

CBD and indigenous peoples and local communities (IPLC): history, context, background of IPLCs involvement, main issues of discussion and main definitions (Article 8(j))

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Convention on
Biological Diversity

Convention on Biological Diversity



*Conservation of
biodiversity*



*Sustainable use of
its components*



*Fair and equitable benefit-sharing arising
from the use of genetic resources*

Article 8 (j): Traditional Knowledge

Article 10 (c): Customary Sustainable Use of Biodiversity

Article 17: Exchange of Information including its Repatriation

Article 18 (4): Technical and Scientific Cooperation including
Indigenous and Traditional Technologies



Programme of work on Art 8j and Related
Provisions – 12 tasks in 7 elements.

Background

- The programme of work on Article 8(j) and related provisions is the primary tool for Parties to the Convention on Biological Diversity to fulfill commitments recognizing the contributions and rights of Indigenous Peoples and local communities, as outlined in Articles 8(j), 10(c), 17.2, and 18.4.
- In 2000, COP5 endorsed the programme of work, comprising 17 tasks addressing participation, traditional knowledge, Access and Benefit-Sharing (ABS), and monitoring (decision V/16).
- In 2010, COP10 reviewed programme of work, recognizing completion of certain tasks, maintaining ongoing tasks, and identifying further activities to address the remaining tasks (in decision X/43).

Background

- The CBD has made important progress in the implementation of Article 8 (j) and related provisions.
- These advances occurred mainly in the **Working Group on Article 8 (j) and related provisions**
- Working Group on Article 8(j) and related provisions was established in 1998 by the fourth meeting of the Conference of the Parties (COP-4).
- Significant work has been accomplished as part of the Work Programme on Article 8(j). In this regard, Parties to the Convention adopted several voluntary guidelines, including:

Tools developed by WG8j

Outcomes, Guidelines and Tools

Composite report on the status and trends of traditional knowledge

Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of IPLCs

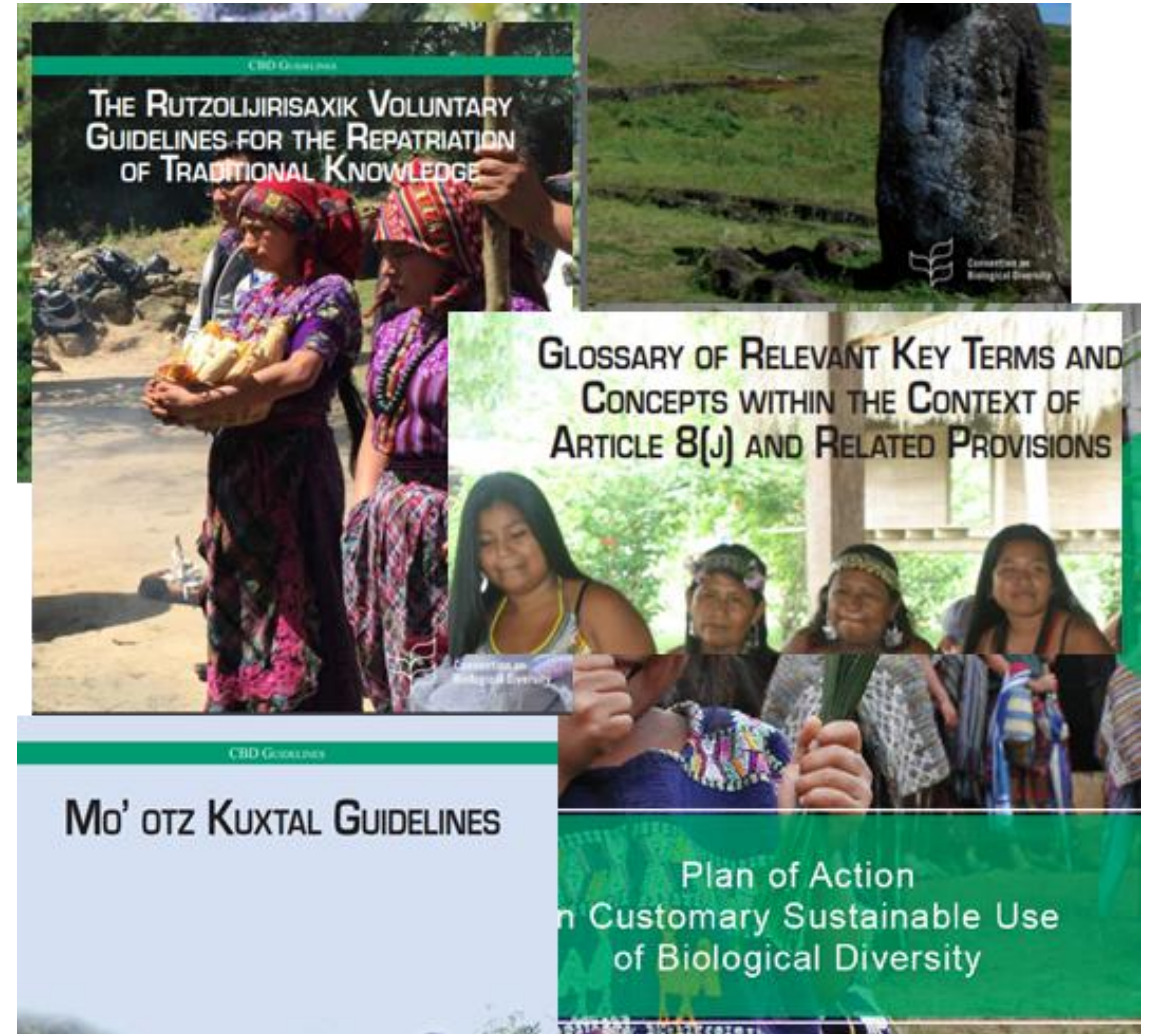
Akwé:Kon Voluntary Guidelines on the conduct of cultural, environmental and social impact assessments

Plan of Action on the Customary Sustainable Use of Biological Diversity

Mo'otz Kuxtal Voluntary Guidelines for Traditional Knowledge on access to and benefit sharing arising from the utilization of TK)

The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of traditional Knowledge

Glossary of relevant key terms and concept



Background

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Adopted at the sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (decision 16/4)

I. Objective

1. The objective of the present programme of work is to promote, within the scope and in line with the objectives of the Convention on Biological Diversity, the implementation of Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, as well as the Kunming-Montreal Global Biodiversity Framework, at the local, national, subregional, regional and international levels, and to ensure the full and effective participation of indigenous peoples and local communities at all stages and levels of their implementation, thereby ensuring an ongoing recognition of the close association that indigenous peoples and local communities have with biological diversity and the Convention and its Protocols.

II. General principles

2. The full, equitable, inclusive, effective and gender-responsive participation of indigenous peoples and local communities, in particular women, girls and youth among them, should be ensured, from the local to the global level, at all stages of the identification, implementation and monitoring of the elements of the programme of work. Partnerships with indigenous peoples and local communities should be ethical, equitable and based on mutual respect and good faith.

3. The programme of work is aimed at addressing the specific challenges faced by indigenous peoples and local communities, in particular in developing countries, and the need to ensure the appropriate and regionally balanced representation of indigenous peoples and local communities in the work of the Convention.

4. The programme of work is also aimed at promoting the implementation of Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, taking into account the specific challenges faced by developing country Parties in promoting that implementation.

5. The traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should be valued, considered essential and given the same respect and consideration as other forms of knowledge. Genuine collaborations and the co-production of knowledge in ways that respect the knowledge-generation processes and the integrity of each knowledge system should be promoted. The inclusion of knowledge from diverse systems and practices should be mainstreamed into the development and implementation of policies on biodiversity conservation, sustainable use and benefit-sharing.
6. A holistic approach consistent with the spiritual and cultural values and customary practices of indigenous peoples and local communities should be adopted, recognizing all of their relations, including to their territories, lands and resources, as well as their rights, in accordance with relevant national legislation and international instruments, to have control over their traditional knowledge, innovations, practices and technologies.
7. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable manner.
8. The traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent, in accordance with national legislation and relevant international obligations. Indigenous peoples and local communities should receive, in a fair and equitable way, the benefits from the use of the traditional knowledge associated with genetic resources that they hold.
9. The implementation of the programme of work should follow a gender-responsive approach, the Gender Plan of Action (2023–2030) and a human rights-based approach respecting, protecting, promoting and fulfilling human rights. The Framework contains an acknowledgment of the human right to a clean, healthy and sustainable environment and a commitment to ensuring access to justice and information and the full protection of environmental human rights defenders. Nothing in the present programme of work may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in future, as also stated in the United Nations Declaration on the Rights of Indigenous Peoples.





TASKS

ACTORS

ELEMENT 1. CONSERVATION AND RESTORATION

To promote and support the conservation, protection and restoration of biological diversity led by indigenous peoples and local communities, thereby contributing to the implementation of relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.

1.1 Develop guidelines, with the full and effective participation of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Targets 2 and 3 of the Framework, including on indigenous and traditional territories, to support the protection and restoration practices led by indigenous peoples and local communities.

Subsidiary Body on Article 8(j)

1.2 Identify and promote best practices to secure land tenure and governance by indigenous peoples and local communities and develop guidelines for the inclusion and consideration of traditional lands and of resource use in spatial planning processes and environmental impact assessments, in accordance with national legislation and international obligations.

Subsidiary Body on Article 8(j), Parties

1.3 Promote the rights of indigenous peoples and local communities without formal access to land, including in urban areas, and partner with them in the conservation, protection and restoration of biodiversity and in creating and maintaining blue and green spaces.

Parties

1.4 Engage and collaborate with indigenous peoples and local communities to improve the outcomes of management actions addressing the direct drivers of biodiversity loss.

Parties

TASKS	ACTORS
ELEMENT 2. SUSTAINABLE USE OF BIOLOGICAL DIVERSITY	
<i>To promote, encourage and ensure the sustainable use of biological diversity, inter alia, to respect and protect the customary sustainable use by indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>	
2.1 Incorporate customary sustainable use practices or policies, in accordance with the Plan of Action on Customary Sustainable Use of Biological Diversity and with the full and effective participation and leadership of indigenous peoples and local communities, as appropriate, into national biodiversity strategies and action plans.	Parties
2.2 Promote and strengthen community-based initiatives developed by indigenous peoples and local communities, including in collaboration with other actors, that support and contribute to the sustainable use of biological diversity and to the respect for and protection of the customary sustainable use of biological diversity.	Parties
2.3 Support initiatives led by indigenous peoples and local communities that address the interlinkages between biodiversity and climate change, based on their traditional knowledge, innovations, technologies and practices of customary sustainable use of biodiversity.	Parties
2.4 Support the livelihoods of indigenous peoples and local communities through activities that promote the customary sustainable use of biodiversity.	Parties

TASKS	ACTORS
ELEMENT 3. SHARING OF BENEFITS FROM THE UTILIZATION OF GENETIC RESOURCES AND DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES, AS WELL AS TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES	
<i>To promote the fair and equitable sharing of benefits arising from the utilization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information on genetic resources, thereby contributing, inter alia, to the implementation of relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>	
3.1 Develop a plan of action in relation to genetic resources and traditional knowledge associated with the genetic resources held by indigenous peoples and local communities to support the implementation of the Convention, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and the multilateral mechanism for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources. Such a plan of action should include capacity-building activities and support the development and use of existing biocultural community protocols, knowledge exchange platforms, technical and legal support, dialogue and collaboration between users and providers within the framework of biocultural community protocols, the implementation of the Mo'otz Kuxtal Voluntary Guidelines and technical and legal assistance, taking those guidelines into account.	Subsidiary Body on Article 8(j)
3.2 Undertake studies on the experiences of indigenous peoples and local communities on access and benefit-sharing related to the utilization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information on genetic resources, identifying best practices and lessons learned.	Secretariat

TASKS

ACTORS

ELEMENT 4. KNOWLEDGE AND CULTURE

To support the transmission and protection of traditional knowledge, including to future generations, and ensure that traditional knowledge and other knowledge systems are valued equally, thereby contributing to the implementation of Article 8(j) of the Convention and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.

4.1 Support efforts by indigenous peoples and local communities to strengthen the intergenerational transmission, use and revitalization, and enhancement of their languages and traditional knowledge, including in formal and informal education settings and in cultural and education centres, in particular with respect to the roles and needs of women, girls and youth.

Parties

4.2 Promote the implementation, strengthening and dissemination of the joint programme of work on the links between biological and cultural diversity.

Secretariat

4.3 Promote the inclusion of traditional knowledge, innovation and practices in all bodies established under the Convention, in particular the Subsidiary Body on Scientific, Technical and Technological Advice, taking into account the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

Subsidiary Body on Article 8(j)

4.4 Undertake capacity-building and development and awareness-raising activities on the basis of the long-term strategic framework for capacity-building and development and the knowledge management strategy to support the implementation of the Framework to promote the role of traditional knowledge in guiding the management of biodiversity.

Secretariat

4.5 Create, strengthen and support a global network of national focal points on Article 8(j) and related provisions of the Convention to support the implementation of the Convention at the national and international levels, including the participation of indigenous peoples and local communities.

Secretariat

TASKS	ACTORS
ELEMENT 4. KNOWLEDGE AND CULTURE (continued)	
<i>To support the transmission and protection of traditional knowledge, including to future generations, and ensure that traditional knowledge and other knowledge systems are valued equally, thereby contributing to the implementation of Article 8(j) of the Convention and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>	
4.6 Organize the exchange of knowledge and learning platforms to promote the implementation of the tasks in the present programme of work.	Secretariat, Parties and civil society organizations, in collaboration with indigenous peoples and local communities and relevant actors
4.7 Promote the co-production by indigenous peoples and local communities, scientists and other stakeholders of new knowledge necessary for the resilience, adaptation and continuation of customary sustainable use and biodiversity conservation practices under rapid environmental change, such as climate change, land- and sea-use change, invasive alien species and pollution.	Secretariat and Parties
4.8 Develop communication, education and public awareness materials with indigenous peoples and local communities relevant to all elements and tasks of the present programme of work, including the languages of indigenous peoples and local communities.	Subsidiary Body on Article 8(j) and Parties



TASKS

ACTORS

ELEMENT 5. STRENGTHENING IMPLEMENTATION AND MONITORING PROGRESS

To contribute to the implementation of the Kunming-Montreal Global Biodiversity Framework through the full and effective implementation of decisions, principles and guidelines of relevance to indigenous peoples and local communities, and to strengthen the integration of Article 8(j) and other provisions of the Convention in the work undertaken under the Convention and its Protocols.

5.1 Promote the wider application, implementation and monitoring at the national level of adopted plans of action, guidelines and principles, such as:

- (a) The Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions of the Convention;
- (b) The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or Which Are Likely to Impact on, Sacred Sites and Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;
- (c) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;
- (d) The Plan of Action on Customary Sustainable Use of Biological Diversity;
- (e) The Mo'otz Kuxtal Voluntary Guidelines;
- (f) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;
- (g) The Voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms;
- (h) The Gender Plan of Action (2023–2030);
- (i) The guiding principles on assessing the contribution of collective action by indigenous peoples and local communities.

Parties and national focal points on Article 8(j) and related provisions of the Convention

5.2 Develop guidelines for the establishment of innovative incentive schemes for indigenous peoples and local communities to preserve and maintain their traditional knowledge, innovations and practices for the application thereof in programmes for the conservation and sustainable use of biological diversity.

Subsidiary Body on Article 8(j), Parties and other actors

TASKS	ACTORS
ELEMENT 5. STRENGTHENING IMPLEMENTATION AND MONITORING PROGRESS (continued)	
To contribute to the implementation of the Kunming-Montreal Global Biodiversity Framework through the full and effective implementation of decisions, principles and guidelines of relevance to indigenous peoples and local communities, and to strengthen the integration of Article 8(j) and other provisions of the Convention in the work undertaken under the Convention and its Protocols.	
5.3 Further operationalize, with a view to promoting the continuous monitoring of the implementation of the present programme of work, the four traditional knowledge indicators, in line with the joint programme of work on the links between biological and cultural diversity.	Subsidiary Body on Article 8(j) and Parties
5.4 Review and update, as needed, the Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions of the Convention in the light of the adoption of the Kunming-Montreal Global Biodiversity Framework.	Subsidiary Body on Article 8(j)

TASKS	ACTORS
ELEMENT 6. FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES	
<i>To enable the full and effective participation of indigenous peoples and local communities, including women, girls and youth among them, in decision-making related to biodiversity and the implementation of the Kunming-Montreal Global Biodiversity Framework.</i>	
6.1 Implement and further develop the enhanced participation mechanisms used by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention	Subsidiary Body on Article 8(j)
6.2 Ensure the full and effective participation of indigenous peoples and local communities in the development, revision and implementation of national biodiversity strategies and action plans and national reports, and strengthen partnerships and collaboration with indigenous peoples and local communities, recognizing their collective actions and contributions for the implementation of the Convention.	Parties

TASKS	ACTORS
ELEMENT 7. HUMAN RIGHTS-BASED APPROACH	
To contribute to the enhancement of the rights of indigenous peoples and local communities with regard to the conservation and sustainable use of biodiversity, in line with a human rights-based approach, in accordance with the Kunming-Montreal Global Biodiversity Framework.	
7.1 In collaboration with the relevant United Nations bodies, as well as indigenous peoples and local communities, develop guidelines to contribute to the enhancement of the contributions of indigenous peoples and local communities to the conservation and sustainable use of biodiversity, in line with a human rights-based approach, consistent with relevant international obligations and instruments.	Subsidiary Body on Article 8(j)
7.2 Support and promote, as appropriate, traditional land tenure and securing land tenure for indigenous peoples and local communities for the conservation and sustainable use of biodiversity, in accordance with national legislation.	Parties
7.3 Develop guidelines on the implementation of Target 22 of the Framework, including with regard to the full protection of environmental human rights defenders, in particular the protection of women from all forms of gender-based discrimination and violence, in relation to control, ownership and access to sustainable use and conservation of biodiversity, as reflected in the Gender Plan of Action (2023–2030).	Subsidiary Body on Article 8(j) and Secretariat

TASKS	ACTORS
ELEMENT 8. ACCESS, INCLUDING DIRECT ACCESS, TO FUNDING FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES FOR THE CONSERVATION, RESTORATION AND SUSTAINABLE USE OF BIODIVERSITY	
<i>To promote the implementation of the relevant targets of the Kunming-Montreal Global Biodiversity Framework, in particular by supporting access, including direct access, to funding for indigenous peoples and local communities in the context of national policies, plans, projects, programmes or systems, as appropriate.</i>	
8.1 Support efforts for the mobilization of financial resources for indigenous peoples and local communities, in line with and within the scope of the revised strategy for resource mobilization.	Global Environment Facility, Global Biodiversity Framework Fund, donors, Parties and Secretariat
8.2 Identify gaps, promote good practices and further explore options for the development or improvement of existing policies, mechanisms and other appropriate initiatives and measures to enhance access, including direct access, to funding by indigenous peoples and local communities for collective actions on biodiversity conservation and sustainable use, in particular for actions to be led by women and youth.	Subsidiary Body on Article 8(j), Parties, Global Environment Facility and other relevant organizations

Thank You!



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