

Article 8(j) Working Group Highlights: Wednesday, 20 November 2019

Delegates to the 11th meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (CBD) met throughout the day to hear opening and regional statements, address organizational matters, conduct the in-depth dialogue on the contributions of indigenous peoples and local communities (IPLCs) to the post-2020 global biodiversity framework, assess progress towards Aichi Target 18 (traditional knowledge), and discuss the links between nature and culture in the post-2020 framework.

Opening Plenary

Working Group Co-Chair Hamdallah Zedan (Egypt), for the COP Presidency, opened the meeting by highlighting the need to be ambitious, inclusive, and optimistic, and stressing that “the biggest risk is not taking any risks.” Sending greetings from the leaders of his nation, Mohawk elder Charlie Patton, Kahnawake, welcomed participants onto Mohawk territory and noted the need to “work of one mind to help heal our Mother Earth.”

Elizabeth Mrema, CBD Secretariat Officer-in-Charge, cited Pope Francis, reminding participants that we need to care for our common home and show respect for the “various cultural riches of different peoples, their art and poetry, their interior life and spirituality.” She emphasized that no wisdom can be left out and that traditional knowledge transferred between generations is key to understanding nature, underscoring the need to ensure that IPLCs are valued partners against biodiversity loss and throughout the post-2020 process.

Inger Andersen, UN Environment Programme (UNEP) Executive Director, emphasized the need for more ambitious targets accompanied by the right solutions; further work on indicators; a focus on the quality of environmental protection; and ways to address buy-in from other sectors. She underscored that IPLCs have been deploying the solutions that “we need to rediscover to secure a sustainable future.” Recognizing that IPLCs’ territories are under threat, Andersen highlighted that environmental defenders who work to protect nature often pay for their efforts with their lives.

Stating that traditional knowledge needs to be properly recognized, valued, and respected, Egypt, for the AFRICAN GROUP, stressed the need to “assess where we are now and where we are going in the future.”

Finland, for the EU, reaffirmed that full and effective participation of IPLCs that are holders of traditional knowledge is crucial for the work of the Convention and for the development of the post-2020 global biodiversity framework.

NEW ZEALAND, on behalf of Australia, Canada, Norway, and Switzerland, underscored the need to make significant changes to the way we live, highlighting work methods to facilitate cooperation with IPLCs.

Argentina, for the GROUP OF LATIN AMERICA AND THE CARIBBEAN (GRULAC), highlighted the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) regional assessment, emphasizing that innovations, practices, and traditional knowledge of IPLCs are crucial for the success of the post-2020 global biodiversity framework.

Kuwait, for ASIA-PACIFIC, stressed that the post-2020 framework must be based on commitments to meet the challenges the world is facing regarding biodiversity.

Turkmenistan, for CENTRAL AND EASTERN EUROPE (CEE), highlighted the region’s traditional and local knowledge on biodiversity as an asset in realizing the 2050 vision for biodiversity of living in harmony with nature, and noted, with GRULAC, the need for a joint work programme between the CBD and the UN Educational, Scientific, and Cultural Organization (UNESCO).

The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB) called on parties to enhance Article 8(j) and its provisions to achieve the objectives of the post-2020 framework, the Paris Agreement, and the Sustainable Development Goals (SDGs). Highlighting multiple challenges affecting indigenous youth which also negatively impact biodiversity, the GLOBAL YOUTH BIODIVERSITY NETWORK (GYBN) called for more efforts to enhance the role of indigenous youth, women, and girls. The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) stressed that the UN Declaration on the Rights of Indigenous Peoples, and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas should be the lenses through which the CBD is implemented.

Francis Ogwal (Uganda) and Basile van Havre (Canada), Co-Chairs of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework, stressed that the framework should be “for all,” especially indigenous peoples, and noted that a zero draft of the framework will be available in January 2020.

Organizational Matters

Delegates adopted the provisional agenda (CBD/WG8J/11/1) without amendments and the organization of work (UNEP/WG8J/11/1/Add.1/Rev.1) with a minor amendment. Vinod Mathur (India) was elected rapporteur.

Seven IPLC representatives were designated as “Friends of the Bureau,” representing the geo-cultural regions recognized by the UN Permanent Forum on Indigenous Issues (UNPFII): Lakpa Nuri

Sherpa (Asia); Lucy Mulenkei (Africa); Polina Shulbaeva (Central and Eastern Europe, and the Caucasus); Aslak Holmberg (Arctic); Christine Grant (Pacific); and Yolanda Teran (Latin America and the Caribbean), with a nomination from North America outstanding. Sherpa was designated as Working Group Co-Chair.

In-Depth Dialogue

John Scott, CBD Secretariat, moderated the in-depth dialogue on the contribution of cultural diversity and the traditional knowledge, innovations, and practices of IPLCs to the post-2020 global biodiversity framework.

Alejandra Loria Martínez, Focal Point on Article 8j in Costa Rica, highlighted the importance of IPLCs' inclusion in policy- and decision-making, pointing to the crucial role art and science play to keep our planet in balance. Tim Badman, International Union for Conservation of Nature (IUCN), underlined the organization's idea of an international alliance for nature and culture, opening the door to culture-sector organizations in biodiversity fora and bringing a practical focus to deliberations. Eleanor Sterling, American Museum for Natural History, focused on nature-culture indicators for the level of IPLC identification, engagement, and collaboration with government, and on the potential to expand these to aspects of education and language documentation. Josefa Cariño Tauli, the Philippines, introduced participants to the concept of "ili", the place where one is born, including its natural, cultural, and spiritual identity; and emphasized the substantial personal and financial investment of IPLCs in biodiversity conservation.

The EU stressed that the presentations portrayed the importance of traditional knowledge, and biological and cultural diversity, for the development of the post-2020 framework and the 2050 vision for biodiversity, and offered minor amendments to the draft recommendation. The EU, with MEXICO, SOUTH AFRICA, the PHILIPPINES, IIFB, and others, supported the topic for the next thematic dialogue on the role of language in the intergenerational transmission of traditional knowledge. FINLAND offered examples of integrating traditional knowledge of Saami people in land-use planning and natural environment restoration at the national level.

ETHIOPIA highlighted the importance of a clear statement in the post-2020 framework, enabling IPLCs' participation in biodiversity conservation and sustainable use. JORDAN stressed the need to link culture and biodiversity.

Regarding the draft recommendation, SOUTH AFRICA underscored the contribution of IPLCs in the future implementation of the post-2020 framework. MEXICO stressed that the contribution of traditional knowledge is fundamental to achieve the 2050 vision of living in harmony with nature. SYRIA highlighted training and capacity-building activities to help conservation efforts of IPLCs. The PHILIPPINES suggested including mechanisms for the management of traditional knowledge in national implementation.

ARGENTINA highlighted the voluntary character of guidelines regarding the links between cultural and biological diversity. COLOMBIA suggested strengthening community governance. IPC emphasized the need to protect indigenous peoples' and small-scale farmers' rights as defined in Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

Working Group Co-Chair Zedan noted that a conference room paper (CRP) will be prepared.

Progress towards Aichi Biodiversity Target 18

The Secretariat introduced the relevant document (CBD/WG8J/11/2), noting that this is an interim progress report, while an updated document, taking into account information from additional national reports, will be considered during the third meeting of the Subsidiary Body on Implementation (SBI) in May 2020.

Jocelyn Cariño-Nettleton, Tebtebba Foundation, provided an in-depth analysis of national reports on the implementation of Aichi Target 18. Stressing that this is an enabling target, contributing to other targets, she focused on types of actions that parties have reported on. She emphasized that, despite the number of actions mentioned in national reports, there is limited information from which progress on implementation can be assessed. She further underscored that very few national reports focus on adopted indicators such as land tenure, traditional occupations, and indigenous languages.

Several parties noted national efforts in working with IPLCs. ECUADOR highlighted a voluntary repository of traditional knowledge. SOUTH AFRICA pointed out its *sui generis* legislation on indigenous knowledge and participation. ARGENTINA noted its efforts to work with IPLCs in national strategies on the conservation of nature and culture. COSTA RICA proposed a new paragraph reflecting its own specific measures and methodology to collaborate with IPLCs to preserve traditional knowledge.

JORDAN, with SUDAN and SYRIA, stressed the importance of legislative frameworks to enable the utilization and sharing of genetic resources, and urged parties to ensure participation of IPLCs. NEPAL deplored the slow progress towards Aichi Target 18 and the insufficient resources for capacity-building programmes.

The EU encouraged sharing of experience and practices on the implementation of traditional knowledge. Stressing that traditional knowledge cannot be commodified, MEXICO recommended that the progress report regarding the sixth national reports contain in-depth content, including relevant trends.

ETHIOPIA pressed for the progress report to include a record of what was not achieved; why it was not achieved; and information on the way forward. SUDAN, with TIMOR LESTE, recommended including measurable indicators. SOUTH AFRICA noted the importance of capacity building for inclusive decision making. MALAWI called for the development of indicators that capture "the quality of community involvement".

Expressing disappointment at the "systematic failure and lack of political will" of parties to implement their reports, the IIFB called for parties to: submit national reports if they have not yet done so; take advantage of voluntary guidelines, including those developed for climate change; and recruit IPLCs as part of their delegation in future dialogues. The IPC lamented the "paternalistic and colonialistic" language in the document, and urged parties to further recognize the rights and institutions of IPLCs.

Co-Chair Zedan reminded participants that a completed and reviewed progress report, including recommendations to the COP, will be prepared for consideration by SBI 3.

IPLCs and the Post-2020 Global Biodiversity Framework

The Secretariat introduced document CBD/WG8J/11/4, which takes into account feedback from the online forum on the integration of Article 8(j) and provisions related to IPLCs in the work of the Convention and its Protocols.

Many advocated for the full and effective participation of IPLCs in the development and implementation of the post-2020 global biodiversity framework.

The PHILIPPINES, JORDAN, MEXICO, GUATEMALA, ECUADOR, CANADA, IIFB, IUCN, and others recommended that a permanent body on aspects relating to IPLCs be created under the CBD.

MEXICO highlighted collaboration with other fora, mechanisms, and bodies as well as the relationship between biodiversity, culture, and other systems such as the agri-food system. SOUTH AFRICA suggested the promotion of programmes: aimed at valorization of genetic resources associated with traditional knowledge; aimed

at ensuring the development of databases on the use of genetic resources associated with traditional knowledge; and encouraging collaboration between IPLCs and users of genetic resources associated with traditional knowledge.

ETHIOPIA noted that the present draft may restrict IPLC participation to the national and local levels through national focal points, and recommended ensuring that the draft promotes the full and effective participation of IPLCs. SYRIA supported measurable indicators to monitor progress, as well as training and capacity-building to enhance IPLCs' participation in all programmes.

The IIFB recommended the new permanent body be called the "subsidiary body for ongoing partnership with IPLCs," suggesting that it could: provide expert advice on intergovernmental processes and other areas; be a clearing-house on best practices; and mainstream IPLC contributions to lead to transformative change as a whole. IUCN said that a permanent body could provide high level advice on policies and share lessons learnt. The IPC argued that IPLCs must have a leading and self-determined role under the Convention.

CANADA noted that the draft decision should ensure that the programme of work on Article 8(j) and the programme proposed in the post-2020 framework be able to proceed in parallel. COLOMBIA recognized the lessons learnt from the Working Group on Article 8(j) over two decades, and stressed that the new programme of work needs to be flexible and adapted to the needs of the post-2020 agenda.

The EU opined that work elements must first be further defined by an *Ad Hoc* Technical Expert Group (AHTEG). The EU, with AUSTRALIA, NEW ZEALAND, ARGENTINA, CHINA, and JAPAN, noted that institutional arrangements depend on the content of the new programme of work, and suggested delaying relevant decisions.

AUSTRALIA noted the need to allow for domestic consultations with IPLCs as well as to address the contributions of IPLCs in the post-2020 framework. NEW ZEALAND noted lack of clarity on a number of provisions, including regarding integration of future work on matters of relevance to IPLCs into the work of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the SBI. JAPAN requested clarification regarding the implications of establishing a permanent subsidiary body, stressing the need for clear division of roles; and called for addressing the links between biodiversity loss and climate change, and for encouraging IPLCs to register their existing practices with appropriate international mechanisms and initiatives.

SWITZERLAND noted that legal issues related to traditional knowledge should be addressed by the World Intellectual Property Organization (WIPO) Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, while work of the Art. 8(j) work programme should focus on those matters specifically related to the CBD. TULARIP TRIBES OF WASHINGTON reminded participants that there are legal aspects relating to IPLCs that go beyond the mandate of the WIPO IGC.

ARGENTINA proposed that the post-2020 framework be based on human rights and sustainable development, and include capacity building, technology transfer, and increased financing. He also recommended a number of changes to the draft decision to clarify, among others, that guidelines are optional.

The Secretariat pointed to information documents that include budgetary implications regarding the various institutional options.

Working Group Co-Chair Zedan noted that a proposal on the way forward will be tabled on Thursday morning.

Links between Nature and Culture in the Post-2020 Framework

The Secretariat introduced the relevant document (CBD/WG8J/11/5), noting the development of options, together with UNESCO and IUCN, for possible elements of work aiming at reintegration of nature and culture in the post-2020 global biodiversity framework.

Supporting the draft recommendation, JORDAN highlighted the inter-agency cooperation, stressing the importance of encouraging sharing of knowledge and expertise.

The EU stressed the need to forge stronger links between nature and culture in international policy and environmental practices, and work towards integration. She highlighted the importance of operationalizing traditional knowledge indicators as well as exploring the full potential of community-based monitoring and information systems. She further suggested facilitating efforts by IPLCs to record, document, and transmit traditional knowledge relevant to conservation of nature and culture, as well as promoting biocultural approaches.

NEW ZEALAND emphasized that the post-2020 framework is a party-led process, suggesting focusing on the work of the Convention and deleting references to the SDGs and climate action. He further proposed, *inter alia*, identifying areas where "joint work" is needed between the Convention, UNESCO, and IUCN to stop the decline in global diversity of both nature and culture, rather than developing a common strategy.

MEXICO urged parties to collaborate with the UN Permanent Forum on Indigenous Issues (UNPFII), and suggested that the Secretariat, along with UNESCO, IUCN, and other relevant organizations assist parties to educate and raise awareness on indigenous languages.

Stressing that social and cultural solutions will be needed for the post-2020 framework and the achievement of the Aichi Targets, THAILAND suggested focusing on resource mobilization, protection of existing sites, and knowledge generation. She emphasized strengthening existing initiatives under the Food and Agriculture Organization of the UN (FAO) and under the Convention, including the Satoyama initiative.

In the Corridors

As the meeting opened on Wednesday, delegates experienced a snow of perspectives as thick as the flurries dropping fast outside the venue. Some were happy at the space given to indigenous voices, saying that, unlike in other processes, they felt that their "voices have been heard". Parties noted a plethora of positions throughout the day, working through items faster than the agenda had anticipated. Others said that the blizzard of draft suggestions and perspectives hides conflicts and contradicting positions that will need to be teased out over time, and pointed to the looming possibility of contact groups.

For all the rapid progress in going through the agenda, it was clear to seasoned delegates that all roads lead to the post-2020 framework. One pointed to the inherent difficulty of juggling both Article 8(j)'s work programme and a new framework: "Article 8(j) needs to inform the post-2020 framework, and yet needs the framework to inform its own programme." With the snows clearing, some delegates left the venue with more questions than answers. "We'll see what happens," one said with a wry smile. "It's going to be an interesting few days."

