

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

The United Nations Permanent Forum on Indigenous Issues (PFIG) 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 the ECOSOC and through the Council to United Nations agencies, funds and programmes; raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; prepare and disseminate information on indigenous issues; and promote respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of the Declaration.

The Indigenous Peoples Development Branch/Secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other intergovernmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations, the system-wide action plan on rights of indigenous peoples (SWAP), the 2030 Development Agenda and COVID-19 recovery efforts.

The responses will be compiled into two separate reports for the 2022 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. In your responses, please, include information on progress and challenges related to indigenous women, indigenous persons with disabilities, indigenous older persons, and indigenous children and youth.

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

*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 **15 November 2021** 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  
Telephone: +1-917-367-5100  
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## Questionnaire

### RESPONSES FROM THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY (answers are in green)

1. The present report provides an update on ongoing activities carried out by the Secretariat of the Convention on Biological Diversity and are relevant to indigenous peoples and local communities. The activities are part of the programme of work on Article 8(j) and related provisions, which aim: to achieve the commitments in Article 8(j) to respect, preserve and maintain the knowledge, innovations and practices of indigenous peoples and local communities, to promote their wider application with the approval and involvement of the holders of such knowledge, and to encourage the equitable sharing of the benefits arising from the utilization of such knowledge.

**Please provide information on the following:**

**A. Recommendations of the Permanent Forum on Indigenous Issues and input to the 2022 session**

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

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

2. The Secretariat of the Convention on Biological Diversity transmits the recommendations from the United Nations Permanent Forum on Indigenous Issues (Permanent Forum or UNPFII) to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (WG8j), which, in turn, makes recommendations for the consideration of the Conference of the Parties (COP), as the governing body of the Convention.
3. For the purpose of this report, the timeframe considers the work of the Convention from 2018 to 2021. This document reports steps taken regarding the UNPFII recommendations emanating from the seventeenth and eighteenth annual sessions in 2018 and 2019. In November 2019, the eleventh session of the WG8j considered the UNPFII recommendations. In April 2022, the fifteenth session of COP in Kunming, People's Republic of China, will decide on the proposed recommendations. It will also decide on plans for the preparation of a new programme of work and new institutional arrangements for Article 8(j) and related provisions, participation of indigenous peoples and local communities in the Convention, and a recommendation to continue and renew the joint programme of work on the links between biological and cultural diversity, to be promoted by the Secretariat of the Convention, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Union for Conservation of Nature (IUCN) as well as other relevant partners, including the Permanent Forum, indigenous peoples and local communities. This report also includes the initial steps to address the UNPFII recommendation, emanating from the twentieth session in 2021, which will be transmitted to the next session of the WG8j, to be scheduled after the second part of COP-15 in April 2022.

## Recommendations emanating from the seventeenth session of the Permanent Forum

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.

4. As the timeframe for the Strategic Plan for Biodiversity 2011-2020 came to a close in 2020, at COP-14 in 2018, the Conference of Parties adopted a Decision 14/34 setting out a comprehensive and participatory preparatory process for the development of a new strategic plan, referred to as the [post-2020 global biodiversity framework](#). The Convention is now deeply involved in developing the new post-2020 global biodiversity framework for its adoption in COP-15. Therefore, it is not possible for the Convention to complete a separate publication in partnership with the IUCN, as requested in recommendation 25. However, the Local Biodiversity Outlooks, in its first ([LBO-1](#)) and second edition ([LBO-2](#)), along with the [fifth edition of the Global Biodiversity Outlook](#), do much to address the contributions of indigenous peoples and local communities to the management of ecosystems and the protection of biodiversity. The Secretariat of the Convention has contributed to the preparation of the LBOs.
5. In addition, the Secretariat draws attention to the relevance of the [Global Assessment on Biodiversity and Ecosystem Services](#), completed by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which includes relevant information on the contributions of indigenous peoples to the management of ecosystems and the protection of biodiversity.
6. The Secretariat of the Convention liaised with IUCN to ensure that relevant existing reports were made available to the Permanent Forum, the 2021 IUCN World Conservation Congress, and the post-2020 global biodiversity framework process.

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.

7. The WG8j-11 proposals for future work on Article 8(j) and related provisions highlight the importance of “conservation and human rights” in the post-2020 global biodiversity framework, include the following possible elements:
  - a. Develop voluntary guidelines, with the full and effective participation of indigenous peoples and local communities to strengthen the policy framework for community-based conservation, protection and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) or traditional sacred sites.
  - b. Develop voluntary guidelines to facilitate, as appropriate, the integration of ICCAs into national networks of protected areas by appropriately recognizing ICCA territories and strive for the full and effective participation of indigenous peoples and local communities in protected area management.
  - c. Develop voluntary guidelines to promote and support, subject to national legislation, traditional land-use change and land tenure by indigenous peoples and

local communities and identify and promote best practices (e.g. case studies, mechanisms, legislation and other appropriate initiatives) and their implementation.

- d. Promote indigenous peoples and local communities, without formal access to land, to partner in the conservation, protection and restoration of biodiversity.
- e. Develop voluntary guidelines to operationalize the indicator on land-use change and land tenure in the lands and waters of indigenous peoples and local communities, traditionally used or occupied as appropriate, including by mapping existing ICCAs, documenting legislation and recognition of indigenous peoples land tenure rights and collective actions of indigenous peoples and local communities contributing to the protection of biodiversity, and report on progress made<sup>1</sup>.

8. Additionally, in February 2020, Thematic Workshop on Human Rights as an enabling condition in the post-2020 global biodiversity framework was co-convened by Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), International Development and Law Organization (IDLO), Natural Justice, UN Environment, and SwedBio. During the 2021 IUCN World Conservation Congress, the thematic panel, entitled Cultural Heartbeat for the Future of Nature: putting culture in the centre of the post-2020 agenda was organized by UNESCO, IUCN, Secretariat of the Convention, indigenous peoples and local communities, and relevant partners, to reflect on progress made towards linking biological and cultural diversity in international policy making.

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.

9. The Secretariat of the Convention welcomes the Permanent Forum's recognition of the publication of Local Biodiversity Outlooks. LBO-2 complements the fifth edition of the Global Biodiversity Outlook 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. LBO-2 was launched on 16 September 2020 in an online event and is available at <https://www.cbd.int/gbo5/local-biodiversity-outlooks-2>. In 2021, the publication was made available on a micro-site with a friendly interface, available at <https://lbo2.localbiodiversityoutlooks.net/>.

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.

<sup>1</sup> Annex II: Draft possible elements of the new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities, WG8j-11 Recomendation 11/2: Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities ([CBD/WG8J/REC/11/2](#))

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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.

10. The WG8j-11 recommended possible draft elements of the new programme of work on Article 8(j) and related provisions of the Convention, including the development of voluntary guidelines, with the full and effective participation of indigenous peoples and local communities to strengthen the policy framework for community-based conservation, protection and restoration practices led by indigenous peoples and local communities, such as indigenous and community conserved areas (ICCAs) or traditional sacred sites.<sup>2</sup>
11. The Secretariat of the Convention acknowledges recommendation 108 by the Permanent Forum and will continue to inform and engage the Forum on developments concerning the future programme of work.

### Recommendations emanating from the eighteenth session of the Permanent Forum

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.

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

12. The Secretariat of the Convention welcomes the Permanent Forum's acknowledgement of its work to date on safeguarding traditional knowledge and on implementing Article 8(j) and related provisions. The post-2020 global biodiversity framework process is an inclusive and participatory process, led by Parties, of which indigenous peoples and local communities following the Convention are active participants.
13. The Convention has established mechanisms for the full and effective participation of indigenous peoples and local communities in meetings held under the Convention, particularly under the ad hoc open-ended Working Group on Article 8(j) and Related Provisions. Indigenous peoples and local community representatives following the Convention form a caucus, referred to as the International Indigenous Forum on Biodiversity (IIFB).
14. The Secretariat of the Convention, which provides logistic and technical support to the Working Group on the Post-2020 Global Biodiversity Framework (WG2020) as the mandated body to advance negotiations for the Framework, remains in daily contact with

<sup>2</sup> Ídem.

IIFB and stakeholders to identify opportunities for input, dialogue, and capacity building. The Secretariat is committed to the effective participation of indigenous peoples and local communities in the post-2020 global biodiversity framework process, in recognition of their fundamental role in the successful implementation of the new framework.

15. In COP-14 Decision 14/34, Parties and other Governments, all relevant organizations, indigenous peoples and local communities, and stakeholders were urged to contribute and support the process for developing the post-2020 global biodiversity framework, including by offering to host global, regional, sectoral, or thematic consultations. In addition, COP-14 also requested Parties to facilitate and support the participation of indigenous peoples and local communities in the discussion and processes related to the post-2020 global biodiversity framework.
16. In response, the Secretariat, along with the IIFB, organized three global thematic dialogues for indigenous peoples and local communities on the post-2020 global biodiversity framework. The [first Dialogue](#) was held on 17 and 18 November 2019 and reflected on the results of the first meeting of the Open-ended Working Group on the post-2020 Global Biodiversity Framework and associated regional consultations. The [second Dialogue](#) was held virtually from 1 to 3 December 2020 and served as an opportunity for participants from indigenous peoples and local communities to reflect on the post-2020 global biodiversity framework process, including the updated zero draft ([CBD/POST2020/PREP/2/1](#)) and the draft post-2020 monitoring framework ([CBD/WG2020/2/3/Add.1](#)).
17. The most recent [third Dialogue](#) was held virtually on 2 - 3, and 5 - 6 August 2021. The third Dialogue was attended by 21 Governments, 27 Indigenous Peoples and Local Community organizations, two Intergovernmental organizations, 13 non-governmental organizations, 10 United Nations organizations, and one academic organization, with a total of 300 participants over four days. It provided an opportunity for indigenous peoples and local communities, and representatives of Parties and other Governments, to exchange views on the recent development of the post-2020 global biodiversity framework, including the first draft of the framework, with a focus on traditional knowledge (Target 20), customary sustainable use (Targets 4, 5, 9 and 10), the contribution of indigenous peoples and local communities lands, territories and waters towards area-based conservation targets (Targets 1, 2, and 3), equitable participation (Target 21), and access to benefit-sharing (Goal C, and Targets 8, 13, and 17). This preparation allowed indigenous peoples and local communities to present their views on the first draft, which can be found in the [annex of the report](#).
18. The Convention established a [voluntary funding](#) mechanism to facilitate the participation of indigenous peoples and local community representatives. In 2020, the voluntary fund supported 14 IPLCs to take part in the WG2020-2, which was held in Rome from 23-29 February 2020. A total of thirty indigenous peoples and local community representatives took part in the meeting. In 2021, the voluntary fund was extended to facilitate the online participation of indigenous peoples and local community representatives in the first part of the WG2020-3, held virtually in August and September 2021. A total of [8 indigenous peoples and local communities representatives](#) were offered technical support or the provision of equipment to facilitate internet connectivity to the meeting; a total of 150 indigenous peoples and local community and non-governmental organization delegates attended the first part of WG2020-3. The voluntary fund also will support the participation of representatives of indigenous peoples and local communities during the physical

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meetings of the resumed sessions of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 24), the third meeting of the Subsidiary Body on Implementation (SBI 3) and the third meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, to be held from 12 to 28 January 2022 in Geneva.

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

19. The Secretariat of the Convention welcomes this initiative. The Convention has made substantial contributions to the development of the international principles and guidelines, as minimum 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);<sup>3</sup>
- 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);<sup>4</sup>
- c. The Mo'otz kuxtal<sup>5</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>6</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 (Mo'otz kuxtal Voluntary Guidelines);<sup>7</sup>
- d. The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity (Rutzolijirisaxik Voluntary Guidelines);<sup>8</sup>
- e. The glossary of relevant key terms and concepts within the context of Article 8(j)

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<sup>3</sup> Decision VII/16.

<sup>4</sup> Decision X/42

<sup>5</sup> Meaning "roots of life" in the Maya language

<sup>6</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>7</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>8</sup> 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/>

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and related provisions (Glossary within the context of Article 8(j));<sup>9</sup>

- f. The Voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms (Voluntary Guidelines in Biodiversity Financing Mechanisms);<sup>10</sup>
- g. Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities.<sup>11</sup>

20. The Secretariat also has considerable expertise in the concept of “local communities.” COP 11, in 2012, adopted decisions of specific relevance to local communities,<sup>12</sup> including the Ad hoc Expert Group Meeting of Local-community Representatives (Montreal, Canada, 14-16 July 2011). 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.

21. To address the UNPFII recommendation, 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.

## Recommendations emanating from the twentieth session of the Permanent Forum

60. The Permanent Forum highlights the continued misappropriation and illicit use of indigenous peoples’ intellectual property and cultural heritage by enterprises and individuals that use it for their own vested interests or benefits. The Permanent Forum stresses that the intellectual property rights held by indigenous peoples, including with regard to data and knowledge, should not be exploited or be taken by private companies and individuals without the free, prior and informed consent of the indigenous peoples concerned. The principle of free, prior and informed consent and the stringent application of relevant safeguards and policies promulgated by United Nations system entities also applies to intellectual property rights in the context of industrial, forestry, mining and other projects conducted on indigenous peoples’ lands and territories. This also applies to relevant international instruments, such as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

22. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) aims at sharing the benefits arising from the utilization of genetic resources and traditional knowledge associated with genetic resources, in a fair and equitable manner. The Nagoya Protocol recognizes important safeguards such as the prior and informed consent or approval and involvement of indigenous peoples and local communities, holders of the knowledge, and the establishment of mutually agreed terms to access such knowledge.

23. During 2020, the Secretariat of 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, access and benefit sharing (ABS) and

<sup>9</sup> 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/>

<sup>10</sup> Decision 14/15, Guidelines available at <https://www.cbd.int/guidelines/>

<sup>11</sup> Decision 14/16, Guidelines available at <https://www.cbd.int/guidelines/>

<sup>12</sup> See decision XI/14 B, paragraphs 17-21, at <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf>

discussed emerging opportunities and challenges on ABS and the post-2020 global biodiversity framework. In addition, the Secretariat of the Convention, along with the ABS-GEF Global Project, also organized the 2020 Global Conference on Access and Benefit Sharing, in the context to the tenth anniversary of the adoption of the Nagoya Protocol. The Conference was initiated on 29 October and hosted virtual panels every Wednesday during November, including a thematic dialogue between Governments and indigenous peoples on ABS.

24. COP 14 adopted decision 14/20, which noted the divergence of views of Parties on digital sequence information on genetic resources, and decided to establish a science and policy-based process. The WG2020 considered this matter during the first part of its third online meeting, from 23 August to 3 September 2021. The WG2020 co-chairs established a Contact Group, and Mr. Gaute Voigt-Hanssen (Norway) and Ms. Lactitia Tchitwamulomoni (South Africa) were designated to co-lead the Contact Group. To advance this process, an informal advisory group was also established to provide advice on this matter to the WG2020 co-chairs during the second part of its third meeting in January 2022. The informal advisory group composition included the participation of six indigenous peoples advisors and the 30 advisors nominated by Parties. The Secretariat of the Convention provided support to the advisory group, including the indigenous peoples and local communities representatives, during its working sessions.

75. The Permanent Forum welcomes indigenous peoples' contributions to the implementation of the Convention on Biological Diversity and the development of the post-2020 global biodiversity framework. The Forum underlines the need to develop a new programme of work and institutional arrangements on article 8(j) and other provisions of the Convention with the full and effective participation of indigenous peoples. It recommends that the .

25. The process to develop the new programmes of work and institutional arrangements on Article 8(j) will initiate with COP-15 decisions on this matter, as recommended by the WG8j-11<sup>13</sup>. The UNPFII recommendation will be transmitted to the twelfth session of the WG8j for its consideration. For the time being, the Secretariat of the Convention has planned to organize an online workshop during the first half of 2022 to raise awareness among indigenous peoples, local communities and Parties on the issues and opportunities for the new programme of work and the effective participation of indigenous peoples and local communities in the Convention.

**Recommendation adopted by the Eleventh 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 ([CBD/WG8J/REC/11/4](#))**

26. 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,*

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<sup>13</sup> WG8j-11, Recommendation 11/2. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities ([CBD/WG8J/REC/11/2](#))

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*Having considered* the note by the Executive Secretary<sup>14</sup>,

1. *Takes note* of the recommendations emanating from the seventeenth and eighteenth sessions of the United Nations Permanent Forum on Indigenous Issues, and 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, in 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.<sup>15</sup>

ii. The theme of the 2022 PFII session is "Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent" <sup>1</sup>. Please include information on any publications, projects, reports, or activities relevant to this theme.

27. The Convention works within its mandate on knowledge, innovations and practices, and customary sustainable use of biodiversity of indigenous peoples and local communities, to fulfil its obligations concerning the United Nations Declaration on the Rights of Indigenous Peoples. Parties implement the Convention at the national level. In order to assist Parties in implementing their obligations under the Convention, COP adopts, by consensus, principles and guidelines to support and facilitate implementation at all levels. The Convention, through the WG8j, has made substantial contributions to the development of the international principles and guidelines as minimum standards to achieve the rights of indigenous peoples and local communities, including the right of self-determination. The principles and guidelines relevant to the 2022 UNPFII theme are:

- a. The Akwe: Kon voluntary guidelines;
- b. Tkarihwaié:ri Code of Ethical Conduct;
- c. The Global Plan on the Customary Sustainable Use;
- d. The Mo'otz kuxtal Voluntary Guidelines;

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<sup>14</sup> CBD/WG8J/11/6

<sup>15</sup> E/C.19/2016/5 and Corr.1

- e. The Rutzolijirisaxik Voluntary Guidelines;
- f. The glossary within the context of Article 8(j);
- g. Voluntary Guidelines in Biodiversity Financing Mechanisms;
- h. Methodological Guidance Concerning the Contributions of Indigenous Peoples and Local Communities.

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

### Background

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

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of the SWAP on indigenous peoples. In November 2020, the United Nations Chief Executives Board for Coordination issued a [Call to Action: Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples](#). Its goal is to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with a focus on furthering the implementation of the SWAP<sup>2</sup>.

- i. The Permanent Forum will follow up on progress made on the SWAP implementation as part of its discussion on the outcome document of the World Conference on Indigenous Peoples during its 2022 session. Please provide analysis on actions taken by your agency, fund and/or programme on the six key elements of the SWAP, since your last update to the Forum<sup>3</sup>. Please also include an executive summary (600-word limit).
- 28. The adoption of the system-wide action plan to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples (SWAP) and the Call to Action: Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples by the United Nations Chief Executives Board for Coordination (CEB Call to Action) are significant instruments that speak directly to the Convention.
- 29. The Convention, within its mandate on indigenous and local knowledge, innovations and practices, and customary sustainable use of biodiversity, has ensured through several mechanisms the effective participation of indigenous peoples in the work of the Convention at all levels, being the chief mechanism the Working Group on Article 8(j) and Related Provisions. The WG8j has met eleven times since its establishment in 1998, in COP 4, and has some notable achievements, including the draft of voluntary guidelines and raising the profile of indigenous peoples and local communities in the Convention process. Indigenous peoples and local communities have positioned themselves to be essential partners in developing and implementing the post-2020 global biodiversity framework.
- 30. A fundamental principle of the programme of work on the WG8(j) has been the full and effective participation of indigenous peoples and local communities. Thus, the WG8j has adopted practices to ensure the effective participation of indigenous peoples and local

communities in its work. For example, 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 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, the Convention has established a voluntary funding mechanism for the participation of indigenous peoples and local communities in meetings held under the Convention. 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.

31. In 2021, the Secretariat of the Convention has supported the Inter-Agency Support Group on Indigenous Issues (IASG) to respond to the CEB Call to Action, which requested the IASG to collect and analyse lessons learned and good practices on United Nations actions in support of the realization of the rights of indigenous peoples. As a result, the IASG, with the assistance of the Secretariat of the Convention, developed a mapping of actions taken to improve indigenous peoples engagement and participation, and developed an informal indigenous peoples professionals roster, with particular attention to the engagement of indigenous youth.

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<sup>1</sup> See Annex 1. Agenda of the twenty-first session of the Permanent Forum on Indigenous Issues.

<sup>2</sup> Reporting on the activities to implement the CEB Call to Action will be through task groups and should not be included in the responses to this questionnaire.

<sup>3</sup> The six key elements of the SWAP are: 1) Raise awareness of the UNDRIP; 2) Support the implementation of the UNDRIP, particularly at the country level; 3) Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development; 4) Map existing standards and guidelines, capacity, training materials and resources within the UN system, international financial institutions

## C. 2030 Agenda for Sustainable Development

- i. Please provide information on the main gaps and challenges your entity has identified for indigenous peoples in achieving the 2030 Agenda.
- ii. What activities have your entity undertaken since the last reporting that addresses these gaps and challenges?
- iii. Please describe any activities that your entity organized in support of the 2021 UN High-Level Political Forum on Sustainable Development and/or reports and activities that supported SDG reporting and monitoring or a VNR process at the national, regional, or global level.

32. The development of the post-2020 global biodiversity framework and the future programme of work and institutional arrangements for Article 8(j) and related provisions are the main instruments that Parties have committed to ensuring the indigenous peoples and local communities' collective and local actions to achieve the 2030 Agenda, within the Convention's mandate.

33. The Secretariat of the Convention supports the development of the post-2020 global biodiversity framework, which is closely aligned with the Sustainable Development Goals (SDGs). The first draft of the post-2020 global biodiversity framework recognizes that the framework is a fundamental contribution to the implementation of the 2030 Agenda for Sustainable Development. At the same time, progress towards the SDGs will help to create the conditions necessary to implement the framework.<sup>16</sup> In addition, the development of

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<sup>16</sup> First draft of the post-2020 global biodiversity framework ([CBD/WG2020/3/3](#))

the post-2020 global biodiversity framework also includes the adoption of its indicators and monitoring framework. The SDG indicators and the indicator on monitoring processes related to traditional knowledge and customary sustainable use are relevant for collecting statistical data on indigenous peoples.

34. The development of the new programme of work and institutional arrangements for Article 8(j) is also a fundamental instrument that considers indigenous peoples' collective actions and positions them as central partners to the Convention and SDGs. Accordingly, the WG8j-11 included, as an annex II, a draft of possible elements of the new programme of work on Article 8(j), which provides for the development of voluntary guidelines to promote the mainstreaming of inclusion of traditional knowledge, as an equally valid part of the broader mainstreaming of biodiversity across society and sectors of production, as well as other relevant global processes, including the Sustainable Development Goals.<sup>17</sup>

### D. COVID-19 pandemic

Please provide information on action taken by your agency, fund and/or programme since your last update to the Forum, to address the COVID-19 pandemic and its effects on indigenous peoples.

35. Within the Convention's mandate, a fundamental principle of the programme of work on the Article 8(j) is to ensure the full and effective participation of indigenous peoples and local communities in the discussion and processes related to the post-2020 global biodiversity framework. Due to the extraordinary circumstances experienced by the COVID-19 restriction, the Bureaux of the Conference of the Parties and the Subsidiary Bodies decided on convening formal online sessions of the Convention Subsidiary Bodies. However, the adoption of recommendation and L documents/final documents were deferred to a later date at a physical meeting. The second part of the Convention Subsidiary Bodies is scheduled to take place from 12 to 28 January 2022 in Geneva, Switzerland.

36. During the first part of the meetings of the Subsidiary Bodies, the Secretariat of the Convention participated in briefings and caucus meetings organized by the IIFB to provide practical information on the modalities of the sessions, substantive agenda items, registration process, and use of the platform. In addition, the voluntary fund was extended to facilitate the online participation of indigenous peoples and local community representatives in the first part of the WG2020-3, held virtually in August and September 2021. The Secretariat extended efforts to ensure indigenous peoples full and effective participation in the CBD process during the COVID-19 pandemic.

37. Furthermore, the Secretariat of the Convention launched [one training manual](#) for indigenous peoples and local communities and government representatives on the Convention and its work on traditional knowledge in a [side-event during the twentieth session of the Permanent Forum](#). The manual provides useful guidance on how indigenous peoples and local communities can engage in Convention processes internationally and nationally. The manual is being translated into Spanish and will be made available before the 2022 UNPFII session. Finally, the Secretariat participated in one of the modules in the [Indigenous Peoples at the United Nations: Project Access](#), an online self-paced course,

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<sup>17</sup> WG8j-11, Recommendation 11/2. Development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities ([CBD/WG8J/REC/11/2](#))

## Questionnaire to UN system

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coordinated by UN Developed Programme and Tribal Link Foundation.

**Thank you very much.**

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and the members of the IASG for the effective implementation of the UNDRIP; 5) Develop the capacity of States, indigenous peoples, civil society and UN personnel; and 6) Advance the participation of indigenous peoples in UN processes.

## ANNEX 1

### **Agenda of the twenty-first session of the Permanent Forum on Indigenous Issues**

The Twentieth-First session of the Permanent Forum on Indigenous Issues is scheduled to take place from **25 April to 6 May 2022**

#### **Provisional Agenda**

- i. Election of officers.
- ii. Adoption of the agenda and organization of work.
- iii. Discussion on the theme "Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent".
- iv. 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 for Sustainable Development.
- v. Dialogues:
  1. Dialogue with indigenous peoples;
  2. Dialogue with Member States;
  3. Dialogue with the United Nations agencies, funds and programmes;
  4. Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples;
  5. Regional dialogues: Indigenous peoples and pandemic recovery;
  6. Thematic dialogues: International Decade of Indigenous Languages 2022–2032.
- vi. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
- vii. Provisional agenda of the twenty-second session of the Permanent Forum.
- viii. Adoption of the report of the Permanent Forum on its twenty-first session.