



**Convention on  
Biological Diversity**

Distr.: General  
16 November 2023

Original: English

**Ad Hoc Open-ended Intersessional Working  
Group on Article 8(j) and Related Provisions  
of the Convention on Biological Diversity  
Twelfth meeting**

Geneva, 12–16 November 2023

Agenda item 6

**Development of a new programme of work and institutional  
arrangements on Article 8(j) and other provisions of the  
Convention related to indigenous peoples and local communities**

**Recommendation adopted by the Working Group on 16 November 2023**

**12/2. Development of a new programme of work and institutional  
arrangements on Article 8(j) and other provisions of the  
Convention related to indigenous peoples and local  
communities\***

*The Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related  
Provisions of the Convention on Biological Diversity*

*Recommends* that, at its sixteenth meeting, the Conference of the Parties adopt two decisions  
along the following lines:

**[A. Programme of work on Article 8(j) and other provisions of the  
Convention on Biological Diversity related to indigenous peoples  
and local communities to 2030**

*The Conference of the Parties,*

*Recalling* its decision V/16 of 26 May 2000, by which it endorsed the programme of work on  
the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity<sup>1</sup>  
annexed to that decision, and decision X/43 of 29 October 2010, by which it revised said programme  
of work for the period 2010–2020,

*Recognizing* the need for a more holistic, forward-looking and integrated programme of work  
[that is aligned with and support the implementation of][taking into account such recent  
developments as] the adoption of the Kunming-Montreal Global Biodiversity Framework,<sup>2</sup>

\* The draft decision in section A and paragraphs 1 (b), 2 to 6 and 15 to 17 in the annex to section B were neither considered nor discussed during the contact group sessions.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1760, No. 30619.

<sup>2</sup> Decision 15/4, annex.

[*Recognizing also* and respecting the scope and the mandate of the Convention on Biological Diversity,]

*Building on* the composite report on the status and trends regarding traditional knowledge, innovations and practices of indigenous peoples and local communities, as well as the [voluntary] guidelines, [standards] and other tools already developed by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity and adopted by the Conference of the Parties,

*Emphasizing* the need for the effective implementation of the [voluntary] guidelines[, standards] [and other tools] related to Article 8(j) and other provisions of the Convention at the national level to support the implementation of the relevant goals and targets of the Framework,

*Noting* that a number of tasks of the current programme of work on Article 8(j) and related provisions are ongoing for Parties,

1. [*Decides* to adopt a programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030, as contained in the annex to the present decision;]

2. *Requests* Parties and invites other Governments to report on progress in the implementation of the programme of work on Article 8(j) and other provisions, including the application of existing and relevant [voluntary] guidelines and standards [in their national reports as part of their assessment of the implementation of the Kunming-Montreal Global Biodiversity Framework];

3. *Reiterates* its invitation to Parties in paragraph 7 of decision X/40 B of 29 October 2010 to consider designating national focal points for Article 8(j) and related provisions to facilitate communications with indigenous peoples and local communities and to promote the effective implementation of the programme of work on Article 8(j) and other provisions;

4. *Encourages* Parties to engage with indigenous peoples and local communities[, including women, youth and environmental human rights defenders][, including women and girls, children and youth, persons with disabilities and environmental human rights defenders] as on-the-ground partners in the implementation of the Convention, including by recognizing, supporting and valuing their collective actions and respecting their indigenous and traditional territories and their efforts in applying, preserving and maintaining their traditional knowledge, innovation and practices in relation to promoting the conservation and sustainable use of biodiversity;

5. *Urges* Parties to [enable the full and effective participation of][fully involve] indigenous peoples and local communities[, including women, youth and environmental human rights defenders][, including women and girls, children and youth, persons with disabilities and environmental human rights defenders][, with their free, prior and informed consent,<sup>3</sup>] in the preparation of national reports and in the revision, update and implementation of national biodiversity strategies and action plans aligned with the goals and targets of the Kunming-Montreal Global Biodiversity Framework;

6. *Invites* Parties to increase the funding provided to the voluntary funding mechanism to support the effective participation of indigenous peoples and local communities in processes of relevance to the Convention and its Protocols;

7. *Requests* the Executive Secretary to support efforts for the mobilization of financial resources for indigenous peoples and local communities;

[8. *Also requests* the Executive Secretary, subject to the availability of resources:

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<sup>3</sup> All references to “free, prior and informed consent” refer to the tripartite terminology of “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”.

(a) To undertake studies[, based on submissions from Parties, indigenous peoples and local communities,] on best practices regarding [concrete] access and benefit-sharing [cases] and experiences of indigenous peoples and local communities, including the [effectiveness and] governance role of databanks and databases that contain data on the utilization and protection of genetic resources, traditional knowledge associated with genetic resources[, digital sequence information on genetic resources] and their associated information on geographical origin and other relevant [provenance] metadata, including the disclosure of the origin of products and information on the process arising from such utilization, and share the results of those studies with indigenous peoples and local communities;

(b) To strengthen and support a global network of national focal points on Article 8(j) and related provisions to support the implementation of the Convention at the national and international levels;

(c) To identify [and promote, including through studies,] good practices [and gaps] regarding [[direct] funding] [innovative financial mechanisms] [[innovative financial mechanisms] [to enhance finance] for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities, including actions to be led by women and youth.]

## **Annex**

### **Draft programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030**

#### **I. Objective**

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

#### **II. General principles**

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

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

4. The traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should be valued, considered essential and given the same respect and consideration as other forms of knowledge. Genuine collaborations and the co-production of knowledge in ways that respect the knowledge-generation processes and the integrity of each knowledge system should be promoted. The inclusion of knowledge from diverse systems and

practices should be mainstreamed into the development and implementation of policies on biodiversity conservation, sustainable use and benefit-sharing.

5. A holistic approach consistent with the spiritual and cultural values and customary practices of indigenous peoples and local communities should be adopted, recognizing all of their relations, including to their territories, lands and resources, as well as their rights, in accordance with relevant national legislation and international obligations, to have control over their traditional knowledge, innovations, practices and technologies.

6. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable manner.

7. The traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent<sup>4</sup> [in accordance with national legislation]. Indigenous peoples and local communities should receive fair and equitable benefits based on mutually agreed terms from the use of the traditional knowledge that they hold.

8. The implementation of the programme of work should follow a gender-responsive approach, the Gender Plan of Action<sup>5</sup> and a human rights-based approach respecting, protecting, promoting and fulfilling human rights. The Framework contains an acknowledgment of the human right to a clean, healthy and sustainable environment and a commitment to ensuring access to justice and information and the full protection of environmental human rights defenders. Nothing in the present programme of work may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in future, as also stated in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>6</sup>

### III. Elements

<i>Tasks</i>	<i>Actors</i>	<i>Level of priority</i>
<b>Element 1. Conservation and restoration</b>		
<i>To promote and support the conservation, protection and restoration of biological diversity led by indigenous peoples and local communities, thereby contributing to the implementation of relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>		
1.1 Develop guidelines, <sup>7</sup> with the full and effective participation <sup>8</sup> of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Targets 2 and 3, including on indigenous and traditional territories, to support the protection and restoration practices led by indigenous peoples and local communities.	[SB8j]	High priority
1.2 Identify and promote best practices to secure land tenure and governance by indigenous peoples and local communities and develop	[SB8j]	To be determined

<sup>4</sup> All references to “free, prior and informed consent” refer to the tripartite terminology of “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”.

<sup>5</sup> Decision 15/11, annex.

<sup>6</sup> General Assembly resolution 61/295, annex.

<sup>7</sup> For the purpose of the present programme of work, “guidelines” refer to voluntary guidelines.

<sup>8</sup> For the purpose of the present programme of work, “participation” should be understood as being full, equitable, inclusive, effective and gender-responsive.

guidelines for the inclusion and consideration of traditional lands and of resource use in spatial planning processes and environmental impact assessments, in accordance with national legislation and international obligations.		
1.3 Promote the rights of indigenous peoples and local communities without formal access to land, including in urban areas, and partner with them in the conservation, protection and restoration of biodiversity and in creating and maintaining blue and green spaces.	Parties	To be determined
[1.4 Engage and collaborate with indigenous peoples and local communities to improve the outcomes of management actions addressing the impacts of the direct drivers of biodiversity loss.] [1.4 <i>Alt.</i> Engage and collaborate with indigenous peoples and local communities to improve the outcomes of management actions for invasive alien species, pollution and climate change mitigation and adaptation].	All actors	To be determined
<b>Element 2. Sustainable use of biological diversity</b>		
<i>To promote, encourage and ensure the sustainable use of biological diversity, inter alia, to respect and protect the customary sustainable use by indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity<sup>9</sup> and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>		
2.1 Incorporate respect for and protection of customary sustainable use practices or policies, in accordance with the Plan of Action on Customary Sustainable Use of Biological Diversity and with the full and effective participation of indigenous from peoples and local communities, as appropriate, into national biodiversity strategies and action plans, poverty eradication strategies and legislation.	Parties	To be determined
2.2 Promote and strengthen community-based initiatives developed by indigenous peoples and local communities, including in collaboration with other actors, that support and contribute to the sustainable use of biological diversity and to the respect and protection of the customary sustainable use of biological diversity[, including sustainable wildlife management and traditional agriculture, food systems and traditional medicine, including through biodiversity-based activities and products [and services] that enhance biodiversity].	All actors	To be determined

<sup>9</sup> Decision XII/12 B, annex.

<p>[2.3 Support initiatives led by indigenous peoples and local communities [that address the interlinkages between biodiversity and climate change][in biodiversity actions, including those aimed at minimizing the impact of climate change on biodiversity], based on their traditional knowledge, innovation and practices of customary sustainable use of biodiversity.]</p> <p>[2.3 <i>Alt.</i> Support initiatives led by indigenous peoples and local communities in biodiversity actions based on their traditional knowledge, innovation and practices of customary sustainable use of biodiversity, including those that foster a positive impact of climate action on biodiversity.]</p>	<p>Parties</p>	<p>To be determined</p>
<p>2.4 Support the livelihoods of indigenous peoples and local communities through activities that promote the customary sustainable use of biodiversity.</p>	<p>Parties</p>	<p>To be determined</p>
<p><b>Element 3. Sharing of benefits from the utilization of genetic resources and digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources</b></p>		
<p><i>To promote the fair and equitable sharing of benefits arising from the utilization of genetic resources, traditional knowledge associated with genetic resources and digital sequence information on genetic resources, thereby contributing, inter alia, to the implementation of relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i></p>		
<p>3.1 Develop a plan of action to support the implementation of the Convention and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in relation to genetic resources and traditional knowledge associated with the genetic resources held by indigenous peoples and local communities. Such a plan of action should include capacity-building activities and technical and legal assistance, taking into account the Mo’otz Kuxtal Voluntary Guidelines.<sup>10</sup></p>	<p>[SB8j]</p>	<p>To be determined</p>
<p>[3.2 Undertake studies[ based on submissions from Parties, indigenous peoples and local communities] on best practices on [concrete] access and benefit-sharing [cases] and experiences of indigenous peoples and local communities, including the [effectiveness and] governance role</p>	<p>[Secretariat]</p>	<p>To be determined</p>

<sup>10</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 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 (decision XIII/18, annex).

of databanks and databases that contain data on the utilization and protection of genetic resources, traditional knowledge associated with genetic resources[, digital sequence information on genetic resources] and their associated information on geographical origin and other relevant [provenance] metadata, including the disclosure of the origin of products and information on the process arising from such utilization. The results of the studies should be shared with indigenous peoples and local communities.]		
3.3 Promote programmes that encourage collaboration and partnerships between indigenous peoples and local communities and the users of traditional knowledge associated with genetic resources [and digital sequence information on genetic resources], and collaborate to prevent the unlawful appropriation of traditional knowledge.	All actors	To be determined
3.4 Support capacity development for indigenous peoples and local communities, as well as dialogues with external stakeholders, regarding genetic resources and associated traditional knowledge, taking into account the cultural and organizational contexts and adjusting to sui generis governance systems of indigenous peoples and local communities.	All actors	To be determined
3.5 Support capacity development for indigenous peoples and local communities, and create platforms for information exchange between indigenous peoples and local communities and Parties, as well as for dialogue with other actors, including users of genetic resources and traditional knowledge.	All actors	To be determined
3.6 Support initiatives by indigenous peoples and local communities to develop biocultural community protocols or other measures to ensure their free, prior and informed consent and the effective and equitable sharing of benefits arising from the use of traditional knowledge associated with genetic resources [and digital sequence information on genetic resources].	All actors	To be determined
3.7 Generate data and statistics on the participation of indigenous peoples and local communities, including women, in decision-making on access to genetic resources and the sharing of benefits arising from their utilization	Parties	To be determined

and improve their participation from those baselines, where required.		
<b>Element 4. Knowledge and culture</b>		
<i>To support the transmission and protection of traditional knowledge, including to future generations, and ensure that traditional knowledge and other knowledge systems are valued equally, thereby contributing to the implementation of Article 8(j) of the Convention and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.</i>		
4.1 Support efforts by indigenous peoples and local communities to strengthen the intergenerational transmission, use and revitalization, and enhancement of indigenous and local languages and traditional knowledge, including in formal and informal education settings and in cultural and education centres in particular with respect to the roles and needs of women, girls and youth.	All actors	To be determined
4.2 Promote the implementation, strengthening and dissemination of the Joint Programme of Work on the Links between Biological and Cultural Diversity. <sup>11</sup>	All actors	To be determined
4.3 Promote the inclusion of traditional knowledge, innovation and practices in all bodies of the Convention, in particular the Subsidiary Body on Scientific, Technical and Technological Advice, taking into account the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.	[SB8j]	To be determined
4.4 Undertake capacity-building and development and awareness-raising activities, on the basis of the Long-term Strategic Framework for Capacity-building and Development and the knowledge management component <sup>12,13</sup> of the Framework to promote the role of traditional knowledge in guiding the management of biodiversity.	All actors	To be determined
[4.5 Strengthen and support a global network of national focal points on Article 8(j) and related provisions to support the implementation of the Convention at the national and international levels.]	[Secretariat]	To be determined

<sup>11</sup> UNEP/CBD/COP/10/INF/3, annex I. In accordance with decision 15/22, the Joint Programme of Work is led by the Secretariat, the United Nations Educational, Scientific and Cultural Organization, the International Union for Conservation of Nature and other partners.

<sup>12</sup> Pending the outcomes of the sixteenth meeting of the Conference of the Parties.

<sup>13</sup> Decision 15/8, annex I.



4.6 Organize the exchange of knowledge and learning platforms to promote the implementation of the tasks in the programme of work.	[Secretariat,] Parties, civil society organizations, in collaboration with indigenous peoples and local communities and relevant actors	To be determined
4.7 Promote the co-production of new knowledge by indigenous peoples and local communities, scientists and other stakeholders necessary for the resilience, adaptation and continuation of customary sustainable use and biodiversity conservation practices under rapid environmental change, [such as climate change, land- and sea-use change, invasive alien species and pollution,] by indigenous peoples and local communities, in particular with respect to the roles and needs of women, girls and youth.	All actors	To be determined
4.8 Develop communication, education and public awareness materials with indigenous peoples and local communities relevant to all elements and tasks of the present programme of work, including in indigenous and local languages.	All actors	To be determined
<b>Element 5. Strengthening implementation and monitoring progress</b>		
<i>To contribute to the implementation of the Kunming-Montreal Global Biodiversity Framework through the full and effective implementation of decisions, principles and guidelines of relevance for indigenous peoples and local communities, and to strengthen the integration of Article 8(j) and other provisions of the Convention in the work undertaken under the Convention and its Protocols.</i>		
5.1 Promote the wider application, implementation and monitoring at the national level of adopted plans of action, guidelines and principles. Examples of such plans of action, guidelines and principles include:  (a) The Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions;  (b) The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or Which Are Likely to Impact on, Sacred Sites and Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities;  (c) The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and	[Parties, national focal points on Article 8(j) and related provisions]	To be determined

<p>Intellectual Heritage of Indigenous and Local Communities;</p> <p>(d) The Plan of Action on Customary Sustainable Use of Biological Diversity;</p> <p>(e) The Mo'otz Kuxtal Voluntary Guidelines;</p> <p>(f) The Rutzoljirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;</p> <p>(g) Voluntary guidelines on safeguards in biodiversity financing mechanisms;</p> <p>(h) Gender Plan of Action;</p> <p>(i) Guiding principles on assessing the contribution of collective action by indigenous peoples and local communities.</p> <p><i>Note: Parties have identified two options: (a) to leave the text as reflected above; and (b) to move subparagraphs (a) to (i) to a footnote.</i></p>		
<p>5.2 Develop guidelines for the establishment of [stimulating innovative][incentive] schemes for indigenous peoples and local communities to preserve and maintain their traditional knowledge, innovations and practices for the application thereof in programmes for the conservation and sustainable use of biological diversity.</p>	<p>[SB8j][Parties and other actors]</p>	<p>To be determined</p>
<p>5.3 Further operationalize, with a view to promoting the continuous monitoring of the implementation of the programme of work on Article 8(j) and other provisions, the [four] traditional knowledge indicators, in line with the Joint Programme of Work on the Links between Biological and Cultural Diversity.</p>	<p>[SB8j] Parties</p>	<p>To be determined</p>
<p>[5.4 Review and update, as needed, the Voluntary Glossary of Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions<sup>14</sup> to ensure continued alignment with [international standards and practices and] terminology used under the Convention, taking into account the language of the United Nations Declaration on the Rights of Indigenous Peoples.]<sup>15</sup></p>	<p>[SB8j]</p>	<p>To be determined</p>

<sup>14</sup> Decision 14/13, annex.

<sup>15</sup> For the record and greater clarity, Indonesia and the Russian Federation strongly considered that paragraph 5.4 was without mandate, should not be considered and, as such, should not only be bracketed but should have been deleted.

<b>Element 6. Full and effective participation of indigenous peoples and local communities</b>		
<i>To enable the full and effective participation of indigenous peoples and local communities, including women, girls and youth from indigenous peoples and local communities, in decision-making related to biodiversity and the implementation of the Kunming-Montreal Global Biodiversity Framework.</i>		
6.1 Implement and further develop the enhanced participation mechanisms used by the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention	[SB8j]	To be determined
6.2 Ensure the full and effective participation of indigenous peoples and local communities in the development, revision and implementation of national biodiversity strategies and action plans and national reports, and strengthen partnerships and collaboration with indigenous peoples and local communities, recognizing their collective actions and contributions for the implementation of the Convention.	Parties	To be determined
[ [6.3 Carry out a legal and political analysis of issues related to the implementation of the recommendations from the three United Nations mechanisms on the rights of indigenous peoples, namely, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples, related to the differentiated treatment between indigenous peoples and local communities.] [6.3 <i>Alt.1</i> Organize international dialogues with indigenous peoples and local communities on their similarities and distinctions to consider and reflect on the recommendations from the three United Nations mechanisms on the rights of indigenous peoples.] [6.3 <i>Alt.2</i> Facilitate a legal and technical analysis of the distinct rights of indigenous peoples, and the rights of local communities, in consultation with the Office of the United Nations High Commissioner for Human Rights and the United Nations mandate holders working on the rights of indigenous peoples, and report at the seventeenth meeting of the Conference of the Parties.] ] <sup>16</sup>	[ [Secretariat]][SB8j] ]	To be determined

<sup>16</sup> For the record and greater clarity, Indonesia and the Russian Federation strongly considered that paragraph 6.3 was without mandate, should not be considered and, as such, should not only be bracketed but should have been deleted.

<b>Element 7. Human rights-based approach</b>		
<i>To contribute to the enhancement of the rights of indigenous peoples and local communities for the conservation and sustainable use of biodiversity, in line with a human rights-based approach, in accordance with the Kunming-Montreal Global Biodiversity Framework.</i>		
7.1 In collaboration with the relevant United Nations bodies[, including the Inter-Agency Support Group on Indigenous Peoples' Issues and its members, and the Office of the United Nations High Commissioner for Human Rights, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples, and other relevant organizations], as well as indigenous peoples and local communities, develop guidelines to contribute to the enhancement of the rights of indigenous peoples and local communities for the conservation and sustainable use of biodiversity, in line with a human rights-based approach, consistent with relevant international obligations and instruments.	[SB8j]	To be determined
7.1 <i>bis</i> Support and promote, as appropriate, traditional land tenure <sup>17</sup> and securing land tenure for indigenous peoples and local communities for the conservation and sustainable use of biodiversity, in accordance with national legislation.	Parties	To be determined
[7.1 <i>ter</i> Support grievance and redress mechanisms to contribute to the application of a human rights-based approach in the implementation of the Framework.]		To be determined
[7.2 [Compile submissions from Parties, indigenous peoples and local communities and other relevant stakeholders on good practices related to][Develop guidelines on] the [implementation of Target 22, including on the] full protection of environmental human rights defenders with particular focus on protecting women from all forms of violence [relevant for [the purpose of the Convention and the Framework] [the conservation and sustainable use of biodiversity] and access to justice and [relevant supportive] information[ related to biodiversity conservation by indigenous peoples and local communities]. ]  [7.2 <i>Alt.</i> Compile submissions from Parties, indigenous peoples and local communities and	[SB8j]	To be determined

<sup>17</sup> References to “traditional tenure” include lands and waters.

relevant stakeholders on good practices in the full protection of environmental human rights defenders and access to justice, as well as supportive information, and develop guidelines, in the context of the Convention, the Framework and the Gender Plan of Action.]		
<b>Element 8. [Direct access to] funding for indigenous peoples and local communities for the conservation, restoration and sustainable use of biodiversity</b>		
<i>To promote the implementation of the relevant targets of the Kunming-Montreal Global Biodiversity Framework, in particular by [supporting direct access to funding by][leveraging new and additional funding for] indigenous peoples and local communities.</i>		
8.1 Support efforts for the mobilization of financial resources for indigenous peoples and local communities, in line with and within the scope of the Strategy for Resource Mobilization.	All actors	To be determined
8.2 Further explore options for the development or improvement of existing policies, mechanisms and other appropriate initiatives and measures to enhance [direct] access to funding [through existing national policies, programmes or systems] for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities.	[SB8j]	To be determined
[8.2 bis Monitor and report on the level of resources that are directed or given access to for biodiversity conservation and sustainable use by indigenous peoples and local communities, in particular women and youth, and their terms and modalities]	Parties, Global Environment Facility and other relevant organizations	To be determined
[8.3 Identify [and promote, including through studies,] good practices [and gaps] regarding [[direct] funding][innovative financial mechanisms]] [[innovative financial mechanisms][to enhance finance]] for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities, including actions to be led by women and youth.]	[Secretariat]	To be determined

*Abbreviation:* SB8j, Subsidiary Body on Article 8(j) and Other Provisions of the Convention.

## **B. Institutional arrangements for the full and effective participation of indigenous peoples and local communities in the work undertaken under the Convention on Biological Diversity**

### *The Conference of the Parties*

[1. *Decides* to establish a [subsidiary body] on Article 8(j) and other provisions of the Convention on Biological Diversity, the modus operandi of which is contained in the annex to the present decision, with a mandate to provide advice to the Conference of the Parties, other subsidiary bodies and, subject to their request, the Conference of the Parties serving as the meetings of the Parties to the Cartagena Protocol on Biosafety<sup>18</sup> and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity,<sup>19</sup> on all matters of relevance to indigenous peoples and local communities that are within the scope of the Convention and its Protocols;]

2. [Also] *decides* to further [ensure coherence between] [and] [integrate] the work on indigenous peoples and local communities [and][into] the work of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation by, inter alia, [designating a standing agenda item of the two subsidiary bodies and] ensuring that agenda items on matters of relevance to indigenous peoples and local communities are considered by the appropriate subsidiary body, [applying also][seeking to apply] [for the agenda items relevant to indigenous peoples and local communities] the mechanisms for the enhanced participation of indigenous peoples and local communities in a manner consistent with the practices established under the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention<sup>20</sup>][and ensuring balance between issues related to indigenous peoples and local communities;]

[3. [Further][Also] *decides* to address the need for sufficient time to be allocated to agenda items on matters of relevance to indigenous peoples and local communities by allocating additional meeting time at each meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation;]

[4. *Encourages* Parties, other Governments and relevant organizations to provide additional support to representatives of indigenous peoples and local communities to participate effectively in the meetings of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation.]

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<sup>18</sup> United Nations, *Treaty Series*, vol. 2226, No. 30619.

<sup>19</sup> United Nations, *Treaty Series*, vol. 3008, No. 30619.

<sup>20</sup> See decision 14/17, para. 9 (c).

## [Annex

# **Proposed modus operandi of the [permanent Subsidiary Body] on Article 8(j) and Other Provisions of the Convention on Biological Diversity**

## **I. Functions**

1. The [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention on Biological Diversity will perform its functions under the guidance of the Conference of the Parties to the Convention and the Conference of the Parties serving as the meetings of the Parties to the Cartagena Protocol on Biodiversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity for items referred to it by them[, in a manner consistent with the mandates of Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation][, in collaboration with the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation]. [The [Subsidiary Body] on Article 8(j) and Other Provisions shall carry out its functions taking into account the roles and functions of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, with a view to ensuring complementarity with their work and avoiding overlaps.] The functions of the [Subsidiary Body] on Article 8(j) and Other Provisions are:

(a) To [promote and support the implementation of the work undertaken under the Convention pertaining to Article 8(j) and related provisions][promote the implementation and review][review and promote the implementation] of the programme of work on Article 8(j) and other provisions, including Article 10(c) of the Convention related to indigenous peoples and local communities, as contained in the annex to decision 16/--;

(b) To provide advice to the Conference of the Parties and, as appropriate, the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols and other subsidiary bodies, on measures that enhance the implementation of Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities. This includes providing advice on the development and implementation of legal and other appropriate forms of measures to respect, preserve and maintain the knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity.

## **II. Operating principles**

2. In carrying out its functions, the [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention shall align the elements of its programme of work with the relevant parts of the Kunming-Montreal Global Biodiversity Framework, in particular its 2030 targets, and prioritize the tasks that need early action.

3. In promoting the implementation of the programme of work contained in the annex to decision 16/--, the [Subsidiary Body] on Article 8(j) and Other Provisions of the Convention shall cooperate with and benefit from the assistance of United Nations agencies and other processes that have complementary functions and work on matters related to indigenous peoples and local communities.

## **III. Procedural matters**

4. In line with paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties, the rules of procedure for meetings of the Conference of the Parties apply, mutatis

mutandis, to the meetings of the [Subsidiary Body] on Article 8(j) and Other Provisions, with the exception of rule 18.

5. When the [Subsidiary Body] on Article 8(j) and Other Provisions serves a Protocol of the Convention, decisions under the Protocol shall be taken only by the Parties to the Protocol.

6. The [Subsidiary Body] on Article 8(j) and Other Provisions should undertake any tasks that fall within the scope of its programme of work and those that are referred to it by the Conference of the Parties or the Conference of the Parties serving as the meeting of the Parties to the respective Protocol and should report on its work to those bodies.

#### **IV. Bureau and co-chairs**

7. The Bureau of the Conference of the Parties will serve as the Bureau of the [Subsidiary Body] on Article 8(j).

8. The [Subsidiary Body] will have two co-chairs [elected by the Conference of the Parties], one nominated by Parties of the regional group that exercises its turn, in a rotation among United Nations regional groups,<sup>21</sup> and the other nominated by representatives of indigenous peoples and local communities. At least one of the co-chairs will be selected from a developing country, taking into account gender balance. [The co-chairs shall take office from the end of the meeting of the Conference of the Parties at which they have been elected and remain in office until their successors take office at the end of the following ordinary meeting of the Conference of the Parties.] [The number and length of the meetings and activities of the Subsidiary Body and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extrabudgetary funding.]

9. Candidates for the co-chairing of the [Subsidiary Body] should have experience in the processes of the Convention and competence in matters related to indigenous peoples and local communities in the context of the Convention. The regional groups, when identifying a candidate, should take into account the availability of time that the candidates have for the work of the [Subsidiary Body] on Article 8(j) and Other Provisions. In the event that the co-chair nominated by Parties and elected by the Conference of the Parties is from a country that is not a Party to one or both Protocols, a substitute would be assigned from among members of the Bureau representing a Party to the Protocol to chair items related to one or the other Protocol. The co-chairs of the [Subsidiary Body] will be ex officio members of the Bureau of the Conference of the Parties. The President of the Conference of the Parties will invite the co-chairs of the [Subsidiary Body] to the sessions of the Bureau on matters related to the [Subsidiary Body].

10. Further to the established and effective practice of the Ad Hoc Working Group on Article 8(j) and Related Provisions of the Convention, the Bureau of the Conference of the Parties serving as the Bureau of the [Subsidiary Body] will continue to invite representatives of indigenous peoples and local communities to designate at the beginning of each meeting of the [Subsidiary Body] one representative each from the seven sociocultural regions identified by the Permanent Forum on Indigenous Issues to participate in the work of the [Subsidiary Body], as friends of the Bureau.

#### **V. Budgetary matters**

11. The [Subsidiary Body] should meet in each intersessional period, back-to-back with meetings of the other subsidiary bodies of the Convention, unless otherwise decided by the Conference of the

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<sup>21</sup> Following the practice of rotation in the chairing of the Subsidiary Body on Scientific, Technical and Technological Advice and the Subsidiary Body on Implementation, and with a view to avoiding that, at any one time, a regional group provides the chairs of more than one subsidiary body, the order of the regions from which the Chair of the Subsidiary Body on Article 8(j) and Other Provisions of the Convention is elected shall be as follows: African States, Western European and other States, Asia-Pacific States, Latin America and Caribbean States and Eastern European States.



Parties [, with due consideration to the importance of ensuring the full and effective participation of the developing country Parties [and indigenous peoples and local communities]].

12. The [Subsidiary Body] on Article 8(j) and Other Provisions may, within the budgetary resources approved by the Conference of the Parties or the Conference of the Parties serving as the meetings of the Parties to the Cartagena or Nagoya Protocols in respect to a specific decision by those bodies within the mandate of the [Subsidiary Body], make requests to the Executive Secretary and use mechanisms under the Convention or its Protocols, as appropriate.

13. The Executive Secretary should provide to the [Subsidiary Body] the support necessary to carry out its functions and mandate. The [Subsidiary Body], may, as appropriate, and subject to the availability of resources, use mechanisms that are established under the Convention. The meetings of the [Subsidiary Body] on Article 8(j) and Other Provisions will be conducted in plenary sessions or, where the necessary budgetary resources have been approved by the Conference of the Parties[, in open-ended sessional working groups, as appropriate. Up to two open-ended sessional working groups of the [Subsidiary Body] on Article 8(j) and Other Provisions could be established and operate simultaneously during meetings of the [Subsidiary Body]. The working groups would not meet in parallel to the plenary sessions. The working groups shall be established on the basis of well-defined terms of reference and will be open to all Parties and observers].

14. Upon a decision of the Conference of the Parties considering it necessary to carry out its mandate, and subject to the availability of resources, ad hoc technical expert groups may be established in accordance with section H, paragraph 8, of the consolidated modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice, as contained in annex III to decision VIII/10 of 31 March 2006.

## VI. Focal points

15. Parties should designate national focal points to follow up on the work of the [Subsidiary Body]. The existing national focal points for Article 8(j) and related provision may continue to be the focal points for the [Subsidiary Body] on Article 8(j) and Other Provisions.

## VII. Documentation

16. The Secretariat shall make the documentation for meetings of the [Subsidiary Body] on Article 8(j) and Other Provisions available at least six weeks before the opening of the meeting, in accordance with rule 10 of the rules of procedure for meetings of the Conference of the Parties.

17. The number and length of documents, including information documents, should be kept to a minimum, and documentation should include proposed conclusions and recommendations for consideration by the [Subsidiary Body] on Article 8(j) and Other Provisions.

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