



EIGHTH MEETING OF THE WORKING GROUP ON ARTICLE 8(J) AND SEVENTEENTH MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE: 7-18 OCTOBER 2013

The Working Group on Article 8(j) (traditional knowledge) and Related Provisions of the Convention on Biological Diversity (CBD) will convene from 7-11 October 2013 in Montreal, Canada. It will be held back-to-back with the seventeenth meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which will convene from 14-18 October 2013.

The Article 8(j) Working Group will address: a progress report on the implementation of the work programme on Article 8(j), and mechanisms to promote the effective participation of indigenous and local communities (ILCs) in CBD work; a draft action plan for customary sustainable use; proposed best-practice guidelines facilitating enhancement of repatriation of traditional knowledge; a study on how tasks 7, 10 and 12 of the Article 8(j) work programme (benefit-sharing from, and unlawful appropriation of, traditional knowledge) contribute to the work under the CBD and the Nagoya Protocol; *sui generis* systems for the protection, preservation and promotion of traditional knowledge; and recommendations from the UN Permanent Forum on Indigenous Issues (UNPFII). The Working Group will also feature an in-depth dialogue on connecting traditional knowledge systems and science, such as the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), including gender dimensions. The Working Group is expected to produce draft recommendations for consideration by the next meeting of the CBD Conference of the Parties (COP) in October 2014.

SBSTTA 17 is expected to: draw general conclusions on the scientific and technical needs related to the implementation of the Biodiversity Strategic Plan and Aichi Targets; consider ways to enhance its role in assessing the effectiveness of measures taken in accordance with CBD provisions; consider contributions to the intersessional process of the IPBES; and consider progress reports by the CBD Secretariat. SBSTTA 17 is expected to produce conclusions and recommendations for further work, which may inform the work of the COP, SBSTTA itself, the Secretariat, partner organizations, the research community and funding agencies.

BRIEF HISTORY OF THE CONVENTION

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 193 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. The COP is the governing body of the Convention. It is assisted by SBSTTA, which is mandated, under CBD Article 25, to provide the COP with advice relating to the Convention's implementation. The Convention's work under Article 8(j) (traditional knowledge) commenced at COP 3 (November 1996, Buenos Aires, Argentina). COP 4 (May 1998, Bratislava, Slovakia) established and adopted the terms of reference for an open-ended working group on Article 8(j).

COP 5: At its fifth meeting (May 2000, Nairobi, Kenya), the COP extended the Working Group's mandate to review progress in implementation and adopted a programme of work on Article 8(j), comprising: elements and tasks on participatory mechanisms, status and trends of traditional knowledge, traditional cultural practices for the conservation and sustainable use of genetic resources, benefit-sharing, exchange and dissemination of information, and monitoring and legal elements. In addition, the COP adopted work programmes on dry and sub-humid lands and agricultural biodiversity.

COP 6: At its sixth meeting (April 2002, The Hague, the Netherlands), the COP adopted the Bonn Guidelines on access and benefit-sharing (ABS). The COP identified actions to be taken with respect to the integration of Article 8(j) into the CBD thematic work programmes. In addition, the COP adopted the Convention's Strategic Plan, including the target to reduce significantly the rate of biodiversity loss by 2010; an expanded work programme on forest biodiversity; and guiding principles for invasive alien species.

COP 7: At its seventh meeting (February 2004, Kuala Lumpur, Malaysia), the COP mandated the Working Group on ABS to negotiate an international regime on ABS and agreed on the terms of reference for such a negotiation. The COP also adopted: the Akwé: Kon Guidelines for cultural, environmental and social impact assessments; the Addis Ababa Principles and Guidelines for sustainable use; work programmes on mountain biodiversity, protected areas, and technology transfer and cooperation; and a decision to review implementation of the Convention, its Strategic Plan and progress towards achieving the 2010 target.

COP 8: At its eighth meeting (March 2006, Curitiba, Brazil), the COP instructed the Working Group on ABS to complete its work on the international ABS regime at the earliest possible



time before COP 10; and requested the Working Group on Article 8(j) to contribute to the mandate of the Working Group on ABS. The COP adopted a work programme on island biodiversity and reaffirmed the COP 5 ban on the field-testing of genetic use restriction technologies.

COP 9: At its ninth meeting (May 2008, Bonn, Germany), the COP adopted a roadmap for the negotiation of the international ABS regime before the 2010 deadline. The COP decided that the Working Group on Article 8(j) should work on guidelines for documenting traditional knowledge, a plan of action for retention of traditional knowledge, participatory mechanisms for ILCs in the Convention, elements of *sui generis* systems, elements of a code of ethical conduct, and further work on the composite report. In addition, the COP adopted the Resource Mobilization Strategy for the Convention.

COP 10: At its tenth meeting (October 2010, Nagoya, Japan), the COP adopted as a package: the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization; the CBD Strategic Plan for the period 2011-2020, including a mission, and strategic goals and targets aiming to inspire broad-based action by parties and stakeholders; and a decision on activities and indicators for the implementation of the Resource Mobilization Strategy. The meeting also adopted the Tkarihwaí:ri Code of Ethical Conduct to ensure respect for ILCs' cultural and intellectual heritage relevant for the conservation and sustainable use of biodiversity.

COP 11: At its eleventh meeting (October 2012, Hyderabad, India), the COP adopted an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, as well as a preliminary reporting framework for monitoring resource mobilization. The COP further requested IPBES to consider ways in which the activities of the platform could, as appropriate, contribute to assessments of the achievement of the Aichi targets and provide information on policy options available to deliver the 2050 vision of the Strategic Plan. In addition, the COP: took note with appreciation of the report of the Expert Group Meeting of Local Communities Representatives; and requested the Article 8(j) Working Group to consider the matter of terminology related to "indigenous peoples and local communities" and all its implications for the CBD and its parties, for further consideration by COP 12.

INTERSESSIONAL HIGHLIGHTS

IPBES 1: The first session of the Plenary of IPBES (21-26 January 2013, Bonn, Germany): elected the IPBES Chair, Bureau and Multidisciplinary Expert Panel (MEP); adopted an initial budget; and agreed on steps toward the development of an initial IPBES work programme, including requesting the MEP and the Bureau to develop a draft work programme for 2014-2018, through an open process, and mandating the MEP to recommend possible procedures and approaches for working with different knowledge systems for consideration by IPBES 2. The IPBES Plenary also adopted a decision on the procedure for receiving and prioritizing requests, whereby: governments and multilateral environmental agreements related to biodiversity and ecosystem services can send requests to IPBES on scientific and technical matters that require the Platform's attention and action; inputs and suggestions from UN bodies related to biodiversity and ecosystem services, as determined by their respective governing bodies, are also welcomed; and inputs and suggestions made by relevant stakeholders, such as non-governmental organizations, indigenous peoples and local communities and the private sector, will also be encouraged and taken into account, as appropriate.

UNPFII 12: At its twelfth session (20-31 May 2013, New York), UNPFII recommended that the CBD, with the World Intellectual Property Organization (WIPO) and others, work closely with indigenous peoples to develop an instrument to protect traditional knowledge and culture-based economic opportunities and activities as a potential way of strengthening the identities of indigenous peoples; and invited UN agencies in cooperation with the CBD and others to convene a workshop on African pastoralism, indigenous peoples' rights and climate adaptation. The draft decisions forwarded by UNPFII to ECOSOC also include renaming the Forum "Permanent Forum on the Rights of Indigenous Peoples" and ensuring that indigenous peoples have equal participation in the drafting of all documents regarding the World Conference on Indigenous Peoples in September 2014.

IPBES WORKSHOP: The IPBES MEP convened an international expert and stakeholder workshop on the contribution of indigenous and local knowledge systems from 9-11 June 2013 in Tokyo, Japan. Participants agreed that substantial effort is needed to satisfy the IPBES Work Programme objective to develop an adequate and comprehensive set of principles and procedures for building synergies between knowledge systems. They recommended: recognizing indigenous peoples and local communities as having a distinct status as knowledge-holders and rights-holders; putting in place mechanisms to ensure attention to gender-specific knowledge and gender balance; establishing a working group composed of indigenous and local knowledge-holders and scientists; and using a wide variety of media, languages, forums and communication processes to maximize participation and learning from indigenous and local knowledge-holders. The workshop report will be presented for further consideration at IPBES 2, to be held from 9-14 December 2013 in Antalya, Turkey.

ITPGR GB 5: At its fifth session (24-28 September 2013, Muscat, Oman), the Governing Body (GB) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) launched an intersessional *Ad Hoc* Working Group to Enhance the Functioning of the Multilateral System (MLS) of ABS. The GB also adopted a resolution on farmers' rights requesting the Secretariat, *inter alia*, to review knowledge, views and best practices, including from farmers' organizations, and systematically derive examples as options for national implementation, as appropriate and according to national legislation, for GB 6 consideration. The GB further adopted a resolution on sustainable use, requesting parties to promote, as appropriate, access of all farmers to genetic resources in the MLS and broadening of genetic diversity of crops in use; and deciding to reconvene its intersessional committee on sustainable use of plant genetic resources for food and agriculture, to provide advice to the Secretariat on the development of the toolbox on sustainable use, and prepare a set of options for parties' consideration in national implementation of farmers' rights.

WIPO GENERAL ASSEMBLY: At its forty-third session (23 September – 2 October 2013, Geneva, Switzerland), the WIPO General Assembly renewed the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to continue text-based negotiations, with a view to reporting to the next General Assembly so that it can take stock of progress made and decide on convening a diplomatic conference.