

Questionnaire to UN system

Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations

The United Nations Permanent Forum on Indigenous Issues was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; and prepare and disseminate information on indigenous issues.

The Permanent Forum's report of the fifteenth session of 2016 includes a number of recommendations within its mandated areas, some of which are addressed to UN system agencies, funds and programmes (attached).

The report can be found at: <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/unpfii-fifteenth-session.html>

The secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other inter-governmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations and other relevant issues.

The responses will be compiled into one report for the sixteenth session of the Permanent Forum which will take place from 24 April to 5 May 2017. All responses will be placed on the DESA/DSPD website on Indigenous at:

<https://www.un.org/development/desa/indigenouspeoples>

If you have any objection for your response to be made available on our website, please inform our offices accordingly.

Please submit your completed questionnaire by **1 January 2017** to:

Secretariat of the Permanent Forum on Indigenous Issues
Division for Social Policy and Development
Department of Economic and Social Affairs
Room: S-2954
United Nations Headquarters
New York, USA 10017
Telephone: 917-367-5100
Email: indigenous_un@un.org and dogank@un.org

Questionnaire to UN system

The sixteenth session of the Permanent Forum on Indigenous Issues will be held at United Nations Headquarters from **24 April to 5 May 2017**.

Draft Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum:
 - (a) Empowerment of indigenous women;
 - (b) Indigenous youth.
4. Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.
5. Dialogue with indigenous peoples.
6. Dialogue with Member States.
7. Dialogue with the funds, programmes and specialized agencies of the United Nations system.
8. Discussion on the theme “Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration”.
9. 2030 Agenda for Sustainable Development.
10. Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples with regard to indigenous human rights defenders.
11. Follow-up to the outcome document of the World Conference on Indigenous Peoples:
 - (a) Implementation of national action plans, strategies or other measures;
 - (b) Ways to enhance the participation of indigenous peoples at the United Nations;
 - (c) Implementation of the United Nations system-wide action plan on indigenous peoples.
12. Future work of the Permanent Forum, including issues considered by the Economic and Social Council, and emerging issues.
13. Provisional agenda for the seventeenth session.
14. Adoption of the report of the Permanent Forum on its sixteenth session

Questionnaire to UN system

Secretariat of the Convention on Biological Diversity's Response to UNPFII Questionnaire (2016-17)

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

Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: Measures taken to implement the Declaration

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:¹

- 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 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, as follows.

In order to follow-up on recommendations received from the UNPFII, the Working Group on Article 8(j) has made the following recommendations for consideration by the governing body, the thirteenth meeting of the Conference of the Parties (COP 13), which will meet from 4-17 December, in Cancun, Mexico. After consideration by COP 13, these recommendations will be considered by the governing bodies of the The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol) and The Cartagena Protocol on Biosafety (Biosafety Protocol).

9/4. Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity

The tenth session of the United Nations Permanent Forum on Indigenous Issues called on Parties to the CBD and particularly the Nagoya Protocol, to adopt the terminology "indigenous peoples and local communities".

The use of the terminology "indigenous peoples and local communities" was already addressed in the context of the Convention in decision XII/12 F adopted at COP-12 in 2014.

Given that each treaty is distinct and the Parties to each have their own decision-making powers, the COP-12 decision does not apply to the Nagoya Protocol, so for the terminology "indigenous peoples

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

Questionnaire to UN system

and local communities” to be used in the context of the Nagoya Protocol, the COP-MOP of the Protocol must adopt its own decision in this respect.

Accordingly, the draft decision to COP contained in recommendation 9/4 provides for COP to invite the Nagoya Protocol COP-MOP to consider taking a decision to apply, mutatis mutandis, decision XII/12 F of the COP. This recommendation will be addressed by the 13th meeting of the COP, in Cancun, Mexico, in December 2016.

The COP-MOP of the Biosafety Protocol would also need to take a similar decision in order for the terminology “indigenous peoples and local communities” to be used in the context of the Biosafety Protocol. The Subsidiary Body on Implementation, which met in Montreal, Canada from 2-6 May 2016, has recommended a draft decision to this effect for consideration by the Biosafety COP-MOP, to be held in Cancun, Mexico, 4-17 December 2016.

Indigenous peoples participation in the Convention happens at many levels with a special focus on participation in national arrangements to implement and report on the CBD, as well as participation in meetings held under the Convention. These matters are taken up at length later in this report.

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 on Indigenous Issues, 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.² 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 local, national, regional and international levels.

The Secretariat of the Convention will use this opportunity to report on these three elements which fall under the mandate of the Convention on Biological Diversity and which are directly relevant to the System-Wide Action Plan.

*Regarding 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, the Secretariat of the Convention worked with UNESCO and WIPO in 2015, to draft **key messages on traditional knowledge** which were made available to the World Conference on indigenous peoples at the General Assembly in September 2015 and in 2016 to the United Nations Department of Public Information. Copies of the thematic papers drafted by Agencies, including the note of traditional*

² See Report of the 15th session of the UN Permanent Forum on Indigenous Issues (E/2016/43) at para. 73.

Questionnaire to UN system

knowledge are available at: <http://www.un.org/en/ga/69/meetings/indigenou/documents.shtml> , under Thematic Issues.

The United Nations Inter-Agency Support Group on Indigenous Peoples' Issues (IASG) will review these key message documents during 2017 to ensure they remain up to date. Additionally relevant agencies will develop a document of key messages concerning customary sustainable use of biological resources in 2017 for use by the UNPFII, and the United Nations Department of Public Information.

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 a country presence but is implemented by Parties at the national level, through domestic legislation. Regarding the traditional knowledge, innovations and practices of indigenous peoples and local communities, the Conference of the Parties at its thirteenth meeting will consider for adoption:

Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the [free]³, prior informed consent [or approval and involvement] of indigenous peoples and local communities for accessing their knowledge, innovations and practices, the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge⁴

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):

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.

The guidelines may also assist in achieving in part, Article 31 of the UN DRIPs, which states:

*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.*

³ Please note the square brackets in this recommendation will be resolved at COP 13, December 2016.

⁴ UNEP/CBD/COP/13/3 Report of the Ad Hoc Open-Ended Inter Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity on Its Ninth Meeting, available at : <https://www.cbd.int/doc/meetings/cop/cop-13/official/cop-13-03-en.pdf>

Questionnaire to UN system

Additionally, the Nagoya Protocol⁵ 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. Additional information on the Nagoya Protocol can be found in this document under section 4. Mapping of existing standards ...

- 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. Progress on these and other matters are reported to the Subsidiary Body on the Review of Implementation when it meets biennially.

- 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 presence. 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, 35 Parties have appointed NFPs for TK. 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.⁶ The first meeting of the Subsidiary Body on the Review of Implementation (May, 2016) has made several recommendations to COP 13,⁷ relevant to the effective participation of indigenous peoples in the revision, and implementation of the National Biodiversity Strategies and Action Plans (NBSAPs), and in national reporting including:

13. Encourages Parties to undertake the activities referred to in paragraphs 9, 10 and 11 (concerning NBSAPs) above with the full and effective participation of indigenous peoples and local communities, in accordance with national circumstances, recognizing the contribution of the collective actions of indigenous peoples and local communities, and the role of their holistic systems for the conservation and sustainable use of biological diversity;

20. Also invites Parties, other Governments, indigenous peoples and local communities, and relevant organizations to submit updated information on progress

⁵ Refer to : <https://www.cbd.int/abs/>

⁶ Refer to : <https://www.cbd.int/reports/>

⁷ UNEP/CBD/COP/13/6 Report of the Subsidiary Body on Implementation on Its First Meeting at <https://www.cbd.int/doc/meetings/cop/cop-13/official/cop-13-06-en.pdf>

Questionnaire to UN system

towards Aichi Biodiversity Target 18 on traditional knowledge and customary sustainable use of biodiversity, including on the various elements of the target, as well as implementation of the plan of action on customary sustainable use, in time to allow the Executive Secretary to synthesize and make available the information for consideration by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its tenth meeting and by the Subsidiary Body on Implementation at its second meeting;

21. *Requests the Executive Secretary to continue to report on: (a) progress in mainstreaming Article 8(j) and related provisions across the areas of work of the Convention; (b) the participation of indigenous peoples and local communities in the work of the Secretariat; and on (c) strengthening the work on Article 8(j) and related provisions through ongoing capacity-building efforts, in partnership with indigenous peoples and local communities.*

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?

Response

The Secretariat for the Convention, worked with other agencies and member States, indigenous peoples and local communities 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 preamble of the Convention, its overt inclusion is important for the world's indigenous peoples and contributes towards to realisation of the UN DRIPs.

- 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 and effective participation of indigenous peoples and local communities in the work of the Convention at various levels, including in meetings held under the Convention (international participation), as well as at the national level, through the National Reports and the National Biodiversity Strategies and Action Plans (NBSAPs). The Secretariat does not have a mandate for funding the inclusion of indigenous peoples in other United Nations processes, such as the 2030 Agenda for Sustainable Development.

- iii. 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 for Biodiversity, 2011-2020) which is adopted by the General Assembly for action on biodiversity

Questionnaire to UN system

across the international system⁸. However, the Secretariat remains a partner in the 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.

In particular:

Community-based monitoring and information systems (CBMIS)

CBMIS are important complementary sources of knowledge that can inform local, national and global policy and decision-making, monitoring and reporting and the relevance of such approaches are increasingly being recognized. Indigenous peoples and local communities can play an important role in validating data products derived from remote sensing and other sources. Traditional knowledge, combined with the use of new technologies enabling indigenous peoples and local communities to map and monitor biodiversity and contribute to information systems in support of local governance and planning, can help to generate important information for monitoring the implementation of the Strategic Plan for Biodiversity 2011-2020.

At the same time, the development of global indicators previously agreed for Aichi Biodiversity Target 18 is being pursued in collaboration with relevant organizations and partners.

They include:

- (i) Status and trends of linguistic diversity and numbers of speakers of indigenous languages (COP Decision VII/30 and VIII/15) (UNESCO);
- (ii) Status and trends in the practice of traditional occupations (COP Decision X/43) (ILO);
- (iii) Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities (COP Decision X/43) (International Land Coalition); and
- (iv) Trends in which traditional knowledge and practices are respected through their full integration, safeguards and the full and effective participation of indigenous and local communities in the national implementation of the Strategic Plan. (COP Decision XI/3).

Additionally, the International Training Workshop on Community-based Monitoring, Indicators on Traditional Knowledge and Customary Sustainable Use and Community Protocols, within the Strategic Plan for Biodiversity 2011-2020, held in Guatemala, 8-10 June, 2015, provides information on recent advances made in CBMIS. It is available in UNEP/CBD/SBSTTA/19/INF/21 at: <https://www.cbd.int/doc/?meeting=SBSTTA-19>

*The ongoing issue for engaging partners in operationalizing the Target 18 indicators process continues to be a lack of human and financial resources.

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

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

⁸ Refer to A/RES/65/161

Questionnaire to UN system

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) was adopted by the Conference of the Parties at its tenth meeting contains the following preambular paragraphs: “Noting the United Nations Declaration on the Rights of Indigenous Peoples, and Affirming that nothing in this Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities”

The Protocol also contains significant provisions relating to traditional knowledge associated with genetic resources held by indigenous and local communities, as well as to genetic resources held by indigenous and local communities where the rights of these communities over these resources have been recognized.

The Protocol establishes clear obligations to seek the prior informed consent of indigenous and local communities in these situations. It also provides for the sharing of benefits arising from the use of traditional knowledge associated with genetic resources, as well as benefits arising from the use of genetic resources in accordance with domestic legislation. Benefit-sharing must be based on mutually agreed terms.

In addition, Parties to the Protocol must ensure that their nationals comply with the domestic legislation and regulatory requirements of provider countries related to access and benefit-sharing of traditional knowledge associated with genetic resources.

The programme of work for Article 8(j) and related provisions has also produced some useful guidelines relevant to indigenous peoples, including guidelines on Customary Sustainable Use, Traditional Knowledge, and impact assessments for developments proposed on traditional territories. Relevant guidelines include:

Plan of Action on Customary Sustainable Use of Biological Diversity⁹ with the objective to 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 and local communities at all stages and levels of implementation. *COP Decision XII/12 B Annex*

The Tkarikwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities¹⁰ which provides a model to “guide the development of models of codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity” *COP Decision X/42*

Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment 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 Communities¹¹ The guidelines provide advice on how to incorporate cultural, environmental (including biodiversity-related), and social considerations of indigenous and local communities into new or existing impact-assessment procedures, to ensure

⁹ Refer to: <https://www.cbd.int/decision/cop/default.shtml?id=13375> for the global Plan of Action for Customary Sustainable Use.

¹⁰ Refer to: <https://www.cbd.int/doc/decisions/cop-10/cop-10-dec-42-en.pdf>

¹¹ Refer to: <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

Questionnaire to UN system

appropriate development. They support the full and effective participation of indigenous and local communities in screening, scoping and development planning exercises, taking into account their traditional knowledge, innovations and practices. COP Decision VII/16

*As well as COP decision XII/5 on **Biodiversity for poverty eradication and sustainable development**, this contains as an annex, the Chennai guidance for the integration of biodiversity and poverty eradication. The guidance is intended for use by Parties and organizations engaged in the issues of biodiversity and poverty eradication and development, as appropriate, in accordance with national laws, circumstances and priorities, and to be taken into account in their related plans, policies and actions, and in the implementation of related programme.*

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

Response

In 2016, training materials are under development, 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*

The training materials are currently under review and will be made available in 2017 through the Traditional Knowledge Portal at: <https://www.cbd.int/tk/default.sht8ml>

- iii. Please provide information on current resources and funds allocated to effectively implementing 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 matters within the mandate of the Convention and relevant to the UN DRIPs, with a focus on the traditional knowledge and customary sustainable use include:

(i) Activities by the Secretariat, such as capacity development and training of IPLCs, which are based on requests by the governing body (COP) to the Secretariat of the CBD. These activities are funded through voluntary funds, on a year by year basis. In the 2016 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.¹² This included four (4) local training grants of \$5,000 USD at each workshop, which were made available, on a competitive basis, for IPLC participants, to assist them to train others on the CBD in their home countries. The regional trainings and priorities were planned through a needs analysis exercise conducted at the International Training Workshop on Indicators for Traditional Knowledge and Customary Sustainable Use, within the Strategic Plan for Biodiversity 2011-2020, held on 8 - 10 June 2015, in Panajachel, Guatemala.

¹² For further information see document UNEP/CBD/SBI/1/Add.3 at <https://www.cbd.int/doc/?meeting=SBI-01>

Questionnaire to UN system

Annual funds are also raised for the participation of indigenous peoples and local communities in meetings held under the Convention, through the Voluntary Fund¹³ established for this purpose. In 2016, 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 the first meeting of the Subsidiary Body on Review of Implementation (SBI 1), the 20th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 20) and the thirteenth meeting of the Conference of the Parties (COP 13). Applicants selected for funding are made available through the Secretariat's notification system at: <https://www.cbd.int/notifications/>

Additionally, the Secretariat has three staff devoted to Article 8(j) and related provisions and indigenous peoples and local communities:

John SCOTT

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

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

Djessy Monnier

djessy.monnier@cbd.int

Programme Support Officer for Traditional Knowledge, Innovations and Practices,
Focal Point for Local Communities.

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

This section is focused on activities under the prerogative of the Secretariat, with a focus on capacity development of IPLCs for their effective participation of the Convention and the effective participation of IPLCs in meetings held under the Convention.

A. Capacity development

The Conference of the Parties has acknowledged the importance of capacity-building as a tool for the effective participation of indigenous peoples and local communities, most recently in decision XII/12 A, paragraph 7, where the Conference of the Parties requested the Executive Secretary, in collaboration with partners, to continue to organize and facilitate international technical workshops and regional workshops on indicators for traditional knowledge, innovations and practices and customary sustainable use, as well as community protocols.

Additionally, in paragraph 8, the Conference of the Parties requested the Executive Secretary to support the implementation of the plan of action on customary sustainable use of biological diversity

¹³ 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>

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Questionnaire to UN system

through the organization of regional and subregional workshops and other capacity-building activities involving indigenous and local communities.

In line with these decisions, the Secretariat has been implementing a capacity-development strategy aimed at indigenous trainers, with a focus on traditional knowledge and customary sustainable use. The aim of the strategy is to continue to engage and grow a strong network of IPLC trainers and support them through regional and subregional workshops, small local training grants, resources and training materials, along with video-conferencing, in order to assist them to continue capacity development at the national, subnational and local levels, to further increase the number of indigenous peoples and local communities that are familiar with the work of the Convention, with a particular focus on Convention articles and Aichi Targets of most relevance to IPLCs.

In 2015-2016, thanks to the generous financial support of the Governments of Japan, Sweden and Guatemala, the Secretariat of the Convention on Biological Diversity was able to develop and plan, with partners, a training programme for representatives of indigenous peoples and local communities and Parties, on the following:

- (a) Initiatives concerning indicators for traditional knowledge;*
- (b) Implementation of the global plan of action on customary sustainable use of biological diversity;*
- (c) Community Protocols for Traditional Knowledge, including their possible contribution to the effective implementation of the Nagoya Protocol.*

This programme includes a global workshop held in Guatemala in June 2015 and five regional training programmes held in 2016, including two for Latin America and the Caribbean,¹⁴ one for the Asia, one for Africa and one for the Pacific.¹⁵ These regional programmes are organized in partnership with the host Governments and the International Indigenous Forum on Biodiversity, the Indigenous Women Network on Biodiversity of the Latin American and Caribbean Region, the Indigenous Peoples' International Centre for Policy Research and Education (Tebtebba), AIPP, IPACC and IIN.

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 UNEP/CBD/SBI/1/INF/2, available at: <https://www.cbd.int/doc/meetings/sbi/sbi-01/information/sbi-01-inf-01-en.pdf>

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

¹⁴ Including one subregional Workshop for the Caribbean, held in Antigua and Barbuda, 14-18 December, 2015.

¹⁵ The five workshops planned for 2015-2016 will be held in: (a) Antigua and Barbuda, 14-18 December, 2015 (Caribbean subregional workshop); (b) Nairobi, 25-29 January 2016 (African regional workshop); (c) Bhutan, March, 2016 (to be confirmed) (Asian regional workshop); (d) Panama, June 2016 (to be confirmed) (Latin American region); (e) Canberra, 5-9 September, 2016 (to be confirmed) (Pacific region).

Questionnaire to UN system

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 Protocol¹⁶ 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.

Additionally COP 13, in December 2016, will consider the Working Group on Article 8(j)'s Recommendation 9/1¹⁷ Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the [free,] prior informed consent [or approval and involvement] of indigenous peoples and local communities for accessing their knowledge, innovations and practices, the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.¹⁸

¹⁶ Refer to : <https://www.cbd.int/abs/>

¹⁷ Refer to UNEP/CBD/COP/13/3 Report of the Ad Hoc Open-Ended Inter Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity on Its Ninth Meeting, available at : <https://www.cbd.int/doc/meetings/cop/cop-13/official/cop-13-03-en.pdf>

¹⁸ Note that the text in square brackets is not yet agreed to and will be considered at COP 13, 4-17 December, Cancun, Mexico.