

# RECOMMENDATION AND POSITION ICCA CONSORTIUM SOUTHEAST ASIA FOR THE ASEAN MEMBER STATES FOR THE NEGOTIATION OF THE 16<sup>TH</sup> CONFERENCE OF THE PARTIES OF CONVENTION ON BIOLOGICAL DIVERSITY (COP-16 UNCBD)

Cali, Columbia, 21 October- 1 November 2024

## *Key Messages*

**Monitoring, Review and Reporting NBSAP:** Ensure full and effective participation of civil society organizations, Indigenous Peoples, local communities, women, youth, persons with disability, and other marginalized groups in the implementation, review, and monitoring of NBSAP. Non-state actors are strategic partners who can contribute and commit to achieving the targets set in both NBSAP and KM-GBF must be recognized and enabled through various platforms and bridge dialogue to share learning among stakeholders. Other initiatives such as Regional Biodiversity Strategy and Action Plan (RBSAP) and Indigenous Biodiversity Strategy and Action Plan shall be welcomed, supported, recognized, and integrated as a part of the strategy to mainstream and implement KM-GBF

**ARTICLE 8J:** As a region rich in indigeous cultures and traditional knowledge, Southeast Asia is the champion in promoting the sustainable and equitable use of genetic resources associated with Indigenous and local knowledge systems. This can be done by supporting the adoption of the Program of Work on Article 8j and Institutional Arrangement of Subsidiary Body on Article 8j.

**DIGITAL SEQUENCE INFORMATION:** Ensure the existence of a legal security/certainty framework to protect the rights of Indigenous Peoples, local communities, women and youth to traditional knowledge, local wisdom associated with the use of genetic resources and DSI, while ensuring PROPER FPIC process and EQUITABLE benefit sharing, including through the use of existing biocultural community protocols, in the access of genetic resources within indigenous lands and territories

**MONITORING FRAMEWORK:** Enable the third pathway to achieve 30x30 (Target 3 of KM-GBF) aside from Protected Areas and OECMs, by recognizing Indigenous, Traditional Territories, and Indigenous and Community Conserved Areas (ICCAs) WITH PROPER FPIC PROCESS and support land change and land tenure as the headline indicator of Target 22 in the Monitoring Framework

**RESOURCE MOBILIZATION:** Establish a financial mechanism that is inclusive, non-discriminatory, accountable and allows for the flow of resources directly to Indigenous PEOPLES and local communities based on their needs and capacities and fully respecting their right to self-determination. Such a mechanism must allow rights holders' full AND EFFECTIVE participation in its development and governance. Provide adequate budget or support for the development of IPBSAPs and the integration of IPLC plans in NBSAPs including for localization, monitoring and reporting plans and activities.

## ITEM NEGOTIATIONS

### **ITEM 8. Progress on the preparation of targets and updating of national biodiversity strategies and action plans by Parties in line with the Kunming-Montreal Global Biodiversity Framework.**

As an implementation of the mandate of the Kunming Montreal Global Biodiversity Framework (KM-GBF) adopted at the UN-CBD COP-16 last December 2022, *parties* (UN-CBD member states), have received a mandate to be able to prepare biodiversity plans and action documents that are in line with the targets set in the KM-GBF and will be reported at the UN-CBD COP-16 momentum in Cali, Columbia on October 21-November 1. ICCA Consortium Southeast Asia congratulates Asean Member States that successfully compiling and publishing the NBSAP document, and encourages those Asean Member States that have not submitted their NBSAP, to be able to accelerate the submission

#### **Recommendation**

- Encourage the AMS to continue its commitment to involve and recognize the **FULL AND EFFECTIVE PARTICIPATION** and contribution of non-state *actors* such as civil society organizations, Indigenous Peoples, women, youth, disability groups, etc. in the implementation of NBSAP.
- Encourage the AMS to include *non-state actors* to be involved in the review and reporting of the NBSAP implementation to the CBD.
- Support the AMS to establish a *multi-stakeholder platform* for NBSAP *monitoring, review and reporting* as mandated in target 17.5 of the IBSAP document
- Encourage AMS to develop mechanisms, including appropriate guidance and technical support to **INDIGENOUS PEOPLES** and local communities, Indigenous women and youth for their participation, to track reporting commitments and contributions of non-State actors using the template contained in annex II to document CBD/SBI/4/4, which can be done in collaboration with civil society.
- AMS must support, recognize, integrate other initiative to strengthen the implementation of NBSAP such as IPBSAP and RBSAP.

### **ITEM 9. Digital sequence information on genetic resources.**

Indigenous Peoples and local communities have a very important role in maintaining traditional practices of utilizing and protecting genetic resources. In the work of documenting ICCAs (*Indigenous and Community Conserved Territories and Areas*) ICCA Consortium SEA members found various practices of utilizing and protecting genetic resources for various community needs such as medicinal plants, rituals, local food, cosmetics and other needs. Communities also have developed their own biocultural community protocols in regards of ensuring the sustainable and equitable use of these resources. Because of this contribution, the community's traditional

knowledge and subsequent biocultural community protocols should be protected and recognized, and the community should receive monetary and non-monetary benefits for its contribution.

#### **Recommendation**

- Ensure a legal framework to protect the rights of Indigenous Peoples, local communities, women to traditional knowledge, **BIOLOGICAL RESOURCES**, local wisdom associated with the use of genetic resources and DSI.
- Encourage the AMS to support CBD decision 15/9 on *Digital Sequence Information of the Use of Genetic Resources*, particularly paragraphs 9 and 10 which recognize the *monetary* and non-monetary benefits of the *use* of Genetic Resources and that DSI should, in particular, be used to support the conservation and sustainable use of biodiversity and benefit Indigenous Peoples and local communities.

#### **ITEM 10. Mechanisms for planning, monitoring, reporting and review.**

One of the important elements to ensure that the targets set in the KM-GBF can be implemented and achieved is by preparing various instruments and working tools needed by *Parties*, in line with this, a *monitoring* framework document is currently being prepared to *track* implementation through various indicators set in accordance with the respective targets of the KM-GBF. One of the important indicators of the *monitoring framework* is the *headline indicator*. All KM-GBF targets are expected to have *headline* indicators that can ensure that progress can be measured, but unfortunately some targets do not yet have indicators such as targets 22 and 23, which in practice are actually very related to other targets. *Binary indicators* alone are limited in measuring the progress of KM-GBF implementation.

#### **Recommendation**

- Encourage the AMS to support the adoption of *headline indicators* for targets 22 and 22.1 on *land use change and land tenure*, the achievement of this indicator can be synergized with target 3 and target 17 of the IBSAP, where the government has provided recognition of tenure rights for Indigenous Peoples in the form of legal products in the form of local regulations or decrees related to the recognition of customary territories and customary forests.
- Encourage the AMS to support point 14 of the document CBD/SBSTTA/26/L.10 *[Urges Parties and other Governments, including local and subnational governments, to take section C of the Framework into consideration when implementing the monitoring framework, including through disaggregating the headline indicators by Indigenous Peoples and local communities, sex, age, persons with disabilities and other relevant groups and by ecosystem type, when appropriate, using relevant component, complementary and national and local indicators relevant to section C and traditional knowledge indicators, including by strengthening community-based monitoring systems, and where relevant and applicable;]*
- Encourage the AMS to support point number 28 of the document CBD/SBSTTA/26/L.10

*[Decides to review the use of the indicators of the monitoring framework, including the headline, binary, component, and complementary indicators, in collaboration with the Ad Hoc Scientific and Technical Advisory Group in conjunction with the global review of collective progress in the implementation of the Framework to be conducted at the seventeenth and nineteenth meetings of the Conference of the Parties;14]*

- Encourage the AMS to support point 29 of the CBD/SBSTTA/26/L.10 document to allow the addition of headline indicators in accordance with the dynamics of implementation and the interests of each Parties.

*[Decides to consider additional headline, component and complementary indicators, if relevant and available, at a meeting of the Subsidiary Body on Scientific, Technical and Technological Advice before the seventeenth meeting of the Conference of the Parties for consideration by the Conference of the Parties at its seventeenth meeting as part of the review of implementation of the Framework;]*

#### **ITEM 11. Resource mobilization and financial mechanism.**

Targets 18 and 19 of the KM-GBF mandate adequate funding mechanisms to ensure that the goal to reduce and mitigate biodiversity loss set out in the KM-GBF targets can be implemented with a holistic and effective approach.

#### **Recommendation**

- Support mechanisms for channeling direct access funds to actors that contribute to the conservation and sustainable use of biodiversity such as fishers and small-scale farmers, women, youth, Indigenous Peoples by establishing simple and accountable funding mechanisms that can be accessed directly by them **ACCORDING TO THEIR SELF DETERMINATION**.
- Enabling support funding for the development of IPBSAPs or integrated plans of IP and LCs in NBSAPs including for localization and monitoring and reporting plans and activities.
- Encourage the AMS to reject market-based financing mechanisms (*credit / trade off / offset*) or *nature-based* solutions that can have an impact on the loss of the rights of indigenous Peoples and local communities to their **LAND**, territory, living space, traditional knowledge, and; natural resources.
- Encourage the AMS to allocate funding to develop a national *Gender Action Plan* as part of the implementation of KM-GBF.

#### **ITEM 12. Capacity-building and development, technical and scientific cooperation, clearing-house mechanism and knowledge management.**

To maximize the implementation of NBSAP and KM-GBF, various tools are needed that can show transparency and progress of NBSAP and KM-GBF achievements such as the clearing house platform

and knowledge management, in its use, various parties certainly also need technical capacity building in the use of these instruments.

#### **Recommendation**

- Encourage the AMS to adopt the work program of the clearing-house mechanism for the period 2024-2030, as attached in annex I of the CBD/SBI/4/L.4 decision.
- Encourage the AMS to maximize the *clearing house mechanism* as a platform for *non-state actors* to contribute to the monitoring, review and reporting of NBSAP.
- Collaborate with civil society to provide capacity building for Indigenous Peoples, Local Communities, Women, Youth and disability groups to utilize the *clearing house mechanism*

#### **ITEM 14. Implementation of Article 8(j) and related provisions.**

Article 8(j) is an important and crucial article in supporting the 3 objectives of the CBD convention. It provides for the full and effective participation and involvement of Indigenous Peoples and local communities, women, and youth, including recognition of the rights and importance of traditional knowledge, customary sustainable use, and the application of principles and protocols that support our survival.

The Working Group on Article 8j has contributed greatly to the work of the Convention for more than 20 years by playing an important role in the achievement of the CBD as seen in the multi-annual work program report. However, the role of WG8j as an *ad-hoc body* is very limited and not permanent, therefore various parties encourage WG 8j to be encouraged to become a *Subsidiary Body* which is strengthened through the *Program of Work on Article 8j*. This new body and program will be key to the implementation of the KMGBF, especially section C that recognizes the role, rights and contributions of Indigenous Peoples and local communities and 8 targets that contain special mention of Indigenous Peoples and local communities (Goal C, Targets 1, 3, 5, 9, 13, 19, 21, 22), as well as ensuring that this article can be integrated with other work programs in the CBD.

#### **Recommendation**

ICCA Consortium Southeast Asia fully supports and encourages the AMS to adopt the draft recommendations prepared by the Ad Hoc Technical Expert Group on the New Programme of Work and Institutional Arrangements on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities and (AHTEG) for the establishment of a Subsidiary Body on Article 8(j) and other Provisions embodying the same underlying principles and characteristics of the current Working Group on Article (j) **to support the agenda of establishing a Subsidiary Body on Article 8j and Program of Work on Article 8j.**

#### **ITEM 25. Biodiversity and climate change.**

Similar to the process underway under the Convention on Biological Diversity, governments from various countries are also drafting and updating *their Nationally Determined Contribution (NDC)* documents. the COP 28 Joint Statement on Climate, Nature, and People<sup>[1]</sup> has emphasized that strong synergy of biodiversity planning (NBSAP) is needed, NDC (*Nationally Determined Contributions*) and NAP (*National Adaptation Plan*) by implementing a rights-based approach and *whole society- whole government approach*, this synergy can support the achievement of KM-GBF targets and the Paris agreements.

#### **Recommendation**

- Encourage the AMS to synchronize the climate and biodiversity agenda including climate and biodiversity action-based projects through a rights-based approach and; **FULL AND EFFECTIVE** participation of Indigenous Peoples, Local Communities, Women, Youth and disability groups affected by the biodiversity and climate crisis as emphasized in the COP 28 Joint Statement on Climate, Nature, and People.
- Encourage the AMS to ensure that this synchronization is carried out by taking into account aspects of recognition and protection of the rights of Indigenous Peoples, Local Communities, Women, Youth and disability groups, etc.