

DRAFT OF CBD/WG8J/10/2 FOR REVIEW

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

Note by the Executive Secretary

INTRODUCTION

1. At its thirteenth meeting, the Conference of the Parties, in decision XIII/26, paragraph 3, invited Parties, other Governments and representatives of indigenous peoples and local communities, to submit views on possible ways and instruments for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities and aiming at enhancing efficiencies, coherence and coordination 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 and recommendation to the second meeting of the Subsidiary Body on Implementation for further consideration.

2. Accordingly, the Executive Secretary solicited such views through notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017. The views received are made available in **CBD/WG8J/10/INF**.¹

3. To assist the Working Group in its task, the Executive Secretary has prepared the present document. Section I provides an overview of the work carried out under the Convention on Articles 8(j) and related provisions.² Section II provides an overview of the views received on possible ways and instruments for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities and aiming at enhancing efficiencies, coherence and coordination. Section III presents proposals for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols. Finally, building on proposals made in Section III, Section IV suggests draft recommendations.

4. The Working Group is expected to consider the proposals and prepare recommendations for further consideration by Subsidiary Body on Implementation at its second meeting. In doing so, the Working Group may wish to take into account information document **CBD/WG/8J/10/INF**³, which contains an update on the programme of work, including an analysis on postponed tasks,⁴ as well as a compilation of views received in **CBD/WG8J/10/INF**⁵

1 Views were received from Australia, Bolivia, Bosnia and Herzegovina, Brazil, Mexico, Venezuela, Secretariat of the UNFCCC, Assembly of First Nations (Canada), COICA, Peoples Programme, Global Forest Coalition, ICCA Consortium, And R E D C A M (Red De Cooperación Amazónica Puerto Ayacucho - Estado Amazonas - Venezuela), Red De Mujeres Indigenas Sobre Biodiversidad.

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

3 To be advised

4 In decision X/43, the COP revised the programme of work for article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

5 To be advised

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

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

5. Article 8(j), and related provisions Articles 10(c), 17.2 and 18.4 of the Convention address: the respect, preservation, maintenance and promotion of the knowledge, innovations and practices of indigenous peoples and local communities ⁶; protecting and encouraging customary sustainable use ⁷; encouraging the exchange of information, including indigenous and traditional knowledge and where feasible repatriation; ⁸ as well as methods for the development and use of technologies, including indigenous and traditional technologies. ⁹ These articles are regarded as cross-cutting and therefore relevant across the other areas of work of the Convention.

Working Group on Article 8(j)

6. By decision IV/9, paragraph 1, the fourth Conference of the Parties (COP 4), held in Bratislava, (1998) decided to establish an Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and related provisions to address the implementation of Article 8 (j) and related provisions of the Convention. The mandate of this Working Group is to provide to the Conference of the Parties advice relating to the implementation of Article 8(j) and related provisions (decision IV/9) and to review progress in the implementation of the priority tasks of the programme of work (decision V/16, paragraph 9). The priority tasks were reviewed by the Conference of the Parties at its tenth meeting in decision X/43, which established a revised multi-year programme of work in 2010, available at: <https://www.cbd.int/doc/decisions/cop-10/cop-10-dec-43-en.pdf> (see the section on programme of work, below).

7. The Working Group on Article 8(j) and Related Provisions has met nine times since its establishment in 1998 ¹⁰ and has some notable achievements. In particular, the Working Group has raised the profile of indigenous peoples and local community issues throughout the Convention process. It has successfully developed and monitored the implementation of the work programme on Article 8(j) and related provisions, and delivered a number of guidelines and other tools.

Enhanced participation mechanisms

8. A fundamental principle of the programme of work and the Working Group for Article 8(j) has been the effective participation of indigenous peoples and local communities. Thus, the Working Group on Article 8(j) has adopted practices to ensure the effective participation of IPLCs in its work. Enhanced participation practices in the Working Group include such measures as: the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as an indigenous peoples and local community bureau, and co-chairs for sub-working groups and contact groups, and enhanced opportunities to make

⁶ Article 8(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices:

⁷ Article 10(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

⁸ Article 17.2 Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

⁹ The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

¹⁰ at the fourth meeting of the Conference of the Parties

1 interventions on all agenda items. Additionally to further assist the effective participation of IPLCs in the
2 work of the Convention the Secretariat has established specific web-pages and web-based tools, including
3 the Traditional Knowledge Information Portal, and facilitates regular capacity development efforts, and
4 manages a voluntary funding mechanism for the participation of IPLCs in meetings held under the
5 Convention.¹¹ All in all, the work of the Secretariat to engage IPLCs is seen as a good practice model for
6 the rest of the United Nations system.

7 *Programme of Working for Article 8(j) and related provisions and update*

8 9. The programme of work on Article 8(j) and related provisions¹² is the main instrument that
9 Parties to the Convention on Biological Diversity have given themselves to achieve the commitments in
10 Article 8(j) and related provisions, and later to Aichi Target 18¹³ by 2020.

11 10. To date the programme of work for article 8(j) and related provisions has produced significant
12 results including:

13 (i) The composite report on the status and trends of traditional knowledge¹⁴ bringing
14 together detailed regional information from every region and the identification of processes at
15 national and local levels that may threaten the maintenance, preservation and application of
16 traditional knowledge.

17 (ii) Guidelines for the conduct of cultural, environmental and social impact assessments
18 (the Akwe:Kon Voluntary Guidelines) (Decision VII/16);

19 (iii) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and
20 Intellectual Heritage of Indigenous and Local Communities (X/42) and the global Plan of Action
21 on the Customary Sustainable Use of Biological Diversity (Decision XII/12 B, Annex), and

22 (iv) The Mo'otz kuxtal¹⁵ voluntary guidelines for the development of mechanisms,
23 legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior
24 and informed consent” or “approval and involvement”, depending on national circumstances, of
25 indigenous peoples and local communities¹⁶ for accessing their knowledge, innovations and
26 practices, for fair and equitable sharing of benefits arising from the use of their knowledge,
27 innovations and practices relevant for the conservation and sustainable use of biological diversity,
28 and for reporting and preventing unlawful appropriation of traditional knowledge, (Decision
29 XIII/18).¹⁷

11 Refer to: <https://www.cbd.int/traditional/fund.shtml>

12 The COP adopted the programme of work for Article 8(j) and related provisions in Decision V/16

13 Target 18 By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

14 UNEP/CBD/WG8J/5/3 Phase Two of the Composite Report on the Status and Trends Regarding the Knowledge, Innovations and Practices of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity, available at: <https://www.cbd.int/doc/?meeting=WG8J-05>

15 Meaning “roots of life” in the Maya language

16 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).

17 The adoption of the Mo'otz kuxtal¹⁷ voluntary guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge.

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

8 *Plan of Action on Customary Sustainable Use of Biological Resources*

9 12. After the most recent indepth review and the establishment of a multi-year programme of work for
10 article 8(j) and related provisions in 2010, the Conference of the Parties²⁰ at its tenth meeting, decided to
11 place greater focus on the implementation of Article 10(c) on customary sustainable use of biological
12 diversity.²¹ Pursuing this, the COP in decision XI/14 F, agreed on the development of a plan of action on
13 customary sustainable use of biological diversity, as a new major component of the revised programme of
14 work for Article 8(j) and related provisions, and at its twelfth meeting in decision XII/12 B, endorsed the
15 global Plan of Action on Customary Sustainable Use, inviting Parties, other Governments, relevant
16 organizations, indigenous and local communities and stakeholders to implement the plan of action on
17 customary sustainable use of biological diversity, and to report on progress to the Executive Secretary, as
18 well as through the national reporting process.

19 13. Additionally, with regards to possible future work on the Plan of Action on Customary Sustainable
20 Use, the COP in decision XI/14 F, paragraph 11, decided to transmit a list of indicative tasks contained in
21 the annex to XI/14 F to the Working Group on Article 8(j) and Related Provisions for future consideration,
22 after the review of the first phase of the plan of action on customary sustainable use.²² As the Subsidiary
23 Body on Review of Implementation has considered progress made in the implementation of Article 8(j),
24 including Article 10(c) including the global Plan of Action on Customary Sustainable Use at its first
25 meeting, it may be timely to revisit the indicative list of tasks in order to consider whether future work on
26 customary sustainable use is warranted, in light of advances made in the implementation of phase I but to
27 do so in the broader considerations regarding the post 2020 arrangements for the Convention, in order to
28 ensure fully integrated work.

29 14. Regarding progress on the implementation of the first phase of work of the Plan of Action on
30 Customary Sustainable Use, to date reporting progress on implementation has been at best, minimal. It was
31 reported to SBI I, in the analysis of the NBSAPs²³ in 2016, that although 18 Parties have reported on
32 inclusion of IPLCs in the NBSAPs, only three had mentioned customary sustainable use. The thirteenth
33 meeting of the Conference of the Parties addressed this issue in decision XIII/1, paragraph 18, which
34 *encourages* Parties to reinforce and strengthen efforts to mainstream Article 8(j) and Article 10(c),
35 including the Plan of Action on Customary Sustainable Use of Biological Diversity²⁴ and capacity
36 development, in the development, updating and implementation of the national biodiversity strategies and
37 action plans.

18 Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity

19 Refer to document [CBD/WG8J](#), a glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions

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

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

11 *Article 8(j) and related provisions as cross-cutting issues*

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

18 18. In addition, a regular mechanism, established by the Conference of the Parties at its tenth meeting,
19 for advice on thematic areas of the Convention has been the inclusion of an indepth dialogue on the
20 agenda at each Working Group meeting or an additional temporary agenda item for new issues.²⁵

21 *Postponed Tasks of the Revised Programme of Work (decision X/43)*

22 19. In decision X/43, the COP decided to postpone the consideration and commencement of other
23 uninitiated tasks of the programme of work, pending completion current tasks and in light of ongoing
24 developments, namely task 11, 6, 13, 14 and 17.²⁶

25 20. As priority tasks 7, 10, 12 and 15 are nearing completion, an update is provided on the programme
26 of work, including an analysis on the status of postponed tasks 11, 6, 13, 14 and 17,²⁷ in
27 **CBD/WG/8J/10/INF/28**, in order to determine to what extent the postponed tasks have already been
28 addressed in previous work. The analysis concludes that in light of the work completed by the programme
29 of work for article 8(j) and related provisions (referred to previously in paragraph 10), most aspects of the
30 five postponed tasks have been addressed. In particular the recent adoption of the Mo'otz kuxtal²⁹
31 voluntary guidelines for Traditional Knowledge addresses most aspects in postpone tasks which suggest
32 the development of additional guidelines. The analysis may assist the Working Group in the finalising the
33 current programme of work by COP 14, in order to move towards the full integration of articles 8(j) and
34 related provisions and IPLCs into the post 2020 arrangements for the Convention. In the event that the
35 Working Group considers further work is needed, proposals for further work should be considered within
36 the broader consultation processes for the Convention's post 2020 arrangements in order to ensure that any
37 future work decided upon is fully integrated.

25 The indepth dialogue is a regular feature of the Working Group that contributes advice to the other areas of work of the Convention (previously referred to as thematic areas), established by COP Decision X/43 paragraph 12.

²⁶ Refer to Decision X/43 paragraph 7.

²⁷ In decision X/43, the COP revised the programme of work for article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

²⁸ To be advised

²⁹ Meaning "roots of life" in the Maya language

II. OVERVIEW OF VIEWS RECEIVED

21. In response to previously mentioned decision XIII/26, the Executive Secretary requested views³⁰ in order to assist the tenth meeting of the Working Group to explore possible ways and instruments for achieving full integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of indigenous peoples and local communities and aiming at enhancing efficiencies, coherence and coordination. Views were received from six Parties, one international organization, two indigenous organizations, one local community organization and three non-governmental organizations.³¹ They address both issues of process and substance and are further examined below.

Issues related to the integration process

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

Participation of IPLCs in meetings held under the Convention

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

24. Two submissions emphasised that experience acquired with the organisation of concurrent meetings for Convention and its Protocols could inform consideration of how practices and approaches followed by the Working Group on Article 8(j) and related provisions could be fully integrated into the broader deliberations of the CBD and its Protocols, through its subsidiary bodies. This could include consideration of the enhanced participation mechanisms practiced under the Working Group, such as providing opportunities for IPLC's to verbally raise issues higher in the order of speakers in order to foster dialogue, appointment of an indigenous co-chair and IPLC Bureau to assist the Chairperson and Bureau, and by allowing IPLC's to raise issues during smaller contact group and friends of the chair deliberations, as a standard practice across the Convention. Another submission emphasised that the effective participation of IPLCs in all matters of relevance to them must be guaranteed as a universally accepted right. Several suggestions noted the best way to enhance efficiencies, coherence and coordination of the work of integrating Articles 8 and 10(c) is to ensure the effective participation of IPLCs in all areas of work under the Convention.

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

30 In notification SCBD/SPS/DC/VN/JS/DM/86220, dated 26 January 2017. The views and information are made available as [UNEP/CBD/WG8J/10/Inf.5](#)

31 Australia, Bolivia, Bosnia And Herzegovina, Brazil, Mexico, Venezuela, Secretariat of the UNFCCC, Assembly of First Nations (Canada), Red de Mujeres Indigenas sobre Biodiversidad, Forest Peoples Programme, Global Forest Coalition, ICCA Consortium, and R E D C A M (Red de Cooperación Amazónica Puerto Ayacucho - Estado Amazonas - Venezuela).

1 26. An alternative proposal in submissions received to extending the practices for enhanced
2 participation of IPLCs enjoyed under the Working Group to other bodies, is that sessions of the Working
3 Group along with its practices for effective participation of IPLCs, could be convened as needed, within
4 other subsidiary bodies, the Conference of the Parties and the COP MOPs. This could allow for effective
5 participation mechanisms for IPLCs on all matters of direct relevance to them and the clustering of related
6 subjects or agenda items within these bodies, possibly leading to greater efficiencies in the process and
7 improved coherency in the outcomes.

8 *The ad hoc open ended intersessional Working Group of Article 8(j) and Related Provisions*

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

17 *A Permanent Body on IPLCs*

18 28. One suggestion is that the Working Group's mandate be extended be a permanent body with a
19 mandate to provide advice directly to the Conference of the Parties of the Convention, its Protocols, its
20 subsidiary bodies and the various areas of work.³² As working groups within the United Nations system
21 are temporary bodies, this submission also suggests that should the Working Group become a permanent
22 mechanism that it become known as the Subsidiary Body on Indigenous Peoples and Local Communities
23 (and their traditional knowledge in the conservation of biodiversity), or Permanent Forum on IPLCs and
24 Biodiversity (under the Convention), with a view to strengthen and coordinate input from IPLCs into
25 achieving the objectives of the Convention, in all subsidiary bodies and areas of work. Similar suggestions
26 were received to maintain and further develop the Working Group as an expert body.³³

27 *A Solutions-Oriented Think-Tank*

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

37 30. The Working Group reconceptualised as an advisory or specialised body to the Convention that
38 could be convened as needed for items of direct relevance to IPLCs, under the umbrella of other subsidiary
39 bodies, such as SBSTTA and SBI, evoking the enhanced participation mechanisms enjoyed under the
40 Working Group, as well as addressing its own programme of work, could be a way forward. Such an
41 arrangement could see the sessions of the Working Group convened within other subsidiary bodies,
42 allowing for a clustering a related issues, better participation of IPLCs and more coherent outcomes. This
43 proposal is compatible with the previous suggestion to make the Working Group a permanent body with a
44 mandate to provide advice to the subsidiary bodies, the Conference of the Parties and the COP MOPs.

1 *Full Integration of the Working Group and IPLCs into the work of the Convention*

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

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

10 32. In order for the full potential of IPLCs input to be realised³⁴ and in order to mobilize and provide
11 effective input across the Convention, the contributions from the Working Group on Article 8(j)
12 participants and especially IPLCs to areas of work under the Convention, including draft decisions needs
13 careful preparation before each Convention meeting. Essential to this is the need to explore opportunities
14 to enable this to happen. Electronic platforms can have a role to play. Regional preparatory workshops
15 can also assist. Some Parties have nominated national focal points for article 8(j) and related provisions,³⁵
16 as well as created national working groups on Article 8(j), or IPLC advisory committees, in order to
17 implement obligations nationally and also to provide coordinated input into Convention processes and
18 meetings.

19 33. Some submissions envisaged the Working Group and IPLCs contributing more broadly to the
20 Convention through such topics as Living in Harmony with Nature,³⁶ and traditional knowledge and
21 customary sustainable use for the Sustainable Development Goals. Some submissions also discuss the
22 Joint Programme of Work between SCBD and UNESCO on the Links between Biological and Cultural
23 Diversity³⁷ emphasising the concept of “biocultural diversity” needs to be taken into account, especially in
24 discussing post 2020 arrangements. All in all, there was unanimous support for both the strengthening and
25 integration of the Working Group, while at the same time, addressing outstanding work, considering future
26 work, especially in light of post 2020 arrangements, and finding better ways and means to provide advice
27 as a cross-cutting issue to all matters of direct relevance to IPLCs under the Convention.

28 ***IPLC Participation at the National Level***

29 34. Some Parties and other contributors also took up the importance of national and sub-national
30 mechanisms for the effective participation of IPLCs in the work and implementation of the Convention,
31 such as national working groups or committees.³⁸ Some contributors called for a voluntary peer review
32 process at national level for the national reports and the national biodiversity strategies and action plans, to
33 assist IPLCs and others to improve the participation of IPLCs and to assist in implementation of the
34 Convention at the national level and local levels.³⁹ National structures such as these, could assist in
35 national coordination, implementation and also contribute to issues under discussion at the Convention, its
36 subsidiary bodies and its Protocols and within the framework of the Working Group on Article 8(j).

³⁴ To provide advice on traditional knowledge and customary sustainable use, as cross-cutting issues,

³⁵ Refer to <https://www.cbd.int/doc/lists/nfp-cbd-tk.pdf>. To date, thirty-seven (37) Parties have nominated NFPs for TK.

³⁶ The theme for COP 14 in 2018 is “Living in Harmony with Nature”

³⁷ A progress report on the Joint Programme of Work is made available in **CBD/WG8J/10/INF/XX** to inform discussions on future work.

³⁹ Refer to Decision XIII/25

1 ***The Participation of Local Communities***

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

6 36. Although the Conference of the Parties at its eleventh meeting, took up the issue of “local
7 communities” in Decision XI/14 B,⁴⁰ the involvement of local communities remains limited for various
8 reasons, including a lack of manifestation and organization at the international level, the lack of
9 infrastructure within and between local communities, the lack of a common language, as well as lack of a
10 working definition within the context of the Convention. In fulfilling the mandate and programme of work
11 for Article 8(j) and related provisions, it may be useful to consider targeted outreach to local communities,
12 including at the national and sub-national levels, with the view of more fully involving them in Convention
13 processes, especially recognising the contribution of their collective actions to its implementation.

14 ***IPLC Participation in Broader Arrangements under the Convention on Biological Diversity***

15 37. Finally, it was also suggested in two submissions that IPLCs need to be effectively participating in
16 broader coordination arrangements, beyond the Convention, such as the Biodiversity Liaison Group, in
17 order to promote the effective participation mechanisms practiced by the Working Group on Article 8(j)
18 and to influence other processes related to the environment and biodiversity. It was also suggested that
19 important messages such as the significant role played by ICCAs in achieving the goals of the Convention,
20 could be promoted to other relevant forums and members of the Biodiversity Liaison Group.

21 38. Building on this line of thought, another submission emphasised that integration of Article 8(j) and
22 provisions related to Indigenous Peoples and Local Communities in the work of the Convention and its
23 Protocols is a fundamental issue that would contribute to optimizing efforts, times and resources, and
24 certainly contribute to achieving the objectives of the Convention, and thus integration could go beyond
25 the Convention and its Protocols to establish dialogue, synergies and coordination with others UN
26 processes (including the SDGs), instruments and agencies. It could also increase and consolidate
27 cooperation with UNESCO, WIPO and FAO.

28 39. Some submissions suggested enhancing virtual platforms such as the Traditional Knowledge
29 Portal⁴¹ in order to further support the Working Group by promoting learning and exchanges between
30 IPLCs, promoting dialogue between networks of IPLCs and policy makers and other actors and by
31 developing further and supporting existing networks of IPLCs on biodiversity, as well as to contribute to
32 intersessional work.

33 ***Capacity Development for IPLCs and Parties***

34 40. Indigenous representatives have also suggested that, in looking at national implementation, there
35 are weaknesses in the vertical and horizontal linkages among different sectors that impact on biodiversity,
36 but more importantly, a disconnect being what is being said by central or national governments and the
37 experiences of local realities. They go on to say that much of this points to the ongoing need for capacity
38 development for Parties and other major actors, including the private sector and the building of creative
39 partnerships between stakeholder groups. The full and effective implementation of the Convention calls for
40 full and effective participation not only of indigenous peoples and local communities but of all
41 stakeholders and the whole of society, if the Convention’s goals are to be achieved.

40 Refer to decision XI/14 B, paragraphs 16 to 21 at: <https://www.cbd.int/decision/cop/default.shtml?id=13175>

41 Refer to: <https://www.cbd.int/tk/default.shtml>

1 41. Many submissions noted that capacity development for the effective participation in meetings held
2 under the Convention and in Convention processes, as well as on new and emerging issues, such as
3 synthetic biology, are crucial for the effective participation and contributions of IPLCs and called for
4 current efforts to continue up to and post 2020. In recent decisions Parties continue to prioritize the
5 capacity development of indigenous peoples and local communities and this remains an ongoing need and
6 is crucial to their effective participation in the Convention. In considering future work it should remain an
7 important priority.

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

12 **Possible Future Work**

13 43. The following provides an overview of submissions received in relation to future work to be carried
14 out on matters of relevance to IPLCs

15 *Customary Sustainable Use of Biodiversity*

16 44. One submission received notes that the Plan of Action on Customary Sustainable Use of
17 Biological Diversity (Decision XII/12 B, paragraph 1, Annex), contains excellent considerations and
18 guidance and was endorsed and opened for implementation only in 2014, and is remains completely valid,
19 including in the post 2020 period.⁴² The same submission along with others, note the plan of action for
20 customary sustainable use, needs carrying over with some updating for the post 2020 period. The
21 submission emphasises that implementation of the plan of action on Customary Sustainable Use is the
22 crucial step and there are bottlenecks in its implementation, in many cases.⁴³

23 45. In considering future work, some submissions noted lack of progress in the implementation of the
24 Plan of Action on CSU and called for additional efforts towards implementation of the first phase.
25 Additionally paragraph 11 of the decision XI/14 F transmits a list of indicative tasks contained in the
26 annex of XI/14 F, for the future consideration of the Working Group, after the review of the first phase of
27 plan of action on customary sustainable use. A copy of the indicative list is available at:
28 <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf> (refer to pages 8 and 9).

29 46. Phase 2 of the Plan of Action for CSU should focus on enhanced understanding and application of
30 the (first phase of) the Plan of Action including the three priority tasks.⁴⁴ The key concept here is better
31 partnerships and collaboration and improved participation of IPLCs at local and national levels, responding
32 to the specific contexts and needs in each country for implementation of the Plan. In order to assist the
33 WG8(j) in considering priorities for a second phase of work on customary sustainable use, the Parties may
34 need to consider a technical expert group meeting and a call for views in order to assist such a group to
35 identify priorities for the consideration of a future meeting of the Working Group on Article 8(j). However,
36 in order the ensure that any new work envisaged after 2020 for article 8(j) and related provisions is fully
37 integrated, it may be preferable that this be determined within the broader discussions concerning post
38 2020 arrangements for the Convention and not in isolation.

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

1 ***Local Biodiversity Outlooks***

2 47. In the theme of mainstreaming and integrating traditional knowledge and customary sustainable
3 use, some submissions noted that the Local Biodiversity Outlooks, welcomed by the COP in Decision
4 XIII/3, provides an exemplary tool for demonstrating how traditional knowledge and customary
5 sustainable use, as cross-cutting issues, are relevant across the work spectrum of the Convention. The
6 Local Biodiversity outlooks is also demonstrative of the role of IPLCs and their collective actions in
7 attaining the goals of the Convention and underlines the need to approach biological and cultural diversity
8 as inextricably linked.

9 ***The Joint Programme of Work on Biological and Cultural Diversity***

10 48. The same submissions also suggest that the symbiotic relationship between biological and cultural
11 diversity should be taken forward in a more direct and effective way in the future work of the Convention.
12 For example, the new 10-year plan from 2020 onwards or the post 2020 arrangements should mainstream
13 biological and cultural diversity, building on lessons learned from the Joint Programme of Work between
14 SCBD and UNESCO on the Links between Biological and Cultural Diversity, and using a social-
15 ecological framework, rather than formulating one single target on traditional knowledge and customary
16 sustainable use. In order to assist the Working Group, a progress report on the Joint Programme of Work
17 between SCBD and UNESCO on the Links between Biological and Cultural Diversity is made available in
18 UNEP/CBD/COP/13/INF/28/REV/I.⁴⁵

19 ***Proposals for National Implementation***

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

25 ***Postponed tasks of the programme of work***⁴⁶

26 50. Indigenous peoples and local community representatives have emphasized in their submissions
27 that there is a need to fully consider whether postponed tasks of the programme of work, need to be
28 revisited, adjusted or replaced, in order to ensure their relevance, in the light of other developments in
29 recent years and current needs, including the recent adoption of Mo'otz kuxtal⁴⁷ voluntary guidelines for
30 Traditional Knowledge by the Conference of the Parties at its thirteen meeting in decision XIII/18.

31 51. Some indigenous and local community representatives have emphasized that postponed tasks
32 should not be abandoned if they remain relevant, especially in the light of the adoption and implementation
33 of the Nagoya Protocol. At the same time, indigenous and local community representatives also believe
34 that there is a need for a more holistic and forward looking programme of work, rather than simply
35 rehashing the list of tasks, which were developed almost two decades ago.⁴⁸

36 52. Additionally, it was suggested by one submission on the integration and implementation of article
37 8(j), that in formulating future work the Working Group should take into account gender and the Gender
38 Plan of Action for the Convention.⁴⁹ This submission goes on to say that what is being discussed in the

45 Progress Report on the SCBD-UNESCO Joint Programme on the Links between Biological and Cultural Diversity

46 In decision X/43, the COP revised the programme of work for article 8(j) and related provisions, postponing tasks 6, 11, 13 and 14 and 17, pending completion of tasks 7, 10, 12, and 15.

47 Meaning "roots of life" in the Maya language

48 The programme of work for Article 8(j) and related provisions was adopted in Decision V/16 at the fifth meeting of the Conference of the Parties in 2000.

1 contemporary global crisis are major shifts and transformations in economics, politics and environment, in
2 which indigenous peoples and local communities, biological and cultural diversity can and should make a
3 vital and major contribution.⁵⁰ In the submissions received regarding the postponed tasks there were no
4 firm proposals on addressing these tasks however a proposal is made by the Executive Secretary for the
5 consideration of the Working Group in the following section.

6 **III. PROPOSALS FOR ACHIEVING FULL INTEGRATION OF ARTICLE 8(J) AND**
7 **PROVISIONS RELATED TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**
8 **IN THE WORK OF THE CONVENTION AND ITS PROTOCOLS**

9 53. In light of the overview of work carried out on Article 8(j) and related provisions presented under
10 section I and the overview of views received under section II, the following proposes options for
11 consideration regarding the way forward with respect to the full integration of Article 8(j) and related
12 provisions in the work of the Convention and its Protocols. These proposals relate to: (i) Participation of
13 IPLCs⁵¹ and options for the ad hoc open ended intersessional Working Group of Article 8(j) and Related
14 Provisions; and (ii) the programme of work and possible future work.

15 *Participation of IPLCs and options for the ad hoc open ended intersessional Working Group of Article*
16 *8(j) and Related Provisions*

17 54. There are a number of approaches proposed in the submissions received towards improving the
18 effective participation of IPLCs in the work of the Convention. Submissions were received on national
19 implementation. Draft decisions emanating from the Subsidiary Body on Review of Implementation on
20 this matter have been considered and adopted by the Conference of the Parties at its thirteenth meeting, in
21 order to improve the participation of IPLCs in national implementation. The Secretariat

22 55. Additionally, and although capacity development is regarded as essential for the effective
23 participation of IPLCs in the work of the Convention, and submissions were received emphasizing its
24 importance, this matter was taken up by the Conference of the Parties at its thirteenth meeting in decision
25 XIII/ 23, which adopts the Short-term Action Plan (2017-2020) to Enhance and Support Capacity-Building
26 for the Implementation of the Convention and its Protocols, and therefore is not taken up in this document.
27 However, as many submissions made it clear that capacity development of IPLCs and Parties is necessary
28 for the effective participation of IPLCs and Parties in the work of the Convention, capacity development
29 should remain a priority in post 2020 arrangements. When developing the long term Capacity
30 Development Strategy envisaged in decision XIII/23, the Secretariat will ensure that indigenous peoples
31 and local communities effective participate.

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

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

39 Option A: Enhanced Integration

40 (a) Integrate future work on matters of relevance to IPLCs into the work of SBSTTA and SBI,
41 such that agenda items on matters of relevance to IPLCs would be taken up within the
42 appropriate subsidiary body before consideration by the COP or COP-MOPs, and

51 in meetings held under the Convention and at the National Level including the Participation of Local Communities

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

6 Option B: Permanent Body

7 Extend the mandate of the Working Group on Article 8(j) and related provisions to become a
8 permanent body under the Convention, with a view to provide advice across the Convention,
9 including the Conference of the Parties, and its Protocols, and their Subsidiary Bodies on all
10 matters of direct relevance to IPLCs;
11

12 *Participation of Local communities*

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

19 ***The Programme of Work and Possible Future Work***

20 59. Having considered views submitted, and in order to ensure that that future work should be fully
21 integrated in the broader work of the Convention and, the Executive Secretary recommends that the current
22 work programme is finalised by 2020 and future work on articles 8(j) and related provisions are considered
23 in light of post 2020 arrangements and the need to find better ways and means to provide advice as a cross-
24 cutting issue, to all matters of direct relevance to IPLCs under the Convention.

25 60. In addition, future trainings and regional workshops on traditional knowledge and customary
26 sustainable use, could be enhanced by facilitating inter-cultural dialogues and work sessions alongside
27 national (or sub-regional) events, where exchanges can happen between IPLCs organisations, NGOs,
28 policymakers, scientists/academia and others, and where collaboration can take place. The agreements and
29 outcomes of such exchanges could be reflected in the NBSAPs and national reports (including specific
30 targets, indicators or plans and information on TK/CSU). Also, (multi-country) projects could be
31 promoted which focus on direct collaboration and implementation between governments and IPLCs at
32 country level to support customary sustainable use and collective action, as well as to address
33 transboundary issues. Financial resources for IPLCs to implement the plan of action on CSU are also
34 essential.⁵²

35 *Plan of Action of Customary Sustainable Use*

36 61. There remains a strong need to raise awareness about the added value of customary sustainable use
37 for the goals of the Convention and its relationship with traditional knowledge. In the coming years, the
38 Parties could more pro-actively invest in the effective implementation of the Plan of Action on Customary
39 Sustainable Use and other tools emanating from the Working Group and adopted by the Conference of the
40 Parties. With regards to possible future work on the Plan of Action on CSU, the COP in decision XI/14 F,
41 paragraph 11, decided to transmit a list of indicative tasks contained in the annex to XI/14 F to the
42 Working Group on Article 8(j) and Related Provisions for future consideration, after the review of the first
43 phase of the plan of action on customary sustainable use. It may therefore be opportune at this meeting, to

1 revisit the list of indicative tasks in order to decide whether a second phase of work on the Plan of Action
2 of CSU is warranted in the post 2020 arrangements.

3 *Implementation of Tools and Standards developed by the Working Group and adopted by the Conference*
4 *of the Parties*

5 62. In order to get real traction on article 8(j) and related provisions and to achieve Target 18 by 2020
6 or after, it is paramount that Parties and Governments that do not have national arrangements in place to
7 address key issues, including traditional knowledge and customary sustainable use, should implement and
8 report on the various guidelines and standards developed under the Working Group and adopted by the
9 Conference of the Parties. National implementation of existing tools, with the effective participation of
10 IPLCs, should remain a priority for the Convention in the post 2020 arrangements.

11 *Postponed Task of the Revised Programme of Work for Article 8(j) and related provisions*

12 63. Having analysed the postponed tasks of the revised programme of work for article 8(j) and related
13 provisions, against work completed, the assessment is that most of the work on postponed tasks 6, 11, 13,
14 14 and 17 could be regarded as completed through previous work. This is examined in detail in
15 information document **CBD/WG8J/10/INF/**. The analysis concludes that in light of the work completed by
16 the programme of work for article 8(j) and related provisions (referred to previously in paragraph 10),
17 most aspects of the five postponed tasks have been addressed. In particular the recent adoption of the
18 Mo'otz kuxtal⁵³ voluntary guidelines for Traditional Knowledge addresses most aspects in postpone tasks
19 which suggest the development of additional guidelines.

20 64. In light of the desire of the Parties to have a fully integrated programme of work post 2020, and
21 the need to finalise the current programme of work by the 11th meeting, the Working Group may wish to
22 regard these tasks as addressed through previous work, or alternatively consider whether any outstanding
23 work across these tasks can be dealt with by the 11th meeting of the Working Group in an integrated
24 manner, or make proposals for possible future work within the post 2020 arrangements for the Convention.

25 **IV. RECOMMENDATIONS**

26 65. In light of the proposals contained in section III above, the Working Group proposes elements of a
27 draft decision by COP 14, for further consideration by SBI:

28 ***Ways and instruments for achieving full integration of Article 8(j) and provisions related to indigenous***
29 ***peoples and local communities in the work of the Convention and its Protocols, with full and effective***
30 ***participation of indigenous peoples and local communities and aiming at enhancing efficiencies,***
31 ***coherence and coordination***

32 *Recalling* Decision V/16, which established the programme of work for article 8(j) and related provisions
33 and Decision X/43,⁵⁴ which revised the multi-year programme of work for 2010-2020;

34 *Noting* that postpone tasks 6, 11, 13, 14 and 17 of the multi-year programme of work have been addressed
35 through the completion of other tasks of the work programme for article 8(j) and related provisions;

36 *Recognizing* the need for a more holistic, forward-looking and integrated programme of work, taking into
37 account recent developments, including the Sustainable Development Goals, the Paris Agreement and post
38 2020 arrangements for the Convention;

53 Meaning "roots of life" in the Maya language

54 In Decision X/43 in which the COP adopted a revised multi-year programme of work for article 8(j), retiring completed or superseded tasks 3, 5, 8, 9 and 16.

1 *Building on* the composite report on the status and trends of traditional knowledge and the guidelines and
2 other tools and standards already developed by the Working Group on Article 8(j) and related provisions,
3 including:

- 4 • *The Guidelines for the conduct of cultural, environmental and social impact assessments (the*
5 *Akwe:Kon Voluntary Guidelines) (Decision VII/16);*
- 6 • *The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual*
7 *Heritage of Indigenous and Local Communities;*
- 8 • *The Mo'otz kuxtal⁵⁵ voluntary guidelines for the development of mechanisms, legislation or other*
9 *appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed*
10 *consent” or “approval and involvement”, depending on national circumstances, of indigenous*
11 *peoples and local communities⁵⁶ for accessing their knowledge, innovations and practices, for fair*
12 *and equitable sharing of benefits arising from the use of their knowledge, innovations and*
13 *practices relevant for the conservation and sustainable use of biological diversity, and for*
14 *reporting and preventing unlawful appropriation of traditional knowledge;*
- 15 • *The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of*
16 *Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of*
17 *Biological Diversity⁵⁷ ; and*
- 18 • *The global Plan of Action on the Customary Sustainable Use of Biological;*

19 *Welcoming* the completion of work on task 15, by the adoption of the Rutzolijirisaxik Voluntary
20 Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities
21 Relevant for the Conservation and Sustainable Use of Biological Diversity;

22 *Noting* that tasks 1, 2, 4, as well as the implementation of the before mentioned guidelines and standards
23 adopted by the Conference of the Parties represent ongoing responsibilities of Parties;

24 *Emphasising* the need for the effective implementation of guidelines and standards related to article 8(j)
25 and related provisions at the national level in order to achieve progress towards Aichi Target 18 of the
26 Strategic Plan;

27 *The Conference of the Parties at its fourteen meeting may wish to:*

28 *Decide:*

- 29 (a) to complete the current programme of work for Article 8(j) and related provisions no later than COP-
30 15;
- 31 (b) to consider new work for the post 2020 period based on achievements to date, and gaps identified, and
32 the need to fully integrate IPLCs and their issues across the Convention in light of the post 2020
33 arrangements.

55 Meaning “roots of life” in the Maya language

56 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).

57 Due to be adopted by COP-14 in response to tasks 7, 10 and 12 of the revised programme of work for article 8(j) and related provisions

1 *Accordingly, the Conference of the Parties may also wish to:*

2 *Request* WG8j-11 to develop proposals for possible future work, including proposals for a 2nd phase of
3 work on the global Plan of Action on Customary Sustainable Use, for the consideration of the Subsidiary
4 Body on Implementation at its third meeting, in order to inform the development of a fully integrated
5 programme of work as part of the post 2020 arrangements.

6 *Encourage* Parties to explore the full potential of local or traditional communities as on the ground
7 partners in the implementation of the Convention, including by recognizing, supporting and valuing their
8 collective actions for the goals of the Convention and fully engaging them in the revision and
9 implementation of National Biodiversity Strategies and Action Plans and in discussions regarding post
10 2020 arrangements for the Convention.

11 *Request* Parties and Governments to report on the implementation of the Programme of Work for article
12 8(j) and related provisions, in particular, tasks 1, 2 and 4 and the implementation of the programme of
13 work on customary sustainable use, as well as the application of the various guidelines and standards
14 developed under the Working Group on Article 8(j) and related provisions and adopted by the Conference
15 of the Parties through the 6th national reports in order to determine progress made and inform the
16 development of Post 2020 arrangements.

17 *Request* the Executive Secretary to ensure IPLCs effectively participate in broader discussions and
18 processes under the Convention that will determine the Post 2020 arrangements, in order to determine
19 what further work may be necessary on these articles and how that work can be fully integrated into the
20 work of the Convention;

21 *The Conference of the Parties at its fourteen meeting may also wish to:*

22 Option A

23 (c) Integrate future work on matters of relevance to IPLCs into the work of SBSTTA and SBI,
24 such that agenda items on matters of relevance to IPLCs would be taken up within the
25 appropriate subsidiary body before consideration by the COP or COP-MOPs, and

26 (d) When addressing matters of direct relevance to indigenous peoples and local communities in
27 the subsidiary bodies, apply the enhanced participation mechanisms practiced by the Working
28 Group on Article 8(j) and related provisions for the participation of indigenous peoples and
29 local communities, as appropriate, in order to ensure their effective participation and to fully
30 integrate them into the work of the Convention.

31 Option B

32 Extend the mandate of the Working Group on Article 8(j) and related provisions to become a
33 permanent body under the Convention, with a view to provide advice across the Convention,
34 including the Conference of the Parties, and its Protocols, and their Subsidiary Bodies on all
35 matters of direct relevance to IPLCs.

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