



Convention on Biological Diversity

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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

Tenth meeting

Montreal, Canada, 13-16 December 2017

Agenda items 5 and 7

RECOMMENDATION ADOPTED BY THE WORKING GROUP

- 10/3. 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 Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions

1. *Requests* the Executive Secretary to make available to the Subsidiary Body on Implementation at its second meeting:

(a) A preliminary analysis of existing and possible future institutional arrangements of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, including financial and governance implications;

(b) Experiences and lessons learned from other related intergovernmental organizations and conventions;

2. *Invites* Parties, Governments, indigenous peoples and local communities and relevant international organizations to submit views to the Executive Secretary on possible elements of a future programme of work on Article 8(j) and related provisions as part of the post-2020 biodiversity framework as well as possible institutional arrangements and their modus operandi;

3. *Requests* the Executive Secretary to compile the views and make them available to the Conference of the Parties at its fourteenth meeting;

4. *Invites* the Subsidiary Body on Implementation at its second meeting to consider the following elements of a draft decision for the Conference of the Parties at its fourteenth meeting:

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](#),¹ in which it revised the multi-year programme of work for 2010-2020,

¹ 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the Conference of the Parties adopted a revised multi-year programme of work on Article 8(j), retiring completed or superseded tasks 3, 5, 8, 9 and 16.

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 2030 Agenda for Sustainable Development, the Sustainable Development Goals² and the Paris Agreement³ as well as the future post-2020 biodiversity framework,

Taking into account the results of the “Múuch’tambal 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”,⁴

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 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 on lands and waters traditionally occupied or used by indigenous and local communities;⁵

(b) The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;⁶

(c) The Mo’otz kuxtal⁷ 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 communities⁸ 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;⁹

[(d) 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;]¹⁰

(e) The global Plan of Action on the Customary Sustainable Use of Biological Diversity;¹¹

² See [General Assembly resolution 70/1](#), entitled “Transforming our world: the 2030 Agenda for Sustainable Development”.

³ 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](#)).

⁴ The “Múuch’tambal” Summit on Indigenous and Local Experiences was held on the margins of the thirteenth meeting of the Conference of the Parties. Its declaration was issued as [UNEP/CBD/COP/13/INF/48](#).

⁵ [Decision VII/16](#).

⁶ [Decision X/42](#), annex.

⁷ Meaning “roots of life” in the Maya language.

⁸ 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).

⁹ [Decision XIII/18](#).

¹⁰ 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.

¹¹ [Decision XII/12 B](#), annex.

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,¹²

[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,¹³

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. *Also 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 on the basis of achievements to date, also taking into account the 2030 Agenda for Sustainable Development,² the Sustainable Development Goals and the Paris Agreement as well as gaps identified;

3. *Invites* Parties to gather experience in the implementation of the guidelines and standards related to Article 8(j) and related provisions at the national level and, in the light of those experiences, to consider the need for further work on these issues in the development of a fully integrated programme of work;

4. *Encourages* Parties to engage with indigenous peoples and local communities 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 biodiversity framework for the Convention;

5. *Invites* 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 Plan of Action 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 national reports or the clearing-house mechanism in order to determine progress made and inform the development of the post-2020 biodiversity framework;

6. *Requests* the Executive Secretary to 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 possible elements of a programme of work on Article 8(j) and related provisions as part of the post-2020 biodiversity framework, as well as on possible institutional arrangements, lessons learned and pros and cons of current arrangements;

¹² See [decision X/20](#) on cooperation with other conventions and international organizations and initiatives, in paragraph 16 of which the Conference of the Parties welcomed the Joint Programme of Work.

¹³ 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.

7. *Also requests* the Executive Secretary to prepare and make available a summary of the exchange of views received during the online forum to the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its eleventh meeting;

8. *Invites* Parties, Governments, indigenous peoples and local communities, relevant international organizations, in particular other biodiversity related conventions, and interested stakeholders to submit views to the Executive Secretary on possible elements of a fully integrated programme of work as part of the post-2020 biodiversity framework;

[9. *Invites* Parties, Governments and indigenous peoples and local communities to submit views to the Executive Secretary on possible institutional arrangements and their modus operandi for the implementation of Article 8(j) and related provisions, such as but not limited to the following:

(a) Establishing 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;

(b) Continuing the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions with an updated mandate;

(c) Applying 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, when addressing matters of direct relevance to indigenous peoples and local communities in the subsidiary bodies, in order to ensure their effective participation and to fully integrate them into the work of the Convention;]

10. *Requests* the Executive Secretary to compile and analyse the information received with a view to proposing possible elements of a fully integrated programme of work as part of the post-2020 biodiversity framework as well as possible institutional arrangements and their modus operandi for the consideration of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its eleventh meeting;

11. *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, as well as institutional arrangements and their modus operandi 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 as part of the post-2020 biodiversity framework which takes into account developments in other relevant international forums and organizations;

12. *Requests* the Executive Secretary, subject to the availability of resources, to extend appropriate assistance that enables representatives of indigenous peoples and local communities to participate effectively in broader discussions and processes under the Convention, including through regional consultations, which will determine the post-2020 biodiversity framework, in order to facilitate the integration of any further work on Article 8(j) and related provisions into the work of the Convention.
