# DOCUMENT FOR PEER REVIEW IN PREPARATION FOR COP 13

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

## Note by the Executive Secretary

# Introduction

1. The Working Group on Article 8(j) and related provisions at its ninth meeting, considered the **glossary** **of key terms and concepts** in the context of Task 12, and in recommendation 9/3, paragraph 1, r*equested* the Executive Secretary to revise **the glossary** to be used within the context of Article 8(j) and related provisions contained in the annex to the note by the Executive Secretary,[[1]](#footnote-1) 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.
2. Further to this request, the Executive Secretary has prepared this document in order to assist the COP in its discussions on **the glossary**. Section I provides background information on the evolution of the glossary. Section II explains the methodology for the **gap analysis,** which was requested in COP decision XII/12 E, paragraph 5. Section III provides an overview and analysis of **relevant key terms and concepts previously considered and noted** by the Working Group under its agenda item on **sui generis systems**[[2]](#footnote-2)as well as relevant advice provided by the Working Group, where applicable. Section IV considers **relevant terms used in other agreements and by other international organizations,** as well as relevant advice where applicable, for consideration for inclusion in the Glossary. Finally Section V includes a draft decision for the consideration of the COP, which contains in annex I, taking into account the gap analysis[[3]](#footnote-3), a revised and **comprehensive glossary of terms and concepts[[4]](#footnote-4)** to be used within the context of Article 8(j) and related provisions.
3. **BACKGROUND**
4. The COP first proposed the development of **a set of definitions,** at its fifth meetingin decision V/16, in 2000, which adopted Task 12 (amongst others) of the Programme of Work for Article 8(j) and related provisions.
5. The COP then considered the matter at its seventh meeting in 2004, in decision VII/16 H, on *sui generis systems for the protection of traditional knowledge*, in paragraph 4, which requested the Executive Secretary, based on submissions received to develop **a glossary of terms** relevant to Article 8(j).
6. In response to this COP decision submissions for **a glossary** were compiled and made available to 4th meeting of the Working Group on Article 8(j)[[5]](#footnote-5), in 2006, which took noteof the draft glossary of terms relevant for Article 8(j) contained in UNEP/CBD/WG8J/4/7, annex I.
7. The COP at its eighth meeting, in 2006, in decision VIII/5, E, paragraph 8, invited the submission of views on the definitions contained in UNEP/CBD/WG8J/4/7, annex I, which were considered by the 5th and 6th meetings of the Working Group on article 8(j), however in order to avoid duplication of efforts and overlap, no action was taken at that time, as the Working Group was considering initiating related work on **Task 12**, which also considers the development of key **terms and concepts**.
8. In 2008, at its ninth meeting, in decision IX/13, A, paragraph 7, the COP decided to initiate **Task 12**, identifying the effective contribution of ongoing work under the Working Group on Article 8(j) and related provisions, in particular on *sui generis* systems. In 2010, COP 10, in decision X/43, decided to address Task 12, through two sub-tasks[[6]](#footnote-6), one of which is to develop **a glossary of relevant key terms and concept**s to be used within the context of Article 8(j) and related provisions
9. In 2012, at its eleventh meeting, the COP in decision XI/14 E, on sui generis systems, in paragraph 10, considered the terms and definitions[[7]](#footnote-7) and invited further views and requested the Executive Secretary, based on information received, to revise **the terms and definitions and to propose a glossary** for the consideration of the eighth meeting of the Working Group on Article 8j and related provisions[[8]](#footnote-8).
10. In 2013, the eighth meeting of the Working Group in recommendation 8/5, in paragraph 3, *recognised* the relevance of the possible elements of *sui generis* systems, as well as the draft glossary[[9]](#footnote-9) to tasks 7, 10 and 12, and taking into account the need to further refine the glossary of terms, *invited* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to use the possible elements and draft glossary, as appropriate, in its work on those tasks.
11. The COP at its twelfth meeting in 2014, in Decision XII/12 E, paragraph 3, on sui generis systems, recognized the relevance of **the draft glossary**[[10]](#footnote-10), taking into account the need to further refine it, and invited the Working Group to use the draft glossary, as appropriate, in its work on Task 12.
12. In 2015, the Working Group took this matter up again at its ninth meeting in recommendation 9/3, paragraph 1, which considered a revised Glossary of Relevant Key Terms and Concepts to Be Used Within the Context of Article 8 (j) and Related Provisions[[11]](#footnote-11), and requested the Executive Secretary to revise the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions and to develop a comprehensive glossary for the consideration of the Conference of the Parties at its thirteenth meeting.
13. **GAP ANALYSIS**
14. The Conference of the Parties requested in decision XII/12 D, paragraph 5, that the proposed glossary be drafted **following a gap analysis**. Taking into account the need for consistency within the Convention, to conduct a gap analysis, the Secretariat considered terms and concepts adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines as a starting point and context for the discussions. For ease of reference a complete list of terms and concepts adopted under the Convention and the Nagoya Protocol is available at <https://www.cbd.int/convention/articles/default.shtml?a=cbd-02> and <https://www.cbd.int/abs/text/articles/default.shtml?sec=abs-02> respectively.
15. The proposed draft glossary for Article 8(j) and related provisions, which is made available in Annex I, is designed to build upon and complement previously adopted terms and concepts under the Convention and the Nagoya Protocol[[12]](#footnote-12). Terms adopted under the Akwe:Kon Guidelines are automatically included in the glossary, as they have been previously adopted under Article 8(j) in decision XII/16 F.
16. As requested in decision XII/12 E, paragraph 3, the Secretariat has also considered the terms in UNEP/CBD/WG8J/8/6/ADD1, Annex, Section II,Possible Elements of Sui Generis Systems for the Protection of Traditional Knowledge, Innovations and Practices of Indigenous and Local Communities, as prepared for the eight meeting of the Working Group on Article 8(j) and related provisions. This document contains terms from various sources[[13]](#footnote-13) that were previously submitted to the Working Group but have not yet been fully considered because of the pending work on Task 12.
17. As part of the gap analysis, terms or concepts suggested in UNEP/CBD/WG8J/8/6/Add.1, Annex II, were compared to the terms and concepts already adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines. Where terms suggested in UNEP/CBD/WG8J/8/6/Add.1, Annex II, have been superseded by terms adopted under the Convention, the Nagoya Protocol and the Akwé: Kon Guidelines, the adopted meaning is used, and included, as appropriate, for the purposes of the Glossary.Also as part of the gap analysis, where terms and concepts suggested in UNEP/CBD/WG8J/8/6/Add.1, Annex I, Section II are not in common use in the official documentation of the Working Group on Article 8(j), they have been removed. Additionally to ensure a comprehensive glossary could be considered, the Secretariat has included relevant advice provided by the Working Group, on such matters as ‘local communities”.
18. With respect to **relevant terms used in other agreements and by other international organizations[[14]](#footnote-14)**, only terms and concepts of direct relevance and that have been adopted through intergovernmental processes are considered for inclusion, with the exception of advice from OHCHR and UNPFII of direct relevance to the glossary. Draft terms and concepts from the WIPO[[15]](#footnote-15) were considered but are not included as they are yet to be negotiated or adopted, however terms and concepts adopted under relevant instruments of UNESCO, ILO, and IFAD are proposed for inclusion.
19. Work undertaken in other international processes including the UNPFII, FAO, OHCHR, UNDP and other agencies was also considered. Although these processes have seldom focussed on or adopted terms or concepts of relevance to Article 8(j) and related provisions, processes under the OHCHR and the UNPFII have produced advice on the concept or common characteristics of “indigenous peoples”, which is of direct relevance to the glossary and is included for the consideration of the Parties. However, it should be noted that a definition of “indigenous peoples” is not adopted or recommended by these organizations or by indigenous peoples.
20. The glossary presented in the Annex I is intended as a comprehensive glossary of key terms and concepts relevant to Article 8(j) and related provisions of the Convention. As such it includes **relevant terms and concepts adopted in the Akwe:Kon Guidelines, and** takes into account **terms and concepts in UNEP/CBD/WG8J/8/6/Add.1, Annex I, Section** II, as well as relevant advice from the Working Group on Article 8(j) and related provisions. It also includes relevant **terms and advice used in other agreements and by other international organizations,** as well as relevant advice, where applicable. As such, it is intended to be complementary to and in harmony with terms and concepts already adopted under the Convention and the Nagoya Protocol.
21. **OVERVIEW OF RELEVANT KEY TERMS AND CONCEPTS PROPOSED TO THE WORKING GROUP ON ARTICLE 8 (J) AND RELATED PROVISIONS**
22. A collation of terms and concepts along with proposed definitions, that have been previously submitted and collated from various sources[[16]](#footnote-16) and considered by the Working Group on Article 8(j) in UNEP/CBD/WG8J/8/6/Add.1 on *Possible Elements of Sui Generis Systems for the Protection of Traditional Knowledge, Innovations and Practices of Indigenous and Local Communities*, is provided below.
23. In accordance with methodology used in the gap analysis, terms and concepts not in common use in the official documentation of the Working Group are struck out. Where applicable, the rational for the removal is included in the right hand column. Where terms or concepts proposed have been superseded by terms and concepts adopted under the Convention, the Nagoya Protocol or the Akwe:Kon Guidelines the adopted texts are used. However for the purposes of the proposed glossary, only terms from the Akwe:Kon Guidelines are included as these are already adopted for use under Article 8(j) in decision V11/16 F. Terms and concepts adopted under the Convention and the Nagoya Protocol are not included in the glossary, as the glossary is designed to complement and not duplicate these previously adopted terms.

**Table 1**

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| **TERMS** | **DEFINITIONS** | **SOURCE**  **and/or brief explanation** |
| 1. Application/use/utilization of traditional knowledge | The acts of making, using, offering for sale, selling, or importing for these purposes the protected traditional product or, where the subject matter of protection is a process, the acts of using the processes as well as the acts of using, offering for sale, selling, or importing for these purposes at least the product obtained directly by the traditional process. | A Draft Glossary of Terms (Working Definitions or Common Characteristics) For Use Within the Context of Article 8 (j) and Related Provisions  (UNEP/CBD/WG8J/8/6/Add.1, annex, Section II) |
| 1. ~~Bio-prospecting~~ [[17]](#footnote-17) | ~~The scientific research of biological resources for commercial or other purposes. Bio-prospecting may also include research into the traditional knowledge associated with the biological resources.~~ | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  A colloquialism not used in official documentation. |
| 1. Bio-cultural heritage [[18]](#footnote-18) | The knowledge, innovations, practices of indigenous and local communities which are often collectively held and inextricably linked to traditional resources and lands and waters traditionally occupied and used by indigenous and local communities; including the diversity of genes, varieties, species and ecosystems; cultural and spiritual values; and customary rights laws shaped within the socio-ecological context of communities. By emphasizing the collective rather than individual rights, and addressing biodiversity and culture together, this concept reflects the holistic approach of many indigenous and local communities. This concept also is linked to knowledge as ‘heritage’ as opposed to ‘property’, thereby reflecting its custodianship and intergenerational character. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  An emerging concept gaining acceptance. Also under discussion at IPBES. |
| 5. Community protocols | Community protocols use participatory tools that articulate indigenous peoples’ and community-determined values, procedures, and priorities, and set out rights and responsibilities under customary, state, as the basis for engaging with external actors, such as governments, companies, academics, and NGOs. They can be used as catalysts for constructive and proactive responses to threats and opportunities posed by land and resource development, conservation, research, and other legal and policy frameworks. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. Cultural heritage (tangible and intangible) | The physical and/or non-physical manifestation of an indigenous and local communities’ cultural heritage includes, but is not limited to, cultural landscapes, sites, structures, and remains of archaeological, architectural, historical, religious, spiritual, cultural, ecological or aesthetic value or significance, human remains, and traditional cultural expressions, including but not limited to songs, dances, artistic expressions, stories and histories | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  Combines UNESCO definitions on tangible and intangible cultural heritage. (see Table 2 following) |
| 1. Customary law | Proposed  ~~Written and/or unwritten (including oral traditions) rules, usages, customs, practices and beliefs, traditionally and continually recognized and accepted as legal requirements or obligatory rules of conduct and consequently treated as if they were laws, by the group concerned. Recognition of elements of customary law relevant to the conservation and sustainable use of biological diversity include:~~   1. ~~Customary rights in indigenous/traditional/local knowledge;~~ 2. ~~Customary rights regarding biological resources (traditional resource rights); and~~ 3. ~~Customary procedures governing access to and consent to use traditional knowledge, biological and genetic resources.~~ | The struck-out text was proposed in UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  However an alternative definition has been adopted under the Akwé: Kon Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment 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 (Decision VII/16 F), which is proposed here. |
| Recommended  Law consisting of customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws. |
| 1. Customary Sustainable Use of biological diversity | Proposed  ~~Use in relation to local traditions and customary norms/laws,~~~~[[19]](#footnote-19)~~ ~~while allowing for innovation.~~  Recommended  Uses of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements.  Sometimes referred to a subsistence use[[20]](#footnote-20). | Definition suggested in UNEP/CBD/WG8J/8/6/Add.1, annex, Section II.  However, for the sake of consistency a definition closer to the text of Article 10(c) of the Convention is proposed by the Secretariat for the consideration of the Parties. |
| 1. Innovation | In the context of traditional knowledge and *sui generis* systems, innovation should be understood through the filter of tradition. In other words, tradition could act as a filter through which innovation occurs, that is, innovation and creation occur within a framework of tradition and culture.(For further exploration of this definition of innovation, consider the African Model Law: **“Any generation of a new, or an improvement of an existing, collective and /or cumulative knowledge or technology through alteration or modification, or the use of properties, values or processes of any biological material or any party thereof, whether documented, recorded, oral, written or in whatever manner otherwise existing.”[[21]](#footnote-21)** As this concept gets further refined within the context of *sui generis* systems, it will be necessary to consider how this term relates to ideas of improvement or invention. There will also need to be consideration of whether *sui generis* systems will include innovations from traditional knowledge or whether traditional IP regimes cover innovations of traditional knowledge.) | Proposed in UNEP/CBD/WG8J/8/6/Add.1, annex, Section II, and originates from the African Model Law |
| 1. Prior, informed consent   (within the context of Article 8(j) and related provisions) | Proposed  ~~the procedure through which national governments or the Indigenous or local communities, as the case may be,~~~~[[22]](#footnote-22)~~ ~~based on national legislation, properly supplied with all the required information, allow or refuse access to their biological resources and traditional knowledge innovation and practices, under mutually agreed conditions of equality, respect and fair compensation.~~~~[[23]](#footnote-23)~~  Recommended  Prior informed consent and approval and involvement should be understood as a continual process building mutually beneficial, ongoing arrangements between users of traditional knowledge and indigenous peoples and local communities, in order to build trust, good relations, mutual understanding, inter-cultural spaces, knowledge exchanges, create new knowledge and reconciliation.  It is not practical to propose a “one-size-fits-all” approach for prior informed consent or approval and involvement of indigenous peoples and local communities as regards access to their knowledge, innovations and practices; and therefore these guidelines are intended to be used taking into account national and local circumstances.  Access to traditional knowledge, innovations and practices of indigenous peoples and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.[[24]](#footnote-24) | ~~UNEP/CBD/WG8J/8/6/Add.1, annex, Section II~~    In order to promote consistency, the Secretariat proposes the advice of prior and informed consent used the current guidelines of traditional knowledge being considered for adoption at COP 13, as contained in: UNEP/CBD/WG8J/9/2  Guidelines, Annex: II. General Principles  Prior informed Consent or Approval and Involvement  Paragraphs 2, 3 and 4  The draft guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the prior informed consent or approval and involvement of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices, and for reporting and preventing unauthorized access of such knowledge, in document UNEP/CBD/WG8J/9/2, address the understanding of prior informed consent or approval and involvement and that understanding has been included in the glossary. |
| 1. ~~Protected area~~ | A geographically defined area, which is designated or regulated and managed, to achieve specific conservation objectives. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  Already adopted under CBD, Article 2 and therefore not included in the proposed glossary. |
| 1. Research   (in the context of Article 8(j) and related provisions on Traditional Knowledge) | Includes but is not limited to collecting and/or analysing information, data and/or statistics concerning knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. Sacred site | A site, object, structure, area or natural feature or area, held by national Governments or indigenous and local communities to be of particular importance in accordance with the custom of an indigenous or local community because of its religious and/or spiritual significance[[25]](#footnote-25). | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  and  Akwe:Kon Guidelines |
| 1. Sacred species | A plant or animal held by indigenous and local communities to be of particular importance in accordance with the traditions and/or customs because of its religious or spiritual significance. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  However, a similar concept occurs in the Akwe:Kon Guidelines on Species inventories including identification of particular species important to the affected indigenous or local community as food, medicine, fuel, fodder, construction, artefact production, clothing, and for religious and ceremonial purposes, etc. [[26]](#footnote-26) |
| 1. ~~Traditional knowledge~~ | The knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity[[27]](#footnote-27). | Already adopted in the text of the Convention, in Article 8(j) and therefore no recommended for inclusion in the Glossary. |
| 1. Traditional Custodian | The group, clan or community or people, or an individual who is recognized by a group, clan or community of people as the individual, in whom the custody or protection of the expressions of culture are entrusted in accordance with the customary law and practices of that group, clan or community.[[28]](#footnote-28) | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. Traditional resources | Are tangible or intangible assets of biological, spiritual, aesthetic, cultural and economic value used traditionally by indigenous peoples and local communities. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. Traditional territories | Lands, and waters traditionally occupied, or used by indigenous and local communities.[[29]](#footnote-29) | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II and in harmony with from the Akwe:Kon Guidelines |

1. Considering the significant importance of local communities to the on-the-ground implementation of the Convention, and especially to Article 8(j) and related provisions, and to ensure a comprehensive glossary as requested in recommendations 9/3 of the Working Group on Article 8(j), relevant advice provided by the Expert Group Meeting of Local Community Representatives to the Working Group on Article 8(j) on common characteristics of local communities, within the context of the Convention, is included below. Parties may also wish to consider COP decision XI/14 B on local communities and the advice provided in the report of the expert group meeting of local community representatives in UNEP/CBD/WG8J/7/8/Add.1 for possible inclusion in the glossary. Parties may note that the advice centres on common characteristics and does not propose a definition.

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| **CBD** Expert Group Meeting on Local communities and Decision XI/14 B. | | |
| 1. Local communities   (from CBD Expert Group Meeting) | Local communities living in rural and urban areas of various ecosystems may exhibit some of the following characteristics:   * 1. Self-identification as a local community;   2. Lifestyles linked to traditions associated with natural cycles (symbiotic relationships or dependence), the use of and dependence on biological resources and linked to the sustainable use of nature and biodiversity;   3. The community occupies a definable territory[[30]](#footnote-30) traditionally occupied and/or used, permanently or periodically. These territories are important for the maintenance of social, cultural, and economic aspects of the community;   4. Traditions (often referring to common history, culture, language, rituals, symbols and customs) and are dynamic and may evolve;   5. Technology/knowledge/innovations/practices associated with the sustainable use and conservation of biological resources;   6. Social cohesion and willingness to be represented as a local community;   7. Traditional knowledge transmitted from generation to generation including in oral form;   8. A set of social rules (e.g., that regulate land conflicts/sharing of benefits) and organizational-specific community/traditional/customary laws and institutions;   9. Expression of customary and/or collective rights;   10. Self-regulation by their customs and traditional forms of organization and institutions;   11. Performance and maintenance of economic activities traditionally, including for subsistence, sustainable development and/or survival;   12. Biological (including genetic) and cultural heritage (bio-cultural heritage);   13. Spiritual and cultural values of biodiversity and territories;   14. Culture, including traditional cultural expressions captured through local languages, highlighting common interest and values;   15. Sometimes marginalized from modern geopolitical systems and structures;   16. Biodiversity often incorporated into traditional place names;   17. Foods and food preparation systems and traditional medicines are closely connected to biodiversity/environment;   18. May have had little or no prior contact with other sectors of society resulting in distinctness or may choose to remain distinct;   19. Practice of traditional occupations and livelihoods;   20. May live in extended family, clan or tribal structures;   21. Belief and value systems, including spirituality, are often linked to biodiversity;   22. Shared common property over land and natural resources;   23. Traditional right holders to natural resources;   24. Vulnerability to outsiders and little concept of intellectual property rights. | UNEP/CBD/WG8J/7/8/Add.1[[31]](#footnote-31)  4 September 2011  Report of the expert Meeting of Local Community Representatives.  The experts recommended that a working definition may be possible based on the following characteristics, some of which could be considered essential. The group agreed that self-identification or the right to self-identify should be foremost and essential in any list of characteristics and that, because of the diversity of local communities, a possible list of characteristics should be broad and inclusive. Furthermore, from the list of possible characteristics, a local community could possess a cluster of characteristics, reflecting its own unique cultural, ecological and social circumstances.  The COP in decision XI/14, B, on  *Local communities*  *Recognizing* that the involvement of local communities in accordance with Article 8(j) has been limited,  *Recognizing also* that the full and effective participation of local communities is crucial to achieving the objectives of the Convention and implementing the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets,  17. *Encourages* Parties to take concrete actions to facilitate participation by indigenous and local communities in the development and implementation of national biodiversity strategies and action plans and other work under the Convention,  18. *Takes note* *with appreciation* of the report of the Expert Group Meeting of Local Communities Representatives (UNEP/CBD/WG8J/7/8/Add.1) and *encourages* Parties to consider this report as a potentially useful input to promoting full and effective participation by local communities in the work of the Convention;  19. *Takes note* of the characteristics listed in section I of the annex to the report of the Expert Group Meeting as potentially useful advice in identifying local communities, within the mandate of the Convention;  21. *Takes note with appreciation* of sections II and III of the annex to the report of the Expert Group Meeting as potentially useful advice for developing measures and mechanisms to assist in the implementation of the Convention and the achievements of its goals, and for developing targeted outreach activities for local communities through communication, education and public awareness so as to more effectively encourage their participation in the work of the Convention, including at national and subnational levels. |

1. **RELEVANT TERMS USED IN OTHER AGREEMENTS AND BY OTHER INTERNATIONAL ORGANIZATIONS**
2. The following terms and concepts have been adopted under other relevant international processes and are presented here for consideration for inclusion in the Glossary for Article 8(j) and related provisions. As such these definitions may be considered by the Parties for inclusion in the Article 8(j) Glossary, on a case-by-case basis and as appropriate.
3. Additionally, considering the significance of the concept of “indigenous peoples” to the on-the-ground implementation of the Convention, and especially to Article 8(j) and related provisions, and to ensure a comprehensive glossary, as requested in recommendations 9/3 of the Working Group on Article 8(j), relevant advice provided by the OHCHR and the UNPFII on common characteristics of indigenous peoples is also included below for the consideration of Parties.

**Table 2**

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| **UNESCO**  These terms and concepts below are adopted within relevant UNESCO Conventions, which consider cultural heritage. | | |
| 1. Cultural heritage (Physical) | **Includes[[32]](#footnote-32):**  **Monuments:** architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;  **Groups of buildings:** groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;  **Sites:** works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. | Refer: <http://whc.unesco.org/en/conventiontext/> |
| 1. Tangible cultural heritage | Includes:  Movable cultural heritage (paintings, sculptures, coins, manuscripts)  Immovable cultural heritage (monuments, archaeological sites, and so on)  Underwater cultural heritage (shipwrecks, underwater ruins and cities) | UNESCO see: <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/> |
| 1. Intangible cultural heritage | Includes:  (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; (e) traditional craftsmanship. | Text of the the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage  Available at:  <http://www.unesco.org/culture/ich/en/convention#art2> |
| 1. Natural heritage | **Includes[[33]](#footnote-33):**  **Natural features** consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;  **Geological and physiographical formations** and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;  **Natural sites** or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty. | Refer: <http://whc.unesco.org/en/conventiontext/> |
| **IFAD**  The terminology in IFAD's Glossary is derived from the IFAD Policy on Indigenous Peoples and other IFAD policies, which are approved by the IFAD’s Executive Boards formed by Governments. For this exercise, only terms and concepts of direct relevance to article 8(j) and related provisions and which include a definition or an explanation, and have been adopted by the IFAD Executive Board are included | | |
| 1. Aboriginal | Term used to refer to indigenous peoples in Australia, Canada and the Pacific. | IFAD Policy on Engagement with Indigenous Peoples, 2009.  IFAD Glossary Entry no 2322 |
| 1. Cultural diversity | Uniqueness and plurality of the identities of the groups and societies making up humankind. (UNESCO)  Cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage (IFAD) | IFAD Entry No. 2142 |
| 1. Cultural right | Group's ability to preserve its way of life, such as its approach to child rearing, as well as the continuation of its language and the security of its economic base within a nation. | IFAD Entry no. 2147 |
| 1. Empowerment of indigenous peoples | The process of increasing the opportunity of  Indigenous peoples to take control of their own lives. | IFAD Entry no. 2154 |
| 1. First Nations | Term used in some countries to refer to indigenous peoples. | IFAD Entry number 2161 |
| 1. Food security | Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences  for an active and healthy life | IFAD Entry number 2162  (FAO) and IFAD Policy on Indigenous Peoples. |
| 1. Governance | Structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and  broad-based participation | IFAD Entry number 2167  (also UNESCO) |
| 1. Governance system | The parameters under which management and administrative systems will operate. | IFAD Entry number 2168  (also UNESCO) |
| 1. Indigenous community | Term used to refer to indigenous peoples. | IFAD Entry number 2178 |
| 1. Indigenous peoples[[34]](#footnote-34) | As a working definition IFAD uses the following criteria[[35]](#footnote-35): priority in time, with respect to occupation and use of a specific territory; the voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions; self-identification, as well as recognition by other groups, or by state authorities, as a distinct collectively; and an experience of subjugation, marginalization, dispossession, exclusion or discrimination. | IFAD Entry number 2187  Similar the Cobo Study and the “common characteristics” used by OHCHR and the UNPFII. |
| 1. Nomadic | Persons without a fixed place of usual residence who move from one site to another, usually according to well-established patterns of geographical mobility | IFAD Entry number 2216 |
| 1. Self-identification | Attribution of certain characteristics or qualities to oneself. | IFAD Entry number 2226 |
| 1. Sustainable development | Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. | IFAD Entry number 2234  and World Commission on  Environment and Development. |
| 1. Tribal peoples | Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is  regulated wholly or partially by its own customs or traditions or by special laws or regulations. | IFAD Entry number 2250  Also Convention concerning  Indigenous and Tribal Peoples in Independent Countries, ILO. |
| 1. Tribe | Notional form of human social organization based on a set of smaller groups, having temporary or permanent political integration, and defined by traditions of common descent, language, culture, and ideology. | IFAD Entry no. 2250 |
| 1. Vulnerable | Able to be easily physically, emotionally, or mentally hurt, influenced, or attacked | IFAD Entry number 2259  And Cambridge Dictionary |
| 1. Vulnerable group | Group of people who have insufficient access to the quantity and quality of food that would ensure a healthy life and/or are at risk of losing such access altogether | IFAD Entry number 2260 and  Also World Food Programme |
| 1. Well-being | A context -and situation-dependent state,  comprising basic material for a good life, freedom and choice,  health, good social relations, and security | IFAD Entry number 2261  And FAO |
| **ILO**  These terms and concepts below are adopted within relevant ILO Convention 169 on Indigenous and Tribal peoples. | | |
| 1. Indigenous and tribal peoples | (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;  (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.  \*  Article 1 also indicates that self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. | **ILO 169**  **Article 1.** |
| **UNPFII**  The advice below is derived from the historic OHCHR report, *Study on the Problem of Discrimination against Indigenous Populations* (1982), and a Note based on this study, prepared by the Secretariat of the UNPFII on the concept of indigenous peoples for the [Workshop on Data Collection and Disaggregation for Indigenous Peoples,](http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2004/2) 10-21 May 2004 | | |
| 1. Indigenous peoples | Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. | **UNPFII**  PFII/2004/WS.1/3 (an official document of the UNPFII)  THE CONCEPT OF INDIGENOUS PEOPLES  Concept Note only.  The quote used originates from Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his Study on the Problem of Discrimination against Indigenous Populations.[[36]](#endnote-1) |

1. **DRAFT RECOMMENDATION**

24. As requested by the Working Group on Article 8(j) at its ninth meeting, in recommendation 9/3, the Executive Secretary has revised the glossary of key terms and concepts to be used within the context of Article 8(j) and related provisions, to develop **a comprehensive glossary**, taking into account the comments made at its ninth meeting, and where applicable, relevant advice provided by the Working Group on Article 8(j) at previous meetings, as well as **terms and concepts compiled in UNEP/CBD/WG8J/8/6/Add.1,** which aremade available in Table I, above. The comprehensive glossary also considers **relevant terms used in other agreements and by other international organizations**, as well as relevant advice, where applicable, as contained in Table 2. The revised comprehensive glossary made available in Annex I, contains terms in both Tables 1 and 2 for the consideration of the Conference of the Parties at its thirteenth meeting.

25. In consideration of the glossary, **Parties are reminded that the Glossary is complementary to terms and concepts previously adopted for use under the Convention, the Nagoya Protocol, (and include terms adopted under the Akwe:Kon Guidelines).** Terms and concepts in Table 1 in this document need be considered for inclusion in the glossary on a case-by-case basis. Furthermore terms and concepts in Table 2 have **been adopted and are used in other agreements and by other international organizations** and thus Parties need only consider whether they are applicable as is, in the context of Article 8(j) and related provisions, in order for them to be included in the glossary.

26. Against this background, the Conference of the Parties may also wish to consider recommendation 9/3 from the ninth meeting of the Working Group on Article 8(j):

*Recommends* thatthe Conference of the Parties at its thirteenth meeting adopt a decision along the following lines:

*The Conference of the Parties,*

*Noting* that clarity in terms and concepts within the context of Article 8(j) and related provisions can assist in the effective and consistent implementation of Article 8(j) and related provisions, in order to achieve Aichi Biodiversity Target 18, by 2020,

1. *Welcomes* the glossary of key terms and concepts to be used as working definitions within the context of Article 8(j) and related provisions as contained in the note by the Executive Secretary;1

[2. *Invites* Parties and other Governments to use the glossary in their development and implementation of relevant national measures, as appropriate;]

[3. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to use the glossary as a reference in its future work.]

*Annex I*

**A GLOSSARY OF KEY TERMS AND CONCEPTS TO BE USED WITHIN THE CONTEXT OF ARTICLE 8(j) AND RELATED PROVISIONS**

**\*Terms and Concepts proposed below build on the terms and concepts adopted under the Convention and the Nagoya Protocol and therefore those terms and concepts are not repeated in the following table.**

*(Alphabetical order)*

| **TERM** | **DEFINITION** | **SOURCE** |
| --- | --- | --- |
| 1. Application/use/utilization of traditional knowledge | The acts of making, using, offering for sale, selling, or importing for these purposes the protected traditional product or, where the subject matter of protection is a process, the acts of using the processes as well as the acts of using, offering for sale, selling, or importing for these purposes at least the product obtained directly by the traditional process. | A Draft Glossary of Terms (Working Definitions or Common Characteristics) For Use Within the Context of Article 8 (j) and Related Provisions  (UNEP/CBD/WG8J/8/6/Add.1, annex, Section II) |
| 1. Aboriginal | Term used to refer to indigenous peoples in Australia, Canada and the Pacific. | IFAD Policy on Engagement with Indigenous Peoples, 2009.  IFAD Glossary Entry no 2322 |
| 1. Bio-cultural heritage [[37]](#footnote-36) | The knowledge, innovations, practices of indigenous and local communities which are often collectively held and inextricably linked to traditional resources and lands and waters traditionally occupied and used by indigenous and local communities; including the diversity of genes, varieties, species and ecosystems; cultural and spiritual values; and customary rights laws shaped within the socio-ecological context of communities. By emphasizing the collective rather than individual rights, and addressing biodiversity and culture together, this concept reflects the holistic approach of many indigenous and local communities. This concept also is linked to knowledge as ‘heritage’ as opposed to ‘property’, thereby reflecting its custodianship and intergenerational character. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  An emerging concept gaining acceptance. Also under discussion at IPBES. |
| 1. Community protocols | Community protocols use participatory tools that articulate indigenous peoples’ and community-determined values, procedures, and priorities, and set out rights and responsibilities under customary, state, as the basis for engaging with external actors, such as governments, companies, academics, and NGOs. They can be used as catalysts for constructive and proactive responses to threats and opportunities posed by land and resource development, conservation, research, and other legal and policy frameworks. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. Cultural diversity | Uniqueness and plurality of the identities of the groups and societies making up humankind. (UNESCO)  Cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage (IFAD) | IFAD Entry No. 2142 |
| 1. Cultural right | Group's ability to preserve its way of life, such as its approach to child rearing, as well as the continuation of its language and the security of its economic base within a nation. | IFAD Entry no. 2147 |
| 1. Cultural heritage (**tangible and intangible**) | Includes the physical and/or non-physical manifestation of an indigenous and local communities’ cultural heritage includes, but is not limited to, cultural landscapes, sites, structures, and remains of archaeological, architectural, historical, religious, spiritual, cultural, ecological or aesthetic value or significance, human remains, and traditional cultural expressions, including but not limited to songs, dances, artistic expressions, stories and histories | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  Combines UNESCO definitions (following) on tangible and intangible cultural heritage. |
| Further guidance from UNESCO on various aspects of cultural heritage  Cultural heritage (**Physical**) | **Includes[[38]](#footnote-37):**  **Monuments:** architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;  **Groups of buildings:** groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;  **Sites:** works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view. | Refer: <http://whc.unesco.org/en/conventiontext/> |
| Cultural Heritage – **Tangible** | Includes:  Movable cultural heritage (paintings, sculptures, coins, manuscripts)  Immovable cultural heritage (monuments, archaeological sites, and so on)  Underwater cultural heritage (shipwrecks, underwater ruins and cities) | UNESCO see: <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/> |
| Cultural Heritage - **Intangible** | Includes:  (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (b) performing arts; (c) social practices, rituals and festive events; (d) knowledge and practices concerning nature and the universe; (e) traditional craftsmanship. | Text of the the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage  available at:  <http://www.unesco.org/culture/ich/en/convention#art2> |
| Natural Heritage | **Includes[[39]](#footnote-38):**  **Natural features** consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;  **Geological and physiographical formations** and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;  **Natural sites** or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty. | Refer: <http://whc.unesco.org/en/conventiontext/> |
| 1. Customary law | Law consisting of customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws | Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment 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 (Decision VII/16 F) |
| 1. Customary Sustainable Use of biological diversity | Proposed:  ~~Use in relation to local traditions and customary norms/laws, while allowing for innovation~~  Recommended:  Uses of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements.  Similar to the concept of subsistence use[[40]](#footnote-39). | The proposed texts is proposed in UNEP/CBD/WG8J/8/6/Add.1, annex, Section II,  However, the Secretariat recommends language a close as possible to Article 10(c) and it is sourced accordingly to Article 10(c). |
| 1. Empowerment of indigenous peoples | The process of increasing the opportunity of indigenous people to take control of their own lives. | IFAD Entry no. 2154 |
| 1. First Nations | Term used in some countries to refer to indigenous peoples. | IFAD Entry number 2161 |
| 1. Food security | Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life | IFAD Entry number 2162  (FAO) and IFAD Policy on Indigenous Peoples. |
| 1. Governance | Structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation | IFAD Entry number 2167  (also UNESCO) |
| 1. Governance system | The parameters under which management and administrative systems will operate. | IFAD Entry number 2168  (also UNESCO) |
| 1. Indigenous community | Term used to refer to indigenous peoples. | IFAD Entry number 2178 |
| 1. Indigenous and tribal peoples | (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;  (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.  \*Article 1 also indicates that self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. | **ILO 169**  **Article 1.** |
| 1. Indigenous peoples[[41]](#footnote-40) | As a working definition IFAD uses the following criteria[[42]](#footnote-41): priority in time, with respect to occupation and use of a specific territory; the voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions; self-identification, as well as recognition by other groups, or by state authorities, as a distinct collectively; and an experience of subjugation, marginalization, dispossession, exclusion or discrimination. | IFAD Entry number 2187  Similar the Cobo Study and the “common characteristics” used by OHCHR and the UNPFII. |
| The UNPFII users the following explanation of the concept of indigenous peoples;  Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. | UNPFII  PFII/2004/WS.1/3 (an official document of the UNPFII)  THE CONCEPT OF INDIGENOUS PEOPLES  Concept Note only.  The quote used originates from Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his Study on the Problem of Discrimination against Indigenous Populations.[[43]](#endnote-2) |
| 1. Innovation | Any generation of a new, or an improvement of an existing, collective and /or cumulative knowledge or technology through alteration or modification, or the use of properties, values or processes of any biological material or any party thereof, whether documented, recorded, oral, written or in whatever manner otherwise existing.”[[44]](#footnote-42) | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  African Model Law |
| 1. Local communities | Local communities living in rural and urban areas of various ecosystems may exhibit some of the following characteristics:   1. Self-identification as a local community; 2. Lifestyles linked to traditions associated with natural cycles (symbiotic relationships or dependence), the use of and dependence on biological resources and linked to the sustainable use of nature and biodiversity; 3. The community occupies a definable territory[[45]](#footnote-43) traditionally occupied and/or used, permanently or periodically. These territories are important for the maintenance of social, cultural, and economic aspects of the community; 4. Traditions (often referring to common history, culture, language, rituals, symbols and customs) and are dynamic and may evolve; 5. Technology/knowledge/innovations/practices associated with the sustainable use and conservation of biological resources; 6. Social cohesion and willingness to be represented as a local community; 7. Traditional knowledge transmitted from generation to generation including in oral form; 8. A set of social rules (e.g., that regulate land conflicts/sharing of benefits) and organizational-specific community/traditional/customary laws and institutions; 9. Expression of customary and/or collective rights; 10. Self-regulation by their customs and traditional forms of organization and institutions; 11. Performance and maintenance of economic activities traditionally, including for subsistence, sustainable development and/or survival; 12. Biological (including genetic) and cultural heritage (bio-cultural heritage); 13. Spiritual and cultural values of biodiversity and territories; 14. Culture, including traditional cultural expressions captured through local languages, highlighting common interest and values; 15. Sometimes marginalized from modern geopolitical systems and structures; 16. Biodiversity often incorporated into traditional place names; 17. Foods and food preparation systems and traditional medicines are closely connected to biodiversity/environment; 18. May have had little or no prior contact with other sectors of society resulting in distinctness or may choose to remain distinct; 19. Practice of traditional occupations and livelihoods; 20. May live in extended family, clan or tribal structures; 21. Belief and value systems, including spirituality, are often linked to biodiversity; 22. Shared common property over land and natural resources; 23. Traditional right holders to natural resources; 24. Vulnerability to outsiders and little concept of intellectual property rights. | UNEP/CBD/WG8J/7/8/Add.1[[46]](#footnote-44)  4 September 2011  Report of the expert Meeting of Local Community Representatives.  The experts recommended that a working definition may be possible based on the following characteristics, some of which could be considered essential. The group agreed that self-identification or the right to self-identify should be foremost and essential in any list of characteristics and that, because of the diversity of local communities, a possible list of characteristics should be broad and inclusive. Furthermore, from the list of possible characteristics, a local community could possess a cluster of characteristics, reflecting its own unique cultural, ecological and social circumstances.  The COP in decision XI/14, B, on Local communities.  *Recognizing* that the involvement of local communities in accordance with Article 8(j) has been limited, *Recognizing also* that the full and effective participation of local communities is crucial to achieving the objectives of the Convention and implementing the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets,  17.*Encourages* Parties to take concrete actions to facilitate participation by indigenous and local communities in the development and implementation of national biodiversity strategies and action plans and other work under the Convention,  18. *Takes note* *with appreciation* of the report of the Expert Group Meeting of Local Communities Representatives (UNEP/CBD/WG8J/7/8/Add.1) and *encourages* Parties to consider this report as a potentially useful input to promoting full and effective participation by local communities in the work of the Convention;  19. *Takes note* of the characteristics listed in section I of the annex to the report of the Expert Group Meeting as potentially useful advice in identifying local communities, within the mandate of the Convention;  21. *Takes note with appreciation* of sections II and III of the annex to the report of the Expert Group Meeting as potentially useful advice for developing measures and mechanisms to assist in the implementation of the Convention and the achievements of its goals, and for developing targeted outreach activities for local communities … |
| 20. Nomadic | Persons without a fixed place of usual residence who move from one site to another, usually according to well-established patterns of geographical mobility | Entry number 2216 |
| 21. Prior, informed consent | Access to traditional knowledge, innovations and practices of indigenous peoples and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices.[[47]](#footnote-45)  Prior informed consent and approval and involvement should be understood as a continual process building mutually beneficial, ongoing arrangements between users of traditional knowledge and indigenous peoples and local communities, in order to build trust, good relations, mutual understanding, inter-cultural spaces, knowledge exchanges, create new knowledge and reconciliation.  It is not practical to propose a “one-size-fits-all” approach for prior informed consent or approval and involvement of indigenous peoples and local communities as regards access to their knowledge, innovations and practices; and therefore these guidelines are intended to be used taking into account national and local circumstances. | UNEP/CBD/WG8J/9/2 Guidelines  Annex: II. General Principles  A. Prior informed Consent or Approval and Involvement and  B. Paragraphs 2, 3 and 4 |
| 1. 22. Research   (In the context of Article 8(j) and related provisions on Traditional Knowledge) | Includes but is not limited to collecting and/or analysing information, data and/or statistics concerning knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 23. 23. Sacred site | A site, object, structure, area or natural feature or area, held by national Governments or indigenous and local communities to be of particular importance in accordance with the custom of an indigenous or local community because of its religious and/or spiritual significance[[48]](#footnote-46). | Akwe:Kon Guidelines |
| 24. Sacred species | A plant or animal held by indigenous and local communities to be of particular importance in accordance with the traditions and/or customs because of its religious or spiritual significance. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II  A similar concept occurs in the Akwe:Kon Guidelines:  Species inventories including identification of particular species  important to the affected indigenous or local community as food,  medicine, fuel, fodder, construction, artefact production, clothing, and  for religious and ceremonial purposes, etc. [[49]](#footnote-47) |
| 25. Self-identification | Attribution of certain characteristics or qualities to oneself. | IFAD Entry number 2226 |
| 1. 26. Sustainable development | Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. | IFAD Entry number 2234  and World Commission on Environment and Development. |
| 1. 27. Traditional Custodian | The group, clan or community or people, or an individual who is recognized by a group, clan or community of people as the individual, in whom the custody or protection of the expressions of culture are entrusted in accordance with the customary law and practices of that group, clan or community.[[50]](#footnote-48) | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. 28. Traditional resources | Are tangible or intangible assets of biological, spiritual, aesthetic, cultural and economic value used traditionally by indigenous peoples and local communities. | UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. 29. Traditional territories | Lands, and waters traditionally occupied, or used by indigenous peoples and local communities.[[51]](#footnote-49) | Akwe:Kon Guidelines  and  UNEP/CBD/WG8J/8/6/Add.1, annex, Section II |
| 1. 30. Tribal peoples | Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by its own customs or traditions or by special laws or regulations. | IFAD Entry number 2250  Also Convention concerning  Indigenous and Tribal Peoples in Independent Countries, ILO. |
| 1. 31. Tribe | Notional form of human social organization based on  a set of smaller groups, having temporary or permanent political  integration, and defined by traditions of common descent, language, culture, and ideology. | IFAD Entry no. 2250 |
| 1. 32. Vulnerable | Able to be easily physically, emotionally, or mentally hurt, influenced, or attacked | IFAD Entry number 2259  And Cambridge Dictionary |
| 1. 33. Vulnerable group | Group of people who have insufficient access to the quantity and quality of biological resources that would ensure a healthy life and/or are at risk of losing such access altogether | IFAD Entry number 2260 and  Also World Food Programme  In the context of the CBD “biological resources” is substituted for “food”. |
| 1. 34. Well-being | A context -and situation-dependent state, comprising basic material for a good life, freedom and choice, health, good social relations, and security | IFAD Entry number 2261  And FAO |

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1. UNEP/CBD/WG8J/9/2/Add.1. [↑](#footnote-ref-1)
2. Refer Annex I, Section II of Refer **UNEP/CBD/WG8J/8/6/ADD1,** Possible Elements of Sui Generis Systems for the Protection of Traditional Knowledge, Innovations and Practices of Indigenous and Local Communities at <https://www.cbd.int/doc/?meeting=WG8J-08> [↑](#footnote-ref-2)
3. Requested in decision XII/12 D, paragraph 5. [↑](#footnote-ref-3)
4. indicating sources. [↑](#footnote-ref-4)
5. in UNEP/CBD/WG8J/4/7. [↑](#footnote-ref-5)
6. XII/12, D, paragraph 2, Sub-Tasks (i) Develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed consent or approval and involvement of the indigenous and local communities; and (iv) Develop a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions; [↑](#footnote-ref-6)
7. As it appear in UNEP/CBD/WG8J/8/6/Add.1 Annex II [↑](#footnote-ref-7)
8. The proposed glossary was made available as UNEP/CBD/WG8J/8/6/Add.1, Annex II. [↑](#footnote-ref-8)
9. Refer to UNEP/CBD/WG8J/8/6/Add.1 Annex II. [↑](#footnote-ref-9)
10. As contained in UNEP/CBD/WG8J/8/6/Add.1, Annex II [↑](#footnote-ref-10)
11. As contained in UNEP/CBD/WG8J/9/2/ADD1 [↑](#footnote-ref-11)
12. XII/12 D Noting the desirability for consistency throughout the programme of work on Article 8(j), and between the Convention and the Nagoya Protocol [↑](#footnote-ref-12)
13. Including the United Nations Permanent Forum on Indigenous Issues, the World Intellectual Property Organization, the International Institute (the International Institute for Environment and Development), and submissions received from Kechua-Aymara Association for Nature and Sustainable Development (ANDES, Peru), Fundacion Dobbo Yala (Panama), University of Panama, Ecoserve (India), Centre for Indigenous Farming Systems (India), Herbal and Folklore Research Centre (India), Centre for Chinese Agricultural Policy (CCAP, China), Southern Environmental and Agricultural Policy Research Institute (ICIPE, Kenya), the Pacific Island Countries Regional Framework for the Protection of Traditional knowledge and Expressions of Culture, the Kenya Forestry Research Institute and the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, and Natural Justice. [↑](#footnote-ref-13)
14. decision XII/12 C and WG8(j) recommendation 9/3 [↑](#footnote-ref-14)
15. Refer WIPO/GRTKF/IC/28/INF/7, 19 May 2014.

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    [↑](#footnote-ref-15)
16. Including the United Nations Permanent Forum on Indigenous Issues, the World Intellectual Property Organization, the International Institute (the International Institute for Environment and Development), and submissions received from Kechua-Aymara Association for Nature and Sustainable Development (ANDES, Peru), Fundacion Dobbo Yala (Panama), University of Panama, Ecoserve (India), Centre for Indigenous Farming Systems (India), Herbal and Folklore Research Centre (India), Centre for Chinese Agricultural Policy (CCAP, China), Southern Environmental and Agricultural Policy Research Institute (ICIPE, Kenya), the Pacific Island Countries Regional Framework for the Protection of Traditional knowledge and Expressions of Culture, the Kenya Forestry Research Institute and the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, and Natural Justice. [↑](#footnote-ref-16)
17. Not commonly used in the context of Article 8(j) and related provisions. [↑](#footnote-ref-17)
18. A developing concept being considered within the context of the Joint Programme of Work between SCBD and UNESCO on the Links between Biological and Cultural Diversity, and not yet commonly used or universally accepted within the context of Article 8(j) and related provisions. [↑](#footnote-ref-18)
19. [↑](#footnote-ref-19)
20. Including in Bolivia and throughout the Latin American and Caribbean region. [↑](#footnote-ref-20)
21. African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, Part II, Definitions and Scope, page 4. [↑](#footnote-ref-21)
22. [↑](#footnote-ref-22)
23. Refer to the Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples facilitated by the United Nations Permanent Forum on Indigenous Issues (E/C.19/2005/3). [↑](#footnote-ref-23)
24. General Principle 5 of the programme of work on Article 8(j) and related provisions. [↑](#footnote-ref-24)
25. Refer Akwe:Kon Guidelines. [↑](#footnote-ref-25)
26. Refer Akwe:Kon Guidelines. [↑](#footnote-ref-26)
27. Refer Article 8(j) of the Convention. [↑](#footnote-ref-27)
28. [↑](#footnote-ref-28)
29. [↑](#footnote-ref-29)
30. Territory is interpreted as lands and waters. [↑](#footnote-ref-30)
31. Initially issued as document UNEP/CBD/WG8J/7/8. [↑](#footnote-ref-31)
32. For the purposes of this Convention Concerning the Protection of the World Cultural and Natural Heritage [↑](#footnote-ref-32)
33. Refer: <http://whc.unesco.org/en/conventiontext/> [↑](#footnote-ref-33)
34. Note: Across countries and continents, many terms and definitions are used to refer to indigenous peoples (Natives, First Nations, tribes, ethnic minorities, indigenous nationalities, Aboriginals, indigenous communities, pueblos originarios (Bolivia), adat communities (Indonesia), scheduled tribes (India), hill peoples, highland peoples (Cambodia), etc.). In Africa in recent years, progress has been made by the African Commission’s Working Group of Experts of the African Union in acknowledging and addressing the particular forms of discrimination facing ethnic minorities and other marginalized groups who identify themselves as indigenous peoples (The full Report of on Indigenous Populations/Communities is available at: <http://pro169.org/res/materials/en/identification/ACHPR%20Report%20on%20indigenous%20populations-communities.pdf> [↑](#footnote-ref-34)
35. Note: The 2007 United Nations Declaration on the Rights of Indigenous Peoples has not adopted a universal definition. While the prevailing view today is that no formal universal definition is necessary for the recognition of indigenous peoples’ rights, there is in practice a large degree of convergence among international agencies regarding common characteristics. [↑](#footnote-ref-35)
36. UN Doc. E/CN.4/Sub.2/1986/7 and Add. 1-4. The conclusions and recommendations of the study, in Addendum 4, are also available as a United Nations sales publication (U.N. Sales No. E.86.XIV.3). The study was launched in 1972 and was completed in 1986, thus making it the most voluminous study of its kind, based on 37 monographs. [↑](#endnote-ref-1)
37. A developing concept being considered within the context of the Joint Programme of Work between SCBD and UNESCO on the Links between Biological and Cultural Diversity, and not yet commonly used or universally accepted within the context of Article 8(j) and related provisions. [↑](#footnote-ref-36)
38. For the purposes of this Convention Concerning the Protection of the World Cultural and Natural Heritage [↑](#footnote-ref-37)
39. Refer: <http://whc.unesco.org/en/conventiontext/> [↑](#footnote-ref-38)
40. Including in Bolivia and throughout the Latin American and Caribbean region. [↑](#footnote-ref-39)
41. Note: Across countries and continents, many terms and definitions are used to refer to indigenous peoples (Natives, First Nations, tribes, ethnic minorities, indigenous nationalities, Aboriginals, indigenous communities, pueblos originarios (Bolivia), adat communities (Indonesia), scheduled tribes (India), hill peoples, highland peoples (Cambodia), etc.). In Africa in recent years, progress has been made by the African Commission’s Working Group of Experts of the African Union in acknowledging and addressing the particular forms of discrimination facing ethnic minorities and other marginalized groups who identify themselves as indigenous peoples (The full Report of on Indigenous Populations/Communities is available at: <http://pro169.org/res/materials/en/identification/ACHPR%20Report%20on%20indigenous%20populations-communities.pdf> [↑](#footnote-ref-40)
42. Note: The 2007 United Nations Declaration on the Rights of Indigenous Peoples has not adopted a universal definition. While the prevailing view today is that no formal universal definition is necessary for the recognition of indigenous peoples’ rights, there is in practice a large degree of convergence among international agencies regarding common characteristics. [↑](#footnote-ref-41)
43. UN Doc. E/CN.4/Sub.2/1986/7 and Add. 1-4. The conclusions and recommendations of the study, in Addendum 4, are also available as a United Nations sales publication (U.N. Sales No. E.86.XIV.3). The study was launched in 1972 and was completed in 1986, thus making it the most voluminous study of its kind, based on 37 monographs. [↑](#endnote-ref-2)
44. African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, Part II, Definitions and Scope, page 4. [↑](#footnote-ref-42)
45. “Territory” is interpreted as “lands and waters”. [↑](#footnote-ref-43)
46. Initially issued as document UNEP/CBD/WG8J/7/8. [↑](#footnote-ref-44)
47. General Principle 5 of the programme of work on Article 8(j) and related provisions. [↑](#footnote-ref-45)
48. Refer Akwe:Kon Guidelines. [↑](#footnote-ref-46)
49. Refer Akwe:Kon Guidelines. [↑](#footnote-ref-47)
50. [↑](#footnote-ref-48)
51. [↑](#footnote-ref-49)