



IIFB Positions on the Post-2020 Global Biodiversity Framework

COP15 (part 2)

Montréal 7-19 December 2022

Traditional Knowledge



Introduction

The Convention on Biological Diversity recognize the important role of Indigenous Peoples and Local communities to achieve its goals. Parties under the Convention on Biological Diversity has the obligation regarding traditional knowledge Article 8 (j) to:

Traditional Knowledge Article(8j)

Each Contracting Party shall, as far as possible and as appropriate:

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

To implement Article 8 (j) and related provision the Convention on Biological Diversity adopted in 2000 a Programme of Work on Traditional Knowledge.

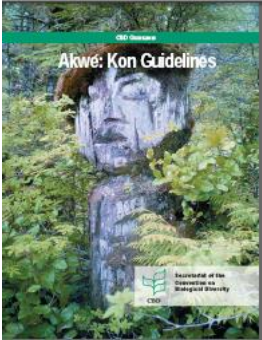


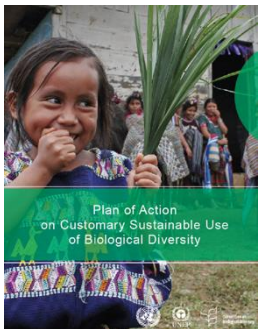
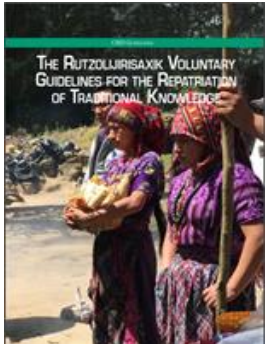
The Programme of Work on Article 8 (j) and related provisions aim is to promote within the framework of the Convention a just implementation of Article 8(j) and related provisions, at local, national, regional, and international levels and to ensure the full and effective participation of indigenous peoples and local communities at all stages and levels of its implementation.

- Adopted in 2000
- Contains 5 elements and 17 tasks
- Timeframe: 2000 to 2020

See more information at <https://www.cbd.int/traditional/pow.shtml>

Achievements of the Programme of Work on Article 8j until now

Guidelines and tools related to Traditional Knowledge		Description
<p>Task 5</p>	<p>The composite report on the status and trends of traditional knowledge</p>	<p>The composite report on the status and trends of traditional knowledge bringing together detailed regional information from every region and the identification of processes at national and local levels that may threaten the maintenance, preservation and application of traditional knowledge;</p> <p>UNEP/CBD/WG8J/5/3 Phase Two of the Composite Report on the Status and Trends Regarding the Knowledge, Innovations and Practices of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity, available at: https://www.cbd.int/doc/?meeting=WG8J-05</p>
<p>Task 9</p>	 <p>Akwé: Kon guidelines</p>	<p>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.</p> <p>http://www.cbd.int/traditional/guidelines.shtml</p>
<p>Task 16</p>	 <p>The Tkarihwaie'ri Code of Ethical Conduct</p>	<p>Code of ethical conduct that is voluntary and is intended to:</p> <ul style="list-style-type: none"> • provide guidance in activities/interactions with indigenous and local communities • for the development of local, national, or regional codes of ethical conduct, with the aim of promoting respect, preservation, and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity. <p>http://www.cbd.int/traditional/code.shtml</p>

Guidelines and tools related to Traditional Knowledge	Description
 <p>Plan of Action on Customary Sustainable Use of Biological Diversity</p>	<p>Promote, within the framework of the Convention, a just implementation of Article 10(c) at local, national, regional and international levels and to ensure the full and effective participation of indigenous people and local communities at all stages and levels of implementation.</p> <p>https://www.cbd.int/doc/publications/cbd-csu-en.pdf</p>
<p>Task 7 Task 10 Task 12</p>  <p>Mo'otz Kuxtal Voluntary Guidelines</p>	<p>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:</p> <ul style="list-style-type: none"> • 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; • for reporting and preventing unlawful appropriation of traditional knowledge. <p>https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf</p>
<p>Task 15</p>  <p>Rutzolijirisaxik voluntary guidelines for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biological diversity</p>	<p>The objective of the Rutzolijirisaxik Voluntary Guidelines is to facilitate the repatriation of the traditional knowledge of indigenous peoples and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, including related or complementary information, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge relevant for the conservation and sustainable use of biological diversity, and without limiting or restricting its ongoing use and access, unless under mutually agreed terms.</p> <p>https://www.cbd.int/doc/guidelines/cbd-RutzolijirisaxikGuidelines-en.pdf</p>

Guidelines and tools related to Traditional Knowledge

Description



A Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions

The glossary provides descriptions of a number of terms and concepts used in the context of Article 8(j) and related provisions. It is not intended to provide formal definitions, nor is it intended to be exhaustive. The glossary is intended for use on a voluntary basis.

The use of the glossary is without prejudice to the terminology used in the Convention and may not be interpreted as implying for any Party a change in rights or obligations under the Convention.

The glossary is intended to facilitate a common understanding of terms and concepts used in the context of Article 8(j) and related provisions, in meetings held under the Convention.

<https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-en.pdf>

What are the current institutional arrangements for IPLCs under the CBD and its Protocols?

The Working Group on Article 8(j)

A fundamental principle of the programme of work for Article 8(j) has been the participation of IPLCs in the work of the CBD.

The principle mechanism is the ad hoc open-ended Working Group on Article 8(j) (WG8J)

The WG8(j) includes enhanced participation mechanism for IPLCs including:

- the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as
- an IPLCs friends of the bureau,
- and co-chairs for sub-working groups and contact groups, and
- enhanced opportunities to make interventions on all agenda items.
- It also applies to other CBD meetings.

As result the Participatory Mechanisms:

- Raised the profile and increased effective participation of indigenous and local community issues throughout the Convention and improved indigenous and local community participation in the Convention processes;
- Successfully developed, and monitored the implementation of the work programme on Article 8(j)
- and related provisions and recently revised and refocused the Programme of Work (PoW)

This participatory mechanism is also use across other CBD meetings.

COP15 Issues Related to Article 8(j)

The fifteen Conference of the Parties of the CBD (COP 15) will discuss the following agenda items:

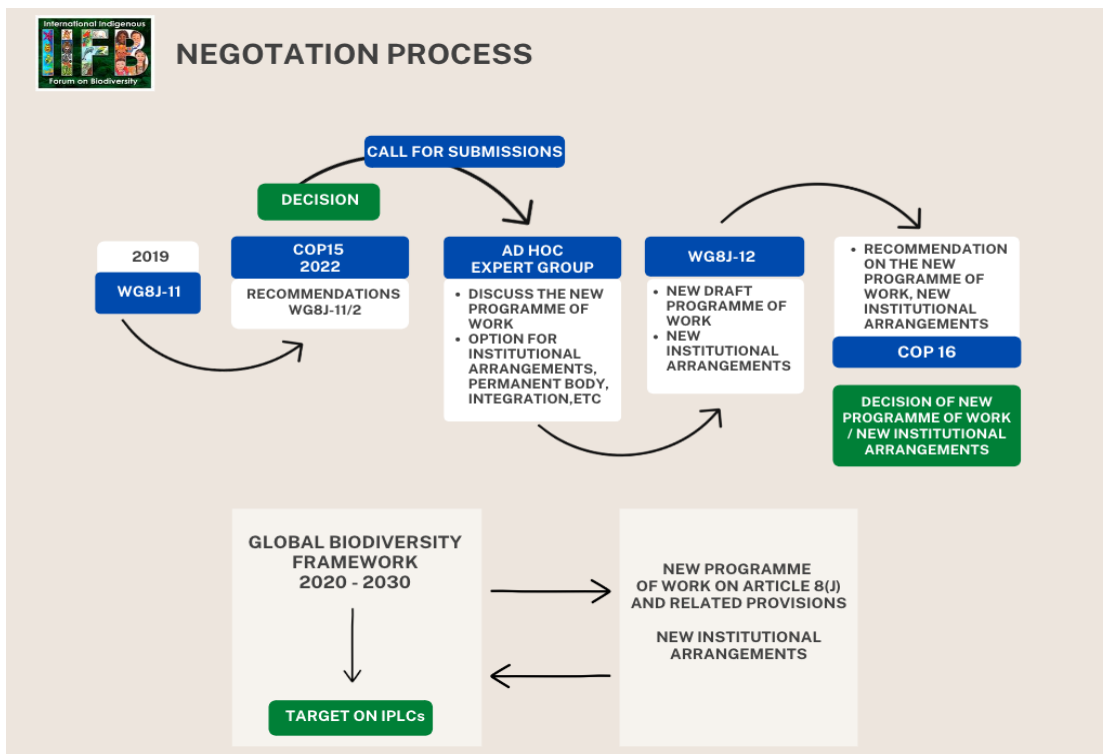
AGENDA ITEM 10. Enhancing integration with respect to provisions related to Article 8 (j) and related provisions:

10. A. 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 draft recommendation come from the eleven meeting of the Working Group on Article 8 (j) and related provisions (WG8J-11) which requests to the Executive Secretary to convene an ad hoc technical expert group on indigenous peoples and local communities and the post-2020 global biodiversity framework, to provide advice on the further elaboration of the new programme of work and the mandate and modus operandi of the institutional arrangements for indigenous peoples and local communities.

⇒ **IIFB suggest that draft recommendation is adopted with small changes in capital in green as in the text below and IIFB understand that the process of the negotiations will go as follow:**

7. *[Recalling* decision 14/17, requests the Executive Secretary **to convene an ad hoc technical expert group on indigenous peoples and local communities and the post-2020 global biodiversity framework**, subject to availability of financial resources, which shall meet prior to the twelfth meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, with terms of reference as contained in annex III to the present decision, to provide advice on the further elaboration of the new programme of work and the mandate and modus operandi of the **INSTITUTIONAL ARRANGEMENTS FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** *[working group] [subsidiary body] [integration into the subsidiary bodies] on Article 8(j) and related provisions.]*



⇒ **IIFB suggest no to open for discussion the draft programme of work as it will be discussed by the Expert Group.**

10. B. In-depth dialogue on the thematic areas and other cross-cutting issues

The draft recommendation come from the WG8(j)-11 and refer to the topic for the Next In-depth Dialogue at 12 WG8(j) “the role of languages in the intergenerational transmission of traditional knowledge, innovations and practices”.

⇒ **IIFB support this topic and suggest that the recommendations are adopted as it is.**

10. C. Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity

The draft recommendation come from the WG8(j)-11

⇒ **IIFB suggests that the draft recommendations are adopted as it is, taking note that the recommendations from the UNPFII are from 2017 and 2018 session and the WG8J-12 will consider the recommendations from 2019-2022**

AGENDA ITEM 26. NATURE AND CULTURE

This draft decision come from the WG8J-11 and it on Biological and Cultural Diversity on Options for Possible Elements of Work Aimed at an Integration of Nature and Culture in the Post-2020 Global Biodiversity Framework, and was consider by SBSTTA 23 and SBI 3.

⇒ **IIFB suggest that it is adopted as come from the WG-2020 8J without the additions from SBSTTA and SBI, if it is possible.**