



Convention on Biological Diversity

Distr.
GENERAL

CBD/WG8J/10/1/Add.1
14 May 2017

ORIGINAL: ENGLISH

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

Tenth meeting

Montreal, Canada, 13-16 December 2017

ANNOTATED PROVISIONAL AGENDA

INTRODUCTION

1. The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions was established by [decision IV/9](#) of the Conference of the Parties to address the implementation of Article 8(j) and provide the Conference of the Parties with advice relating to the implementation of Article 8(j) and related provisions. In [decision V/16](#), the Conference of the Parties endorsed the programme of work on Article 8(j) and related provisions, and, in [decision X/43](#), the Conference of the Parties decided to revise the programme of work to retire completed or superseded tasks, to maintain ongoing tasks, and to postpone the consideration and commencement of other uninitiated tasks of the programme of work, pending the completion of current tasks, and in light of ongoing developments. For ease of reference the programme of work for Article 8(j) and related provisions, indicating the current status of each task, is attached as annex I.
2. In its [decision XIII/32](#), the Conference of the Parties indicated that one meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions would be held prior to the fourteenth meeting of the Conference of the Parties to further advance the implementation of the work programme. Accordingly, the tenth meeting of the Working Group will be held in Montreal, at the Palais des Congrès, from 13 to 16 December 2017. Registration of participants will take place at the venue of the meeting from 3 p.m. to 6 p.m. on Sunday, 11 December, and will continue until Saturday, 16 December.
3. An information note for participants will be made available on the Secretariat website in due course, providing details regarding logistical arrangements for the meeting of the Working Group, such as registration, travel, visa requirements and accommodation.
4. The results of the deliberations of the Working Group will be submitted to the Subsidiary Body on Implementation at its second meeting, as appropriate, and to the Conference of the Parties at its fourteenth meeting.

ITEM 1. OPENING OF THE MEETING

5. The President of the Conference of the Parties or his representative will open the meeting at 10 a.m. on Wednesday, 13 December 2017. The Executive Secretary will make introductory remarks. It is expected that an indigenous ceremony will also take place to welcome delegates.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Election of officers

6. In keeping with established practice, the Bureau of the Conference of the Parties will serve as the Bureau of the Working Group, and the meeting will be chaired by the President of the Conference of the Parties or his representative. In accordance with rule 21 of the rules of procedure of the Conference of the Parties, the Bureau will designate one of its members to act as Rapporteur. It is expected that an indigenous Co-Chair and bureau member will be designated by the International Indigenous Forum on Biodiversity to assist the Chairperson and Bureau, following the practice of the Working Group.

2.2. Adoption of the agenda

7. The Working Group is invited to consider and adopt the provisional agenda (CBD/WG8J/10/1), which is prepared by the Executive Secretary taking into account decisions XIII/1, XIII/8, XIII/18, XIII/19, and XIII/20 of the Conference of the Parties, and endorsed by the Bureau.

2.3. Organization of work

8. The Working Group will work in plenary and, when necessary and appropriate, establish contact groups to examine specific issues.

9. A proposed organization of work for the tenth meeting of the Working Group is contained in annex II, and a list of documents for the meeting is provided in annex III. The tenth meeting of the Working Group will be held in conjunction with the twenty-first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, as reflected in the organization of work.

ITEM 3. THE RUTZOLIJRISAXIK VOLUNTARY GUIDELINES FOR THE REPATRIATION OF TRADITIONAL KNOWLEDGE OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES RELEVANT FOR THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY (TASK 15 OF THE MULTI-YEAR PROGRAMME OF WORK)

10. The programme of work on Article 8(j) and related provisions established by the Conference of the Parties in decision V/16 includes task 15, to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity. In order to initiate this work, the Conference of the Parties, in decision XI/14 D, adopted terms of reference¹ clarifying that the purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity.

11. Subsequently, the Working Group considered an initial draft of the guidelines at its eighth meeting, and, following a technical expert group meeting held pursuant to decision XII/12 C, paragraph 1, considered a revised draft at its ninth meeting. At its thirteenth meeting, the Conference of the Parties, in decision XIII/19 D, paragraph 1, took note of the progress made in the development of the repatriation guidelines, annexing draft elements of the guidelines to its decision, and in paragraph 4, requested the

¹ Decision XI/14 D, annex. "The purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity."

Working Group² to complete a draft of these guidelines for consideration and adoption by the Conference of the Parties at its fourteenth meeting.

12. Further to this matter and as requested in paragraph 2 of decision XIII/19 D, Parties, other Governments, relevant organizations,³ indigenous peoples and local communities, and stakeholders interested or involved in repatriation of traditional knowledge were invited by the Executive Secretary, through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January, 2017, to provide information on good practices and actions undertaken at various levels, including through community-to-community exchanges, to repatriate, receive and restore traditional knowledge relevant for the conservation and sustainable use of biological diversity. Information received will be compiled and made available in an information document.

13. As requested in paragraph 3(b) of the same decision, the Executive Secretary is preparing a revised draft 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 Diversity⁴ taking into account developments in various international bodies, instruments, programmes, strategies, standards, guidelines, reports and processes of relevance as referred to in paragraph 5 of the annex, and based on:

- (a) An analysis of the information received;⁵
- (b) The report of the Expert Meeting on the Repatriation of Traditional Knowledge Relevant to the Conservation and Sustainable Use of Biodiversity;⁶
- (c) The annex to decision XIII/19 D, containing the objective, purpose, scope and guiding principles for repatriation.

The revised guidelines will be available in document CBD/WG8J/10/2, together with draft recommendations for the consideration of the Working Group.

14. The Working Group is expected to complete a draft of these guidelines for consideration and adoption by the Conference of the Parties at its fourteenth meeting.

ITEM 4. GLOSSARY OF RELEVANT KEY TERMS AND CONCEPTS TO BE USED WITHIN THE CONTEXT OF ARTICLE 8(j) AND RELATED PROVISIONS

15. The work concerning the glossary is derived from task 12 of the programme of work on Article 8(j) and related provisions,⁷ which requests, among other things, that the Working Group develop definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels. The Conference of the Parties at its twelfth meeting considered how to advance this work in Phase I of its work on task 12, deciding to develop a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions (decision XII/12 D, para. 2).

16. Accordingly, a draft glossary⁸ was prepared by the Executive Secretary and considered by the Working Group on Article 8(j) and Related Provisions at its ninth meeting, which, in turn, requested the

²“A Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions” (UNEP/CBD/COP/13/17, annex I).

³ Concerning repatriation, relevant organizations may include entities such as museums, universities, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services, public or private collections and other entities storing or housing traditional knowledge and related information.

⁴ CBD/WG8J/10/2.

⁵ See the information document to be prepared by the Executive Secretary on the matter.

⁶ Refer UNEP/CBD/WG8J/9/INF/4.

⁷ See decisions V/16 and X/43.

⁸ Glossary of Relevant Key Terms and Concepts to Be Used Within the Context of Article 8(j) and Related Provisions (UNEP/CBD/WG8J/9/2/Add.1).

Executive Secretary, in recommendation 9/3, paragraph 1, to revise the glossary of key terms and concepts, and to develop a comprehensive glossary, taking into account the comments made at its ninth meeting, as well as relevant terms used in other agreements and by other international organizations, and to submit the revised glossary to the Conference of the Parties at its thirteenth meeting for its consideration. The Executive Secretary revised the draft glossary as requested and made it available for a peer review process in August 2016,⁹ in order to provide the Conference of the Parties with a polished draft for consideration at its thirteenth meeting.

17. The Conference of the Parties at its thirteenth meeting considered the draft glossary of key terms and concepts.¹⁰ In decision XIII/19 B, paragraph 1, the Conference of the Parties recommended further consideration of the glossary¹¹ by the Working Group on Article 8(j) and Related Provisions at its tenth meeting to allow Parties, other Governments and relevant organizations to ensure the full and effective participation of indigenous peoples and local communities in considering the proposed glossary, and, in paragraph 2, requested the Executive Secretary to make the draft glossary of key terms and concepts available for a second peer review¹² by Parties, Governments, relevant organizations and indigenous peoples and local communities for further refinement, prior to the tenth meeting of the Working Group on Article 8(j) and Related Provisions, with a view to its adoption at the fourteenth meeting of the Conference of the Parties.

18. With a view to assisting Parties, other Governments and relevant organizations in ensuring the full and effective participation of indigenous peoples and local communities in the consideration of the proposed glossary of key terms and concepts, the Executive Secretary made the draft glossary available for peer review on the Convention's website from 27 January until 31 March 2017.¹³ Views and information received will be compiled and made available in an information document. As such, they are the basis for the further refinement of the glossary, a revised version of which is available in CBD/WG8J/10/3.

19. Based on the revised glossary made available in the annex to document CBD/WG8J/10/3, the Working Group is expected to complete the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions, with a view to its adoption at the fourteenth meeting of the Conference of the Parties.

ITEM 5. FINALIZATION OF TASKS 7, 10 AND 12 OF THE MULTI-YEAR PROGRAMME OF WORK

20. In its decision XII/12 D, the Conference of the Parties decided to implement tasks 7, 10 and 12 of the programme of work on Article 8(j) in an integrated manner, identified a number of subtasks and agreed on a phased approach to their consideration.¹⁴

⁹ See notification SCBD/SPS/CG/VN/KG/jr/85891 (2016-099) at <https://www.cbd.int/notifications/>.

¹⁰ See "Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and Related Provisions" (UNEP/CBD/COP/13/17), available at: <https://www.cbd.int/conferences/2016/cop-13/documents>.

¹¹ UNEP/CBD/COP/13/17, annex I.

¹² Note that this is the second peer review; the initial peer review was completed in August 2016 in preparation for the thirteenth meeting of the Conference of the Parties.

¹³ <https://www.cbd.int/wg8j-10/review/> and See notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January, 2017.

¹⁴ These subtasks include, in Phase I: (i) the development of guidelines for obtaining the prior informed consent or approval and involvement of the indigenous peoples and local communities for the use of their traditional knowledge (task 7); (ii) the development of guidelines to ensure that indigenous peoples and local communities obtain a fair and equitable share of benefits arising from the use of their knowledge (task 7); (iii) the development of standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge (task 10); and (iv) (following a gap analysis) the development of a glossary of relevant key terms and concepts to be used in the context of Article 8(j) and related provisions (task 12); and, in Phase 2, task (i) advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices are used.

21. At its thirteenth meeting, the Conference of the Parties advanced tasks 7, 10 and 12 and completed Phase I¹⁵ through the adoption of the Mo'otz kuxtal¹⁶ Voluntary Guidelines for Traditional Knowledge in decision XIII/18.¹⁷

22. In the light of the completion of Phase I, the Conference of the Parties in its decision XII/12 D indicated that the Working Group may consider further work on the Phase 2, subtask (i) (advancement of the identification of the obligations of countries of origin), as well as Parties and Governments where such knowledge, innovations and practices are used.

23. To prepare the Working Group in its consideration of subtask (i) of Phase 2 (XII/12 D), and in order to contribute to the finalization of tasks 7, 10 and 12, as requested in decision XIII/18, the Executive Secretary invited other Governments, relevant organizations and indigenous peoples and local communities to provide the following information:¹⁸

- (a) Views concerning measures to address publicly available traditional knowledge;
- (b) Views concerning best practices to implement “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”¹⁹
- (c) Views on the advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices are used.

24. The Executive Secretary will prepare an analysis of views received on the above-mentioned matters,²⁰ along with possible draft recommendations which will be issued in document CBD/WG8J/10/4. The full compilation of the views and information received will also be issued. The Working Group is expected to review this information and make recommendations that contribute to the finalization of tasks 7 and 12 of the revised multi-year programme of work on Article 8(j) and related provisions, as appropriate.

ITEM 6. RESOURCE MOBILIZATION: ASSESSING THE CONTRIBUTION OF COLLECTIVE ACTIONS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND SAFEGUARDS IN BIODIVERSITY FINANCING MECHANISMS

The collective contribution of indigenous peoples and local communities

25. In decision XII/3, on resource mobilization, the Conference of the Parties recognized in the financial reporting framework, the role of collective action, including by indigenous and local communities, and non-market-based approaches for mobilizing resources for achieving the objectives of the Convention,²¹ and resolved to include activities that encourage and support such approaches into reporting under the Convention, taking note of the report entitled “Conceptual and methodological framework for evaluating the contribution of collective action to biodiversity conservation” (UNEP/CBD/COP/12/INF/7), and considered the steps for its further development.

¹⁵ With the exception of Phase I, subtask (iv) which is remaining work on the Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions.

¹⁶ Meaning “roots of life” in the Maya language.

¹⁷ 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 communities¹⁷ 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.

¹⁸ Through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017.

¹⁹ Decision XIII/18, paras. 7-8.

²⁰ Measures to address publicly available traditional knowledge; best practices to implement “prior and informed consent”, “free, prior and informed consent” or “approval and involvement” and advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices are used.

²¹ Including such approaches as community-based natural resource management, shared governance or joint management of protected areas or through indigenous and community conserved territories and areas.

26. In order to further develop the Framework, and as requested in paragraph 31 of decision XII/3, the Executive Secretary facilitated an exchange of views and experiences on collective action of indigenous and local communities through the International Technical Expert Workshop on Identifying, Accessing, Compiling and Aggregating Domestic and International Biodiversity-related Investments and Impacts (Mexico City, 5-7 May 2015),²² as well as the Dialogue Workshop on Assessment of Collective Action of Indigenous Peoples and Local Communities in Biodiversity Conservation and Resource Mobilization (Panajachel, Guatemala, 11-13 June 2015).

27. The Conference of the Parties at its thirteenth meeting considered the matter and, in decision XIII/20, on resource mobilization, welcomed the guiding principles on assessing the contribution of collective action of indigenous peoples and local communities²³ and requested the Executive Secretary to compile and analyse the information on collective action received by Parties through the financial reporting framework and other relevant sources and, taking into account the guiding principles, as well as the report of the Guatemala workshop ([UNEP/CBD/SBI/1/INF/6](#)), to develop elements of methodological guidance for identifying, monitoring and assessing the contribution of indigenous peoples and local communities to the achievement of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, for consideration by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its tenth meeting, and with a view to finalizing the methodological guidance at the second meeting of the Subsidiary Body on Implementation and adopting it at the fourteenth meeting of the Conference of the Parties.

28. In order to assist the Working Group and as requested in decision XIII/20, paragraph 21, the Executive Secretary will analyse the information received²⁴ and further develop elements of methodological guidance for identifying, monitoring, and assessing the contribution of indigenous peoples and local communities, along with draft recommendations for the consideration of the Working Group and make them available in CBD/WG8J/10/5. The Working Group is expected to make recommendations for further consideration by the Subsidiary Body on Implementation at its second meeting.

The voluntary guidelines on safeguards in biodiversity financing mechanisms

29. In decision XIII/20, paragraph 26, the Executive Secretary was requested to compile and analyse information, including good practices or lessons learned, on how, in accordance with decision XII/3, paragraph 16, Parties, other Governments, international organizations, business organizations and other stakeholders take the voluntary guidelines on safeguards in biodiversity financing mechanisms²⁵ into account when selecting, designing and implementing biodiversity financing mechanisms, and when developing instrument-specific safeguards for them.

30. In this context, Parties, other Governments, relevant organizations and indigenous peoples and local communities were invited to submit views and information²⁶ on both pilot activities on assessing the contribution of indigenous peoples and local communities including good practices or lessons learned,²⁷ and on how to take the voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms. The views and information received will be compiled and made available.

31. Pursuant to decision XIII/20, paragraph 26, the Executive Secretary will analyse information received on how to take the voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms, and when developing instrument-specific safeguards for them and make this available in CBD/WG8J/10/6, together

²² For the report of the workshop, see [UNEP/CBD/SBI/1/INF/20](#).

²³ As contained in the annex to recommendation 1/6 and decision XIII/20.

²⁴ In response to Notification SCBD/SPS/CG/VN/KG/jr/85891 (2016-099) available at <https://www.cbd.int/notifications/>

²⁵ Adopted by the Conference of the Parties in decision XII/3, paragraph 15.

²⁶ Through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017.

²⁷ An additional notification on information to be provided through the financial reporting framework will be issued in due course.

with draft recommendations for consideration by the Working Group. The Working Group is expected to make recommendations, for further consideration by the Subsidiary Body on Implementation at its second meeting.

**ITEM 7. PROGRESS TOWARDS AICHI BIODIVERSITY TARGET 18,
IMPLEMENTATION OF THE PLAN OF ACTION ON CUSTOMARY
SUSTAINABLE USE, AND INTEGRATION OF ARTICLE 8(j) AND
PROVISIONS RELATED TO INDIGENOUS PEOPLES AND LOCAL
COMMUNITIES IN THE WORK OF THE CONVENTION AND ITS
PROTOCOLS**

Progress towards Target 18 on traditional knowledge and customary sustainable use of biodiversity

32. In decision XIII/1, paragraphs 22 and 23, the Conference of the Parties invited Parties, other Governments, indigenous peoples and local communities, and relevant organizations 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 Working Group at its tenth meeting and by the Subsidiary Body on Implementation at its second meeting and to continue to report on: (a) progress in mainstreaming Article 8(j) and related provisions across the areas of work of the Convention; (b) the participation of indigenous peoples and local communities in the work of the Secretariat; and (c) strengthening the work on Article 8(j) and related provisions through ongoing capacity-building efforts, in partnership with indigenous peoples and local communities.

33. Accordingly, an analysis of progress made will be issued as CBD/WG8J/10/7 and the information received²⁸ will be compiled and also made available. The Working Group may wish to take note of the progress report, bearing in mind that further updated information is expected to be made available for consideration by the Subsidiary Body on Implementation at its second meeting.

Customary sustainable use, bushmeat and sustainable wildlife management

34. Related to the matter of progress in the implementation of Article 8(j) and implementation of the Plan of Action on Customary Sustainable Use of Biodiversity is the issue of bushmeat and sustainable wildlife management, which was taken up by the Conference of the Parties in decision XIII/8.

35. The Conference of the Parties in decision XIII/1, paragraph 22, made a number of requests to the Executive Secretary, including to report progress on these matters to the Subsidiary Body on Scientific, Technical and Technological Advice and to the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at a meeting held prior to the fourteenth meeting of the Conference of the Parties.

36. In particular, the Executive Secretary was requested, building on prior work, to further elaborate technical guidance for better governance towards a more sustainable bushmeat sector, with a view to supporting Parties' implementation of the Strategic Plan for Biodiversity 2011-2020, taking into account the perspective and knowledge of indigenous peoples and local communities in customary sustainable use of biodiversity.

37. It is expected that this item will be considered by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-first meeting, which will be held in conjunction with the tenth meeting of the Working Group. The pre-session document prepared for the Subsidiary Body on this matter will also be made available for the information of the Working Group.

²⁸ In response to notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017.

Integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its protocols

38. At its twelfth meeting, the Conference of the Parties, in the annex to decision XII/1, requested the Executive Secretary to identify existing and possible ways and means to address the key scientific and technical needs, in cooperation with relevant organizations regarding traditional knowledge, including the need for better ways to include relevant indigenous and traditional knowledge systems and the collective actions of indigenous and local communities to complement scientific knowledge in support of the effective implementation of the Strategic Plan for Biodiversity 2011-2020, with the approval and involvement of the holders of such knowledge, innovations and practices.

39. In decision XIII/26, paragraph 3, the Conference of the Parties, 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 and requested the Executive Secretary to develop, on the basis of the views submitted, proposals on ways and instruments which should entail no additional financial burden and make such proposals available to the tenth meeting of the Working Group for its consideration.

40. Accordingly, the Executive Secretary solicited such views through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017. The views and information will be made available. On the basis of the views submitted, the Executive Secretary, will develop proposals on ways and instruments and make them available in CBD/WG8J/10/8, together with draft recommendations. The Working Group is expected to consider the proposals and prepare recommendations for further consideration by the Subsidiary Body on Implementation at its second meeting. In doing so, the Working Group may wish to take into account the status of the implementation of the programme of work on the Implementation of Article 8(j) and related provisions (see annex D).

ITEM 8. RECOMMENDATIONS OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

41. Under this item, the Working Group will be invited to consider the new recommendations arising from both the fifteenth (2016) and sixteenth (2017) sessions of the United Nations Permanent Forum on Indigenous Issues pertaining to the Convention.

42. The Secretariat will issue a note on recommendations of the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity (CBD/WG8J/10/9), containing a concise update on recent recommendations of Permanent Forum not yet considered by the Working Group as well as an update on previous recommendations made to the Convention and draft recommendations for the consideration of the Working Group.

ITEM 9. IN-DEPTH DIALOGUE ON THEMATIC AREAS AND OTHER CROSS-CUTTING ISSUES

43. In decision XIII/19 A, the Conference of the Parties decided that the topic for the in-depth dialogue to be held at the tenth meeting of the Working Group would be “Contribution of the traditional knowledge, innovations and practices of indigenous peoples and local communities to the implementation of the 2030 Agenda for Sustainable Development with particular emphasis on conservation and sustainable use of biodiversity”.

44. To assist the Working Group and provide a context for the dialogue, a note by the Executive Secretary on the subject will be issued as CBD/WG8J/10/10, along with a compilation of views²⁹ concerning this topic.

²⁹ Received in response to notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017.

45. In CBD/WG8J/10/10, Parties are requested to propose a topic for the next in-depth dialogue at the eleventh meeting of the Working Group for consideration by the Conference of the Parties at its fourteenth meeting. As is the practice in the in-depth dialogue, a summary report will be drafted and annexed to the report of the meeting.

ITEM 10. OTHER MATTERS

46. Under this agenda item, Parties may wish to raise other matters related to the subject matter of the meeting.

ITEM 11. ADOPTION OF THE REPORT

47. The Working Group will be invited to adopt its report, which will be submitted for the consideration of the Conference of the Parties at its thirteenth meeting.

ITEM 12. CLOSURE OF THE MEETING

48. The tenth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions is expected to close at 6 p.m. on Saturday, 16 December 2017.

*Annex I***PROGRAMME OF WORK ON THE IMPLEMENTATION OF ARTICLE 8(J) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY (DECISION V/16)****Objectives**

The objective of this programme of work is to promote within the framework of the Convention on Biological Diversity a just implementation of Article 8(j) and related provisions, at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of its implementation.

General principles

1. Full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work. Full and effective participation of women of indigenous and local communities in all activities of the programme of work.
2. Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge.
3. A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities and their rights to have control over their traditional knowledge, innovations and practices.
4. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way.
5. Access to traditional knowledge, innovations and practices of indigenous and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.

Ongoing tasks for Parties**Element 1 - Participatory mechanisms for indigenous and local communities****Task 1**

Parties to take measures to enhance and strengthen the capacity of indigenous and local communities to be effectively involved in decision-making related to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity subject to their prior informed approval and effective involvement.

Task 2

Parties to develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.

Task 4

Parties to develop, as appropriate, mechanisms for promoting the full and effective participation of indigenous and local communities with specific provisions for the full, active and effective participation of women in all elements of the programme of work, taking into account the need to:

- (a) Build on the basis of their knowledge;
- (b) Strengthen their access to biological diversity;

- (c) Strengthen their capacity on matters pertaining to the conservation, maintenance and protection of biological diversity;
- (d) Promote the exchange of experiences and knowledge;
- (e) Promote culturally appropriate and gender specific ways in which to document and preserve women's knowledge of biological diversity.

New tasks added pursuant to decision X/43 (Plan of Action on the Customary Sustainable Use of Biological Diversity)

New task adopted through decision XII/12 B, annex, in 2014

Article 10 with a focus on Article 10(c): Development of further guidance on sustainable use and related incentive measures for indigenous and local communities and measures to increase the engagement of indigenous and local communities and governments at national and local levels in the implementation of Article 10 and the ecosystem approach (decision X/43).

This work resulted in the adoption of the Plan of Action on Customary Sustainable Use (decision XII/12 B, annex). The implementation of the plan of action falls under the prerogative of the Parties, and is reported along with progress in the implementation of Article 8(j) and towards Aichi Target 18.

Ongoing tasks for the Working Group on Article 8(j)

Element 4. Equitable sharing of benefits

Task 7

Based on tasks 1, 2 and 4, the Working Group to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices; (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities; (iii) advancement of the identification of the obligations of countries of origin, as well as Parties and Governments where such knowledge, innovations and practices and the associated genetic resources are used.

Element 7. Legal elements

Task 12

The Working Group to develop guidelines that will assist Parties and Governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.

Task 15

The Ad Hoc Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

Element 6. Monitoring elements

Task 10

The Ad Hoc Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

Completed tasks

Element 2

Status and trends in relation to Article 8 (j) and related provisions

Task 5

Elaboration of a composite report on status and trends regarding traditional knowledge [completed: see decision IX/13 B paragraph 1]]

Element 5 - Exchange and dissemination of information

Task 8

Identification of a focal point within the clearing-house mechanism [completed: see decision VII/16 G)

Task 16.

Development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge [completed: the Tkarihwaié:ri Code of Ethical Conduct was adopted in decision X/42]

Element 6 - Monitoring elements

Task 9

Development of 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” [completed: Akwé: Kon Guidelines adopted in decision VII/16 F).

Postponed tasks, pending completion of current tasks, and in light of ongoing developments

Element 3 - Traditional cultural practices for conservation and sustainable use

Task 6

The Ad Hoc Working Group to develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application in accordance with Article 8(j).

Task 13

The Ad Hoc Working Group to develop a set of guiding principles and standards to strengthen the use of traditional knowledge and other forms of knowledge for the conservation and sustainable use of biological diversity, taking into account the role that traditional knowledge can play with respect to the ecosystem approach, in situ conservation, taxonomy, biodiversity monitoring and environmental impact assessments in all biodiversity sectors.

Task 14

The Ad Hoc Working Group to develop guidelines and proposals for the establishment of national incentive schemes for indigenous and local communities to preserve and maintain their traditional knowledge, innovations and practices and for the application of such knowledge, innovations and practices in national strategies and programmes for the conservation and sustainable use of biological diversity.

Element 7 - Legal elements**Task 11**

The Working Group to assess existing subnational, as appropriate, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge, innovations and practices of indigenous and local communities with a view to identifying synergies between these instruments and the objectives of Article 8(j).

Element 5 - Exchange and dissemination of information**Task 17**

The Executive Secretary to develop, in cooperation with Governments and indigenous and local communities, methods and criteria to assist in assessing the implementation of Article 8(j) and related provisions at the international, regional, national and local levels, and reporting of such in national reports in conformity with Article 26.

Source: Decisions V/16 and 10, decision X/43.

*Annex II***PROPOSED ORGANIZATION OF WORK FOR THE TENTH MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON ARTICLE 8(J) AND RELATED PROVISIONS**

	10 a.m. – 1 p.m.	3 p.m. – 6 p.m.
Wednesday 13 December 2017	<ol style="list-style-type: none"> 1. Opening of the meeting 2. Organizational matters 3. 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 4. Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions 	No session of WG8J (session of SBSTTA-21)
Thursday 14 December 2017	<ol style="list-style-type: none"> 5. Finalization of tasks 7, 10 and 12 of the multi-year programme of work 6. Resource mobilization: assessing the contribution of collective actions of indigenous peoples and local communities and safeguards in biodiversity financing mechanisms 	No session of WG8J (session of SBSTTA-21)
Friday 15 December 2017	<ol style="list-style-type: none"> 7. Progress towards Aichi Biodiversity Target 18, implementation of the Plan of Action on Customary Sustainable Use, and integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols 8. Recommendations of the United Nations Permanent Forum on Indigenous Issues 	Consideration of conference room papers
Saturday 16 December 2017	<ol style="list-style-type: none"> 9. In-depth dialogue on thematic areas and other cross-cutting issues 10. Other matters 	<ol style="list-style-type: none"> 11. Adoption of the report. 12. Closure of the meeting

*Annex III***LIST OF DOCUMENTS**

Symbol	Title
CBD/WG8J/10/1	Provisional agenda
CBD/WG8J/10/1/Add.1	Annotations to the provisional agenda
CBD/WG8J/10/2	Revised draft 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
CBD/WG8J/10/3	Glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions
CBD/WG8J/10/4	Finalization of Tasks 7 and 12 of the revised multi-year programme of work on Article 8(j) and related provisions
CBD/WG8J/10/5	Elements of methodological guidance for identifying, monitoring, and assessing the contribution of indigenous peoples and local communities
CBD/WG8J/10/6	Taking the voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms and when developing instrument-specific safeguards
CBD/WG8J/10/7	Progress towards Aichi biodiversity Target 18 on traditional knowledge and customary sustainable use of biodiversity
CBD/WG8J/10/8	Integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention
CBD/WG8J/10/9	Recommendations from the United Nations Permanent Forum on Indigenous issues to the Convention on Biological Diversity
CBD/WG8J/10/10	In-depth dialogue: “Contribution of the traditional knowledge, innovations and practices of indigenous peoples and local communities to the implementation of the 2030 Agenda for Sustainable Development with particular emphasis on conservation and sustainable use of biodiversity”
CBD/SBSTTA/21/3	Bushmeat and sustainable wildlife management, including technical guidance for better governance towards a more sustainable bushmeat sector

Note: A list of information documents prepared for the Working Group will be issued prior to the meeting.
