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

The United Nations Permanent Forum on Indigenous Issues (PFII) was established by the Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on Indigenous issues to the ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to Indigenous issues within the UN system; prepare and disseminate information on Indigenous issues; and promote respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of the Declaration.

The Indigenous Peoples Development Branch/Secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other intergovernmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum’s recommendations, the system-wide action plan on rights of indigenous peoples (SWAP) and the 2030 Agenda for Sustainable Development.

The responses will be compiled into a report for the 2024 session of the Permanent Forum. In your responses, please, include information on progress and challenges related to Indigenous women, Indigenous persons with disabilities, Indigenous older persons, and Indigenous children and youth.

All responses will be placed on the DESA/DISD website on Indigenous Peoples at: https://www.un.org/development/desa/indigenouspeoples/

Please note that the term “Indigenous Peoples” must be capitalized as per the UN Editorial Manual.

If you have any objections to your response being made available on our website, please inform our office accordingly.

Please submit your completed questionnaire by 15 November 2023 to:

Indigenous Peoples and Development Branch
Secretariat of the Permanent Forum on Indigenous Issues
Division for Inclusive Social Development
Department of Economic and Social Affairs
United Nations Headquarters
New York, USA 10017
Email: indigenous_un@un.org

Subject: Response to SWAP questionnaire
Questionnaire

Please also include an **executive summary** of your inputs to the 3 main questions above (strict 500-word limit) which will be used for our compilation report submitted to the 2024 session of the PFII.

**RESPONSES FROM THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY ARE INDICATED IN GREEN**

**Executive summary**

The report provides insights into the ongoing efforts of the Secretariat of the Convention on Biological Diversity to promote the implementation of Article 8(j) on traditional knowledge and related provisions across various levels, ensuring the role of indigenous peoples and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use.

One of the key milestones in the work of the Convention was the adoption of the Kunming-Montreal Global Biodiversity Framework (Framework) during the fifteenth meeting of the Conference of the Parties to the Convention. The framework represents a comprehensive plan for everyone to take action to halt and reverse the loss of biodiversity by 2030 and to put nature on a path to recovery for the benefit of people and the planet. It acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use. Its implementation must ensure that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law. In this regard, nothing in the Framework may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future. This Kunming-Montreal Global Biodiversity Framework sets a robust foundation for global biodiversity conservation efforts and underscores the interconnectedness of environmental, social, and cultural dimensions in achieving sustainability goals.

As usual practice, Recommendations from the Permanent Forum on Indigenous Issues are transmitted to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (Working Group). In this regard, recommendations from the Permanent Forum were considered by the Working Group its twelfth session and the outcomes of the discussion on this item are contained in recommendation WG8J-12/5 which will be further considered during the sixteenth meeting Conference of the Parties. During the twelfth session of the Working Group, discussions also took place in relation to the development of a new programme of work on article 8j and other provisions of the Convention and on possible options for institutional arrangements. These recommendations will be considered during COP 16 along with other recommendations emanating from the Working Group on (i) the theme for the next in-depth dialogue, (ii) the update the draft knowledge management strategy of the Kunming-Montreal Global Biodiversity Framework, and (iii) the review the four traditional indicators as part of monitoring framework of the Kunming-Montreal Global Biodiversity Framework.
RESPONSES FROM THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY

1. The present report provides an overview of the ongoing activities undertaken by the Secretariat of the Convention on Biological Diversity, particularly under the current Programme of Work on Article 8(j) and Related Provisions. This Programme of Work aims to promote within the framework of the Convention on Biological Diversity (CBD) the 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 peoples and local communities at all stages and levels.

Please provide information on the following:

A. Recommendations of the Permanent Forum on Indigenous Issues and input to the 2024 session

i. Please provide information on measures taken since your last update to the Forum on the implementation or planned implementation of the recommendations of the PFII.

RECOMMENDATIONS EMANATING FROM THE TWENTY-SECOND SESSION OF THE PERMANENT FORUM ON INDIGENOUS ISSUES (2023) TO THE CONVENTION ON BIOLOGICAL DIVERSITY

2. Following the practice of the CBD, the recommendations from the Permanent Forum on Indigenous Issues (PFII) are transmitted to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (WG8J), which subsequently submits recommendations for the consideration of the Conference of the Parties (COP).

3. The twelfth session of the WG8J took place from 12 to 16 November 2023 and considered recommendations emanating from the twentieth (2021), twenty-first (2022) and twenty-second (2023) sessions of the PFII. The WG8J-12 proposed recommendation WG8J-12/5 for consideration at the sixteenth meeting of COP, scheduled for 21 October to 1 November 2024, in Colombia.

4. At COP-16, Parties will consider and deliberate on the recommendations that emanated from the WG8J-12. These recommendations are available at https://www.cbd.int/conferences/geneva-2023/wg8j-12/documents.

5. In 2023, during its twenty-second session, the PFII presented five recommendations pertinent to the Convention, as outlined in paragraphs 25, 28, 40, 42, and 75 of the PFII report.

6. Paragraph 25 of the PFII report read as follows:

25. The Permanent Forum reiterates its call at its twenty-first session for a clear distinction between Indigenous Peoples and local communities. All United Nations entities and States parties to treaties concerning the environment, biodiversity and climate are encouraged to eliminate the use of the term “local communities” in connection with Indigenous Peoples, so that the term “Indigenous Peoples and local communities” would be abolished.

7. In the text of the CBD, as adopted in 1992, term “indigenous and local communities” is included in Article 8(j). This specific approach reflects a recognition of knowledge, innovations and practices held by indigenous peoples and local communities, underscoring their integral roles in biodiversity conservation and sustainable use.
8. In 2011, the PFII affirmed the status of indigenous peoples as “peoples”, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples and urged the Parties to use this term when referring to indigenous peoples, while respecting and safeguarding their human rights. In response, in 2014, at COP12, Parties decided to use the terminology “indigenous peoples and local communities” in future decisions and secondary documents under the CBD without affecting in any way the legal meaning of Article 8(j) and related provisions (decision XII/12). COP12 decided that the use of this terminology may not be interpreted as implying for any Party a change in rights or obligations under the Convention, and that the use of this terminology in future decisions and secondary documents shall not constitute a context for the purpose of interpretation of the Convention.

9. In 2018, at COP14, Parties adopted a glossary of pertinent key terms and concepts in the context of Article 8(j) and related provisions (decision 14/13). In this decision, it was underscored that the usage of the glossary was without prejudice to the terminology used in the CBD and might not be interpreted as implying for any Party a change in rights or obligations under the CBD. In reference to the term “indigenous peoples and local communities”, it is indicated that the CBD does not define the terms “indigenous and local communities” or “indigenous peoples and local communities”, that the United Nations Declaration on the Rights of Indigenous Peoples does not adopt a definition for “indigenous peoples” and that a definition is not recommended.

10. In 2023, at WG8J-12, Parties considered the recommendations of the PFII from its twenty-second session. The agenda item was introduced by Mr. Mejía Montalvo, Chair of the PFII. Parties adopted the recommendation WG8J-12/5, and transmitted it to COP16 for further consideration.

11. Paragraph 75 of the PFII report read as follows:

75. The Permanent Forum welcomes that, as of 3 November 2022, the term “Indigenous Peoples” is capitalized in the United Nations Editorial Manual. That update was made in accordance with an agreement made among the Member States when negotiating General Assembly resolution 77/203. The Permanent Forum urges that translation in all official languages of the United Nations reflect that update to the Editorial Manual.

12. Concerning the capitalization of the term “Indigenous Peoples” (paragraph 75 of the PFII report), the term “indigenous peoples” remains uncapitalized within the context of the CBD as adopted by Parties at COP12.

13. Paragraph 28 of the PFII report reads as follows:

28. The Permanent Forum reiterates its recommendation to adopt a programme of work on article 8 (j) and other provisions of the Convention on Biological Diversity and strengthened institutional arrangements through a permanent subsidiary body to take forward the Kunming-Montreal Global Biodiversity Framework and to ensure a human rights-based approach, and full and effective participation of Indigenous Peoples, by the sixteenth meeting of the Conference of the Parties to the Convention. The Permanent Forum recommends ensuring direct access to financial resources for Indigenous Peoples, inclusive of all landscapes and seascapes, more efficient financial mechanisms managed by Indigenous Peoples and the inclusion of Indigenous Peoples’ representatives in the governance of the Framework to better design and implement grants. In that respect, the modus operandi and methods of work for enhanced Indigenous
participation under article 8 (j) and related provisions must be the minimum standard and be prioritized as an essential prerequisite for the full implementation of target 31 of the Framework.

14. Parties, at COP15, adopted decision 15/10 on the development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the CBD related to indigenous peoples and local communities, which, among other things, set out a process for further consideration of the matter. The development process included the convening an ad hoc technical expert group on the new programme of work and institutional arrangements on Article 8(j) and other provisions. The expert group met in Manaus, Brazil, from 11 to 13 July 2023, and the outcomes of its meeting were submitted to the WG8J-12 for its consideration. Among the 25 expert group members, 15 experts represented indigenous peoples and local communities.

15. Parties, at WG8J-12, adopted recommendation WG8J-12/2 regarding the development of a new programme of work and institutional arrangements on Article 8(j) and other provisions. This recommendation incorporates two proposed new elements that were not contained as part of the elements proposed during the COP 15: access to financial resources for indigenous peoples and local communities and a human rights-based approach in the new programme of work. As noted above this recommendation will be transmitted to COP16 which will decide on the adoption of the new programme of work and institutional arrangements.

16. Paragraph 40 of the PFII report reads as follows:

40. The Permanent Forum welcomes the adoption of the Kunming-Montreal Global Biodiversity Framework at the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity. The Permanent Forum urges the Conference of the Parties to establish a commission, as early as possible, to monitor and evaluate the implementation of the Framework, especially its target 3 on protecting 30 per cent of the planet’s land and water by 2030, with the full and equitable participation of Indigenous Peoples and respecting their rights to free, prior and informed consent. The establishment of robust grievance mechanisms is vital.

17. The Ad Hoc Technical Expert Group on Indicators comprises 45 expert members, including two representatives from indigenous peoples and local communities. In its decision 15/5 the Conference of the Parties also invited the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention to continue the development and operationalization of indicators related to traditional knowledge and indigenous peoples and local communities, and to report on this work to the Conference of the Parties. The four indicators in questions are (a) trends of linguistic diversity and numbers of speakers of indigenous languages; (b) trends in land-use change and land tenure in the traditional territories of indigenous and local communities; (c) trends in the practice of traditional occupations; and (d) trends in degree to which traditional knowledge and practices are respected through: full integration, participation and safeguards in national implementation of the Strategic Plan.

18. At this twelfth meeting, the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention adopted a recommendation, which requested the Secretariat to conduct a scientific and technical review of the traditional knowledge indicators and their suggested links with the headline, component and complementary indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework. The Working Group also requested to provide the results of the review to the Ad Hoc Technical Expert Group on Indicators in time for its second in-person meeting, so that the Expert Group may take them into account in the
formulation of its recommendations for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-sixth meeting (WG8J/REC/12/4). This review has been prepared and was presented during in the second in-person meeting of Ad Hoc Technical Expert Group on Indicators which took place in for March 12-15, 2024. The document has also been submitted as information document to SBSTAA-26 for its consideration,

19. Paragraph 42 of the PFII report reads as follows:

42. The Permanent Forum recommends that the World Intellectual Property Organization (WIPO), in collaboration with WHO, the secretariat of the Convention on Biological Diversity, FAO and the United Nations Institute for Training and Research prepare and implement a series of collaborative global and regional training sessions and seminars by 2025 for Indigenous Peoples concerning their traditional knowledge, traditional cultural expression, genetic resources, folklore, medicinal plants and traditional medicine, and their own food, beverage and medical products businesses.

20. The Secretariat of the CBD participated in the first Traditional Medicine Global Summit, organized by the World Health Organization and the Government of India, which was held in Gandhinagar, India, on August 17 and 18, 2023. The Summit was a platform for all stakeholders, including traditional medicine workers, users and communities, national policymakers, international organizations, academics, the private sector and civil society organizations, to share best practices and game-changing evidence, data and innovation on the contribution of traditional medicine to health and sustainable development.

ii. The theme of the 2024 PFII session is “Enhancing Indigenous Peoples’ right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples – emphasizing the voice of Indigenous Youth. Please include information on any publications, projects, reports, or activities relevant to this theme.

21. Parties, at COP15 requested the Secretariat to organize international dialogues with indigenous peoples and local communities and relevant stakeholders, including women and youth, on progress in the implementation of the Framework and the Gender Plan of Action (2023–2030) in decision 15/3. The first International Dialogue took place in Geneve, 9-10 November 2023, preceding WG8J-12.

22. The International Dialogue provided a platform for indigenous peoples and local communities and relevant stakeholders, including women and youth to identify and discuss strategies, actions, and issues of relevance to the implementation of the Framework in light of the new programme of work for Article 8(j) and other provision of the Convention related to indigenous peoples and local communities. The International Dialogue was facilitated in partnership with the International Indigenous Forum on Biodiversity, CBD Women’s Caucus and Global Youth Biodiversity Network. The key messages from the International Dialogue were communicated to Parties on the final day of the Dialogue.

iii. Please provide information on efforts to ensure the participation of Indigenous Peoples in the international decades declared by the General Assembly, such as the United Nations Decade on Ecosystem Restoration, the United Nations Decade of Ocean Science for Sustainable Development, the International Decade for Action, “Water for Sustainable Development,” the International Decade of Indigenous Languages and other relevant international decades and processes, including CEDAW General recommendation 39 on Indigenous women and girls.
23. The Secretariat of the CBD has worked to ensure the participation of indigenous peoples and local communities in all CBD processes. This work aligns with the Framework, which acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use. As indicated above, the Framework is premised on the recognition of the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law. In this regard, the Framework provides that nothing may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future.

24. Furthermore, Target 21 of the Framework is aimed at ensuring that the best available data, information and knowledge, including traditional knowledge, are accessible to decision makers, practitioners and the public, inter alia, to strengthen communication, awareness-raising, education, monitoring, research and knowledge management. In addition, Target 22 of the Framework aims to ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.

25. In response to requested by Parties (decision 15/20), the Secretariat facilitated an in-depth dialogue on the role of indigenous languages during the official session of WG8J-12. The theme focused on the significance in the intergenerational transmission of traditional knowledge, innovations, and practices. Panel presentations were delivered by Dr. Mohamed Handaine (Indigenous Peoples of Africa Coordinating Committee), Mr. Dario Mejía (Chair of the PFII), and Dr. Yolanda Terán (Andes Chinchasuyo), followed by interventions from Parties, indigenous peoples and local communities. A summary of the dialogue is provided in the annex of the WG8J-12 report.

26. Parties, at COP15, also renewed their commitment to the Joint Programme of Work on the links between cultural and biological diversity (decision 15/22). Task 2.b of the Joint Programme of Work calls for the WG8J-12, together with the Subsidiary Body on Scientific, Technical and Technological Advice, to review and update the four traditional knowledge indicators in the light of the Framework, as well as the ongoing work on biological and cultural diversity and human wellbeing. One of the four traditional knowledge indicators is on trends of linguistic diversity and numbers of speakers of indigenous languages. Furthermore, Task 3.b of the Joint Programme concerns the facilitation of the development of, support for and implementation of specific efforts to enable indigenous peoples and local communities to record, document, protect and transmit traditional languages and dialects, in particular indigenous languages, with the free, prior and informed consent of indigenous peoples and local communities and with their full and effective participation.

iv. Has your entity responded to the 2022 UNPFII recommendation\(^1\) paragraph 85… The Permanent Forum urges all United Nations entities and States parties to treaties concerning the environment, biodiversity and the climate to eliminate the use of the term “local

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\(^1\) E/2022/43-E/C.19/2022/11
communities” in conjunction with indigenous peoples, so that the term “indigenous peoples and local communities” would be abolished.

If yes, please explain your response in further detail.

27. Please refer to the response provided in paragraphs 6 to 12 above.

B. System-Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

Background

As per the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), a system-wide action plan to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples was adopted in November 2015 and launched by the Secretary-General at the UN Permanent Forum in May 2016.

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of the SWAP on indigenous peoples. In November 2020, the United Nations Chief Executives Board for Coordination issued a Call to Action: Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples. Its goal is to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with a focus on furthering the implementation of the SWAP2.

i. The Permanent Forum will follow up on progress made on the SWAP implementation as part of its discussion on the outcome document of the World Conference on Indigenous Peoples during its 2024 session. Please provide an analysis of actions taken by your agency, fund and/or programme on the six key elements of the SWAP, since your last update to the Forum3.

28. The implementation of the Framework is a central step that also lends support to the advancement of the System-Wide Action Plan (SWAP) and its associated six key elements. Regarding elements 1 to 3 of the SWAP on awareness and implementation of the Declaration on the Rights of Indigenous Peoples, the Framework supports the achievement of the Sustainable Development Goals and sets out an ambitious pathway to reach the global vision of a world living in harmony with nature by 2050.

29. The Framework, in its section C, emphasizes that the implementation must ensure the respect for the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values, and practices of indigenous peoples and local communities, in accordance with relevant national legislation, international

2 Reporting on the activities to implement the CEB Call to Action is through task groups and should not be included in the responses to this questionnaire.

3 The six key elements of the SWAP are: 1) Raise awareness of the UNDRIP; 2) Support the implementation of the UNDRIP, particularly at the country level; 3) Support the realization of indigenous peoples’ rights in the implementation and review of the 2030 Agenda for Sustainable Development; 4) Map existing standards and guidelines, capacity, training materials and resources within the UN system, international financial institutions and the members of the IASG for the effective implementation of the UNDRIP; 5) Develop the capacity of States, indigenous peoples, civil society and UN personnel; and 6) Advance the participation of indigenous peoples in UN processes.
instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law. The Framework further calls for a human rights-based approach, respecting, protecting, promoting, and fulfilling human rights in its implementation and reaffirms the human right to a clean, healthy, and sustainable environment.

30. In relation to element 4 of the SWAP on standards and guidelines, capacities, training materials and resources within the UN system, the CBD has adopted several guidelines for the implementation of Article 8(j) and related provisions on traditional knowledge and Article 10(c) on customary sustainable use of biodiversity, including:

a. The Akwé: Kon Voluntary 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

b. The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities

c. The Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”, depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge

d. The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity

e. The Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions

31. In relation to element 6 of SWAP which aims at advancing the participation of indigenous peoples in UN processes, the CBD has, as in the past facilitated, through its Voluntary Funding Mechanism, the participation of representatives of indigenous peoples and local communities in key CBD meetings and processes. In 2023, the Fund enabled:

- 8 representatives to participate in the Twenty-fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice.
- 25 representatives to participate in the Twelfth meeting of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, as well as the First meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the Use of Digital Sequence Information on Genetic Resources.

C. 2030 Agenda for Sustainable Development

i. Please describe any activities your entity has organized since the last reporting period to accelerate progress across a range of SDGs, demonstrating the interlinkages across goals and targets and if applicable, providing examples of translating global goals into local actions. In your response, please consider referring to SDGs relevant to the theme of the 2024 session of the Forum.
ii. Please describe any activities your entity organized in support of the 2023 UN High-Level Political Forum on Sustainable Development and SDG Summit and/or reports and activities that supported SDG reporting and monitoring or a VNR process at the national, regional, or global level.

32. Since the previous reporting period, the CBD has been engaged in initiatives aimed at advancing the implementation of various Sustainable Development Goals, primarily through the Framework. The Framework is built around the three pillars of sustainability and the interrelationships of biodiversity, climate change, land degradation and pollution. It recognizes the essential role in its implementation of biodiversity-related conventions. It is complementary to the 2030 Agenda for Sustainable Development and other global agreements.

**Reminder:** Please also include an **executive summary** of your inputs to the 3 main questions above (strict 500-word limit) which will be used for our compilation report submitted to the 2024 session of the PFII.