



In this issue

- **The Future of Article 8j**
- **Ocean Biodiversity**
- **Sustainable Use**
- **Indigenous Forest Defenders**
- **Cali Fund Certificates**

Indigenous Peoples, local communities, and the future of Article 8(j)

June Rubis, Lucy Mullenkei, Jennifer Tauli-Corpuz, Jannie Lasimbang & Edmund Bon

The establishment of a permanent *Subsidiary Body on Article 8(j)* under the CBD marks an important development in the institutional participation of Indigenous Peoples and local communities. It also presents an opportunity to reflect on how Party leadership and constituency responsibility for representative selection can work together.

Decision 16/5 recognizes the Party-led character of the Subsidiary Body while emphasizing the full and effective participation of Indigenous Peoples and local communities. These are not necessarily competing principles. The important question is how institutional arrangements can respect both.

The Convention has a substantial history to draw upon. As early as Decision IV/9, Parties encouraged Indigenous and local communities to identify processes for selecting their participants in the former *Working Group on Article 8(j)*. Over subsequent decades, constituency organizing, regional coordination, and representative practices developed through the *International Indigenous Forum on Biodiversity* (IIFB) have become important features of participation.

This experience offers an important distinction: the responsibility for governing an intergovernmental body is not the same as the responsibility for identifying who legitimately represents a constituency.

Parties and the Bureau have established responsibilities for institutional governance, transparency, and accountability. Indigenous Peoples and local communities, in turn, have their own governance structures, representative institutions, and processes through which they identify those who speak on their behalf. Recognizing these respective responsibilities can strengthen rather than diminish institutional legitimacy.

How participation procedures are designed also matters. Requirements that appear administratively neutral

may have different consequences across regions. In Southeast Asia, for example, national categories of recognition do not always correspond to international understandings of Indigenous Peoples. Procedures that rely heavily on official recognition or registration may inadvertently limit participation or displace established constituency processes.

This is why the distinction between constituency selection and formal institutional procedures deserves careful attention. The act of identifying a representative, the process through which that representative assumes an institutional role, and the accountability arrangements that follow need not rest with the same actors.

The permanent Subsidiary Body offers an opportunity to build on the Convention's accumulated experience rather than starting anew. Party leadership and constituency choice need not be mutually exclusive. Institutional arrangements that clarify their respective roles can support representative legitimacy, accountability, and full and effective participation.

For a fuller examination of these institutional questions, see: **Holding Difference: Indigenous Peoples, Local Communities, and the Future of Article 8(j)**

by June Rubis, Lucy Mullenkei, Jennifer Tauli-Corpuz, Jannie Lasimbang, and Edmund Bon, published in the ICCA Consortium's On Governance series.

<https://doi.org/10.70841/JLE76A>



Feeding the Future While Protecting Ocean Biodiversity

Cristina Rodrigo (Compassion in World Farming)

The implementation of the Global Biodiversity Framework will depend not only on progress on land, but also in the oceans. However, marine and coastal ecosystems continue to receive less attention than terrestrial ecosystems in the implementation of the Global Biodiversity Framework, a concern explicitly recognised in the draft decision under agenda item 18(c) on marine and coastal biodiversity and island biodiversity.

At CBD COP 17, many issues under discussion share a common goal: protecting ecological relationships that sustain healthy marine ecosystems. To achieve the objectives of the Global Biodiversity Framework, it is not enough to protect important marine areas; it also requires understanding how human activities affect marine ecosystems and the species they depend on. This includes how marine resources are used in food production, particularly in relation to Target 9 on the sustainable use of wild species and Target 10 on the sustainable management of fisheries and aquaculture.

Compassion in World Farming's reports (*Atlantic Bluefin Tuna: Caught, Caged and Under Threat*, *The Growing Threat of Carnivorous Aquaculture* and *Octopus Farming, a recipe for disaster*) show that farming high-trophic species depends heavily on wild-caught fish for feed, placing additional pressure on marine ecosystems. The removal of these forage fish, which play a vital role in marine food webs, can reduce food availability for marine predators, threaten

biodiversity, and undermine food security in regions where they are an important source of nutrition and livelihoods, particularly for vulnerable coastal communities.

As implementation of the Framework continues, greater consideration should be given to how aquatic food systems can meet biodiversity objectives without contributing to overfishing, ecosystem degradation or forage fish depletion, while safeguarding marine food webs, coastal livelihoods and food security.

Although small pelagic fish and aquatic food systems remain underrepresented in CBD discussions, they are relevant to issues already addressed by the Convention, including ecosystem-based approaches, marine food webs, sustainable use of wild species and nature-friendly production systems – as well as other crucial questions regarding food security, nutrition, and livelihoods.

Greater attention to these questions would help ensure that species essential to marine ecosystems, and the communities that depend on them, should not be overlooked in future discussions on marine biodiversity conservation and sustainable use.

*Compassion in World Farming is discussing this further at the side event **Feeding the Future While Protecting Ocean Biodiversity: Rethinking Carnivorous Aquaculture** on 22 October, 13:15-14:45, at the FPWC Pavilion.*

Find all reports at <https://www.ciwf.org>

Beyond Population Numbers: Rethinking Sustainable Use

Vince Cinches & Shuang An (World Animal Protection)

Biodiversity policies often treat animals primarily as resources to manage, with too little attention to their welfare and the wider impacts of their use. At CBD COP17, governments can change this by making animal welfare and One Health part of biodiversity protection.

The KMGBF cannot deliver its goals without addressing the drivers of biodiversity loss. Habitat destruction, land-use change, industrial animal agriculture and harmful commercial wildlife exploitation put pressure on animals, ecosystems and communities. These problems are connected, and tackling them separately will not deliver lasting solutions.

This raises an important question: Can wildlife use genuinely be called sustainable if it causes animal suffering, damages ecosystems or creates risks to animal and human health?

Sustainable use is often interpreted too narrowly, focusing on species populations and whether activities are legally permitted. But legality does not automatically make wildlife use humane, safe or sustainable.

We need a broader approach that considers animal welfare, ecosystem health, public health and impacts on communities. This must also recognise the rights, knowledge and customary sustainable use of Indigenous Peoples and local

communities, while challenging harmful commercial exploitation.

The GBF provides opportunities to advance this approach. Targets 4,5 and 9 address wildlife conservation and sustainable use, with Target 5 explicitly addressing pathogen spillover risk. Targets 8, 10, and 16 link biodiversity to climate change, agriculture, and consumption, while Target 18 offers opportunities to reform harmful subsidies and incentives.

One Health is central to this discussion, but it must go beyond disease surveillance and outbreak response.

If we're serious about prevention, we need to address the conditions creating these risks. That means protecting habitats, improving animal welfare and changing harmful practices in wildlife exploitation and industrial animal agriculture.

One Health must be grounded in **equity and social justice**. Indigenous Peoples, local communities, and small-scale producers often bear the heaviest consequences of biodiversity loss and environmental

damage, despite having limited influence over decisions that affect their livelihoods.

These considerations should shape biodiversity financing. Public and private funding must support prevention, habitat protection and restoration rather than reinforce practices that harm animals and ecosystems. Financing should reach communities, strengthen their role in conservation and support just transitions toward sustainable alternatives.

At COP17, governments should integrate animal welfare and a preventive One Health approach into biodiversity policies, apply precaution to potentially harmful wildlife use, reform incentives driving biodiversity loss and ensure communities have the resources and decision-making power to shape solutions.

Protecting biodiversity is not simply about maintaining wildlife populations for future use. It means preventing harm, protecting rights and changing the systems driving biodiversity loss.

A Justice Gap for Indigenous Forest Defenders at the UN Biodiversity COP

Leon Dulce (Friends of the Earth Philippines)

For Indigenous Peoples and other Forest Defenders in the frontlines of the Philippines, the journey of the CBD COP has so far demonstrated a **justice gap** that fails to safeguard our human rights, and consequently undermines our ability to enact real solutions.

The Global Review's findings are telling: Only 18% of Parties submitted targets for the full protection of Environmental Human Rights Defenders, and only 29% made targets for access to justice to Indigenous Peoples and Local Communities.

We suffer this reality on the ground. Friends of the Earth International's recently launched report, *"Permission to Destroy: how biodiversity commitments fail on the ground"* looked into the case of the Kirinteken-Ilentungen Menuvu tribe in Southern Philippines. A 195-hectare banana plantation owned by Kennemer Foods International is being developed as a potential carbon forest and biodiversity offset project linked to a global value chain across the Netherlands, France, and various other countries in the Global North.

The plantation, however, **grows on disputed lands** belonging to the Kirinteken-Ilentungen Menuvu tribe, annexed through the Philippines' colonial land titling regime. Their continuing struggle to reclaim land comes with great cost—since 2020, two of their Datu or tribal chieftains have been killed, at least three harassment charges have been filed against their members, and multiple incidents of threats and intimidation, including an attempt to fence them out of their land last May 2026, have been recorded.

Parties to the CBD must urgently close this justice gap.

We must remind world leaders that neither development nor life can sustain if the praxis and culture of Indigenous and other environmental defenders, regarded by the IPBES to be among the most transformative factors in protecting Nature, is not given its due commitment, ambition, protection, and action. We must unconditionally support the rights-based solutions of Indigenous Peoples and forest defenders.

Cali Fund Certificates

An unbalanced and ineffective incentive

Nithin Ramakrishnan (Third World Network)

The Cali Fund is the financial arm of the CBD's *multi-lateral mechanism* (MLM), established to address inequities in benefit-sharing from DSI. As per Decision 16/2, users contributing to the Cali Fund in accordance with the MLM modalities are deemed to have fairly and equitably shared monetary benefits from DSI used within the MLM's scope for that year, and will receive a certificate exempting them from any expectation of further monetary benefit-sharing for that year within that scope.

Paragraph 13 of the Annex to the Decision 16/2 also invites Parties with DSI users in their jurisdiction to take measures to incentivize them to contribute to the Cali Fund. According to the COP16 President who developed the President's text, which formed the basis of the decision, Parties may take incentives in the form of mandatory benefit sharing provisions prescribing DSI users to make contributions to Cali Fund as well.

However, the current COP17 draft decision promotes the idea that a major incentive for DSI users to contribute to the Cali Fund would be the recognition that the certificate exempts contributors from further national monetary obligations.

In simple terms, the proposition is this: A company using DSI contributes money to the Cali Fund, gets a certificate, shows this certificate to a country providing DSI or genetic resource from which DSI is derived, and gets exempted from the monetary benefit sharing obligation under their national law, if any.

This proposition raises two main concerns:

Firstly, it does not distinguish between Parties with national ABS laws requiring monetary benefits from the use of DSI and Parties without such national ABS laws, resulting in an unfair imbalance for Parties with national ABS laws. Countries with national expectations of bene-

fits (mostly developing countries) have to give up their claims for monetary benefits under their national laws to make the Cali Fund work. Meanwhile countries without such expectations (most, if not all, developed countries), give up nothing.

Secondly, it offers an interpretation of Paragraph 13 whereby Parties with DSI users (mostly developed countries, if not all), would not need to take effective measures that would incentivise DSI users from their countries to contribute money to the Cali Fund. This is because incentives are now becoming increasingly perceived as measures taken by a country from where DSI is extracted and used. Incentives by provider countries is not merely a double cost for them (as they share DSI and waive national expectations), but also an ineffective incentive.

Many expensive biotechnology products are marketed exclusively in developed countries. A DSI user from a developed country could simply reside there, access DSI anonymously from so-called public databases, and operate businesses solely in developed countries, or even operate businesses remotely from such countries, without any pressure to contribute to the Cali Fund.

Certificates should only be used to certify that the monetary contribution is made at the expected rate to the Cali Fund. Its recognition by Parties expecting national monetary benefits gives legal certainty to the users about their contribution, but it would not motivate users to contribute to the Cali Fund, unless they already have business operations in those countries.

Real and effective measures to make the Cali Fund work should therefore be undertaken by Parties with users in their jurisdiction and should not discriminate against countries providing DSI or genetic resources from which DSI is derived.

The opinions, commentaries, and articles printed in ECO are the sole opinion of the individual authors or organisations, unless otherwise expressed.

We thank the Heinrich-Böll-Stiftung for their financial support.

Submissions are welcome from all civil society groups.

Email: lorch@ifrik.org or eco@cbd-alliance.org