

### Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations

The United Nations Permanent Forum on Indigenous Issues was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; and prepare and disseminate information on indigenous issues.

The Permanent Forum's report of the eighteenth session of 2019 includes several recommendations within its mandated areas, some of which are addressed to UN system agencies, funds and programmes (attached).

The report can be found at: <https://undocs.org/en/E/2019/43>

The Indigenous Peoples and Development Branch/secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other inter-governmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations and other relevant issues, including the system-wide action plan on rights of indigenous peoples/SWAP and the 2030 Development Agenda.

The responses will be compiled into two separate reports for the 2020 session of the Permanent Forum: (a) System Wide Action Plan on the Rights of Indigenous Peoples: Implementation by the United Nations System; and (b) Update on the Indigenous Peoples and the 2030 Agenda.

All responses will be placed on the DESA/DISD website on Indigenous Peoples at: <https://www.un.org/development/desa/indigenouspeoples/>

*If you have any objections for your response to be made available on our website, please inform our office accordingly.*

Please submit your completed questionnaire by **28 November 2019** to:

Indigenous Peoples and Development Branch  
Secretariat of the Permanent Forum on Indigenous Issues  
Division for Inclusive Social Development  
Department of Economic and Social Affairs  
United Nations Headquarters  
New York, USA 10017  
Telephone: +1-917-367-5100  
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The nineteenth session of the Permanent Forum on Indigenous Issues will be held at United Nations Headquarters from **13 - 24 April 2020**.

### **Provisional Agenda**

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the theme: “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”
4. Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights) with reference to the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the World Conference on Indigenous Peoples, and the 2030 Agenda on Sustainable Development.
5. Dialogues:
  - a. Dialogue with indigenous peoples;
  - b. Dialogue with Member States;
  - c. Dialogue with the United Nations agencies, funds and programmes;
  - d. Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples;
  - e. Regional dialogues;
  - f. Thematic dialogues.
6. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
7. Provisional agenda for the twentieth session of the Permanent Forum.
8. Adoption of the report of the Permanent Forum on its nineteenth session.

## Questionnaire

Please provide information on the following:

### A. Recommendations of the Permanent Forum on Indigenous Issues

With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency, fund and/or programme:<sup>1</sup>

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum addressed specifically to your organization.
- ii. The theme of the 2020 PFII session is “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”. Please include information on any position paper, report or other activities and programmes that are of relevance to this theme
- iii. 2020 will be Beijing + 25. Please provide information on any publication, report or other background note etc. related to indigenous women? Please also provide links to any relevant sources.
- iv. Please provide information on any methodology, tool or other steps taken to assess the implementation of Permanent Forum recommendations.

### A. *Response from the Convention on Biological Diversity*

#### RECOMMENDATIONS FROM THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

1. As is the practice of the Convention, recommendations of the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity are considered by the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, which, in turn, makes recommendations for the consideration of the Conference of the Parties. This is a biennial process which, for the purpose of this report, takes into account the work of the Convention, 2018-19.
2. The present document addresses recommendations of relevance to the Convention on Biological Diversity, emanating from the seventeenth and eighteenth annual sessions of the Permanent Forum, which were held from **16 to 27 April 2018**<sup>2</sup> and from **22 April to 3 May 2019**,<sup>3</sup> respectively.
3. Section I contains a summary of relevant recommendations emanating from these two sessions of the Permanent Forum, not yet considered by the Convention on Biological Diversity. Section II provides the draft recommendation prepared and adopted by the 11<sup>th</sup> meeting of the Working Group on Article 8(j) and related provisions (20-22 November, 2019), for consideration by the governing body, the 15<sup>th</sup> meeting of the CBD’s Conference of the Parties, when it meets in Kunming, Peoples Republic of China in October, 2020.

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<sup>1</sup> See attached document entitled ‘Recommendations addressed to the UN Agencies’ to facilitate your responses.

<sup>2</sup> For the report on the seventeenth session, see *Official Records of the Economic and Social Council, 2018, Supplement No. 23 (E/2018/43-E/C.19/2018/11)*.

<sup>3</sup> For the report on the eighteenth session, see *ibid.*, 2019, *Supplement No. 23 (E/2019/43-E/C.19/2019/10)*.

### **I. RECENT RECOMMENDATIONS OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY**

4. During the period 2018-2019, the Permanent Forum addressed specific recommendations to the Convention on Biological Diversity. Further to this, some of the general recommendations may also be of relevance to the Convention on Biological Diversity and are therefore included. To a certain extent, these recommendations may have already been considered by the Conference to the Parties to the Convention and its Protocols and the Secretariat in previous and current work. Where this is the case, it is mentioned below.

#### **A. Recommendations emanating from the seventeenth session of the Permanent Forum**

##### *General and specific recommendations*

25. The Permanent Forum urges the International Union for Conservation of Nature and the Secretariat of the Convention on Biological Diversity to undertake, in collaboration with indigenous peoples, a study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity and submit a report to the Forum by its nineteenth session.

5. This recommendation by the Permanent Forum is highly relevant given the importance of documenting the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity in a clearer and more visible manner. The Convention acknowledges the vital importance and crucial role of indigenous peoples in the ever more challenging endeavour of safeguarding life on earth in all its forms. The recognition of the status of indigenous peoples as key players in these processes has increased internationally in recent years; however, acknowledgement of indigenous peoples as proactive partners in the conservation and sustainable use of biodiversity in the past, present and future, on an equal footing with Governments, still requires much improvement. This would be greatly assisted by raising awareness of the significance of the collective and local actions, along with related knowledge, innovations and practices.

6. While scientific evidence on this crucial role that indigenous peoples and local communities play in safeguarding biodiversity, and on the global climate, is growing, their participation in the processes of the Convention, including the development of national biodiversity strategies and action plans and national reports, remains poor.<sup>4</sup> At the same time, an initial analysis of the sixth national reports has shown that Parties are beginning to realize the full potential of involving indigenous peoples and local communities in the implementation of the Convention.<sup>5</sup>

7. Thus, the subject matter of recommendation 25 of the seventeenth session of the Permanent Forum on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity is very pertinent to the work of the Convention, including its future work.

8. As the Convention is now deeply involved in preparing a new strategic programme of work on Article 8(j) and related provisions and in conceptualizing institutional and budgetary arrangements for continuously ensuring the effective participation of indigenous peoples in the work of the Convention, it will not be possible for the Convention to complete a separate publication in partnership with the International Union for Conservation of Nature (IUCN), as requested in recommendation 25, in time for 2020. However, the first and second publications of the *Local Biodiversity Outlooks*, along with

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<sup>4</sup> In the review of the fifth national reports, indigenous peoples or local communities were mentioned by only 27 per cent of 196 Parties to the Convention on Biological Diversity.

<sup>5</sup> Compared to the fifth national reports (2015), in the recent sixth national reports (2019), there is a significant increase in the amount of information about the implementation of Aichi Target 18 and the contribution of traditional knowledge to the achievement of other targets, which provides the basis to conclude that important progress was made to achieve this target, but at an insufficient rate to achieve it by 2020. Of the 106 reports analysed to date (August 2019), 97 per cent mention indigenous peoples and local communities compared to 27 per cent of the fifth national reports.

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the fifth edition of the *Global Biodiversity Outlook*, which does much to address the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity, will be made available to the Permanent Forum as soon as possible (see also the response to recommendation 26, below). Additionally, these ideas will be taken up as part of the consideration of possible elements of a new programme of work on Article 8(j) and related provisions in the post-2020 global biodiversity framework. In addition, the Secretariat draws attention to the relevance of the *Global Assessment on Biodiversity and Ecosystem Services*,<sup>6</sup> recently completed by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which includes much relevant information on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity. The 2<sup>nd</sup> edition Draft Local Biodiversity Outlook is a publication by indigenous peoples supported by Parties and the Secretariat of the Convention. In December 2019, it will be made available for peer review before being completed for consideration by the Convention's Subsidiary Body on Review of Implementation when it meets in Montreal in May 2020, along with the 5<sup>th</sup> Edition of the Global Biodiversity Outlook.

9. Finally, the Secretariat of the Convention on Biological Diversity will liaise with IUCN to ensure that relevant existing reports and knowledge products on the issue are made available to the Permanent Forum in time for its nineteenth session, in 2020.

26. The Permanent Forum recommends that the Secretariat of the Convention on Biological Diversity and the International Union for Conservation of Nature actively engage with indigenous organizations, relevant United Nations entities, non-governmental organizations and other actors to develop a set of actions and commitments in relation to conservation and human rights in the context of the post-2020 biodiversity framework and the next World Conservation Congress.

10. As indicated above, the Convention is currently in the midst of strategic planning efforts for the post-2020 global biodiversity framework. This includes the preparation a new programme of work on Article 8(j) and related provisions as well as the design of future institutional and budgetary arrangements for ensuring the participation of indigenous peoples and local communities in the work and decision-making of the Convention. Future work considered by the Working Group on Article 8(j) and Related Provisions at its eleventh meeting (November 2019) includes the following possible elements:

(a) Strengthening the policy framework for community-based conservation and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) and traditional sacred sites, in order to integrate them into national networks of protected areas, by legally recognizing ICCAs, and to strive for the integration of indigenous peoples in the management of protected areas;

(b) Developing and implementing safeguards and redress mechanisms on issues concerning the rights of indigenous peoples and local communities arising from conservation initiatives;

(c) Supporting human rights and environmental defenders and protecting them from arbitrary persecution;

(d) Operationalizing the indicator on land tenure, and changes in land use, including by mapping existing ICCAs and documenting their collective actions that contribute to the protection of biodiversity;

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<sup>6</sup> See <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services>

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(e) Consideration of the development of specific safeguards framework, based on the principles, standards and guidelines adopted under the Convention, and addressing any additional gaps identified, including gender equality, for consideration and adoption by the Conference of the Parties;

(f) Continuing to promote and implement, and report on the use of existing principles and guidelines adopted under the Convention, with a particular emphasis on the ongoing open tasks;

(g) Supporting indigenous peoples and local communities in the implementation of the Nagoya Protocol.

11. These proposals for future work highlight the importance of the topic “conservation and human rights” in the post-2020 global biodiversity framework. It is important to note that final decisions on the global biodiversity framework and corresponding programmes of work still require negotiation and final approval at the fifteenth meeting of the Conference of the Parties when it meets in October, 2020, in Kunming, Peoples Republic of China.

84. The Permanent Forum requests that entities, agencies, funds and programmes of the United Nations system allocate relevant financial and human resources to carry out commitments to indigenous peoples, as per the system-wide action plan on the rights of indigenous peoples and respective strategic plans and programmes and to provide information to the Forum about the allocation of such resources at its annual sessions.

12. The Convention allocates financial and human resources to carry out commitments to indigenous peoples as per the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples ([E/C.19/2016/5](#) and [Corr.1](#)), in various meaningful ways. At its fourth meeting, in 1998, the Conference of the Parties established the Open-ended Working Group on Article 8(j) and Related Provisions to raise the profile of indigenous peoples and local community issues throughout the Convention. The Working Group successfully developed and monitored the implementation of a work programme on Article 8(j) and elaborated a number of important guidelines and tools on different topics in the realm of traditional knowledge and the rights of indigenous peoples.<sup>7</sup>

13. With regard to the commitments contained in the system-wide action plan on developing capacity and within the period 2018-2019, the Convention organized the following regional training workshops on national arrangements on traditional knowledge for achieving Aichi Biodiversity Target 18 and contributing to Aichi Biodiversity Target 16 of the Strategic Plan for Biodiversity 2011-2020:

- (a) Latin America and the Caribbean: in Tepoztlan, Mexico, 2-6 April 2018;
- (b) The Pacific: in Whangarei, New Zealand, 21-25 May 2018;
- (c) Asia: in Kandy, Sri Lanka, 27-31 July 2018;
- (d) Africa: in Marrakesh, Morocco, 8-12 October 2018.

106. The Permanent Forum welcomes the publication of *Local Biodiversity Outlooks*, as a collaborative effort of the International Indigenous Forum on Biodiversity, the Forest Peoples Programme and the Secretariat of the Convention on Biological Diversity, and looks forward to its second edition, to be published in 2020.

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<sup>7</sup> Guidelines and other tools available at <https://www.cbd.int/traditional/outcomes.shtml>

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14. The Convention welcomes the Permanent Forum's recognition of the publication of *Local Biodiversity Outlooks* and, together with the International Indigenous Forum on Biodiversity and the Forest Peoples Programme, is currently working on its second edition, to be published in 2020.

15. Notably, during the online discussion forum on integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols (February 2019), which considered possible elements of work of relevance to indigenous peoples, for input into the post-2020 global biodiversity framework, the *Local Biodiversity Outlooks* was mentioned several times and highlighted as evidence of the collective contribution of indigenous peoples to ecosystem management.

107. The Permanent Forum supports the strengthening and further application of community-based mapping, monitoring and information systems as complementary evidence bases for assessment and monitoring of the 2030 Agenda, the Paris Agreement and the post-2020 biodiversity framework, and as tools for community governance and self-determined development.

108. The Permanent Forum urges Governments and donors to support community-based monitoring and information systems, citizen science and the democratization of information technologies, as complementary to national and global statistical and information systems, and to prioritize capacity-building and funding and for such initiatives.

16. Support for community-based mapping, monitoring and information systems, as important mechanisms for "ground-truthing", that is, for accurately assessing the implementation the Convention, on the ground at the community level, was repeatedly stressed by various participants in the online discussion forum on integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols. Taking these inputs into account, the Working Group at its eleventh meeting considered among possible elements of work the following:

- (a) Updated indicators for the post-2020 global biodiversity framework;
- (b) Exploring the full potential of community-based monitoring and information systems as methods and tools for monitoring the implementation of the post-2020 global biodiversity framework.

17. The Secretariat acknowledges recommendation 108 by the Permanent Forum and will continue to inform the Forum of developments concerning future work.

### **B. Recommendations emanating from the eighteenth session of the Permanent Forum**

#### *General and specific recommendations*

8. The Permanent Forum welcomes the recognition of indigenous peoples' rights to promote and protect their knowledge, in the implementation of Article 8(j) of the Convention on Biological Diversity, regarding traditional knowledge, innovations and practices. The Forum also welcomes steps already taken to include indigenous peoples in the development of the post-2020 global biodiversity framework to achieve the vision set out in the Convention of living in harmony with nature by 2050.

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18. The Secretariat welcomes the Permanent Forum's acknowledgement of its work to date on safeguarding traditional knowledge and on implementing Article 8(j) and Related Provisions. Regarding the involvement of indigenous peoples in the post-2020 process, in 2018-2019, the Convention embarked on an extensive consultation process which includes the drafting of a compilation of views submitted by indigenous peoples, Parties and relevant organizations, on future work and institutional arrangements for indigenous peoples; and the facilitation of a multilingual online forum and a subsequent Internet survey (February and March 2019).

19. The results of this process form the basis of official documents covering objectives and principles, possible elements of work, and options for institutional arrangements, guaranteeing the effective participation of indigenous representatives in the preparatory process for the post-2020 global biodiversity framework, considered by the Working Group on Article 8(j) and Related Provisions at its eleventh meeting, held in Montreal, Canada, from 20 to 22 November 2019. Having considered these matters, the Working Group on Article 8(j) and Related Provisions, at its eleventh meeting (20-22 November, 2019), has made draft recommendations to the Conference of Parties at its fifteenth meeting, to be held in October 2020, on both future work of relevance to indigenous peoples and institutional arrangements for their effective participation in the post-2020 global biodiversity framework. The response of the Working Group is considered in the next section.

12. In the light of the emerging international legal framework for local communities, the Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights (OHCHR) prepare, in consultation with other relevant United Nations entities, including the secretariat of the Convention on Biological Diversity, and before 2022, a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.

20. The Secretariat of the Convention welcomes this initiative. The Convention has made substantial contributions to the development of the international legal framework around the rights of indigenous peoples and local communities through, among other things, the development of such guidelines as policies as:

(a) The Guidelines for the conduct of cultural, environmental and social impact assessments (the Akwe: Kon voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities);<sup>8</sup>

(b) The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;<sup>9</sup>

(c) The global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>10</sup>

(d) The Mo'otz kuxtal<sup>11</sup> voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities<sup>12</sup> for accessing their knowledge, innovations and practices,

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<sup>8</sup> Decision VII/16.

<sup>9</sup> Decision X/42.

<sup>10</sup> Decision XII/12 B, annex.

<sup>11</sup> Meaning "roots of life" in the Maya language.

<sup>12</sup> The use and interpretation of the term "indigenous peoples and local communities" in these Guidelines should refer to decision XII/12 F, paragraphs 2 (a), (b) and (c).

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for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge;<sup>13</sup>

(e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;<sup>14</sup>

(f) The glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions;<sup>15</sup>

(g) The voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms;<sup>16</sup>

(h) Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities.<sup>17</sup>

21. The Secretariat also has considerable expertise in the concept of “local communities” and has contacted the Office of the United Nations High Commissioner for Human Rights (OHCHR) and supplied the relevant materials and reports to assist OHCHR in developing a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.

22. In particular, the Conference of the Parties to the Convention at its eleventh meeting, in 2012, adopted decisions of specific relevance to local communities.<sup>18</sup>

23. Information on the Expert Group Meeting of Local Community Representatives (Montreal, Canada, 14-16 July 2011) is available at <https://www.cbd.int/meetings/AHEG-LCR-01>. The report of the Expert Group ([UNEP/CBD/WG8J/7/8/Add.1](https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf)) was submitted to the Working Group at its seventh meeting.

13. The Permanent Forum recognizes the arrangements made by the Conference of the Parties to the Convention on Biological Diversity for the participation of the International Indigenous Forum on Biodiversity and the initiative to launch an international alliance for nature and culture as an inclusive multilevel platform for Parties to the Convention. The Forum underlines the need to effectively include indigenous peoples in the negotiations of the post-2020 global biodiversity framework to reflect the fundamental relationship between indigenous peoples and biodiversity.

24. The Joint Programme of Work between the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Links Between Biological and Cultural Diversity (2010-2020) has highlighted and raised awareness of the links between biological and cultural diversity and the concept of biocultural diversity, and the two

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<sup>13</sup> Decision XIII/18. The adoption of the Mo’otz kuxtal 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.

<sup>14</sup> Decision 14/12, 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 at: <https://www.cbd.int/guidelines/>

<sup>15</sup> Decision 14/13, the glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions at <https://www.cbd.int/guidelines/>

<sup>16</sup> Decision 14/15, Guidelines available at <https://www.cbd.int/guidelines/>

<sup>17</sup> Decision 14/16, Guidelines available at <https://www.cbd.int/guidelines/>

<sup>18</sup> See decision XI/14 B, paragraphs 17-21, at <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf>

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secretariats are now preparing for a new strategic focus in the post-2020 global biodiversity framework. Through extensive consultation processes and building on three regional conferences held for Europe, Asia and the Pacific, and North America during this decade, the Secretariat has compiled possible elements of work to strengthen the links between biological and cultural diversity, for consideration by the Working Group on Article 8(j) at its eleventh meeting, the Subsidiary Body on Implementation at its third meeting (May 2020) and the Open-Ended Working Group on the post-2020 global biodiversity framework at its third meeting (July 2020). These bodies will, in turn, make recommendations to the Conference of the Parties at its fifteenth meeting with a view to ensuring that the interplay between nature and culture is evident in the future work of the Convention.

25. Additionally, regarding the Permanent Forum's comment on the need to effectively include indigenous peoples in negotiations concerning the post-2020 global biodiversity framework, the Permanent Forum can be assured that the effective participation of indigenous peoples in the development of the post-2020 global biodiversity framework remains a priority for the Parties to the Convention and its Secretariat. Representatives of indigenous peoples are being funded and included in every event of relevance to the development of the framework. Additionally, the eleventh meeting of the Working Group on Article 8(j) and Related Provisions has provided a specific forum, where indigenous peoples enjoy an enhanced participation mechanism, for addressing these matters.

26. Related to this, prior to the 11th meeting of the Working Group on Article 8(j), the Secretariat organized, thanks to the generosity of the Government of Canada, the Global Thematic Dialogue for Indigenous Peoples and Local Communities and the Post 2020 Global Biodiversity Framework, on 17-18 November with 50 representatives of indigenous peoples and local communities. The report was made available and the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, recommended that the Co-Chairs of the Ad Hoc Open-ended Working Group on the Post-2020 Global Biodiversity Framework take note of the outcomes of the Global Thematic Dialogue for Indigenous Peoples and Local Communities on the post-2020 global biodiversity framework in the development of the post-2020 Global Biodiversity Framework. The Report of the dialogue, and particularly its annex, contain conceptual advice concerning inclusivity and the integration of indigenous peoples and local communities (IPLCs), harnessing the power of their collection and local actions for the goals of the Convention, in order to reach the 2050 vision of living in harmony with nature by 2050. The report will also be made available for the consideration the 2nd Open-ended Working Group on the post-2020 global biodiversity framework, when it meets in Kunming, Peoples Republic of China (February, 2020). The report is available at: <https://www.cbd.int/meetings/POST2020-WS-2019-12>

34. The traditional food systems of indigenous peoples depend on a healthy environment and access to traditional resources and play an important role in maintaining the communities' cultures and identities and their health and well-being. The Permanent Forum encourages indigenous peoples, States, United Nations entities and civil society organizations to raise awareness and promote the food cultures of indigenous peoples through support for indigenous peoples' food systems and unconditional access to traditional resources.

27. The Convention welcomes this recommendation by the Permanent Forum and underlines the need to raise awareness regarding food security and sovereignty and the promotion of the diverse food cultures of indigenous peoples, as well as unconditional access to traditional resources. This topic on traditional food systems and indigenous food security, may be considered a possible element of work in the future programme of work on Article 8(j) and Related Provisions, focusing, among other things, on:

(a) Supporting indigenous peoples and local communities in protecting and improving traditional agro-ecological practices and food systems to ensure nutritional sovereignty and promote agrobiodiversity;

(b) Promoting communication, education and public awareness materials on indigenous food systems.

28. As indicated above, these suggestions for future work were considered by the Working Group on Article 8(j) at its eleventh meeting, and will be further considered by the Subsidiary Body on Implementation at its third meeting (Montreal, May, 2020) and the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework at its third meeting (Colombia, July, 2020). These bodies will, in turn, make recommendations to the Conference of the Parties at its fifteenth meeting with a view to ensuring that the interplay between nature and culture is taken into account in the future work of the Convention, in order to achieve its Vision of humanity living in harmony with nature by 2050.

### **II. DRAFT RECOMMENDATIONS OF THE 11<sup>TH</sup> MEETING OF THE WORKING GROUP ON ARTICLE 8(J) AND RELATED PROVISIONS TO THE CONVENTIONS GOVERNING BODY – THE FIFTEENTH MEETING OF THE CONFERENCE OF THE PARTIES**

29. In response the UNPFII recommendations emanating from its 17<sup>th</sup> and 18<sup>th</sup> sessions, the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions at its eleventh meeting, recommends that the Conference of the Parties at its fifteenth meeting adopt a decision along the following lines:

*The Conference of the Parties,*

*Having considered* the note by the Executive Secretary,<sup>19</sup>

1. *Takes note* of the recommendations emanating from the seventeenth and eighteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and *requests* the Executive Secretary to continue to inform the Permanent Forum of developments of mutual interest;

2. *Welcomes* the invitations of the Forum to the Secretariat of the Convention on Biological Diversity to contribute to:

(a) A study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity;

(b) A set of actions and commitments in relation to conservation and human rights in the context of the post-2020 global biodiversity framework;

(c) A comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities;

3. *Decides* to take the results of these activities under consideration in the development of its new programme of work on Article 8(j) and related provisions from the perspective of the relevance of the knowledge innovations and practices of indigenous peoples and local communities relevant to the conservation and sustainable use of biodiversity, particularly in the post-2020 global biodiversity framework;

4. *Requests* the Executive Secretary, subject to the availability of resources, to contribute to the above-mentioned activities, to provide information to the Forum about these and other relevant activities of the Convention, and to carry out commitments to indigenous peoples, in accordance with the Secretary General's system-wide action plan for ensuring a

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<sup>19</sup> [CBD/WG8J/11/6](#).

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coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>20</sup>

### B. System Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

#### **Executive summary:**

Please provide an overview of actions taken to implement the System-Wide Action Plan on the Rights of Indigenous Peoples. This summary will form the basis of the compilation report of UN activities to implement the SWAP and the Declaration. [Word limit: 600]

#### **CBD'S CONTRIBUTION TO THE EXECUTIVE SUMMARY**

30. The Convention works within its mandate on knowledge, innovations and practices and customary sustainable of biodiversity, of indigenous peoples and local communities, to fulfil its obligations concerning the United Nations Declaration. Effective participation of indigenous peoples in the work of the Convention underpins the importance of indigenous peoples at all levels of the Convention.

31. The chief mechanism remains the Working Group on Article 8(j) and Related Provisions, which has met eleven times since its establishment in 1998<sup>21</sup> 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 important guidelines and other tools. Indigenous peoples and local communities have positioned themselves to be essential partners in the development and implementation of the Post-2020 Global Biodiversity Framework.

#### *Enhanced participation mechanisms*

32. A fundamental principle of the programme of work on the Working Group on Article 8(j) has been the full and 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 indigenous peoples and local communities 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 interventions on all agenda items. Additionally, to further assist the effective participation of indigenous peoples and local communities in the work of the Convention, the Secretariat has established specific web-pages and web-based tools, including the Traditional Knowledge Information Portal, and facilitates regular capacity development efforts, and manages a voluntary funding mechanism for the participation of indigenous peoples and local communities in meetings held under the Convention.<sup>22</sup> All in all, the work of the Secretariat to engage indigenous peoples and local communities is seen as a good practice in the United Nations system.

#### *Programme of work on Article 8(j) and related provisions and opportunities for suggestion on future work*

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<sup>20</sup> E/C.19/2016/5 and Corr.1.

<sup>21</sup> At the fourth meeting of the Conference of the Parties.

<sup>22</sup> See: <https://www.cbd.int/traditional/fund.shtml>

33. The programme of work on Article 8(j) and Related Provisions<sup>23</sup> is the main instrument that Parties to the Convention on Biological Diversity have adopted in order to achieve the commitments in Article 8(j) and Related Provisions, and later to Aichi Biodiversity Target 18<sup>24</sup> by 2020.

34. To date, the programme of work on Article 8(j) and Related Provisions has produced significant results including the set of principles and guidelines contained in section 4 of this report. The full versions of these guidelines and principles in the six United Nations' languages are available at: <https://www.cbd.int/guidelines/>

### *Opportunities for input on possible elements of work and institutional arrangements Post 2020*

35. The biennium (2019-2020) offers an important opportunity to indigenous peoples and the United Nations Permanent Forum on Indigenous issues. In the lead up to CBD COP-15 in Peoples Republic of China, November 2020, the Convention is embarking on extensive consultations with Parties, other Governments, as well as indigenous peoples and local communities, non-governmental organizations and other relevant organizations, to consider possible elements of work for a fully integrated programme of work on Article 8(j) and Related Provisions within the post-2020 biodiversity framework. The process leading up to the adoption of the Post-2020 Biodiversity Framework is expected to also consider institutional arrangements for indigenous peoples and local communities.

36. Additionally, as regards the discussions concerning future work mentioned above, the Executive Secretary has been requested to consult with the Secretariat of the United Nations Educational, Scientific and Cultural Organization with a view, subject to the availability of resources, to preparing options for possible elements of work aimed at a rapprochement of nature and culture in the post-2020 global biodiversity framework, so that possible elements of work are considered along with other proposals in order to develop a fully integrated programme of work on Article 8(j) and Related Provisions in the post-2020 global biodiversity framework, at the fifteenth meeting of the Conference of the Parties.

37. The UNPFII remains invited to contribute views on possible elements of work of relevance to indigenous peoples and local communities, as well as institutional arrangements for indigenous peoples and local communities in the Post-2020 Biodiversity Framework, as well as views concerning possible elements of work aimed at a rapprochement of Nature and Culture in the post-2020 global biodiversity framework. Such contributions or submissions should be made by June 2019 so that they can be considered by the 11<sup>th</sup> meeting of the Working Group on Article 8(j) and Related Provisions.

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As requested in the Outcome Document of the World Conference on Indigenous Peoples (2014), a system-wide action plan (SWAP) to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples was adopted in November 2015 and launched by the Secretary-General at the UN Permanent Forum in May 2016. The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2020 session. For ease of reference, the questions have been framed under the six key elements of the SWAP-Indigenous Peoples as follows:

### **1. Raising awareness of the UN Declaration**

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<sup>23</sup> The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in decision V/16.

<sup>24</sup> 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.

## Questionnaire to UN system

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Please provide information on any activities that raise awareness of the UN Declaration on the Rights of Indigenous Peoples, including key messages, advocacy and other media and outreach initiatives. Please provide information on publications, films, audio material, maps, or other materials that feature or focus on the UN Declaration and on indigenous peoples. Please also provide links to relevant websites and other sources, including contact details of focal points.

### **CBD RESPONSE**

38. The Convention on Biological Diversity and its Secretariat work on key elements of the UN Declaration on the Rights of Indigenous Peoples, which are traditional knowledge, customary sustainable use of biodiversity and the effective participation of indigenous peoples in the work of the Convention, at various levels including local, national, regional and international.

39. Following this, the Secretariat, jointly with partners, organized the following related events to raise awareness of these issues within the mandate of the Convention on Biological Diversity and within the context of the UN Declaration:

- **The Nature and Culture Summit - Biological and Cultural Diversity for Biodiversity and Human Resilience and for Achieving the Sustainable Development Goals and the Paris Agreement**, in Sharm El-Sheikh, Egypt, 22-24 November 2018. The Nature and Culture Summit was held under the auspices of the Joint Programme of Work between the Convention on Biological Diversity and UNESCO on the Links between Biological and Cultural Diversity (2001-2020). The Summit provided an opportunity to States, indigenous peoples, local communities, stakeholders and specialized agencies to reflect on the achievements made over the last decade in finding synergies between biological and cultural diversity, between science and indigenous knowledge systems. There has been a flourishing of innovative approaches that are mobilizing communities and knowledge-holders to help conserve the fabric of life on our planet. The Summit was an opportunity for reflection, dialogue and developing ways of cooperation as we move forward into the post-2020 period and the ongoing efforts towards achieving the Sustainable Development Goals, in order to bring about a rapprochement of Nature and Culture in the post-2020 era. The third session of the Summit was entirely dedicated to the issue of human rights and biodiversity. The Summit produced a Declaration which is available at: <https://www.cbd.int/doc/c/8b76/d85e/c62f920c5fd8c4743e5193e1/cop-14-inf-46-en.pdf>
- The Interactive dialogue on scenarios for “Living in Harmony with Nature”, at the plenary of the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, 20 November 2018, Sharm El-Sheikh, Egypt. The dialogue included considerations of human rights of indigenous peoples and youth in relation to biodiversity.
- The First North American Dialogue on Biocultural Diversity, which brought together more than 145 participants working on the links between biological and cultural diversity, including indigenous languages. Dialogue website is at: <https://qcbs.ca/dialogue/>
- The Global Thematic Dialogue for Indigenous Peoples and Local Communities and the Post 2020 Global Biodiversity Framework, on 17-18 November with 55 IPLCs participants. The Report of the dialogue, and particularly its annex, contain conceptual advice concerning inclusivity or integration of IPLCs, harnessing the power of their collection and local actions for the goals of the Convention in order to reach the 2050 vision of living in harmony with nature by 2050. The report will also be made available for the consideration the 2nd Open-ended Working Group on the Post 2020 Global Biodiversity Framework, when it meets next February in Kunming, China. The report is available at: <https://www.cbd.int/meetings/POST2020-WS-2019-12>

## Questionnaire to UN system

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### **2. Supporting the implementation of the UN Declaration, particularly at the country level**

Please provide information on actions taken or planned by your agency, fund, programme, entity on the following:

- i.* Measures taken or planned to support national partners in reform and implementation of legal frameworks, policies, strategies and plans to implement the UN Declaration on the Rights of Indigenous Peoples, including any joint programming initiatives. Please also include information related to indigenous women in your responses.
- ii.* Support provided to Member States to mainstream the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples in national development plans and in the UN Sustainable Development Cooperation Framework and Common Country Analysis.
- iii.* Support for consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.

### **CBD RESPONSE**

40. The Convention on Biological Diversity does not have country presences and is implemented by Parties (member Governments who have ratified the Convention) at the national level. A general national focal point for the Convention, as well as specialist focal points, including a focal point for traditional knowledge, is appointed by each government and usually housed within departments of environment. More information on national focal points for traditional knowledge can be found at: <https://www.cbd.int/doc/lists/nfp-cbd-tk.pdf>

41. In order to assist Parties in implementing their obligations under the Convention, the Governing Body (CBD-COP) adopts by consensus principles and guidelines to support and facilitate implementation at the national level. Parties to the Convention are requested to report on the implementation of such principles and guidelines, through the national reports in regular intervals, and directly to the Subsidiary Body on Implementation and the Working Group on Article 8(j) and Related Provisions, as appropriate.

42. Regarding the traditional knowledge, innovations and practices of indigenous peoples and local communities, the Conference of the Parties has adopted, at its thirteenth (2016) and fourteenth (2018) meetings, a number of significant tools for the protection, promotion and restoration of traditional knowledge.

43. The guidelines include the Mo'otz Kuxtal<sup>25</sup> Voluntary Guidelines for Traditional Knowledge. They are intended to guide Parties and other governments in the development of mechanisms, legislation or other appropriate initiatives to ensure the prior and informed consent<sup>26</sup> of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.

44. Furthermore, at its fourteenth meeting (November 2018), the Conference of the Parties adopted the Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of

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<sup>25</sup> Which means "roots of life" in the Maya indigenous language

<sup>26</sup> This term should be understood as "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances (Mo'otz Kuxtal Voluntary Guidelines)

## Questionnaire to UN system

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Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity. These guidelines will be a useful tool to assist indigenous peoples and institutions holding traditional knowledge and relevant information in repatriation efforts aimed at returning traditional knowledge and restoring knowledge systems.

45. These guidelines, if effectively implemented at the national level, will assist in achieving Aichi Biodiversity Target 18 of the CBD's Strategic Plan for Biological Diversity (2011-2020), which provides that:

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.

46. As such the Mo'otz Kuxtal<sup>27</sup> Voluntary Guidelines and the Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge are substantial contributions to protecting traditional knowledge as envisaged under Article 31 of the UN DRIPs which states:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, **traditional knowledge** and traditional cultural expressions, as well as the manifestations of **their sciences, technologies and cultures**, including human and **genetic resources**, seeds, medicines, **knowledge of the properties of fauna and flora, oral traditions**, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such **cultural heritage, traditional knowledge**, and traditional cultural expressions.

47. Additionally, the Nagoya Protocol<sup>28</sup> is a legally binding protocol that establishes that access to traditional knowledge associated with genetic resources is based on prior informed consent or approval and involvement. Additionally, the Nagoya Protocol, in article 6, requires that Parties take measures with the aim of ensuring that prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to do so. Of particular note, the COP/MOP NP (Governing body to the Nagoya Protocol), at its first meeting, agreed, amongst other things, to include two indigenous representatives in the compliance committee established under the Nagoya Protocol.

### 3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

- i.* Has your agency/organization taken any measures to incorporate indigenous issues into policy and programming to implement the 2030 Agenda in line with the UN Declaration on the Rights of Indigenous Peoples?
- ii.* Has your agency/organization/entity supported the participation of indigenous peoples in the implementation and review of the 2030 Agenda for Sustainable Development, including at the national level? Please also include information on indigenous women, persons with disabilities, older persons and children and youth in your responses. Please describe how indigenous peoples have contributed to the preparation of the national plans/strategies for SDG implementation?

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<sup>27</sup> Which means "roots of life" in the Maya indigenous language

<sup>28</sup> Refer to: <https://www.cbd.int/abs/>

- iii. Please provide information on any reports or other documents in implementing the 2030 Agenda for indigenous peoples. Also include information on any measures taken or planned for the collection of statistical data on indigenous peoples, in particular related to the SDG indicators for target 1.4 (secure tenure rights to land), target 2.3 (income of small-scale food producers), target 4.5 (parity in access to education) and target 10.3/16.b (experience of discrimination).

### **CBD RESPONSE**

48. The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity at its tenth meeting had in its session a Dialogue on the “Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity”<sup>29</sup>. As a result, the Conference of the Parties at its fourteenth meeting in 2018 invited Parties, when implementing the 2030 Agenda for Sustainable Development,<sup>30</sup> to mainstream traditional knowledge, innovations and practices, including those on customary sustainable use of biodiversity, into the implementation of all relevant Sustainable Development Goals with the full and effective participation of indigenous peoples and local communities.<sup>31</sup>

49. Additionally, in 2019-2020, in the development of the Post-2020 Global Biodiversity Framework, and in the future programme of work on the collective and local actions of indigenous peoples and local communities, Parties have committed to ensuring future work is broadly relevant to other global processes, including the Sustainable Development Agenda and climate action.

50. The Secretariat of the Convention works towards the inclusion of indigenous peoples and local communities in the work of the Convention at various levels and not specifically for their inclusion in processes beyond the Convention’s mandate, such as the 2030 Agenda for Sustainable Development.

51. The Secretariat of the Convention on Biological Diversity does not envisage reporting on progress in the framework of the SGDs, as the Convention adheres to a framework (the Strategic Plan for Biodiversity 2011-2020) which was adopted by the General Assembly for action on biodiversity across the international system<sup>32</sup>. However, the Secretariat remains a partner in ongoing work on indicators under the SDGs. Additionally, under the Convention on Biological Diversity, there are a number of ongoing indicator and monitoring processes related to traditional knowledge and customary sustainable use (Articles 8(j) and 10(c)), that are relevant for the collection of statistical data on indigenous peoples. Additionally, in the period leading up to 2020, the Convention is developing a post-2020 global biodiversity framework (2020-2050), which will take into account the collective actions of indigenous peoples and position them as central partners to the Convention, as well as ensuring the Convention is more relevant to broader global issues, including the SDGs and climate action.

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<sup>29</sup> See In-depth dialogue on thematic areas on other cross-cutting issues“ Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity” **CBD/WG8J/10/10** <https://www.cbd.int/doc/c/4a24/b240/ac1a0ee0ed6bab2a1a931071/wg8j-10-10-en.pdf>

<sup>30</sup> [General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”](#), annex.

<sup>31</sup> CBD/WG8J/10/L6

<sup>32</sup> Refer to A/RES/65/161

### 4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

#### **CBD RESPONSE**

52. There is an extensive set of guidelines and principles adopted under the Convention on Biological Diversity that address traditional knowledge and customary sustainable use of biodiversity. They include:

(a) **The composite report** on the status and trends of traditional knowledge<sup>33</sup> bringing together detailed regional information from every region and the identification of processes at national and local levels that may threaten the maintenance, preservation and application of traditional knowledge;

(b) Guidelines for the conduct of cultural, environmental and social impact assessments (**the Akwe: Kon voluntary guidelines** for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities);<sup>34</sup>

(c) **The Tkarihwaí:ri Code of Ethical Conduct** to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities<sup>35</sup> and the global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>36</sup>

(d) **The Mo'otz kuxtal**<sup>37</sup> **voluntary guidelines** for the development of mechanisms, legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”, depending on national circumstances, of indigenous peoples and local communities<sup>38</sup> for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge;<sup>39</sup>

(e) The **Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge** of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity hereinafter referred to as “the Rutzolijirisaxik Voluntary Guidelines”;<sup>40</sup>

(f) The global **Plan of Action on Customary Sustainable Use** of Biological Diversity;<sup>41</sup>

(f) The **Voluntary Glossary of Key Terms and Concepts** within the context of Article 8(j) and related provisions;<sup>42</sup>

(g) The **Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities**;<sup>43</sup>

(h) The Checklist of **Safeguards in Biodiversity Financing Mechanisms** under the Convention on Biological Diversity.<sup>44</sup>

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<sup>33</sup> 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>

<sup>34</sup> Decision VII/16

<sup>35</sup> Decision X/42

<sup>36</sup> Decision XII/12 B, annex

<sup>37</sup> Meaning “roots of life” in the Maya language

<sup>38</sup> The use and interpretation of the term “indigenous peoples and local communities” in these Guidelines should refer to decision XII/12 F, paragraphs 2 (a), (b) and (c)

<sup>39</sup> Decision XIII/18. The adoption of the Mo'otz kuxtal 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

<sup>40</sup> Adopted at COP 14

<sup>41</sup> Decision XII/12

<sup>42</sup> Adopted at COP 14

<sup>43</sup> Adopted at COP 14

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\*The full versions of these guidelines and principles in the six United Nations' languages can be found at: <https://www.cbd.int/guidelines/>

- i. Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.

### **CBD RESPONSE**

52. In 2019, training materials have been advanced in support of indigenous peoples and local communities (IPLCs) and Parties, with a train-the-trainer methodology, on the CBD's Strategic Plan, Traditional Knowledge, Customary Sustainable Use and Access and Benefit Sharing. Training materials can be found at <https://www.cbd.int/tk/cb/training.shtml>

- ii. Please provide information on current resources and funds allocated to effectively implement the UN Declaration. Please also provide information on any joint initiatives with other UN agencies in the implementation of the UN Declaration.

### **CBD RESPONSE**

*Resources and funds available for traditional knowledge and customary sustainable use*

53. Activities by the Secretariat, such as capacity development and training of IPLCs, are based on requests by the governing body (COP) made to the Executive Secretary and are funded through voluntary funds, on a year by year basis. In the 2018 training year, \$700,000 USD in funds were made available through the Japan Biodiversity Fund by the Government of Japan for the facilitation of four regional training programmes on the Convention for IPLCs and Governments in the African, Latin American, Asian and Pacific regions.<sup>45</sup> Additionally, Parties contribution \$400,000 USD per biennium for the facilitation of the Working Group on Article 8(j) and related provisions, as well as voluntary donations of approximately \$300,000 USD per biennium, to ensure the effective participation of indigenous peoples and local communities in meetings held under the Convention.

54. Funds are also being raised to ensure the effective participation of indigenous peoples and local communities in the development of the Post 2020 Global Biodiversity Framework, during 2019-2020 and to cover the cost of participation of representatives of indigenous peoples and local communities in other meetings held under the Convention, through the Voluntary Fund<sup>46</sup> established for this purpose. In 2018, a total of \$125,000 USD was raised thanks to the Governments of Australia, Germany, New Zealand and Mexico to facilitate the participation of IPLCs in SBSTTA 23 and the eleventh meeting of the Working Group on Article 8(j) and Related Provisions. During 2018, thirty-four indigenous and local community representatives received funding from the voluntary Fund to participate in the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 14), the ninth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 9) and the third meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 3), from 17 to 29 November 2018 in Sharm El-Sheikh, Egypt. During 2019, eight indigenous peoples and local community representatives received funding from the voluntary fund to participate in first meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework (27 to 30 August, Nairobi, Kenya), twenty indigenous and local community representatives received funding from the

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<sup>44</sup> Adopted at COP 14

<sup>45</sup> For further information see document UNEP/CBD/SBI/1/Add.3 at <https://www.cbd.int/doc/?meeting=SBI-01>

<sup>46</sup> Further information of the voluntary fund for the participation of IPLCs in meetings held under the Convention can be found at : <https://www.cbd.int/traditional/fund.shtml>

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voluntary fund to participate in the Eleventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, (20 to 22 November 2019), twelve indigenous and local community representatives received funding from the voluntary fund to participate in Twenty-third meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (25 to 29 November 2019, Montreal, Canada.) The selection of applicants is carried out through the Secretariat's notification system, which is available at: <https://www.cbd.int/notifications/>.

55. The Secretariat has three staff devoted to Article 8(j) and related provisions related work and for engagement with indigenous peoples and local communities:

John SCOTT

[john.scott@cbd.int](mailto:john.scott@cbd.int)

Senior Programme Officer for Peoples and Biodiversity Unit

Focal Point for Indigenous Peoples and Local Communities.

Professional Officer P2

To be filled in 2020

Associate Programme Officer for Traditional Knowledge, Innovations and Practices,

Focal Point for Indigenous Peoples.

Ms. Teresa Mazza

[teresa.mazza@un.org](mailto:teresa.mazza@un.org)

Programme Management Assistant

### **5. Developing the capacities of States, indigenous peoples, civil society and UN personnel**

Please provide information on any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff. Also include information on the participation of indigenous women, children and youth as well as indigenous persons with disabilities in your response. Please provide details of up to three concrete examples where your entity has made the most progress.

#### **CBD RESPONSE**

56. The Conference of the Parties to the Convention on Biological Diversity and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization have adopted several decisions<sup>47</sup> relevant to the importance of establishing national arrangements on traditional knowledge for achieving Aichi Biodiversity Target 18 and contributing to Aichi Biodiversity Target 16 of the Strategic Plan for Biodiversity 2011-2020.<sup>48</sup>

57. In addition, the Conference of the Parties adopted decision XIII/18 on the Mo'otz Kuxtal Voluntary Guidelines, which provides guidance to Parties for the development of mechanisms,

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<sup>47</sup> See decisions [XIII/18](#), [XII/12 A, para. 7](#); [XII/12 B, para. 8](#); [NP-1/2](#); [NP-1/8](#); [NP-1/9](#); [X/40 para. 5](#); [XI/14 B, para. 1](#); [XI/14 B, para. 2](#); [XI/14 B, para. 10](#); [XI/14, B, para 5](#); [Plan of action on capacity-building, \(decision XIII/23\) activity 68](#).

<sup>48</sup> These Aichi Biodiversity Targets established the following:

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;

Target 16: By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

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legislation, administrative and policy measures or other appropriate initiatives to ensure that potential users of knowledge, innovations and practices that are held by indigenous peoples and local communities, obtain their prior informed consent for accessing their knowledge.

58. Pursuant to these decisions, the Secretariat of the Convention implemented a project called “Capacity development programme on national arrangements for achieving traditional knowledge elements of Targets 18 and 16 of Strategic Plan for Biodiversity 2011-2020” which included four regional workshops during 2018. This programme built on the previous trainings and responded to the needs assessment for capacity-building activities as follows:

- (a) 2015-2016: training programme on community protocols, indicators and customary sustainable use of biodiversity;
- (b) 2013-2014: capacity-building initiative on traditional knowledge under the Convention on Biological Diversity.

59. The 2018 workshops had the following objectives:

- (a) To provide an opportunity for participants to share experiences on national policy measures on traditional knowledge and related indigenous issues, including gaps and challenges;
- (b) To share experiences where indigenous peoples and local communities have established rights to grant access to genetic resources;
- (c) To build capacity to develop potential draft elements for the development of effective national action plans to address traditional knowledge according to regional situations and unique national realities, taking into account the decisions emanating from the recent meetings of the Conference of the Parties and the meetings of the Parties to the Protocols;
- (d) To provide an opportunity for participants to discuss the post-2020 global biodiversity framework;
- (e) To prepare for the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

60. As outcomes of the workshops, Parties to the Convention (national focal points for traditional knowledge) and indigenous peoples and local communities from developing countries were able to develop national action plans on traditional knowledge in order to move towards achieving Aichi Biodiversity Target 18 (see [Conference of the Parties decision XIII/18](#) on the Mo’otz Kuxtal Voluntary Guidelines) by 2020. The workshops also contributed to the better understanding of the traditional knowledge associated with genetic resources under the Nagoya Protocol (Articles 5, 6, 7, 12, 18 and 19) and how to implement them effectively in the national context. Overall, the programme will contribute to achieving CBD Aichi Biodiversity Targets 18 and 16. The rationale is that developing and implementing national action plans on traditional knowledge will assist Parties in fulfilling obligations concerning:

- (a) Traditional knowledge in accordance with Article 8(j) of the Convention;
- (b) Traditional knowledge associated with genetic resources under the Nagoya Protocol;
- (c) Aichi Biodiversity Targets 18 (traditional knowledge) and 16 (Nagoya Protocol).

61. The participants of the workshops were representatives from indigenous peoples and local community organizations and Parties from developing countries, who worked together collaboratively to develop possible elements of national action plans on traditional knowledge.

62. The workshops used the methodology of “train the trainer” which prioritizes participants from Governments and indigenous peoples and local communities who are able, upon returning to their home countries and communities, to train others. The course used online training (through an e-learning course) in order to prepare the participants for the five days of face-to-face training.

63. During 2018, regional workshops were held in the Latin American Region (Mexico, April 2018); Pacific Region (New Zealand, May 2018); Asian Region (Sri Lanka, July 2018) and African Region (Morocco, October 2018).

### **6. Advancing the participation of indigenous peoples at the UN**

Please provide information on any support provided for the full and effective participation of indigenous peoples at relevant UN processes, including at the country level. Please also provide information on any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them.

#### **CBD RESPONSE**

#### **PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THE WORK OF THE CONVENTION**

64. In the biennium 2018-2019, a total of 61 representatives of indigenous peoples and local communities received funding from the Voluntary Trust Fund, which enabled their participation in official meetings held under the Convention.<sup>49</sup> The Secretariat expresses its gratitude to Australia, Egypt, Finland, Germany, New Zealand, Norway, Sweden, and Mexico for their continuing support of the General Trust Fund for Voluntary Contributions to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention on Biological Diversity.

65. In addition, the Secretariat has facilitated the participation of indigenous peoples and local communities in the following subsidiary bodies and expert meetings held under the Convention and its Protocols:

(a) The eleventh meeting of the ad hoc open-ended Working Group on Article 8J(j) and related provisions (20-22 November, 2019) and the 23<sup>rd</sup> meeting of the Subsidiary Body on Technical and Scientific Advice (25-29 November, 2019).

(b) The 1<sup>st</sup> Open-Ended Working Group on the Post-2020 Global Biodiversity Framework (August, 2019);

(c) Meetings of the Ad Hoc Technical Expert Group on Synthetic Biology, Montreal, Canada, 5-8 December 2017 and 4-7 June 2019;

(d) Regional consultations on the post-2020 global biodiversity framework for: (i) Latin America and the Caribbean, Montevideo, 14-17 May 2019; (ii) Central and Eastern Europe, Belgrade, 16-18 April 2019; (iii) Africa, Addis Ababa, 2-5 April 2019; (iv) Western European and Others Group and Other Members of the European Union, Bonn, 19-21 March 2019; (v) Asia and the Pacific, Nagoya, Japan, 28 January-1 February 2019;

(e) Second meeting of the Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing, Montreal, Canada, 24-26 April 2018;

(f) African Ministerial Summit on Biodiversity, Sharm El-Sheikh, Egypt, 13 November 2018;

(g) Third meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, Montreal, Canada, 20-22 March 2018;

(h) Meeting of the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources, Montreal, Canada, 13-16 February 2018;

(i) Technical Expert Workshop on Other Effective Area-based Conservation Measures for Achieving Aichi Biodiversity Target 11, Montreal, Canada, 6-9 February 2018;

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<sup>49</sup> (a) Working Group on Article 8(j) and Related Provisions, tenth meeting, and Subsidiary Body on Scientific, Technical and Technological Advice, twenty-first meeting: 18 funded; (b) Subsidiary Body on Scientific, Technical and Technological Advice, twenty-second meeting, and Subsidiary Body on Implementation, second meeting: 10 funded; (c) Conference of the Parties, fourteenth meeting, ninth meeting of the Parties to the Cartagena Protocol on Biosafety, and third meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing: 33 funded.

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(j) Expert Workshop on Marine Protected Areas and Other Effective Area-based Conservation Measures for Achieving Aichi Biodiversity Target 11 in Marine and Coastal Areas, Montreal, Canada, 6-9 February 2018;

(k) Expert Workshop on Invasive Alien Species in Preparation for the Twenty-second Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, Montreal, Canada, 2-4 December 2019;

(l) International Expert Workshop on Mainstreaming Biodiversity in the Sectors of Energy and Mining, Infrastructure, and Manufacturing and Processing, Cairo, 20-22 June 2018.

66. The Secretariat continues to include on a regular basis the participation of representatives of indigenous peoples and local communities in workshops held under the Convention, including but not limited to the following:

(a) Regional Bio-Bridge Initiative round tables for: (i) Latin America and the Caribbean, Bogota, 27-29 November 2017; (ii) Africa, Entebbe, Uganda, 7-9 November 2017; (iii) Asia and the Pacific, Incheon, Republic of Korea, 16-19 October 2017; (iv) Central and Eastern Europe and the Central Asian republics, Minsk, 26-28 February 2018; (v) Western Europe and Others Group, Brussels, 21 September 2018;

(b) Sustainable Ocean Initiative capacity-building workshops for: (i) the wider Caribbean and Central America, San José, Costa Rica, 20-24 February 2017; (ii) northern Africa and the Mediterranean, Tangier, Morocco, 15-19 October 2018;

(c) Regional Capacity-building Workshop on Biodiversity and Health for the ASEAN Region, Manila, 5-7 November 2018.

**(i) Please also provide data on the number of indigenous persons working in your Agency/organization, and any obstacles faced in recruiting indigenous persons.**

### **CBD RESPONSE**

67. The Secretariat has two staff devoted to Article 8(j) and related provisions related work and for engagement with indigenous peoples and local communities:

Mr. John SCOTT

[john.scott@cbd.int](mailto:john.scott@cbd.int)

Senior Programme Officer for Peoples and Biodiversity Unit,  
Focal Point for Indigenous Peoples and Local Communities.

Professional Officer P2

To be filled in 2019

Associate Programme Officer for Traditional Knowledge, Innovations and Practices,  
Focal Point for Indigenous Peoples.

Ms. Teresa Mazza

[teresa.mazza@un.org](mailto:teresa.mazza@un.org)

Programme Management Assistant

(ii) Please provide brief reflections on how your entity plans to address any obstacles faced.

### **CBD RESPONSE**

68. Some of the obstacles reported by Parties and indigenous peoples and local communities include the need for ongoing capacity development. The Secretariat of the Convention on Biological Diversity notes a consistent request for capacity development concerning implementation of standards

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and guidelines adopted under the Convention, and its Protocols, including those of particular relevance to indigenous peoples. This is addressed through fund-raising for capacity development workshops each biennium. Additionally, the Convention is considering a long-term capacity development strategy as part of the Post-2020 Global Biodiversity Framework.

69. Additionally, Parties are increasingly aware of the power of collective and local actions of indigenous peoples and biodiversity and are considering how to include these actions in national reporting and in the revision and implementation of national biodiversity strategies and action plans (NBSAPs), with the full and effective participation of indigenous peoples and local communities, within the context of the emerging global biodiversity framework.

### *Progress made by Parties towards Aichi biodiversity target 18 of the strategic plan for biodiversity 2011-2020*<sup>50</sup>

70. Based on an analysis of the 96 sixth national reports received by 30 June 2019 (see document CBD/WG8J/11/2 at <https://www.cbd.int/doc/c/53e0/a73d/03f29240a75c817fbf9fd1db/wg8j-11-02-en.pdf>), of the 96 national reports analysed, 91 Parties included information about indigenous peoples and local communities.

71. Target 18 establishes the following:

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.

72. In addition, there are some other Targets related to indigenous peoples and local communities, such as Target 14.<sup>3</sup> Furthermore, all other targets can be relevant to indigenous peoples and local communities.

### *Progress as reported in the sixth national reports*

73. Parties to the Convention reported their actions to achieve Aichi Biodiversity Target 18 of the Strategic Plan for Biodiversity 2011-2020 in their sixth national reports. Some also reported the contribution of indigenous peoples and local communities to the achievement of other targets. The complete compilation of progress on Article 8(j) and Related Provisions, as reported by each of the 96 Parties that submitted their sixth national report to the Executive Secretary by 30 June 2019, can be found in CBD/WG8J/11/INF/4.

74. Some main actions reported by several Parties included the following:

- (a) Implementation of capacity-building workshops and trainings on traditional knowledge and customary sustainable use under the Convention;
- (b) Initiatives to establish co-management of protected areas with indigenous peoples and local communities living in and around them;
- (c) Establishment of Indigenous Community Conservation Areas (ICCA), Indigenous Protected Areas (IPAs) and elaboration of corresponding co-management plans;
- (d) Actions to involve indigenous peoples and local communities in resources management and conservation;

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<sup>50</sup> <https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>

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- (e) Documentation and development of inventories on traditional knowledge and related resources;
- (f) Development of traditional medicine and pharmacopeia action plans;
- (g) Commercialization of edible wild produce;
- (h) Introduction of general mechanisms for consultations with indigenous peoples;
- (i) Incorporation of traditional knowledge in consultation processes, including by giving indigenous leaders specific mandates;
- (j) Development of draft policies on traditional knowledge;
- (k) Elaboration of national legislative and political frameworks for equitable access to genetic resources and sharing of benefits resulting from its use;
- (l) Guidelines for establishing community protocols.

75. All of these actions demonstrate a measurable increase in information related to the contributions of indigenous peoples and local communities to the Aichi Biodiversity Targets in the sixth national report compared to the previous national reports. In analysing the fifth national reports (2014) the Secretariat had previously reported that 27 per cent of national reports included information about the contributions of indigenous peoples and local communities. Based on an analysis of the 96 sixth national reports reviewed up to 30 June, 90 per cent (82 national reports) included references to the contributions of indigenous peoples and local communities. This represents a threefold increase in reporting on the collective actions of indigenous peoples and local communities through the national reports.