

# CBD PROGRAMME OF WORK ON THE IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY (Decision V/16)



## ONGOING TASKS FOR PARTIES

### ELEMENT 1

#### Participatory mechanisms for indigenous and local communities

##### Task 1

Parties to take measures to enhance and strengthen the capacity of indigenous and local communities to be effectively involved in decision-making related to the use of their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity subject to their prior informed approval and effective involvement.

##### Task 2

Parties to develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote the effective participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological diversity at international, regional, subregional, national and local levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.

##### Task 4

Parties to develop, as appropriate, mechanisms for promoting the full and effective participation of indigenous and local communities with specific provisions for the full, active and effective participation of women in all elements of the programme of work, taking into account the need to:

- Build on the basis of their knowledge
- Strengthen their access to biological diversity
- Strengthen their capacity on matters pertaining to the conservation, maintenance and protection of biological diversity
- Promote the exchange of experiences and knowledge
- Promote culturally appropriate and gender specific ways in which to document and preserve women's knowledge of biological diversity.



## OBJECTIVES

The objective of this programme of work is to promote within the framework of the Convention on Biological Diversity 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 and local communities at all stages and levels of its implementation.

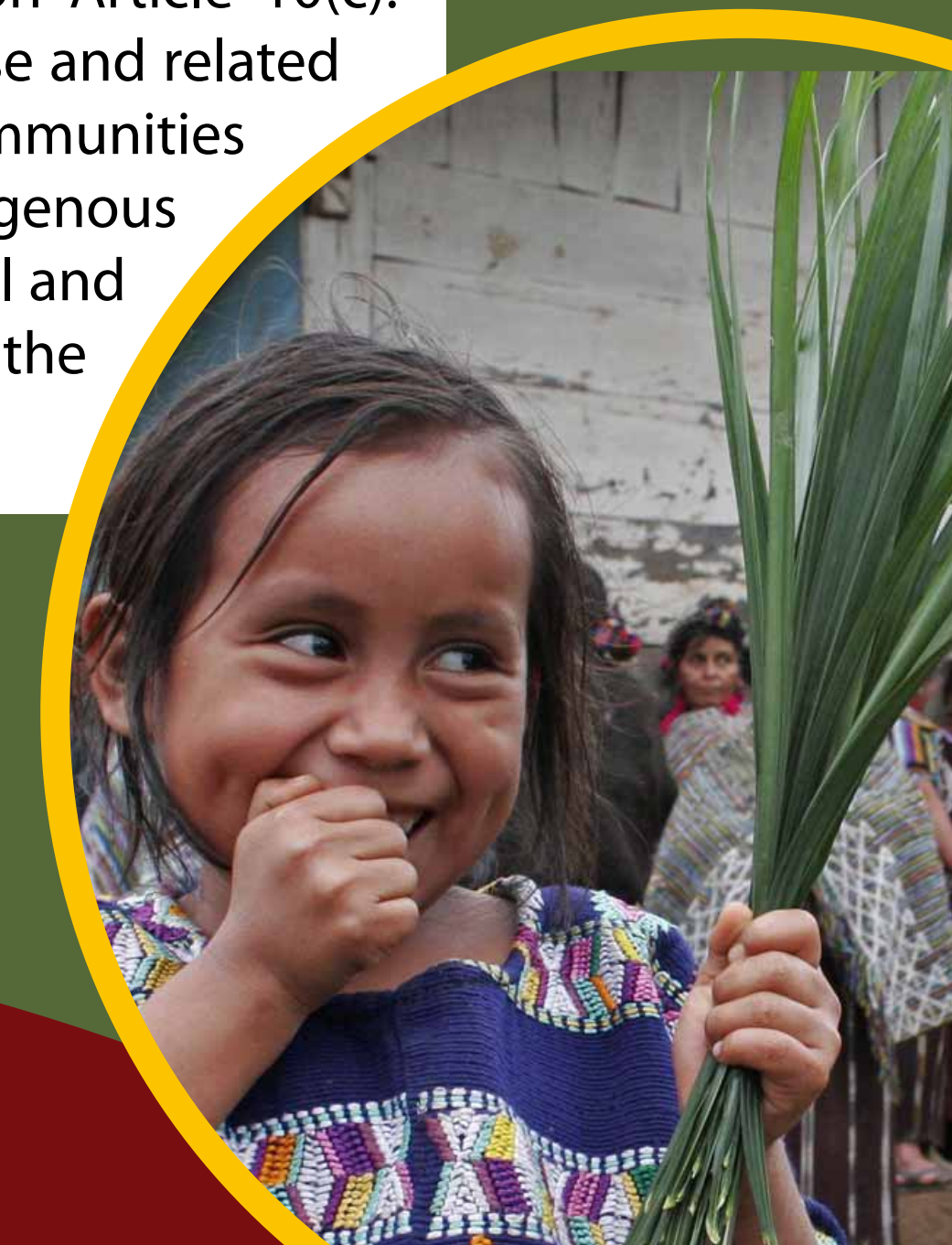
## GENERAL PRINCIPLES

- Full and effective participation of indigenous and local communities in all stages of the identification and implementation of the elements of the programme of work. Full and effective participation of women of indigenous and local communities in all activities of the programme of work.
- Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge.
- A holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities and their rights to have control over their traditional knowledge, innovations and practices.
- The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use of biological diversity in an equitable way.
- Access to traditional knowledge, innovations and practices of indigenous and local communities should be subject to prior informed consent or prior informed approval from the holders of such knowledge, innovations and practices or prior informed approval from the holders of such knowledge, innovations and practices.



## NEW TASK

New major component: Article 10 with a focus on Article 10(c): Development of further guidance on sustainable use and related incentive measures for indigenous and local communities and measures to increase the engagement of indigenous and local communities and governments at national and local levels in the implementation of Article 10 and the ecosystem approach [Decision X/43]



## ONGOING TASKS FOR WG 8(j)

### ELEMENT 4

#### Equitable sharing of benefits

##### Task 7

Based on tasks 1, 2 and 4, the Working Group to develop guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure: (i) that indigenous and local communities obtain a fair and equitable share of benefits arising from the use and application of their knowledge, innovations and practices (ii) that private and public institutions interested in using such knowledge, practices and innovations obtain the prior informed approval of the indigenous and local communities (iii) advancement of the identification of the obligations of countries of origin, as well as Parties and governments where such knowledge, innovations and practices and the associated genetic resources are used.



## ONGOING TASKS FOR WG 8(j)

### ELEMENT 7

#### Legal elements

##### Task 12

The Working Group to develop guidelines that will assist Parties and governments in the development of legislation or other mechanisms, as appropriate, to implement Article 8(j) and its related provisions (which could include sui generis systems), and definitions of relevant key terms and concepts in Article 8(j) and related provisions at international, regional and national levels, that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices, within the context of the Convention.

##### Task 15

The Ad Hoc Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity.

## ONGOING TASKS FOR WG 8(j)

### ELEMENT 6

#### Monitoring elements

##### Task 10

The Ad Hoc Working Group to develop standards and guidelines for the reporting and prevention of unlawful appropriation of traditional knowledge and related genetic resources.



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## COMPLETED TASKS

### ELEMENT 2

#### Status and trends in relation to Article 8(j) and related provisions

##### Task 5

Elaboration of a composite report on status and trends regarding traditional knowledge [completed: Decision IX/13 B paragraph 1]



## POSTPONED TASKS, PENDING COMPLETION OF CURRENT TASKS, AND IN LIGHT OF ONGOING DEVELOPMENTS

### ELEMENT 3

#### Traditional cultural practices for conservation and sustainable use

##### Task 6

The Ad Hoc Working Group to develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application in accordance with Article 8(j).

##### Task 13

The Ad Hoc Working Group to develop a set of guiding principles and standards to strengthen the use of traditional knowledge and other forms of knowledge for the conservation and sustainable use of biological diversity, taking into account the role that traditional knowledge can play with respect to the ecosystem approach, *in situ* conservation, taxonomy, biodiversity monitoring and environmental impact assessments in all biodiversity sectors.

##### Task 14

The Ad Hoc Working Group to develop guidelines and proposals for the establishment of national incentive schemes for indigenous and local communities to preserve and maintain their traditional knowledge, innovations and practices and for the application of such knowledge, innovations and practices in national strategies and programmes for the conservation and sustainable use of biological diversity.



## POSTPONED TASKS, PENDING COMPLETION OF CURRENT TASKS, AND IN LIGHT OF ONGOING DEVELOPMENTS

### ELEMENT 7

#### Legal elements

##### Task 11

The Working Group to assess existing subnational, as appropriate, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge, innovations and practices of indigenous and local communities with a view to identifying synergies between these instruments and the objectives of Article 8(j).

## COMPLETED TASKS

### ELEMENT 5

#### Exchange and dissemination of information

##### Task 8

Identification of a focal point within the Clearing-House Mechanism [completed: Decision VII/16 G]

##### Task 16

Development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge [completed: the Tkarihwaï:ri Code of Ethical Conduct was adopted in Decision X/42]



## COMPLETED TASKS

### ELEMENT 6

#### Monitoring elements

##### Task 9

Development of 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 [completed: Akwé: Kon Guidelines adopted in Decision VII/16 F]



## POSTPONED TASKS, PENDING COMPLETION OF CURRENT TASKS, AND IN LIGHT OF ONGOING DEVELOPMENTS

### ELEMENT 5

#### Exchange and dissemination of information

##### Task 17

The Executive Secretary to develop, in cooperation with governments and indigenous and local communities, methods and criteria to assist in assessing the implementation of Article 8(j) and related provisions at the international, regional, national and local levels, and reporting of such in national reports in conformity with Article 26.

Source: Decisions V/16 & 10, Decision X/43

