



**MODUS OPERANDI OF
THE SUBSIDIARY BODY ON ARTICLE 8(J)
AND OTHER PROVISIONS OF THE
CONVENTION ON BIOLOGICAL DIVERSITY
RELATED TO INDIGENOUS PEOPLES AND
LOCAL COMMUNITIES**



(a) The need for the full and effective participation of indigenous peoples and local communities

1. The Convention on Biological Diversity adopted, through decision 15/4 (2022), the landmark Kunming-Montreal Global Biodiversity Framework (KMGBF), which recognizes the important roles and contributions of Indigenous Peoples and local communities as right holders and custodians of biodiversity and as partners in its conservation, restoration and sustainable use. It also recognizes Indigenous Peoples and local communities as key actors in reversing biodiversity loss. This recognition of Indigenous Peoples and local communities is reflected throughout the KMGBF document, specifically in Sections C, Goal C and Targets 1, 2, 3, 4, 5, 9, 13, 14, 15, 19(f), 21 and 22, which Parties have committed to implement promoting the full and effective participation of Indigenous Peoples and local communities.

2. The Convention also adopted decision 16/4 on the 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 (new Programme of Work on Article 8(j)) which state as one of the general principles *“The full, equitable, inclusive, effective and gender-responsive participation of indigenous peoples and local communities, in particular women, girls and youth among them, should be ensured, from the local to the global level, at all stages of the identification, implementation and monitoring of the elements of the programme of work. Partnerships with indigenous peoples and local communities should be ethical, equitable and based on mutual respect and good faith.”*

3. The International Indigenous Forum on Biodiversity (IIFB) suggests applying the practices and procedures to promote the full and effective participation of Indigenous Peoples and local communities of the Ad Hoc Open-ended Working Group on Article 8(j) (Working Group on Article 8(j), mutatis mutandis to the Subsidiary Body on Article 8(j) and other provisions of the convention on biological diversity related to indigenous peoples and local communities (Subsidiary Body on Article 8(j)).

4. These practices and procedures of the Working Group on Article 8(j) include but not limited to the following:

(a) The nomination of an Indigenous Peoples and local communities' Co-chair to assist the Chairperson of the meeting, as well as Indigenous Peoples and local communities' co-chairs for sub-working groups and contact groups;

(b) The nomination of one representative from each of the seven (7) sociocultural regions nominated by their region, comprising a total of seven (7) representatives of Indigenous Peoples and local communities as an Indigenous Peoples and local communities' Bureau, to work as friends of the Government Bureau (of the meeting);

(c) Enhanced opportunities to make interventions first on all agenda items;

(d) Inclusion of Indigenous Peoples and local communities' spiritual guide, preferably from the host region, for the opening of the meeting; and

(e) Indigenous Peoples and local communities' participation at the High-Level Segment of the Conference of the Parties.



5. Additionally, to further enable the effective participation of Indigenous Peoples and local communities in the work of the Convention, the Conference of the Parties adopted the following mechanisms, which should be enhanced and strengthened:

- (a) A voluntary funding mechanism to facilitate the participation of Indigenous Peoples and local communities in meetings under the Convention (decision VII/16 G, para. 10);
- (b) A Traditional Knowledge Portal, which includes specific web pages and web-based tools;
- (c) Capacity-building Development Programmes for Indigenous Peoples and local communities

6. Furthermore, the Secretariat of the Convention on Biological Diversity should maintain at least the four (4) full-time dedicated staff members to assist and provide support for the participation of Indigenous Peoples and local communities in the work of the Convention particularly for the work of the Subsidiary Body on Article 8(j), including the implementation of capacity development programmes and management of the *Voluntary Trust Fund to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention on Biological Diversity*¹ (Voluntary Fund).

7. This approach will allow a smooth transition, inclusivity and continuity for the full and effective participation of Indigenous Peoples and local communities in the Subsidiary Body on Article 8(j).

(b) The cost efficiency of its operations and management compared with those of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provision

8. The IIFB considers that the Subsidiary Body on Article 8(j) operates with cost efficiency by facilitating focused, deeper and more sustained engagement of Indigenous Peoples and local communities through a focused agenda, extended deliberation time, and contributing to other Convention processes. This streamlined structure minimizes duplicative expenditures, costs and logistical burdens, thereby maximizing human and financial resources and substantive outcomes in advancing the objectives of the Convention and its protocols.

9. The IIFB considers that the cost efficiency of the Subsidiary Body on Article 8(j) allows, particularly for Indigenous Peoples and local communities and Parties, to have in-depth discussions on matters related to the implementation of the new Programme of work on Article 8(j) and, to achieve its tasks more effectively.

10. The following action could be taken to achieve the cost efficiency:

¹ More information at <https://www.cbd.int/traditional/fund.shtml>



- a. The Subsidiary Body on Article 8(j) meetings could be held consecutively with other subsidiary bodies of the Convention. This not only optimizes resources but also facilitates greater participation from Parties and Indigenous Peoples and local communities by reducing travel and logistics costs.
- b. Increase contributions to the Voluntary Fund to ensure the full and effective participation of Indigenous Peoples and local communities, enabling their representatives from the seven (7) sociocultural regions to attend the Subsidiary Body on Article 8(j) meetings and other subsidiary bodies of the CBD, without financial constraints.
- c. Develop long-term funding strategies that support meetings and work of the Subsidiary Body on Article 8(j) and ensures the full and effective participation of Indigenous Peoples and local communities. This can include collaborations with international organizations, trust funds, donors, and partnerships with private entities committed to biodiversity conservation and the recognition and protection of the rights of Indigenous Peoples and local communities. These strategies should be articulated around clear goals and demonstrate the benefits of supporting the work of the Subsidiary Body on Article 8(j).
- d. The Subsidiary Body on Article 8(j) should have ongoing support from the Secretariat of the CBD to access the financial mechanisms of the Convention or its Protocols. This means that the Secretariat could seek out additional funding sources for meetings and work of the Subsidiary Body on Article 8(j).
- e. Provide capacity-building for Indigenous Peoples and local communities' representatives in management and resource mobilization enabling them to actively engage in securing and managing funds, both for their participation in meetings particularly Subsidiary Body on Article 8(j) meetings and for the implementation of the new Programme of Work on Article 8(j).

(c) The full recognition of its operations as Party-led processes

11. Recognizing that the operational procedures and practices of the Working Group on Article 8(j) and Related Provisions were Party-led processes, with the establishment of mechanism that promoted and enhanced the full and effective participation of Indigenous Peoples and local communities in its work, the IIFB considers that the same approach should be maintained for the Subsidiary Body on Article 8(j).

12. As a result of this approach, the Working Group on Article 8(j), promoted constructive dialogue on the implementation of Article 8(j) and related provisions and raised the profile of issues related to Indigenous Peoples and local communities throughout the Convention and its Protocols. It successfully developed and monitored the implementation of the programme of



work on Article 8(j) and related provisions and delivered several principles and guidelines.

13. The following action could be taken:

- a) Parties could promote the implementation of the Programme of Work on Article 8(j) to ensure the protection of traditional knowledge, innovations,
- b) Parties could ensure the full and effective participation of Indigenous Peoples and local communities at all stages of the implementation of Article 8(j) and other related provisions, through inclusive procedures that support the effective realization of the implementation on matters of relevance to Indigenous Peoples and local communities,
- c) Parties could provide financial support for the participation of Indigenous Peoples and local communities in the Subsidiary Body on Article 8(j) meetings.

(d) The criteria and process for the selection of representatives of indigenous peoples and local communities to be designated at the beginning of each of its meetings from the seven socio-cultural regions to participate in its work as friends of the Bureau, and the role of Parties and the Bureau in those modalities

14. The IIFB suggests applying the procedures and practices to promote the full and effective participation of Indigenous Peoples and local communities of the Working Group on Article 8(j) mutatis mutandis to the Subsidiary Body on Article 8(j). These practices include that Indigenous Peoples and local communities, based on their practices and criteria, nominate the co-chairs for the meeting and the co-chairs for contact groups or friends of the chair, as well as friends of the Bureau, following their internal global and regional consultations. These processes and practices have been in place and have worked effectively since 2000.

15. Regarding the criteria, the candidates should have extensive experience in the processes of the Convention on Biological Diversity (CBD) and its protocols, and be knowledgeable about issues related to traditional knowledge, innovations and practices and, Indigenous Peoples and local communities.

(e) Interaction with the other subsidiary bodies, with a view to minimizing duplication and any additional burden to those subsidiary bodies, while enhancing synergies.

16. The IIFB considers that the interaction, articulation, coordination, synergies, and complementarity of the Subsidiary Body on Article 8(j) with other CBD subsidiary bodies such as the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) and the Subsidiary Body on Implementation (SBI) is important. In this regard, the Subsidiary Body on



Article 8(j) will address in-depth topics not covered by other bodies, such as the implementation of the Programme of Work on Article 8(j) to prevent work duplication and ensure elements related to Indigenous Peoples and local communities are addressed in depth.

17. The IIFB considers that, based on the experience of the Working Group on Article 8(j), the Subsidiary Body on Article 8(j) could share experiences to other bodies on matters related to Indigenous Peoples and local communities.

18. The IIFB highlights that Indigenous Peoples and local communities also contribute effectively in other CBD subsidiary bodies such as the Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) and the Subsidiary Body on Implementation (SBI) on matters that are considered by these bodies, without any duplication.

19. The IIFB also calls the attention to the importance of the enhanced collaboration, coordination and dialogue with other international organizations and processes working on traditional knowledge, such as the World Intellectual Property Organization (WIPO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), United Nations Convention to Combat Desertification (UNCCD) and United Nations Framework Convention on Climate Change (UNFCCC), among others and suggests that the Subsidiary Body Article 8(j) acts as a bridging entity between international organizations working on traditional knowledge issues, like FAO, WIPO and IPBES, fostering more effective synergies and strengthening policies for the protection of traditional knowledge.