



## **NINETEENTH MEETING OF SBSTTA, AND NINTH MEETING OF THE WORKING GROUP ON ARTICLE 8(J) OF THE CBD: 2-7 NOVEMBER 2015**

The nineteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD) opens today in Montreal, Canada and will convene until 5 November 2015. The meeting will address: strategic scientific and technical issues related to the implementation of the Strategic Plan for Biodiversity 2011-2020; biodiversity and human health; climate-related geoengineering; forest biodiversity; and the work programme of the Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services (IPBES).

The ninth meeting of the CBD *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions will convene from 4-7 November 2015 in Montreal, Canada. The meeting will address: implementation of Article 8(j) on traditional knowledge and related provisions, including indicators; guidelines on prior informed consent, or approval and involvement, and benefit-sharing from the use of traditional knowledge; draft best-practice guidelines for the repatriation of traditional knowledge; and recommendations from the UN Permanent Forum on Indigenous Issues (UNPFII). In addition, the meeting will feature an in-depth dialogue on challenges and opportunities for international and regional cooperation in the protection of shared traditional knowledge across borders for the strengthening of traditional knowledge and the fulfilment of the three objectives of the Convention, in harmony with Nature/Mother Earth.

### **A BRIEF HISTORY OF THE CONVENTION AND ARTICLE 8(J)**

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 196 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 Conference of the Parties (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 work programme 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) and also considered the role of intellectual property rights (IPRs) in the implementation of ABS arrangements. 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 with regard to 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 indigenous and local communities (ILCs) in the Convention,

This issue of the *Earth Negotiations Bulletin* © [enb@iisd.org](mailto:enb@iisd.org) is written and edited by Daniela Diz, Ph.D., Lynn Finnegan, Elisa Morgera, Ph.D., and Asterios Tsioumanis, Ph.D. The Digital Editor is Francis Dejon. The Editor is Pamela Chasek, Ph.D. <[pam@iisd.org](mailto:pam@iisd.org)>. The Director of IISD Reporting Services is Langston James "Kimo" Goree VI <[kimo@iisd.org](mailto:kimo@iisd.org)>. The Sustaining Donors of the *Bulletin* are the European Union, the Government of Switzerland (the Swiss Federal Office for the Environment (FOEN), the Swiss Agency for Development Cooperation (SDC)), and the Kingdom of Saudi Arabia. General Support for the *Bulletin* during 2015 is provided by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB), the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, the Finnish Ministry for Foreign Affairs, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the United Nations Environment Programme (UNEP), and the International Development Research Centre (IDRC). Funding for translation of the *Bulletin* into French has been provided by the Government of France, the Wallonia, Québec, and the International Organization of La Francophonie/Institute for Sustainable Development of La Francophonie (IOF/IFDD). The opinions expressed in the *Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <[kimo@iisd.org](mailto:kimo@iisd.org)>, +1-646-536-7556 or 300 East 56th St., 11D, New York, NY 10022 USA. The ENB team at the 19th Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and the 9th meeting of the *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions of the CBD can be contacted by e-mail at <[elisa@iisd.org](mailto:elisa@iisd.org)>.



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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 Community 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.

**COP 12:** At its twelfth meeting (6-17 October 2014, Pyeongchang, Republic of Korea), the COP conducted a mid-term review of progress towards the goals of the Strategic Plan for Biodiversity 2011-2020 and its Aichi targets, and agreed on the Pyeongchang Roadmap. On Article 8(j), the COP, *inter alia*, adopted a decision to use the terminology "indigenous peoples and local communities" (IPLCs) in future decisions and secondary documents under the Convention, and endorsed the action plan on customary sustainable use. In addition, the COP decided that SBSTTA will submit to COP, for its approval, any requests for the next work programme of IPBES; and that a Subsidiary Body for Implementation (SBI) will replace the Working Group on Review of Implementation of the Convention (WGRl).

**NP COP/MOP 1:** The first meeting of the COP serving as the Meeting of the Parties to the Nagoya Protocol (NP COP/MOP 1, 13-17 October 2014, Pyeongchang, Republic of Korea) adopted, among other things, cooperative procedures and institutional mechanisms on compliance, whereby: two ILC representatives, nominated by ILCs, will serve as observers and participate in the deliberations of the Compliance Committee, except in the taking of decisions; the Committee may examine information received by the Secretariat from ILCs; and the Committee may seek, receive and consider information from affected ILCs, as well as seek advice from independent experts, including from an ILC expert.

### INTERSESSIONAL HIGHLIGHTS

**IPBES 3:** The third session of the IPBES Plenary (12-17 January 2015, Bonn, Germany) adopted decisions on: the work programme for 2014-2018; a stakeholder engagement strategy; a communications and outreach strategy; the financial and budgetary arrangements; and rules of procedure for the Platform on, *inter alia*, the conflict of interest policy. Delegates did not

reach agreement on procedures for the review of the Platform, and on policy and procedures for the admission of observers. In particular, the Plenary welcomed the establishment of a task force on Knowledge and Data and Indigenous and Local Knowledge (ILK) Systems; noted progress in developing draft procedures and approaches for working with ILK; decided to continue piloting preliminary ILK approaches and procedures in four regions (Americas, Africa, Asia-Pacific, and Europe and Central Asia) focusing on sustainable use and conservation of biodiversity, depending on available resources; noted progress in establishing a roster of experts and a participatory mechanism for working with ILK systems; and approved a data and information management plan.

**UN Sustainable Development Summit:** The Summit (25-27 September 2015, New York) adopted the 2030 Agenda for Sustainable Development. Under Sustainable Development Goal (SDG) 15 (terrestrial ecosystems), targets include to: promote fair and equitable sharing of benefits arising from the utilization of genetic resources, and appropriate access to such resources, as internationally agreed; integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts by 2020; and enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities. Under SDG 14 (oceans), targets include to provide access for small-scale artisanal fishers to marine resources and markets. Under SDG 13 (climate change), targets include to promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth, and local and marginalized communities. Under SDG 6 (water and sanitation), targets include to support and strengthen the participation of local communities in improving water and sanitation management. Under SDG 2 (food security), targets include to: double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers by 2030, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment; and maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species by 2020, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed.

**ITPGRFA GB 6:** The sixth session of the Governing Body (GB) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) convened from 5-9 October 2015, in Rome, Italy, and adopted, *inter alia*, resolutions on strengthening implementation of Treaty provisions with regard to on-farm conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), through a revised work programme on sustainable use and farmers' rights. The GB also invited parties to consider reviewing and, if necessary, adjusting national measures affecting the realization of farmers' rights; and requested a study on lessons learned from the implementation of farmers' rights, including policies and legislation, with parties and organizations submitting views and experiences as possible options for national legislation, for presentation at GB 7.