



Convention on Biological Diversity

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EXPERT MEETING ON THE REPATRIATION OF
TRADITIONAL KNOWLEDGE RELEVANT TO THE
CONSERVATION AND SUSTAINABLE USE OF
BIOLOGICAL DIVERSITY

Panajachel, Guatemala, 14-15 June 2015

DRAFT ELEMENTS OF VOLUNTARY GUIDELINES FOR THE REPATRIATION OF TRADITIONAL KNOWLEDGE RELEVANT TO THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY

Note by the Executive Secretary

INTRODUCTION

1. In paragraph 6 of decision X/43,¹ the Conference of the Parties decided to initiate task 15² of the programme of work for Article 8(j) and related provisions, in order to facilitate the recovery of traditional knowledge of biological diversity. Further to this, in decision XI/14 D, the Conference of the Parties adopted the terms of reference³ to advance task 15 and requested the Secretariat to compile and analyse submissions from Parties and other relevant organizations and to develop draft best-practice guidelines for the repatriation of traditional knowledge relevant for conservation and sustainable use of biological diversity for consideration by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions at its eighth meeting. The Working Group considered this matter at its eighth meeting and made recommendations for consideration by the twelfth meeting of the Conference of the Parties.

2. The Conference of the Parties at its twelfth meeting decided, in paragraph 1 of XII/12 C, to convene an expert meeting on the repatriation of traditional knowledge to develop voluntary guidelines to promote, and enhance the repatriation of traditional knowledge of relevance to the conservation and sustainable use of biodiversity for the consideration of the ninth meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions. In paragraphs 2, 3 and 4 of the same decision, the Conference of the Parties requested Parties, other Governments, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO), the United Nations Permanent Forum on Indigenous Issues (UNPFII) and other relevant organizations and as well as indigenous and local community organizations to submit relevant

¹ Refer to the terms of reference for task 15, annexed to Decision XI.14 D, and made available as annex II of this document for easy reference.

² The Ad Hoc Working Group on Article 8(j) and Related Provisions to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with Article 17, paragraph 2, of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity. (Decision V/16, section n III, task 15).

³ For ease of reference the terms of reference for this task is attached as annex II.

information, including on best practices, and their views on the development of the draft voluntary guidelines to promote and enhance the repatriation of traditional knowledge relevant to the conservation and sustainable use of biological diversity to the Executive Secretary for compilation, having regard to the submissions already compiled in document UNEP/CBD/WG8J/8/INF/7, as well as the best practices summarized in section V of the note by the Executive Secretary on development of best-practice guidelines for the repatriation of traditional knowledge relevant to the conservation and sustainable use of biological diversity (UNEP/CBD/WG8J/8/5), which are made available to the expert group online at <https://www.cbd.int/doc/?meeting=A8JEM-2015-01>, under “Other Documents”.

3. As requested, the Executive Secretary, has compiled the information and views received in request to notification SCBD/MPO/AF/JS/VF/84296 (2015-012) dated 5 February 2015, and made the most recent compilation available to the Expert Meeting as an information document UNEP/CBD/A8J/EM/2015/INF/1. Also, as requested in the same decision, the Executive Secretary has taken into account the information and views received, and prepared draft elements of voluntary guidelines, for consideration by the Expert Meeting and made them available in annex I to this document. Finally, and as requested in the same decision, the Executive Secretary will transmit the results of the work of the Expert Meeting on the draft voluntary guidelines as well as the most recent compilation of information and views, to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions at its ninth meeting, for its consideration, and with a view to consideration by the Conference of the Parties at its thirteenth meeting.

4. Based on these requests, the Secretariat has prepared the current document to facilitate the discussions. Section I contains background information; section II provides information on repatriation of traditional knowledge within the context of the Convention on Biological Diversity, as well as information on this issue from other relevant international processes and standards; section III contains a summary of submissions received;⁴ section IV contains best practices, section V contains lessons learned and section VI, contains a draft recommendation for the consideration of the Expert Meeting, including, as annex I, the draft best-practice guidelines for the repatriation of traditional knowledge relevant to the conservation and sustainable use of biological diversity, to be further developed and adopted by the expert meeting. For ease of reference, annex II contains the terms of reference to advance task 15.

I. BACKGROUND

The Convention on Biological Diversity

5. Within the context of the Convention on Biological Diversity, traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. Developed from experience gained over the centuries and adapted to the local culture and environment, traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds. As such, it is a component of intangible cultural heritage. Sometimes it is referred to as an oral traditional for it is practiced, sung, danced, painted, carved, chanted and performed down through millennia. Traditional knowledge is mainly of a practical nature, particularly in such fields as agriculture, animal husbandry, fisheries, health, horticulture, forestry and environmental management in general.⁵ There is today a growing appreciation of the value of traditional knowledge and the importance of exchange of

⁴ Views were received from Australia, Bolivia, Brazil, Canada, Ecuador, Finland, Honduras, New Zealand, Peru and Sweden, as well as Rede Pacari de Plantas Mediciniais, Redcam, and the Sami Parliament in request to notification SCBD/MPO/AF/JS/VF/84296 (2015-012) dated 5 February 2015 and are made available in document UNEP/CBD/A8J/EM/2015/1/Add.1.

⁵ See <http://www.cbd.int/traditional/intro.shtml>

information, including the repatriation of traditional knowledge and related information to indigenous peoples and local communities for knowledge and cultural restoration.

6. Many government departments, universities, museums, herbaria, botanical and zoological gardens and other entities may house collections containing information on the knowledge, innovations and practices of indigenous peoples and local communities relevant to conservation and sustainable use.

Development of best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge

7. The revised programme of work on Article 8(j) and related provisions (decision X/43), includes task 15, which requests the Working Group to develop guidelines that would facilitate repatriation of information, including cultural property, in accordance with paragraph 2 of Article 17 of the Convention on Biological Diversity in order to facilitate the recovery of traditional knowledge of biological diversity”. Further to this, the eleventh meeting of the Conference of the Parties, in its decision XI/14 D, adopted the terms of reference⁶ to advance task 15 of the programme of work on Article 8(j) and related provisions. In doing so the Conference of the Parties has clarified that “*the purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity*”. The terms of reference also mention that “task 15 is intended to build on and enhance repatriation undertaken by Parties, other Governments and other entities, including international organizations, museums, herbaria and botanical and zoological gardens, databases, registers, gene banks, etc.”

How work on task 15 might usefully complement the effective implementation of the Nagoya Protocol

8. Paragraph 5 of the terms of reference contained in the annex to decision XI/14 D requests the Working Group on Article 8(j) to advise the Conference of the Parties on how work on task 15 might usefully complement the effective implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (decision X/2). The Protocol contains significant provisions relating to traditional knowledge associated with genetic resources held by indigenous and local communities, as well as to genetic resources held by indigenous and local communities where the rights of these communities over these genetic resources have been recognized. It does not, however, address repatriation of traditional knowledge.

9. Although the Nagoya Protocol does not specifically call for the protection of traditional knowledge, it incorporates a series of provisions addressing traditional knowledge, which contribute to the protection of traditional knowledge. Its general provisions offer in practice, tools and mechanisms, which are driven by this underlying objective. The Nagoya Protocol provides, among other principles, that access to and use of traditional knowledge should be subject to the prior informed consent or approval and involvement of the relevant indigenous and local communities (knowledge holders) and furthermore participate in the equitable sharing of benefits derived thereof and that this is based upon mutually agreed terms.

10. For the purpose of the Nagoya Protocol, it may be useful to consider at least two scenarios regarding the repatriation of traditional knowledge. Firstly the knowledge may not be related or associated with genetic resources and would therefore fall outside of the scope of the Protocol. In such cases repatriation of knowledge and related information may assist in knowledge and cultural restoration and social/community cohesion but would not directly impact on the implementation of the Nagoya Protocol.

⁶ Refer to annex II for the terms of reference (decision 11/14 D, annex).

11. The second scenario considers the repatriation of knowledge associated with genetic resources. In such cases, associated knowledge falling within the scope of the Protocol, after being returned to indigenous and local communities, could require prior informed consent or approval and involvement, mutually agreed terms and benefit-sharing arrangements, if the knowledge is subsequently accessed from the community. The issue of instances in which it is not possible to grant or obtain prior informed consent is taken up under Article 10 – “Global Multilateral Benefit-sharing Mechanism” – of the Nagoya Protocol. Online discussions and an expert meeting on Article 10 were held in 2013. During the expert meeting, the participants identified a number of areas for further examination including whether a global multilateral benefit-sharing mechanism should address the sharing of benefits arising from the utilization of traditional knowledge that is publicly available and where the holders of such traditional knowledge cannot be identified or for which it is not possible to grant or obtain prior informed consent (UNEP/CBD/ICNP/3/5, para. 23(l)(v)).

12. The first meeting of the Parties to the Nagoya Protocol, held in Pyeongchang, Republic of Korea, from 13 to 17 October 2014, adopted decision NP-1/10 on the need for and modalities of a global multilateral benefit-sharing mechanism. Among other things, the decision invites the submission of views on areas requiring further consideration as identified in paragraph 23 of the report of the expert meeting. The decision also requests the convening of another expert group that will, inter alia, review the synthesis of views submitted with a view to reaching a common understanding on the areas requiring further examination as identified in paragraph 23 of the report of the 2013 expert meeting. The expert meeting requested by decision NP-1/10 is tentatively scheduled to be held from 1 to 3 February 2016.

13. Further to this matter, the review of the draft principles and guidelines on the heritage of indigenous peoples⁷ considers in its chapter on public domain that due consideration should be given to the interest of third parties that had acquired such elements in good faith. Continued use of indigenous and local traditional knowledge already readily available to the general public, in a manner that is fair and equitable, paying particular attention to the rights and interests of those from whom the elements originated, could thus be excluded from the obligation to obtain prior informed consent, but may give rise to expectations of equitable sharing of benefits.

14. A number of Parties have stated in their submissions that knowledge should be restored to indigenous peoples and local communities, but that repatriated knowledge that is publicly available or in the public domain, should remain freely available, including to the repatriating entity. Repatriation on these terms would assist with knowledge and cultural restoration and facilitate the recovery of traditional knowledge, which is the aim of task 15, but may limit future possibilities of (monetary) benefits for communities arising from the effective implementation of the Nagoya Protocol, concerning use of traditional knowledge associated with genetic resources, which has been returned to them. At the same time, a careful balance is required to ensure that a disincentive is not created by placing unreasonable expectations on repatriating entities.

II. REPATRIATION OF TRADITIONAL KNOWLEDGE

The Convention on Biological Diversity

15. Article 17 (Exchange of information) refers to the following two points: in paragraph 1, the Contracting Parties “shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries”; and in paragraph 2, such exchange of information “shall include exchange of results of technical, scientific and socioeconomic research, as well as information on training

⁷ See the expanded working paper dated 21 June 2005 submitted to the Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, by Yozo Yokota and the Saami Council on the substantive proposals on the draft principles and guidelines on the heritage of indigenous peoples, (E/CN.4/Sub.2/AC.4/2005/3).

and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.” As such the implementation of Article 17 regarding traditional knowledge can be advanced, at least in part, through task 15 on repatriation.

16. “**Repatriation**” in the context of traditional knowledge means the return of knowledge, innovations and practices of indigenous and local communities and related information, after a considerable period of time, to where it originated or was obtained, for the recovery of knowledge on biological diversity.

The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities

17. The Tkarihwaié:ri Code of Ethical Conduct (decision X/42) provides guidance to Parties, Governments, researchers and others interacting with indigenous and local community on procedures and principles to consider when working with indigenous and local communities. The issue of repatriation is taken up in paragraph 23, which states: “Repatriation efforts ought to be made to facilitate the repatriation of information in order to facilitate the recovery of traditional knowledge of biological diversity.”

United Nations Declaration on the Rights of Indigenous Peoples

18. Article 12 of the Declaration on the Rights of Indigenous Peoples refers to repatriation of ceremonial objects and human remains: “1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned”⁸

19. Although the Declaration on the Rights of Indigenous Peoples does not explicitly mention repatriation of traditional knowledge, it does state in Article 31 that: “Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions”.

Draft Principles and Guidelines on the Protection of the Heritage of Indigenous Peoples

20. The Draft Principles and Guidelines on the Protection of the Heritage of Indigenous Peoples was elaborated by the Special Rapporteur, Mrs Erica-Irene A. Daes in 1997 and reviewed at a seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples in 2000 and also reviewed and updated in the review of the draft principles and guidelines on the heritage of indigenous peoples in 2005⁹. It recognizes that the heritage of indigenous peoples has a collective character and is comprised of all objects, sites and knowledge including languages, and has been transmitted from generation to generation, and pertains to a particular people or its territory. The heritage of indigenous

⁸ See http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

⁹ Commission on Human Rights (2005), Review of the draft principles and guidelines on the heritage of indigenous people. Expanded working paper submitted by Yozo Yokota and the Saami Council on the substantive proposals on the draft principles and guidelines on the heritage of indigenous peoples E/CN.4/Sub.2/AC.4/2005/3, 21 June 2005.

peoples also includes the objects, sites, knowledge and literary or artistic creation of that people, which may be created or rediscovered in the future based upon their heritage.¹⁰

21. It also notes that the heritage of indigenous peoples includes all moveable cultural property as defined by the relevant Conventions of the United Nations Educational, Scientific and Cultural Organization; all kinds of literature and artistic creation such as music, dance, song, ceremonies, symbols and designs, narratives and poetry and all forms of documentation of ecological knowledge, including innovations based upon that knowledge, cultigens, remedies, medicines and the use of flora and fauna; human remains; immoveable cultural property such as sacred sites of cultural, natural and historical significance and burials.¹¹ This draft guideline has a section on recovery, which states that: “whenever possible, indigenous peoples shall be entitled to restitution of control and possession of moveable elements of their cultural heritage, including from across international borders.”

III. A SUMMARY OF VIEWS AND INFORMATION RECEIVED

22. Following is a summary of the views and information received, as requested in notification SCBD/MPO/AF/JS/VF/84296 (2015-012) dated 5 February 2015, building on the comments from the previous submissions collated in UNEP/CBD/WG8J/8/INF/7 (2013). In order to build on the previous comments received in 2013, they are included here with the additional comments received in 2015.

23. **The Government of Australia** supports the development of voluntary guidelines for the repatriation of traditional knowledge that focus on matters relating to biological diversity, but notes that there are a number of challenges that must be addressed by the technical expert group:

- Although the value of sharing and exchanging traditional knowledge is important, what is also important is that culturally appropriate methods for the sharing and storage of such knowledge are taken into account.
- While Australia endorses the development of guidelines on repatriation of traditional knowledge it is important to consider any such guidelines to be applied in accordance with national and local circumstances.
- The compatibility of guidelines with national legislation and policies should also be considered.

24. Given the importance of fire to the Australian landscape, Australia has a particular interest, on repatriating and sharing traditional knowledge of fire management. Australia’s Indigenous peoples have long utilized fire to shape the landscape and traditional burning remains a critical part of achieving social, economic and spiritual wellbeing¹. Fire management in savannah landscapes, which integrates traditional knowledge and western science can lead to a reduction in greenhouse gas emissions, improved biodiversity values and supports sustainable livelihoods for Indigenous peoples living on country.

25. Savannah fire management projects restore traditional land management practices and involve a programme of early dry season burning to reduce fuel loads and create firebreaks in the landscape. These fires can be lit from aircraft, vehicles or on foot, depending on the country. Projects allow old people to share their traditional knowledge with young people, maintaining and strengthening connections to their traditional country by managing fire. Australia is actively encouraging the reintroduction and expansion, where appropriate, of fire management based on traditional knowledge in savannah ecosystems.

¹⁰ Commission on Human Rights (2000). Report of the seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples. E/CN.4/Sub.2/2000/26, para. 12.

¹¹ Commission on Human Rights (2000). Report of the seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples. E/CN.4/Sub.2/2000/26, para. 13.

26. Additionally, Australia suggested in its previous submission that task 15 should focus on matters relating to biological diversity and it should recognize the importance of maintaining free access to publicly available knowledge relating to biological diversity. For example, if a particular aspect of knowledge has become widely known since it was originally accessed, in such cases that it is repatriated, it should also remain publicly available. Publicly available knowledge is an important resource for innovation and education (e.g. traditional knowledge recorded in scholarly articles) and it would not be practical to take repatriated knowledge from the public domain.

27. Australia goes on to explain its Indigenous Repatriation Policy (2011) and its supporting programme aiming to work in partnership with Indigenous peoples to facilitate the return of ancestral remains held in overseas collections, and ancestral remains and secret sacred objects held in major government funded museums, to their communities of origin. This policy includes the appointment of an all Indigenous Advisory Committee and funding the employment of Aboriginal or Torres Strait Islander liaison officers to work on repatriation within the major Australian Museums. The Australian Government also informed that it continues to recognize that repatriation is a key step towards reconciliation for all Australians and works collaboratively with all stakeholders, including indigenous communities, Australian museums, state, territory and local governments, collecting institutions and overseas governments and institutions to facilitate repatriation.

28. Australia mentioned that recently ancestral remains have been repatriated from the USA and the Czech Republic, to communities in New South Wales and the Northern Territory. At the domestic level some ancestral remains and/or secret sacred objects are being returned from the collection of six major Australian museums (Australian Museum, Western Australian Museum, Museum and Art Gallery of the Northern Territory, Museum Victoria, Queensland Museum and South Australian Museum).

29. **The Government of Bolivia** emphasized in their submission that guidelines for an effective repatriation should address such issues as:

- Who are the rightful/original holders of the particular traditional knowledge?
- How to identify the knowledge origin;
- The kind of knowledge that should be repatriated;
- If the right holder is entitled to recognition and sharing of the benefits arising from the commercial use of such knowledge.

30. Bolivia believes legal instruments for traditional knowledge repatriation are essential for mega-diverse countries. The country is working together with social organizations and relevant institutions in drafting a proposal for an *Ancestral Knowledge Law*. It has advanced a pilot registry of ancestral knowledge to avoid lost which, amongst other things constitute proof of existence and ownership by the indigenous peoples. The registry is not managed by an intellectual property office, but by a Government institution similar to a National Competent Authority which will be the Custodian of the register with the written consent of the community, who will also decides what kind of information will be registered. Communities will administrate Communal Registries. Based on this pilot experience, Bolivia plans to consolidate and formalise the mechanism.

31. Bolivia explained that they have some, programmes and projects related to repatriation of biologic resources associated to traditional knowledge, such as the repatriation of Paraba Barba Azul (*Ara glaucogularis*). Paraba Barba Azul is a very rare bird species, which only exist in Bolivia. Bolivia has repatriated six birds from London with the view to save the species.

32. **The Government of Brazil** expressed concern about how to establish guidelines to facilitate enhancement of repatriation in consistency with *sui generis* systems of protection of traditional knowledge, taking also into account the discussions on this matter under the World Intellectual Property Organization (WIPO).

33. **The Government of Canada**, in keeping with its long-standing position, Canada does not consider that cultural property falls within the scope of the Convention on Biological Diversity. Article 8(j) concerns “knowledge, innovations and practices” and Article 17 concerns only information, including “indigenous and traditional knowledge.” Clearly, the drafters of the Convention intended that the concept of “cultural property” is outside the scope and mandate of the Convention.

34. The distinction that Canada makes between the repatriation of information related to conservation and sustainable use of biological diversity, and the repatriation of relevant cultural objects, is significant. Within the community of custodial institutions such as museums in Canada, accepted policies and practices for the repatriation of information differ in key ways from those related to cultural property. Nevertheless, from a policy and practical perspective, repatriation of cultural property is more advanced as a common practice in Canada’s museums and may hold useful principles that can be adapted to the practice of repatriation of information relevant to the conservation and sustainable use of biodiversity.

35. In both cases, however, Canada wishes to stress that established policies and best practices exist in the Canadian heritage community as a result of decades of evolution of the heritage profession in Canada and the relationship between institutions and the Canadian public, both Aboriginal and non-Aboriginal, and researchers in Canada and abroad, and that similar situations exist in other countries

36. It is Canada’s position that the Working Group on Article 8(j) (WG8j) should only compile information about best practices and policies on the repatriation of information that already exists in order to arrive to a set of best practice guidelines, rather than duplicating effort and resources to develop guidelines that are intended for use only in the context of the implementation of one provision of the CBD. Canada believes that the acceptance and implementation of any guidelines will be more successful if they build on existing best practices.

37. Canada provides the following overview of current practice in Canada and views with respect to requests from indigenous peoples:

- (i) **The Nature of the Activity.** Consultation with the natural history museum community in Canada has indicated that while collecting practice involves the participation of keepers of traditional knowledge in indigenous communities, most repatriation of information to date has not arisen in connection with indigenous communities and traditional knowledge

An important characteristic of the repatriation of information by natural history museums – in the event that requests arise from indigenous communities – is the relative abundance of natural specimens (e.g. animals, fossils, minerals, plants). Repatriation of information by museums with cultural collections, in contrast have different characteristics. An object or artefact may, by its rarity, be deemed sacred and subject to physical repatriation. Natural specimens may equally hold sacred significance within a belief system, but their relative abundance limits the likelihood of their being subject to recall or repatriation. It is often the information about such holdings, rather than the specimens themselves that is requested.

Practice and policies in this area in Canada are characterized by the development and nurturing of ongoing relationships with communities of origin, not just with respect to repatriation. It is within that context that repatriation, when it is undertaken, can result in positive outcomes for both the requesting community and the museum.

In the case of natural history collections, at the Canadian Museum of Nature, for example, scientific staff routinely collaborates with keepers of traditional knowledge when seeking to document or collect specimens in the field. Knowledge transferred through oral tradition about where a species can be found (or once lived and is no longer there) is considered important by the

Museum to cross tabulate or substantiate observations made from collected specimens. Traditional knowledge keepers are routinely engaged by the Museum as key personnel in field parties. Research personnel at the Museum are equally committed to sharing their findings and observations within a community at the end of a field event or at a later date.

Moreover, it is important to emphasize that for the most part Canadian experiences in the repatriation of information related to traditional knowledge of biological diversity is minimal. To date, it has been uncommon for indigenous groups in Canada to make requests to repatriate their traditional knowledge associated with biodiversity data. As such, the experiences and best practices outlined in this paper are predominantly based on Canada's experience in repatriation of information related to genetic resources more broadly, namely collections of biodiversity data (not predicated on traditional knowledge).

Canada provided the following key principles which can be applied when discussing the repatriation of information related to traditional knowledge associated with genetic resources.

(ii) **Building relationships.** In order to facilitate the repatriation of information relevant to biodiversity when such repatriation involves indigenous communities, efforts should be made to establish and nurture ongoing relationships with those communities, and keepers of traditional knowledge, for the ultimate benefit of both parties.

(iii) **Response to requests on a case-by-case basis.** Whether in a natural history collection context or in repatriating objects and associated documentation, the approach of Canada's museums is to consider all requests on a case-by-case basis, taking into consideration the specific nature and details of each request.

(iv) **Digitalization.** In terms of best practices in repatriation of information, the ability of institutions to respond is often directly related to the state of digitization of collection information. In contrast to the repatriation of physical objects, repatriation of information by natural history museums is undertaken electronically. As a consequence, this activity is resource-intensive, in the costs associated with digitization. In anticipation of requests for information, the Canadian Museum of Nature has created free access to all digitized information about its collection materials. If the information requested is not in digital format, a plan to assess and obtain the information will be done on a case-by-case basis. The requesters may be invited to consult the collections in person; they will be appropriately oriented, trained and/or supervised when they have to work in the collections area. If the requester digitizes the information, the Museum will provide access and, as necessary, computer resources to assist. A copy of the dataset will be incorporated into the Museum's collections database and shared broadly. Repatriation requests may be unnecessary when collections data is available electronically, therefore efforts should be made to digitize collections records. Where data is not in electronic format, efforts should be made to facilitate appropriate physical access by researchers to the collections and the training, supervision and, where possible, electronic resources to allow retrieval of data. When digitization of museum specimens is required, the following are important to consider:

- retention of a copy of the data by the host institution
- costs in the digitization process and the organization of specimens
- copyright over data or documentation
- confidentiality and any other restrictions over subsequent use.

(v) **Purpose of request and subsequent use.** For biodiversity data that is not in a digital format, museums in Canada do provide access to it for the purpose of digitization. In providing access, the museum may differentiate between requests for commercial and non-commercial

(academic, educational or cultural) purposes. The Canadian Museum of Nature, for example, will assist in the digitization of collection data for a commercial application and charge a fee for doing so. These fees may be waived to some extent or in total in exchange for a copy of the digitized data, and in the case of non-commercial uses, fees are typically not applied. Requests from indigenous communities for biodiversity information would be considered a non-commercial use. Biodiversity data released by the Museum is free for use, and requires attribution for the Museum when used.

(vi) **Copy to be repatriated.** In the case of Canadian natural history collections, only a copy of the information, not the original, or the relevant specimen itself, is repatriated. As such, ownership of the data and copyright is usually retained by the institution. In the case of use by indigenous communities, reproduction rights will be granted in exchange for appropriate acknowledgement of the museum. In contrast, repatriation requests by indigenous communities to human history museums relate almost always to objects and associated documentation, and it is the object itself, not a copy of it, that is repatriated. In this case, museums in Canada will often retain a record, including a visual record, of the document, and copies of associated documentation. Museums may retain the right to reproduce records for purposes related to their mandate, under conditions that comply with Canadian copyright law. A distinction should be made between repatriation/digitization for commercial purposes and non-commercial purposes. Requests for repatriation from indigenous communities should be considered non-commercial. Encouraging the removal of excessive formalities such as the waiving of fees or royalties that might otherwise be charged in connection with requests for collections data made by an indigenous community. Encouraging the repatriation of information relevant to conservation and sustainable use of biodiversity, may be facilitated by distributed databases on the Internet.

(vii) **Confidentiality.** Examination of existing practice in Canadian museums indicates an acknowledgment of the sensitivity of certain types of information, either from a sacred/ceremonial perspective for indigenous communities or, in the case of natural history collections, information connected with rare or endangered species. In both circumstances, measures are used to avoid the inappropriate sharing of such sensitive information in a way that would have detrimental cultural or environmental consequences.

(viii) **Cultural Sensitivities.** Repatriation of information relevant to conservation and sustainable use of biodiversity should take into consideration potential cultural sensitivities as well as the potential for adverse consequences for rare or endangered species.

(ix) **Policies.** In all cases examined, collecting institutions in Canada have adopted formal policies in this area, either for release/repatriation of scientific data or for repatriation approaches specific to indigenous communities. With respect to the latter, every formal policy examined uses as its basis, or one of its references, the report and recommendations of the Task Force on Museums and First Peoples. This initiative was undertaken in the early 1990's jointly by the Assembly of First Nations and the Canadian Museums Association. Recommendations of the Task Force with respect to repatriation emphasized partnerships between collecting institutions and indigenous communities, a case-by-case approach, the advisability of use of replication of materials for use by one or the other of the parties to a request, and the need for indigenous communities to demonstrate a direct prior cultural connection and ownership with regard to the museum collections in question. Clearly several aspects of this approach are relevant for use in the repatriation of both objects and documentation/data when it involves indigenous communities. Collecting institutions should adopt formal policies for the repatriation of their collections documentation either generally or with specific reference to indigenous communities. These formal policies should be publicly available and, in the case of policies specific to repatriation to indigenous communities, be developed as far as possible in consultation with those communities.

38. **The Government of Ecuador** provided information about the ongoing the process for the creation of a Digital Repository on traditional knowledge which will allow the creation of a public register of information on conservation and use of biodiversity and agreements with authors so that indigenous peoples and local communities have access to the relevant bibliography and the repatriation of the information to the communities of origin about their own uses of biodiversity and associated traditional knowledge.

39. **The European Union and its Member States** suggested that the repatriation of information related to indigenous and local communities and traditional knowledge should facilitate the exchange of such information, rather than limit or restrict it, and that this goal should also be reflected in the best-practice guidelines to be developed. The repatriation of information should not impede the continued use of such information in the Party that decides to repatriate it.

40. **The Government of Finland** has advised that the Sami people's traditional uses of natural resources and related language terminology have been saved in various public archives and in archives of universities in written, pictorial and audio form for the purposes of anthropological research and reports. However, Finland mentioned that traditional knowledge is not collected systematically. The pictorial archives contain photographs of traditional land-use practices and natural resource use. Audio archives in Finland and abroad include recording of joiks, traditional Sámi songs. Most of the recorded joiks have been digitized. Finnish legislation on copyright gives the person who created a work the exclusive right to control it by reproducing it and making it available and also promotes returning copyright control of joiks to the Sámi community. Photographs of the utilization of nature by Sami have not been digitized. Finland's National Board of Antiquities is the nation's specialist, service provider, developer and authority in material cultural heritage and the cultural environment field. The Board collects, manages and presents the national heritage of cultural history and records, in addition to producing and disseminating knowledge. The Board of Antiquities has some photographs of the Sámi People, which can be used and repatriated, but the Sámi community is also charged for these services.

41. Finland mentions that it would be possible to make the material about the Sámi People and related biodiversity information accessible to the Sámi community and to return it to them through digitization. A Sámi archive has been established in Inari, at the Sámi Cultural Centre Sajos. In the future, Sámi traditional knowledge will be digitized and categorized and made available to the Sámi community; it will also be published and stored.

42. **The Government of Honduras** states that in its submission that it is part of UENSCO's Convention for the Safeguarding of Intangible Cultural Heritage, and has a *National Commission against the illicit Traffic of Honduran Cultural Goods* objective is to establish mechanism against such traffic, to protect, survey and safe guard those goods.

43. **The Government of Mexico** considered that the issue of repatriation of traditional knowledge pertinent for conservation and sustainable use of biodiversity is a complex issue and difficult to implement, because of the diffusion of knowledge and the difficulties in identifying origins. Rather than repatriation, Mexico preferred the recognition of traditional knowledge and the contribution of indigenous and local communities in the conservation of biodiversity. Mexico prefers more emphasis on the protection of traditional knowledge that remains in possession of indigenous and local communities. At the same time Mexico considers that a mechanism for benefit sharing for the utilization of traditional knowledge is important.

44. **The Government of Peru** in its most recent submission proposes the following definition of repatriation:

“**Repatriation**”, in the context of traditional knowledge, means the return of the traditional knowledge, innovations and practices of indigenous and local communities and related information, through the State, to the people or peoples from whom they were obtained, in order to recover the knowledge about biological diversity.

45. **The Government of Peru**, in its previous submission, noted the importance of a definition of repatriation of traditional knowledge, as it may be interpreted as the devolution of intangible or immaterial goods to another originating country. Peru considered that repatriation of traditional knowledge would be the devolution of information under any existing form, such as in texts, database, passport date (in case of collection examples), records, videos, etc., that has been accumulated and distributed around the world since colonial times. This information would be useful for indigenous and local communities who have lost their traditional knowledge. Peru proposes that the guidelines for repatriation should facilitate access to traditional knowledge that left the country of origin, through collection missions conducted before the entry into force of the CBD, as well as the repatriation of data held by herbaria and museums.

46. Peru proposes the creation of various mechanisms, such as framework agreements with research institutions (university, museums etc.), which includes the issue of repatriation. Also, Peru recognizes that it may be very difficult to return knowledge, and also notes the importance of analyzing the potential development of mechanisms for equitable sharing of benefits from knowledge that was collected and used for a specific or ongoing period.

47. Peru mentions some experiences related to repatriation of traditional knowledge. The National Institute for Agricultural Research INIA has a project called “Discovering the potential of diversity of forgotten crops for the differential of products of high value and income generation for the Poor: The case of peppers in their centre of origin (Capsicum Project). This project is coordinated by Biodiversity International for repatriation of genetic material of peppers deposited in three foreign gene banks as follows: (a) National Germplasm Resources Laboratory – Agricultural Research – United States Department of Agriculture – United States of America: 71 accessions; (b) Centre for Genetic Resources (CGN)-Wageningen University and Research Centre: 3 accessions; (c) Genebank Department- Leibnitz Institute of Plant Genetics and Crop Plant Research (IPK): 13 accessions. Peru notes their positive experiences regarding the willingness of gene banks to repatriate. Peru also noted that repatriation should include the passport date of the samples, which is expected to contain information on the uses and other aspects of traditional knowledge.

48. **The Government of Sweden** mentioned that since 2006 Naptek – the Swedish National Programme for Local and Traditional Knowledge – and the Swedish Sami Parliament have been collaborating in several projects concerning revitalization and repatriation of Sami traditional knowledge in a broad sense. In that revitalization process, the repatriation of information from academia and museums is a valuable tool. It can also be worthwhile for the process to form a management structure such as the structure used for the Laponia World Heritage Site.

49. **Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS)** has forwarded, for the consideration of the expert meeting, the AIATSIS policy guidelines for Libraries, Collections and Ethical Standards as a useful contribution for the consideration of guidelines for the repatriation of traditional knowledge. They have drawn on some of the principles from the [Guidelines for Ethical Research in Australian Indigenous Studies](#) (GERAIS) in devising their policy (see pages 5, 8 & 9 of policy) along with some other best practice protocols. Further information can also be found at <http://aiatsis.gov.au/about-us/corporate-documents-and-policies>.

50. **RITA and other organization from Latin America and the Caribbean region** note that the traditional knowledge, innovation and practices of indigenous and local communities are usually held collectively and associated to their land and resources, including the diversity of genes, species and ecosystems. RITA reaffirms that repatriation is important because it allows for historical equity and recovery of traditional knowledge for cultural restoration. For indigenous and local communities, traditional knowledge and biological and genetic resources are inseparable. RITA poses an interesting example in the work of the Association ANDES, with its experience of repatriating traditional varieties potato collected by the International Potato Centre during the 1960s. Association Andes argues that traditional knowledge and natural resources cannot be separated, therefore, repatriation is necessary to protect and restore traditional knowledge. Another example is the work of Development Association and Information Ixacavaa in Costa Rica, where the leaders of the indigenous peoples of Bajo Chirripo Cabécar requested the repatriation of eight products, which were lost to these communities, successfully arguing that such products would contribute to food security and restoration of their traditional knowledge.

51. **Otomi Regional Council of Upper Lerma**, recommends that codes of ethics, such as the code of ethics of the International Society of Ethnobiology, the Guidelines of Professional Ethics Society for Economic Botany and the code of ethics of the Brazilian Association of Anthropology should be considered as useful guides or tools for repatriation processes concerning traditional knowledge relevant for the conservation and sustainable use of biological diversity.

52. **Indigenous Women's Biodiversity Network Latin America and Caribbean Region (IWNB-LAC)** recommends that the repatriation process has to consider the customary laws of indigenous and/or local communities, before, during and after the repatriation process. Furthermore, the IWNB-LAC mentioned the importance of established protocols between institutions involved in the repatriation process, as well as adequate resources for communities to be prepared to accept the return on traditional knowledge.

53. **Rede Pacari de Plantas Medicinai**s (Red Pacari) submitted a series of best practices and guiding principles that may apply to repatriation of traditional knowledge. According to those, when traditional knowledge is held by an institution other of their community of origin this institution must allow effective participation of the community in the governance, management and operations regarding the traditional knowledge, recognizing that in the pass there was no prior consultation with the right holder of the knowledge and institute prior informed consent mechanisms for the access to the traditional knowledge and associated information and look for support for the development of indigenous peoples and local community centres of traditional knowledge.

54. Organizations must also recognize sui generis register systems created by indigenous peoples and local communities and recognized indigenous and local communities' author's rights as a primary source of the knowledge documented in a protected material. The organization should also promote the dissemination of publications authored by indigenous and local communities and offer botanical material original from traditional and local communities' territories to promote initiatives of ecological restoration of forests in those territories.

55. The Organization should, with the prior informed consent or approval and involvement of the communities, and with their effective participation, do a retrospective search in order to identify secret, sacred, gender specific or sensitive material. The identified material must be managed by representatives of the indigenous or local community and gender appropriate according to the knowledge. Those materials must be returned to their original right holders and only copies can be kept in collections or in digital environments.

56. **REDCAM** provided in their submission possible categories and issues which could be covered by guidelines including subject matter, moral and spiritual rights, Content and confidentiality, and representation of indigenous peoples and local communities.

IV. BEST PRACTICES

57. The Conference of the Parties, in its decision XII/12 C, requested the Executive Secretary to take into account views and information received and to develop draft best practice guidelines for the repatriation of traditional knowledge to assist the expert meeting in its work. The terms of reference further clarified that task 15 is intended to build on and enhance repatriation undertaken by Parties, other Governments and other entities, including international organizations, museums, herbaria and botanical and zoological gardens, databases, registers, gene banks, etc. Further to these requests the Secretariat analysed submissions received and researched good practices, with a focus on the repatriation of traditional knowledge and related information, but also considered related issues, under the guidance of UNESCO, WIPO and other relevant bodies, in related areas such as the return cultural property, genetic materials and human remains to learn lessons and to establish good practices.

58. Many interesting models exist and serve various purposes, including the repatriation of human remains, artefacts and cultural property. However, there are few models, which focus on the repatriation of traditional knowledge and related information. Australia provides interesting good practices concerning the management of indigenous knowledge, as does Finland. In researching and analysing various related guidelines, the Secretariat noted that the Australian Institute on Aboriginal and Islander Studies (AIATSIS), Finland's National Board of Antiquities and the Sámi Cultural Centre Sajos, provides practical working models from which lessons can be learned and that many other guidelines related to repatriation more generally, provide useful lessons.

Australian Institute of Indigenous and local community Studies (AIATSIS)

59. The Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) is the leading institution for information and research about the cultures and lifestyles of indigenous Australians, past and present. The Institute undertakes and encourages scholarly, ethical community-based research, holds a priceless collection of films, photographs, video and audio recordings and the world's largest collections of printed materials and other resource for Australian indigenous studies, and has its own publishing house. Its activities affirm and raise awareness among all Australians, and people of other nations, of the richness and diversity of Australian indigenous cultures and histories. AIATSIS is a Commonwealth statutory authority within the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education portfolio. In AIATSIS, indigenous Australians are appointed to the management board and chair it. Indigenous Australians are employed at AIATSIS and interface with indigenous communities seeking information, including access to or return of knowledge and related information such as documented or recorded traditional languages.

60. The functions of AIATSIS include:

- To undertake and promote indigenous studies
- To publish the results of indigenous studies and to assist in the publication of the results of such studies
- To conduct research in fields relevant to indigenous and local community studies and to encourage other persons or bodies to conduct such research
- To assist in training persons, particularly indigenous Australians, as research workers in fields relevant to indigenous studies
- To establish and maintain a cultural resource collection consisting of materials relating to indigenous and local community studies
- To encourage understanding, in the general community, of indigenous societies,

61. In its multifaceted work, AIATSIS also provides access for indigenous Australians to information, including traditional knowledge and indigenous languages, through its indigenous and local community protocols for libraries, archives and information services. AIATSIS also employs indigenous staff, which liaise with indigenous individuals and communities searching for information about themselves (which may include recorded traditional knowledge and languages) and provides them with access to culturally appropriate information in cultural sensitive ways. Such practices aid in cultural and knowledge restoration and improved social cohesion. In effect, AIATSIS among many other responsibilities acts as a national clearing-house for information about indigenous peoples, where indigenous Australians can assess information that may have been collected in the past that is relevant to them. Examining AIATSIS's protocols for libraries, archives and information services provides interesting lessons, for possible guidelines for repatriation.

Lessons learned from good practices/models such as AIATSIS

62. Some broad lessons on repatriation include:

- (a) It is desirable that repatriation initiative can be funded and supported by Government;
- (b) Establishing a facilitating organization such as a national institution can operate as a clearing-house for traditional knowledge held nationally or internationally;
- (c) As a statutory authority, such an institution could be considered quasi-governmental and is autonomous;
- (d) Indigenous peoples' and/or local community representatives should effectively participate in such an organization and its work;¹²
- (e) All staff in centres holding traditional knowledge receive training on cultural sensitivities and appropriateness;
- (f) Scope of repatriation may include recorded traditional knowledge and related information and may take many forms, such as photographs, film, video, tape, etc.; may be solid or in electronic form, taking into account that traditional knowledge may be an oral tradition which has been recorded (in diverse formats);
- (g) Digitalization of traditional knowledge may assist in repatriation of held traditional knowledge and related information, and also allows return to communities with (-out?) risk of loss of the information by the repatriating organization;
- (h) Preparedness of indigenous and local communities to receive repatriated knowledge ensures that capacity-building is provided for indigenous and local communities in requesting repatriation and in receiving and safe-keeping of repatriated knowledge and related information (i.e. digitalized information may need to be stored in a secure data-base or copies of old books and records may need a secure dehumidified environment);
- (i) The institution may liaise with a variety of national, subnational and private entities which hold information about traditional knowledge with a view of promoting access for indigenous and local communities;
- (j) The institution may liaise with foreign governments and institutions and entities to promote access to traditional knowledge and related information for indigenous peoples;
- (k) Encourages indigenous and local communities to establish community protocols as guidance for places, which may hold traditional knowledge and related information such as government departments, libraries, archives and information services.

PIMA Code of Ethics for Pacific Museums and Cultural Centres

¹² Indigenous and local community managed and staffed.

63. The Pacific Islands Museums Association (PIMA)¹³ is a regional not-for-profit heritage organization whose aim is to safeguard, preserve and promote the heritage of the peoples of the Pacific Islands. PIMA's mission is to: support Pacific museums and cultural centers to preserve the heritage of the Pacific Islands; involve local communities in heritage management; and develop regional cultural resource management policies and practices.¹⁴

64. PIMA has developed a regional-specific Code of Ethics for Pacific Museums and Cultural Centers¹⁵. It includes, among other things, guiding principles such as “4. Support the reconnection of *ex-situ* cultural resources, located domestically or internationally, with their creator communities”; and “8. Encourages museums from outside the Pacific to support the repatriation of cultural resources to the countries and communities of origin”.

ICOM Code of Ethics for museums (2013)

65. ICOM Code of Ethics for Museums was adopted by the International Council of Museums (ICOM) in 1986 and revised in 2004 and 2013.¹⁶ It establishes the values and principles shared by ICOM and the international museum community. Principle 6.1 of the code refers to “Cooperation. Museums should promote the sharing of knowledge, documentation and collection with museums and cultural organizations in the countries and communities of origin. The possibility of developing partnership with museums in countries or areas that have lost a significant part of their heritage should be explored”. In line with this: “6.2 Return of Cultural Property Museums should be prepared to initiate dialogue for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national and international legislation, in preference to action at a governmental or political level.” Further to this, Principle 6.3 Restitution of Cultural Property states: “When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country's or people's cultural or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to cooperate in its return.”

World Archaeological Congress Codes of Ethics

66. The World Archaeological Congress (WAC) was founded in 1985 as a representative international organization of practicing archaeologists. WAC Congresses discuss archaeological policy, practice and politics.¹⁷ The WAC Council adopted a Code of Ethics in 1990¹⁸ at WAC-2, in Barquisimeto, Venezuela. Some related principles include: “1. To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artifacts, human remains, to the survival of indigenous cultures; 2. To acknowledge the importance of protecting indigenous cultural heritage to the well-being of indigenous peoples; 3. To acknowledge the special importance of indigenous ancestral human remains, and sites containing and/or associated with such remains, to indigenous peoples.”

¹³ See <http://www.pima-museum.com/>

¹⁴ World Intellectual Property Organization (2010). *Intellectual Property and the Safeguarding of Traditional Cultures. Legal Issues and Practical Options for Museums, Libraries and Archives*. Available from http://www.wipo.int/freepublications/en/tk/1023/wipo_pub_1023.pdf.

¹⁵ See http://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/pima_code_ethics.pdf

¹⁶ See http://icom.museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf

¹⁷ See http://www.worldarchaeologicalcongress.org/site/about_faq.php

¹⁸ See http://www.worldarchaeologicalcongress.org/site/about_ethi.php#code1

Code of Ethics of the International Society of Ethnobiology (ISE)

67. The Code of Ethics of the International Society of Ethnobiology¹⁹ (ISE) was adopted by the ISE membership at the 10th International Congress of Ethnobiology, in Chiang Rai, Thailand, on 8 November 2006, subject to the addition of an Executive Summary and Glossary of Terms. The two additions were adopted at the 11th International Congress of Ethnobiology, Cusco, Peru (26 June 2008). This constitutes the complete and most current version of the ISE Code of Ethics.²⁰

68. The Code of Ethics of the International Society of Ethnobiology (ISE) provides a framework for decision-making and conduct for ethnobiological research and related activities.²¹ One purpose of this Code of Ethics is to facilitate establishing ethical and equitable relationships: “ii. to provide a set of principles and practices to govern the conduct of all Members of the ISE who are involved in or proposing to be involved in research in all its forms, especially that concerning collation and use of traditional knowledge or collections of flora, fauna, or any other element of biocultural heritage found on community lands or territories”. Also this Code, under Practical Guidelines on “Treatment of existing project materials” refers to “All existing project materials in the possession, custody or control of an ISE member or affiliated organization shall be treated in a manner consistent with this Code of Ethics. All affected communities shall be notified, to the extent possible, of the existence of such materials, and their right to equitable sharing, compensation, remedial action, ownership, **and repatriation** or other entitlements, as appropriate. Prior informed consent shall not be presumed for uses of biocultural information in the “public domain” and diligence shall be used to ensure that provenance or original source(s) of knowledge and associated resources are included and traceable, to the degree possible, in further publications, uses and other means of dissemination.”

Principles on Access to Genetic Resources and Benefit-sharing for Participating Institutions (Botanic Gardens and herbaria)

69. The Principles on Access to Genetic Resource and Benefit-sharing for Participating Institutions²² was developed by 28 botanic gardens and herbaria from 21 countries. The Principles promote the sharing of benefits arising from the use of genetic resources acquired prior to the entry into force of the Convention, in the same manner as for those acquired thereafter. The principles honour the letter and spirit of the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and laws relating to access and benefit-sharing, including those relating to traditional knowledge.

Guidelines and Procedures for repatriation, National Museums of Natural History, Smithsonian Institution

70. The National Museum of Natural History Repatriation Office has developed detailed policy, guidelines and procedures²³ for the implementation of the National Museum of the American Indian Act. The Museum encourages indigenous and local communities’ representatives to become actively involved in all aspects of the process, provides access to museum collections and documentation, and assist in the use of museum records.²⁴

¹⁹ See International Society of Ethnobiology (2006). International Society of Ethnobiology Code of Ethics (with 2008 additions). <http://ethnobiology.net/code-of-ethics/>

²⁰ See <http://ethnobiology.net/code-of-ethics/>

²¹ See <http://ethnobiology.net/code-of-ethics/>

²² See <http://www.kew.org/conservation/principles.html>

²³ See <http://anthropology.si.edu/repatriation/pdf/NMNH%20Repatriation%20Guidelines%20and%20Procedures%202012.pdf>

²⁴ See <http://anthropology.si.edu/repatriation/consult/process.htm>

V. LESSONS LEARNED

71. The following section is based on submissions received and various related guidelines researched and analysed by the Secretariat, in order to draw out lessons learned in development and implementation. Participants may wish to consider lessons learned in this section and import elements, if needed and as appropriate, into the annex I on draft guidelines to promote and enhance the repatriation of traditional knowledge and related information relevant to the conservation and sustainable use of biological diversity in order to facilitate the recovery of traditional knowledge of biological diversity, for further consideration of the Working Group.

Recovery/Repatriation

72. Whenever possible, indigenous peoples and local communities should be entitled to repatriation of their traditional knowledge and related information, including from across international borders, to assist them with the recovery of traditional knowledge relevant to biological diversity. For meaningful repatriation to take place, the guidelines for repatriation should facilitate access to traditional knowledge that left the country or community of origin, (through collection missions conducted) before the entry into force of the Convention on Biological Diversity.²⁵

Mutual Respect

73. States should ensure respect for the principles of legality, transparency and mutual respect and understanding in relations between indigenous peoples and/or local communities, on one hand, and academic, private sector, educational, governmental and other users of elements of indigenous and local community traditional knowledge, on the other.

Prior and Informed Consent or Approval and Involvement

74. Indigenous peoples and local communities have the right to own, control and manage their cultural heritage (in this case intangible cultural heritage in the form of traditional knowledge), and because of this elements of their traditional knowledge should only be accessed, transmitted, used, displayed and managed by others subject to securing the prior informed consent or approval and involvement of the relevant indigenous and local communities. The formulation used to date under the Convention on Biological Diversity and specifically under the Nagoya Protocol regarding access to traditional knowledge is “prior and informed consent or approval and involvement” of indigenous and local communities.

75. Mechanisms for obtaining prior informed consent or approval and involvement should respect the relevant customary laws of the indigenous and local communities concerned, ensure legality and clarity, and shall not create burdens for indigenous and local communities and individuals or authorized users of elements of their traditional knowledge.

76. Communities should be encouraged to develop community protocols or procedures to ensure clarity of procedures for obtaining prior informed consent or their approval and involvement, which may also include mutually agreed terms and arrangements for the equitable sharing of benefits arising from the use of their knowledge.

77. Repatriation of indigenous and local community traditional knowledge should reflect the need for an equitable balance between the rights and interests of those who develop, preserve and sustain elements of traditional knowledge, and the interests of the general public, as well as users of such knowledge. Thus, due consideration should be given to the interest of third parties that had acquired traditional knowledge in good faith.

²⁵ Submission from Peru.

Publically available traditional knowledge

78. Continued use of indigenous and local community traditional knowledge already readily available to the general public, in a manner that is fair and equitable, paying particular attention to the rights and interests of those from whom the elements originated, should be excluded from the obligation to obtain prior and informed consent. However benefit sharing arrangements could be considered.

Benefit-sharing

79. In particular, in case of continued utilization of indigenous and local community traditional knowledge already readily available to the general public, for commercial purposes, users of traditional knowledge should be encouraged to enter into equitable benefit-sharing arrangements with the relevant indigenous and local communities, where this is feasible. In such instances, benefits should to the largest extent possible be appropriate to the cultural and social context and the needs and aspirations of the indigenous and local communities concerned. Equitable benefit-sharing should also be encouraged whenever traditional knowledge has been accessed and are used for non-commercial purposes.

Disclosure and inventories

80. Researchers, scholarly institutions and museums should not publish information obtained from indigenous peoples or local communities or the results of research conducted on flora, fauna, microbes or materials discovered through the assistance of indigenous or local communities and their traditional knowledge without obtaining their prior informed consent or approval and involvement to the citation or publication. Any benefit generated by such information should be shared equitably.

81. Government departments, international and regional organizations, museums, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services, researchers, scholarly institutions, museums and other places and other entities storing or housing traditional knowledge and related information, are encouraged to make available to indigenous and local communities comprehensive inventories of the elements of their traditional knowledge and related information, which they may have in their custody, including any elements loaned to other institutions, and describe, where possible, the manner in which each element was acquired.

Capacity-building and awareness-raising

82. Parties, Governments and entities storing or housing traditional knowledge should, through capacity-building activities, assist indigenous peoples and local communities to recover, maintain, control, safeguard and protect their traditional knowledge (for example, by fostering the creation or strengthening of institutions for training in the management of their traditional knowledge, and/or identify a national institution to act as a clearing-house for the repatriation of traditional knowledge).

83. Parties and Governments and entities working with indigenous peoples and local communities and their traditional knowledge should further ensure recognition of, and respect for, indigenous or local communities traditional knowledge through educational, awareness-raising and information programmes aimed at the general public, in particular young people.

VI. DRAFT RECOMMENDATION OF THE EXPERT GROUP MEETING

The Expert Meeting may wish to recommend that the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, adopt a recommendation along the following lines:

Recalling that Parties to the Convention on Biological Diversity have, subject to their respective national legislation, undertaken, pursuant to Article 8(j) of the Convention, to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity (hereinafter referred to as “traditional knowledge”), and to promote its wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices,

Recalling that Parties to the Convention on Biological Diversity, according Article 17, shall facilitate the exchange of information on traditional knowledge and in Article 18, promote scientific cooperation to develop methods of cooperation for the development and use of technologies, including indigenous and traditional knowledge,

Bearing in mind the importance of international cooperation for the repatriation of traditional knowledge including of providing access to traditional knowledge and related information for indigenous peoples and local communities to facilitate the recovery of traditional knowledge of biological diversity,

Further taking into account the various international bodies, instruments, programmes, strategies, standards, guidelines reports and processes of relevance and the importance of their harmonization and complementarity and effective implementation, and in particular the United Nations Educational, Scientific and Cultural Organization and its mandate concerning cultural property,

Adopts the voluntary guidelines attached as annex I to this recommendation;

The Expert Meeting may also wish to request the Executive Secretary to transmit the voluntary guidelines to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions for its consideration at its ninth meeting.

*Annex I***DRAFT GUIDELINES TO PROMOTE AND ENHANCE THE REPATRIATION OF TRADITIONAL KNOWLEDGE AND RELATED INFORMATION RELEVANT TO THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY IN ORDER TO FACILITATE THE RECOVERY OF TRADITIONAL KNOWLEDGE OF BIOLOGICAL DIVERSITY****A. Scope of the subject matter**

These guidelines apply to the knowledge, innovations and practices (hereafter referred to as traditional knowledge) of indigenous peoples and local communities, embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, including related information.

The guidelines are intended to be practical guidance to Parties, Governments,²⁶ international and regional organizations, museums, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services and other entities storing or housing traditional knowledge and related information, including, in appropriate ways to interact with indigenous peoples and local communities in efforts to repatriate traditional knowledge and related information, and in handling such materials with indigenous and local community content.

They are a guide to good practice which will need to be interpreted taking into account the political, legal and cultural diversity, as appropriate, of each Party, entity and community, and applied in the context of, each organization's mission, collections and client community, taking into account community protocols and other relevant procedures.

The guidelines address:

- (a) The recognition of the moral rights of indigenous peoples and local communities as the owners of their knowledge;
- (b) Other important issues arising from indigenous and local community content and perspectives in documentary materials, media and associated information related to traditional knowledge;
- (c) Issues such as access to places where traditional knowledge and associated information may be held, such as government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-based, registers, gene-banks, libraries, archives and information services;
- (d) Encouragement for both the involvement and the participation of indigenous and local community persons in the governance and operation of relevant government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-based, registers, gene-banks, libraries, archives and information services;
- (e) Appropriate representation of indigenous peoples and local communities and their cultures in places where traditional knowledge and associated information may be held such as government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services.

²⁶ Including governments departments which may hold indigenous and/or local community traditional knowledge and related information relevant conservation and sustainable use of biological diversity.

The guidelines are not prescriptive or definitive.

Given the political, legal and cultural diversity of States and indigenous and local communities, it is unlikely these guidelines will cover all the issues that may arise in professional practice. However, they should provide a starting point for solving problems, and seek to put practitioners who are working through similar scenarios in contact with each other.

The guidelines do not promote censorship - materials now considered offensive or inappropriate still form part of the historical record and as such may possess a contextual contribution or value.

The guidelines should enable information professionals to make sound judgments regarding appropriate responses to any issues, or provide some ideas about where to go to for assistance if more expertise is required.

B. Guiding Principles for Repatriation

1. Governance and management

Places where traditional knowledge and associated information may be held such as government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services and which serve indigenous peoples and local communities and/or hold materials with indigenous and local community content or perspectives, should ensure the involvement and participation of indigenous peoples and local communities in governance, management and operation.

Such institutions should:

- 1.1** Recognize indigenous peoples and local communities as the traditional custodians of their traditional knowledge.
- 1.2** Ensure appropriate indigenous peoples and local community membership representation on governing and advisory bodies including boards, councils and committees.
- 1.3** Ensure meaningful indigenous peoples and local community participation in effective development, adoption and implementation of relevant policies.
- 1.4** Develop mechanisms to ensure effective monitoring and review of policy implementation.
- 1.5** Facilitate organizational change to accommodate the perspectives of indigenous peoples and local communities.

2. Content and perspectives

Many of the records, books, images and other materials held by government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-bases, registers, gene-banks, libraries, archives and information services include depictions of indigenous peoples and local communities, culture and experience presented from a variety of perspectives. Major institutions have a responsibility to ensure that their collections are comprehensive, inclusive and reflective of all perspectives. Smaller institutions may have a more specialised collecting focus.

In order to respond appropriately to indigenous and local communities and issues, organizations should consider the following strategies:

- 2.1** Consult in an appropriate and ongoing manner with relevant indigenous peoples and local communities in regard to the development and management of the collections.
- 2.2** Seek to balance collections by acquiring material by and about indigenous peoples and local communities.

- 2.3 In the case of government archives, consult through the relevant government agency. Agencies should be advised of indigenous and local community content of materials and appropriate access policies.
- 2.4 Promote the existence and availability of collections and provide clients with an explanation for any conditions governing access.
- 2.5 Facilitate the development of indigenous and local community knowledge centres.

3. *Accessibility and use*

Indigenous or local community persons, who have written about libraries and other resource centres have invariably mentioned how important it is to feel comfortable in them. Friendly staff will mean that indigenous and local communities do not feel intimidated by an alien cultural system or inadvertently made to feel inferior, if they do not know how to find information.

Organizations may wish to:

- 3.1 Develop and implement clear statements of the types of resources and services indigenous and local communities want by initiating consultation to determine appropriate resources and services.
- 3.2 Employ persons from indigenous and local communities in as many roles as possible, but especially visibly at service points.²⁷
- 3.3 Employ indigenous and local community persons, as liaison officers to work with indigenous and local community persons and/or communities served by the organization, on an ongoing basis.
- 3.4 Ensure accessibility by encouraging and fostering positive relationships between staff members and clients.
- 3.5 Promote libraries, knowledge centres, archives and information services in indigenous and local communities.
- 3.6 Encourage the use of the organization's facilities as meeting places and resources for indigenous and local communities.
- 3.7 Involve indigenous and local communities in the planning, design and layout of places where traditional knowledge and associated information is stored, such as libraries, archives and information services to create welcoming and suitable environments.

4. *Description and classification*

Indexing terminology, subject headings and classification systems are designed to provide easy access to materials in libraries, archives and information services. However, the use of outdated, inaccurate or value laden terms actually obstructs access.

To improve access, organizations may wish to:

- 4.1 Use national indigenous and local communities' thesauri/glossary for describing documentation relating to indigenous and local communities and issues.
- 4.2 Promote appropriate changes to standard descriptive tools and metadata, schemas with the aim of retrospectively re-cataloguing items recorded with unsuitable subject headings.
- 4.3 Improve access by the introduction of classificatory systems, which describe items by their geographic, language and cultural identifiers.
- 4.4 Consult with indigenous peoples and local communities at local, state/territory and national levels in relation to the description, cataloguing and classification of materials in places where traditional knowledge and associated information is stored, such as libraries, archives and information services.
- 4.5 Provide opportunities for indigenous peoples and local communities to describe and annotate material that relates to themselves and their communities.

²⁷ Of government departments, international organizations, museums, herbaria and botanical and zoological gardens, data-based, registers, gene-banks, libraries, archives and information services.

5. *Secret or sacred or gender specific or sensitive materials*

Some of the materials in libraries, archives and information services are confidential or sensitive which may require certain restrictions on access for regulatory, commercial, security or community reasons. Secret or sacred or sensitive indigenous and local community information should not be confused with material that may be considered offensive to indigenous and local communities. Guidance on the handling of potentially offensive material should be provided to staff. Suitable management practices will depend on both the materials and the communities served by the organizations. Gender specific traditional knowledge and related information, should be accessed by only culturally appropriate persons.

In implementing the processes through which such materials are managed, organizations may wish to:

- 5.1** Consult in the identification of such materials and the development of suitable management practices with the most appropriate representatives of the particular indigenous peoples and local communities involved, including indigenous and local community women.
- 5.2** Facilitate the process of consultation and implementation by developing effective mechanisms including liaison with reference groups at local, state and national levels.
- 5.3** Participate in the establishment of reference groups consisting of senior information services staff and indigenous and local community representatives.
- 5.4** Seek actively to identify the existence of secret or sacred and sensitive materials by retrospectively surveying holdings and by monitoring current materials.
- 5.5** Each appoints specific, designated indigenous and local community liaison officer/s to serve as the specific point/s of contact between their institution and the relevant reference group/s.
- 5.6** Provide suitable storage and viewing facilities with limited access as may be required.
- 5.7** Ensure that any conditions on access are understood by staff and users and are fully implemented.
- 5.8** Ensure that secret, sacred, gender specific and/or sensitive materials are managed appropriately in the Digital Environment.

6. *Offensive materials*

Libraries, archives and information services need to recognize that their collections may contain materials that are offensive to indigenous and local communities. Such materials may be racist, sexist, derogatory, abusive or offensively wrong. Many examples are of a historical nature but some are contemporary. Libraries, archives and information services have a responsibility to preserve and make accessible the documentary record but must also respond appropriately to the existence of offensive materials.

Within the context of the communities they serve, organizations will:

- 6.1** Develop an awareness of the extent to which their collections may contain materials, which will be offensive to indigenous and local communities.
- 6.2** Take advice from and develop effective consultation strategies with indigenous and local communities in relation to sensitive materials.
- 6.3** Develop strategies to deal appropriately with offensive materials in consultation with indigenous and local communities.

7. *Staffing*

The inclusion of indigenous and local community staff within organizations can change organizational culture for the benefit of all.

Organizations should:

- 7.1** Aim to reflect the composition of the client/community population in each organization's staffing profile.
- 7.2** Take affirmative action to recruit and promote indigenous and local persons, including women. This responsibility will require employers, educational institutions and professional bodies to be proactive in developing employment and promotional pathways.

- 7.3** Recognize the value and/or relevance of prior learning and/or qualifications in other fields and/or cultural expertise, when appointing of indigenous and local community staff.
- 7.4** Involve members of the indigenous and local community in the selection of staff when it is appropriate.
- 7.5** Ensure that indigenous and local community staff members are suitably trained and supported.
- 7.6** Facilitate the entry of indigenous and local community staff members into management positions through support strategies such as mentoring and training.
- 7.7** Recognize and respond to the cultural needs of indigenous and local community staff members.
- 7.8** Develop and implement cross cultural awareness programmes, which ensure that all staff is approachable and sensitive to cultural diversity.

8. Developing Professional Practice

Libraries, archives and information services and other places which store traditional knowledge and associated information should ensure their staff are appropriately prepared to deal with indigenous and local community materials, and indigenous and local community clients and staff.

Places which store traditional knowledge and associated information such as Libraries, archives and information services, educational institutions and professional bodies should:

- 8.1** Ensure that information services, library and archive education and training courses at all levels adequately cover issues relating to indigenous and local community materials, clients and staff.
- 8.2** Provide cultural awareness training for every staff member and particularly all who deal with the public.
- 8.3** Provide appropriate models for professional practice in cataloguing, acquisition, reformatting, collection management and other areas on matters of concern to indigenous and local communities.
- 8.4** Ensure that education and training programs involve indigenous and local communities in both design and delivery.
- 8.5** Support indigenous and/or local community students in information services, archive and library education and training through such means as positive encouragement, mentoring and study leave.

9. Awareness of indigenous and local communities and issues

Libraries, archives and information services can contribute to greater understanding between indigenous and local communities and non-indigenous communities. In pursuing this aim, organizations can:

- 9.1** Be proactive in the role of educator, promoting awareness of indigenous and local communities and their cultures and issues among non-indigenous and local communities.
- 9.2** Actively acquire materials produced by indigenous and local communities and their organizations.
- 9.3** Highlight indigenous and local community content and perspectives through such means as oral history, indexing, record copying projects and online.
- 9.4** Promote awareness and use of indigenous and local community related holdings, by such means as targeted guides, finding aids, tours, websites and exhibitions.

10. Copying and repatriation of records to indigenous and local communities

Archives and libraries often hold original records, which were created by, about or with the input of particular indigenous and local communities. A community may place tremendous importance on particular records and request copies for use and retention within the community. Some records may have been taken from the control of the community or created by theft or deception. In addressing this issue, organizations can:

- 10.1** Respond sympathetically and cooperatively to any request from an indigenous or local community for copies of records of specific relevance to the community for its use and retention.
- 10.2** Agree to the repatriation of original records or the provision of copies to indigenous and local communities as may be determined through consultations.

- 10.3** Seek permission to hold copies of repatriated records but refrain from copying such records should permission be denied.
- 10.4** Assist indigenous peoples and local communities in planning, providing and maintaining knowledge centres for repatriated records.

11. The Digital Environment

Increasingly indigenous and local community collections are or include digital collections created through digitization programmes, for preservation and to increase access to collections, or are ‘born digital’.

In addition, digitization is an enabling technology that permits virtual repatriation without institutional relinquishment of heritage materials.

Digitization of indigenous and local community materials poses some complex issues for organizations. Challenges include the need for institutions to accommodate different access conditions for materials that contain sensitive indigenous and local community traditional knowledge and the need for institutions and communities to deal with conflicts around different concepts of ownership or stewardship associated with indigenous and local community and other knowledge systems.

In addressing these issues, organizations may wish to:

- 11.1** Ensure sustainable choices of formats, descriptive methods and access and preservation strategies for indigenous and local communities’ knowledge, creativity and experience.
- 11.2** Pursue digitization and digital access as a means of facilitating repatriation to indigenous and local communities, and preserving material for future generations.
- 11.3** Consult with indigenous peoples and local communities about relevant digital content made available via their websites.
- 11.4** Avoid providing access to items deemed secret, sacred or sensitive via their websites and online catalogues.
- 11.5** Ensure that material is digitized and stored electronically, in a manner consistent with and respectful to indigenous and local community cultural protocols.
- 11.6** Work cooperatively with indigenous peoples and local communities to promote the creation, collection and management of digital materials.
- 11.7** Educate users of their collections about the potential benefits and risks of sharing digital content in an online environment.

DECISION XI/14 D AND ANNEX - TERMS OF REFERENCE FOR TASK 15

D. Consideration and development of terms of reference for task 15 of the programme of work on Article 8(j) and related provisions

The Conference of the Parties

1. *Decides* to adopt the terms of reference annexed to the present decision (XI/14 D) to advance task 15 in the light of other related and on-going activities;
2. *Emphasizes* that task 15 is:
 - (a) To be interpreted in accordance with the provisions of the Convention, in particular Article 8(j) and related provisions and Article 17, paragraph 2;
 - (b) Intended to build on, and enhance repatriation undertaken by Parties, Governments and other entities, including international organizations, museums, herbaria, botanical and zoological gardens, databases, registers, gene banks, etc.;
3. *Invites* Parties, other Governments, relevant international organizations, non-governmental organizations, and indigenous and local community organizations to submit to the Executive Secretary information on national and/or international best practices relevant to task 15;
4. *Requests* the Executive Secretary to compile the information received under paragraph 3 above and make the compilation available to the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions at its eighth meeting;
5. *Recognizing* that cultural property and heritage is within the mandate of the United Nations Educational, Scientific and Cultural Organization, its treaties and programmes, while the Convention on Biological Diversity and its Parties seek to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, including the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, *also requests* the Executive Secretary to seek cooperation with the United Nations Educational, Scientific and Cultural Organization in analysing whether and how the different international legal instruments that address cultural property and heritage of indigenous and local communities contribute to the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biodiversity;
6. *Further requests* the Executive Secretary, based on an analysis of the information received pursuant to paragraph 3 above and on the analysis prepared in cooperation with the United Nations Educational, Scientific and Cultural Organization, to develop draft best-practice guidelines for the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Articles 8(j) and 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity;
7. *Requests* the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions to consider, at its eighth meeting, the draft best-practice guidelines referred to in paragraph 6 above for consideration by the twelfth meeting of the Conference of the Parties.

**TERMS OF REFERENCE TO ADVANCE TASK 15 OF THE PROGRAMME OF WORK ON
ARTICLE 8(j) AND RELATED PROVISIONS**

1. The purpose of task 15 is to develop best-practice guidelines that would facilitate enhancement of the repatriation of indigenous and traditional knowledge relevant to the conservation and sustainable use of biological diversity, including of indigenous and traditional knowledge associated with cultural property, in accordance with Article 8(j) and Article 17, paragraph 2, of the Convention, in order to facilitate the recovery of traditional knowledge of biological diversity.

2. Task 15 is to be interpreted in accordance with the provisions of the Convention, in particular Article 8(j) and related provisions and Article 17, paragraph 2.

3. Task 15 is intended to build on and enhance repatriation undertaken by Parties, other Governments and other entities, including international organizations, museums, herbaria and botanical and zoological gardens, databases, registers, gene banks, etc.

4. Stakeholders may include, *inter alia*:

(a) Parties and other Governments;

(b) Museums, herbaria, botanical and zoological gardens and other collections containing information on the knowledge, innovations and practices of indigenous and local communities relevant for conservation and sustainable use;

(c) Relevant international organizations, in particular the United Nations Educational, Scientific and Cultural Organization, as well as its relevant treaties and programmes, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the United Nations Permanent Forum on Indigenous Issues, and the World Intellectual Property Organization;

(d) The International Indigenous Forum on Biodiversity;

(e) Indigenous and local communities;

(f) Relevant non-governmental and indigenous and local community organizations;

(g) Academic societies and research scientists;

(h) The private sector;

(i) Individuals.

5. The Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions will further determine how work on task 15 might usefully complement the effective implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization when in force, for consideration by the Conference of the Parties.
