



# CONVENTION ON BIOLOGICAL DIVERSITY

Distr.  
GENERAL

UNEP/CBD/WG8J/1/1/Add.1  
10 January 2000

ORIGINAL: ENGLISH

---

## AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

First meeting

Seville, 27-31 March 2000

Item 2.2 of the provisional agenda\*

### ANNOTATED PROVISIONAL AGENDA

#### Introduction

1. Article 8 (j) of the Convention on Biological Diversity addresses the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.
2. In order to advance further work on the implementation of Article 8 (j), a Workshop on Traditional Knowledge and Biological Diversity was held in Madrid from 24 to 28 November 1997, in accordance with decision III/14 of the Conference of the Parties.
3. At its fourth meeting, held in Bratislava in May 1998, the Conference of the Parties took note of the report of the Workshop (UNEP/CBD/COP/4/10/Add.1) and decided in paragraph 1 of decision IV/9 that an ad hoc open-ended inter-sessional working group be established to address the implementation of Article 8(j) and related provisions of the Convention. The mandate of the working group would be:
  - (a) To provide advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;
  - (b) To provide the Conference of the Parties with advice relating to the implementation of Article 8(j) and related provisions, in particular on the development and implementation of a programme of work at national and international levels;
  - (c) To develop a programme of work, based on the structure of the elements in the Madrid report (UNEP/CBD/COP/4/10/Add.1) as set out in the annex to decision IV/9;
  - (d) To identify those objectives and activities falling within the scope of the Convention; to recommend priorities taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits; to identify for which work-plan objectives and activities advice should be directed to the Conference of the Parties and which should be directed to the Subsidiary Body

---

\* UNEP/CBD/WG8J/1/1.

on Scientific, Technical and Technological Advice; to recommend which of the work-plan objectives and activities should be referred to other international bodies or processes; to identify opportunities for collaboration and coordination with other international bodies or processes with the aim of fostering synergy and avoiding duplication of work;

(e) To provide advice to the Conference of the Parties on measures to strengthen cooperation at the international level among indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and make proposals for the strengthening of mechanisms that support such cooperation.

4. Accordingly, and following an offer of the Government of Spain to host the meeting, the first meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity will be held from 27 to 31 March 2000 at the Melia Hotel in Seville, Spain. Registration of participants will take place at the venue of the meeting from 3 p.m. to 6 p.m. on Sunday 26 March 2000 and will continue from 8 a.m. on Monday 27 March 2000.

5. The Secretariat has distributed an information note containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

6. In accordance with paragraph 2 of decision IV/9, the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity "shall be composed of Parties and observers, including, in particular, representation from indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity with participation to the widest possible extent in its deliberations in accordance with the rules of procedure". In the same decision, the Conference of the Parties encouraged Parties to include representatives of indigenous and local communities, and promote consultations among indigenous and local communities on issues to be dealt with in the meeting of the Working Group. The Conference of the Parties also encouraged indigenous and local communities to participate and identify the process to select their participants in the Working Group, taking into account, *inter alia*, the need for the Working Group to be effective and efficient.

7. A list of documents for the meeting is provided in annex I below. In addition to normal distribution, documents are available on the Secretariat's website at the following Internet address: <http://www.biodiv.org>.

#### ITEM 1. OPENING OF THE MEETING

8. The meeting will be opened at 10 a.m. on Monday, 27 March 2000 by the President of the Bureau of the Conference of the Parties.

#### ITEM 2. ORGANIZATIONAL MATTERS

##### Item 2.1. Officers

9. The Bureau of the Conference of the Parties will serve as the Bureau of the Working Group. The President of the Conference of the Parties may, however, nominate a representative from the host country to act as presiding officer for plenary sessions of the meeting.

### Item 2.2. Adoption of the agenda

10. The Working Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/WG8J/1/1), which has been prepared by the Executive Secretary in conformity with decision IV/9 of the Conference of the Parties.

### Item 2.3. Organization of work

11. In light of the number of matters to be addressed, and in accordance with past practice, including that of the Panel of Experts on Benefit-sharing, which met in Costa Rica in October 1999, the the Working Group may wish to establish two sessional sub-working groups open to all Parties and observers with well defined terms of reference to ensure in-depth consideration of all the items on the agenda.

12. Should the Working Group decide to establish two sessional sub-working groups, it is proposed that the chairs of those groups should be elected at the first plenary session of the meeting.

13. A suggested timetable and division of responsibilities between the plenary and the two sessional sub-working groups is proposed in annex II below. According to that proposal, Sub-Working Group I would consider items 3, 4 and 5 (work programme elements 1, 4 and 7) of the provisional agenda and Sub-Working Group II would take up items 5 (work programme elements 2, 3, 5 and 6) and 6.

### ITEM 3. APPLICATION AND DEVELOPMENT OF LEGAL AND OTHER APPROPRIATE FORMS OF PROTECTION FOR THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

14. The Conference of the Parties requested from the Working Group advice, as a matter of priority, on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity (decision IV/9, paragraph 1(a)). The Executive Secretary has prepared a note on this subject (UNEP/CBD/WG8J/1/2) to assist the Working Group in considering this agenda item. The document reviews:

- (a) Legal forms of protection for traditional biodiversity-related knowledge;
- (b) Other appropriate forms of protection for traditional biodiversity-related knowledge; and
- (c) Work being carried out by other United Nations agencies with regard to the protection of traditional biodiversity-related knowledge.

15. The Working Group may wish to advise the Conference of the Parties on how to apply existing legal and other forms of protection for the knowledge, innovations and practices of indigenous and local communities and how to develop new forms to cover areas that may not be addressed by existing legislation. It should be noted that legal elements are also considered in the programme of work (see item 5 below and document UNEP/CBD/WG8J/1/3). The Group may also wish to draw from the synthesis of case-studies and relevant information (UNEP/CBD/WG8J/1/INF/2) prepared by the Executive Secretary following the guidance of the Conference of the Parties. The synthesis document is organized under the following headings:

- (a) Interactions between traditional and other forms of knowledge relating to the conservation and sustainable use of biological diversity;

- (b) The influence of international instruments, intellectual property rights, current laws and policies on knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;
- (c) The extent to which traditional knowledge of indigenous and local communities has been incorporated into development and resource-management decision-making processes;
- (d) Documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge they hold; and
- (e) Matters of prior informed consent, fair and equitable sharing of benefits and in situ conservation in lands and territories used by indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

ITEM 4: IMPLEMENTATION OF ARTICLE 8(j) AND RELATED PROVISIONS, IN PARTICULAR THE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAMME OF WORK AT NATIONAL AND INTERNATIONAL LEVELS

16. In decision IV/9, the Conference of the Parties requested the Working Group to provide advice relating to the implementation of Article 8(j) and related provisions of the Convention, in particular on the development and implementation of a programme of work at national and international levels. The Working Group's advice to the Conference of the Parties shall include, in accordance with paragraph 1 (d) of decision IV/9:

- (a) The identification of those objectives and activities falling within the scope of the Convention;
- (b) A recommendation of priorities taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits;
- (c) A specification for which work-plan objectives and activities advice should be directed to the Conference of the Parties and which should be directed to the Subsidiary Body on Scientific, Technical and Technological Advice;
- (d) Some recommendations on which of the work-plan objectives and activities should be referred to other international bodies or processes; and
- (e) An identification of opportunities for collaboration and coordination with other international bodies or processes with the aim of fostering synergy and avoiding duplication of work.

17. This advice may also address the time-frame of the planned activities, ways and means to be used to carry out the activities, and budgetary implications of the programme of work. The proposed allocation of tasks in the annex to the proposed programme of work (UNEP/CBD/WG8J/1/3) and the indicative list of activities that could be carried out under the tasks identified in the programme of work (UNEP/CBD/WG8J/1/INF/1) contain elements that can assist the Working Group in considering this agenda item. The Working Group may also wish to draw from the report of the Madrid Workshop on Traditional Knowledge and Biological Diversity (UNEP/CBD/COP/4/10/Add.1).

18. In view of the fact that items 4 and 5 of the provisional agenda both address the development of a programme of work on Article 8(j) and related provisions of the Convention, the Working Group may wish to take them up together.

**ITEM 5: DEVELOPMENT OF A PROGRAMME OF WORK ON  
ARTICLE 8(j) AND RELATED PROVISIONS OF THE  
CONVENTION ON BIOLOGICAL DIVERSITY**

19. Under this item, the Working Group is requested to prepare, in accordance with paragraph 1 (c) of decision IV/9, a programme of work including the following programme elements drawn from the report of the Workshop on Traditional Knowledge and Biological Diversity (UNEP/CBD/COP/4/10/Add.1) and listed in the annex to the decision:

1. Participatory mechanisms for indigenous and local communities;
2. Status and trends in relation to Article 8(j) and related provisions;
3. Traditional cultural practices for conservation and sustainable use;
4. Equitable sharing of benefits;
5. Exchange and dissemination of information;
6. Monitoring elements; and
7. Legal elements.

20. The Working Group will have before it a proposed programme of work (UNEP/CBD/WG8J/1/3), which proposes the tasks under each of the above-listed elements of the programme of work. An indicative list of activities that could be carried out under the tasks identified in the programme of work is being circulated as an information document (UNEP/CBD/WG8J/1/INF/1). The annex to the proposed programme of work suggests a possible allocation of tasks and responsibilities between the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), the Working Group, the Executive Secretary and other institutions. In addition, the Working Group may wish to draw from the synthesis document (UNEP/CBD/WG8J/INF/2), from the background document prepared for the Madrid Workshop (UNEP/CBD/TKBD/1/2) and the report of the Workshop (UNEP/CBD/COP/4/10/Add.1), as well as from the report of the Panel of Experts on Access and Benefit-sharing (UNEP/CBD/COP/5/8) in considering programme element 4, on “Equitable sharing of benefits”, and from document UNEP/CBD/WG8J/1/2 in considering programme element 7, on “Legal elements”.

**ITEM 6. PRIORITIES, OPPORTUNITIES FOR COLLABORATION AND  
IMPLEMENTATION OF THE PROGRAMME OF WORK**

21. The Working Group may wish to consider this item in conjunction with item 5 above, on development of a programme of work. The annex to the proposed programme of (UNEP/CBD/WG8J/1/3) contains some suggestions for consideration by the Working Group. Additional information is contained in the notes by the Executive Secretary on legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity (UNEP/CBD/WG8J/1/2) and on cooperation at the international cooperation among indigenous and local communities (UNEP/CBD/WG8J/1/4).

**ITEM 7: MEASURES TO STRENGTHEN COOPERATION AMONG INDIGENOUS AND  
LOCAL COMMUNITIES AT THE INTERNATIONAL LEVEL**

22. In considering this agenda item, the Working Group will have before it a note by the Executive Secretary (UNEP/CBD/WK8J/1/4) which reviews the types of cooperation that exists among indigenous and local communities at the international level, and proposes some measures to strengthen mechanisms that support such cooperation.

ITEM 8. OTHER MATTERS

23. Under item 8, the Working Group may wish to consider any other matters of relevance raised by participants.

ITEM 9. ADOPTION OF THE REPORT

24. The Working Group will consider and adopt its report, on the basis of its draft report to be presented by the Rapporteur and the draft recommendations agreed by the two sub-working groups, which will be introduced by their respective chairs.

25. The final report of the meeting will be presented by the Chairperson of the Working Group to the Conference of the Parties at its fifth meeting, to be held in Nairobi from 15 to 26 May 2000.

ITEM 10. CLOSURE OF THE MEETING

26. The meeting is expected to be closed on Friday, 31 March 2000 at 6 p.m.

Annex IDOCUMENTATION FOR THE FIRST MEETING OF THE AD HOC WORKING GROUP ON  
ARTICLE 8 (j) AND RELATED PROVISIONS OF THE CONVENTION

<u>Symbol</u>	<u>Title</u>
<u>A. Working documents</u>	
UNEP/CBD/WG8J/1/1	Provisional agenda
UNEP/CBD/WG8J/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG8J/1/2	Legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity: note by the Executive Secretary
UNEP/CBD/WG8J/1/3	Proposed programme of work on the implementation of Article 8 (j) and related provisions of the Convention on Biological Diversity at national and international levels: note by the Executive Secretary
UNEP/CBD/WG8J/1/4	International cooperation among indigenous and local communities: note by the Executive Secretary
<u>B. Background/information documents</u>	
UNEP/CBD/COP/5/8	Report of the Panel of Experts on Access and Benefit-sharing
UNEP/CBD/WG8J/1/INF/1	Indicative list of activities that could be carried out under the tasks identified in the programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity: note by the Executive Secretary
UNEP/CBD/WG8J/1/INF/2	Synthesis of case-studies and information relevant to the implementation of Article 8 (j) and related provisions of the Convention on Biological Diversity: note by the Executive Secretary

Annex II

## PROVISIONAL ORGANIZATION OF WORK FOR THE FIRST MEETING OF THE AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION

	<u>Plenary</u>	<u>Sub-Working Group I</u>	<u>Sub-Working Group II</u>
<u>Monday, 27 March 1999</u> 10 a.m. to 1 p.m.	<u>Items:</u> 1. Opening of the meeting. 2. Organizational matters: 2.1 Officers; 2.2 Adoption of the agenda; 2.3 Organization of work. 7. Cooperation among indigenous and local communities.		
3-6 p.m.	Item 7 ( <u>continued</u> ).		
<u>Tuesday, 28 March 1999</u> 10 a.m. to 1 p.m.		<u>Items:</u> 3: Application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities 4: Implementation of Article 8(j) and related provisions, in particular the development and implementation of a programme of work at national and international levels. 5: Development of a programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity: programme elements 1, 4 and 7	<u>Items</u> 5: Development of a programme of work on Article 8(j) and related provisions of the Convention on Biological Diversity: programme elements 2, 3, 5 and 6 6. Priorities, opportunities for collaboration and implementation of the programme of work.
3-6 p.m.		Items 3, 4 and 5 (programme elements 1, 4 and 7) ( <u>continued</u> )	Items 5 (programme elements 2, 3, 5 and 6) and 6 ( <u>continued</u> )



	<u>Plenary</u>	<u>Sub-Working Group I</u>	<u>Sub-Working Group II</u>
<u>Wednesday, 29 March 1999</u> 10 to 11:30 a.m.	Progress reports of the sub-working groups		
11:30 a.m. to 1 p.m.		Items 3, 4 and 5 (programme elements 1, 4 and 7) (continued)	Items 5 (programme elements 2, 3, 5 and 6) and 6 (continued)
3-6 p.m.		Items 3, 4 and 5 (programme elements 1, 4 and 7) (continued)	Items 5 (programme elements 2, 3, 5 and 6) and 6 (continued)
<u>Thursday, 30 March 1999</u> 10 a.m. to 1 p.m.		Items 3, 4 and 5 (programme elements 1, 4 and 7) (continued)	Items 5 (programme elements 2, 3, 5 and 6) and 6 (continued)
3-6 p.m.	Reports of the sub-working groups		
<u>Friday, 31 March 1999</u> 10 a.m. to 1 p.m.	Item 8: Other matters Item 9: Adoption of the report		
3-6 p.m.	Item 10: Closure of the meeting		

-----