

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 Indigenous Peoples Development Branch/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, including the system-wide action plan on rights of indigenous peoples/SWAP and the 2030 Development Agenda.

The responses will be compiled into two separate reports for the 2021 session of the Permanent Forum: (a) System Wide Action Plan on the Rights of Indigenous Peoples: Implementation by the United Nations System; and (b) Update on the Indigenous Peoples and the 2030 Agenda.

All responses will be placed on the DESA/DISD 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 **20 December 2020** 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 and requesens@un.org

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The Twentieth session of the Permanent Forum on Indigenous Issues is scheduled to take place from **19 - 30 April 2021**.

Provisional Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the theme: "Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16"
4. Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights) with reference to the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the World Conference on Indigenous Peoples, and the 2030 Agenda on Sustainable Development.
5. Dialogues:
 - a. Dialogue with indigenous peoples;
 - b. Dialogue with Member States;
 - c. Dialogue with the United Nations agencies, funds and programmes;
 - d. Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples;
 - e. Regional dialogues;
 - f. Thematic dialogues.
6. Follow-up to the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.
7. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
8. Provisional agenda for the twentieth-first session of the Permanent Forum.
9. Adoption of the report of the Permanent Forum on its twentieth 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:

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum.
- ii. The theme of the 2021 PFII session is "Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16". Please include information on any publications, projects, report or activities that are of relevance to this theme.

RESPONSE FROM THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Note: SCBD' responses are in green.

RECOMMENDATIONS FROM THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

1. As is the practice of the Convention on Biological Diversity, recommendations of the United Nations Permanent Forum on Indigenous Issues to the Convention are considered by the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, which, in turn, makes recommendations for the consideration of the Conference of the Parties (COP). For the purpose of this report, the timeframe considers the work of the Convention from 2018 to 2020.

2. The present document addresses recommendations of relevance to the Convention, emanating from the seventeenth and eighteenth annual sessions of the Permanent Forum, which were held from 16 to 27 April 2018¹ and from 22 April to 3 May 2019², respectively.

3. Section I contains a summary of relevant recommendations emanating from these two sessions of the Permanent Forum. Section II provides the adopted recommendation by the 11th meeting of the Working Group on Article 8(j) and related provisions (20-22 November 2019), for consideration by the 15th meeting of COP, as the governing body of the Convention, envisaged to take place in 2021, in Kunming, People's Republic of China concerning a new programme of work, as well as new institutional arrangements for the participation of IPLCs in the Convention, as well as a recommendation to continue, renew and strengthen the joint programme of work, between indigenous peoples and local communities, CBD, UNESCO and IUCN on biological and cultural diversity.

4. The two most recent session of the PFII addressed specific recommendations to the Convention on Biological Diversity. Further to this, some of the general recommendations may also be of relevance to the Convention and are therefore included. To a certain extent,

¹ For the report on the seventeenth session, see *Official Records of the Economic and Social Council, 2018, Supplement No. 23* ([E/2018/43-E/C.19/2018/11](#)).

² For the report on the eighteenth session, see *ibid.*, 2019, Supplement No. 23 ([E/2019/43-E/C.19/2019/10](#)).

these recommendations may have already been considered by the COP to the Convention and its Protocols, and the Secretariat in previous and current work.

Recommendations emanating from the seventeenth session of the Permanent Forum

General and specific recommendations

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.

5. This recommendation by the PFII is highly relevant given the importance of documenting the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity more clearly and visibly. The Convention acknowledges the vital importance and crucial role of indigenous peoples in the ever more challenging endeavor of safeguarding life on earth in all its forms. Related to this, COP 12, 2014, adopted the Plan of Action on Customary Sustainable Use of Biological Diversity.³

6. Under the CBD, indigenous peoples and local communities are recognized as rightsholders however, acknowledgement of indigenous peoples as proactive on-the-ground partners in the conservation and sustainable use of biodiversity still requires much improvement. This would be greatly assisted by raising awareness of the significance of the collective and local actions of IPLCs, along with related knowledge, innovations and practices.

7. While different reports⁴ have provided evidence on this crucial role that indigenous peoples and local communities play in safeguarding biodiversity, much remains to be done to ensure their participation on the implementation of the Convention, including the development of national biodiversity strategies and action plans and national reports. An initial analysis of the sixth national reports has shown that Parties are beginning to realize the great potential of involving indigenous peoples and local communities in the implementation of the Convention⁵.

8. Thus, the subject matter of recommendation 25 on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity is very pertinent to the work of the Convention, including its future work.

9. In November 2019, the 11th session of the Working Group on Article 8(j) and related provisions recommended that the Secretariat of the Convention on Biological Diversity to welcomes the invitations of the Forum to the Secretariat of the Convention on Biological

³ CBD decision XII/5 <https://www.cbd.int/doc/decisions/cop-12/cop-12-dec-05-en.pdf>

⁴ IPBES Global Assessment Report on Biodiversity and Ecosystem Services <https://www.ipbes.net/global-assessment> Local Biodiversity Outlooks 2 (LBO-2) <https://localbiodiversityoutlooks.net/>

⁵ Whereas only 27 per cent of the fifth national reports mentioned indigenous peoples and local communities, 59 per cent of the sixth national reports submitted by 26 March 2020 included information related to indigenous peoples, local communities, traditional knowledge, customary use, or traditional agricultural practices. This represents a threefold increase in reporting on the collective actions of indigenous peoples and local communities through the national reports. However, only 10 per cent of the sixth national reports mention the engagement of indigenous peoples and local communities in NBSAP processes. CBD/SBI/3/2/Add.4 pa. 42 <https://www.cbd.int/doc/c/7e77/b2b7/936a744a67fc24f5295a8d2c/sbi-03-02-add4-en.pdf>

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Diversity to contribute to the study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity.⁶

10. Finally, the Secretariat of the Convention on Biological Diversity will liaise with International Union for Conservation of Nature, IUCN, to ensure that relevant existing reports and knowledge products on the issue are made available to the Permanent Forum in time for its nineteenth session, in 2021.

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.

11. The Working Group on Article 8(j) and Related Provisions at its eleventh meeting, in November 2019, recommended to the governing body (CBD COP 15), the following possible elements for its future work:

- (a) Strengthening the policy framework for community-based conservation and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) and traditional sacred sites, in order to integrate them into national networks of protected areas, by legally recognizing ICCAs, and to strive for the integration of indigenous peoples in the management of protected areas;
- (b) Developing and implementing safeguards and redress mechanisms on issues concerning the rights of indigenous peoples and local communities arising from conservation initiatives;
- (c) Supporting human rights and environmental defenders and protecting them from arbitrary persecution;
- (d) Operationalizing the indicator on land tenure, and changes in land use, including by mapping existing ICCAs and documenting their collective actions that contribute to the protection of biodiversity;
- (e) Consideration of the development of specific safeguards framework, based on the principles, standards and guidelines adopted under the Convention, and addressing any additional gaps identified, including gender equality, for consideration and adoption by the Conference of the Parties;
- (f) Continuing to promote and implement, and report on the use of existing principles and guidelines adopted under the Convention, with a particular emphasis on the ongoing open tasks;
- (g) Supporting indigenous peoples and local communities in the implementation of the Nagoya Protocol.

12. These proposals for future work highlight the importance of the topic “conservation and human rights” in the post-2020 global biodiversity framework.

⁶ <https://www.cbd.int/doc/decisions/cop-12/cop-12-dec-05-en.pdf>

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13. Additionally, the following events supported by Sweden and IPLCs were organized in 2020 to explore how to integrate human rights and biodiversity in the drafting of the global biodiversity framework (2021-2050). Four online discussions on human rights in the post-2020 global biodiversity framework, in English, French and Spanish, were organized in preparation to the workshop on the same topic, from 18 to 20 February 2020, in Chiang Mai, Thailand. The workshop was convened by Asia Indigenous Peoples Pact, Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development, Forest Peoples Programme, International Development and Law Organization, Natural Justice, SwedBio at Stockholm Resilience Centre and UNEP.

84. The Permanent Forum requests that entities, agencies, funds and programmes of the United Nations system allocate relevant financial and human resources to carry out commitments to indigenous peoples, as per the system-wide action plan on the rights of indigenous peoples and respective strategic plans and programmes and to provide information to the Forum about the allocation of such resources at its annual sessions.

14. The Convention allocates financial and human resources to carry out commitments to indigenous peoples as per the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in various meaningful ways. At its fourth meeting, in 1998, the Conference of the Parties established the Open-ended Working Group on Article 8(j) and Related Provisions to raise the profile of indigenous peoples and local community issues throughout the Convention. The Working Group successfully developed and monitored the implementation of a work programme on Article 8(j) and elaborated a number of important guidelines and tools on different topics in the realm of traditional knowledge and the rights of indigenous peoples.⁷ The Working Group met for its 11th meeting from 20-23 November 2019.

15. With regard to the commitments contained in the system-wide action plan on developing capacity and within the period 2018-2020, the Convention organized the following regional training workshops on 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:

- (a) Latin America and the Caribbean: in Tepoztlan, Mexico, 2-6 April 2018;
- (b) The Pacific: in Whangarei, New Zealand, 21-25 May 2018;
- (c) Asia: in Kandy, Sri Lanka, 27-31 July 2018;
- (d) Africa: in Marrakesh, Morocco, 8-12 October 2018.

16. During 2020, the Convention, along with the ABS-GEF Global Project and the International Indigenous Forum on Biodiversity, organized Webinar Series on the occasion of the International Day of the World's Indigenous Peoples "Custodians of Biodiversity," from 4 to 7 August 2020. This Webinar Series highlighted the indigenous peoples' contributions to biodiversity conservation and discussed emerging opportunities and challenges on the post-2020 global biodiversity framework.

17. The Convention, along with the ABS-GEF Global Project, organized the 2020 Global Conference on Access and Benefit Sharing as well, in the context to 10th anniversary of the

⁷ Guidelines and other tools available at <https://www.cbd.int/traditional/outcomes.shtml>

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adoption of the Nagoya Protocol. The Conference initiated on 29 October and hosted virtual panels every Wednesday during November, including a thematic dialogue between Governments and indigenous peoples on ABS.

106. The Permanent Forum welcomes the 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.

18. The Convention welcomes the Permanent Forum's recognition of the publication of *Local Biodiversity Outlooks*. The Convention, together with the International Indigenous Forum on Biodiversity and the Forest Peoples Programme, launched the second edition of the *Local Biodiversity Outlooks* on 16 September 2020 in an online event. LBO-2 complements the fifth edition of the *Global Biodiversity Outlook*⁸ by providing many local initiatives being led by indigenous peoples and local communities that contribute significantly to the successful implementation of the goals and targets of the Strategic Plan for Biodiversity 2011-2020. You can access the LOB-2 at <https://www.cbd.int/gbo5/local-biodiversity-outlooks-2>

107. The Permanent Forum supports the strengthening and further application of community-based mapping, monitoring and information systems as complementary evidence bases for assessment and monitoring of the 2030 Agenda, the Paris Agreement and the post-2020 biodiversity framework, and as tools for community governance and self-determined development.

108. The Permanent Forum urges Governments and donors to support community-based monitoring and information systems, citizen science and the democratization of information technologies, as complementary to national and global statistical and information systems, and to prioritize capacity-building and funding and for such initiatives.

19. The Open-ended Working Group on Article 8(j) and Related Provisions, at its eleventh meeting, recommended possible draft elements of the new Programme of Work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities includes, as a suggested activity, the development of voluntary guidelines to promote and strengthen community-based initiatives that support and contribute to the implementation of Article 10(c) and enhance customary sustainable use of biological diversity, and conservation and restoration.

20. The CBD Secretariat acknowledges recommendation 108 by the Permanent Forum and will continue to inform the Forum of developments concerning future work.

Recommendations emanating from the eighteenth session of the Permanent Forum

General and specific recommendations

⁸ <https://www.cbd.int/gbo5>

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8. The Permanent Forum welcomes the recognition of indigenous peoples' rights to promote and protect their knowledge, in the implementation of Article 8(j) of the Convention on Biological Diversity, regarding traditional knowledge, innovations and practices. The Forum also welcomes steps already taken to include indigenous peoples in the development of the post-2020 global biodiversity framework to achieve the vision set out in the Convention of living in harmony with nature by 2050.

21. The CBD Secretariat welcomes the Permanent Forum's acknowledgement of its work to date on safeguarding traditional knowledge and on implementing Article 8(j) and related provisions. Regarding the involvement of indigenous peoples in the post-2020 process, in 2018-2020, the Convention embarked on an extensive consultation process which includes the drafting of a compilation of views submitted by indigenous peoples, Parties and relevant organizations, on future work and institutional arrangements for indigenous peoples.

22. Having considered these matters, the Working Group on Article 8(j) and Related Provisions, at its eleventh meeting (20-22 November 2019), has made draft recommendations to the Conference of Parties at its fifteenth meeting, envisaged to be held in 2021, on development of a new programme of work for article 8(j) and related provisions, supportive the post-2020 global biodiversity framework.

12. In the light of the emerging international legal framework for local communities, the Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights (OHCHR) prepare, in consultation with other relevant United Nations entities, including the secretariat of the Convention on Biological Diversity, and before 2022, a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities

23. The Secretariat of the Convention welcomes this initiative. The Convention has made substantial contributions to the development of the international principles and guidelines, as minimal standards to achieve the rights of indigenous peoples and local communities including:

(a) The 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 (Akwe: Kon voluntary guidelines);⁹

(b) The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities (Tkarihwaié:ri Code of Ethical Conduct);¹⁰

(c) The global Plan of Action on the Customary Sustainable Use of Biological Diversity (Plan on the Customary Sustainable Use);¹¹

(d) The Mo'otz kuxtal¹² 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

⁹ Decision VII/16.

¹⁰ Decision X/42

¹¹ Decision XII/12 B, annex

¹² Meaning "roots of life" in the Maya language

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national circumstances, of indigenous peoples and local communities¹³ 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 (Mo'otz kuxtal Voluntary Guidelines);¹⁴

(e) The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity (Rutzolijirisaxik Voluntary Guidelines);¹⁵

(f) The glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions (Glossary within the context of Article 8(j));¹⁶

(g) The Voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms (Voluntary Guidelines in Biodiversity Financing Mechanisms);¹⁷

(h) Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities.¹⁸

24. The Secretariat also has considerable expertise in the concept of “local communities.” The COP to the Convention, at its eleventh meeting, in 2012, adopted decisions of specific relevance to local communities.¹⁹ Information on the Expert Group Meeting of Local Community Representatives (Montreal, Canada, 14-16 July 2011) is available at <https://www.cbd.int/meetings/AHEG-LCR-01>. The report of the Expert Group (UNEP/CBD/WG8J/7/8/Add.1) was submitted to the Working Group on Art8(j) at its seventh meeting.

25. The Secretariat is cooperating with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has supplied the relevant materials and reports to assist OHCHR in developing a comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities.

13. The Permanent Forum recognizes the arrangements made by the Conference of the Parties to the Convention on Biological Diversity for the participation of the International Indigenous Forum on Biodiversity and the initiative to launch an international alliance for nature and culture as an inclusive multilevel platform for Parties to the Convention. The Forum underlines the need to effectively include indigenous peoples in the negotiations of the post-2020 global biodiversity framework to reflect the fundamental relationship between indigenous peoples and biodiversity

¹³ 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).

¹⁴ 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

¹⁵ Decision 14/12, 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 at: <https://www.cbd.int/guidelines/>

¹⁶ Decision 14/13, the glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions at <https://www.cbd.int/guidelines/>

¹⁷ Decision 14/15, Guidelines available at <https://www.cbd.int/guidelines/>

¹⁸ Decision 14/16, Guidelines available at <https://www.cbd.int/guidelines/>

¹⁹ See decision XI/14 B, paragraphs 17-21, at <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf>

26. The Joint Programme of Work between the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Links Between Biological and Cultural Diversity (2010-2020) has highlighted and raised awareness of the links between biological and cultural diversity and the concept of biocultural diversity, and the two secretariats are now preparing for a new strategic focus in the post-2020 global biodiversity framework. Through extensive consultation processes and building on three regional conferences held for Europe, Asia and the Pacific, and North America during this decade, the Secretariat has compiled possible elements of work to strengthen the links between biological and cultural diversity. The Working Group on Article 8(j), at its eleventh meeting, and the Subsidiary Body on Scientific, Technical and Technological Advice, at its twenty-third meeting, adopted recommendations to the Conference of the Parties at its fifteenth meeting with a view to ensuring that the interplay between nature and culture is evident in the future work of the Convention.

27. Additionally, regarding the Permanent Forum's comment on the need to effectively include indigenous peoples in negotiations concerning the post-2020 global biodiversity framework, the Permanent Forum can be assured that the effective participation of indigenous peoples in the development of the post-2020 global biodiversity framework remains a priority for the Parties to the Convention and its Secretariat. Representatives of indigenous peoples are being funded, through the voluntary funding mechanism under the Convention, and included in every event of relevance to the development of the framework.

28. The Secretariat organized, thanks to the generosity of the Government of Canada, the Global Thematic Dialogue for Indigenous Peoples and Local Communities and the Post-2020 Global Biodiversity Framework, on 17- 18 November 2019. A second Dialogue was organized, with the generous support of Campaign for Nature, to provide an opportunity for indigenous peoples and local communities to reflect on the updated zero draft and the monitoring framework of the post-2020 global biodiversity framework. The second Dialogue took place online, from 1 to 3 December 2020. The report will also be made available for the consideration of the subsidiary bodies of the COP, including the third meeting of the Open-ended Working Group on the post-2020 global biodiversity framework.

II: RECOMMENDATION ADOPTED BY THE 11TH MEETING OF THE WORKING GROUP ON ARTICLE 8(J) AND RELATED PROVISIONS TO THE CONVENTIONS GOVERNING BODY – THE FIFTEENTH MEETING OF THE CONFERENCE OF THE PARTIES

29. In response to the Permanent Forum recommendations, emanating from its 17th and 18th sessions, the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, at its eleventh meeting, adopted the following recommendations for the consideration of the Conference of the Parties at its fifteenth meeting:

The Conference of the Parties,

Having considered the note by the Executive Secretary,²⁰

1. *Takes note* of the recommendations emanating from the seventeenth and eighteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and

²⁰ CBD/WG8J/11/6, <https://www.cbd.int/doc/c/4386/ac7b/fe383a6c1a542cafe05da837/wg8j-11-06-en.pdf>

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requests the Executive Secretary to continue to inform the Permanent Forum of developments of mutual interest;

2. *Welcomes* the invitations of the Forum to the Secretariat of the Convention on Biological Diversity to contribute to:

(a) A study on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity;

(b) A set of actions and commitments in relation to conservation and human rights in the context of the post-2020 global biodiversity framework;

(c) A comparative legal study that analyses the rights of indigenous peoples and the emerging rights of local communities;

3. *Decides* to take the results of these activities under consideration in the development of its new programme of work on Article 8(j) and related provisions from the perspective of the relevance of the knowledge innovations and practices of indigenous peoples and local communities relevant to the conservation and sustainable use of biodiversity, particularly in the post-2020 global biodiversity framework;

4. *Requests* the Executive Secretary, subject to the availability of resources, to contribute to the above-mentioned activities, to provide information to the Forum about these and other relevant activities of the Convention, and to carry out commitments to indigenous peoples, accordance with the Secretary General's system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.²¹

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 or planned 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]

SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY'S CONTRIBUTION TO THE EXECUTIVE SUMMARY

30. The Convention works within its mandate on knowledge, innovations and practices and customary sustainable of biodiversity, of indigenous peoples and local communities, to fulfil its obligations concerning the United Nations Declaration on the Rights of Indigenous Peoples. Effective participation of indigenous peoples in the work of the Convention underpins the importance of indigenous peoples at all levels of the Convention.

31. The chief mechanism remains the Working Group on Article 8(j) and Related Provisions, which has met eleven times since its establishment in 1998²² and has some notable

²¹ [E/C.19/2016/5](#) and [Corr.1](#)

²² At the fourth meeting of the Conference of the Parties.

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. Indigenous peoples and local communities have positioned themselves to be essential partners in the development and implementation of the post-2020 global biodiversity framework.

Enhanced participation mechanisms

32. 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 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 Portal²³, 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.²⁴ 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

33. The programme of work on Article 8(j) and Related Provisions²⁵ 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 18²⁶ by 2020.

34. 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

35. In the lead up to CBD COP-15 in People's Republic of China, in 2021, 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

²³ <https://www.cbd.int/tk/>

²⁴ <https://www.cbd.int/traditional/fund.shtml>

²⁵ The Conference of the Parties adopted the programme of work on Article 8(j) and related provisions in decision V/16

²⁶ 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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programme of work on Article 8(j) and Related Provisions within the new global biodiversity framework.

36. 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 prepare 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.

37. The UNPFII remains 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 new global 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.

As requested in the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), 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.

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of UN System Wide Action Plan (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, to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with focus on furthering the implementation of the SWAP.

The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2021 session. 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 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 relevant websites and other sources., including contact details of focal points.

38. 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.

39. 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 within 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 new 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 new global biodiversity framework 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/cop14-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 Diversity, 20 November 2018, Sharm El-Sheikh, Egypt. The dialogue included considerations of human rights of indigenous peoples and youth in relation to biodiversity.
- The First North American Dialogue on Biocultural Diversity, which brought together more than 145 participants working on the links between biological and cultural diversity, including indigenous languages. Dialogue website is at: <https://qcbs.ca/dialogue/>
- The Global Thematic Dialogue for Indigenous Peoples and Local Communities and the Post 2020 Global Biodiversity Framework, on 17 and 18 November 2019.
- The second Global Thematic Dialogue for Indigenous Peoples and Local Communities and the Post 2020 Global Biodiversity Framework took place online, from 1 to 3 December 2020. It provided an opportunity for indigenous peoples and local communities to reflect on the updated zero draft and the monitoring framework of the post-2020 global biodiversity framework.
- Webinar Series on the occasion of the International Day of the World’s Indigenous Peoples “Custodians of Biodiversity,” from 4 to 7 August 2020. This Webinar Series highlighted the indigenous peoples’ contributions to biodiversity conservation and discussed emerging opportunities and challenges on the post-2020 global biodiversity framework.
- The 2020 Global Conference on Access and Benefit Sharing as well, in the context of the 10th anniversary of the adoption of the Nagoya Protocol. The Conference initiated on 29 October and hosted virtual panels every Wednesday during November, including a thematic dialogue between Governments and indigenous peoples on ABS.

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- Virtual Dialogue with the UN Permanent Forum on Indigenous Issues members, one session in English on 6 May 2020, and another session in Spanish on 13 May 2020.

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

The role of the new Resident Coordinators and UN Country Team framework is an integral component of the UN's commitment to support the rights of those at risk of being left behind, including indigenous peoples.

The Chief Executives Board committed to redouble efforts to help Resident Coordinators and UNCTs ensure more systematic participation of indigenous peoples in United Nations country processes.

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

- i. Any activities or support provided to indigenous peoples both during the COVID-19 pandemic and after, to ensure their inclusion in addressing the impacts of the pandemic, as well as in building back better.
- ii. 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.
- iii. 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, where ratified, in national development plans and in the UN Sustainable Development Cooperation Frameworks and Common Country Analysis.
- iv. Support for consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.
- v. Support provided to Resident Coordinators, UNCTs, SRSGs, UN field operations or Special Envoys in their engagement with indigenous peoples.

40. 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. More information on national focal points for traditional knowledge can be found at: <https://www.cbd.int/doc/lists/nfp-cbd-tk.pdf>.

41. 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.

42. 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.

43. The guidelines include the Mo'otz Kuxtal²⁵ 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 consent²⁶ 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.

44. Furthermore, at its fourteenth meeting (November 2018), the Conference of the Parties adopted 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. 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.

45. 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.

46. As such the Mo'otz Kuxtal Voluntary Guidelines and the Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge are substantial contributions to protecting traditional knowledge as envisaged under Article 31 of the UNDRIPs 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.

47. Additionally, the Nagoya Protocol²⁷ 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

²⁷ <https://www.cbd.int/abs/>

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?
- 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. Please describe how indigenous peoples have contributed to the preparation of the national plans/strategies for SDG implementation?
- iii. Please provide information on 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).

48. 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”²⁸29. As a result, the Conference of the Parties at its fourteenth meeting in 2018 invited Parties, when implementing the 2030 Agenda for Sustainable Development,²⁹ 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.³⁰

49. Additionally, in 2019-2020, in the development of the post-2020 global biodiversity framework, and in the future programme of work on the collective and local actions of

²⁸ 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>

²⁹ General Assembly resolution 70/1 of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”

³⁰ CBD/WG8J/10/L6

indigenous peoples and local communities, Parties have committed to ensuring future work is broadly relevant to other global processes, including the Sustainable Development Agenda and climate action.

50. 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.

51. The Secretariat of the Convention on Biological Diversity does not envisage reporting on progress in the framework of the SGDs, 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.³¹ 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 developing a post-2020 global biodiversity framework (2020-2050), 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

- i.* Please provide information on specific standards and guidelines on indigenous peoples adopted or planned by your agency/organization.
- ii.* Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.
- 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.

52. 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 knowledge³² 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;

³¹ Refer to A/RES/65/161

³² 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>

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- (b) The Akwe: Kon Voluntary Guidelines;³³
- (c) The Tkarihwaié:ri Code of Ethical Conduct;³⁴
- (d) The Mo'otz kuxtal Voluntary Guidelines;³⁵
- (e) The Rutzolijirisaxik Voluntary Guidelines;³⁶
- (f) The Plan on Customary Sustainable Use;³⁷
- (g) The Glossary within the context of Article 8(j);³⁸
- (h) The Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities;³⁹
- (i) The Checklist of Safeguards in Biodiversity Financing Mechanisms under the Convention on Biological Diversity.⁴⁰

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

Training materials

53. Concerning training materials related to UNDRIP, training materials have been advanced in support of indigenous peoples and local communities 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>

Resources and funds available for traditional knowledge and customary sustainable use

54. 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 year by year basis. In the 2018 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 regions⁴¹ Additionally, Parties contribution \$400,000 USD per biennium for the facilitation of the Working Group on Article 8(j) and related provisions, as well as voluntary donations of approximately \$300,000 USD per biennium, to ensure the effective participation of indigenous peoples and local communities in meetings held under the Convention.

55. Funds are also being raised to ensure the effective participation of indigenous peoples and local communities in the development of the post 2020 global biodiversity framework, during 2019-2021 and to cover the cost of participation of representatives of indigenous peoples and local communities in other meetings held under the Convention, through the

³³ Decision VII/16

³⁴ Decision XII/12 B, annex

³⁵ 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

³⁶ Adopted at COP 14

³⁷ Decision XII/12

³⁸ Adopted at COP 14

³⁹ Adopted at COP 14

⁴⁰ Adopted at COP 14

⁴¹ For further information see document UNEP/CBD/SBI/1/Add.3 at <https://www.cbd.int/doc/?meeting=SBI-01>

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Voluntary Fund⁴² established for this purpose. In 2020, the Governments of Australia, Sweden, and Slovakia contributed to the Voluntary Fund.

56. 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.

57. During 2019, eight indigenous peoples and local community representatives received funding from the Voluntary Fund to participate in first meeting of the Open ended Working Group on the Post-2020 Global Biodiversity Framework (27 to 30 August, Nairobi, Kenya), twenty indigenous and local community representatives received funding from the voluntary fund to participate in the Eleventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, (20 to 22 November 2019), twelve indigenous and local community representatives received funding from the voluntary fund to participate in Twenty-third meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (25 to 29 November 2019, Montreal, Canada.)

58. During 2020, fourteen indigenous peoples and local community representatives received funding to participate in second meeting of the Open ended Working Group on the Post-2020 Global Biodiversity Framework (24-29 February 2020, Rome). The Voluntary Fund remains operational and available to support the participation of indigenous peoples and local communities representatives once physical meeting resumes. The selection of applicants is carried out through the Secretariat's notification system, which is available at: <https://www.cbd.int/notifications/>.

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

Mr. John SCOTT
john.scott@cbd.int
Senior Programme Officer for Peoples and Biodiversity Unit
Focal Point for Indigenous Peoples and Local Communities.

Mr. Q'apaj CONDE CHOQUE
qapaj.conde@un.org
Associate Programme Officer for Traditional Knowledge, Innovations and Practices,
Focal Point for Indigenous Peoples.

Ms. Teresa MAZZA
teresa.mazza@un.org
Programme Management Assistant

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

⁴² 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.shtm>

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Please provide information on:

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

59. 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 decisions⁴³ 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 2011-2020.⁴⁴

60. 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 mechanism 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.

61. 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.

62. 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;
- (b) To share experiences where indigenous peoples and local communities have established rights to grant access to genetic resources;

⁴³ 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.

⁴⁴ 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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(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 global 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.

63. 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).

64. 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.

65. 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 elearning course) in order to prepare the participants for the five days of face-to-face training.

66. 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 at the UN

Please provide information on:

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- i. Any support provided for the full and effective participation of indigenous peoples at relevant UN processes, including at the country level;
- ii. Any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them;
- iii. Any consultation mechanisms established by the UNCT or support to Member States in establishing institutions and mechanisms for consultation with indigenous peoples, as well as ensuring effective participation of indigenous youth and indigenous women, in the COVID-19 socio-economic response and recovery plans.

67. As highlighted previously in this report, the main mechanism for the participation of indigenous peoples is the Working Group on Article 8(j) and Related Provisions. It was established in 1998 and has met eleven times since its creation. The Working Group has raised the profile of indigenous peoples and local community issues throughout the Convention process and developed and monitored the implementation of the work programme on Article 8(j) and Related Provisions. The Working Group on Article 8(j) and Related Provisions has conceived several important guidelines and other tools. The Working Group on Article 8(j) and Related Provisions is led by two co-chairs, one of them is nominated by indigenous peoples and local communities, the other co-chair nominated by Parties.

68. During its 11th session, the Working Group on Article 8(j) and Related Provisions addressed the institutional arrangements for indigenous peoples and local communities issue in the CBD process, and recommended to the COP 15:

- (a) New programme of work on Article 8(j) and other provisions being developed with the full and effective participation of indigenous peoples and local communities, supportive of a human rights approach and coherent with the priorities of the post-2020 global biodiversity framework.
- (b) Executive Secretary convenes an ad hoc technical expert group on indigenous peoples and local communities and the post-2020 global biodiversity framework, subject to availability of financial resources, which shall meet prior to the twelfth meeting of the Working Group on Article 8(j) and Related Provisions.
- (c) Working Group on Article 8(j) and Related Provisions should continue to meet until the sixteenth meeting of the Conference of the Parties.

69. The Voluntary Trust Fund for the participation of indigenous peoples and local communities representatives enabled their participation in official meetings held under the Convention, including the participation of indigenous women and youth. The Secretariat expresses its gratitude to Australia, Egypt, Finland, Germany, New Zealand, Norway, Sweden, Mexico, Australia, Sweden, and Slovakia for their continuing support of the General Trust Fund for Voluntary Contributions to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention on Biological Diversity.

Free, prior and informed consent of indigenous peoples

70. The Conference of the Parties to the Convention on Biological Diversity at its thirteenth meeting, in December 2016, adopted 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

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for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge. Mo'otz Kuxtal Voluntary Guidelines provides a framework for guiding Parties, other Governments, relevant organizations and indigenous peoples and local communities in building fair partnerships and fostering positive engagement between the potential users and the holders of traditional knowledge, based on the free, prior and informed consent of indigenous peoples.

71. The Convention on Biological Diversity does not have country presences. The Convention is implemented by Parties 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. The Secretariat, through capacity building workshops, was able to provide a platform where government official and indigenous peoples representatives can engage in the implementation of the Convention.

72. The Convention convened a special virtual session on biodiversity, One Health and COVID-19 with a view to maintain momentum towards COP 15 and to facilitate preparations for the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 24) and the third meeting of the Subsidiary Body on Implementation (SBI 3), which have been postponed to 2021. It allowed Parties, indigenous peoples and local communities, and stakeholders to examine the links between biodiversity and health, including the links between biodiversity loss and the emergence of zoonotic diseases, the One Health approach, and the response to COVID-19.
