



Sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 16)

21 October–1 November 2024, Venue to be determined, Colombia



COP16
COLOMBIA
Paz con la Naturaleza

ITEM 14. Implementation of Article 8(j) and related provisions

IIFB Position	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
----------------------	---

Website: <https://iifb-indigenous.org/>

E-mail: iifbindigenuspeoples@gmail.com



[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 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,

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



[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

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,



[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

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;



[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

4. Encourages Parties to ENSURE FULLY, EQUITABLE, INCLUSIVE AND EFFECTIVE PARTICIPATION OF ~~engage with~~ indigenous peoples and local communities ~~including INDIGENOUS 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 ENSURE FULLY, EQUITABLE, INCLUSIVE AND EFFECTIVE PARTICIPATION OF ~~enable the full and effective participation of~~ ~~fully involve~~ indigenous peoples and local communities ~~including women, AND youth FROM THESE COMMUNITIES 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,~~ 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;
- 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. 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

7. Requests the Executive Secretary to support efforts for the mobilization of financial resources for indigenous peoples and local communities **INCLUDING WOMEN AND YOUTH FROM THESE COMMUNITIES;**

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

~~(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

I. 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.



II. General principles

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, WATERS, 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 ~~;~~ in accordance with national legislation **AND OTHER INTERNATIONAL OBLIGATIONS**. 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 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.



III. Elements



Element I. Conservation and restoration

Tasks	Actors	Level of priority
<p><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></p>		
<p>1.1 Develop guidelines, with the full and effective participation of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Targets 2 and 3, including on indigenous and traditional territories, to support the protection and restoration practices led by indigenous peoples and local communities.</p> <p>For the purpose of the present programme of work, “guidelines” refer to voluntary guidelines.</p>	SB8j	High priority
<p>1.2 Develop guidelines to ensure that the rights of indigenous peoples and local communities are safeguarded in spatial planning processes in accordance with national legislation and international obligations.</p>	SB8j	High priority



Element 2. Sustainable use of biological diversity

Tasks

Actors

Level of
priority

To promote, encourage and ensure the sustainable use of biological diversity, inter alia, to respect and protect the customary sustainable use by indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.

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

High
priority



Element 2. Sustainable use of biological diversity

Tasks	Actors	Level of priority
<p><i>To promote, encourage and ensure the sustainable use of biological diversity, inter alia, to respect and protect the customary sustainable use by indigenous peoples and local communities, thereby contributing to the implementation of Article 10(c) of the Convention, the Plan of Action on Customary Sustainable Use of Biological Diversity and relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework. Decision XII/12 B, annex.</i></p>		
<p>2.3 Support initiatives led by indigenous peoples and local communities that address the interrelationships between biodiversity and climate change based on their traditional knowledge, innovations and practices</p>	Parties	High priority
<p>2.4 Support the livelihoods of indigenous peoples and local communities through activities that promote the customary sustainable use of biodiversity.</p>	Parties	High priority



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

Tasks	Actors	Level of priority
<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 and implement an action plan to support the implementation of the Convention and the Nagoya Protocol and the solution to be developed under decision 15/9 for benefit-sharing arising from the use of digital sequence information on genetic resources, with particular attention to genetic resources and traditional knowledge associated with genetic resources held by indigenous peoples and local communities. This action plan should include capacity building, support for the development of biocultural community protocols, knowledge exchange platforms, technical and legal support, dialogue and collaboration between users and providers within the framework of biocultural community protocols, and the implementation of the Mo'otz Kuxtal guidelines and the Tkarihwaié Code of Ethical Conduct.</p>	SB8j	High priority



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

Tasks	Actors	Level of priority
<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>3.2 Undertake studies on best practices and monitoring on access and benefit-sharing cases and experiences of indigenous peoples and local communities, the benefits derived from the use of genetic resources, traditional knowledge associated with genetic resources, and information on digital sequences of genetic resources. This should also include governance of databases, indicators of traditional knowledge, including sui generis systems for the protection of traditional knowledge.</p>	Secretariat	High priority



Element 4. Knowledge and culture

Tasks	Actors	Level of priority
<p><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></p>		
<p>4.1. Develop and implement public policies and regulatory frameworks aimed at reinforcing the use, revitalization and transmission of traditional knowledge, including languages of indigenous peoples and local communities, while ensuring support for the efforts of indigenous peoples and local communities, including women and youth from these communities.</p>	Parties	High priority
<p>4.2 Ensure the implementation of the Joint Programme of Work on the Links between Biological Diversity and Cultural Diversity, while respecting biocultural rights.</p>	Secretariat, Parties, and SB8j	High priority
<p>4.3 Acknowledge traditional knowledge systems and ensure their effective incorporation into the various bodies of the convention, particularly the subsidiary body on scientific, technical and technological advice and the subsidiary body on implementation.</p>	Secretariat, SB8j, SBSTTA AND SBI	High priority



Element 4 Knowledge and culture

Tasks	Actors	Level of priority
<p>4.4 Initiate capacity-building and awareness-raising processes and actions based on the long-term strategic framework for capacity building and development and the knowledge management component of the framework, in order to promote the role of traditional knowledge in guiding biodiversity management respecting free prior and informed consent.</p>	Secretariat	High priority
<p>4.7 Create a platform for learning, exchanging, and jointly producing knowledge to promote the conservation and sustainable use of biodiversity at all levels.</p>	Secretariat	High priority
<p>4.8 Develop, in collaboration with Indigenous Peoples and local communities, indigenous women and youth culturally relevant communication, education, and public awareness materials for all elements and tasks of this work program, including materials in languages of indigenous peoples and local communities.</p>	Secretariat	High priority



Element 5. Strengthening implementation and monitoring progress

Tasks

Actors

Level of priority

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.

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 Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities;
- (d) The Plan of Action on Customary Sustainable Use of Biological Diversity;
- (e) The Mo'otz Kuxtal Voluntary Guidelines;
- (f) The Rutzolijirixaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity;
- (g) Voluntary guidelines on safeguards in biodiversity financing mechanisms;
- (h) Gender Plan of Action;
- (i) Guiding principles on assessing the contribution of collective action by indigenous peoples and local communities.

Parties

High Priority



Element 5. Strengthening implementation and monitoring progress

Tasks	Actors	Level of priority
<p><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></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>	SB8j, Parties	High priority
<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</p>	SB8j	High priority



Element 6. Full and effective participation of indigenous peoples and local communities

Tasks	Actors	Level of priority
<p><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></p>		
<p>6.2 Take measures to ensure the full and effective participation of Indigenous Peoples and local communities, particularly indigenous women and youth in the development, review, and implementation of national biodiversity strategies and action plans, as well as national reports. Strengthen alliances and collaboration with Indigenous Peoples and local communities, recognizing their collective actions and contributions to the implementation of the Convention</p>	<p>Parties</p>	<p>High priority</p>



Element 7. Human rights-based approach

Tasks	Actors	Level of priority
<p><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></p>		
<p>7.1 In collaboration with the relevant United Nations bodies develop guidelines to contribute to the enhancement of roles 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 national and international obligations and instruments.</p>	SB8j	High Priority
<p>7.1 bis Support and promote, as appropriate, traditional land tenure and securing land tenure for indigenous peoples and local communities for the conservation and sustainable use of biodiversity, in accordance with national legislation and international obligations.</p>	Parties	High priority



Element 7. Human rights-based approach

Tasks	Actors	Level of priority
<p><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></p>		
<p>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.</p>	SB8j	High Priority
<p>7.2 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 related to biodiversity conservation.</p>	SB8j	High Priority



Element 8. Direct access to funding for indigenous peoples and local communities for the conservation, restoration and sustainable use of biodiversity

Tasks	Actors	Level of priority
<p><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></p>		
<p>8.1 Promote the mobilization of financial resources for indigenous peoples and local communities in the seven sociocultural regions of the world.</p>	<p>Kunming-Montreal Global Biodiversity Framework Fund, Secretariat of the Convention on Biological Diversity, Subsidiary Body on Implementation, Parties, other donors and partners such as the International Union for Conservation of Nature (IUCN) and the United Nations Development Programme (UNDP).</p>	<p>High priority</p>
<p>8.2 Further explore options for the development or improvement of existing policies, mechanisms and other appropriate initiatives and measures to enhance access to funding for collective actions on biodiversity conservation and sustainable use by indigenous peoples and local communities.</p>	<p>SB8j</p>	<p>High priority</p>