

# Questionnaire to UN system

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## Secretariat of the Convention on Biological Diversity's Response to UNPFII Questionnaire (2017-18)

The theme of the Permanent Forum's session in 2017 will be:

*"Indigenous peoples' collective rights to lands, territories and resources"*

### A. Recommendations of the Permanent Forum on Indigenous Issues

With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency, fund and/or programme:<sup>1</sup>

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum addressed specifically to your organization.
- ii. What are the enabling factors that facilitate your agency's implementation of the Forum's recommendations?
- iii. What are some of the obstacles your agency has encountered in implementing the recommendations of the Permanent Forum?

### *Response*

*In the last recommendation cycle (sixteenth annual session) of the UNPFII no recommendations were received from the UNPFII to the Convention on Biological Diversity or its Secretariat. However the Secretariat continues to follow-up previous recommendations.*

*The Permanent Forum in its tenth session adopted the recommendation 26 (E/2010/43-E/C.19/2010/15), that calls upon the Parties to the Convention on Biological Diversity, and especially including the Nagoya Protocol, to adopt the terminology "indigenous peoples and local communities"*

*The Conference of the Parties to the Convention on Biological Diversity decided at its twelfth meeting<sup>2</sup>... to use the terminology "indigenous peoples and local communities" in future decisions and secondary documents under the Convention, as appropriate.*

*As follow-up and in order to ensure consistency across the Convention and its Protocols, the Meeting of the Parties to the Biosafety and the Nagoya Protocols considered this issue in December 2016 and decided<sup>3</sup> to apply, mutatis mutandis, decision XII/12 F of the Conference of the Parties to the Convention on Biological Diversity on the use of the terminology "indigenous peoples and local communities".*

*These latest decisions are evident that the expression "indigenous peoples and local communities" is now used consistently throughout the Convention and its Protocols.*

*In addition, the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity in its tenth meeting (December from 13 to 16, 2017) took note of*

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<sup>1</sup> See attached document entitled 'Recommendations addressed to the UN Agencies' to facilitate your responses.

<sup>2</sup> [Decision XII/12, F, paragraphs 1 and 2](#)

<sup>3</sup> In decisions CBD/CP/MOP/DEC/VIII/19,<sup>3</sup> and CBD/NP/MOP/DEC/2/7, respectively.

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*the recommendations<sup>4</sup> emanating from the fifteenth and sixteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and requests the Secretariat to continue to inform the Permanent Forum on developments of mutual interest<sup>5</sup>.*

### **B. System Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples**

As requested in the Outcome Document of the World Conference on Indigenous Peoples (2014), a system-wide action plan (SWAP) to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples was launched by the Secretary General at the UN Permanent Forum in May 2016. The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2017 session.<sup>6</sup> For ease of reference, the questions have been framed under the six key elements of the SWAP-Indigenous Peoples as follows:

#### **1. Raising awareness of the UN Declaration**

Please provide information on any activities that raise awareness of the UN Declaration on the Rights of Indigenous Peoples, including key messages, advocacy and other media and outreach initiatives. Please provide information on publications, films, audio material, maps, or other materials that feature or focus on the UN Declaration and on indigenous peoples. Please also provide links to the relevant websites and other sources.

#### ***Response***

*The Convention on Biological Diversity and its Secretariat work on key elements of the UN Declaration on the Rights of Indigenous Peoples, which are traditional knowledge, customary sustainable use of biodiversity and the effective participation of indigenous peoples in the work of the Convention at various levels including local, national, regional and international. Following this, the Secretariat jointly with partners organized the following related events:*

- *“Muuchtanbal Summit on Indigenous Experience: Traditional Knowledge, Biological and Cultural Diversity”<sup>7</sup>, which was held in Cancun, Mexico, from 9 to 11 December 2016. The four-day programme drew attention to and considered the possible contributions of biological and cultural diversity, community conservation, customary sustainable use and the power of local action to the implementation of the Strategic Plan for Biodiversity and the Aichi Targets, as well as provided advice on the four themes of the thirteenth meeting of the Conference of the Parties - agriculture, fisheries, forests and tourism - and more broadly, to the achievement of the Sustainable Development Goals.<sup>14</sup>*
- *Interactive “dialogue on living in harmony with nature” at the plenary of the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, which was held in Cancun, Mexico, on 13 December 2016. The panellists including Ms. Tauli-Corpuz Special Report of Indigenous Peoples Rights drew attention to the importance of indigenous peoples and local communities rights approach in the new relation with Mother Earth. It contributed for the theme for the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity which is “Living in Harmony with Nature” will be held from 10 - 22 November 2018, Sharm El-Sheikh, Egypt*

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<sup>4</sup> Further information is available in the document CBD/WG8J/10/9 Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity  
<https://www.cbd.int/doc/meetings/tk/wg8j-10/official/wg8j-10-09-en.pdf>

<sup>5</sup> See recommendation CBD/WG8J/10/L5

<sup>6</sup> See Report of the 15<sup>th</sup> session of the UN Permanent Forum on Indigenous Issues (E/2016/43) at para. 73.

<sup>7</sup> More information at <https://www.cbd.int/tk/summit.shtml>

### **2. Supporting the implementation of the UN Declaration, particularly at the country level**

Please provide information on the measures that have been taken by your agency, fund or programme to support national partners in reform and implementation of legal frameworks, policies, strategies and plans to implement the UN Declaration on the Rights of Indigenous Peoples including through joint programming. Please also include information on indigenous women in your responses.

#### ***Response***

*The Convention on Biological Diversity does not have country presences and is implemented by Parties (member Governments who were ratified the Convention) at the national level. Regarding the traditional knowledge, innovations and practices of indigenous peoples and local communities, the Conference of the Parties at its thirteenth meeting has adopted: the MO'OTZ KUXTAL<sup>8</sup> VOLUNTARY GUIDELINES. These guidelines are intended to guide Parties and other governments, in the development of mechanisms, legislation or other appropriate initiatives to ensure the prior and informed consent<sup>9</sup> 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.*

*The guidelines, if effectively implemented at the national level, will assist in achieving Aichi Target 18 of the CBD's Strategic Plan for Biological Diversity (2011-2020), which provides that:*

*By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.*

*As such the MO'OTZ KUXTAL<sup>10</sup> VOLUNTARY GUIDELINES are a substantial contribution to protecting traditional knowledge as envisaged under Article 31 of the UN DRIPs, which is:*

*Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, **traditional knowledge** and traditional cultural expressions, as well as the manifestations of **their sciences, technologies and cultures**, including human and **genetic resources**, seeds, medicines, **knowledge of the properties of fauna and flora**, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such **cultural heritage, traditional knowledge**, and traditional cultural expressions.*

*Additionally, the Nagoya Protocol<sup>11</sup> is a legally binding protocol that establishes that access to traditional knowledge associated with genetic resources is based on prior informed consent or approval and involvement. Additionally, the Nagoya Protocol in article 6, requires that Parties take measures with the aim of ensuring that prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to do so. Of particular note, the COP/MOP NP (Governing body to the Nagoya*

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<sup>8</sup> Which means "roots of life" in the Maya indigenous language

<sup>9</sup> This term should be understood as "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances (Mo'otz Kuxtal Voluntary Guidelines)

<sup>10</sup> Which means "roots of life" in the Maya indigenous language

<sup>11</sup> Refer to : <https://www.cbd.int/abs/>

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*Protocol) its first meeting, agreed, amongst other things, to include two indigenous representatives of the compliance committee to the Nagoya Protocol.*

- i. Please provide information on any support provided to Member States to mainstream the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 in national development plans and in the Common Country Assessment (CCA/United Nations Development Assistance Frameworks (UNDAFs)).**

*Response*

*This action is beyond the scope of the CBD however efforts under the Convention, are being made, by Parties to include traditional knowledge and customary sustainable use of biodiversity in National Biodiversity Strategies and Action Plans, with the full and effective participation of indigenous peoples and local communities and progress on these and other matters are reported to the Subsidiary Body on the Review of implementation when it meets biennially. The most recent progress report on the implementation of article 8(j) and related provisions is available at: <https://www.cbd.int/doc/c/87d4/dc5a/3d7f1ae9b1cd5646830a40ae/wg8j-10-07-en.pdf>*

- ii. Please provide information on any measures taken or planned to promote the establishment or strengthening of consultative mechanisms and platforms of dialogue under the leadership of the Resident Coordinators.**

*Response*

*The Secretariat of the Convention on Biological Diversity does not have country presences. Parties to the Convention are requested to appoint National Focal Points to the CBD, as well as for specific areas such as traditional knowledge. To date, 39 Parties have appointed Government National Focal Points for Traditional Knowledge. Further information is available at: <https://www.cbd.int/doc/lists/nfp-cbd-tk.pdf>*

*Parties to the Convention have a legal obligation to submit a national report on the implementation of the Convention.<sup>12</sup> COP 13, made several decisions encouraging the participation of indigenous peoples in the revision, and implementation of the National Biodiversity Strategies and Action Plans (NBSAPs), and in national reporting.*

*\*The most recent progress report prepared for the tenth meeting of the Working Group on Article 8(j) available at:*

*<https://www.cbd.int/doc/c/87d4/dc5a/3d7f1ae9b1cd5646830a40ae/wg8j-10-07-en.pdf> contain more information*

### **3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development**

The Permanent Forum on Indigenous Issues will continue to address indigenous issues in the follow up and review of the 2030 Agenda for Sustainable Development.

- i. Has your agency/organization taken any measures to incorporate indigenous issues into programming to implement the 2030 Agenda in line with the UN Declaration on the Rights of Indigenous Peoples?**

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<sup>12</sup> Refer to : <https://www.cbd.int/reports/>

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### **Response**

*The Secretariat for the Convention, worked with other agencies, representatives of indigenous peoples and local communities and Member State, during the negotiations, to ensure biodiversity is well represented in the sustainable development goals. As the close dependence of indigenous peoples and local communities on biodiversity is recognised in the preambular of the Convention, its overt inclusion is important for the world's indigenous peoples and contributes towards to realisation of the UN DRIPs.*

*The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity in its tenth meeting had in its session a Dialogue on the “Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity”<sup>13</sup>. As outcomes the WG8J had approved a recommendation to be consider by the Conference of the Parties in it's fourteenth meeting in 2018 which invites Parties, when implementing the 2030 Agenda for Sustainable Development,<sup>14</sup> to mainstream traditional knowledge, innovations and practices, including those on customary sustainable use of biodiversity, into the implementation of all relevant Sustainable Development Goals with the full and effective participation of indigenous peoples and local communities<sup>15</sup>*

- ii. Have indigenous peoples participated in programs, projects or any other activities related to the implementation and review of the 2030 Agenda for Sustainable Development? Please also include information on indigenous women, persons with disabilities, older persons and children and youth in your responses.

### **Response**

*The Secretariat of the Convention works towards the inclusion of indigenous peoples and local communities in the work of the Convention at various levels and not specifically for their inclusion in processes beyond the Convention's mandate, such as the 2030 Agenda for Sustainable Development.*

*\*The most recent progress report prepared for the tenth meeting of the Working Group on Article 8(j) accompanies this response to the UNPFII Questionnaire for additionally information on capacity building and participation opportunities for indigenous peoples under the Convention.*

Please include information on reports or other documents prepared by your agency on progress in implementing the 2030 Agenda for indigenous peoples. Also include information on any measures taken or planned to gather or assist with the collection of statistical data on indigenous peoples, in particular as related to the SDG indicators for target 1.4 (secure tenure rights to land), target 2.3 (income of small-scale food producers), target 4.5 (parity in access to education) and target 10.3/16.b (experience of discrimination).

### **Response**

*The Secretariat of the Convention on Biological Diversity does not envisage reporting on progress in the framework of the SGDs, as the Convention adheres to a framework (the Strategic Plan*

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<sup>13</sup> See In-depth dialogue on thematic areas on other cross-cutting issues“ Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity” **CBD/WG8J/10/10** <https://www.cbd.int/doc/c/4a24/b240/ac1a0ee0ed6bab2a1a931071/wg8j-10-10-en.pdf>

<sup>14</sup> [General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”](#), annex.

<sup>15</sup> **CBD/WG8J/10/L6**

2011-2020) which is adopted by the General Assembly for action on biodiversity across the international system<sup>16</sup>. However, the Secretariat remains a partner in ongoing work on indicators under the SDGs. Additionally, under the Convention on Biological Diversity there are a number of ongoing indicator and monitoring processes related to traditional knowledge and customary sustainable use (Articles 8(j) and 10(c)), that are relevant for the the collection of statistical data on indigenous peoples.

Additionally, in the period leading up to 2020, the Convention is exploring the development of a Post 2020 Biodiversity Framework, which will take into account the collective actions of indigenous peoples and position them as central partners to the Convention, as well as ensuing the Convention is more relevant to the broader global issues including the SDGs and climate action.

#### **4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP**

- i. Please provide information on any specific standards and guidelines on indigenous peoples adopted or planned by your agency/organization.

##### ***Response***

*The programme of work on Article 8(j) and related provisions<sup>17</sup> is the main instrument that Parties to the Convention on Biological Diversity have given themselves to achieve the commitments in Article 8(j) and related provisions, and later to Aichi Biodiversity Target 18<sup>18</sup> by 2020.*

*Standards and guidelines most relevant to indigenous peoples and the effective implementation of the UN DRIPs under the CBD include:*

*(a) The composite report on the status and trends of traditional knowledge<sup>19</sup> 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;*

*(b) Guidelines for the conduct of cultural, environmental and social impact assessments (the Akwe: 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 on lands and waters traditionally occupied or used by indigenous and local communities),<sup>20</sup>*

*(c) The Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities<sup>21</sup> and the global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>22</sup>*

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<sup>16</sup> Refer to A/RES/65/161

<sup>17</sup> The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in decision V/16.

<sup>18</sup> Target 18 By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

<sup>19</sup> 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>

<sup>20</sup> Decision VII/16

<sup>21</sup> Decision X/42

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(d) *The Mo'otz kuxtal<sup>23</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<sup>24</sup> 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.<sup>25</sup>*

*Additionally, the Working Group on Article 8(j) has recommendation to CBD COP 14, the adoption of:*

*(e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity, hereinafter referred to as “the Rutzolijirisaxik Voluntary Guidelines”.*

- ii. Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.

### **Response**

*In 2017, training materials have been advanced in support of IPLCs and Parties, with a train-the-trainer methodology on:*

- a. *The Links between Biological and Cultural Diversity – a Guide for Policy-Makers;*
- b. *The CBD's Strategic Plan, Traditional Knowledge, Customary Sustainable Use and Access and Benefit Sharing*
- iii. Please provide information on current resources and funds allocated to effectively implement the UN Declaration. Please also provide information on any joint initiatives with other UN agencies in the implementation of the UN Declaration.

### **Response**

*Resources and funds available for the traditional knowledge and customary sustainable use Activities by the Secretariat, such as capacity development and training of IPLCs, are based on decisions by the governing body (COP) to the Executive Secretary and are funded through voluntary funds, on a year by year basis. In the 2017-18 training year, \$700,000 USD in funds were made available through the Japan Biodiversity Fund by the Government of Japan for the facilitation of four regional training programmes on the Convention for IPLCs and Governments in the Africa, Latin American, Asian and Pacific regions.<sup>26</sup>*

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<sup>22</sup> Decision XII/12 B, annex

<sup>23</sup> Meaning “roots of life” in the Maya language

<sup>24</sup> The use and interpretation of the term “indigenous peoples and local communities” in these Guidelines should refer to decision XII/12 F, paragraphs 2 (a), (b) and (c)

<sup>25</sup> Decision XIII/18. The adoption of the Mo'otz kuxtal voluntary guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge

<sup>26</sup> For further information see document UNEP/CBD/SBI/1/Add.3 at <https://www.cbd.int/doc/?meeting=SBI-01>

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Annual funds are also raised for the participation of indigenous peoples and local communities in meetings held under the Convention, through the Voluntary Fund <sup>27</sup> established for this purpose. In 2017, a total of \$125,000 USD were raised thanks to the Governments of Australia, Germany, New Zealand and Mexico to facilitated the participation of IPLCs in SBSTTA 21 and 10WG8(j). Applicants selected for funding are made available through the Secretariat's notification system at:

<https://www.cbd.int/notifications/>

The Secretariat has two staff devoted to Article 8(j) and related provisions and indigenous peoples and local communities:

John SCOTT

[john.scott@cbd.int](mailto:john.scott@cbd.int)

Senior Programme Officer for Traditional Knowledge, Innovations and Practices,  
Focal Point for Indigenous Peoples and Local Communities,

Viviana Figueroa

[viviana.figueroa@cbd.int](mailto:viviana.figueroa@cbd.int)

Associate Programme Officer for Traditional Knowledge, Innovations and Practices,  
Focal Point for Indigenous Peoples,

### **5. Developing the capacities of States, indigenous peoples, civil society and UN personnel**

Please provide information on any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff. Also include information on the participation of indigenous women, children and youth as well as indigenous persons with disabilities in your response.

#### **Response**

- (a) ***Progress in mainstreaming article 8(j) and related provisions across the areas of work of the Convention, including capacity-building and participation of indigenous peoples and local communities in the work of the secretariat***

*This section is focused on activities under the prerogative of the Secretariat, with a focus on capacity development of indigenous peoples and local communities (IPLCs)<sup>28</sup> and their effective participation in meetings held under the Convention. Additionally, as Articles 8(j), 10(c) and related provisions are considered as cross-cutting issues within the Convention, where progress has been made in integrating or mainstreaming Article 8(j) and related provisions into other Aichi Targets, an update is provided on those Targets. An interim progress report, *CBD/WG8J/10/7, Progress towards Aichi Biodiversity Target 18 on traditional knowledge and customary sustainable use of biodiversity*, is available at: <https://www.cbd.int/doc/c/87d4/dc5a/3d7f1ae9b1cd5646830a40ae/wg8j-10-07-en.pdf> and accompanies this response.*

#### ***A. Capacity development - Efforts leading up to the thirteenth meeting of the Conference of the Parties***

*In preparation for the United Nations Biodiversity Conference in 2016, the Government of Mexico organized a series of regional workshops on traditional knowledge for indigenous peoples and local communities from Mexico, and the Secretariat provided assistance through online presentations.*

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<sup>27</sup> Further information of the voluntary fund for the participation of IPLCs in meetings held under the Convention can be found at : <https://www.cbd.int/traditional/fund.shtml>

<sup>28</sup> for their effective participation in the Convention



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*These preparatory workshops contributed to the successful organization of the “Múuch’tambal Summit on Indigenous Experience: Traditional Knowledge and Biological and Cultural Diversity”, which was held from 9 to 11 December 2016 with 350 participants from all world regions (see [UNEP/CBD/COP/13/INF/48](#)). Furthermore, briefings were provided to the International Indigenous Forum on Biodiversity (IIFB) and the Indigenous Women Network on Biodiversity in preparation for and during meetings of the Convention relevant for indigenous peoples and local communities.*

### **B. Upcoming capacity-building efforts**

*During the period of 2017-2018, in line with capacity development decisions, the Secretariat will be implementing a “Capacity Development Programme on national arrangements for achieving Traditional Knowledge elements of Targets 18 and 16 of Strategic Plan for Biodiversity 2011-2020.” It aims to build capacity among the Parties and indigenous peoples and local communities to develop national action plans for traditional knowledge containing national arrangements to implement obligations arising from Article 8(j) of the Convention and to achieve Aichi Target 18 on traditional knowledge, by 2020, to contribute to the national implementation of articles of the Nagoya Protocol that are most relevant to the indigenous peoples and local communities, especially Articles 5, 6, 7, 12, and 16.*

*The activities include: (a) an online global forum; and (b) four regional capacity development programmes in Asia, Africa, Latin America and Caribbean, and the Pacific. As outputs, the participants and their institutions will develop national action plans to address obligations regarding traditional knowledge under the Convention and the Nagoya Protocol. Participants in the regional workshops will be able to understand the relevant articles of the Convention and the Nagoya Protocol, be familiar with possible mechanisms in order to address them, and promote the effective implementation of such mechanisms at the national and local levels.*

### **C. Additional activities**

*The Secretariat also provides regular briefings and capacity-building on issues concerning Articles 8(j) and 10(c), the Nagoya Protocol, the Strategic Plan for Biodiversity 2011-2020 and traditional knowledge to the International Indigenous Forum on Biodiversity, the Indigenous Women’s Biodiversity Network, women’s caucus, and governments as well as civil society, universities, the private sector, and non-governmental organizations, on request.*

*In addition, to optimize the use of limited resources and to ensure the effective implementation of these decisions, the Secretariat pursues opportunities for capacity-building beyond specific capacity-building workshops. It does so, in particular, on the margins of many official meetings under the Convention and on the margins of other meetings, including the 16<sup>th</sup> and 17<sup>th</sup> sessions of the United Nations Permanent Forum on Indigenous Issues.*

*In summary, the Secretariat continues to develop the capacity of IPLCs and Governments, foremost through the Capacity Development Strategy for IPLC trainers and through the integration of IPLCs in other capacity-building efforts of the Secretariat, and presentations at capacity-building initiatives organized by other organizations, meetings and events. A full report on progress in capacity development and the participation of indigenous peoples and local communities in the work of the Convention is provided in CBD/WG8J/10/7.*

### **B. The participation of indigenous and local communities in the work of the Convention, including through the Voluntary Fund for the Participation of indigenous and local community representatives in meetings held under the Convention (VB Trust Fund)**

#### **Response**

*In the biennium 2016-2017, a total of 79 representatives of indigenous peoples and local communities received funding from the Voluntary Trust Fund for the participation of indigenous peoples and local*

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communities which enabled them to participate in official meetings held under the Convention.<sup>29</sup> The Secretariat expresses its gratitude to Australia, Finland, Germany, New Zealand, Norway, Sweden, and Mexico for their continuing support of the Voluntary Trust Fund for the effective participation of indigenous peoples and local communities in the meetings held under the Convention.

Additionally, the Secretariat is facilitating the participation of indigenous peoples and local communities in the following expert meetings held under the Convention and its Protocols:

(a) Meeting of the Ad Hoc Technical Expert Group on Synthetic Biology, Montreal, Canada, 5-8 December 2017;

(b) Ad Hoc Technical Expert Group Meeting on Socio-economic Considerations (Article 26 of the Cartagena Protocol on Biosafety), Ljubljana, 9-13 October 2017;

(c) Meeting of the Informal Advisory Committee on Communication, Education and Public Awareness, Montreal, Canada, 11-13 October 2017;

(d) Technical Workshop to Review the Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-based Approaches to Climate Change Adaptation and Disaster Risk Reduction, Bonn, 20-22 November 2017;

(e) Regional Expert Workshop to Develop Training Materials on Gender Equality and Biodiversity for South-East Asia and the Pacific, 28-30 November 2017, Bangkok;

(f) Second meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, Montreal, Canada, 15-17 June 2016;

(g) “Friends of the CBD” workshop on mechanisms to support review of implementation of the Convention, Bogis-Bossey, Switzerland, 21-23 March 2016;

(h) Expert Group Meeting on Article 10 of the Nagoya Protocol on Access and Benefit-sharing, Montreal, Canada, 1-3 February 2016;

(i) Gender and Biodiversity workshops held in Mexico, Brazil, and Uganda in 2016, to integrate gender into their national biodiversity strategies and action plans (NBSAPs), as part of the process of revising these plans to align with the Strategic Plan for Biodiversity 2011-2020. Indigenous and local community women representatives participated in this project providing input and perspectives that helped to inform the development of revised gender-responsive NBSAPs;

(j) Global Youth Biodiversity Network (GYBN) and its project entitled “Youth Voices”. Regional capacity-building workshops were held in Latin America and the Caribbean (Bogota, 2-5 May 2017), Asia (Singapore, 22-27 May 2017) and Africa (Johannesburg, 14-19 August 2017). Young indigenous and local community representatives also contributed to the Network’s activities at the thirteenth meeting of the Conference of the Parties.

The Secretariat continues to include on, a regular basis, the participation of representatives of indigenous peoples and local communities in workshops held under the Convention, including but not limited to:

(a) Regional Bio-Bridge Initiative Round Table for: (a) Asia and the Pacific, Incheon, Republic of Korea, 16-19 October 2017; (b) Africa, Entebbe, Uganda, 7-9 November

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<sup>29</sup> Ninth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (4-7 November 2015); nineteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, (2-5 November 2015); first meeting of the Subsidiary Body on Implementation, (2-6 May 2016); twentieth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, (25-30 April 2016); and thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (4-17 December 2016).

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2017; (c) *Latin America and the Caribbean, Bogota, Colombia, 27-29 November 2017; and (d) Central and Eastern Europe and the Central Asian Republics, Minsk, Belarus, 5-7 December 2017;*

(b) *Regional Dialogue and Learning Mission on Integrating Climate Change Action and Biodiversity Action at the National Level in: (a) the Pacific, Suva, Fiji, 23-27 October 2017; (b) Southern Africa, Durban, South Africa, 2-6 October 2017; (c) South America, Bogota, Colombia 27 November – 1 December, 2017; (d) Central America and Caribbean, 2018; (e) Central and West Africa, 2018 and (f) Asia, 2018;*

(c) *Sustainable Ocean Initiative (a) Training of Trainers Workshop, Seocheon, Republic of Korea, 25-29 September 2017, and (b) Capacity-Building Workshop for the Wider Caribbean and Central America, San José, Costa Rica, 20-24 February 2017;*

(d) *Regional Capacity-building Workshop on Biodiversity and Human Health for the European Region, Helsinki, 23-25 October 2017;*

(e) *Workshop on the preparation of the sixth national report, Montreal, Canada, 9 December 2017;*

(f) *Global Dialogue with Indigenous Peoples and Local Communities on the IPBES Global Assessment of Biodiversity and Ecosystem Services, Montreal, Canada, 9 December 2017;*

(g) *Workshop on spatial tools for the preparation of the sixth national report, Montreal, Canada, 10 December 2017;*

(h) *Second Technical Workshop on Monitoring of Marine and Coastal Biodiversity, Cancun, Mexico, 10 December 2016.*

### **C. Progress in mainstreaming Article 8(j) and related provisions across the areas of work of the Convention**

#### **Response**

*Apart from the programme of work on Article 8(j) and related provisions, Article 8(j) and related provisions are implemented through integration into the many areas of work of the Convention. The following is an update on Aichi Targets that have made significant progress in incorporating Article 8(j) on traditional knowledge and Article 10(c) on customary sustainable use of biological diversity and related provision, in 2014-2015.*

#### *Aichi Biodiversity Targets*

*Target 11: By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes*

*Of most relevance to IPLCs and Article 8(j) and related provisions regarding Target 11 is the element of the programme of work which deals with effective and equitable management of protected areas and other area-based conservation measures. For the biennium 2014-2015, the focus within this element has largely been on collecting information on various governance types in the protected area estates of countries and indigenous and local CCAs, including perceptions about “other effective area-based conservation measures”. To aid this work, participating countries have provided information on various types of governance in their protected areas, to the Conservation Matrix of the International Union for Conservation on Nature, including protected areas having co-management, private management, and/or public management and/or being exclusively managed by indigenous peoples and local communities.*

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*Target 15: By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification*

*In decision XII/20, paragraph 7, the Conference of the Parties requested the Executive Secretary to compile experiences with ecosystem-based approaches to climate change adaptation and disaster risk reduction and to share them through the clearing-house mechanism.*

*In response to this request, a synthesis report that compiles country experiences and synthesizes information related to ecosystem-based approaches to climate change adaptation and disaster risk reduction was prepared. The report contains a section on the contribution of indigenous peoples and local communities to ecosystem approaches. The report will be made available to the Subsidiary Body on Scientific, Technical and Technological Advice at its twentieth meeting.*

*In addition, a technical workshop ecosystem-based approach to climate change adaptation and disaster risk reduction was held in Johannesburg, South Africa, from 28 September to 2 October 2015, thanks to the support of the European Union and the Governments of South Africa, Germany and Sweden. The workshop comprised 50 participants, nominated from all regions including 26 participants from Parties, four representatives of indigenous peoples and local communities. The workshop provided an opportunity to review the draft synthesis report, to identify gaps in the information provided in the synthesis report, based on the knowledge and experience available at the national level, and to provide more information to strengthen the report. The workshop included a session on the contributions of indigenous peoples and local communities to ecosystem approaches. It facilitated the sharing of experiences and lessons learned from the implementation of ecosystem-based approaches at the national, local and community levels.*

*Target 16: By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation*

*IPLCs participated in the First meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing and six regional workshops<sup>30</sup> carried out throughout 2014-2016. During the current biennium, the Nagoya Protocol continues to ensure the effective participation of IPLCs as observers in relevant intersessional meetings, such as in the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol, the Compliance Committee under the Nagoya Protocol and the expert group meeting on Article 10. Interest in the Nagoya Protocol, together with developments within the programme of work on Article 8(j) and related provisions regarding access and benefit-sharing for traditional knowledge, has led the International Indigenous Forum on Biodiversity to prioritize capacity development for IPLC trainers in the 2015-16 biennium, on community protocols. In order to develop capacity of IPLCs in this regard, the Secretariat, as previously mentioned, is planning and facilitating, with partners, five regional training workshops during 2016 which will focus on the potential roles of Community Protocols for Traditional Knowledge under the Convention and the Nagoya Protocol.*

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<sup>30</sup> Capacity-building workshop on the Access and Benefit-Sharing Clearing-House, Pyeongchang, Republic of Korea, 12 October 2014; Regional Capacity-building Workshop on the Nagoya Protocol on Access and Benefit-sharing for Africa, Kampala, 9-13 June 2014; Subregional Capacity-building Workshop on the Nagoya Protocol on Access and Benefit-sharing for West Asia and North Africa, Dubai, United Arab Emirates 1-5 June 2014; Subregional Capacity-building Workshop on the Nagoya Protocol for the Caribbean, Georgetown, Guyana, 19-22 May 2014; Subregional Capacity-building Workshop on the Nagoya Protocol for Central and Eastern Europe and Central Asia, Minsk, 31 March-4 April 2014; Regional Capacity-building Workshop for Latin America on Nagoya Protocol on Access and Benefit-sharing, Montevideo, 24-28 March 2014.

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*Target 17: By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan*

*In decision XI/2 A, paragraph 4, the Conference of the Parties invited “Parties to include all stakeholders, including indigenous and local communities, women and youth, in planning and implementing national biodiversity strategies and action plans, thereby contributing to the achievement of the Strategic Plan for Biodiversity 2011-2020”. To the extent possible, given limited resources, the Secretariat invited and financed a broad range of stakeholders, including at least one regional indigenous or local community representative to the regional NBSAP revision workshops. Late in 2013, a global workshop to review progress in NBSAP revisions was held in Nairobi, with the generous support of the Japan Biodiversity Fund, the European Union and other donors, and at least one regional IPLC representative from each of the major United Nations language regions was supported to attend and participate. This workshop was being jointly convened by the Secretariat of the Convention on Biological Diversity, with close collaboration from UNDP and UNEP, as implementing agencies of the Global Environment Facility, along with other partners, as an output of the NBSAP Forum. The Forum website and other activities have provided an additional mechanism to promote stakeholder engagement, including IPLCs in national biodiversity planning processes. As noted previously, 24 Parties have mentioned the involvement of IPLCs in the NBSAP revision process undertaken since the Conference of the Parties adopted the Strategic Plan for Biodiversity 2011-2020 in Japan in 2010.*

### **6. Advancing the participation of indigenous peoples in UN processes**

Please provide information on any support provided for the full and effective participation of indigenous peoples at relevant UN bodies. Please also provide information on any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them.

#### ***Response***

*The previous sections provide a comprehensive report on the effective participation of indigenous peoples under the Convention on Biological Diversity, including through the voluntary fund for the participation of IPLCs in meetings held under the Convention.*

*Regarding the second question concerning “mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them”, as mentioned earlier, the Nagoya Protocol<sup>31</sup> is a legally binding protocol that establishes that access to traditional knowledge associated with genetic resources is based on prior informed consent or approval and involvement. Additionally, the Nagoya Protocol, in article 6, requires that Parties take measures with the aim of ensuring that prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to do so.*

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<sup>31</sup> Refer to : <https://www.cbd.int/abs/>

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*Additionally COP 13, adopted in its decision XIII/18, MO'OTZ KUXTAL<sup>32</sup> VOLUNTARY GUIDELINES, 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<sup>33</sup> 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*

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<sup>32</sup> Meaning "roots of life" in the Maya language

<sup>33</sup> The use and interpretation of the term "indigenous peoples and local communities" in these Guidelines should refer to decision XII/12 F, paragraph 2 (a), (b) and (c).