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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

Items 4 and 5 of the provisional agenda*

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

EXECUTIVE SUMMARY

In its decision IV/9, paragraph 1 (b), the Conference of the Parties requested the Ad Hoc Open-ended Inter-Sessional Working Group to provide it with advice relating to the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity, in particular on the development and implementation of a programme of work at national and international levels. The present note proposes a draft programme of work for the Working Group to consider. As requested by the Conference of the Parties in paragraph 1 (c) of decision IV/9, the draft programme is based on the structure of the elements of the report of the Workshop on Traditional Knowledge and Biological Diversity, held in Madrid in November 1997 (UNEP/CBD/COP/4/10/Add.1). In preparing the draft, the Executive Secretary has been guided by the need to ensure consultation with, and involvement of, indigenous and local communities. The draft also reflects the need for equal respect for traditional knowledge, the application of the ecosystem and precautionary approaches, the incorporation of cross-cutting elements, cooperation and coordination between the Convention on Biological Diversity and other relevant bodies, and the implementation of activities at the local, regional, national and international levels. Taking into account paragraph 1 (d) of decision IV/9, the seven elements of the Madrid are addressed by a total of 18 tasks. A possible allocation of tasks to appropriate bodies, with suggested time frames for their completion, is set out in a table format for ease of reference in the annex to the present note; and an indicative list of activities that could be carried out under each of the tasks, including specific operational objectives and expected outcomes, is provided in document UNEP/CBD/WG8J/1/INF/1.

* UNEP/CBD/WG8J/1/1.

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SUGGESTED RECOMMENDATIONS

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity may wish to recommend that the Conference of the Parties:

1. Endorses the programme of work [to be attached as an annex to its decision.] ^{1/}
2. Urges Parties, countries and relevant organizations, to promote this programme of work and to integrate the tasks identified into their ongoing programmes taking into account the identified collaboration opportunities;
3. Requests the Executive Secretary to ensure the integration of the relevant tasks of the programme of the work in the future elaboration of the thematic programmes of the Convention;
4. Decides to extend the mandate of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity to review progress in the implementation of the programme of work and to report to the Conference of the Parties;
5. Requests Governments, the Global Environment Facility and other competent international, regional and national organizations to provide appropriate financial support for the implementation of the programme of work, in particular, as a matter of priority, for the development and implementation of legal and non-legal forms of protection for the knowledge, innovations and practices of indigenous and local communities.

^{1/} The programme of work would be based on section II of the present note and forwarded to the Conference of the Parties as an annex to the recommendation of the Working Group.

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I. INTRODUCTION

1. The present note has been prepared with input from a liaison group that met in Montreal on 25-26 November 1999 to assist the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity in developing a programme of work to advance the implementation of Article 8(j) and its related provisions in accordance with paragraph 1 of decision IV/9 of the Conference of the Parties to the Convention on Biological Diversity. In this decision, the Conference of the Parties requested the Working Group to develop a programme of work, based on the structure of the elements of the report of the Madrid Workshop on Traditional Knowledge and Biological Diversity, held in November 1997 (UNEP/CBD/COP/4/10/Add.1) as set out in the annex to decision IV/9 as follows:

- (a) Participatory mechanisms for indigenous and local communities;
- (b) Status and trends in relation to Article 8(j) and related provisions;
- (c) Traditional cultural practices for conservation and sustainable use;
- (d) Equitable sharing of benefits;
- (e) Exchange and dissemination of information;
- (f) Monitoring elements;
- (g) Legal elements.

2. Section II of the note lists possible tasks under each of the elements proposed in the Madrid report. An indicative list of activities that could be carried out under the tasks, including specific operational objectives and expected outcomes, is contained in document UNEP/CBD/WG8J/1/INF/1. In response to paragraph 1 (d) of decision IV/9, the annex to the present note proposes an allocation of the proposed tasks and activities between the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice, the Convention Secretariat, the Ad Hoc Open-ended Inter-Sessional Working Group, and other organizations and agencies.

3. Section III of the note outlines some considerations (including those relating to decision IV/9, paragraph 1 (d)) that the Working Group may wish to bear in mind in developing the programme of work, and in preparing advice on its implementation at the national and international levels.

II. ELEMENTS OF THE PROPOSED PROGRAMME OF WORK

- (a) Element 1. Participatory mechanisms for indigenous and local communities ^{2/}

Task 1. Enhance and strengthen, with the approval of, and in cooperation with indigenous and local communities, the capacity of indigenous and local communities to be effectively involved in the promotion of the wider application of their knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity.

Task 2. Develop mechanisms and guidelines to ensure the full participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological resources at international, regional, national and subnational levels,

^{2/} For the purposes of the present note, the phrase “indigenous and local communities” means “indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity”.

including access and benefit-sharing ^{3/} and the designation and management of protected areas, taking into account the ecosystem approach.

Task 3. Establish a roster of indigenous and local community experts (and corresponding database) to provide advice on aspects of the implementation of Article 8(j) and related articles.

(b) Element 2. Status and trends in relation to Article 8(i) and related provisions

Task 4. Prepare a composite report on the current status and trends regarding the knowledge, innovations and practices of indigenous and local communities, taking into account:

- (a) The state of retention of traditional biodiversity-related knowledge and its application in the conservation and sustainable use of biodiversity in each of the major sectors of biodiversity, namely, human health, Arctic, agricultural, forest, dryland, marine and coastal, inland water and mountains;
- (b) The identification and an assessment of factors, including gender and familial factors, which cause loss of traditional biodiversity-related knowledge and associated language and customary practices;
- (c) The identification of activities, actions, policies, and legislative and administrative constraints that particularly discourage the respect, preservation and maintenance of traditional biodiversity-related knowledge;
- (d) The identification and assessment of a range of measures, including policy, legal, legislative and administrative measures, and incentive and capacity-building measures, which could be implemented to reverse the loss of traditional biodiversity-related knowledge and promote its retention, preservation and maintenance; and
- (e) Trends regarding the implementation of Article 8(j) taking into account national contexts and any constraints affecting its implementation, and the effectiveness of such trends.

(c) Element 3. Traditional cultural practices for conservation and sustainable use

Task 5. Develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application.

Task 6. Develop a set of guiding principles and standards to strengthen the complementary 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 7. 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.

Task 8. Develop guidelines that would facilitate the repatriation of information, including tangible and intangible 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.

^{3/} See also the report of the Panel of Experts on Access and Benefit-sharing, which met in San José, Costa Rica, in October 1999 (UNEP/CBD/COP/5/8).

(d) Element 4. Equitable sharing of benefits

Task 9. Develop guidelines and mechanisms to ensure that holders of traditional knowledge share equitably the benefits arising from the (wider) application of their knowledge.

(e) Element 5. Exchange and dissemination of information

Task 10. Develop mechanisms to facilitate the exchange and dissemination of information on traditional biodiversity-related knowledge, innovations and practices with the full participation and consent of holders/customary owners of traditional knowledge.

Task 11. Identify, compile and analyse, in consultation with indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and control of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.

Task 12. Develop strategies to promote public awareness of the importance of traditional knowledge and biological diversity to global sustainability; the role of indigenous and local communities in the maintenance of biological diversity; and the international agreements for their protection and strengthening.

(f) Element 6. Monitoring elements

Task 13. Develop, in cooperation with indigenous and local communities, criteria and indicators to assist the Parties in assessing their implementation of Article 8(j) and related provisions at the international, regional, national and subnational levels, including for the monitoring of both access to genetic resources on the territories inhabited and/or used by indigenous and local communities, and access to and use of their traditional biodiversity-related knowledge.

Task 14. Develop guidelines and recommendations for the conduct of strategic, environmental, and social impact assessments regarding any development proposed to take place on lands or waters occupied or used by indigenous and local communities, and which take into full account both their participation in the assessment process and the relevant traditional biodiversity-related knowledge which they possess.

Task 15. Develop internationally applicable standards and guidelines for the reporting and prevention of illicit appropriation of traditional knowledge.

(g) Element 7. Legal elements

Task 16. Prepare a set of draft guidelines for national legislation regarding the implementation of Article 8(j) and related provisions, and which includes within its definitions an elaboration of key terms and concepts.

Task 17. Establish an inter-agency task force to review and recommend on the 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.

Task 18. Develop guidelines that will assist States in the establishment of legal frameworks, including sui generis systems that recognize, safeguard and fully guarantee the protection of the cultural heritage, customary laws, innovations and traditional knowledge of indigenous and local communities relevant for the conservation and sustainable use of biological resources.

III. POINTS TO BE TAKEN INTO ACCOUNT IN DEVELOPING THE WORK PROGRAMME, PRIORITIZATION, ALLOCATION OF TASKS AND OPPORTUNITIES FOR COLLABORATION

5. In developing the programme of work, the Working Group is required to take into account decision IV/9, paragraph 1 (d), by which it was mandated:

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

6. The tasks identified in section II above fall within the scope of the Convention. However, as indicated, some of the activities referred to in the annex to the present note and detailed in the indicative list of activities that could be carried out under the tasks identified (UNEP/CBD/WG8J/1/INF/1) may be best led by other United Nations organizations and agencies and other international organizations. In addition, it is proposed that, in implementing the programme of work, the following points might be added to the guidelines in decision IV/9:

(a) Consultation with and involvement of indigenous and local communities in the identification and execution of the elements of the work programme. As primary stakeholders in the biological diversity which is the basis of their subsistence, indigenous and local communities should be consulted and involved in all stages of the development and execution of any work programmes which affect their interests in the biological diversity, or components of it, upon which they rely for their survival, maintenance of cultural traditions, livelihood and well-being;

(b) Traditional knowledge should be given the same respect as other forms of knowledge. In light of the seventh preambular paragraph to decision IV/9, traditional knowledge should be given the same respect as any other form of knowledge in the development and execution of any work programme developed to further the implementation of the Convention;

(c) Ecosystem approach. The ecosystem approach has been adopted as a framework for the analysis and implementation of the objectives of the Convention on Biological Diversity, including the elaboration and implementation of the various thematic and cross-cutting work programmes under the Convention on Biological Diversity, as appropriate.^{4/} The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) has been requested to develop principles and guidance on the ecosystem approach. Principle 11 in the note by the Executive Secretary on the subject submitted to the Subsidiary Body at its fifth meeting (UNEP/CBD/SBSTTA/5/11) states that the ecosystem approach should consider all forms of relevant information, including the knowledge, innovations and practices of local and indigenous communities;

(d) Cross-cutting elements of the proposed programme of work. In the development and implementation of the programme of work, the cross-cutting nature of Article 8(j) and related provisions should be taken into account in all relevant programmes of work under the Convention on Biological

^{4/} As acknowledged by the Conference of the Parties in the second preambular paragraph of its decision IV/1 B.

Diversity, including thematic areas such as agrobiodiversity (decision IV/6), marine and coastal biological diversity (decision IV/5), forest biological diversity (decision IV/7) and inland waters, including activities carried out under the Memorandum of Cooperation with the Convention on Wetlands (decision IV/4), and cross-cutting issues, including, inter alia, access and benefit-sharing (decision IV/8), the Global Taxonomy Initiative (decision IV/1 D), incentive measures (decision IV/10 A), public education and awareness (decision IV/10 B) and impact assessment (decision IV/10 C). Activities within these and other areas should be undertaken with the view of achieving synergy and harmony across the respective work programmes;

(e) Cooperation. Activities associated with the proposed programme of work should be cost-effective and efficient. Unnecessary duplication of efforts should be avoided, and harmonization of respective programmes of work should be pursued through strong coordination between the Convention and other relevant bodies. At the regional level, organizations, arrangements and bodies, including those representative of indigenous and local communities, should be invited to coordinate activities of and/or relevant to the proposed programme of work. These organizations should, as appropriate and according to their own rules of procedure, report to the appropriate Convention bodies on their activities. Where regional organizations have not been established, the Parties, indigenous and local communities and other institutions should examine the need for new regional organizations or other mechanisms for regional integration and co-operation. Information flow between organizations should be promoted. Regional centres of excellence focusing on recording, preserving and applying traditional biodiversity-related knowledge, and staffed by indigenous and local-community people, should be established and promoted. At the global level, the United Nations Environment Programme (UNEP), the Food and Agriculture Organization of the United Nations (FAO), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Working Group on Indigenous Peoples of the United Nations Commission on Human Rights (CHR-WGIP) and other relevant bodies should be encouraged to implement those elements of the proposed programme of work which are relevant to their mandates and activities. These organizations should be invited to inform the Convention on their efforts to implement the work programme as appropriate;

(f) Precautionary approach. The precautionary approach as set out in principle 15 of the Rio Declaration on Environment and Development should always be applied;

(g) Levels of implementation. The primary basis for the proposed elements for the programme of work is action at national and local levels. Some activities will be best carried out at the regional and international levels.

7. In a number of decisions related to Article 8(j) and related provisions, the Conference of the Parties has addressed the involvement and participation of indigenous and local communities in the overall operation and implementation of the Convention. Consideration of these decisions along with decisions addressing cooperation with other conventions and organizations and other relevant aspects of thematic work programmes are identified below with reference to the related areas or operational objectives 5/ of the programme of work:

(a) Panel of Experts on Access and Benefit-sharing. The Conference of the Parties has decided that the Panel of Experts on Access and Benefit-sharing established under decision IV/8 should include representatives of indigenous and local communities (related programme operational objective: 3.1);

(b) Legislation and strategies for the implementation of Article 8(j): in relation to those Parties that had not yet done so. Decision III/14 of the Conference of the Parties refers to the development of

5/ Operational objectives are described in document UNEP/CBD/WG8J/1/INF/1.

national legislation and corresponding strategies for the implementation of Article 8(j) in consultation with representatives of indigenous and local communities (related programme operational objective: 16.1);

(c) Public education and awareness. The Conference of the Parties has called upon the Parties to integrate biological diversity concerns into education strategies, recognizing the particular needs of indigenous and local communities and where necessary to illustrate and translate the provisions of the Convention into the respective local languages to promote education and awareness-raising of relevant sectors, including local communities (related programme operational objective: 12.1);

(d) Inland water biological diversity. The Conference of the Parties has recommended that Parties involve indigenous and local communities, as far as possible and appropriate, in the development of management plans and projects, policy-making, planning and implementation of Article 8(j) as related to inland water biological diversity (related programme operational objectives: 2.1-2.5; 4.1 and 14.1);

(e) Agricultural biological diversity. The Conference of the Parties has encouraged Parties to develop national strategies, programmes and plans which empower indigenous and local communities and build their capacity for in situ conservation and sustainable use and management of agricultural biological diversity, building on indigenous knowledge systems (related programme operational objectives: 1.1, 2.1-2.5, 4.1, 7.1, 9.1-9.2 and 12.1);

(f) Marine and coastal biological diversity. One of the operational objectives of the work programme on marine and coastal biodiversity, as annexed to decision IV/5 of the Conference of the Parties, is to provide guidance on maintenance and wider application of local and traditional knowledge in the context of plans and programmes on integrated marine and coastal area management (IMCAM) at the local, national and regional level. ^{6/} This will be achieved through, inter alia, the review of existing instruments related to IMCAM called for under operational objective 1.1 of that programme of work. The work programme also calls for the promotion of capacity-building at local, national and regional levels, including local and traditional knowledge, in the context of promoting ecosystem approaches to the sustainable use of marine and coastal living resources. In addition, the Conference of the Parties has endorsed the SBSTTA recommendation that, as far as possible and appropriate, Parties should include in their national plans and programmes basic management elements ensuring that, inter alia, local communities, users and indigenous people are involved in the conservation and management of marine and coastal living resources and that mariculture should incorporate the participation and needs of local and indigenous communities. ^{7/} Finally, in accordance with decision II/10 of the Conference of the Parties, the Executive Secretary is to use the roster of experts on marine and coastal biological diversity, inter alia, to incorporate the scientific, technical, and technological knowledge of local and indigenous communities, as appropriate, as well as community and user-based approaches, in the conservation and sustainable use of marine and coastal biodiversity. Therefore, this kind of expertise, which is available in the roster of experts on marine and coastal biodiversity, should be used for the purpose of a possible roster to assist in the implementation of the work programme on Article 8(j) and related provisions of the Convention on Biological Diversity (related programme operational objectives: 1.1, 2.1-2.5, 4.1, 6.1-6.3);

(g) Forest biological diversity. The objectives of the programme of work on forest biological diversity include the identification of traditional forest systems and the promotion of the wider application, use and role of traditional forest-related knowledge in sustainable forest management and equitable sharing of benefits. They also include the identification of mechanisms that facilitate the financing of activities for the incorporation of traditional knowledge and sustainable use of forest biological diversity. The activities under this programme of work include the development of methodologies to advance the integration of traditional knowledge, cooperation on conservation and sustainable use at all levels, improvement to the dissemination of research results and synthesis of reports of the best available scientific and traditional

^{6/} See activity (h) under operational objective 1.2 of the work programme on marine and coastal biodiversity (decision IV/5, annex, section C).

^{7/} Recommendation I/8, paras. 12 (d) and 15.

knowledge on key issues, an enhanced understanding of the role of traditional knowledge in ecosystem management, and an expansion of the research capacity to develop and assess options incorporating the applications of traditional knowledge to mitigate negative influences and promote positive effects (related programme operational objectives: 4.1, 6.1-6.3 and 10.1-10.2);

(h) Information and case-studies. The Conference of the Parties has urged Parties to supply information about the implementation of Article 8(j) and related articles in national reports; invited Governments, international agencies, research institutions, representatives of indigenous and local communities and non-governmental organizations to submit case studies on implementation measures taken and as background information for the Working Group (related programme operational objectives: 6.1-6.3, 7.1, 8.1, 9.1-9.2, 11.1, 14.1, 15.1 and 16.1);

(i) Guidance to the financial mechanism. The Conference of the Parties has requested the financial mechanism to examine support for capacity-building projects for indigenous and local communities related to the preservation of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, with the prior informed consent and participation of those communities (decisions III/14, paragraph 5, and III/5, paragraph 5); when making applications to the financial mechanism, the Conference of the Parties has encouraged Parties to consider certain projects related to activities under Article 8(j) (decision IV/9, paragraph 13); in relation to access to genetic resources and benefit-sharing, to give special emphasis within biodiversity projects to other benefit-sharing initiatives such as support for entrepreneurial developments by local and indigenous communities (decisions IV/8, paragraph 4 (d), and IV/13, paragraph 8 (d)) (related programme operational objectives: 1.1 and 9.1);

(j) Cooperation and/or collaboration with other conventions, organizations and international agencies. Decisions relating to intellectual property rights (World Intellectual Property Organization), forests (Intergovernmental Panel on Forests) and sustainable tourism (related programme operational objectives: 2.3, 2.4, 3.1, 5.1, 7.1, 8.1, 10.1, 10.2 and 17.1).

8. In determining the priorities of the tasks and activities for the programme of work, the following criteria are suggested:

(a) The state of retention of traditional biodiversity-related knowledge, i.e., emphasize those activities addressing those knowledge, innovations and practices of indigenous and local communities most threatened by loss;

(b) Activities addressing the capacity of indigenous local communities to be effectively and consensually involved in the use and promotion of their knowledge;

(c) Activities that create opportunities for collaboration or sharing of work objectives;

(d) Where the application or use of traditional biodiversity knowledge is most pressing, i.e., human health, forests, etc.;

(e) Where protection measures against illicit appropriation are most urgent;

(f) Activities endorsed by indigenous and local communities;

(g) Activities that can yield rapid results and will serve as an incentive to further implementation of the programme of the work;

(h) Activities being undertaken as a part of other programmes of work under the Convention, under the thematic areas and cross-cutting issues.

9. It is further suggested that the measurements or direction required for applying the criteria be based on the advice of indigenous and local-community representatives in attendance.

Annex

ALLOCATION OF TASKS

<u>Operational objective/ outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
(a) <u>Element 1: Participatory mechanisms for indigenous and local communities</u>							
<u>Task 1.</u> Enhance and strengthen, with the approval of, and in cooperation with indigenous and local communities, the capacity of indigenous and local communities to be effectively involved in the promotion of the wider application of their knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity.							
1.1 Develop strategies and guidelines for building human, institutional and other relevant capacities <u>8/</u>	1-2 years		Invite Parties to identify capacity building needs of indigenous and local communities (activity 1.1.1) <u>9/</u>		Develop and disseminate, to indigenous and local communities, and concurrently to the Parties, information, guidelines, model proposals and funding strategies for capacity building (activity 1.1.4).	Consider strategies and guidelines and make recommendations	Identify and assess currently available funding sources and new sources (activities 1.1.2 and 1.1.3) Collaboration with the financial mechanism and other competent institutions

8/ In the interest of space, the wording of the operational objectives and the activities in the present table has been in most cases slightly abbreviated from that provided in UNEP/CBD/WG8J/1/INF/1.

9/ Activity numbers are the same as in document UNEP/CBD/WG8J/1/INF/1.

<u>Operational objective/outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
<p><u>Task 2.</u> Develop mechanisms and guidelines to ensure the full participation of indigenous and local communities in decision-making, policy planning and development and implementation of the conservation and sustainable use of biological resources at international, regional, national and subnational levels, including access and benefit-sharing and the designation and management of protected areas, taking into account the ecosystem approach.</p>							
2.1 Encourage organizations to involve indigenous and local communities in incorporating traditional biodiversity-related knowledge (TBRK) ^{10/} in their plans and programmes	1-2 years		Invite organizations to involve indigenous and local communities in incorporating TBRK in their plans and programmes	Identify bodies which would benefit from involvement of indigenous and local communities and from their knowledge (activity 2.1.1)	Make database of bodies which would benefit from involvement of indigenous and local communities and from their knowledge available through the clearing-house mechanism (activities 2.1.2 and 2.1.3)		
2.2 Develop guidelines to promote indigenous and local community participation and criteria for monitoring participation in national planning and implementation	3 years		Invite Parties to test guidelines and criteria and report to SBSTTA (activity 2.2.2)	Prepare and revise guidelines and criteria for participation of indigenous and local communities (activities 2.2.1 and 2.2.3)	Disseminate guidelines and criteria through the clearing-house mechanism (activity 2.2.3)	Consider guidelines and criteria and make recommendations to COP	

^{10/} Traditional biodiversity-related knowledge (TBRK) is used in this Table as a short way to refer to the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyle relevant for the conservation and sustainable use of biological diversity.

<u>Operational objective/ outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
2.3 Develop guidelines for sectoral and thematic integration of TBRK	3 years		Parties to test guidelines and criteria (activity 2.3.2); encourage their use (activity 2.3.3)	Develop and revise guidelines for sectoral and thematic integration of traditional biodiversity-related knowledge and criteria for monitoring this integration (activities 2.3.1 and 2.3.3)	Disseminate guidelines and criteria through the clearing-house mechanism (activity 2.3.3.)	Consider guidelines and make recommendations to COP	Collaborate with partners under respective thematic areas and crosscutting issues (e.g. Ramsar Convention, FAO); possible cooperation with various United Nations agencies and organizations (e.g. GEF, UNCTAD/Bio-trade, UNESCO); involvement of indigenous and local community organizations.

<u>Operational objective/outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
2.4 Review and improve existing guidelines for the selection, establishment and management of protected areas	2-3 years		Invite Parties to test guidelines and assess their possible impacts on protection of TBRK (activity 2.4.3)	Compile guidelines; assess their impact on protection of traditional biodiversity-related knowledge; and revise them as appropriate (activities 2.4.1, 2.4.2, 2.4.3 and 2.4.4). These activities will also be carried out as part of SBSTTA programme of work (see SBSTTA recommendation IV/1 C)		Consider guidelines and make recommendations to COP	World Commission on Protected Areas, WWF; involvement of indigenous and local community organizations.
2.5 Undertake research on types of management used by indigenous and local communities in areas where special measures need to be taken to conserve biological diversity	2-3 years			Gather and synthesize information on types of management of indigenous and local communities; draw lessons for dissemination and integration in guidelines (activities 2.5.1 and 2.5.2)	Disseminate information through the clearing-house mechanism (activity 2.5.2)	Consider lessons learned and make recommendations on guidelines to COP.	Involvement of indigenous and local-community organizations.

<u>Operational objective/ outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
<u>Task 3.</u> Establish a roster of indigenous and local community experts (and corresponding database) to provide advice on aspects of the implementation of Article 8(j) and related articles.							
3.1 Establish a roster of indigenous and local community experts	2 years -continuous		Invite nominations for roster and find best ways through which indigenous and local community “experts” could be identified and included (activity 3.1.1)		Compile roster and make available through the clearing-house mechanism (activity 3.1.1). This is part of ongoing activities (see UNEP/CBD/-SBSTTA/5/15)		Investigate possibility of common roster accessible to CBD partners or rosters that are linked for easy accessibility (activity 3.1.2). Consultation with CBD partners such as inter alia FAO, WIPO, WTO/TRIPS Council, CITES, CHR-WGIP, ILO, the Ramsar Convention, Desertification Convention

<u>Operational objective/ outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
(b) <u>Element 2: Status and trends in relation to Article 8(j) and related provisions</u>							
<u>Task 4.</u> Prepare a composite report on the current status and trends regarding the knowledge, innovations and practices of indigenous and local communities							
4.1 Prepare format for sectoral reports	2 years		Request reports covering all thematic areas and cross-cutting issues (activity 4.1.2)	Draft sectoral report format (activity 4.1.1)			Involvement of holders and practitioners of traditional biodiversity-related knowledge within the respective biodiversity sectors. Seek input from other relevant agencies and conventions
(c) <u>Element 3: Traditional cultural practices for conservation and sustainable use</u>							
<u>Task 5.</u> Develop guidelines for the respect, preservation and maintenance of traditional knowledge, innovations and practices and their wider application.							
5.1 Develop guidelines to foster respect, preservation and maintenance of traditional cultural practices and other traditional biodiversity-related knowledge	2-3 years		Invite development and submission of case-studies (activity 5.1.2)	Prepare guidelines for case-studies (activity 5.1.1)		Consider guidelines and make recommendations to the COP.	Collaboration with, <i>inter alia</i> , FAO, CGIAR, CCD, Ramsar Convention.

<u>Operational objective/ outcome</u>	<u>Time frame</u>	<u>Priority level</u>	<u>Activities and opportunities for collaboration</u>				
			<u>COP</u>	<u>SBSTTA</u>	<u>Executive Secretary</u>	<u>Working Group on Article 8(j)</u>	<u>Other</u>
<p><u>Task 6.</u> Develop a set of guiding principles and standards to strengthen the complementary 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, <u>in situ</u> conservation, taxonomy, biodiversity-monitoring and environmental impact assessments in all biodiversity sectors.</p>							
6.1 Develop a clear understanding of the scope of traditional biodiversity-related knowledge	1-2 years			Compile relevant information and elaborate key terms related to traditional biodiversity-related knowledge (activity 6.1.1)		Consider synthesis and make recommendations to COP	Involvement of indigenous and local communities and relevant organizations
6.2 Prepare synthesis of case studies and other relevant information, addressing complementary use of traditional and other forms of knowledge	2-3 years		Call for case-studies on complementary uses(activity 6.2.1)	Compile case-studies and relevant information (activity 6.2.1)		Consider synthesis and recommendations to COP	
6.3 Develop methods to identify and assess unsustainable practices of indigenous and local communities	2-3 years		Call for case-studies (activity 6.3.1)	Identify, compile information on and assess traditional uses of biodiversity which might be considered unsustainable; propose ways to make those uses sustainable (activities 6.3.1 and 6.3.2)		Consider SBSTTA assessment and methods and make recommendations to COP	Involvement of indigenous and local communities

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<p><u>Task 7.</u> 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.</p>							
7.1 Identify incentives and disincentives for retention and use of traditional knowledge	1-2 years				Synthesis of case-studies on incentive measures (activities 7.1.1 and 7.1.2). Also see document UNEP/CBD/COP-/5/15	Develop guidelines for the wise use of incentives (activity 7.1.3)	Collaboration with IUCN, OECD
<p><u>Task 8.</u> Develop guidelines that would facilitate the repatriation of information, including tangible and intangible 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.</p>							
8.1 Guidelines on measures for repatriation of traditional knowledge	2-3 years		Invite submissions on policies, practices and examples of repatriation (activity 8.1.2)		Develop database of institutions holding information on TBRK (activity 8.1.1)	Develop guidelines detailing appropriate intergovernmental, institutional and legal measures for repatriation of information (activity 8.1.3)	Collaboration with WIPO
<p>(d) <u>Element 4. Equitable sharing of benefits</u></p>							
<p><u>Task 9.</u> Develop guidelines and mechanisms to ensure that holders of traditional knowledge share equitably the benefits arising from the (wider) application of their knowledge.</p>							
9.1 Develop guidelines on equitable benefit sharing from application of traditional biodiversity-related knowledge	1-2 years					Prepare guidelines and recommendations to the COP (activities 9.1.1 to 9.1.3)	Collaboration with financial mechanism to consider guidelines for project funding

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9.2 Benchmarks for equitable sharing	1-2 years					Review contracts and draft model contracts for recommendations to COP (activities 9.2.1 and 9.2.2)	
(e) <u>Element 5. Exchange and dissemination of information</u>							
<u>Task 10.</u> Develop mechanisms to facilitate the exchange and dissemination of information on traditional biodiversity-related knowledge, innovations and practices with the full participation and consent of holders/customary owners of traditional knowledge.							
10.1 Investigate/report feasibility of registry establishment	1-2 years				Analyse and prepare a report on existing and proposed registries for relevance to traditional biodiversity-related knowledge, identifying centres where traditional biodiversity-related knowledge is ready for dissemination (activity 10.1.1)	Consider report and make recommendations to the COP	Collaboration with WIPO

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					Identify centres and activities where traditional biodiversity-related knowledge is ready for dissemination (activity 10.1.3); analyse case studies and propose methods for registries or repositories of traditional biodiversity-related knowledge (activities 10.1.1 and 10.1.2)	Consider analysis and proposed methods for recommendations to COP	Collaboration with WIPO
10.2 Guidelines on information exchange and dissemination	2-3 years				Assess capacity and appropriateness of the clearing-house mechanism under the Convention for enabling the exchange and dissemination of information to and from indigenous and local communities (activity 10.2.1)	Consider the assessment by the Executive Secretary and other relevant information and formulate guidelines on information exchange and dissemination	

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<u>Task 11.</u> Identify, compile and analyse, in consultation with indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and control of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.							
11.1 Develop model codes of conduct for research, access, control of traditional biodiversity-related knowledge	2-3 years				Synthesis of key principles and draft model code of conduct from case-studies and consultation with indigenous and local communities (activity 11.1.1 to 11.1.4)	Working Group to consider model codes for recommendation to COP	

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<u>Task 12.</u> Develop strategies to promote public awareness of the importance of traditional knowledge and biological diversity to global sustainability; the role of indigenous and local communities in the maintenance of biological diversity; and the international agreements for their protection and strengthening.							
12.1 Promote public awareness	2-3 years		Call for the design of courses, programmes and projects which incorporate traditional biodiversity-related knowledge; preparation of materials for public awareness; and support of existing and new indigenous and local community educational, scientific, developmental, and research institutions (activities 12.1.1, 12.1.2 and 12.1.4)		Call for and distribute publicity materials through the clearing-house mechanism (activity 12.1.3)		In conjunction with indigenous and local-community representatives and with the informed consent of the holders of traditional knowledge; UNESCO

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<p>(f) <u>Element 6: Monitoring elements</u></p> <p><u>Task 13.</u> Develop, in cooperation with indigenous and local communities, criteria and indicators to assist the Parties in assessing their implementation of Article 8(j) and related provisions at the international, regional, national and subnational levels, including for the monitoring of both access to genetic resources on the territories inhabited and/or used by indigenous and local communities, and access to and use of their traditional biodiversity-related knowledge.</p>							
13.1 Guidelines for impact assessments on maintenance of traditional biodiversity-related knowledge	3 years			Develop guidelines, including criteria and indicators, for assessing and monitoring the impacts of economic, social and environmental pressures on traditional biodiversity-related knowledge (activity 13.1.1)	Disseminate draft guidelines through the clearing-house mechanism and obtain feedback	Working Group to review, assess and make recommendations on guidelines to the COP	

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<p><u>Task 14.</u> Develop guidelines and recommendations for the conduct of strategic, environmental, and social impact assessments regarding any development proposed to take place on lands or waters occupied or used by indigenous and local communities, and which take into full account both their participation in the assessment process and the relevant traditional biodiversity-related knowledge which they possess..</p>							
14.1 Develop guidelines for involvement of traditional and local communities in impact assessments on lands and water they inhabit or use	3 years		Invite Parties to test guidelines (activity 14.1.3).	Carry out desktop analyses and a synthesis of relevant case studies and other information on impact assessments (activity 14.1.1); Compile information on relevant traditional biodiversity-related knowledge relating to impact assessments (activity 14.1.2); Develop guidelines for impact assessments (activity 14.1.3).	Disseminate case studies and guidelines through the clearing house mechanism (activity 14.1.3).	Review and provide recommendations to the COP.	Collaboration with indigenous and local communities, International Association of Impact Assessment (IAIA) and other relevant organizations

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<u>Task 15.</u> Develop internationally applicable standards and guidelines for the reporting and prevention of illicit appropriation of traditional knowledge.							
15.1 Report on acts of illicit appropriation of traditional biodiversity-related knowledge	2 years		Invite submission of case-studies and relevant information	.		Carry out a desktop analysis of relevant case studies and other information on alleged acts of illicit appropriation of traditional biodiversity-related knowledge and natural resources of indigenous and local communities (activity 15.1.1); Develop standards and guidelines for the reporting and prevention of illicit appropriation of traditional biodiversity-related knowledge (activity 15.1.2)	Collaboration with WIPO

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(g) <u>Element 7. Legal elements*</u>							
<u>Task 16.</u> Prepare a set of draft guidelines for national legislation regarding the implementation of Article 8(j) and related provisions, and which includes within its definitions an elaboration of key terms and concepts..							

* In accordance with paragraph 1 (a) of decision IV/9, consideration of legal elements is a matter of priority.

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			16.1 Analyse national legislation, case studies and other information relevant to implementation of Article 8(j).	2 years	High		Elaborate key terms and concepts relating to traditional biodiversity-related knowledge (activity 16.1.2)

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<p><u>Task 17.</u> Establish an inter-agency task force to review and recommend on the 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.</p>							
17.1 Establish an inter-agency task force on Article 8(j)	2 years	High			Invite relevant agencies and representatives of indigenous and local community organizations (activity 17.1.1); Establish terms of reference (activity 17.1.2); Convene meetings (activity 17.1.3)		Consultation with <u>inter alia</u> WIPO, WHO, Commission on Human Rights, UNCTAD, ILO, UNESCO, etc.
<p><u>Task 18.</u> Develop guidelines that will assist States in the establishment of legal frameworks, including <u>sui generis</u> systems that recognize, safeguard and fully guarantee the protection of the cultural heritage, customary laws, innovations and traditional knowledge of indigenous and local communities relevant for the conservation and sustainable use of biological resources.</p>							
18.1 Identify, analyse and evaluate existing intellectual property regimes and propose alternatives	1-2 years	High				Identify, analyse and evaluate IPR regimes including <u>sui generis</u> systems (activity 18.1.1); Recommend amendments to existing forms of IPR protection alternative means of protection for traditional biodiversity-related knowledge (activity 18.1.2)	Collaboration with WIPO

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18.2 Develop standards and guidelines for mechanisms for the legal recognition of customary systems of protection and internal control of traditional biodiversity-related knowledge	2-3 years	High	Invite Parties to test the guidelines		Disseminate guidelines through the clearing-house mechanism	Develop standards and guidelines for mechanisms for the legal recognition of customary systems of protection and internal control of traditional biodiversity-related knowledge (activity (18.2.1))	
