ICCA Consortium Statement on the CBD COP17 Agenda Item 10: Modus Operandi

Statement by the ICCA Consortium at the 17th meeting of the Conference of the Parties (COP17) to the Convention on Biological Diversity (CBD) in Yerevan, Armenia

By the **ICCA Consortium**

The operationalization of the permanent Subsidiary Body on Article 8(j) (SB8J) marks a historic turning point in United Nations (UN) environmental governance. Although Article 8(j) originated at the first Convention on Biological Diversity (CBD) conference in Rio in 1992, it took around 30 years to become fully operational. This extensive timeline shows why the framework holds deeper significance than a standard administrative protocol. From the Ad Hoc Open-ended Working Group on Article 8(j) (WG8[j]) formed at COP4 in 1998 and finally retired at COP16 in 2024, WG8(j) had established vital participatory practices for Indigenous Peoples and Local Communities, transforming traditional knowledge into foundational COP decisions, guidelines, and glossaries.

Therefore, to realize the vision of the Kunming-Montreal Global Biodiversity Framework (KM-GBF), the modus operandi of SB8J must not be reduced to a standard administrative protocol; it must drive institutional equity, rights-based governance, and structural integration across the Convention.

To ensure SB8J carries out its mandate effectively and without duplication, its modus operandi must guarantee the direct, unmediated leadership of Indigenous Peoples and Local Communities alongside Parties.

We call on Parties to adopt decision language establishing two co-chairs for SB8J, one nominated by Parties across UN regional groups, and one nominated directly by Indigenous Peoples and Local Communities.

Nominations of Indigenous Peoples and Local Communities (IPLC) co-chairs and Bureau representatives must be conducted strictly through IPLC self-determined governance structures and processes, free from state endorsement bottlenecks or national administrative constraints. We also urge Parties to maintain the established practice of appointing seven regional Friends of the Bureau designated by IPLCs from the seven United Nations Permanent Forum on Indigenous Issues (UNPFII) socio-cultural regions. This guarantees regional balance, intergenerational equity, and gender-responsive guidance in all Bureau proceedings.

SB8J must operate in full collaboration and parity with the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the Subsidiary Body on Implementation (SBI). Advice generated by SB8J on traditional knowledge, customary sustainable use, and biocultural stewardship must systematically inform work streams across all subsidiary bodies rather than remaining isolated in advisory silos.

A robust modus operandi is only as effective as its national implementation. We urge Parties to immediately designate dedicated National SB8J Focal Points within ministries that hold clear executive authority over Indigenous rights and community tenure.

Regarding the Friends of the Focal Point, National Focal Points must be supported by national technical expert groups or “Friends of the Focal Point” comprising IPLC rights-holders, elders, youth, and traditional knowledge holders to oversee the national implementation of Article 8(j) and KM-GBF targets.

Agenda Item 10 (b) on Implementation of the Programme of Work on Article 8(j)

We call for the full adoption of the voluntary guidelines under Tasks 1.1 and 1.2 to secure and strengthen the full range of rights, including tenure rights, the right to free, prior, and informed consent (FPIC), and the continuation of traditional knowledge and customary governance within the legal and policy framework for the implementation of Targets 2 and 3 on Indigenous and Traditional Territories; to ensure timely, consistent, and need-based support for the protection and restoration practices being led by Indigenous Peoples and Local Communities; and to ensure the meaningful inclusion and consideration of traditional lands and resource use in spatial planning processes and environmental impact assessments.

We would like to highlight that Indigenous and Traditional Territories (ITTs), including ICCAs–territories of life, stand as a distinct pathway that can achieve conservation outcomes and must be recognized with their governance systems and customary sustainable use, provided with enabling conditions, and safeguarded against harmful land use and perverse incentives. We understand that some custodian Indigenous Peoples and Local Communities may also choose to classify their ITTs and ICCAs–territories of life as protected areas or other effective area-based conservation measures (OECMs). However, many times, such ITTs and ICCAs–territories of life are included within protected areas (PAs) and OECMs without the FPIC of the custodian peoples and communities. Any establishment or recognition of OECMs and protected areas affecting lands, waters, and territories of the Indigenous Peoples and Local Communities must be predicated on FPIC. In cases of such overlap, ITTs and ICCAs–territories of life must be recognized as overlapped ITTs and ICCAs–territories of life, along with appropriate recognition of their contributions to conservation and sustainable use. This includes their rights to continued access for sustainable customary use and cultural practices, and the unhindered exercise of their governance mechanisms and processes within their areas and territories.

Finally, we urge the Parties to also consider maintaining global and national information systems on Indigenous and Traditional Territories and ICCAs–territories of life, at all levels, in order to monitor progress towards recognition and governance of those territories, including in the context of Target 3. Such information systems can build upon, adapt, and utilize existing global platforms, including but not limited to the ICCA Registry, LandMark, and the Indigenous Navigator. Such systems must ensure data sovereignty for those groups, integrate monitoring systems and indicators led by the Indigenous Peoples and Local Communities, and allow custodians to decide what information may be collected, stored, and shared, and how it may be used.

Our key asks are as follows:

Within Agenda 10 (b)

1. Retaining explicit language affirming that Indigenous and Traditional Territories do not need to be designated as protected areas or OECMs for their conservation and restoration contributions to be counted, supported, and recognized under Target 3. Reaffirming that Indigenous Peoples and Local Communities have the right to self-determination regarding how their territories are recognized, including ITTs and ICCAs–territories of life as a distinct pathway.

Where applicable and so desired by the custodian communities, they may choose with their internal processes of FPIC to be designated as PAs or OECMs.

2. Defending all draft provisions requiring FPIC, environmental and human rights defenders' protections, customary spatial planning inclusion, and direct financial mechanisms.

Within Agenda 10 (a)

1. Rejecting any text requiring Party endorsement or national registration for IPLC co-chairs and Bureau representatives. Instead, these nominations should be informed and/or communicated further to the Party while remaining under the governance structures of the IPLC caucus.
2. Urging Parties to appoint National SB8J Focal Points within ministries holding executive mandates for IPLC rights protection, supported by national advisory groups composed of Indigenous experts and academics.
3. Urging Parties to clean the bracketed text in the draft modus operandi, in favor of direct access, self-determination, and structural parity. Grant the SB8J the operational authority, funding, and inclusive leadership structure it requires to fulfill its historic purpose.