations and initiatives, paragraph 16, which welcomes the Joint Programme of Work.

Noting that tasks 1, 2, 4, as well as the implementation of the above-mentioned guidelines and standards adopted by the Conference of the Parties represent ongoing responsibilities of Parties,

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,

1. *Decides* 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;

2. *Decides also* to consider new programme of work for the period beyond 2020 on the basis of achievements to date and gaps identified, and the need to fully integrate issues related to indigenous peoples and local communities across the work of the Convention;

3. *Requests* 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, including proposals for a second phase of work on the Plan of Action on Customary Sustainable Use for the consideration of 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 arrangements;

4. *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 and areas, for the goals of the Convention and fully engage them in the preparation of national reports, the revision and implementation of national biodiversity strategies and action plans and the process for developing the post-2020 framework for the Convention;

5. *Requests* Parties and other Governments to report on the implementation of the programme of work on Article 8(j) and related provisions, in particular, tasks 1, 2 and 4 and the implementation of the programme of work on customary sustainable use, as well as the application of the various guidelines and standards developed under the aegis of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions and adopted by the Conference of the Parties, through the sixth national reports in order to determine progress made and inform the development of post 2020 arrangements;

6. *Requests* the Executive Secretary to extend appropriate assistance that enables representatives of indigenous peoples and local communities to participate effectively in broader discussions and processes under the Convention which will determine the post-2020 arrangements, in order to facilitate the integration of any further work on Article 8(j) and related provisions into the work of the Convention;

Option A

(a) 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 before consideration by the Conference of the Parties or the Conferences of the Parties serving as the meetings of the Parties to the Protocols;

(b) When addressing matters of direct relevance to indigenous peoples and local communities in the subsidiary bodies, apply the enhanced participation mechanisms used by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions for the participation of representatives of indigenous peoples and local communities, as appropriate, in order to ensure their effective participation and to fully integrate them into the work of the Convention.

Option B

Establish a 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 Conference 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.
