



**African Training Workshop on Community Protocols, Indicators on  
Traditional Knowledge and Customary Sustainable Use under the  
Convention on Biological Diversity**

**Articles 8(j), 10(c) and related provisions  
and current work in preparation for the  
thirteenth meeting of the Conference of  
the Parties to the Convention on  
Biological Diversity**

**25 - 29 January 2016**

**Nairobi, Kenya**

**CBD**

# Outline



- **The Convention on Biological Diversity and Indigenous Peoples and Local Communities (IPLCs).**
- **The Convention on Biological Diversity and Traditional knowledge**
- **The Convention on Biological Diversity and other relevant provisions**
- **The WG8J process**
- **Outcomes of Article 8 (j)**
- **Thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 13)**

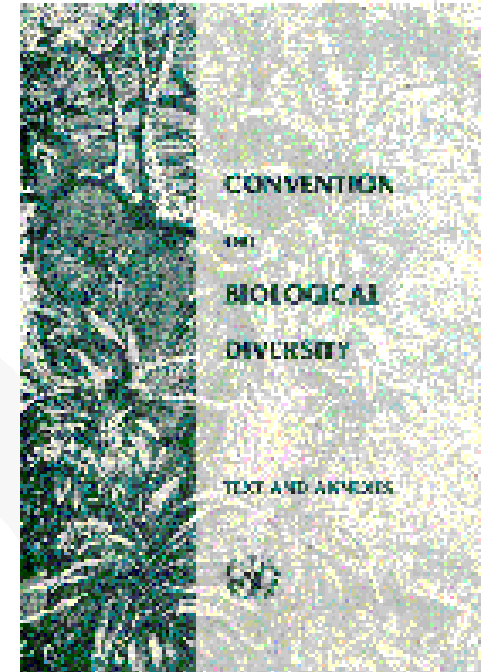


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# The Convention on Biological Diversity and indigenous peoples and local communities (IPLCs)



- Indigenous Peoples and Local communities – rights holders under the Convention
- Partners in Saving Life on Earth
- Proponents of Cultural Diversity and Biodiversity
- Major Players in Sustainable and Customary use of Biodiversity
- Rights-holders in Access and Benefit-Sharing (Genetic resources and Associated TK)



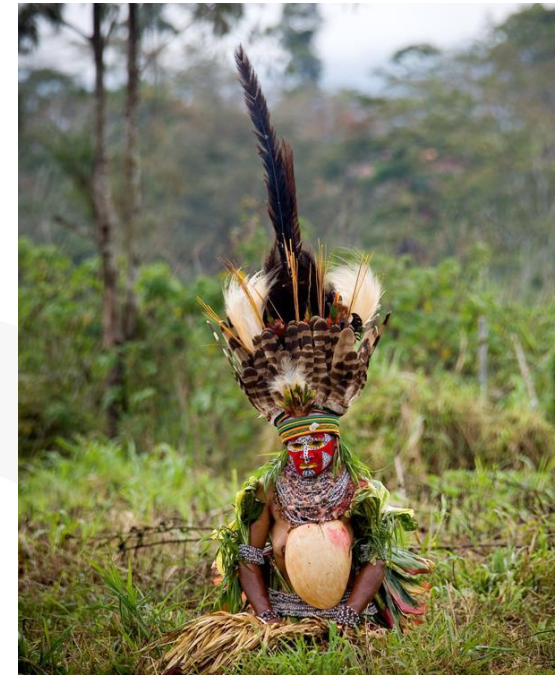
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# The Convention on Biological Diversity and Traditional knowledge



Governments acknowledged in the **Preamble:**

The close dependence of many indigenous and local communities on biological resources and the desirability of sharing equitably benefits of traditional knowledge, innovation and practices relevant to the conservation of biological diversity and the sustainable use of its components.



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In **Article 8, paragraph (j)**, Parties have undertaken to:

- **respect**, **preserve** and **maintain** traditional knowledge of ILCs relevant to the conservation and sustainable use of biological diversity
- **promote** its **wider application** with the **approval** and **involvement** of the **holders** of such knowledge and
- **encourage** the **equitable sharing** of the **benefits**



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# The Convention on Biological Diversity and Traditional knowledge



## *Other relevant provisions:*

**Article 10 (c)** of the Convention on Biological Diversity states that Parties shall, as far as possible and as appropriate:

**“Protect and encourage customary use of biological resources in accordance with *traditional cultural practices* that are compatible with conservation or sustainable use requirements.”**

The Convention on Biological Diversity acknowledges the interconnectedness of traditional knowledge and customary practice both in its preamble and in Article 8(j).

# The Convention on Biological Diversity and Traditional knowledge



*Other relevant provisions:*

## Article 17. Exchange of Information

1. The **Contracting Parties shall facilitate the exchange of information**, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

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**.

# The Convention on Biological Diversity and Traditional knowledge



*Other relevant provisions:*

## Article 18. Technical and Scientific Cooperation

4. 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.

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# Process



<b>1998-COP-4</b>	established the Ad-Hoc Working Group on Article 8(j) and related provisions,
<b>2000</b>	First Meeting of the Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8(j) ( <b>WG8J 1</b> ), Sevilla, España <ul style="list-style-type: none"><li>• Elaborated the program of work on Article 8(j)</li></ul>
<b>2000- COP 5</b>	Adopted the program of work on Article 8 (j)
<b>2002</b>	Second Meeting on the Ad Hoc Open-Ended Inter-Sessional Working Group on Article 8 (j) ( <b>WG8J 2</b> ).
<b>2003</b>	Third meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity ( <b>WG8J 3</b> )

# Process



<b>2006</b>	Fourth Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and related provisions of the Convention on Biological Diversity ( <b>WG8J 4</b> )
<b>2007</b>	Fifth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions ( <b>WG8J 5</b> )
<b>2009</b>	Sixth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions ( <b>WG8J 6</b> )
<b>2011</b>	Seventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions ( <b>WG8J 7</b> )
<b>2013</b>	Eight meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions ( <b>WG8J 8</b> )
<b>2015</b>	Nineth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions ( <b>WG8J 9</b> )

# Outcomes of Article 8 (j)



## The Programme of Work on the implementation of Article 8 (j)

is the main instrument that Parties to the Convention on Biological Diversity have given themselves to achieve the commitments in Article 8(j) to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities

**OBD PROGRAMME OF WORK ON THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY (Decision V/16)**

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

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

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

**ONGOING TASKS FOR PARTIES**  
**ELEMENT 1: Participatory mechanisms for indigenous and local communities**  
**Task 1**  
Parties to take measures to enhance and strengthen the capacity of indigenous and local communities to be effectively involved in decision-making related to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity subject to their prior informed approval and effective involvement.  
**Task 2**  
Parties to develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.  
**Task 4**  
Parties to develop, as appropriate, mechanisms for promoting the full and effective participation of indigenous and local communities with specific provisions for the full, active and effective participation of women in all elements of the programme of work, taking into account the need to:  
(a) build on the basis of their knowledge;  
(b) strengthen their access to biological diversity;  
(c) strengthen their capacity to participate in the conservation, maintenance and protection of biological diversity;  
(d) promote the exchange of experiences and knowledge;  
(e) promote culturally appropriate and gender-specific ways in which to document and preserve women's knowledge of biological diversity.

**ONGOING TASKS FOR WG 8(j)**  
**ELEMENT 4: Equitable sharing of benefits**  
**Task 7**  
Based on tasks 1, 2 and 4, the Working Group to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices (i) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities (ii) advancement of the identification of the obligations of countries of origin, as well as Parties and governments where such knowledge, innovations and practices and the associated genetic resources are used.

**ONGOING TASKS FOR WG 8(j)**  
**ELEMENT 7: Legal elements**  
**Task 12**  
The Working Group to develop guidelines that will assist Parties and governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8(j) and its related provisions (which could include sui generis systems) and definitions of relevant key terms and concepts in Article 8(j) and related provisions, at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.  
**Task 15**  
The Ad Hoc Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

**ONGOING TASKS FOR WG 8(j)**  
**ELEMENT 8: Monitoring elements**  
**Task 10**  
The Ad Hoc Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.

For more information: [www.cbd.int](http://www.cbd.int)

Convention on Biological Diversity

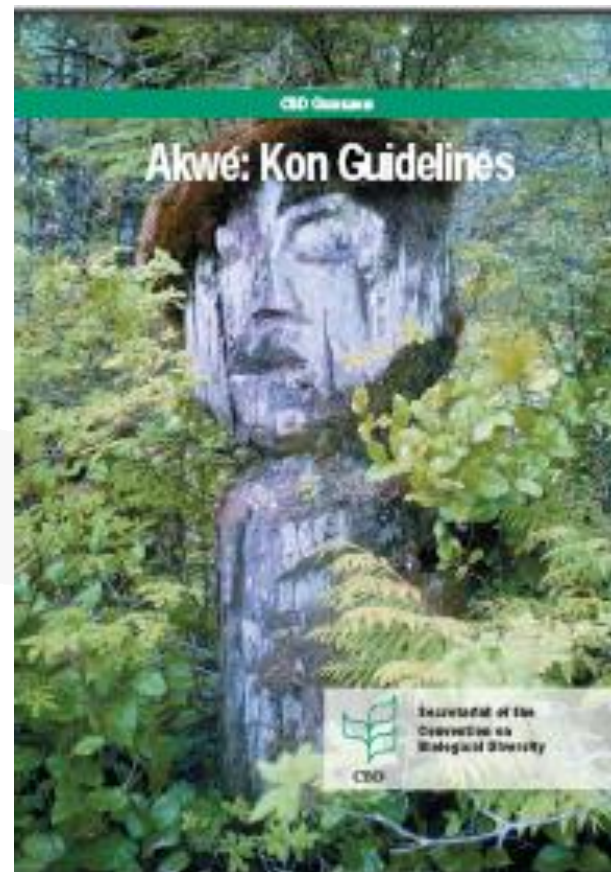


## Outcomes of Article 8 (j)



### Akwé: Kon guidelines

Is the 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.**



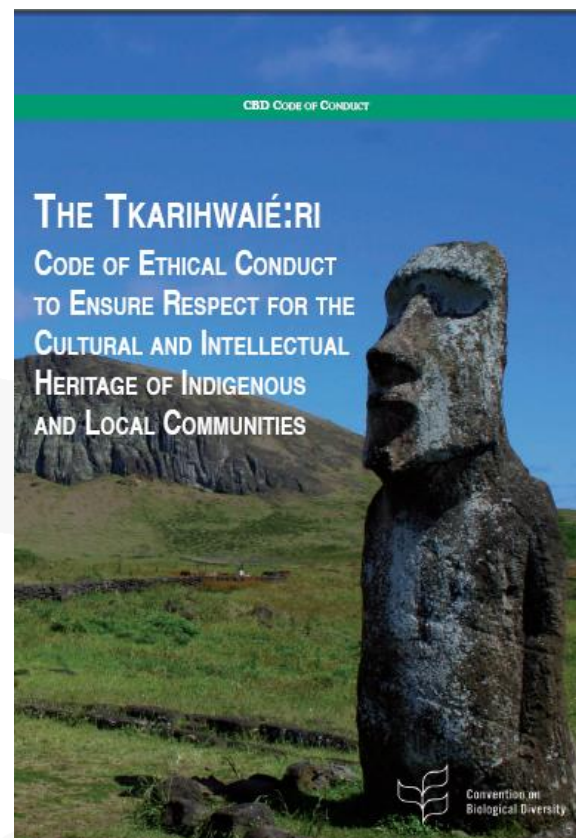
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## Outcomes of Article 8 (j)



## The Tkarihwaí:ri Code of Ethical Conduct

The elements of a code of ethical conduct that are voluntary and are intended to provide guidance in activities/interactions with indigenous and local communities and for the development of local, national, or regional codes of ethical conduct, with the aim of promoting respect, preservation and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity.



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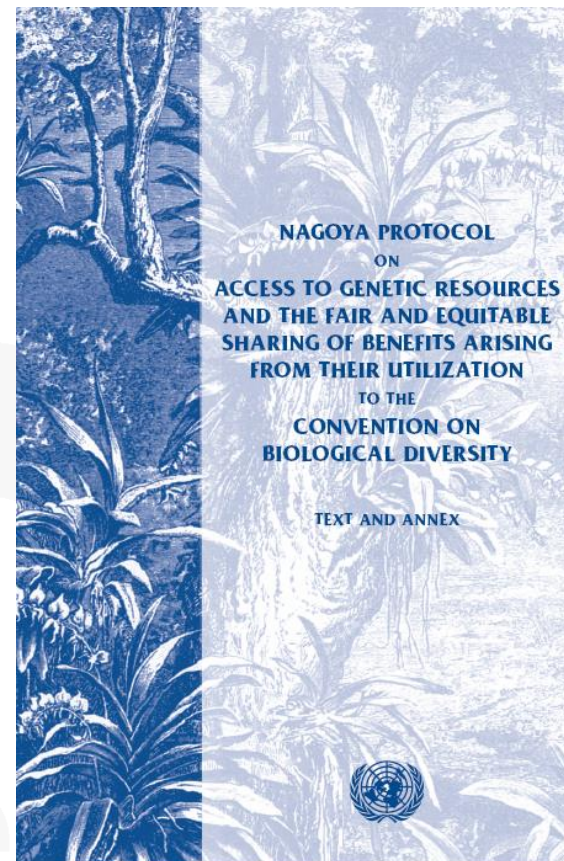
## Outcomes of Article 8 (j)



The **Nagoya Protocol** addresses traditional knowledge associated with genetic resources with provisions on access, benefit-sharing and compliance.

It also addresses **genetic resources** where indigenous and local communities have the established right to grant access to them.

Contracting Parties are to take measures to ensure these communities' prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.



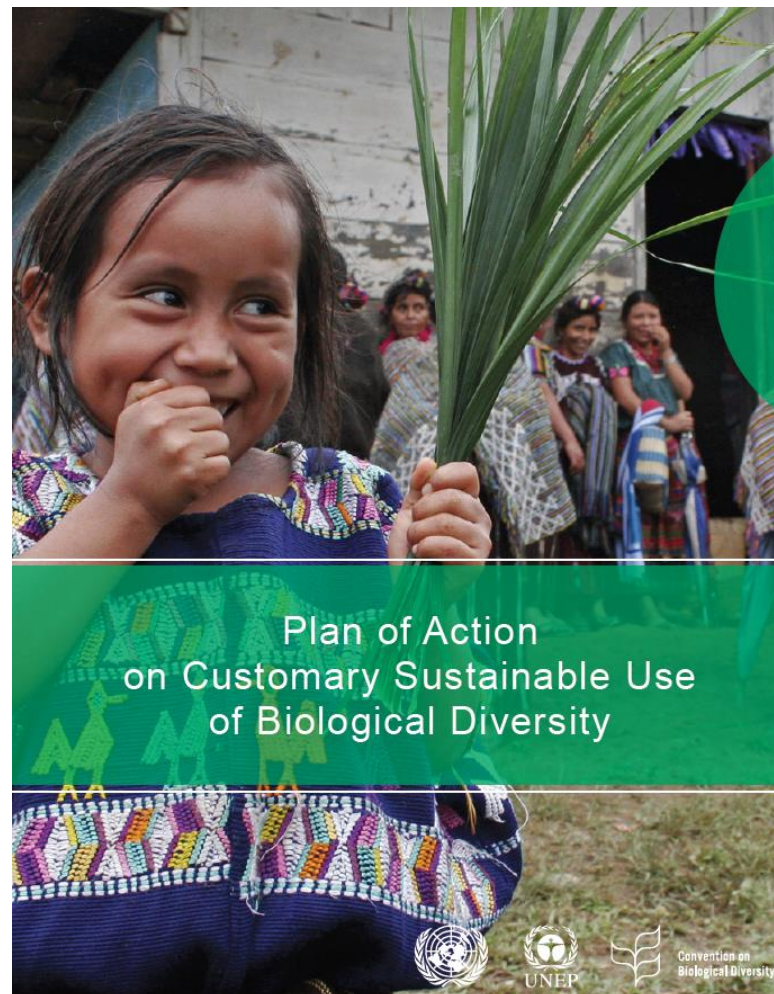
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# Outcomes of Article 8 (j)



## Plan of Action on Customary Sustainable Use of Biological Diversity

The objective is to promote, within the framework of the Convention, a just **implementation of Article 10(c)** at local, national, regional and international levels and to ensure the full and effective participation of indigenous and local communities at all stages and levels of implementation.

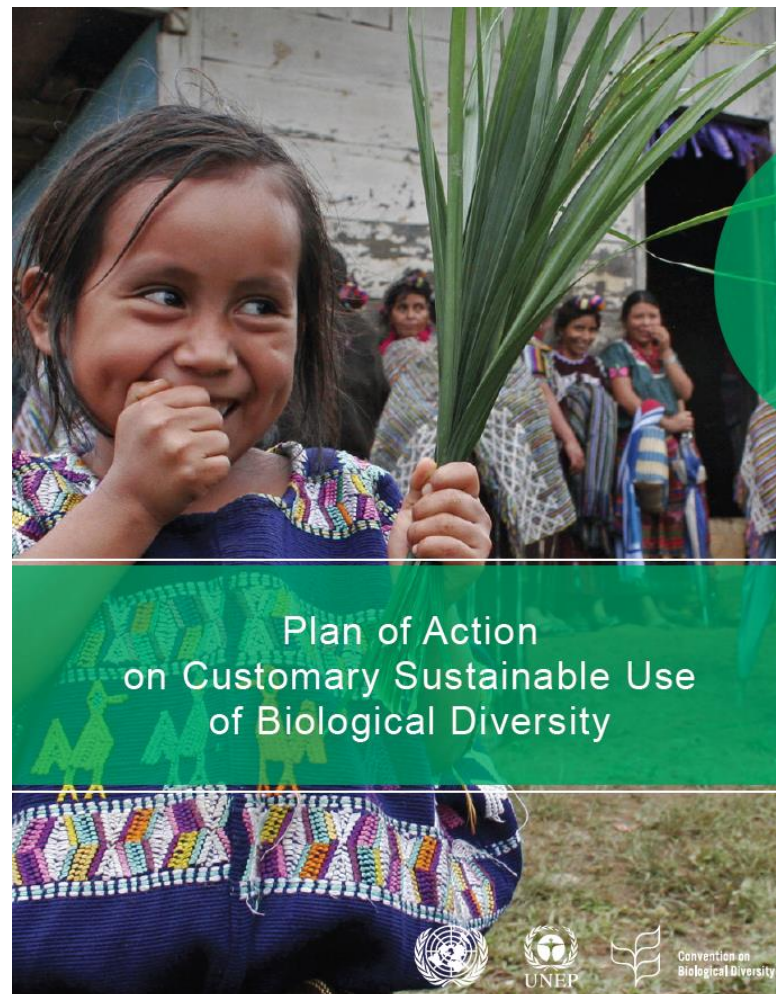


# Outcomes of Article 8 (j)



## Plan of Action on Customary Sustainable Use of Biological Diversity

Customary sustainable use of biological diversity and traditional knowledge can contribute to the effective conservation of important biodiversity sites, either through shared governance or joint management of official protected areas or through indigenous and community conserved territories and areas. Community protocols and other community procedures can be used by indigenous and local communities to articulate their values, procedures and priorities and engage in dialogue and collaboration with external actors (such as government agencies and conservation organizations) towards shared aims, for example, appropriate ways to respect, recognize and support customary sustainable use of biological diversity and traditional cultural practices in protected areas.





# Thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 13)



## PROVISIONAL AGENDA

### II. REPORTS

7. Reports of intersessional and regional preparatory meetings.
8. Report of the Executive Secretary on the administration of the Convention and the budget for the Trust Funds of the Convention.

### III. STRATEGIC PLAN FOR BIODIVERSITY 2011-2020: ASSESSING PROGRESS AND ENHANCING IMPLEMENTATION

9. Interim review of progress towards the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, and related means of implementation.
10. **Strategic actions** to **enhance the implementation of the Strategic Plan for Biodiversity** 2011-2020 and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming and the integration of biodiversity within and across sectors.
11. **Resource mobilization and financial mechanism.**
12. Other means of implementation: enhancement of capacity-building, technical and scientific cooperation and other initiatives to assist implementation.
13. Cooperation with other conventions and international organizations.

# Thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 13)



## IV. OTHER ITEMS RESULTING FROM THE PROGRAMME OF WORK OF THE CONVENTION

14. **Article 8(j) and related provisions: guidelines for the repatriation of traditional knowledge; guidelines for the development of legislation or other mechanisms; and recommendations from the United Nations Permanent Forum on Indigenous Issues.**
15. **Marine and coastal biodiversity**: ecologically or biologically significant marine areas; specific work plan on biodiversity and acidification in cold-water areas; addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity; and marine spatial planning and training initiatives.
16. **Invasive alien species**: addressing risks associated with trade; experiences in the use of biological control agents; and decision support tools.
17. **Other scientific and technical issues**, including **synthetic biology**, implications of the assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, and sustainable wildlife management.

## V. OPERATIONS OF THE CONVENTION

18. Improving the efficiency of structures and processes under the Convention, including integration among the Convention and its Protocols.
19. Guidelines for the sixth national reports, modalities for future editions of the *Global Biodiversity Outlook* and indicators.

<https://www.cbd.int/doc/?meeting=COP-13>



# Thank you

## **Secretariat of the Convention on Biological Diversity**

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