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CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Eleventh meeting

Hyderabad, India, 8-19 October 2012

Agenda item 7

DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY AT ITS ELEVENTH MEETING

XI/14. Article 8(j) and related provisions

A. Progress in the implementation of Article 8(j) and related provisions and its integration into the various areas of work under the Convention on Biological Diversity

The Conference of the Parties

1. *Notes* the progress made in integrating the relevant tasks of the programme of work on Article 8(j) into various areas of work under the Convention, including progress reported in national reports;
2. *Requests* the Executive Secretary to continue to report on progress in the implementation of Article 8(j) and related provisions, based on information submitted in national reports, and on the integration of the relevant tasks of the programme of work on Article 8(j) and related provisions into the thematic areas of work under the Convention, to the eighth meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions;
3. *Requests* Parties, and especially those that have not yet done so, to submit, with the participation of indigenous and local communities, information regarding the implementation of the programme of work on Article 8(j) and related provisions of the Convention, both directly to the Secretariat and through their fifth national reports, where possible, and in time for the eighth meeting of the Working Group on Article 8(j) and Related Provisions, and *requests* the Executive Secretary to analyse and summarize this information and make it available to the eighth meeting of the Working Group on Article 8(j) and Related Provisions, in order to take this matter forward;
4. *Calls upon* Parties to fully integrate Aichi Biodiversity Target 18 into their revised and updated national biodiversity strategies and action plans and into other relevant local and regional plans, respecting traditional knowledge and customary practices that are of interest for the conservation and sustainable use of biological diversity, and to report progress in their fifth national reports, using relevant indicators;

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5. *Requests* the Executive Secretary, in consultation with Parties, indigenous and local communities and others, to examine the fourth and fifth national reports with a view to compiling a geographically balanced set of good practices, in order to benefit from them and understand difficulties encountered in other geographical areas concerning the implementation of Articles 8(j) and 10(c) and related provisions, and to make such case studies and examples available in the form of a CBD Technical Series report, as a resource for Parties, indigenous and local communities and interested stakeholders;

6. *Decides* that one meeting of the Working Group on Article 8(j) and Related Provisions will be organized prior to the twelfth meeting of the Conference of the Parties;

7. *Also decides* that the topic for the in-depth dialogue to be held at the eighth meeting of the Working Group on Article 8(j) and Related Provisions shall be:

“Connecting traditional knowledge systems and science, such as under the IPBES, including gender dimensions”;

8. *Noting* the apparent lack of financial support for indigenous and local communities in their efforts to develop their own community plans, including community protocols, *urges* Parties, including in their requests to the Global Environment Facility (GEF), including through the GEF Small Grants programme, and *invites* other donors, to support, as appropriate, indigenous and local communities to organize themselves, in order to ensure that they can effectively develop their own community plans and protocols and participate in national and international dialogues concerning the Convention;

9. *Also urges* Parties, including in their requests to the Global Environment Facility, including through the GEF Small Grants programme, and *invites* other donors, to support, as appropriate, indigenous and local communities to document, map and register their indigenous and community conserved areas, in accordance with national legislation, and to prepare and implement their community conservation plans. Furthermore, support should be provided to countries to strengthen their recognition of such areas;

10. *Notes* the potential contribution that the International Indigenous Peoples and Local Communities Land and Sea Managers Network, announced at the United Nations Conference on Sustainable Development (Rio+20) could make to linking indigenous expertise and modern technology and *encourages* participation in the associated conference, to be held from 27 to 31 May 2013 in Darwin, Australia, in order to further develop the Network.

B. *Participatory mechanisms for indigenous and local communities in the work of the Convention*

The Conference of the Parties,

Capacity-building

Welcoming with appreciation the recent focus on integrating indigenous and local community representatives into other capacity-building efforts of the Secretariat, including in respect to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, the revision of national biodiversity strategies and action plans, and subregional workshops on capacity-building for implementing the programme of work on protected areas under the Convention on Biological Diversity,

Welcoming the regional and subregional workshop series aimed at capacity-building for indigenous and local communities through web-based technologies, with a view to supporting the implementation of the Convention's Guidelines on Biodiversity and Tourism Development and strengthening indigenous and local initiatives in this area,

1. *Requests* the Executive Secretary to continue his efforts to ensure the effective implementation of decisions X/40 A, paragraphs 3, 4 and 5, and IX/13 D and E, concerning capacity-building, taking into account decisions VIII/5 B and C, VII/16, annex, and V/16, annex II, task 4, including through the development of appropriate methodologies and mechanisms, including new electronic means, didactic materials, and culturally appropriate tools and instruments, developed with the full and effective participation of indigenous and local communities and their organizations, with a view to increasing the participation of indigenous and local community representatives, particularly women, who are familiar with Convention processes and participate in the work of the Convention, including its implementation at national and local level, and *invites* donors to continue their support for indigenous and local community capacity-building workshops and the aforementioned tools and methodologies, at regional and subregional level;

2. *Requests* Parties, Governments, international organizations and indigenous and local community organizations to consider collaborating with the Secretariat to facilitate workshops specific to indigenous and local communities, including through the development of appropriate methodologies and mechanisms, including new electronic means, didactic materials, and culturally appropriate tools and instruments, developed with the full and effective participation of indigenous and local communities and their organizations, and in particular, where possible, and subject to the availability of funding, to develop medium- and long-term strategies to raise awareness of Convention processes among indigenous and local communities and to facilitate their full and effective participation in those processes, including the revised programme of work on Article 8(j) and related provisions and the recently adopted new element of the programme of work concerning customary sustainable use (Article 10(c)), and also their participation in the implementation of the Strategic Plan for Biodiversity 2011–2020 and its Aichi Biodiversity Targets, particularly Target 18;

3. *Requests* the Executive Secretary to continue to convene, subject to the availability of financial resources, the series of regional and subregional workshops aimed at capacity-building for indigenous and local communities to support the implementation of the Guidelines on Biodiversity and Tourism Development through enhanced marketing strategies and web-based technologies;

4. *Requests* the Secretariat to explore the possibility of facilitating capacity-building workshops jointly with other multilateral environment agreements, so as to promote the conservation and sustainable use of biodiversity and optimize the use of limited human and financial resources.

Communication, education and public awareness

5. *Requests* the Executive Secretary to ensure the full and effective participation of indigenous and local community representatives in developing a communication, education and public awareness strategy for the United Nations Decade on Biodiversity 2011–2020, and to continue to develop a variety of communication, education and public awareness activities and products in the six United Nations languages, making use of contributions from indigenous and local communities, in order to inform indigenous and local communities about the work of the Convention and raise awareness among the general public about the role of indigenous and local communities, and their traditional knowledge and customary use, in the conservation and sustainable use of biodiversity;

Development of communications, mechanisms and tools

6. *Notes with appreciation* the ongoing work by the Secretariat concerning electronic mechanisms, such as the Article 8(j) home page and the Traditional Knowledge Information Portal, and related initiatives, including partnerships with www.indigenousportal.com, and *requests* the Executive Secretary to maintain an ongoing partnership with www.indigenousportal.com and to report on the advancement of this work to the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

7. *Requests* the Executive Secretary, subject to the availability of financial resources, to continue to develop a variety of electronic and traditional materials for communication, education and public awareness, and to ensure that such materials are well publicized through high-profile events in collaboration with Parties, international organizations, indigenous and local communities and other stakeholders;

8. *Invites* Parties, Governments, donors, civil society, the private sector, and relevant funding institutions and mechanisms to provide indigenous and local communities with the resources needed for, and partner them in the development and implementation of, “indigenous to indigenous” and “community to community” training projects that focus on the role of traditional knowledge and customary sustainable use of biodiversity, including “elders and youth” and “women and children” initiatives that are rooted in indigenous languages, cultures and traditional knowledge and that are fundamental in validating and affirming the self-esteem and identity of indigenous and local communities;

9. *Invites* Governments to facilitate and encourage the use of national and local media and to ensure the provision of an enabling environment for access to and use of these facilities by indigenous and local communities;

10. *Also requests* the Executive Secretary, subject to the availability of financial resources, to continue to develop, update and translate the various electronic communication mechanisms, including the Article 8(j) home page and the Traditional Knowledge Information Portal, and to report on progress to the next meeting of the Working Group on Article 8(j) and Related Provisions, and *urges* Parties and *invites* Governments to support the translation of essential Convention documents into national and local languages, with a view to supporting the Executive Secretary in these tasks;

11. *Further requests* the Executive Secretary: (i) to continue to monitor the use of the Convention website, and in particular the Article 8(j) home page and the Traditional Knowledge Information Portal; (ii) to consult indigenous and local communities participating in the work of the Convention so as to ensure that interactive media are being adapted to the actual needs of indigenous and local communities and are provided in a language and a format that are readily understandable; and (iii) to

identify any gaps or shortcomings and to report thereon to the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

12. *Invites* Parties to share information on national laws, policies, programmes and other initiatives, actions and, as appropriate, protocols on the implementation of Article 8(j) and related provisions, along with their experiences of implementation, and *requests* the Executive Secretary to make such information available through the Traditional Knowledge Information Portal;

Participation, including through the Voluntary Trust Fund to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention on Biological Diversity

13. *Notes with appreciation* the ongoing efforts by the Secretariat to promote the Voluntary Fund to Facilitate the Participation of Indigenous and Local Communities in the Convention process (VB Trust Fund), and *requests* the Executive Secretary to continue his efforts, and to report on results and provide relevant statistical data concerning the full and effective participation of indigenous and local communities, including by using information given in national reports, to the Working Group on Article 8(j) and Related Provisions at its eighth meeting;

14. *Invites* Parties, Governments, donors and relevant funding institutions and mechanisms to contribute generously to the VB Trust Fund;

15. *Requests* the Executive Secretary, subject to the availability of financial resources, to provide opportunities for participation by one indigenous and local community representative from each country represented at regional and subregional capacity building workshops;

Other initiatives

16. *Welcomes with appreciation* creative initiatives and partnerships between indigenous and local communities and stakeholders in pursuit of the goals of the Convention, and *requests* the Executive Secretary to continue such efforts and to report on progress made to the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

Local communities

Recognizing that the involvement of local communities in accordance with Article 8(j) has been limited,

Recognizing also that the full and effective participation of local communities is crucial to achieving the objectives of the Convention and implementing the Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets,

17. *Encourages* Parties to take concrete actions to facilitate participation by indigenous and local communities in the development and implementation of national biodiversity strategies and action plans and other work under the Convention,

18. *Takes note with appreciation* of the report of the Expert Group Meeting of Local Communities Representatives (UNEP/CBD/WG8J/7/8/Add.1) and *encourages* Parties to consider this report as a potentially useful input to promoting full and effective participation by local communities in the work of the Convention;

19. *Takes note* of the characteristics listed in section I of the annex to the report of the Expert Group Meeting as potentially useful advice in identifying local communities, within the mandate of the Convention;

20. *Requests* the Executive Secretary to take practical steps to ensure that representatives of local communities have equitable access to the Voluntary Fund for the Participation of Indigenous and Local Communities the Work of the Convention, as well as capacity-building workshops; to commence disaggregation of data and statistics on local community representatives; and to report on these measures to the eighth meeting of the Working Group on Article 8(j) and Related Provisions for its consideration;

21. *Takes note with appreciation* of sections II and III of the annex to the report of the Expert Group Meeting as potentially useful advice for developing measures and mechanisms to assist in the implementation of the Convention and the achievements of its goals, and for developing targeted outreach activities for local communities through communication, education and public awareness so as to more effectively encourage their participation in the work of the Convention, including at national and subnational levels.

C. Tasks 7, 10 and 12 of the revised Multi-Year Programme of Work

The Conference of the Parties,

Taking into account the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (decision X/1, annex I), the Strategic Plan for Biodiversity 2011–2020 (decision X/2, annex) and the Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities,¹ while building on the work of the Convention concerning *sui generis* systems for the protection of traditional knowledge,

Taking also into account the work of other relevant international bodies, in particular the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, the United Nations Permanent Forum on Indigenous Issues and the United Nations Educational, Scientific and Cultural Organization,

Recognizing the importance of close cooperation, and the need for communication and exchange of information, among the Convention, its Working Group on Article 8(j) and Related Provisions and other relevant international bodies,

Having considered and reviewed tasks 7, 10 and 12 of the revised Multi-Year Programme of Work, and with a view to adapting their implementation in the light of recent developments, while avoiding duplication of effort and ensuring compatibility and complementarity,

1. *Decides* to advance tasks 7, 10 and 12 by initially identifying how their implementation could best contribute to work under the Convention and the Nagoya Protocol;

2. *Requests* the Executive Secretary to commission three studies, on tasks 7, 10 and 12, respectively, subject to the availability of financial resources, to identify how the implementation of these tasks could best contribute to work under the Convention and the Nagoya Protocol, taking into account, as appropriate, the work of other relevant bodies such as the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization, the United Nations Permanent Forum on Indigenous Issues and the United Nations Educational, Scientific and Cultural Organization. The studies will consider all relevant information, including the views referred to in paragraph 3 below;

3. *Invites* Parties, Governments, relevant international organizations and indigenous and local communities to submit their views on the draft studies, referred to in paragraph 2 above, on how tasks 7, 10 and 12 could best contribute to work under the Convention and the Nagoya Protocol;

4. *Further requests* the Executive Secretary to make these studies available to the eighth meeting of the Working Group on Article 8(j) and Related Provisions for its consideration, with a view to the Working Group making a recommendation to the Conference of the Parties to the Convention on further implementation of tasks 7, 10 and 12, including the possibility of convening an expert meeting;

5. *Requests* the Working Group on Article 8(j) and Related Provisions to inform the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, or the Conference of the Parties serving as the meeting of the Parties to the Protocol, about the progress of work under tasks 7, 10 and 12 of relevance to the implementation of the Nagoya Protocol.

¹ Decision X/42, annex.

D. Consideration and development of terms of reference for task 15 of the programme of work on Article 8(j) and related provisions

The Conference of the Parties

1. *Decides* to adopt the terms of reference annexed to the present decision (XI/14 D) to advance task 15 in the light of other related and ongoing activities;
2. *Emphasizes* that task 15 is:
 - (a) To be interpreted in accordance with the provisions of the Convention, in particular Article 8(j) and related provisions and Article 17, paragraph 2;
 - (b) Intended to build on, and enhance repatriation undertaken by Parties, Governments and other entities, including international organizations, museums, herbaria, botanical and zoological gardens, databases, registers, gene banks, etc.;
3. *Invites* Parties, other Governments, relevant international organizations, non-governmental organizations, and indigenous and local community organizations to submit to the Executive Secretary information on national and/or international best practices relevant to task 15;
4. *Requests* the Executive Secretary to compile the information received under paragraph 3 above and make the compilation available to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions at its eighth meeting;
5. *Recognizing* that cultural property and heritage is within the mandate of the United Nations Educational, Scientific and Cultural Organization, its treaties and programmes, while the Convention on Biological Diversity and its Parties seek to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, including the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, *also requests* the Executive Secretary to seek cooperation with the United Nations Educational, Scientific and Cultural Organization in analysing whether and how the different international legal instruments that address cultural property and heritage of indigenous and local communities contribute to the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biodiversity;
6. *Further requests* the Executive Secretary, based on an analysis of the information received pursuant to paragraph 3 above and on the analysis prepared in cooperation with the United Nations Educational, Scientific and Cultural Organization, to develop draft best-practice guidelines for the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Articles 8(j) and 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity;
7. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to consider, at its eighth meeting, the draft best-practice guidelines referred to in paragraph 6 above for consideration by the twelfth meeting of the Conference of the Parties.

Annex

**TERMS OF REFERENCE TO ADVANCE TASK 15 OF THE PROGRAMME OF WORK ON
ARTICLE 8(j) AND RELATED PROVISIONS**

1. The purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity.

2. Task 15 is to be interpreted in accordance with the provisions of the Convention, in particular Article 8(j) and related provisions and Article 17, paragraph 2.

3. Task 15 is intended to build on and enhance repatriation undertaken by Parties, other Governments and other entities, including international organizations, museums, herbaria and botanical and zoological gardens, databases, registers, gene banks, etc.;

4. Stakeholders may include, *inter alia*:

(a) Parties and other Governments;

(b) Museums, herbaria, botanical and zoological gardens and other collections containing information on the knowledge, innovations and practices of indigenous and local communities relevant for conservation and sustainable use;

(c) Relevant international organizations, in particular the United Nations Educational, Scientific and Cultural Organization, as well as its relevant treaties and programmes, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the United Nations Permanent Forum on Indigenous Issues, and the World Intellectual Property Organization;

(d) The International Indigenous Forum on Biodiversity;

(e) Indigenous and local communities;

(f) Relevant non-governmental and indigenous and local community organizations;

(g) Academic societies and research scientists;

(h) The private sector;

(i) Individuals.

5. The Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions will further determine how work on task 15 might usefully complement the effective implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization when in force, for consideration by the Conference of the Parties.

E. Development of elements of sui generis systems for the protection of traditional knowledge, innovations and practices

The Conference of the Parties

1. *Decides* to extend and broaden the dialogue regarding *sui generis* systems to include the preservation and promotion of traditional knowledge relating to biological diversity;

2. *Invites* Parties, Governments, international organizations, non-governmental organizations and indigenous and local communities to communicate to the Secretariat their experiences, case studies and views regarding a broad range of *sui generis* systems and their mechanisms, including community protocols, policy, and administrative or legislative measures, which have contributed to respect for and protection, preservation and promotion of the wider application of traditional knowledge, in order to assist countries to evaluate which mechanisms may be applicable in their national context;

3. *Requests* the Executive Secretary, in the light of the input received, to compile and analyse that input, and to revise and complement his note on elements of *sui generis* systems for the protection, preservation and promotion of traditional knowledge, innovations and practices (UNEP/CBD/WG8J/7/3) for consideration by the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

4. *Invites* Parties and Governments, in the light of the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, to report on any regional measures that have been taken to protect traditional knowledge, innovations and practices of indigenous and local communities relevant to biological diversity held across national and international boundaries, including *sui generis* systems that are being developed or have been developed and/or implemented, including evidence regarding the effectiveness of such measures, and *requests* the Executive Secretary to compile and analyse information received and to include it as a new element on regional measures in the revision of his note (UNEP/CBD/WG8J/7/3), for consideration by the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

5. *Further requests* the Executive Secretary to facilitate an electronic discussion on *sui generis* systems for the protection, preservation and promotion of traditional knowledge, innovations and practices;

6. *Decides* to organize an ad hoc technical expert group with the participation of indigenous and local community experts, subject to the availability of funds, for the preparation of a report in the CBD Technical Series;

7. *Requests* the Executive Secretary to support the exchange of experiences on the development of *sui generis* systems, and to further consider the monitoring and evaluation of the advantages and disadvantages of the documentation of traditional knowledge and other measures;

8. *Also requests* the Executive Secretary to facilitate capacity-building activities for indigenous and local community representatives, where possible back-to-back with other meetings under the Convention, with the aim of strengthening the capacity of indigenous and local communities to communicate their experiences and views, as called for by this decision, and *urges* Parties to support these activities;

9. *Encourages* Parties and Governments to support and promote the development of local *sui generis* systems for the protection, preservation and promotion of traditional knowledge related to the conservation and sustainable use of biological diversity by indigenous and local communities, including

through the development of community protocols, and to report on these initiatives through the national reporting process and the Traditional Knowledge Information Portal and to the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

10. *Invites* Parties to consider the terms and definitions developed in response to decision VII/16 H, paragraph 4, and to submit views, including additional terms and definitions for possible inclusion, to the Executive Secretary, and *requests* the Executive Secretary to compile these views and, based on information received, to revise the terms and definitions, to include additional terms and definitions proposed, and to propose a draft glossary of terms for consideration by the eighth meeting of the Working Group on Article 8(j) and Related Provisions;

11. *Requests* the Executive Secretary to continue to inform the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization about the work undertaken regarding *sui generis* systems;

12. *Welcomes* the successful negotiation, by the Working Group on Access and Benefit-sharing, and adoption, by the tenth meeting of the Conference of the Parties to the Convention, of the Nagoya Protocol, and *acknowledges* that the Protocol provides a favourable framework for the development of *sui generis* systems and for access to and sharing benefits from the use of traditional knowledge associated with genetic resources.

F. Article 10, with a focus on Article 10(c), as a major component of the programme of work on Article 8(j) and related provisions

The Conference of the Parties,

Recognizing that sustainable use is the second pillar of the Convention,

Recognizing also that Articles 8(j) and 10(c) are interconnected and mutually reinforcing,

Recalling decision X/43, which decided to include a new major component of work on Article 10, with a focus on Article 10(c), in the programme of work on Article 8(j) and related provisions, building on the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (decision VII/12, annex II),

Recognizing further that the implementation of sustainable use, including customary sustainable use, is crucial in achieving the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020,

Reiterating the importance of a strategy to integrate Article 10, with a focus on Article 10(c), as a cross-cutting issue within the Convention's various programmes of work and thematic areas, beginning with the programme of work on protected areas,

1. *Takes note with appreciation* of the report of the meeting on Article 10 with a focus on Article 10(c);²

2. *Agrees* on the development of a plan of action on customary sustainable use, as a new major component of the revised programme of work for Article 8(j) and related provisions, with a view to its further development and its adoption by the Conference of the Parties at its twelfth meeting;

3. *Invites* Parties, Governments, indigenous and local communities and relevant international organizations to submit information for the development of the plan of action, taking into consideration the priority tasks indicated in paragraph 10 below;

4. *Requests* the Executive Secretary to develop a draft plan of action for customary sustainable use, building on the Addis Ababa Principles and Guidelines, the ecosystem approach and relevant materials, in particular from other multilateral environmental agreements and relevant instruments of the Food and Agriculture Organization of the United Nations, based on the priority tasks indicated in paragraph 10 below, submissions, and other relevant information, including a gap analysis;

5. *Also requests* the Executive Secretary, when developing the draft plan of action, to include a proposal for phased implementation of the plan of action, based on the priority tasks indicated in paragraph 10 below, submissions and other relevant information, including a gap analysis and consideration of funding and technical support for developing and least developed countries;

6. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to review the draft plan of action for customary sustainable use at its eighth meeting and provide guidance on implementing it;

7. *Further requests* the Executive Secretary to integrate customary sustainable use into the programme of work on protected areas, *inter alia* by including specific guidance in the web-based

² UNEP/CBD/WG8J/7/INF/5.

e-modules of the programme of work, with the full and effective participation of indigenous and local communities;

8. *Invites* Parties to address customary sustainable use, in particular customary sustainable use policies, in their national biodiversity strategies and action plans, with the full and effective participation of indigenous and local communities;

9. *Mandates* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to provide views and advice on matters relevant both to traditional knowledge and to the conservation and sustainable use of biological diversity directly to the Subsidiary Body on Scientific, Technical and Technological Advice on a regular basis, with a view to integrating considerations relating to Articles 8(j) and 10(c) into the thematic programmes of the Convention as cross-cutting issues, including by transmitting the views and advice derived from in-depth dialogues initiated under the standing agenda item of the Working Group, pursuant to paragraph 12 of decision X/43 of the Conference of the Parties, to the thematic areas of the Convention, commencing with the programme of work on protected areas;

10. *Decides* that the initial tasks for the first phase of the major component of work on Article 10 with a focus on 10(c) shall be:

(a) To incorporate customary sustainable use practices or policy, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and achieve human well-being, and to report on this in national reports;³

(b) To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c);⁴

(c) To identify best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) to:

- (i) Promote, in accordance with national legislation and applicable international obligations, the full and effective participation of indigenous and local communities, and also their prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas, including marine protected areas, that may affect indigenous and local communities;
- (ii) Encourage the application of traditional knowledge and customary sustainable use in protected areas, including marine protected areas, as appropriate;
- (iii) Promote the use of community protocols in assisting indigenous and local communities to affirm and promote customary sustainable use in protected areas, including marine protected areas, in accordance with traditional cultural practices;⁵

³ Former task 2 of the list of indicative tasks.

⁴ Former task 6 of the list of indicative tasks.

⁵ Former task 14 of the list of indicative tasks.

11. *Decides* to transmit the list of indicative tasks⁶ contained in the annex to the present decision (XI/14 F) to the next meeting of the Working Group on Article 8(j) and Related Provisions for future consideration, after the review of the first phase of the plan of action on customary sustainable use.

⁶ Tasks indicated in brackets have not been considered or agreed to by Parties, with the exception of paragraphs 4 and 9, on which consideration has begun.

Annex

LIST OF INDICATIVE TASKS FOR FUTURE CONSIDERATION

A. *Guidance on sustainable use and related incentive measures for indigenous and local communities*

1. Customary sustainable use and diverse local economies

Task 1. To develop guidelines to promote and encourage community-based resource management and governance consistent with national legislation and applicable international instruments.

Task 2.⁷ To incorporate customary sustainable use practices or policy, as appropriate, with the full and effective participation of indigenous and local communities, into national biodiversity strategies and action plans, as a strategic way to maintain biocultural values and to achieve human well-being, and to report on this through national reports.

[Task 2 *bis*. To examine any barriers and obstacles to the maintenance of community-based resource management and governance caused by existing governance, policy and regulatory frameworks.]

2. Lands, waters and biological resources

Task 3. To develop guidelines to assist Parties to respect and promote customary sustainable use and traditional knowledge, taking into consideration indigenous and local communities' customary laws, community protocols and procedures and with respect for traditional institutions and authorities.

[Task 3 *bis*. To examine potential incentive measures within the mandate and scope of the Convention that could be mainstreamed so as to contribute to customary use of biodiversity by indigenous and local communities consistent with the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity.]

[Task 4. To review, as appropriate, national and subnational policies, with a view to ensuring that customary sustainable use is protected and encouraged.]

[Task 4 *bis*. To provide the tools, capacity-building and networks to enable indigenous and local communities to map their customary use of biodiversity at the local level.]

3. Targeted support and funding

Task 5. To provide information on a regular basis, including to the meetings of the Working Group on Article 8(j), and through the Article 8(j) web pages, concerning the availability of funding in support of initiatives to advance the implementation of Article 10(c).

Task 6.⁸ To promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use; and to collaborate with indigenous and local communities in joint activities to achieve enhanced implementation of Article 10(c).

⁷ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on Article 10(c).

⁸ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on Article 10(c).

4. *Opportunities and knowledge gaps for further exploration*

Task 7. To explore the nexus between customary sustainable use and sustainable use, and related economic opportunities for indigenous and local communities.

Task 8. To develop advice and expand on the methods used to put value on biodiversity and ecosystem services so as to incorporate indigenous cultural and spiritual values, with the prior and informed consent or approval and involvement of indigenous and local communities, and comprehensively assess the relationship of ecosystem services to the customary sustainable use of biodiversity.

[Task 9. To explore the relationship between climate change and customary sustainable use, practices and traditional knowledge, as well as the value of customary sustainable use and traditional knowledge for climate change adaptation.]

[Task 9 *bis*. To examine the role of customary sustainable use in ensuring the resilience of communities, in relation to social, cultural and economic aspects.]

[Task 9 *ter*. To examine ways in which scientific and traditional knowledge of indigenous and local communities can be integrated into the governance and management of the conservation and sustainable use of biodiversity.]

B. *Measures to increase the engagement of indigenous and local communities and governments at national and local level in the implementation of Article 10 and the ecosystem approach*

1. *Education*

Task 10. To integrate, as appropriate, issues of customary sustainable use, traditional knowledge and indigenous languages into formal and informal education systems, with the full and effective participation of indigenous and local communities.

Task 11. To develop guidance in cooperation with relevant organizations, including indigenous and local community organizations, in particular of women, to promote intergenerational transmission of traditional knowledge and indigenous languages relevant for customary sustainable use by indigenous and local communities.

Task 12. To promote understanding and broad public awareness that the most biodiverse systems are formed in interaction with humans, and that traditional knowledge and customary sustainable use can contribute to and uphold biodiversity, landscapes and seascapes, including in protected areas.

2. *Gender dimensions*

Task 13. To consider the specific knowledge roles and contributions of women in relation to customary sustainable use, and to mainstream gender aspects in mechanisms for participation, decision-making and management of biological resources and ecosystem services.

[3. *Engagement, networks, capacity-building and empowerment of indigenous and local communities in decision-making*

Task 13 *bis*. To develop, in cooperation with other subsidiary bodies of the Convention, a phased approach with a suitable process and timeline for the integration of Article 10 with a focus on 10 (c) as a cross-cutting issue into the various programmes of work and thematic areas.

Task 13 *ter*. To support the capacity-building, networking, participatory documentation and research, and sharing of experiences and lessons learned on customary sustainable use among indigenous and local communities and their representative governments and organizations, with particular attention to the important role of women, and according to community-defined priorities.

Task 13 *quater*. To promote collaboration between indigenous and local communities and relevant government agencies and stakeholders, in particular the natural resource sectors, for the practical implementation of Article 10(c).

Task 13 *quinquies*. To request the Executive Secretary to explore opportunities for initiating dialogues on customary sustainable use and associated traditional knowledge between representatives of indigenous and local communities and natural resource sectors.

Task 13 *sexies*. To explore funding opportunities for indigenous and local communities in support of capacity-building for customary sustainable use.

Task 13 *septies*. To examine best practices for promoting the full and effective participation of representatives of indigenous and local communities in public policy-making and decision-making on sustainable use and conservation, and to explore potential challenges or constraints faced by governments and by indigenous and local communities.]

C. *Article 10, with a focus on Article 10(c), as a cross-cutting issue in the Convention's various programmes of work and thematic areas*

1. *Protected areas*

Task 14.⁹ To identify best practices to (e.g. case studies, mechanisms, legislation and other appropriate initiatives):

(a) To promote, in accordance with national legislation and applicable international obligations, the full and effective participation of indigenous and local communities and their prior and informed consent or approval and involvement in the establishment, expansion[, governance] and management of protected areas, including marine protected areas, that may affect indigenous and local communities;

(b) To encourage the application of traditional knowledge and customary sustainable use in protected areas, including marine protected areas, as appropriate;

(c) To promote the use of community protocols in assisting indigenous and local communities to affirm and promote customary sustainable use in accordance with traditional cultural practices, in protected areas, including marine protected areas.

⁹ Selected as an initial task for the first phase of the major component of work on Article 10 with a focus on 10(c).

Task 15. To prioritize the integration of customary sustainable use into the programme of work on protected areas, including through specific guidance in the web-based e-modules of the programme of work, with the full and effective participation of indigenous and local communities.

[Task 15 *bis*. To examine best practices (e.g. policy, legislation) to enable indigenous and local communities to voluntarily identify, designate, govern, manage and conserve protected areas and sacred sites, as a way to maintain their customary sustainable use.]

G. Recommendations to the Convention on Biological Diversity arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues

The Conference of the Parties

1. *Notes* the recommendations arising from the ninth and tenth sessions of the United Nations Permanent Forum on Indigenous Issues (reproduced in document UNEP/CBD/WG8J/7/7) and *requests* the Executive Secretary to continue to inform the United Nations Permanent Forum on Indigenous Issues about developments of mutual interest, including the revised programme of work on Article 8(j) and, in particular, work on customary sustainable use (Article 10(c)), the implementation of the Nagoya Protocol and related capacity-building efforts, the joint programme of work on biological and cultural diversity, the Tkarihwaí:ri Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity and the Akwé: Kon¹⁰ 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;

2. *Noting* the recommendations contained in paragraphs 26 and 27 of the report of the tenth session of the United Nations Permanent Forum on Indigenous Issues (E/2011/43-E/C.19/2011/14), *requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, taking into account submissions by Parties, other Governments, relevant stakeholders and indigenous and local communities, to consider this matter, and all its implications for the Convention on Biological Diversity and its Parties, at its next meeting, for further consideration by the Conference of the Parties at its twelfth meeting.

¹⁰ A holistic Mohawk term, meaning “everything in creation”, provided by the Kahnawake community located near Montreal, where the guidelines were negotiated.