



Council of the
European Union

006745/EU XXVI. GP
Eingelangt am 21/12/17

Brussels, 21 December 2017
(OR. en)

16001/17

ENV 1090
COHOM 169
ONU 172

INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Biological Diversity (CBD):
Tenth meeting of the ad hoc Open-ended Inter-sessional Working Group
on Article 8(j) (WG8j-10) and related provisions (Montreal, Canada, 13-16
December 2017)
- Statements by the EU and its Member States

Delegations will find in the [Annex](#), for information, a compilation of statements delivered on behalf of the European Union and its Member States at the abovementioned meeting.

**Convention on Biological Diversity (CBD):
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on Article 8(j) (WG8j-10) and related provisions
(Montreal, Canada, 13-16 December 2017)**

- Statements by the EU and its Member States -

Agenda item 3: 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 (task 15 of the multi-year programme of work)

The European Union and its Member States would like to start by acknowledging that the land on which we gather is the traditional territory of the Mohawk, a place which has long served as a site of meeting and exchange amongst nations.

The European Union and its Member States welcome the revised draft of Rutzolijirisaxik Voluntary guidelines for repatriation of traditional knowledge of indigenous peoples and local communities relevant for the conservation and sustainable use of biological diversity. We believe that this document provides a solid base for finalizing the guidelines at this meeting.

We also consider that the guidelines should remain within the scope of the Convention and its protocols. And therefore should consistently use the existing terminology of the Convention. Also to integrate the article 8J issues throughout the CBD work we propose to add the information not only in the traditional knowledge portal but also in the Clearing House Mechanism in the draft recommendations.

We further have some proposals for changes within the draft guidelines concerning items that go beyond the scope of the Convention and are being dealt with in other processes. This relates to paragraphs 32 and paragraph 50.

Agenda item 4: Glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions

The European Union and its Member States welcome the revised and reviewed draft glossary of key terms and concepts to be used as non-binding working definitions within the context of Article 8(j) and related provisions. We believe that the Glossary can provide useful guidance for the implementation of Article 8(j).

We were ready to support the adoption of the glossary at COP 13 and we consider it very important that a revised and reviewed glossary will be adopted at COP 14. The European Union and its Member States affirm that the use of the glossary is without prejudice to the terminology used in the Convention or its Protocols and, without prejudice to national implementation, should not be taken into account for the purposes of interpreting the Convention or its Protocols.

We propose one editorial amendment, in section III para 23 point 1, where we suggest replacing “agrees to” with “welcomes and adopts,” to be consistent with previous wording of COP decisions upon adoption of voluntary guidelines (Mo’otz kuxtal). We also have two minor changes to the Glossary: 1) i.e., adding a footnote to the glossary concerning the definition of “cultural heritage impact assessment”, stating that the definition of cultural heritage impact assessment should be interpreted consistently with the definition of cultural heritage as in Section 3 of this Glossary and 2) ensuring consistency of the definition of “traditional resources” by rewording it as “traditional biological resources”.

Agenda item 5: Finalization of tasks 7, 10 and 12 of the multi-year programme of work

Agenda item 7: Progress towards Aichi biodiversity target 18, implementation of the plan of action on customary sustainable use, and integration of Article 8(j) and provisions related to indigenous peoples and local communities in the work of the Convention and its Protocols

With respect to agenda item 5, the EU and its Member States support the substance of the current draft recommendation by Secretariat. In particular, we support the emphasis on gathering experience in the implementation of the Mo’otz kuxtal Voluntary Guidelines and on considering the need for further work on this issue within the post-2020 framework.

With respect to agenda item 7, the EU and its Member States would like to thank the Secretariat for producing the documentation for this agenda item which covers two important elements.

Firstly on the progress towards Aichi Target 18, the EU and its Member States consider it very important that the information on progress and good examples of practices is made available as it provides us with valuable input and motivates further work.

We encourage parties to involve IPLCs in the development of the National Biodiversity Strategic Action Plans (NBSAPs) and their operationalization in order to enhance national implementation of Article 8(j) and related provision. We also encourage parties to use the opportunity to share experiences from the national work with respect to the involvement of IPLCs and the implementation of Articles 8(j) and 10(c) in the 6th National Report.

Secondly on the integration of Article 8j in the work of the Convention, the EU and its Member States would like to stress the important role that WG 8(j) has performed to ensure the full and effective participation of indigenous peoples and local communities in the work of the Convention. Since the Programme of Work on Article 8(j) and related provisions was established, it has served as a critical space for cross-cultural interactions and learning between governments and representatives for indigenous peoples and local communities, and other experts. When we discuss organizational matters, we strongly support the proposed decision to complete the current programme of work on Article 8(j) and related provisions no later than at COP 15.

The EU and its Member States believe that future work relating to IPLCs should be organized in a way that meets the following criteria: 1) continuity – future work needs to build on the accomplishments of the WG8j, especially given that it has served as good practice for the wider UN system and has led to constructive partnerships, including within the IPLCs, 2) IPLC participation – we must ensure full and effective participation of IPLCs on matters directly affecting them, 3) implementation – future arrangements should increasingly focus on the implementation of existing decisions and guidance, and 4) efficiency – we need to ensure efficient use of resources - both human and financial.

The EU and its Member States believe that there is a need to look at ways to apply these criteria in a way that may go beyond either option A or B or any combination thereof.

We look forward to an active exchange of views on this issue.

Agenda item 6: Resource mobilization: assessing the contribution of collective actions of indigenous peoples and local communities and safeguards in biodiversity financing mechanisms

These notes refer jointly to documents WG/8j/10/5 and WG/8j/10/6.

The EU and its Member States appreciate the decision COP XIII/20 that welcomes the guiding principles on assessing the contribution of collective action by indigenous peoples and local communities. We are encouraging the further piloting of methods and approaches for measuring these contributions.

We also strongly encourage the further piloting and exchange by Parties and indigenous peoples and local communities of applying the CBD voluntary safeguards in biodiversity financing, with focus on the effects on livelihoods of indigenous peoples and local communities.

Given the late submission of these two documents to the WG8(j) meeting portal, the EU and its Member States have been unable to thoroughly analyse their content. We regret this as it would have been great importance to discuss this within this working group on Article 8j. We therefore suggest to further elaborate these documents at SBI2, under the agenda item of resource mobilization, and to allocate due time for this. We therefore request the Secretariat to collect views from Parties, other governments, stakeholders and IPLCs on this issue when preparing the document for SBI2 and ensure readiness of documents for SBI-2. The EU and its Member States have some preliminary technical amendments at this stage to the document CBD/WG8J/10/6 which we can submit in writing if so requested by the Chair.

Agenda item 8: Recommendations from the United Nations Permanent Forum on indigenous issues to the Convention on Biological Diversity

The European Union and its Member States encourage the Secretariat to continue to engage constructively with the Permanent Forum, including via the Inter-Agency Support Group (IASG), and to continue informing the Permanent Forum on developments of mutual interest. In particular, we welcome Secretariat's initiatives, as during the 16th session this year, to hold official side events at the Forum with the objective to raise awareness of indigenous peoples and local communities (IPLCs) about the Convention and its continued relevance to IPLCs.

Agenda item 9: In-depth dialogue on thematic areas and other cross-cutting issues

I would like to start by saying that we are looking forward on the in depth-dialogue on the implementation of the 2030 Agenda.

Now moving to the suggested topic for WG8j-11. Indigenous peoples and local communities are through their traditional knowledge, innovations and practices continuously making substantial contributions to the governance and management of our global biodiversity, and to the achievement of all the 20 Aichi targets. It is thus important with a holistic approach that ensures their full and effective participation in the development of the post-2020 Agenda, envisioning that their contribution to conservation and sustainable use of biodiversity will be fully integrated in the future work of the Convention.

With this in mind, the EU and its Member States support the Secretariat's suggested topic for WG8j-11. "Contribution of the traditional knowledge, innovations and practices of indigenous peoples and local communities to the post-2020 global biodiversity framework"

Closing Statement

Estonia on behalf of European Union and its 28 Member States would like to thank Secretariat, Parties, IPLCs and all other participants for a very constructive and forward looking meeting. We attach great importance to the full and effective participation by IPLCs.

We are very happy with the outcomes of the meeting in particular consensus found on the Glossary. And almost on Rutzolijirsaxik voluntary guidelines. These documents have been under development for several years. We are now coming close to the completion of the Work programme and we look forward to the celebrations once we are there.

We also welcome the constructive discussions held on future work, including process on integrating Article 8j and provisions related to IPLCs into the work of Convention. European Union and it Member States are looking forward continuing progress on these issues during future meetings.

Thank you Canada for hosting and Mr Chair and madam co-chair for excellent work.

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