

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

The United Nations Permanent Forum on Indigenous Issues was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to 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 with the UN system; and prepare and disseminate information on indigenous issues.

The Permanent Forum's report of the seventeenth session of 2018 includes a number of recommendations within its mandated areas, some of which are addressed to UN system agencies, funds and programmes (attached).

The report can be found at: <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/06/Report-on-ForumEnglish.pdf>

The secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other inter-governmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations and other relevant issues.

The responses will be compiled into two separate reports for the April 2018 session of the Permanent Forum: (a) Update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples; and (b) Implementation of the System Wide Action Plan on Indigenous Peoples.

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

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

Please submit your completed questionnaire by **29 December 2018** to:

Secretariat of the Permanent Forum on Indigenous Issues  
Division for Social Policy and Development  
Department of Economic and Social Affairs  
Room: S-2954  
United Nations Headquarters  
New York, USA 10017  
Telephone: 917-367-5100  
Email: [indigenous\\_un@un.org](mailto:indigenous_un@un.org) and [sigurdarson@un.org](mailto:sigurdarson@un.org)

## Questionnaire to UN system

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The seventeenth session of the Permanent Forum on Indigenous Issues will be held at United Nations Headquarters from **22 April – 3 May 2019.**

### **Provisional Agenda**

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum.
4. Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples.
5. Discussion on the 2019 International Year of Indigenous Languages
6. Dialogue with indigenous peoples: collective rights to lands, territories and resources
7. Dialogue with Member States.
8. Dialogue with the funds, programmes and specialized agencies of the United Nations system.
9. Discussion on the theme “Traditional knowledge: generation, transmission and protection”.
10. 2030 Agenda for Sustainable Development.
11. Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples.
12. Follow-up to the outcome document of the World Conference on Indigenous Peoples:
  - (a) Implementation of national action plans, strategies and other measures;
  - (b) Ways to enhance the participation of indigenous peoples at the United Nations;
  - (c) Implementation of the United Nations system-wide action plan on indigenous peoples.
13. Regional dialogues between indigenous peoples and Member States.
14. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
15. Provisional agenda for the nineteenth session.
16. Adoption of the report of the Permanent Forum on its eighteenth session.

## Questionnaire

Please provide information on the following:

### A. Recommendations of the Permanent Forum on Indigenous Issues

With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency, fund and/or programme:<sup>1</sup>

- i.* Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum addressed specifically to your organization.

#### **CBD RESPONSE**

During the period 2016-2017, the Permanent Forum did not address any specific recommendations to the Convention on Biological Diversity. At its 17<sup>th</sup> session in 2018, the UNPFII made the following recommendations to the Convention on Biological Diversity:

- 25. The Permanent Forum urges the International Union for Conservation of Nature and the secretariat of the Convention on Biological Diversity to undertake, in collaboration with indigenous peoples, a study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity, and submit a report to the Forum by its nineteenth session.
- 26. The Permanent Forum recommends that the secretariat of the Convention on Biological Diversity and the International Union for Conservation of Nature actively engage with indigenous organizations, relevant United Nations entities, non-governmental organizations and other actors to develop a set of actions and commitments in relation to conservation and human rights in the context of the post-2020 biodiversity framework and the next World Conservation Congress.
- 106. The Permanent Forum welcomes publication of *Local Biodiversity Outlooks*, as a collaborative effort of the International Indigenous Forum on Biodiversity, the Forest Peoples Programme and the secretariat of the Convention on Biological Diversity, and looks forward to its second edition, to be published in 2020.

**On recommendations 25 and 26:** The ad hoc open-ended Working Group on Article 8(j) and Related Provisions (the Working Group), which deals with matters of relevance to indigenous peoples, such as traditional knowledge, meets every two years. At its next (i.e. 11<sup>th</sup>) meeting, sometime in the Fall of 2019 (to be confirmed), the Working Group will consider these recommendations, as well as other recommendations which may arise from the UNPFII at its 18<sup>th</sup> session in 2019.

It is important to note that the Working Group is currently completing its current programme of work 2011-2020 and has started extensive consultations regarding future work, as well as institutional arrangements for indigenous peoples and local communities in the context of developing the Post-2020 Biodiversity Framework. As such, recommendations for future work, including recommendations from the UNPFII, will be considered as part of the Post 2020 Biodiversity Framework, which is scheduled for adoption by the Convention's governing body (CBD COP 15) in November 2020.

This provides a strategic moment to both the UNPFII and indigenous peoples more generally to recommend, based on achievements of the Convention and its Working Group on Article 8(j) to date,

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<sup>1</sup> See attached document entitled 'Recommendations addressed to the UN Agencies' to facilitate your responses.

possible elements of work of relevance to indigenous peoples, for consideration as part of the Post-2020 Biodiversity Framework (2020-2030, including the 2050 vision).

Regarding recommendation 26, the Secretariat is already actively engaging with indigenous organizations, Parties, relevant United Nations entities, non-governmental organizations and other actors to develop possible elements of work in relation to biodiversity and human rights in the context of the Post-2020 Biodiversity Framework. Possible elements will be further developed through extensive consultations culminating in consideration by the CBD COP, at its fifteenth meeting to be held in China in November 2020, and hopefully, as part of the adoption of the Post-2020 Biodiversity Framework.

Efforts by the Convention to explore the issue of biodiversity and human rights commenced in 2016 with the Interactive dialogue on “Living in Harmony with Nature” at the plenary of the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, which was held in Cancun, Mexico, on 13 December 2016. A second dialogue on scenarios for Living in Harmony with Nature by 2050 was held on 20 November 2018 at the CBD COP 14 and featured a representative of indigenous peoples, a youth representative, a scientist and a representative of the government of China. The summary of both dialogues are annexed to the reports of the respective meetings as advice to Parties and other governments.

As well as the two plenary dialogues, both the “**Múuch'tambal**” **Summit on Indigenous Experience: Traditional Knowledge, biological and cultural diversity**, held in Cancun, Mexico, 9- 11 December 2016, during CBD COP 13 and **the Nature and Culture Summit - Biological and Cultural Diversity for Biodiversity and Human Resilience and for Achieving the Sustainable Development Goals and the Paris Agreement**, held in Sharm El-Sheikh, Egypt, 22-24 November 2018, during CBD COP 14 provided further opportunities to explore the nexus between biodiversity, conservation and human rights.

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

#### **Executive summary:**

Please provide an overview of actions taken to implement the System-Wide Action Plan on the Rights of Rights of Indigenous Peoples. This summary will form the basis of the compilation report of UN activities to implement the SWAP and the Declaration. [Word limit: 600]

#### **CBD’S CONTRIBUTION TO THE EXECUTIVE SUMMARY**

The Working Group on Article 8(j) and Related Provisions has met ten times since its establishment in 1998<sup>2</sup> and has some notable achievements. In particular the Working Group has raised the profile of indigenous peoples and local community issues throughout the Convention process. It has successfully developed and monitored the implementation of the work programme on Article 8(j) and related provisions and delivered a number of important guidelines and other tools.

#### **Enhanced participation mechanisms**

A fundamental principle of the programme of work on the Working Group on Article 8(j) has been the full and effective participation of indigenous peoples and local communities. Thus, the Working Group on Article 8(j) has adopted practices to ensure the effective participation of indigenous peoples and local communities in its work. Enhanced participation practices in the Working Group include such measures as: the nomination of an indigenous co-chair to assist the Chairperson of the meeting, as well as an indigenous peoples and local community bureau, and co-chairs for sub-working groups and

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<sup>2</sup> At the fourth meeting of the Conference of the Parties.

contact groups, and enhanced opportunities to make interventions on all agenda items. Additionally, to further assist the effective participation of indigenous peoples and local communities in the work of the Convention, the Secretariat has established specific web-pages and web-based tools, including the Traditional Knowledge Information Portal, and facilitates regular capacity development efforts, and manages a voluntary funding mechanism for the participation of indigenous peoples and local communities in meetings held under the Convention.<sup>3</sup> All in all, the work of the Secretariat to engage indigenous peoples and local communities is seen as a good practice in the United Nations system.

### **Programme of work on Article 8(j) and related provisions and opportunities for suggestion on future work**

The programme of work on Article 8(j) and related provisions<sup>4</sup> is the main instrument that Parties to the Convention on Biological Diversity have adopted in order to achieve the commitments in Article 8(j) and related provisions, and later to Aichi Biodiversity Target 18<sup>5</sup> by 2020.

To date, the programme of work on Article 8(j) and related provisions has produced significant results including the set of principles and guidelines contained in section 4 of this report. The full versions of these guidelines and principles in the six United Nations' languages are available at: <https://www.cbd.int/guidelines/>

### **Opportunities for input on possible elements of work and institutional arrangements Post 2020**

The biennium (2019-2020) offers an important opportunity to indigenous peoples and the United Nations Permanent Forum on Indigenous issues. In the lead up to CBD COP 15 in China, November 2020, the Convention is embarking on extensive consultations with Parties, other Governments, as well as indigenous peoples and local communities, non-governmental organizations and other relevant organizations, to consider possible elements of work for a fully integrated programme of work on Article 8(j) and related provisions within the post-2020 biodiversity framework. The process leading up to the adoption of the Post 2020 Biodiversity Framework is expected to also consider institutional arrangements for indigenous peoples and local communities.

Additionally, as regards the discussions concerning future work mentioned above, the Executive Secretary has been requested to consult with the Secretariat of the United Nations Educational, Scientific and Cultural Organization with a view, subject to the availability of resources, to preparing options for possible elements of work aimed at a rapprochement of nature and culture in the post-2020 global biodiversity framework, so that possible elements of work are considered along with other proposals in order to develop a fully integrated programme of work on Article 8(j) and related provisions in the post-2020 global biodiversity framework, at the fifteenth meeting of the Conference of the Parties.

The UNPFII is invited to contribute views on possible elements of work of relevance to indigenous peoples and local communities, as well as institutional arrangements for indigenous peoples and local communities in the Post 2020 Biodiversity Framework, as well as views concerning possible elements of work aimed at a rapprochement of Nature and Culture in the Post-2020 Global Biodiversity Framework. Such contributions or submissions should be made

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<sup>3</sup> See: <https://www.cbd.int/traditional/fund.shtml>

<sup>4</sup> The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in decision V/16.

<sup>5</sup> Target 18 By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

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by June 2019 so that they can be considered by the 11<sup>th</sup> meeting of the Working Group on Article 8(j) and Related Provisions.

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As requested in the Outcome Document of the World Conference on Indigenous Peoples (2014), a system-wide action plan (SWAP) 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. The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2018 session.<sup>6</sup> For ease of reference, the questions have been framed under the six key elements of the SWAP-Indigenous Peoples as follows:

## **1. Raising awareness of the UN Declaration**

Please provide information on any activities that raise awareness of the UN Declaration on the Rights of Indigenous Peoples, including key messages, advocacy and other media and outreach initiatives. Please provide information on publications, films, audio material, maps, or other materials that feature or focus on the UN Declaration and on indigenous peoples. Please also provide links to the relevant websites and other sources.

### **CBD RESPONSE**

The Convention on Biological Diversity and its Secretariat work on key elements of the UN Declaration on the Rights of Indigenous Peoples, which are traditional knowledge, customary sustainable use of biodiversity and the effective participation of indigenous peoples in the work of the Convention, at various levels including local, national, regional and international.

Following this, the Secretariat, jointly with partners, organized the following related events to raise awareness of these issues within the mandate of the Convention on Biological Diversity and the context of the UN Declaration:

- **The Nature and Culture Summit - Biological and Cultural Diversity for Biodiversity and Human Resilience and for Achieving the Sustainable Development Goals and the Paris Agreement**, in Sharm El-Sheikh, Egypt, 22-24 November 2018. The Nature and Culture Summit was held under the auspices of the Joint Programme of Work between the Convention on Biological Diversity and UNESCO on the Links between Biological and Cultural Diversity (2001-2020). The Summit provided an opportunity to States, indigenous peoples, local communities, stakeholders and specialized agencies to reflect on the achievements made over the last decade in finding synergies between biological and cultural diversity, between science and indigenous knowledge systems. There has been a flourishing of innovative approaches that are mobilizing communities and knowledge-holders to help conserve the fabric of life on our planet. The Summit was an opportunity for reflection, dialogue and developing ways of cooperation as we move forward into the post-2020 period and the ongoing efforts towards achieving the Sustainable Development Goals, in order to bring about a rapprochement of Nature and Culture in the Post-2020 Era. The third session of the Summit was entirely dedicated to the issue of human rights and biodiversity. The Summit produced a Declaration which is available at: <https://www.cbd.int/doc/c/8b76/d85e/c62f920c5fd8c4743e5193e1/cop-14-inf-46-en.pdf>
- The Interactive dialogue on scenarios for “Living in Harmony with Nature”, at the plenary of the fourteenth meeting of the Conference of the Parties to the Convention on Biological

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<sup>6</sup> See Report of the 15<sup>th</sup> session of the UN Permanent Forum on Indigenous Issues (E/2016/43) at para. 73.

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Diversity, 20 November 2018, Sharm El-Sheikh, Egypt. The dialogue included considerations of human rights of indigenous peoples and youth in relation to biodiversity.

### **2. Supporting the implementation of the UN Declaration, particularly at the country level**

Please provide information on actions taken or planned by your agency, fund, programme, entity on the following:

- i.* Measures taken or planned to support national partners in reform and implementation of legal frameworks, policies, strategies and plans to implement the UN Declaration on the Rights of Indigenous Peoples, including any joint programming initiatives. Please also include information related to include indigenous women in your responses.
- ii.* Support provided to Member States to mainstream the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples in national development plans and in the UN Development Assistance Frameworks and Common Country Assessments (CCA/UNDAFs).
- iii.* Support for consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.

### **CBD RESPONSE**

The Convention on Biological Diversity does not have country presences and is implemented by Parties (member Governments who have ratified the Convention) at the national level. A general national focal point for the Convention, as well as specialist focal points, including a focal point for traditional knowledge, is appointed by each government and usually housed within departments of environment.

In order to assist Parties in implementing their obligations under the Convention, the Governing Body (CBD COP) adopts by consensus principles and guidelines to support and facilitate implementation at the national level. Parties to the Convention are requested to report on the implementation of such principles and guidelines, through the national reports in regular intervals, and directly to the Subsidiary Body on Implementation and the Working Group on Article 8(j) and Related Provisions, as appropriate.

Regarding the traditional knowledge, innovations and practices of indigenous peoples and local communities, the Conference of the Parties has adopted, at its thirteenth (2016) and fourteenth (2018) meetings, a number of significant tools for the protection, promotion and restoration of traditional knowledge.

The guidelines include the Mo'otz Kuxtal<sup>7</sup> Voluntary Guidelines for Traditional Knowledge. They are intended to guide Parties and other governments in the development of mechanisms, legislation or other appropriate initiatives to ensure the prior and informed consent<sup>8</sup> 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.

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<sup>7</sup> Which means "roots of life" in the Maya indigenous language

<sup>8</sup> This term should be understood as "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances (Mo'otz Kuxtal Voluntary Guidelines)

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Furthermore, at its fourteenth meeting (November 2018), the Conference of the Parties adopted the Rutzolijrisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity. These guidelines will be a useful tool to assist indigenous peoples and institutions holding traditional knowledge and relevant information in repatriation efforts aimed at returning traditional knowledge and restoring knowledge systems.

These guidelines, if effectively implemented at the national level, will assist in achieving Aichi Biodiversity Target 18 of the CBD's Strategic Plan for Biological Diversity (2011-2020), which provides that:

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

As such the MO'OTZ KUXTAL <sup>9</sup> VOLUNTARY GUIDELINES and the RUTZOLIIRISAXIK VOLUNTARY GUIDELINES for the Repatriation of Traditional Knowledge are substantial contributions to protecting traditional knowledge as envisaged under Article 31 of the UN DRIPs which states:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, **traditional knowledge** and traditional cultural expressions, as well as the manifestations of **their sciences, technologies and cultures**, including human and **genetic resources**, seeds, medicines, **knowledge of the properties of fauna and flora, oral traditions**, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such **cultural heritage, traditional knowledge**, and traditional cultural expressions.

Additionally, the Nagoya Protocol<sup>10</sup> is a legally binding protocol that establishes that access to traditional knowledge associated with genetic resources is based on prior informed consent or approval and involvement. Additionally, the Nagoya Protocol, in article 6, requires that Parties take measures with the aim of ensuring that prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to do so. Of particular note, the COP/MOP NP (Governing body to the Nagoya Protocol), at its first meeting, agreed, amongst other things, to include two indigenous representatives in the compliance committee established under the Nagoya Protocol.

### **3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development**

- i.* Has your agency/organization taken any measures to incorporate indigenous issues into policy and programming to implement the 2030 Agenda in line with the UN Declaration on the Rights of Indigenous Peoples?

#### **CBD RESPONSE**

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<sup>9</sup> Which means "roots of life" in the Maya indigenous language

<sup>10</sup> Refer to: <https://www.cbd.int/abs/>



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The Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity at its tenth meeting had in its session a Dialogue on the “Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity”<sup>11</sup>. As a result, the Conference of the Parties at its fourteenth meeting in 2018 invited Parties, when implementing the 2030 Agenda for Sustainable Development,<sup>12</sup> to mainstream traditional knowledge, innovations and practices, including those on customary sustainable use of biodiversity, into the implementation of all relevant Sustainable Development Goals with the full and effective participation of indigenous peoples and local communities<sup>13</sup>

- ii. Has your agency/organization/entity supported the participation of indigenous peoples in the implementation and review of the 2030 Agenda for Sustainable Development, including at the national level? Please also include information on indigenous women, persons with disabilities, older persons and children and youth in your responses.

### **CBD RESPONSE**

The Secretariat of the Convention works towards the inclusion of indigenous peoples and local communities in the work of the Convention at various levels and not specifically for their inclusion in processes beyond the Convention’s mandate, such as the 2030 Agenda for Sustainable Development.

- iii. Please provide information on any reports or other documents in implementing the 2030 Agenda for indigenous peoples. Also include information on any measures taken or planned for the collection of statistical data on indigenous peoples, in particular related to the SDG indicators for target 1.4 (secure tenure rights to land), target 2.3 (income of small-scale food producers), target 4.5 (parity in access to education) and target 10.3/16.b (experience of discrimination).

### **CBD RESPONSE**

The Secretariat of the Convention on Biological Diversity does not envisage reporting on progress in the framework of the SDGs, as the Convention adheres to a framework (the Strategic Plan for Biodiversity 2011-2020) which was adopted by the General Assembly for action on biodiversity across the international system<sup>14</sup>. However, the Secretariat remains a partner in ongoing work on indicators under the SDGs. Additionally, under the Convention on Biological Diversity, there are a number of ongoing indicator and monitoring processes related to traditional knowledge and customary sustainable use (Articles 8(j) and 10(c)), that are relevant for the collection of statistical data on indigenous peoples. Additionally, in the period leading up to 2020, the Convention is exploring the development of a Post-2020 Biodiversity Framework, which will take into account the collective actions of indigenous peoples and position them as central partners to the Convention, as well as ensuring the Convention is more relevant to broader global issues, including the SDGs and climate action.

## **4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP**

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<sup>11</sup> See In-depth dialogue on thematic areas on other cross-cutting issues“ Contribution of the Traditional Knowledge, Innovations and Practices of Indigenous Peoples and Local Communities to the Implementation of the 2030 Agenda for Sustainable Development with Particular Emphasis on Conservation and Sustainable Use of Biodiversity” **CBD/WG8J/10/10** <https://www.cbd.int/doc/c/4a24/b240/ac1a0ee0ed6bab2a1a931071/wg8j-10-10-en.pdf>

<sup>12</sup> [General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”](#), annex.

<sup>13</sup> **CBD/WG8J/10/L6**

<sup>14</sup> Refer to A/RES/65/161

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- i. Please provide information on any specific standards and guidelines on indigenous peoples adopted or planned by your agency/organization.

### **CBD RESPONSE**

There is an extensive set of guidelines and principles adopted under the Convention on Biological Diversity that address traditional knowledge and customary sustainable use of biodiversity. They include:

(a) **The composite report** on the status and trends of traditional knowledge<sup>15</sup> bringing together detailed regional information from every region and the identification of processes at national and local levels that may threaten the maintenance, preservation and application of traditional knowledge;

(b) Guidelines for the conduct of cultural, environmental and social impact assessments (**the Akwe: 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);<sup>16</sup>

(c) **The Tkarihwaí:ri Code of Ethical Conduct** to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities<sup>17</sup> and the global Plan of Action on the Customary Sustainable Use of Biological Diversity;<sup>18</sup>

(d) **The Mo'otz kuxtal<sup>19</sup> 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<sup>20</sup> 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;<sup>21</sup>

(e) The **Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity** hereinafter referred to as "the Rutzolijirisaxik Voluntary Guidelines";<sup>22</sup>

(f) The global **Plan of Action on Customary Sustainable Use of Biological Diversity**;<sup>23</sup>

(f) The **Voluntary Glossary of Key Terms and Concepts** within the context of Article 8(j) and related provisions;<sup>24</sup>

(g) The **Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities**;<sup>25</sup>

(h) The Checklist of **Safeguards in Biodiversity Financing Mechanisms** under the Convention on Biological Diversity.<sup>26</sup>

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<sup>15</sup> UNEP/CBD/WG8J/5/3 Phase Two 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, available at: <https://www.cbd.int/doc/?meeting=WG8J-05>

<sup>16</sup> Decision VII/16

<sup>17</sup> Decision X/42

<sup>18</sup> Decision XII/12 B, annex

<sup>19</sup> Meaning "roots of life" in the Maya language

<sup>20</sup> The use and interpretation of the term "indigenous peoples and local communities" in these Guidelines should refer to decision XII/12 F, paragraphs 2 (a), (b) and (c)

<sup>21</sup> Decision XIII/18. The adoption of the Mo'otz kuxtal voluntary guidelines has also advanced the work being pursued by the Working Group on *sui generis* systems for the protection of traditional knowledge, innovations and practices of indigenous peoples and local communities by highlighting the potential role of community protocols and procedures for access to traditional knowledge

<sup>22</sup> Adopted at COP 14

<sup>23</sup> Decision XII/12

<sup>24</sup> Adopted at COP 14

<sup>25</sup> Adopted at COP 14

<sup>26</sup> Adopted at COP 14

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\*The full versions of these guidelines and principles in the six United Nations' languages can be found at: <https://www.cbd.int/guidelines/>

- ii. Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.

### **CBD RESPONSE**

In 2018, training materials have been advanced in support of indigenous peoples and local communities (IPLCs) and Parties, with a train-the-trainer methodology, on the CBD's Strategic Plan, Traditional Knowledge, Customary Sustainable Use and Access and Benefit Sharing. Training materials can be found at <https://www.cbd.int/tk/cb/training.shtml>

- iii. Please provide information on current resources and funds allocated to effectively implement the UN Declaration. Please also provide information on any joint initiatives with other UN agencies in the implementation of the UN Declaration.

### **CBD RESPONSE**

#### Resources and funds available for traditional knowledge and customary sustainable use

Activities by the Secretariat, such as capacity development and training of IPLCs, are based on requests by the governing body (COP) made to the Executive Secretary and are funded through voluntary funds, on a year by year basis. In the 2017-18 training year, \$700,000 USD in funds were made available through the Japan Biodiversity Fund by the Government of Japan for the facilitation of four regional training programmes on the Convention for IPLCs and Governments in the African, Latin American, Asian and Pacific regions.<sup>27</sup>

Funds are also being raised to cover the cost of participation of representatives of indigenous peoples and local communities in meetings held under the Convention, through the Voluntary Fund<sup>28</sup> established for this purpose. In 2017, a total of \$125,000 USD were raised thanks to the Governments of Australia, Germany, New Zealand and Mexico to facilitate the participation of IPLCs in SBSTTA 21 and the tenth meeting of the Working Group on Article 8(j) and Related Provisions. During 2018, thirty-four indigenous and local community representatives received funding from the voluntary Fund to participate in the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 14), the ninth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 9) and the third meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 3), from 17 to 29 November 2018 in Sharm El-Sheikh, Egypt. The selection of applicants is carried out through the Secretariat's notification system, which is available at:

<https://www.cbd.int/notifications/>

The Secretariat has two staff devoted to Article 8(j) and related provisions related work and for engagement with indigenous peoples and local communities:

John SCOTT

[john.scott@cbd.int](mailto:john.scott@cbd.int)

Senior Programme Officer for Traditional Knowledge, Innovations and Practices,

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<sup>27</sup> For further information see document UNEP/CBD/SBI/1/Add.3 at <https://www.cbd.int/doc/?meeting=SBI-01>

<sup>28</sup> Further information of the voluntary fund for the participation of IPLCs in meetings held under the Convention can be found at : <https://www.cbd.int/traditional/fund.shtml>

Focal Point for Indigenous Peoples and Local Communities.

Professional Officer P2

To be filled in 2019

Associate Programme Officer for Traditional Knowledge, Innovations and Practices,  
Focal Point for Indigenous Peoples.

### **5. Developing the capacities of States, indigenous peoples, civil society and UN personnel**

Please provide information on any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff. Also include information on the participation of indigenous women, children and youth as well as indigenous persons with disabilities in your response.

#### **CBD RESPONSE**

The Conference of the Parties to the Convention on Biological Diversity and the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization have adopted several decisions<sup>29</sup> relevant to the importance of establishing national arrangements on traditional knowledge for achieving Aichi Biodiversity Target 18 and contributing to Aichi Biodiversity Target 16 of the Strategic Plan for Biodiversity 2011-2020.<sup>30</sup>

In addition, the Conference of the Parties adopted decision XIII/18 on the Mo'otz Kuxtal Voluntary Guidelines, which provides guidance to Parties for the development of mechanisms, legislation, administrative and policy measures or other appropriate initiatives to ensure that potential users of knowledge, innovations and practices that are held by indigenous peoples and local communities, obtain their prior informed consent for accessing their knowledge.

Pursuant to these decisions, the Secretariat of the Convention implemented a project called "Capacity development programme on national arrangements for achieving traditional knowledge elements of Targets 18 and 16 of Strategic Plan for Biodiversity 2011-2020" which included four regional workshops during 2018. This programme built on the previous trainings and responded to the needs assessment for capacity-building activities as follows:

- (a) 2015-2016: training programme on community protocols, indicators and customary sustainable use of biodiversity;
- (b) 2013-2014: capacity-building initiative on traditional knowledge under the Convention on Biological Diversity.

The 2018 workshops had the following objectives:

- (a) To provide an opportunity for participants to share experiences on national policy measures on traditional knowledge and related indigenous issues, including gaps and challenges;

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<sup>29</sup> See decisions [XIII/18](#), [XII/12 A, para. 7](#); [XII/12 B, para. 8](#); [NP-1/2](#); [NP-1/8](#); [NP-1/9](#); [X/40 para. 5](#); [XI/14 B, para. 1](#); [XI/14 B, para. 2](#); [XI/14 B, para. 10](#); [XI/14, B, para 5](#); [Plan of action on capacity-building, \(decision XIII/23\) activity 68](#).

<sup>30</sup> These Aichi Biodiversity Targets established the following:

Target 18: By 2020, the traditional knowledge, innovations, and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels;

Target 16: By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

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(b) To share experiences where indigenous peoples and local communities have established rights to grant access to genetic resources;

(c) To build capacity to develop potential draft elements for the development of effective national action plans to address traditional knowledge according to regional situations and unique national realities, taking into account the decisions emanating from the recent meetings of the Conference of the Parties and the meetings of the Parties to the Protocols;

(d) To provide an opportunity for participants to discuss the Post-2020 Biodiversity Framework;

(e) To prepare for the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol.

As outcomes of the workshops, Parties to the Convention (national focal points for traditional knowledge) and indigenous peoples and local communities from developing countries were able to develop national action plans on traditional knowledge in order to move towards achieving Aichi Biodiversity Target 18 (see [Conference of the Parties decision XIII/18](#) on the Mo'otz Kuxtal Voluntary Guidelines) by 2020. The workshops also contributed to the better understanding of the traditional knowledge associated with genetic resources under the Nagoya Protocol (Articles 5, 6, 7, 12, 18 and 19) and how to implement them effectively in the national context. Overall, the programme will contribute to achieving CBD Aichi Biodiversity Targets 18 and 16. The rationale is that developing and implementing national action plans on traditional knowledge will assist Parties in fulfilling obligations concerning:

- (a) Traditional knowledge in accordance with Article 8(j) of the Convention;
- (b) Traditional knowledge associated with genetic resources under the Nagoya Protocol;
- (c) Aichi Biodiversity Targets 18 (traditional knowledge) and 16 (Nagoya Protocol).

The participants of the workshops were representatives from indigenous peoples and local community organizations and Parties from developing countries, who worked together collaboratively to develop possible elements of national action plans on traditional knowledge.

The workshops used the methodology of “train the trainer” which prioritizes participants from Governments and indigenous peoples and local communities who are able, upon returning to their home countries and communities, to train others. The course used online training (through an e-learning course) in order to prepare the participants for the five days of face-to-face training.

During 2018, regional workshops were held in the Latin American Region (Mexico, April 2018); Pacific Region (New Zealand, May 2018); Asian Region (Sri Lanka, July 2018) and African Region (Morocco, October 2018).

### **6. Advancing the participation of indigenous peoples in UN processes**

Please provide information on any support provided for the full and effective participation of indigenous peoples at relevant UN bodies, including at the country level. Please also provide information on any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them.

During 2018, the Voluntary Trust Fund for the participation of indigenous peoples and local communities in meetings held under the Convention was able to fund thirty-four indigenous and local community representatives to participate in the fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 14), the ninth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 9) and the

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third meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 3), from 17 to 29 November 2018 in Sharm El-Sheikh, Egypt.

Additionally, the voluntary fund was able to support ten representatives of indigenous peoples and local communities for participation in the twenty-second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, 2 - 7 July 2018, and the second meeting of the Subsidiary Body on Implementation, 9 - 13 July 2018, in Montreal, Canada.

The four regional workshops held during 2018 included more than two hundred representatives of indigenous organizations as well as government representatives.

The Convention is currently consulting broadly on new institutional arrangements for indigenous peoples, as well as possible elements of work, in the context of the process on the Post-2020 Biodiversity Framework. New institutional arrangements may consider such scenarios as full integration of issues and processes related to indigenous peoples into the work of the Convention, amongst other options. The eleventh meeting of the Working Group will consider proposals being made when it meets in Montreal sometime in the Fall of 2019 (to be confirmed).