



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

Distr.
GENERAL

UNEP/CBD/WG8J/2/INF/1
27 November 2001

ORIGINAL: ENGLISH

**AD HOC OPEN-ENDED INTER-SESSIONAL WORKING
GROUP ON ARTICLE 8(j) AND RELATED
PROVISIONS OF THE CONVENTION ON
BIOLOGICAL DIVERSITY**
Second meeting
Montreal, 4-8 February 2002

**COMPILATION AND OVERVIEW OF EXISTING INSTRUMENTS, GUIDELINES, CODES
AND OTHER ACTIVITIES RELEVANT TO THE PROGRAMME OF WORK FOR THE
IMPLEMENTATION OF ARTICLE 8(J) AND RELATED PROVISIONS**

Note by the Executive Secretary

CONTENTS

<i>Chapter</i>	<i>Page</i>
I. INTRODUCTION.....	3
II. EXISTING LEGALLY BINDING INSTRUMENTS RELEVANT TO THE PROGRAMME OF WORK.....	4
A. International instruments.....	4
B. National instruments.....	4
II. GUIDELINES, PRINCIPLES, PROTOCOLS, CODES OF ETHICS, ETC., RELEVANT TO THE PROGRAMME OF WORK.....	4
A. Guidelines formulated under intergovernmental agreements and by international agencies.....	5
B. Guidelines established by regional and economic integration organizations	6
C. National guidelines.....	6
D. Guidelines established by national institutions	6
E. Guidelines established by non-governmental organizations (NGOs)	7
F. Indigenous and local community guidelines	7
G. Guidelines elaborated by relevant professional societies.....	8
H. Guidelines elaborated by the private sector.....	8
IV. STATEMENTS, DECLARATIONS AND CHARTERS BY ORGANIZATIONS REPRESENTING INDIGENOUS AND LOCAL COMMUNITY AND OTHER ORGANIZATIONS	9
	/...

A.	Statements made by representatives of indigenous and local communities.....	9
B.	Statements by NGOs, professional societies and other organizations	10
V.	OTHER ACTIVITIES RELEVANT TO THE PROGRAMME OF WORK.....	10
A.	Commission on Human Rights	10
B.	World Intellectual Property Organization (WIPO).....	11
C.	United Nations Conference on Trade and Development (UNCTAD).....	12
D.	Agreement on the Trade-related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO)	13
E.	United Nations Environment Programme (UNEP).....	13
F.	United Nations Educational, Scientific and Cultural Organization (UNESCO)	14
G.	Traditional knowledge networks.....	14

Annex

I.	EXISTING INSTRUMENTS RELEVANT TO THE PROGRAMME OF WORK	15
II.	GUIDELINES, PRINCIPLES, PROTOCOLS AND CODES OF ETHICS/PRACTICE FOR THE CONDUCT OF RESEARCH IN INDIGENOUS AND LOCAL COMMUNITIES	16
III.	STATEMENTS, DECLARATIONS, CHARTERS, RESOLUTIONS AND RECOMMENDATIONS BY ORGANIZATIONS REPRESENTING INDIGENOUS AND LOCAL COMMUNITIES AND BY OTHER ORGANIZATIONS.....	20

I. INTRODUCTION

1. In paragraph 4 of decision V/16, the Conference of the Parties has requested Parties, Governments and relevant organizations to take full account of existing instruments, guidelines, codes and other relevant activities to the programme of work for the implementation of Article 8(j) and related endorsed by the COP and as contained in the annex to decision V/16.
2. Two previous notes, UNEP/CBD/IC/2/14 (paragraphs 61 to 75) and UNEP/CBD/COP/3/19, *inter alia*, considered examples of codes of conduct of professional/academic/research organizations, and public and private sector arrangements known to the Secretariat at the time. A compilation of guidelines issued by international agencies and statements made by indigenous and local communities and their organizations were also made available as document UNEP/CBD/3/inf.24.
3. In order to assist Parties and Governments and relevant organizations to take full account of existing instruments, guidelines, codes and relevant activities in the implementation of the programme of work, the Executive Secretary has compiled a list of relevant documents which is contained in the annex to this document. Individual documents can be accessed either through the Clearing-House Mechanism, in some cases, or through the relevant originating institutions and organizations. The present document also provides an update on relevant activities in other processes.
4. In compiling this list of documents, the Executive Secretary is also seeking to contribute to the implementation of Task 16 of Element 5 (Exchange and dissemination of information) of the second phase of the programme of work, whereby the Executive Secretary is to identify, compile and analyse, with the participation of indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.
5. This document provides a brief overview of the documents listed in the annex. It is divided into four parts: section two concerns existing international and national instruments relevant to the programme of work; section three deals with guidelines, codes of ethics, protocols, etc, formulated under international processes, and by regional, national, and indigenous and local community organizations, and by other stakeholder groups; section four concerns statements, declarations, charters, etc., made by representatives of indigenous and local communities and by professional groups with an interest in the traditional knowledge and biological resources used and maintained by indigenous and local communities; and section five addresses relevant activities being carried out by a number of international organizations and processes.
6. The annex contains a list of over 100 documents, which include relevant international and regional instruments; guidelines, principles, protocols, and codes of ethics/conduct produced by a range of stakeholder groups; and statements and declarations made by indigenous and local community groups and by other groups in different fora. Apart from the international instruments relevant to the programme of work, the assembled list of documents should be considered as an indicative list of such documents available world-wide.
7. The compilation of documents can be considered relevant to the programme of work at both a general and a specific level. As a body of documents they represent generally high levels of agreement on specific issues relating to the protection of the traditional knowledge, innovations and practices of indigenous and local communities; the role of indigenous and local communities and their knowledge relating to the conservation and sustainable use of biological diversity; and the need to respect the basic human rights of indigenous and local communities as articulated in the principal international human rights instruments. At the specific level, the documents relate directly to particular tasks identified in the programme of work, as many are focused on particular issues relevant to such tasks.

II. EXISTING LEGALLY BINDING INSTRUMENTS RELEVANT TO THE PROGRAMME OF WORK

A. *International instruments*

8. A number of international instruments, binding and non-binding, concerning the environment, intellectual property, and human rights have been identified in the annex. In most instances, the Executive Secretary is in communication with, or collaborating with the bodies responsible for servicing those instruments, for example, the joint programme of work of the Convention on Biological Diversity (CBD) and the Ramsar Convention was endorsed by the Conference of the Parties of both Conventions and the development of a joint programme of work between the CBD and the UN Convention to Combat Desertification (UNCCD) was endorsed by the Conference of the Parties to the CBD at its fifth meeting. The Secretariat of the CBD will continue to work in close collaboration with the Secretariat of the UNCCD in the implementation and further elaboration of the programme of work. The Secretariat of the Convention on Biological Diversity also continues to work in close collaboration with the World Intellectual Property Organization.

9. Parties to the Convention on Biological Diversity are also Parties to many of the international instruments listed in this section of the annex. Awareness of these diverse obligations will help to promote consistency in addressing the many tasks of the programme of work and facilitate compliance with the instruments. Human rights obligations, in particular, may be treated as a cross-cutting issue in relation to the objective of the programme of work, namely, “to promote within the framework of the Convention a just implementation of Article 8(j) and related provisions”, and in relation to several of the tasks of the programme of work which deal with, inter alia, the involvement and participation of indigenous and local communities in a range of activities and processes, customary use of biological resources, protection of traditional knowledge, capacity-building and equitable sharing of benefits arising from access to traditional knowledge and traditionally used biological resources.

10. The international instruments relating to intellectual property are also of particular relevance to tasks 11 and 12 concerning Element 7 (legal elements) of the programme of work.

B. *National instruments*

11. In compliance with the CBD, a number of countries have enacted legislation, or are in the process of doing so, to address Article 8(j) and related provisions. As of 1 December 2000, 115 countries had submitted their national reports in compliance with Article 26 of the Convention on Biological Diversity. According to the information contained in these reports, 62 countries have addressed, or are proposing to address matters related to the implementation of Article 8(j) and related provisions. This body of national legislation generally recognizes the rights of indigenous and local communities to determine conditions of access to their traditional knowledge, innovations and practices, and establishes arrangements for equitable sharing of benefits with knowledge holders, prior informed consent, and the involvement of indigenous and local communities in the *in situ* conservation and sustainable use of biological diversity.

II. GUIDELINES, PRINCIPLES, PROTOCOLS, CODES OF ETHICS, ETC., RELEVANT TO THE PROGRAMME OF WORK

12. In this part the term “guidelines” includes principles, protocol, codes of ethics and other like documents concerned with the conduct of research and biological resource gathering activities which involve indigenous and local communities.

13. As pointed out in the introduction, the information assembled under this part is of particular importance to task 16 of Element 5 (Exchange and dissemination of information). Task 16 is to be addressed in the second phase of the programme of work.

14. While the annex lists a number of guidelines under the various source categories, evidence suggests that many institutions in both the public and private sectors, and which include corporations, development banks, foundations, NGOs and government agencies whose activities are relevant to biological and cultural research and genetic resource prospecting, have no guidelines for such activities in

place. For example, in a survey of 226 organizations carried out by the Biodiversity Ethics Working Group of Pew Conservation Fellows, 75% were found to have no guidelines (Source: Churcher T, 1997. Directory of Guidance Documents Relating to Biodiversity and Cultural Knowledge Research and Prospecting, compiled for the Biodiversity Ethics Working Group of Pew Conservation Fellows, Department of Geography, University of California and Environmental Energy Technologies Division, Ernest Orlando Lawrence Berkeley National Laboratory, Berkeley, California).

A. *Guidelines formulated under intergovernmental agreements and by international agencies*

15. A list of guidelines is provided in the annex. Of these documents, two require comment: the Commission on Human Rights WGIP - Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People, and UNESCO/ICSU Declaration on Science and the Use of Scientific Knowledge, and the Science Agenda - Framework for Action.

16. *Commission on Human Rights WGIP - Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People.* At its forty-seventh session in 1995, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities considered the final report submitted by the Special Rapporteur on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26). The report contains, in its annex, "Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples", provisions of which are relevant to the issues raised by Article 8(j) of the Convention. Of particular relevance are paragraphs 6 (Principles) and 12, 36, 41, 56 and 58 (Guidelines).

17. In accordance with resolution 1997/13 of the Commission on Human Rights Sub-Commission on the Promotion and Protection of Human Rights (formerly Sub-Commission on the Prevention of Discrimination and protection of Minorities) a seminar was held in Geneva from 28 February to 1 March 2000. A number of changes have been made to the draft principles and guidelines and the summary of discussions and the revised text are contained in document E/CN.4/Sub.2/2000/26, 19 June 2000. In paragraph 48 of the report, it was recommended by the Special Rapporteur that the report of the seminar be considered by the Sub-Commission at its next session, with the aim of transmitting the revised draft principles and guidelines to the Commission on Human Rights at its fifty-seventh session.

18. In paragraph 49 of the report, the Special Rapporteur expressed her sincere wish that it would be possible for the General Assembly to adopt and proclaim a declaration of principles and guidelines on the protection of the heritage of indigenous peoples in the near future. The proclamation of such an instrument would constitute, inter alia, a strong message that the United Nations was committed to the protection of the heritage of indigenous peoples.

19. *UNESCO/ICSU Declaration on Science and the Use of Scientific Knowledge, and the Science Agenda - Framework for Action.* The UNESCO/International Council for Science (ISU) World Conference on "Science for the Twenty-First Century: A New Commitment" was held in Budapest, 26 June - 1 July 1999. The conference produced two principal documents: the Declaration on Science and the Use of Scientific Knowledge and the Science Agenda - Framework for Action. The conference, inter alia, examined the ongoing issue of the relationship between local knowledge systems and global science. For an overview of the conference consult <http://www.unesco.org/opi/science/> or <http://imagine.nature.com/wcs/index.html>.

20. Among the sections concerning traditional knowledge, paragraph 26 of the Declaration states that: "traditional and local knowledge systems as dynamic expressions of perceiving and understanding the world, can make and historically have made, a valuable contribution to science and technology, and that there is a need to preserve, protect, research and promote this cultural heritage and empirical knowledge." A key passage of the Science Agenda-Framework for Action is clause 32, which states: "Modern scientific knowledge and traditional knowledge should be brought closer together in interdisciplinary projects dealing with the links between culture, environment and development in such areas as the conservation of biological diversity, management of natural resources, understanding of natural hazards and mitigation of their impact. Local communities and other relevant players should be involved in these projects."

21. At its final session on 30 September 1999, the 26th General Assembly of the ICSU, meeting in Cairo, Egypt, unanimously endorsed the two principal documents of the World Conference on Science. In doing so, however, the General Assembly expressed concern about parts of the documents adopted by the Conference, notably paragraph 26 of the Declaration on Science and section 3.4 Modern science and other systems of knowledge of the Framework for Action. Of particular concern was the phrase “traditional and local knowledge systems”. The General Assembly acknowledged the importance of empirical knowledge built up over generations and grounded in practical evidence, but noted such knowledge must be distinguished from approaches that seek to promote anti-science and pseudo-science, and which degrade the values of science as understood by the ICSU community. ICSU reaffirms its support for the values and methods of verifiable science.

22. The General Assembly recognized that the relationship between traditional knowledge and modern science is both important and a highly complex political and sociological question and “one that cannot be addressed in a few lines of a wide-ranging document”. It requested the Executive Board of ICSU to set up a critical study of this issue. With the above reservation, the 26th General Assembly of ICSU endorsed the two principal documents of the Conference, taking into account the concerns expressed. (UNESCO document 30 C/15 Add., 25 October 1999, Item 4.6 of the provisional agenda, paragraph 2).

23. It is noted that members of the Royal Society of the United Kingdom and the United States National Academy of Sciences have also questioned some of the clauses on traditional knowledge systems in the Declaration and the Science Agenda-Framework for Action.

24. In the context of the above debate, it should be recalled that the Conference of the Parties to the CBD, in the preambles to both decisions III/14 and IV/9, recognizes that traditional knowledge must be given the same respect as any other form of knowledge in the implementation of the Convention. This recognition has been adopted as one of the principles to be followed in undertaking the programme of work adopted under decision V/16. This principle states: “Traditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge.”

B. Guidelines established by regional and economic integration organizations

25. A number of regional organizations have established or have promoted guidelines for adoption by their Member States in domestic law and policy. Some of these have been developed in direct response to the Convention on Biological Diversity and in relation to other instruments which impact upon or regulate trade in genetic resources and associated sustainable use technologies, information and intellectual property. Some, like the Organization of African Unity Model Law, deal extensively with issues related to the programme of work and Article 8(j) in general. Others like, the European Commission’s International Code of Conduct, contain provisions which should be considered.

26. The Organization of American States Commission on Human Rights Draft Declaration on the Rights of Indigenous Peoples is largely based on ILO Convention 169 and takes into account other human rights instruments to fit the more specific circumstances of indigenous and local communities (particularly those of African origin) in the Americas.

C. National guidelines

27. In addition to national biodiversity laws, and also in some national circumstances where no such law has been framed, Parties and Governments have developed national guidelines, policies, action plans, strategies, etc, which give effect to the various requirements of the Convention, including those requirements set out in Article 8(j) and related provisions. The various measures taken by Parties and Governments are generally detailed in their national reports submitted under Article 26.

D. Guidelines established by national institutions

28. A number of public sector national institutions have established guidelines to govern their particular domain of activities. Some, like the Australian Institute of Aboriginal and Torres Strait Islander Studies and the Nunavut Research Institute in Canada, have developed guidelines specific to the

conduct of research within indigenous communities within the respective countries. Many such national research institutions are administered by officers from indigenous and local communities, and are also responsible for funding much research which takes place in such communities. Adherence to and fulfillment of the guidelines are usually conditions of any research grants allocated, and the institutions are also in a strong position to monitor compliance and take the necessary actions where guidelines are breached.

E. Guidelines established by non-governmental organizations (NGOs)

29. A number of environmentally-concerned NGOs have developed guidelines for the involvement of indigenous and local communities in natural resource conservation and management. These are generally predicated on respect for the rights of indigenous and local communities as specified in international human rights instruments and elaborate upon these rights in the context of indigenous and local community involvement in protected areas and biodiversity conservation generally.

F. Indigenous and local community guidelines

30. Indigenous and local communities have been dealing with researchers, in some cases, for many decades. Since the seventies indigenous and local communities, in many instances, have formulated guidelines for the conduct of research in their communities. These early guidelines, for the most part, were intended to guide research conducted by members of the social science disciplines, particularly anthropology, and which by its nature had no great commercial value (apart from possible royalties from publications). With the increasing interest shown in traditionally used species and associated knowledge by, particularly, the pharmaceuticals industry and with the advent of international agreements like the Convention on Biological Diversity, indigenous and local communities have had to further develop guidelines, codes and protocols which particularly take into account the need for access and benefit sharing arrangements and to protect their traditional knowledge.

31. Currently, with better access to legal advice, and increasing awareness of the issues, most indigenous and local community representative organizations would probably have in place guidelines with regard to the conduct of research in their communities. Many also adopt a contractual approach to research, with adherence by researchers and those seeking access to genetic resources to the guidelines, protocols or codes as a condition of such contracts. Some communities take control of the research process by contracting their own consultants to carry out research on their behalf. As providers of research funds, they are also in a position to ensure adherence to their guidelines.

32. In general, indigenous and local communities guidelines emphasise the procedures to be followed with regard to:

- (a) Community consultation;
- (b) Submitting research proposals (purpose of the research, scope, methodology, opportunities for collaborative or participatory research, identification of potential stakeholders, funding sources, time-frames, nature of the research, expected outcomes, potential commercial applications, etc.);
- (c) Securing the necessary consents which are required;
- (d) Detailing the kinds of community rights which must be respected (right to terminate research if certain conditions are breached, respect for privacy, avoidance of sacred places);
- (e) The handling of confidential information;
- (f) Gender issues;
- (g) Possible impacts (positive and negative) of research or access on the community;
- (h) Review of research, publication and disclosure, periodic reporting and making information available in a form accessible to community members; and
- (i) Access and benefit-sharing arrangements which may include monetary and non-monetary benefits (monetary benefits may include milestone payments, licensing agreements and royalties; non-

monetary benefits may involve a range of community capacity-building activities, such as research and skills training, data collection, identification of conservation measures, etc.).

33. More recent guidelines, such as that formulated by the Council of Yukon First Nations in Canada, provide comprehensive information detailing procedures to be followed for the conduct of research in indigenous and local communities.

G. Guidelines elaborated by relevant professional societies

34. A number of professional bodies concerned with accessing traditionally used biological resources and associated knowledge, and aware of the vulnerability of many indigenous and local communities to the exploitative conduct of some in the field, have elaborated their own sets of guidelines. These guidelines in many ways mirror the guidelines developed by indigenous and local communities discussed in the preceding section. Many, like the Code of Ethics and Standards of Practice of the International Society of Ethnobiology, have been developed over a number of years and in collaboration with representatives of indigenous and local communities.

35. With regard to the codes of professional societies, however, much depends on the status of the guidelines with regard to society members. For example, whether membership of the professional body is contingent upon an agreement to abide by the code. In some cases, the guidelines or codes provide for some form of ethics committee which is empowered to deal with alleged breaches of conduct.

36. A major point of concern is that many collectors of biological resources are neither professionally qualified nor members of professional bodies and are therefore not bound by their guidelines. To protect themselves against non-accredited collectors, indigenous and local communities may need to verify the credentials of prospective researchers/collectors, or make a point of dealing only with accredited members of professional bodies.

H. Guidelines elaborated by the private sector

37. It appears to date that few private sector companies have compiled specific guidelines with respect to accessing genetic resources and associated traditional knowledge on territories occupied or used by indigenous and local communities. Kerry ten Kate and Sarah Laird provide a comparative analysis of five corporate policies (listed in the annex) introduced in response to the CBD in *The Commercial Use of Biodiversity: Access to Genetic Resources and Benefit-Sharing* (Earthscan Publications, London, 1999. pp. 304-305)

38. In Annex II of document UNEP/CBD/COP/5/8 (pp. 33-34), Report of the Panel of Experts on Access and Benefit-Sharing, it was pointed out that a wide range of entities have come into being which provide specialized services to the commercial end-users of genetic resources. Such services include the collection and provision of genetic-resource samples, extracts, and associated information, as well as assistance in assuring that access and benefit-sharing laws and procedural requirements in provider countries have been met with respect to the samples provided. These entities, sometimes termed “intermediaries”, are appearing in a wide range of institutional forms. They may be for-profit private-sector firms operating in multiple countries, small domestic firms working in their own country, or local universities.

39. The document cautions that, since these “intermediaries” represent a new and largely unregulated sector of activity, there exists potential for unscrupulous or technically incompetent entities to move into this field as well. Where such entities do not truly add value to the resource, or give intentionally false or mistaken assurances that genetic material has been legally obtained, they pose a threat to the access and benefit-sharing objectives of both the Convention on Biological Diversity and national access and benefit-sharing measures. In addition, where such entities merely insert themselves as “middle-men” without adding value or ensuring legal certainty, they merely add another layer of bureaucracy and increase transaction costs.

40. The advice to the private sector, contained in the document, is that contractual arrangements also need to take into account the increasingly multipartite nature of the institutional landscape of commercial

utilization of genetic resources that the proliferation of these intermediate entities represents. Ultimate commercial end-users of genetic resources - such as the major pharmaceutical firms - can play a crucial role by establishing standards for the entities that they deal with, and promoting best practices, which truly implement the access and benefit-sharing objectives of the Convention on Biological Diversity and their national manifestations.

IV. STATEMENTS, DECLARATIONS AND CHARTERS BY ORGANIZATIONS REPRESENTING INDIGENOUS AND LOCAL COMMUNITY AND OTHER ORGANIZATIONS

41. In this part the term “statements” includes charters, declarations, and other such documents used to convey the views expressed by indigenous and local community organizations and gatherings, as well as those of other organizations and bodies.

A. *Statements made by representatives of indigenous and local communities*

42. In the last decade there has been a proliferation of statements, declarations, and charters made by representatives of indigenous and local communities at a variety of fora - meetings convened by indigenous and local community organizations; in fora which precede major meetings of intergovernmental agencies, such as the CBD and the World Trade Organization; and at meetings convened by experts dealing with issues, such as the role of traditional knowledge in national healthcare programmes. The statements emerge in international, regional and national contexts, tend to address particular issues, or have a particular focus. The statements listed in the annex are only a sample of the many such statements which exist.

43. Most of the statements involve an affirmation of rights which indigenous peoples in particular regard as their inherent rights as peoples, and therefore entitled to by virtue of such instruments as the international covenants concerning economic, social and cultural rights, and civil and political rights. Many of the statements elaborate upon particular rights and obligations expressed in ILO Convention 169, the Draft United Nations Declaration on the Rights of Indigenous Peoples, Article 8(j) and related provisions of the CBD, and Chapter 26 of Agenda 21. Many such statements, consistent with principle 3 of the general principles for implementing the programme of work, also emphasize the holistic nature of the relationships which indigenous and local communities have with their territories and the species which inhabit them, noting the fundamental and spiritual relationship which exists between the land, the people, species and their cultures. Many stress the necessity of maintaining the links with their traditional territories in order to preserve their languages, cultures and traditional natural resources. Many statements proclaim the sanctity and interconnectedness of all life, and oppose actions by mainstream society, and the corporate sector in particular, to use intellectual property laws to claim ownership over life forms and their manipulation.

44. Many statements also emphasize the rights of indigenous and local communities to be consulted over issues which affect them (for example, development proposals), to have their beliefs and practices respected, to be involved in the management of their lands and associated biological diversity, and to have their communal rights in their traditional knowledge recognized. Many statements also voice particular concerns about, for example, globalization, genetic manipulation, the theft of their traditional knowledge, while emphasizing the particular human rights connected with these issues. Many emphasize that current IPR regimes are neither adequate nor appropriate for the protection of traditional knowledge, that such systems undermine customary systems of protection by treating traditional knowledge as if it were in the public domain. It is also a common theme that indigenous and local communities wish to share their traditional knowledge for the greater benefit of humanity, but on conditions which they determine in accordance with their customary laws.

45. A number of such statements also suggest measures which will help indigenous and local communities achieve greater recognition and participation in international, regional and national processes concerned with the conservation and sustainable use of biological diversity, as well as local

capacity-building measures to enable indigenous and local communities to better conserve, develop and sustainably use the biological resources and ecosystems on which they depend.

B. Statements by NGOs, professional societies and other organizations

46. A number of NGOs and professional societies, as well as meetings of experts, emphasize the interrelationship between biological and cultural diversity and have expressed grave concern about the loss of biological, linguistic and cultural diversity, and the loss of traditional knowledge which is frequently a casualty of these processes. These concerns are recorded in their various statements along with steps they see as necessary to combat such processes. These statements are frequently directed at peak national and international institutions so that they might take the issues raised into consideration.

47. These statements are generally relevant to task 5 under Element 2 (status and trends in relation to Article 8(j) and related provisions) as a source of information and advice to address the requirements of this task.

V. OTHER ACTIVITIES RELEVANT TO THE PROGRAMME OF WORK

A. Commission on Human Rights

Sub-Commission on the Promotion and Protection of Human Rights

48. At its fifty-second session, the Commission on Human Rights Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission), under agenda item 4, addressed the realization of economic, social and cultural rights, and adopted a resolution on intellectual property rights and human rights which is contained in document E/CN.4/Sub.2/2000/7. The resolution contains a number of direct references to work being carried out under the Convention on Biological Diversity, particularly with regard to the protection of traditional knowledge.

49. In the preamble to the resolution, the Sub-Commission noted the provisions of the Convention on Biological Diversity, which echo the International Covenant on Economic, Social and Cultural Rights on the right to self-determination and on the balance of rights and duties inherent in the protection of intellectual property rights, and its provisions relating to, inter alia, the safeguarding of biological diversity and indigenous knowledge relating to biological diversity, and the promotion of the transfer of environmentally sustainable technologies. The Sub-Commission requested Governments, inter alia, to integrate into their national and local legislations and policies, provisions, in accordance with international human rights obligations and principles, that protect the social functions of intellectual property (paragraph 5). A similar request was made to inter-governmental organizations with respect to their policies, practices and operations (paragraph 6).

50. The Sub-Commission also recommended to the World Intellectual Property Organization, the World Health Organization, the United Nations Development Programme, the United Nations Conference on Trade and Development, the United Nations Environment Programme and other relevant United Nations agencies that they continue and deepen their analysis of the impacts of the TRIPS Agreement, including a consideration of its human rights implications (paragraph 12).

International Decade of the World's Indigenous People

51. On 21 December 1993, the UN General Assembly, in resolution 48/163, proclaimed 1995 - 2004 to be the International Decade of the World's Indigenous People. The goal of the International Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action". When developing activities for this decade, it was recommended by the Working Group on Indigenous Populations that Governments should encourage practical workshops involving professional, academic and scientific experts and indigenous peoples (E/CN.4/Sub.2/1993/29, para. 225; and E/CN.4/Sub.2/1993/28, para. 181).

52. The Commission on Human Rights, in paragraph 15 of Resolution 2000/56 (document E/CN.4/RES/2000/56, 25 April 2000), encouraged Governments, as appropriate, recognizing the

importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

- (a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;
- (b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;
- (c) Identifying resources for activities designed to implement the goals of the Decade.

53. The CHR also appealed to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people (Resolution 2000/56, para 16), and invited United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

- (a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;
- (b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;
- (c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights of activities relating to the Decade (para. 21).

Permanent Forum on Indigenous Issues

54. In July 2000, the Economic and Social Council decided to establish the Permanent Forum on Indigenous Issues (resolution 2000/22 of 28 July 2000). The Forum is an advisory body of ECOSOC mandated to discuss issues relating to indigenous peoples including economic and social development, culture, the environment, education, health and human rights. The Forum is composed of 16 independent experts serving in their personal capacity, eight of the members nominated by governments and eight appointed by the President of the Council after consultations with governments and indigenous peoples. The Forum will meet annually for ten working days and is likely to hold its first session in 2002.

B. World Intellectual Property Organization (WIPO)

(i) WIPO and Traditional Knowledge: Work program 1998-1999

55. In 1998, WIPO commenced a set of activities, which included two Roundtables, fact-finding missions, and an on-site documentation project, designed to explore the IP aspects of the protection of traditional knowledge (TK). The main objective of these activities was to identify and explore the IP needs and expectations of the holders of TK, in order to promote the contribution of the intellectual property system to their social, cultural and economic development. These activities were aimed at issue identification, recognizing that basic conceptual groundwork and systematic data collection were required to assess the IP aspects of the protection of TK, and to identify the scope of future work in a way which reflects the interests of all relevant stakeholders. The Lists of Participants, Programs, and Papers of the Roundtables are available from the International Bureau of WIPO and on the WIPO website (www.wipo.int/traditionalknowledge).

56. Between June 1998 and November 1999, WIPO conducted nine fact-finding missions (FFMs). The FFMs were designed to enable WIPO to gain, first-hand, a sense of the needs and expectations of TK holders relating to the protection of their TK. A general report on all the FFMs was published in draft form in October 2000 for public comment with the final report to be released in 2001. The report

identifies the main IP needs and expectations regarding the protection of TK expressed to WIPO during the FFMs. The draft report was made available for comment electronically on the WIPO website at www.wipo.int/traditionalknowledge and in paper form.

57. WIPO has undertaken, in cooperation with UNEP, an On-site Documentation Project on the Role of Intellectual Property Rights in the Sharing of Benefits Arising from the Use of Traditional Knowledge and Associated Biological Resources. This project produced three case studies which WIPO and UNEP jointly submitted to the fifth Conference of the Parties to the Convention on Biological Diversity (document UNEP/CBD/COP/5/INF/26, 10 May 2000). The cases studies focus on cases where intellectual property rights were used as a tool for benefit-sharing in India, Mali and Nigeria.

WIPO and Traditional Knowledge: Workprogram 2000-2001

58. WIPO's workprogram for the 2000-2001 biennium responds to several of the needs and expectations identified during 1998 and 1999, and includes the following: (i) the development of information materials and holding of Information Workshops on options under existing IP systems for the protection of TK; (ii) IP information, training and standards for the documentation of TK; (iii) studies of actual examples in which TK protection has been sought under the IP system, and publication of the lessons learned; (iv) studies on the application of customary laws to TK; and (v) a pilot project on collective acquisition, management and enforcement of IPRs in TK.

WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

59. The WIPO General Assembly, at its 26th Session, held in Geneva from September 26 to October 3, 2000, established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The main objective of this body is to facilitate discussions among WIPO Member States on three themes which cut across the conventional branches of intellectual property law and do therefore not fit into existing WIPO bodies. The Intergovernmental Committee will constitute a forum in which discussions may proceed among Member States on three primary themes: intellectual property issues that arise in the context of (i) access to genetic resources and benefit-sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; and (iii) the protection of expressions of folklore.

60. WIPO has identified four categories of intellectual property issues regarding the protection of traditional knowledge related to genetic resources, and traditional knowledge, innovations and creativity in general: (i) terminological and conceptual issues; (ii) standards concerning the availability, scope and use of intellectual property rights in traditional knowledge; (iii) certain criteria for the application of technical elements of standards, namely legal criteria for the definition of prior art and administrative and procedural issues related to the examination of patent applications; and (iv) the enforcement of rights in traditional knowledge.

C. United Nations Conference on Trade and Development (UNCTAD)

61. UNCTAD's member States have decided to address the protection of traditional knowledge as part of UNCTAD's work in the area of trade and environment. The Plan of Action adopted by UNCTAD's tenth Conference stated that: "UNCTAD should also, in full cooperation with other relevant organizations, in particular and where appropriate WIPO and WHO, promote analysis and consensus building with a view to identifying issues that could yield potential benefits to developing countries." It specifies that this work should inter alia focus on: "Taking into account the objectives and provisions of the Convention on Biological Diversity and the TRIPS Agreement, studying ways to protect traditional knowledge, innovations and practices of local and indigenous communities and enhance cooperation on research and development on technologies associated with the sustainable use of biological resources." (TD/386, para. 147). The Trade and Development Board Commission on Trade in Goods and Services and Commodities convened an Expert Meeting on Systems and National Experiences for Protecting Traditional Knowledge, Innovations and Practices in Geneva, 30 October - 1 November 2000. In preparing this Expert Meeting, the UNCTAD secretariat worked closely with the secretariats of other

intergovernmental organizations, in particular the Convention on Biological Diversity and the World Intellectual Property Organization. A background note (TD/COM.1/EM.13/2, 22 August 2000) was prepared to assist the Expert Meeting.

62. Experts addressed issues concerning systems for the protection of traditional knowledge and benefit sharing; harnessing traditional knowledge for trade and development; and capacity-building needs.

D. Agreement on the Trade-related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO)

63. The Conference of the Parties in decision V/26 B, emphasized that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The COP also invited the World Trade Organization to acknowledge relevant provisions of the CBD and to take into account the fact that they are interrelated with the provisions of the TRIPS Agreement and to further explore this interrelationship.

64. The COP has repeatedly stressed the need to ensure consistency in implementing the CBD and the WTO Agreements, including the TRIPS Agreement, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of IPRs. In this regard, the COP specifically invited the WTO, in Decision IV/15, to consider how to achieve these objectives in light of Article 16, paragraph 5, of the CBD, taking into account the planned review of Article 27.3(b) of the TRIPS Agreement. The review of this Article initiated in December 1998 by the TRIPS Council is still in process. In Decisions V/16, and Decision V/26, section B, paragraph 1, the COP reaffirmed the importance of systems such as *sui generis* and others for the protection of traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use. The Executive Secretary has transmitted these decisions to the secretariats of WTO and WIPO.

65. As requested by the COP at its fifth meeting, the Executive Secretary of the CBD applied for observer status in the WTO Council for the Trade-related Aspects of Intellectual Property Rights. At the special session of the WTO General Council in October 2000, the TRIPs Council was urged to give positive consideration to granting observer status to the CBD secretariat on an ad hoc basis pending the conclusion of wider discussion on observer status for international organizations in the General Council. During its meeting of 27-30 November 2000, the TRIPs Council took up this question both formally and informally and was unable to reach a consensus.

E. United Nations Environment Programme (UNEP)

66. In 1999 a major work, *Cultural and Spiritual Values of Biodiversity: A Complementary Contribution to the Global Biodiversity Assessment*, compiled and edited by Dr Darrell Posey, was published. This book is the culmination of work which arose out of the Global Biodiversity Assessment (GBA), a massive review of our current knowledge in the broad field of biological diversity, commissioned by UNEP. In 1994, the Management Group of the GBA recommended to UNEP that the focus on human and social values contained as a separate section of the GBA should be broadened and treated as a separate section. While prepared after the completion of the GBA and the disbanding of the organisation that led to its production, this volume completes the work originally envisioned by the GBA Management Group.

67. UNEP and UNCTAD have initiated the joint UNEP-UNCTAD Capacity Building Task Force on Trade, Environment and Development (CBTF) to strengthen the capacities of countries, particularly developing countries, to effectively address trade-environment-development issues, including the promotion of traditional knowledge, in the context of the sustainable management of globalization. To date, 26 countries have responded to a CBTF Call for Proposals with more than 35 projects. In view of

the relevance of traditional knowledge to trade, environment and development, many of these proposals have strong traditional knowledge elements. Evaluation of country proposals is ongoing and projects selected for implementation are scheduled to begin in early 2001. UNEP and UNCTAD intend to share the results of CBTF activities that aim to promote traditional knowledge in future meetings, which address issues, concerned with traditional knowledge.

F. United Nations Educational, Scientific and Cultural Organization (UNESCO)

68. Traditional knowledge has re-emerged as a priority concern for several of UNESCO's sectors. The issue received strong support at the World Conference on Science, held in Budapest in June/July 1999, where a special thematic session was organised on "Science and Other Systems of Knowledge." Several UNESCO Member States also brought traditional knowledge to the fore at the Organization's last General Conference (October 1999, Paris). There, the Natural Sciences and the Social & Human Sciences Commission decided that an intersectoral project on traditional knowledge should be proposed for inclusion in the next medium term strategy (2002-07).

69. In the Sector for Culture, strong interest in traditional knowledge has been voiced through the priority given to "intangible cultural heritage", and in particular, the calls to establish an international normative instrument in this domain. In addition, the issues of 'cultural rights' and of indigenous peoples, in particular in the context of the on-going Decade for Indigenous Peoples, are also of great significance for UNESCO and have a clear relationship to the traditional knowledge area.

70. Given these converging priorities relating to traditional knowledge, UNESCO is currently elaborating a proposal for integrated action in this key area involving its sectors for Natural Sciences, Social & Human Sciences, Culture, Education and Communications.

G. Traditional knowledge networks

71. The increasing interest in, and preoccupation with, questions related to the knowledge, innovations and practices of indigenous and local communities are demonstrated by the growing number of traditional knowledge networks established by scientific, indigenous and non-governmental organizations. A list of access points to those networks currently identified by the Secretariat is contained in document UNEP/CBD/SBSTTA/2/Inf.3, Annex 3.

72. Further sources can be found in *The People and Plants Handbook: Sources for Applying Ethnobotany to Conservation and Community Development* produced under the People and Plants Initiative of WWF, UNESCO and the Royal Botanic Gardens, Kew (UK), and *Guidelines: Integrating indigenous knowledge in Project Planning and Implementation* prepared by Alan R. Emery for the International Labour Organization, the World Bank, the Canadian International Development Agency, and KIVU Nature Inc. (2000) (pp. 145-147).

VI. CONCLUSION

73. To assist Parties, Governments, relevant indigenous and local community organizations and other organizations in the implementation of the programme of work, a wide range of documents has been assembled in the annex. These documents include relevant international environmental, intellectual property and human rights instruments which are legally binding on signatories, as well as voluntary guidelines, codes of ethics, and statements by indigenous and local community representatives and professional bodies which might also provide direction in the implementation of various tasks of the programme of work for the implementation of Article 8(j) and related provisions.

74. These documents will assist Parties and Governments, indigenous and local community organizations and other organizations in the development of their own policies and guidelines to address issues associated with the protection of traditional knowledge, community consultation, prior informed consent, equitable sharing of benefits, access to genetic resources on territories traditionally used or occupied by indigenous and local communities, the conduct of research, and the application of traditional knowledge and involvement of indigenous and local communities in a range of conservation and sustainable use measures.

Annex

I. EXISTING INSTRUMENTS RELEVANT TO THE PROGRAMME OF WORK

A. *Environment-related instruments*

1. Ramsar Convention on Wetlands of International Significance	http://www.ramsar.org/key_sitelist.htm
2. World Heritage Convention	http://www.cifor.cgiar.org/publications/Html/AR-98/W-Heritage.html
3. Convention on the Illicit (or International) Trade in Endangered Species	http://www.cites.org/CITES/eng/index.shtml
4. UN Declaration on Environment and Development (the "Rio Declaration") and Agenda 21	http://www.unep.org/Documents/Default.asp?DocumentID=78&ArticleID=1163; http://www.unep.org/Documents/Default.asp?DocumentID=52
5. UN Convention to Combat Desertification	http://www.unccd.int/main.php
6. UN Framework Convention on Climate Change	http://www.unfccc.de/
7. Convention on the Conservation of Migratory Species of Wild Animals (CMS)	http://www.wcmc.org.uk/cms/
8. United Nations Convention on the Law of the Sea (UNCLOS)	http://www.un.org/Depts/los/losconv1.htm

B. *Intellectual property instruments*

1. UPOV Convention - International Union for the Protection of New Varieties of Plants	http://www.upov.int/eng/index.htm
2. WTO Agreement on Trade-Related Aspects of Intellectual Property Rights	http://199.88.185.106/tcc/data/commerce_html/TCC_2/WTO_Agreement_on_Trade_Related.html
3. Berne Convention for the Protection of Literary and Artistic Works	http://www.law.cornell.edu/treaties/berne/overview.html
4. Paris Convention for the Protection of Industrial Property	http://www.wipo.org/eng/general/ipip/paris.htm
5. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods	http://www.wipo.org/eng/general/ipip/madrid.htm
6. Lisbon Agreement for the Protection of Appellations of Origin and their International Registration	http://www.wipo.org/eng/general/ipip/lisbon.htm
7. Trademark Law Treaty	http://www.wipo.org/eng/general/ipip/trademar.htm
8. Patent Cooperation Treaty	http://www.wipo.org/pct/en/index.html

C. *Human rights instruments*

1. Universal Declaration on Human Rights	http://www.un.org/Overview/rights.html
2. International Covenant on Civil and Political Rights	http://www.unhchr.ch/html/menu3/b/a_ccpr.htm
3. International Covenant of Social, Economic and Cultural Rights	http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
4. International Convention on the Elimination of All Forms of Racial Discrimination	http://www.unhchr.ch/html/menu3/b/d_icerd.htm
5. ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries	http://www.unhchr.ch/html/menu3/b/62.htm
6. Commission on Human Rights Draft UN Declaration on the Rights of Indigenous Peoples	http://www.cwis.org/draft9329.html

D. Other relevant instruments

1. FAO International Undertaking on Plant Genetic Resources	http://www.fao.org/WAICENT/FAOINFO/AGRICULT/cgrfa/1U.htm
2. UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.	http://exchanges.state.gov/education/culprop/unesco01.html

II. GUIDELINES, PRINCIPLES, PROTOCOLS AND CODES OF ETHICS/PRACTICE FOR THE CONDUCT OF RESEARCH IN INDIGENOUS AND LOCAL COMMUNITIES

A. Guidelines formulated under intergovernmental agreements and by international agencies

1. Ramsar Convention on Wetlands - Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands	http://www.ramsar.org/key_guide_indigenous.htm
2. World Heritage Convention - Operational Guidelines for the Implementation of the World Heritage Convention	http://www.unesco.org/whc/opgutoc.htm
3. Commission on Human Rights WGIP - Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People	http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/dd358d2fbb57b6d9c12569730055469b?Opendocument ; http://www.icip.lawnet.com.au/info4.htm
4. UNESCO/ICSU Declaration on Science and the Use of Scientific Knowledge, and the Science Agenda - Framework for Action	http://imagine.nature.com/wcs/m12s.html
5. World Bank - Operational Directive 4.20: Indigenous Peoples	http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/tocall/0F7D6F3F04DD70398525672C007D08ED?OpenDocument
6. IUCN - Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas	http://www.panda.org/resources/publications/sustainability/indigenous2/
7. FAO International Code of Conduct for Plant Germplasm Collecting and Transfer	http://www.fao.org/ag/agp/agps/pgr/icc/icce.htm
8. WIPO/UNESCO Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions (1985)	http://itt.nissat.tripod.com/itt9903/folklore.htm

B. Guidelines established by regional and economic integration organizations

1. Andean Pact Decision 391: A Common System on Access to Genetic Resources	http://users.ox.ac.uk/~wgtrr/andpact.htm
2. Andean Pact Decision 486: Intellectual Property Law	http://www.sustain.org/biotech/library/admin/uploadedfiles/Peru_Régimen_Común_sobre_Propiedad_Industrial.htm
3. Organization of African Unity, OAU Model Law: African Model Legislation for the Protection of the Right of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources.	http://www.twinside.org.sg/title/oau-cn.htm
4. Organization of American States Commission on Human Rights: Proposed American Declaration on the Rights of Indigenous Peoples	http://www.summit-americas.org/Indigenous/Indigenous-Declaration-end.htm
5. International Code of Conduct (Microorganisms	http://www.belspo.be/bccm/mosaicc/docs/code.pdf

Sustainable Use and Access Regulation - International Code of Conduct - MOSAICC, European Commission)	
6. OECD (Organization for Economic Co-operation and Development) - Guidelines for Multinational Enterprises (2000).	http://www.oecd.org/daf/investment/guidelines/mnetext.htm
7. Draft Framework Agreement on Access to Genetic and Biological Resources (Association of South East Asian Nations-ASEAN)	

C. National Guidelines

1. Swiss draft guidelines on access and benefit sharing regarding the utilization of genetic resources (refer documents UNEP/CBD/COP/4/Inf.16; and UNEP/CBD/COP/5/8, Annex IV, p. 37)	http://www.biodiv.org/chm/techno/pdf/Guidelines.pdf
---	---

D. Guidelines established by National Institutions

1. Guidelines for Equitable Partnerships in New Natural Products Development: Recommendations for a Code of Practice (Conclusions of the Workshop on Drug Development, Biological Diversity and Economic Growth, National Cancer Institute of the US National Institutes of Health, Bethesda, Maryland, 1991)	http://users.ox.ac.uk/~wgtrr/cunning.htm
2. NCI Policy on Benefit-Sharing - Letter of Intent (1990); Letter of Collection (1992); and the Memorandum of Understanding (1995) (National Cancer Institute of the US National Institutes of Health)	http://www.nih.gov/fic/programs/ocedub.html
3. Guidelines for Research Applicants (Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia, 1998)	http://www.aiatsis.gov.au/grant/2000/2000info.pdf
4. Previous Possessions, New Obligations: Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples (Museums Australia, Canberra, 1993)	http://www.amol.org.au/craft/publications/hcc/hcc_policyandstrategy_3.asp
5. Working with Indigenous knowledge: A Guide for Researchers (Louise Grenier for the International Development Research Centre - IDRC, Ottawa, Canada, 1998)	http://www.idrc.ca/acb/showdetl.cfm?&DID=6&Product_ID=402&CATID=15 . This is the IDRC website, which only contains a reference on the content of the Guide for Researchers by Louise Grenier.
6. Research licensing process for research projects in Nunavut Region, Northwest Territories, Canada (Nunavummi Qaujisaqtulirijikkut / Nunavut Research Institute, Iqaluit, Canada)	http://pooka.nunanet.com/~research/
7. Ethical Guidelines for Indigenous Research (National Health and Medical Research Council-NHMRC, Canberra, Australia).	http://www.icip.lawnet.com.au/ch24.html
8. Policy on Access to Genetic Resources and Benefit-Sharing of the Royal Botanic Gardens, Kew (RBG, Kew, UK, 1998)	http://www.rbg.ca/cbcn/en/biodiversity/cpg/english/index.html
9. Heads of Agreement (Strathclyde Institute for	http://www.bcnet.org/projects/fiji97_2.htm ;

Drug Research, UK)	http://www.bcnet.org/learning/ar97/97_fiji20.htm ; http://www.bionet-us.org/agr.html
10. Common Policy Guidelines for Participating Botanic Gardens on Access to Genetic Resources and Benefit-Sharing (Royal Botanic Gardens, Kew, and UK Department for International Development) (see also UNEP/CBD/COP/5/8, Annex IV, pp. 37-39)	http://botsad.bizland.com/cbd/cpg99_e.htm

E. Guidelines established by NGOs

1. A Conceptual Framework and Essential Elements of A Rights Regime for the Protection of Indigenous Rights and Biodiversity (Gurdial Nijar Singh for the Third World Network, Penang, Malaysia, 1994)	http://www.gene.ch/www.pscw.uva.nl/monitor/3606.htm ; http://www.undp.org/tcdc/bestprac/social/cases/03-biodiversity.htm
2. Indigenous Peoples and Conservation: WWF Statement of Principles (World Wide Fund for Nature, Gland, Switzerland, 1996)	http://www.panda.org/resources/publications/sustainability/indigenous/principles.html

F. Guidelines established by indigenous and local community organizations

1. Research Principles for Community-Controlled Research with the Tapirisat Inuit of Canada (Inuit Tapirisat of Canada, Ottawa, Canada).	http://www.idrc.ca/books/847/7-App1.html
2. Guidelines for the Conduct of Participatory Community Research to Document Traditional Ecological Knowledge for the Purpose of Environmental Assessment and Environmental Management (Dene Cultural Institute, Hay River, Northwest Territories, Canada, 1991)	http://www.idrc.ca/books/847/7-App1.html
3. Guidelines for the Protection of Cultural Diversity: Resolution of Rome (Tulalip Tribes, Sami Parliament and Cobase - Cooperative Tecnico Scientifica di Base, Rome, 1998).	
4. Interim Protocols for Aboriginal Participation in Management of the Wet Tropics World Heritage Area (Queensland, Australia) (Bama Wabu Aboriginal Corporation and the Wet Tropics Management Authority, Cairns, Australia, 1998)	www.wettropics.gov.au
5. Draft Statement of Principles Regarding Biophysical Research in the Aboriginal Lands, Islands and Waters of Cape York Peninsula (Balkanu Cape York Development Corporation Pty Ltd, Cairns, Australia)	http://www.balkanu.com.au/business/policydevelopment/statement.htm ; http://www.balkanu.com.au/business/policydevelopment/draftstatement.htm
6. Inuit Resource Conservation Strategy (Inuit Circumpolar Conference, Ottawa, Canada)	http://www.inusiaat.com/resour.htm
7. Traditional Knowledge Research Guidelines: A Guide for Researchers in the Yukon (The Council of Yukon First Nations, Whitehorse, Canada, 2000)	http://www.inac.gc.ca/ncp/prop/d_e.html
8. Guidelines for Respecting Cultural Knowledge	http://www.ankn.uaf.edu/standards/culturaldoc.html

G. Guidelines elaborated by relevant professional societies

1. Covenant on Intellectual, Cultural and Scientific Resources: A Basic Code of Ethics and Conduct for Equitable Partnerships Between Responsible Corporations, Scientists or Institutions, and Indigenous Peoples. (Global Coalition for Biocultural Diversity, 199?)	http://users.ox.ac.uk/~wgtrr/gcbcd.htm
2. Code of Ethics and Standards of Practice. (International Society of Ethnobiology 1998).	http://guallart.dac.uga.edu/ISE/SocEth.html
3. Professional Ethics in Economic Botany: A Preliminary Draft of Guidelines (Society for Economic Botany).	http://users.ox.ac.uk/~wgtrr/seb.htm
4. Code of Ethics for Foreign Collectors of Biological Samples (Botany 2000 Herbarium Curation Workshop, Perth, Western Australia, October 1990. Modified April 1992)	http://users.ox.ac.uk/~wgtrr/botany.htm
5. Suggested Ethical Guidelines for Accessing and Exploring Biodiversity (Anil K Gupta - based on Pew Conservation Scholars' Initiative to Develop Ethical Guidelines to Access Biological Diversity)	http://users.ox.ac.uk/~wgtrr/gupta.htm
6. Rules and Procedures when Collecting, Recording, and Documenting Indigenous Knowledge (International Institute of Rural Reconstruction, 1996)	http://www.idrc.ca/books/847/7-App1.html

H. Guidelines elaborated by the private sector

1. Code of Practice (International Federation for Alternative Trade - IFAT Conference, New Windsor, Maryland, USA, May 1995).	http://www.ifat.org/code_of_practice-eng.html
2. Discovering New Medicines from Nature: Policy for the Acquisition of Natural Product Source Materials (Glaxo Wellcome, UK, 1992).	http://www.glaxowellcome.co.uk/cgi-bin/frame.pl?loc=about/corp_info/policies/natural_products/mn_discovering_natural.html
3. Acquisition of Natural Resources for the Development of New Pharmaceuticals (Novo Nordisk Health Care Discovery, 1995)	http://www.novo.dk/environm/er97/bio/biodiversity.html
4. Policy for the Acquisition of Natural Product Source Materials (Xenova Discovery Ltd, 1998).	
5. Statement of principles (Bristol-Myers Squibb, 1995)	
6. Agreement of Principles (Shaman Pharmaceuticals)	

I. Collaborative approaches

1. Guidelines: Integrating Indigenous Knowledge in Project Planning and Implementation (Alan R. Emery for the International Labour Organization, the World Bank, the Canadian International Development Agency, and KIVU Nature Inc., 2000).	http://www.kivu.com/IK%20projects/index.html
--	---

2. Guidelines for Equitable Partnerships in New Natural Products Development in Ethics, Ethnobiological Research, and Biodiversity (A.B. Cunningham for the WWF/UNESCO/Kew "People and Plants" Initiative, WWF, Gland, Switzerland, 1993)	http://www.rbgekew.org.uk/peopleplants/dp/dp2/changes.htm#9
---	---

III. STATEMENTS, DECLARATIONS, CHARTERS, RESOLUTIONS AND RECOMMENDATIONS BY ORGANIZATIONS REPRESENTING INDIGENOUS AND LOCAL COMMUNITIES AND BY OTHER ORGANIZATIONS

A. Statements made by representatives of indigenous and local communities

1. Kari-Oca Declaration and the Indigenous Peoples' Earth Charter (World Conference of Indigenous Peoples on Territory, Environment and Development, Kari-Oca, Brazil, 25-30 May 1992).	http://www.yakoana.com/earthchart.html ; http://www.hookele.com/netwarriors/96/kariocadec.html
2. Charter of the Indigenous Tribal Peoples of the Tropical Forests (Penang, Malaysia, 15 February 1992).	http://www.mtnforum.org/resources/library/citpt92a.htm
3. Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (Whakatane, Aotearoa/New Zealand, 12 - 18 June 1993)	http://www.ipcb.org/resolutions/Mataatua.html ; http://users.ox.ac.uk/~wgtrr/mataatua.htm
4. Recommendations from the Conference "Voices of the Earth: Indigenous Peoples, New partners and the Right to Self-Determination in Practice" (Amsterdam, Netherlands, 10-11 November 1993).	http://nativenet.uthscsa.edu/archive/nl/9312/0093.html
5. Statement from the Regional Meeting sponsored by COICA and UNDP on "Intellectual Property Rights and Biodiversity" (Santa Cruz de la Sierra, Bolivia, 28-30 September 1994).	http://users.ox.ac.uk/~wgtrr/coica.htm
6. Statement from the "Asian Consultation on the Protection and Conservation of Indigenous Knowledge" (TVRC Tambunan, Sabah, East Malaysia, 24-27 February 1995).	http://users.ox.ac.uk/~wgtrr/sabah.htm
7. Final Statement from the "Consultation on Indigenous Peoples' Knowledge and Intellectual Property Rights" (Suva Regional Meeting of Indigenous Peoples' Representatives on the Conservation and Protection of Indigenous Peoples' Knowledge Systems, Pacific Concerns Resource Centre, Suva, Fiji, April 1995).	http://users.ox.ac.uk/~wgtrr/suva.htm
8. The Julayinbul Statement on Indigenous Intellectual Property Rights and Declaration Reaffirming the Self-Determination and Intellectual Property Rights of the Indigenous Nations and Peoples of the Wet Tropics Rainforest Area (Jingarrba/Daintree, Australia, 25-27 November 1993).	http://www.icip.lawnet.com.au/info6.htm

9. Treaty for a Lifeforms Patent-Free Pacific and Related Protocols (Suva, Fiji, April 1995).	
10. Beijing Declaration of Indigenous Women (UN Fourth World Conference on Women, Huairou, Beijing, Peoples Republic of China, 30 August -8 September 1995).	http://www.ipcb.org/resolutions/beijingdec.html
11. Indigenous Peoples' Statement on Access and Intellectual Property Rights (Indigenous Peoples' Biodiversity Network, Jakarta, Indonesia, 10 November 1995).	
12. Statement of Indigenous Nations, Peoples and Organizations (New York, 9 December 1992).	http://nativenet.uthscsa.edu/archive/nl/9307/0194.html
13. Ukupseni Kuna Yala Declaration / The Kuna Yala Statement: Indigenous Peoples and the Convention on Biological Diversity - Implementing Article 8(j) (Cultural Survival Canada Workshop, Uichubuala, Kuna Yala, Panama, 30 April - 2 May 1997)	
14. Oka Declaration on a Sustainable Future for the Environment and Traditional Peoples of the Okinsky Territory (Okinsky Territory, Siberia, September 1994).	
15. The Chiapas Declaration	http://nativenet.uthscsa.edu/archive/nl/9601/0056.html ; http://www.igc.org/ncdm/5th_declaration.htm
16. Declaration of Indigenous Peoples of the Western Hemisphere Regarding the Human Genome Diversity Project (Phoenix, Arizona, 19 February 1995)	http://www.ankn.uaf.edu/declaration.html
17. Resolutions of the Women's Commission, First Continental Conference of Indigenous Peoples on 500 Years of Resistance (Quito, Ecuador, July 1990).	http://www.mtnforum.org/resources/library/fccip90a.htm
18. The Jovel Declaration on Indigenous Communities, Indigenous Knowledge and Biodiversity	
19. Leticia Declaration and Proposals for Action with regard to the Management, Conservation and Sustainable Development of All Types of Forests (Leticia, Colombia, 13 December 1993).	http://www.gn.apc.org/iaip/let/report.htm
20. The "Heart of the Peoples" Declaration (North American Indigenous Peoples Summit on Biological Diversity and Biological Ethics, Fort Belknap Reservation, Montana, USA, 7 August 1997).	http://www.ipcb.org/resolutions/ienres.html
21. Declaration of Principles of the World Council of Indigenous Peoples (Ratified by the IV General Assembly of the World Council of Indigenous Peoples, Panama, September 23-30, 1984)	http://www.cwis.org/fwdp/Resolutions/WCIP/wcip.txt
22. Olowaili Declaration (International Women's Day Conference, March 2000)	http://www.afn.ca/Programs/Employment%20Equity/olowaili_declaration.htm

23. Declaration of the International Meeting Around the First World Gathering of Elders and Wise Persons of Diverse Indigenous Traditions (Amautic Janajpacha Community, Cochabamba, Bolivia, 1-11 August 1994).	
24. Statement from Indigenous peoples participating at the Fourth Session of the Commission on Sustainable Development (CSD-4), New York, 18 April - 3 May 1996.	
25. Declaration of the Consultation Meeting Indigenous Peoples, Mother Earth and Spirituality (San Jose, Costa Rica, 31 May 1996)	http://www.earthcharter.org/report/special/indigenous_en.htm
26. Statement from the International Workshop on Indigenous Peoples and Development (Ollantaytambo, Peru, 21-26 April 1997)	http://users.ox.ac.uk/~wgtrr/ollan.htm
27. Declaración de Jujuy (Declaración del Consejo Indio de Sudamerica Aprobada en su III Sesión del Consejo Directivo CISA ampliada, San Salvador de Jujuy, Argentina, 27 de marzo de 1995).	http://www.puebloindio.org/Mailinglist/Mail_96/Declaracion_Jujuy.htm
28. Charter of 'Farmers Rights' (Issued at the Convention of Farmers, Bangalore, Karnataka, India, 30 January 1997).	
29. Peoples' Plan of Action on Agriculture, Food Security and Farmers' Rights (Statement from 3-day meeting before the FAO 4th ITC, Leipzig, Germany, June 1996).	http://users.ox.ac.uk/~wgtrr/safehands.htm
30. Consultation on Wildlife Conservation and Peoples' Livelihood Rights: Building Bridges - Joint Statement (Meeting at Bhikampura-Kishori, Alwar District, Rajasthan, India, April 1997).	
31. Latin American Declaration on Transgenic Organisms (Quito, Ecuador, January 1999).	http://www.natural-law-colorado.org/inter_latinge_990122.html
32. Submission to the World Heritage Committee from a Forum of Indigenous Peoples assembled in Cairns, Australia, 24 November 2000 (24th Annual Session of the World Heritage Committee, Cairns, Australia, 27 November - 2 December 2000).	
33. Cultural Challenges of the International Decade of the World's Indigenous People: Indigenous/ Tribal Peoples, Recommendations to UNESCO (30th General Conference of UNESCO, Paris, 30 October 1999).	http://www.unescocat.org/indigang.html
34. Indigenous Peoples' Caucus Statement at WIPO (Presented at the "Roundtable on Intellectual Property and Traditional Knowledge", WIPO, Geneva, 2 November 1999).	http://www.alphacdc.com/ien/world_trade_org.html
35. Geneva Declaration on the Health and Survival of Indigenous Peoples (International Consultation on the Health of Indigenous Peoples, WHO, Geneva, 23-26 November 1999).	http://www.healthsite.co.nz/hauora_maori/resources/feature/0001/002.htm

36. Indigenous Peoples' Seattle Declaration (Third Ministerial Meeting of the World Trade Organization, Seattle, Washington State, USA, 30 November - 3 December 1999).	http://www.corpwatch.org/trac/corner/worldnews/other/527.html
37. Conclusions and Recommendations from the International Conference on Indigenous and Scientific Knowledge on the Sustainable Use of Plants (20th Anniversary of doCip, Geneva, 8 - 10 October, 1999) (see also UNEP/CBD/WG8J/1/INF/4, 11 February 2000).	http://www.docip.org/anglais/update_en/up_en_32_33.html
38. Declaration on the Protection of Traditional Knowledge and Expressions of Indigenous Cultures in the Pacific Islands (Adopted by the UNESCO/Council of Pacific Arts Symposium on the Protection of Traditional Knowledge and Expressions of Indigenous Cultures in the Pacific Islands, Secretariat of the Pacific Community, New Caledonia, 15-19 February 1999)	http://www.unesco.org/culture/copyright/folklore/html_eng/declaration.htm

B. Statements, declarations and charters by NGOs, professional societies and other organizations

1. The Manila Declaration Concerning the Ethical Utilization of Asian Biological Resources and Code of Ethics for Collectors (Seventh Asian Symposium on Medicinal Plants, Spices and Other Natural Products - ASOMPS VII, Manila, Philippines, February 1992).	http://nimura.tripod.com/manila.htm
2. The Declaration of Belem. (First International Congress on Ethnobiology, Belem, Brazil, 1988)	http://guallart.dac.uga.edu/ISE/SocBel.html
3. Williamsburg Declaration (American Society of Pharmacognosy, 1992)	http://www.rbgekew.org.uk/peopleplants/dp/dp2/issues.htm
4. Bukittinggi Declaration (UNESCO Seminar on the Chemistry of Rainforest Plants, West Sumatra, Indonesia, 1992)	http://www.rbgekew.org.uk/peopleplants/dp/dp2/issues.htm
5. Chiang Mai Declaration: Saving Lives by Saving Plants (WHO/IUCN/WWF International Consultation on Conserving Medicinal Plants, Chiang Mai, Thailand, March 1988).	http://users.ox.ac.uk/~wgtrr/chiang.htm
6. The Bellagio Declaration (Bellagio Conference on Intellectual Property)	http://users.ox.ac.uk/~wgtrr/bellagio.htm
7. Gotheburg Resolution (International Society of Chemical Ecology, 1989)	http://www.isce.ucr.edu/meetings/#past
8. Declaration of the International Conference on Medicinal Plants (Foundation for Revitalization of Local Health Traditions - FRLHT, Bangalore, India, February 1998).	

<p>9. Joint NGO Statement on the Review of Article 27.3(b) of the TRIPS Agreement, 27 November 2000 (Prepared for the meeting of the WTO Council for TRIPS, 27 November - 1 December 2000, and coordinated by Third World Network, Penang, Malaysia)</p>	<p>http://www.info.com.ph/~globalzn/support.htm</p>
--	--
