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

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Item 5 of the provisional agenda*

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

Note by the Executive Secretary

INTRODUCTION

1. In [decision 14/17](#), paragraphs 1 and 2, the Conference of the Parties decided to complete the current Programme of Work on Article 8(j) and related provisions no later than the fifteenth meeting of the Conference of the Parties, and to consider the development of a fully integrated Programme of Work on Article 8(j) and related provisions within the post-2020 global biodiversity framework. This would allow for the full and effective participation of indigenous peoples and local communities in the work of the Convention, on the basis of achievements to date the ongoing and postponed tasks of Parties, the 2030 Agenda for Sustainable Development¹ and its goals, the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC)² and gaps identified.

2. In paragraph 12 of the same decision, the Conference of the Parties requested the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions to develop, at its eleventh meeting, proposals for possible future work, including proposals for a second phase of work on the Plan of Action on Customary Sustainable Use, for consideration by the Subsidiary Body on Implementation at its third meeting, in order to inform the development of a fully integrated Programme of Work on Article 8 (j) as part of the post-2020 global biodiversity framework that takes into account developments in other relevant international forums and organizations.

3. In order to assist the Working Group with this work, the Conference of the Parties requested in [decision 14/17](#), paragraph 6, that the Executive Secretary facilitate an online forum inviting Parties, other Governments, indigenous peoples and local communities, other relevant organizations and interested stakeholders to have an initial exchange of views and information, as appropriate, on:

* CBD/WG8J/11/1.

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

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

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

(b) Possible elements of a programme of work on Article 8(j) and related provisions as part of the post-2020 biodiversity framework;

(c) Possible institutional arrangements, lessons learned and pros and cons of current arrangements;

4. To assist the Working Group in its task, the Executive Secretary has prepared the present document on possible elements of a new programme of work on Article 8(j) and related provisions within the post-2020 global biodiversity framework. This document contains the following:

(a) In section I, an analysis of views and information received concerning possible elements of work on Article 8(j) and related provisions;

(b) In section II, proposals for a second phase of work on the Plan of Action on Customary Sustainable Use of Biological Resources;³

(c) In section III, guidance in considering possible elements of a future programme of work;

(d) An annex containing a list of possible elements of work, related tasks and actors. The list is in no priority order at this time.

5. The present document draws upon the following documents:

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

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

(c) A compilation of views on objectives, general principles and possible elements of a fully-integrated Programme of Work within the post-2020 global biodiversity framework, prepared for the eleventh meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and related provisions ([CBD/WG8J/11/INF/1](#));⁶

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

(e) Update on the programme of work on Article 8(j) and related provisions (CBD/WG8J/10/INF/8/Rev.1).

³ The list of indicative tasks on CSU is available in the annex of decision XI/14, [here](#).

⁴ The Online Forum webpages can be found [here](#).

⁵ The survey was answered by 119 respondents (54 in English, 19 in French and 46 in Spanish). The participants were 31% indigenous peoples; 4 % local communities; 30% government representatives; 14% NGOs; 9% Education sector; 6% International organization; 0% Private sector; and 6% Other which included consultants working with indigenous peoples and local communities.

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

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

6. The present document contains further information in addition to that contained in document CBD/WG8J/11/4 on the development of a fully integrated programme of work on Article 8(j) within the post-2020 global biodiversity framework. Document CBD/WG8J/11/4 includes the draft recommendation, which combines, in its annex, objectives and general principles together with possible elements of work for the consideration of the Working Group. The draft recommendations emerging from the Working Group on Article 8(j) and Related Provisions will be considered by the Ad hoc Open-ended Working Group on the Post-2020 Global Biodiversity Framework, as well as by the Subsidiary Body on Implementation at its third meeting.

7. The present document is complementary to the following documents:

(a) possible objectives and general principles to be considered to achieve the integration of Article 8(j) and related provisions in the work of the Subsidiary Bodies on matters of direct relevance to indigenous peoples and local communities, and to enable the full and effective participation of indigenous peoples and local communities in the work of the Convention (CBD/WG8J/11/INF/9);

(b) Possible institutional arrangements and their modus operandi for consideration in the post-2020 global biodiversity framework (CBD/WG8J/11/INF/11);

(c) A projection of the financial and governance implications of possible institutional arrangements for the implementation of Article 8(j) and related provisions for the biennium 2021-2022 (CBD/WG8J/11/INF/12).

I. AN ANALYSIS OF VIEWS AND INFORMATION RECEIVED CONCERNING POSSIBLE ELEMENTS OF WORK ON ARTICLE 8(J) AND RELATED PROVISIONS

8. The programme of work on the Implementation of Article 8(j) and related provisions is the main instrument that Parties to the Convention on Biological Diversity have given themselves to achieve, by 2020, the commitments in [Article 8\(j\)](#) and related provisions,⁸ and later, [Aichi Biodiversity Target 18](#). Articles 8(j), 10(c), 17.2 and 18.4 of the Convention are regarded as cross-cutting and therefore relevant across the other areas of work.

9. Taking into account the views compiled on future work (CBD/WG8J/11/INF/1 and [CBD/COP/14/INF/5/Rev.1](#)) together with the results of the online forum (CBD/A8J/OM/2019/1/3), at least 6 elements covering a possible 21 possible tasks of work are recommended. The possible elements of work cover a broad range of issues, including the effective implementation of principles and guidelines previously adopted under the Convention; the implementation of the Plan of Action on Customary Sustainable Use;⁹ recognizing and supporting community and indigenous protected areas; food security for indigenous peoples and local communities and the elaboration of an indigenous peoples and local communities' specific CBD safeguards framework. An elaborated list of possible elements with proposed tasks for a fully integrated programme of work on Article 8(j) and related provisions, as part of the post-2020 biodiversity framework, is made available in the annex for ease of reference and as a basis for discussion during the eleventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions.

10. The possible elements of work along with related tasks are in no priority order, however in perusing the substantive elements for a new programme of work suggested by Parties, indigenous peoples and local communities, relevant organizations and stakeholders, the following topics are emphasized:

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

⁸ Articles [10\(c\)](#), [17.2](#) and [18.4](#).

⁹ Adopted in decision XII/12 [B](#).

(b) The need to push practical implementation of the various principles and guidelines already agreed upon within the framework of the Convention, as well as the necessity to elaborate an indigenous peoples' and local communities' specific safeguards framework. Addressing resource mobilization and safeguards are enabling measures to ensure access of indigenous peoples and local communities to financial resources as partners in the implementation of the Convention. Safeguards and access to financial resources are also ranked as high priority;

(c) Fully realizing the potential contribution of Article 8(j) and related provisions, and more broadly of indigenous peoples and local communities, to the objectives and vision of the Convention, based on the recognition of the contribution of their collective actions to the goals of the Convention, and a balanced and equal dialogue between knowledge systems, the use of community-based indicators and monitoring tools for assessing progress in the implementation of the Convention, and ecosystem-based climate change mitigation and adaptation through nature-based solutions, applying traditional knowledge;

(d) The need to cooperate with other global frameworks in the realm of conservation¹⁰ and climate protection and culture is stressed. Some submissions provided examples demonstrating the interlinkages between natural and cultural diversity. It was strongly recommended to intensify and broaden joint efforts between the Convention and the United Nations Educational, Scientific and Cultural Organization, concerning nature and cultures,¹¹ as well as the Convention's work Article 8(j) and related provisions with the recently established Local Communities and Indigenous Peoples' Platform of UNFCCC;

(e) Building capacity for indigenous peoples and local communities regarding the Convention on Biological Diversity and the Nagoya Protocol on Access and Benefit-Sharing, with particular focus on biocultural protocols, on strengthening their participation in the elaboration and implementation of national biodiversity strategies and action plans, on developing legal elements to promote indigenous collective rights, and on the need to register, record and/or document traditional knowledge to enable its transmission to future generations.

11. Additional points of interest include:

(a) The continued importance of implementing Article 8(j) and related provisions as cross-cutting issues, because indigenous peoples and local communities, through their traditional knowledge, continue to be crucial not only for Aichi Target 18, but for all targets of the Strategic Plan for Biodiversity 2011-2020, as well as for the protection of biodiversity in general;

(b) The suggested development of specific tools within the context of future work on Article 8(j) and related provisions. For example, the creation of a learning platform for enhanced dialogue between traditional and Western knowledge systems; the creation by indigenous peoples and local communities of local documentation centres as well as secure databases on traditional knowledge related to biodiversity; as well as the need to strive for mandatory compliance mechanisms regarding principles, guidelines and agreements under the Convention and its Protocols;

(c) Support to indigenous peoples and local communities to elaborate biocultural protocols, or identify customary procedures, to protect traditional knowledge from illegal use or misappropriation, as well as from new developments and emerging issues such as digital sequence information and engineered gene drives;

¹⁰ Taking into account progress in IPBES work on procedures, methodologies, and approaches for working with indigenous and local knowledge, as well as the outcomes of the IPBES thematic and regional assessments, ensuring its uptake in the implementation of the Convention, in order to avoid overlap and duplication and to achieve coordination and harmony.

¹¹ This advice is included in document CBD/WG8J/11/5, possible elements of work regarding nature and culture in the post 2020 global biodiversity framework.

- (d) The creation of appropriate space for indigenous peoples and local communities to formulate conservation approaches and policies;
- (e) Land rights and tenure security as crucial components for several of the issues mentioned above.¹²

II. PROPOSALS FOR A SECOND PHASE OF WORK ON THE PLAN OF ACTION ON CUSTOMARY SUSTAINABLE USE OF BIOLOGICAL RESOURCES

12. In 2010, at its tenth meeting, in the light of an in-depth review of a multi-year programme of work on Article 8(j) and related provisions, the Conference of the Parties decided to place greater focus on the implementation of Article 10(c) on the Customary Sustainable Use of biological diversity. Pursuing this, the Conference of the Parties agreed, in [decision XI/14 F](#), 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. At its twelfth meeting in [decision XII/12 B](#), the Conference of the Parties endorsed the global Plan of Action on Customary Sustainable Use, inviting Parties, other Governments, relevant organizations, indigenous and local communities and other stakeholders to implement the Plan of Action on Customary Sustainable Use, and to report on progress to the Executive Secretary, as well as through the national reporting process.

13. Additionally, in [decision XI/14 F](#), paragraph 11, the Conference of the Parties 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.

14. As the Subsidiary Body on Implementation considered progress made in the implementation of Articles 8(j) and 10(c), including in the global Plan of Action on Customary Sustainable Use,¹³ at its first and second meetings (2016 and 2018, respectively), it may be timely to revisit the indicative list of tasks contained in decision XI/14 in order to consider what future work on customary sustainable use is needed, in the light of progress made in the implementation of phase I, but also taking into consideration the broader post-2020 arrangements for the Convention, in order to ensure a fully integrated programme of work.

15. In considering future work, some submissions¹⁴ noted the lack of progress in the implementation of the Plan of Action on Customary Sustainable Use and called for additional efforts towards the implementation of the first phase. Additionally, the progress assessed by SBI 2 on the first phase of work on Customary Sustainable Use demonstrate that implementation and reporting have been minimal.¹⁵ As a result, the three initial tasks of the Plan of Action on Customary Sustainable Use are carried over and retained as elements of the new programme of work on Article 8(j) and related provisions, contained in the annex to the present document. As Parties, in [decision XI/14 F](#), paragraph 10, adopted three tasks and decided to consider future work in light of progress made, the Parties may wish to revisit future work on Customary Sustainable Use at a later date, in the light of the progress made on the first three tasks.

¹² Decision XIII/28 adopted the following indicators for status and trends in the knowledge, innovations and practices of indigenous peoples and local communities: Trends of linguistic diversity and numbers of speakers of indigenous languages; Trends in land-use change and land tenure in the traditional territories of indigenous and local communities; Trends in the practice of traditional occupations; Trends in degree to which traditional knowledge and practices are respected through: full integration, participation and safeguards in national implementation of the Strategic Plan.

¹³ See [decision X/43](#).

¹⁴ Reproduced in CBD/WG8J/11/INF/1, CBD/COP/14/INF/5/Rev.1 and CBD/A8J/OM/2019/1/3.

¹⁵ Refer to CBD/SBI/2/INF/5, "Progress Towards Aichi Biodiversity Target 18 on Traditional Knowledge and Customary Sustainable Use of Biodiversity".

III. GUIDANCE IN CONSIDERING POSSIBLE ELEMENTS OF A FUTURE PROGRAMME OF WORK

16. In considering possible elements of work of relevance to indigenous peoples and local communities in the post-2020 global biodiversity framework, Parties may wish to take into account [decision 14/17](#), which provides some guidance concerning future work. In particular, paragraph 2, in which the Conference of the Parties decides to consider the development of a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 biodiversity framework, to allow for the full and effective participation of indigenous peoples and local communities in the work of the Convention, on the basis of achievements to date, taking into account the ongoing and postponed tasks of Parties,¹⁶ also taking into account the 2030 Agenda for Sustainable Development and its goals, the Paris Agreement under the UNFCCC, and gaps identified.

17. In order to build on achievements to date, it is important to recall that the programme of work on Article 8(j) and related provisions¹⁷ is the main instrument that Parties to the Convention on Biological Diversity have given themselves to achieve, by 2020, the commitments in Article 8(j) and related provisions, and later Aichi Biodiversity [Target 18](#).

18. Achievements to date include the following:

(a) The composite report on the status and trends of traditional knowledge¹⁸ 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) The Akwé: Kon Voluntary Guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities;¹⁹

(c) The Tkarikwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;²⁰

(d) The global Plan of Action on the Customary Sustainable Use of Biological Diversity;²¹

(e) The Mo'otz Kuxtal²² 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 communities²³ 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

¹⁶ See [CBD/WG/8J/10/8](#).

¹⁷ Adopted in [decision V/16](#).

¹⁸ [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”.

¹⁹ Adopted in [decision VII/16](#).

²⁰ Adopted in [decision X/42](#).

²¹ Adopted in [decision XII/12](#), B, contained in the annex.

²² Meaning “roots of life” in the Mayan language.

²³ 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).

conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge;²⁴

(f) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;²⁵

(g) The Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions;²⁶

(h) The voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms;²⁷

(i) Methodological Guidance concerning the Contributions of Indigenous Peoples and Local Communities.²⁸

19. In order to build on achievements to date, the Working Group may wish to take into consideration the aforementioned guidelines and principles, as well as information document CBD/WG8J/11/INF/8, which provides an update on the programme of work on Article 8(j) and related provisions.

²⁴ Adopted in [decision XIII/18](#). The adoption of the Mo'otz kuxtal Voluntary Guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge.

²⁵ Adopted in [decision 14/12](#).

²⁶ Adopted in [decision 14/13](#).

²⁷ Adopted in [decision XII/3](#), contained in annex III.

²⁸ An indicative, non-exhaustive list of elements of methodological guidance is contained in [decision 14/16](#).

Annex

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

Element 1. Sustainable Use

1.1. CUSTOMARY SUSTAINABLE USE

Note: Following are the three original tasks of the global plan of Action on Customary Sustainable Use of Biological Diversity ([decision XII/12, annex](#)), carried forward.

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.

Guidance

Consider the establishment of and potential role for the national focal point for Article 8(j) (or the CBD national focal point) in promoting dialogue and creating bridges with indigenous and local communities to promote the incorporation of customary sustainable use practices and traditional knowledge into national biodiversity strategies and action plans.

Promote the effective participation of representatives of indigenous and local communities in the revision of the national biodiversity strategies and action plans and in drafting the relevant sections of 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).

Guidance

Parties, through the national focal point for Article 8(j), may wish to facilitate discussions with the relevant indigenous and local communities and compile an inventory of relevant existing or planned community-based initiatives at the local and subnational levels, in order to assist in the revision of national biodiversity strategies and action plans and for inclusion in the national reports.

Parties, through the national focal point for Article 8(j), may wish to facilitate discussions with the relevant indigenous and local communities regarding the value and contributions of these initiatives to customary sustainable use of biological diversity, as well as on existing and perceived obstacles and possible actions to overcome them.

Parties, through the national focal point for Article 8(j) may wish to facilitate discussions with the relevant indigenous and local communities to support community initiatives and potential collaboration.

Task 3: To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives).

Guidance

Parties, through the national focal points for Article 8(j) and for protected areas (or CBD focal points where national focal points for Article 8(j) and for protected areas have yet to be established), with the effective participation of indigenous and local communities, may wish to scope and compile existing guidelines, and develop an inventory of best practices for promotion and operationalization.

In identifying best practices, Parties and other relevant stakeholders may wish to draw on existing international initiatives, reference materials and tools for best practices in relation to protected areas and customary use of biological diversity, such as the CBD Technical Series No. 64: *Recognizing and*

Supporting Territories and Areas Conserved by Indigenous Peoples and Local Communities - Global Overview and National Case Studies on indigenous peoples and community conserved territories and areas, the Whakatane Mechanism,²⁹ and community protocols.³⁰

1.2. PROMOTION OF FOOD SECURITY AND TRADITIONAL AGROECOLOGICAL PRACTICES³¹

Task 4: Parties and international organizations to support indigenous peoples and local communities in protecting and improving traditional agroecological practices and food systems to ensure nutrition sovereignty and promote agrobiodiversity (in-situ conservation), for example by means of programmes which safeguard the conservation of flora and fauna as well as of traditional agroecological knowledge.³²

Task 5: The Executive Secretary and Parties to produce communication, education and public awareness materials on the value of indigenous, local and traditional food systems, their advantages for human health and biodiversity, and to encourage indigenous peoples and local communities to register their existing practices with the appropriate international mechanisms such as Globally Important Agricultural Heritage Systems (GIAHS) under the Food and Agriculture Organization of the United Nations (FAO), to assist in the transmission to future generations.³²

Task 6: Parties and international organizations to integrate traditional knowledge in innovative and integrated conservation mechanisms, for example by promoting indigenous concepts of diverse agroforestry systems in areas adjacent to protected areas.³²

Element 2. Conservation and restoration

Supporting indigenous peoples and local community-led conservation mechanisms and a human rights-based approach in conservation efforts³³

Task 7: Parties to strengthen the policy framework for community-based conservation and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) or traditional sacred sites, and to integrate them into national networks of protected areas by legally recognizing ICCA territories and to strive for the integration of indigenous peoples and local communities in protected area management.³⁴

Task 8: Parties and other organizations to approach conservation through a human rights-based approach and to commit to protecting environmental defenders from arbitrary persecution, through the appropriate mechanisms at national and international levels.^{35; 36}

Task 9: The Executive Secretary to lead and coordinate, in collaboration with the United Nations Interagency Support Group on Indigenous Peoples Issues (IASG), an international effort operationalizing

²⁹ This mechanism, which is an outcome of the 4th World Conservation Congress, aims to support conflict resolution and best practices in protected areas by ensuring that conservation practices respect the rights of indigenous and local communities. (see <http://whakatane-mechanism/org>).

³⁰ See www.community-protocols.org.

³¹ As proposed by the International Indigenous Forum on Biodiversity (IIFB) in [CBD/COP/14/INF/5/Rev.1](#), page 17, and by the Bolivarian Republic of Venezuela in CBD/WG8J/11/INF/1.

³² As proposed by unidentified participants of the Online Forum on the Integration of Article 8(j) and Provisions Related to Indigenous Peoples and Local Communities in the Work of the Convention and its Protocols.

³³ As proposed by IIFB, Dr Larry Gorenflo and Dr Suzanne Romaine in CBD/COP/14/INF/5/Rev.1, page 25, and by the Bolivarian Republic of Venezuela in CBD/WG8J/11/INF/1.

³⁴ As proposed by Latin American and the Caribbean regional workshop on traditional knowledge and the Asian regional workshop on traditional knowledge in [CBD/COP/14/INF/5/Rev.1](#), pages 25-28, as well as by anonymous participants of the Online Forum, taking into account that land tenure and changes in land use is an indicator adopted under the Convention for traditional knowledge.

³⁵ Refer to OHCHR: <https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx>

³⁶ Taking into account the [UNEP Environmental Defenders Policy](#). As proposed by the Asian regional workshop on traditional knowledge in [CBD/COP/14/INF/5/Rev.1](#), page 27.

the indicator on land tenure and changes in land use, including by mapping existing ICCAs and documenting the collective actions of Indigenous peoples and local communities, contributing to the protection of biodiversity and report on progress made.³⁷

Element 3. Benefit-sharing from genetic resources

Task 10: Parties, the Secretariat of the Convention and international organizations to support indigenous peoples and local communities in the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, through capacity-building (regarding prior and informed consent (PIC), mutually agreed terms (MAT), and benefit-sharing (BS)) as well as through legal, policy, or technical assistance. In support of this, the Executive Secretary is to identify, with partners, opportunities for capacity development of indigenous peoples and local communities, and to create platforms for information exchange between indigenous peoples and local communities, and Parties, as well as for dialogue with external stakeholders.³⁸

Element 4. Knowledge and culture

Collection and transmission of traditional knowledge

Task 11: Requests Parties, donors and international organizations, including the secretariat of the Convention on Biological Diversity, to support indigenous peoples and local communities, to strengthen the transmission and use of traditional knowledge, including by exploring collection, recording, documentation, storage and ways and means for the dissemination of indigenous and local knowledge, through secure indigenous knowledge systems' documentation centres, and to strengthen the use and transmission of traditional knowledge, to future generations, for the goals of the Convention as well as to contribute to other international processes.

Element 5. Protect indigenous peoples and local communities and their (traditional) knowledge innovations and practices, including through application of guidelines and standards, and to further advance Article 8(j) and related provisions³⁹

Implement adopted guidelines and standards

Task 12: Parties to continue to promote, implement and report on the use of existing principles and guidelines adopted under the Convention, with a particular emphasis on ongoing open tasks 1, 2 and 4⁴⁰ of the current programme of work on Article 8(j) and related provisions,⁴¹ and on the implementation of the global Plan of Action on Customary Sustainable Use, taking into account, as appropriate, a second phase of work on customary sustainable use as requested in decision XII/12.⁴²

³⁷ As proposed by participants of the Online Forum, noting that land tenure and changes in land use is an indicator adopted by the CBD for traditional knowledge.

³⁸ As proposed by South Africa, the Indigenous Peoples of Africa Coordinating Committee (IPACC) and IIFB in [CBD/COP/14/INF/5/Rev.1](#), and by Nigeria in CBD/WG8J/11/INF/1.

³⁹ As proposed by the European Union and its Member States, Colombia, South Africa, IIFB and the Asian regional workshop on traditional knowledge in CBD/COP/14/INF/5/Rev.1, and by China, Nigeria, the Bolivarian Republic of Venezuela and the Sámi Parliament of Sweden in CBD/WG8J/11/INF/1.

⁴⁰ See [here](#) for Tasks 1, 2 and 4.

⁴¹ As per [decision X/43](#), on the Multi-year programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity.

⁴² As proposed by the European Union and its member States and IIFB in [CBD/COP/14/INF/5/Rev.1](#), and by the Bolivarian Republic of Venezuela in CBD/WG8J/11/INF/1.

Task 13: Parties and other entities to implement the Gender Plan of Action, emphasizing the effective participation of indigenous peoples and local communities, taking into account the special role of gender in the generation, transmission and protection of traditional knowledge (decision XII/7).⁴³

*Safeguards framework and access to financial resources*⁴⁴

Task 14: The Working Group on Article 8(j) to develop an indigenous peoples and local community safeguards framework, specific to the Convention on Biological Diversity, based on the principles, standards and guidelines adopted under the Convention, and addressing any additional gaps identified, including gender equality, for consideration and adoption by the Conference of the Parties.⁴⁵

Task 15: After the adoption of the framework, Parties to report on progress on the use of the indigenous peoples and local community safeguards framework, specific to the Convention on Biological Diversity, with the effective participation of indigenous peoples and local communities, to the Working Group on Article 8(j), and the Subsidiary Body on Implementation, to assess the effectiveness of safeguards framework.

Task 16: Building on the principles and guidelines aimed at the national level, the previous work on sui generis systems, and taking into account the safeguards framework, the Working Group on Article 8(j) and Related Provisions, to develop international standards and guidelines for the legal protection, promotion and management of traditional knowledge in consultation with and with the participation of indigenous peoples and local communities, taking into special consideration the collective characteristic of indigenous and local knowledge.⁴⁶

Task 17: The Working Group on Article 8(j) and Related Provisions to continue to explore, in collaboration with Parties and indigenous peoples and local communities and other engaged actors, how the methodological guidance for identifying, monitoring and assessing the contribution of the collective actions of indigenous peoples and local communities, through the resource mobilization reporting framework, can best be applied, including using qualitative values and methods as requested by the Conference of the Parties in [decision 14/16](#).⁴⁷

Task 18: The Executive Secretary to assess the extent to which indigenous peoples and local communities are able to access financial support and enjoy the cultural and spiritual values of biodiversity and practice traditional occupations;⁴⁸ and explore ways and means, partnerships and opportunities for mobilizing financial resources for indigenous peoples and local communities for on the ground implementation of the Convention.⁴⁹

Collaboration with other relevant global processes and mainstreaming of traditional knowledge

Task 19. The Executive Secretary to actively collaborate with other relevant global processes, including the United Nations Permanent Forum on Indigenous Issues (UNPFII), the World Intellectual Property Organization (WIPO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the Intergovernmental Panel on Climate Change (IPCC), and the United Nations Framework Convention on

⁴³ As proposed by the IIFB in [CBD/COP/14/INF/5/Rev.1](#).

⁴⁴ As requested by the Conference of the Parties in [decision 14/15](#) and as proposed by the European Union and its member States and IIFB in [CBD/COP/14/INF/5/Rev.1](#), and by Mexico in CBD/WG8J/11/INF/1.

⁴⁵ As requested in [decision 14/15](#), paragraph 10.

⁴⁶ As proposed by South Africa, RedSur and the Asian regional workshop on traditional knowledge in [CBD/COP/14/INF/5/Rev.1](#), and by Mexico in CBD/WG8J/11/INF/1.

⁴⁷ As proposed by the European Union and its Member States in [CBD/COP/14/INF/5/Rev.1](#), page 6.

⁴⁸ As proposed by IIFB in [CBD/COP/14/INF/5/Rev.1](#), page 11.

⁴⁹ As proposed by unidentified participants of the Online Forum on the integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the convention and its protocols.

Climate Change (UNFCCC) with its recently established Local Communities and Indigenous Peoples Platform, in pursuit of mutually supportive and complementary goals to achieve the Convention's 2050 vision: living in harmony with nature.⁵⁰

Task 20. The Working Group on Article 8(j) and Related Provisions, in partnership with indigenous peoples and local communities, Parties and relevant organizations to develop principles and guidance for the mainstreaming of traditional knowledge, as part of the broader mainstreaming of biodiversity across society and sectors of production, as well as other relevant global processes including the Sustainable Development Goals.

Effective Participation of indigenous peoples and local communities in national reporting and national biodiversity strategies and action plans and national implementation efforts

Task 21: Parties to promote full and effective participation of indigenous peoples and local communities in the development of national reports, and in the development and implementation of national biodiversity strategies and action plans (NBSAPs), and to strengthen partnerships with indigenous peoples and local communities recognising their collective actions for implementation of the Convention.⁵¹

⁵⁰ As proposed by the European Union and its member States and IIFB in [CBD/COP/14/INF/5/Rev.1](#).

⁵¹ As proposed by IIFB in [CBD/COP/14/INF/5/Rev.1](#) and by the Sámi Parliament of Sweden in CBD/WG8J/11/INF/1.

