

**CONVENTION ON
BIOLOGICAL
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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**

Third meeting

Montreal, 8-12 December 2003

Item 2.2 of the provisional agenda*

ORGANIZATIONAL MATTERS: ADOPTION OF THE AGENDA*Revised annotated provisional agenda***INTRODUCTION**

1. The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions was established by decision IV/9 of the Conference of the Parties to the Convention on Biological Diversity. It held its first meeting in Seville, Spain, from 27 to 31 March 2000. In decision V/16, paragraph 9, the Conference of the Parties extended the mandate of the Working Group to review progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions and requested it to report to the Conference of the Parties at its sixth meeting. The second meeting of the Working Group on Article 8(j) took place in Montreal from 4 to 8 February 2002.

2. At its sixth meeting, the Conference of the Parties decided, in paragraph 7 of its decision VI/10, that one meeting of the Working Group should be organized prior to the seventh meeting of the Conference of the Parties in order to ensure further advancement of the implementation of the work programme on Article 8(j) and related provisions. Accordingly, the third meeting of the Working Group on Article 8(j) will take place from 8 to 12 December 2003, in Montreal back-to-back with the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

ITEM 1. OPENING OF THE MEETING

3. The meeting will be opened at 10 a.m. on Monday, 8 December 2003. Registration of participants will commence on Sunday, 7 December 2003, from 3 to 6 p.m.

* UNEP/CBD/WG8J/3/1.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

4. 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 presiding officer for the plenary of the meeting.

2.2. Adoption of the agenda

5. The Working Group is invited to consider and adopt the provisional agenda (UNEP/CBD/WG8J/3/1) that has been prepared by the Executive Secretary in line with decision VI/10 of the Conference of the Parties and in consultation with the Bureau of the Conference of the Parties.

2.3. Organization of work

6. In light of the number of matters to be addressed, and in accordance with past practice, the Working Group may wish to establish two sessional sub-working groups open to all Parties and observers to ensure in-depth consideration of all the items on the agenda.

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

8. The Working Group may want to consider the suggested timetable and division of items between the plenary and the two sessional sub-working groups as proposed in annex II below. The plenary would take up items 1 to 3 of the provisional agenda. Sub-Working Group I would consider items 4 and 5 of the provisional agenda and Sub-Working Group II would consider items 6 and 7. Both sub-working groups would report back to plenary.

9. The Secretariat will invite relevant specialized United Nations agencies to provide plenary with reports on issues of relevance to the meeting being addressed by them.

10. A list of documents prepared for the meeting is provided in annex I below.

ITEM 3. REPORTS

3.1 Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into each of the thematic areas of the Convention on Biological Diversity

11. In accordance with paragraph 4 of decision VI/10 of the Conference of the Parties, the Executive Secretary has prepared a progress report on the integration of relevant tasks of the programme of work for the implementation of Article 8(j) in the thematic programmes of the Convention (UNEP/CBD/WG8J/3/2). The Working Group may wish to take note of the report and consider recommendations as appropriate.

12. The Working Group may also wish to take note of the report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies on the analysis of the potential impacts of such technologies on smallholder farmers, indigenous and local communities and Farmers' Rights (UNEP/CBD/WG8J/3/INF/2) prepared in accordance with paragraph 21 of decision VI/5, and which may also be of assistance to Parties in their need for further action in relation to the potential impacts of genetic use restriction technologies on the indigenous and local communities and on Farmers' Rights in pursuance of paragraph 5 of decision VI/10.

3.2 Report of progress in the implementation of the programme of work on Article 8(j) and related provisions

13. The Executive Secretary has prepared a report on progress of the implementation of the programme of work on the implementation of Article 8(j) and related provisions (UNEP/CBD/WG8J/3/3). The Working Group may wish to consider recommendations for action on the basis of this report.

ITEM 4. COMPOSITE REPORT ON THE STATUS AND TRENDS REGARDING THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

14. In accordance with paragraph 9 of decision VI/10, the Executive Secretary has prepared a report on the first phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities (UNEP/CBD/WG8J/3/4). This note includes an executive summary of the first phase of the composite report, the full text of which is available as an information document (UNEP/CBD/WG8J/3/INF/1). The Working Group may wish to take note of the report and consider its recommendations, as well as recommendations for the second phase of work on the composite report, for consideration by the Conference of the Parties at its seventh meeting.

15. The Executive Secretary is also providing, as information documents (UNEP/CBD/WG8J/3/INF/3-10) copies of the regional reports on the first phase of the composite report compiled by the team of consultants and which served as the basis for the first phase report.

ITEM 5. 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

16. In accordance with paragraphs 13 and 14 of decision VI/10 and in furtherance of task 9, under programme element 6 (Monitoring) of the programme of work on Article 8(j) and related provisions, the Executive Secretary has prepared a note concerning draft guidelines for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on, or which are likely to impact on, sacred sites and on lands or waters traditionally occupied or used by indigenous and local communities (UNEP/CBD/WG8J/3/5). The purpose of the note is to assist the Working Group to carry out further work on the guidelines with the aim of strengthening the social and cultural aspects and to complement and be in conjunction with the “Guidelines for incorporating biodiversity-related issues into environmental assessment legislation and/or processes and in strategic environmental assessment” endorsed by the Conference of the Parties in its decision VI/7 A. Such guidelines should also address institutional and procedural considerations.

ITEM 6. PARTICIPATORY MECHANISMS FOR INDIGENOUS AND LOCAL COMMUNITIES

6.1. Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions

17. In accordance with decision VI/10, paragraphs 20-23, and to further advance work under element 1 of the programme of work on Article 8(j) and related provisions, regarding participatory mechanisms

for indigenous and local communities, the Executive Secretary explored the possibility of financial assistance to support the participation of indigenous and local communities of all geographical regions in meetings organized within the framework of the Convention. The Executive Secretary has prepared a report (UNEP/CBD/WG8J/3/6) to assist the Working Group in its deliberations on this issue. The report could provide a basis for the establishment and/or strengthening of mechanisms and capacity-building at the national and local levels aimed at promoting full and effective participation of indigenous and local communities, especially women, in the decision-making process regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity, and promoting their participation in the management of biological diversity.

6.2. *Communication mechanisms for indigenous and local communities*

18. The Executive Secretary has also prepared a note UNEP/CBD/WG8J/3/6/Add.1 containing the report of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism on the roles and responsibilities of the thematic focal point within the clearing-house mechanism on issues relating to Article 8(j) and related provisions, pursuant to paragraph 28 of decision VI/10, and the development of communication mechanisms for indigenous and local communities (paragraph 24 of decision VI/10, and paragraph 5 of decision VI/18). The Working Group may wish to further discuss the roles and responsibilities of the thematic focal point and support the recommendation for the development of appropriate communication mechanisms for indigenous and local communities.

6.3 *Cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity*

19. In accordance with paragraph 25 of decision VI/10, the Executive Secretary has prepared a report (UNEP/CBD/3/6/Add.2) on the consultation with secretariats of relevant environmental conventions and programmes concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity. The Working Group may wish to take note of the recommendations provided in this report for consideration at by the Conference of the Parties at its seventh meeting.

ITEM 7. *SUI GENERIS* SYSTEMS FOR THE PROTECTION OF THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

20. In accordance with paragraph 34 of decision VI/10, the Executive Secretary has prepared a note (UNEP/CBD/WG8J/3/7) addressing elements of *sui generis* systems for the protection of traditional knowledge, innovations and practices. The Working Group may wish to identify and consider elements for further development of a *sui generis* system of protection of traditional knowledge, innovations and practices, and the equitable sharing of benefits arising from their utilization and make recommendations for the consideration of the Conference of the Parties at its seventh meeting.

ITEM 8. OTHER MATTERS

21. Under this item, delegates may propose for discussion other matters related to the subject matter of the meeting.

ITEM 9. ADOPTION OF THE REPORT

22. The Working Group will be invited to adopt its report, which will be submitted to the Conference of the Parties at its seventh meeting for consideration.

ITEM 10. CLOSURE OF THE MEETING

23. The third meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions will be closed on Friday, 12 December 2003.

Annex I

**DOCUMENTS FOR THE THIRD MEETING OF THE OPEN-ENDED INTER-SESSIONAL
WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE
CONVENTION ON BIOLOGICAL DIVERSITY**

<i>Symbol</i>	<i>Title</i>
	<i>A. Working documents</i>
UNEP/CBD/WG8J/3/1	Provisional agenda
UNEP/CBD/WG8J/3/1/Add.1/Rev.1	Annotated provisional agenda
UNEP/CBD/WG8J/3/2	Progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into the thematic areas of the Convention.
UNEP/CBD/WG8J/3/3	Progress report on the implementation of the programme of work on Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/4	Report on the first phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity.
UNEP/CBD/WG8J/3/5	Draft guidelines for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on, or which are likely to impact on, sacred sites and on lands or waters traditionally occupied or used by indigenous and local communities.
UNEP/CBD/WG8J/3/6	Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/6/Add.1	Report of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism on issues relating to Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/6/Add.2	Cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity
UNEP/CBD/WG8J/3/7	Development of elements of a <i>sui generis</i> system for the protection of traditional knowledge, innovations and practices

UNEP/CBD/WG8J/3/8

Recommendations of the Permanent Forum on Indigenous Issues to the Convention On Biological Diversity

B. Background/information documents

UNEP/CBD/WG8J/3/INF/1

First phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/2

Report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies: analysis of the potential impacts of genetic use restriction technologies on smallholder farmers, indigenous and local communities and Farmers' Rights

UNEP/CBD/WG8J/3/INF/3

Africa - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/4

Australia, Asia and the Middle East - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/5

Caribbean - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/6

Central America - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/7

Europe - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/8

North America - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/9

Pacific - Regional report on the status and trends concerning the knowledge, innovations and practices of

indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/10

South America - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

Annex II

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

	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<p><i>Monday</i> 8 December 2003 10 a.m. to 1 p.m.</p>	<p>Items:</p> <ol style="list-style-type: none"> 1. Opening of the meeting. 2. Organizational matters: <ol style="list-style-type: none"> 2.1 Officers; 2.2 Adoption of the agenda; 2.3 Organization of work. 3. Reports <ol style="list-style-type: none"> 3.1 Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into each thematic areas of the Convention on Biological Diversity 3.2 Report on progress in the implementation of the programme of work on Article 8(j) and related provisions. 		
<p>3 – 6 p.m.</p>		<p>4. Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity.</p>	<p>7. <i>Sui generis</i> systems for the protection of the knowledge innovations and practices of indigenous and local communities.</p>

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	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<i>Tuesday</i> 9 December 2003 10 a.m. to 1 p.m.		Item 4. <i>(continued)</i>	Item 7. <i>(continued)</i>
3 – 6 p.m.		5. Draft guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities.	6. Participatory mechanisms for indigenous and local communities.
<i>Wednesday</i> 10 December 2003 10 a.m. to 1 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
3 – 4 p.m.	Plenary (to review progress)		
4 – 6 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
<i>Thursday</i> 11 December 2003 10 a.m. to 1 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
3-6 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
<i>Friday</i> 12 December 2003 10 a.m. to 1 p.m.	Adoption of recommendations under agenda items 4 to 7. 8. Other matters 9. Adoption of the report 10. Closure of the meeting		
3-5 p.m.	<i>(Continued as needed)</i>		