

## Article 8(j) Working Group Highlights: Friday, 22 November 2019

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) finalized its deliberations, approving final recommendations on: the development of a new programme of work and institutional arrangements on Article 8(j); elements of work aimed at an integration of nature and culture in the post-2020 global biodiversity framework; recommendations from the UN Permanent Forum on Indigenous Issues (UNPFII); and the in-depth dialogue on the thematic areas.

### Recommendations from the UN Permanent Forum on Indigenous Issues

Delegates addressed a conference room paper (CRP) (CBD/WG8J/11/CRP.2).

Regarding a provision deciding to take the results of activities suggested by UNPFII under consideration in the development of the new programme of work on Article 8(j), ARGENTINA suggested that this be done “from the perspective of the relevance of the knowledge, innovations, and practices of indigenous peoples and local communities (IPLCs), relevant for the conservation and sustainable use of biodiversity.” MEXICO proposed adding a reference to the post-2020 global biodiversity framework.

The draft recommendation was approved with these amendments.

In the afternoon, delegates addressed the final recommendation (CBD/WG8J/11/L.3) and approved it without further amendments.

### Links between Nature and Culture in the Post-2020 Framework

Delegates addressed a draft recommendation (CBD/WG8J/11/CRP.4).

On a provision renewing the COP’s commitment to the joint programme of work on the links between biological and cultural diversity, the EU suggested adding “mainstreaming” to the aim of supporting national and subnational implementation of the post-2020 framework, in accordance with national circumstances. BRAZIL proposed substituting references to “biocultural approaches” with “biocultural diversity.”

On a paragraph encouraging parties and others to strengthen collaboration and coordination, and to contribute to and support the joint programme on the links between biological and cultural diversity, MEXICO suggested adding to the list of relevant bodies the World Intellectual Property Organization (WIPO), UNPFII, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples. BRAZIL, opposed by the EU, proposed “considering” rather than “mainstreaming” biological and cultural diversity.

The EU further suggested “welcoming” rather than “taking note” of the elements and tasks described in the annex for enhancing collaborations across the international system.

On the annex concerning the goal of the joint programme of work, the EU proposed retaining text referring to the Sustainable Development Goals (SDGs) and climate action.

Under the element concerning the science dialogue, knowledge dialogue, equivalence of knowledge systems, and indicators and monitoring efforts, parties agreed to remove a reference to “biocultural approaches”, retaining language on “conservation and sustainable use of biodiversity,” with the INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN) clarifying that “biocultural approaches” are a common phraseology in conservation.

Regarding new approaches to communication, education, and public awareness, parties agreed to clarify that the task would help strengthen the recognition of traditional knowledge and sustainable use practices of traditional knowledge holders.

The CRP was approved with these amendments.

In the afternoon, delegates addressed a final recommendation (CBD/WG8J/11/L.4) and approved it with a minor amendment.

### IPLCs and the Post-2020 Global Biodiversity Framework

Rosemary Paterson (New Zealand) and Lucy Mulenkei (International Indigenous Forum on Biodiversity, IIFB), Co-Chairs of the contact group on IPLCs and the post-2020 framework, reported on Thursday’s deliberations, underscoring the spirit of collegiality among participants. Introducing the draft recommendation (CBD/WG8J/11/CRP.3), they clarified that the group had worked through the draft recommendations to COP 15, and that the group referred to the Global Thematic Dialogue for IPLCs on the Post-2020 Global Biodiversity Framework regarding further advice to the Working Group on the Post-2020 Framework.

Working Group Co-Chair Hamdallah Zedan (Egypt) indicated that this item was discussed extensively in the Bureau, where it was acknowledged that parties and IPLCs generally agree that an adoption of a new programme of work would only be possible after COP 15. After comments from New Zealand, Canada, South Africa, Australia, Egypt, IIFB, Argentina, and the EU, it was agreed that the finalization of the new work programme would be deferred until after COP 15, with a proposal for SBI 3 to simply confirm this deferral, and for the *ad hoc* technical expert group (AHTEG) to peer review the draft elements of the future programme of work after COP 15.

CANADA suggested amending the document title to “Development of the new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to IPLCs.”

Regarding a bracketed paragraph requesting the Secretariat to convene an AHTEG on IPLCs and the post-2020 framework, a lengthy discussion took place on future institutional arrangements for the Working Group on Article 8(j).

The EU, AUSTRALIA, and SWITZERLAND suggested lifting the broad brackets around the whole paragraph. BRAZIL noted that it would be premature to lift the brackets, proposing, with ARGENTINA, that the COP take the relevant decision.

The EU suggested referring to a “subsidiary body” on Article 8(j). AUSTRALIA, SWITZERLAND, CANADA, and MEXICO preferred keeping all options on the table, emphasizing that the AHTEG should provide advice to the Working Group on future institutional arrangements. ARGENTINA suggested new language, noting that the AHTEG should “provide advice on the new programme of work and institutional arrangements on Article 8(j).” The EU, opposed by ARGENTINA, suggested that the AHTEG’s advice relate to “permanent” institutional arrangements for the Working Group on Article 8(j).

SOUTH AFRICA, supported by CANADA, noted that the AHTEG’s terms of reference, annexed to the document, will define its mandate. ARGENTINA underscored the need for a clear mandate for the AHTEG.

Following informal consultations, parties discussed whether to remove brackets around language recalling decision 14/17 (integration of Article 8(j) in the work of the Convention). Brackets were retained around the entire paragraph, along with the original CRP text. The EU, AUSTRALIA, and BRAZIL noted their disappointment at lack of agreement and BRAZIL stressed the importance of including language on benefit-sharing.

Parties accepted the CRP’s annexes on draft objectives, general principles, and elements of work; and draft possible elements of the new programme of work on Article 8(j) related to IPLCs with minor amendments, retaining the brackets already included in the text.

In the afternoon, delegates addressed the final recommendation (CBD/WG8J/11/L.5), which contains bracketed text, and approved it with a minor amendment, noting that a decision on establishing an AHTEG has not been taken.

### ***In-Depth Dialogue***

Delegates approved the final recommendation (CBD/WG8J/11/L.2) without further amendments.

### ***Closing Plenary***

Rapporteur Vinod Mathur (India) introduced the meeting’s report (CBD/WG8J/11/L.1). Delegates approved it with a minor amendment.

Elizabeth Mrema, Officer-In-Charge, CBD Secretariat, thanked participants for their “participation, engagement, and commitment.” She highlighted that, during the meeting, contributions of the traditional knowledge, innovations, and practices of IPLCs in addressing biodiversity loss were recognized as fundamental; that the traditional knowledge and languages are essential to social and ecological resilience; and that parties created an “ambitious outline of work” in developing a fully integrated work programme. Reminding delegates that Haudenosaunee Confederacy, on whose land the meeting took place, holds the philosophy that deliberations must consider the impacts of their decisions “on the next seven generations,” she upheld the need to “continually question ourselves in this process,” and for parties to “think deeply” on the values with which they move forward.

Antigua and Barbuda, for GRULAC, encouraged parties to “significantly increase” their activities to protect biodiversity. NEW ZEALAND, on behalf of Canada, Australia, Norway, and Switzerland, expressed pleasure at the meeting’s progress, but emphasized the “need to strive” for IPLCs to be fully integrated

in the work of the Convention. Egypt, for AFRICA, requested that the Secretariat conduct a study on the contributions of IPLCs to the Convention’s principles. Finland, for the EU, stressed the importance of the post-2020 framework for IPLCs. Kuwait, for ASIA/PACIFIC, reminded participants that “this is a crucial moment for biodiversity,” and underlined the need to take stock of progress on objectives, including Aichi Target 18 (traditional knowledge) and the implementation of Article 8(j). Belarus, for CENTRAL AND EASTERN EUROPE (CEE), underlined the significant issues to resolve in order to prevent the further depletion of biological and cultural diversity, including traditional knowledge.

IIFB reminded delegates and participants that the full and effective participation of IPLCs is crucial for a strong post-2020 framework. The GLOBAL YOUTH BIODIVERSITY NETWORK (GYBN) stressed that the post-2020 framework must be “for all”, including women, youth, and future generations, and that IPLCs’ voices and stories must be heard in order to understand, respect, and value biodiversity.

The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) showed grave concern that the Convention could move away from environmental and human rights standards as recognized by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and about ongoing cases of abuse, violence, murder, and suicide indigenous peoples still face. The CBD ALLIANCE and CBD WOMEN’S CAUCUS underlined the important stewardship of IPLCs for biodiversity, and deplored the “inacceptable” number of brackets remaining in the approved recommendations.

Co-Chair Lakpa Nuri Sherpa (Nepal) underscored that collaboration is key in fighting biodiversity loss and climate change. He highlighted IPLCs’ contributions during the meeting, stressing that “they are the guardians of most of the remaining biodiversity.” He further emphasized the need to use the post-2020 framework to promote IPLCs’ actions to achieve the Convention’s objectives.

Co-Chair Zedan highlighted the meeting’s achievements, noting that the completion of the work programme for Article 8(j) “may take longer than we hoped.” He emphasized the fruitful relationship with IPLCs and their increasing relevance to the post-2020 framework in order to achieve the 2050 vision of living in harmony with nature. He gavelled the meeting to a close at 4:58 pm.

### ***In the Corridors***

Before the Working Group meeting, some delegates confessed to private concerns: would progress on the post-2020 framework be compromised by the sudden resignation of the Executive Secretary, shortly before a crucial phase of pre-COP 15 negotiations? Yet as participants of the Working Group on Article 8(j) packed up for the weekend in anticipation for next week’s SBSTTA meeting, it seemed that worries had been unfounded. “The change at the helm of the Convention did certainly not have an impact on the meeting,” one concluded.

Institutional arrangements for aspects relating to IPLCs remained a sticking point on the last day of the meeting. “Form follows function,” one delegate offered, guessing that progress “will be stuck in neutral until the post-2020 framework is set.” Another seasoned participant mused that the stalled outcome of this meeting is a “reflection of the current geopolitical situation.”

As news broke that the Oxford Dictionaries had named “climate emergency” the word of the year, some observers worried that procedural knots are drawing attention away from real impacts; namely, the disproportionate exposure of IPLCs to climate impacts and biodiversity loss. Many were optimistic about the coming week’s discussions. Some still felt the urgent need for progress, asking: “Are we going to see any real decisions at SBSTTA? Or will it all come down to the COP?”