



CBD

WORKING DRAFT ONLY



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

Distr.
GENERAL

UNEP/CBD/WG8J/AG/2/10

16 April 2007

ORIGINAL: ENGLISH

ADVISORY GROUP MEETING
ON ARTICLE 8(j) AND RELATED
PROVISIONS OF THE CONVENTION
ON BIOLOGICAL DIVERSITY
Second meeting
Montreal, 30 April – 03 May 2007

COMPILATION OF VIEWS CONCERNINGS AN ETHICAL CODE OF CONDUCT TO ENSURE
RESPECT FOR THE CULTURAL AND INTELECTUAL HERITAGE OF INDIGENOUS AND
LOCAL COMMUNITIES

Note by the Executive Secretary

The Executive Secretary is circulating herewith, for the consideration of participants in the Second meeting of the Advisory Group on Article 8(j) and Related Provisions, the above-mentioned document containing views and comments received by the Secretariat in response to a Notification 2006-074 , which will be used as input to further develop the draft elements of an ethical code of conduct

Submissions from Parties, non-Parties and relevant organizations received by the Secretariat have been reproduced in the form and language in which they were provided.

I. SUBMISSIONS FROM PARTIES

1. Argentina

(Original in Spanish)

Habiendo analizado el Proyecto de “Elementos de un Código de Conducta Etica para asegurar el respeto al patrimonio cultural e intelectual de las comunidades indigenas y locales”, no existe ninguna observación a formular tanto en la forma cuanto en el fondo del mismo.

Por lo tanto expresamos nuestro acuerdo en la presentación del mismo para ser considerado por la quinta reunión del Grupo de Trabajo especial sobre el Artículo 8 j) y disposiciones conexas.

(Courtesy translation)

Having analyzed the Draft document of “Elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities”, there are no observations to formulate as to its form or content. Therefore we express our agreement on the presentation of this document for its consideration by the fifth meeting of the Working Group on Article 8 j) and related provisions.

2. European Commission

EU submission in reply to Notification 2006-074

General views of the European Community and its Member States on the draft elements of an ethical code of conduct

1. General views

Notification 2006-074 calls for Contracting Parties’ **views and comments on the draft on elements of an ethical code of conduct** to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity.

The EU has already **stressed in the past and reaffirms the significance of the fundamental heritage of and the role played by the indigenous and local communities in the conservation and sustainable use of biodiversity**, as well as the need for effective protection to related traditional knowledge, innovations and practices, thus for the effective implementation of the objectives of the CBD. The EU therefore **welcomes the initiated process for the elaboration of an ethical code of conduct** to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

The EU believes that the **consistency of the proposed draft elements with the mandate of the Convention on Biological Diversity is crucial** and should therefore be examined by the Executive Secretary in preparation of the fifth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (WG8J-5).

The EU pays **due respect to the work and mandates of other international organizations**, in particular the United Nations Commission on Human Rights, and therefore believes that coordination is important with ongoing activities in other fora, international bodies, instruments, programmes, strategies, standards, reports and processes of relevance.

/...

The EU acknowledges the efforts that have been undertaken by the Secretariat to compile the elements drawing on a large number of sources. With regard to the fact that some elements might have **implications on e.g. the negotiation of an international regime for access and benefit-sharing** as well as on other issues outside the framework of the CBD these elements require further investigation.

2. Some specific views on the draft elements

Particularly in Section 1 on the Nature and Scope of the elements we'd prefer to clearly identify the conservation and sustainable use of biodiversity as the primary goals and therefore all the elements and sections need to clearly express their relevance for biodiversity conservation and sustainable use.

We believe that a balanced approach with respect to implications of all activities on indigenous and local communities should be taken up, so as to avoid a too strong emphasis on particular areas, such as for instance on research.

3. Canada

PURPOSE

1. In decision VIII/5 F, para. 2, the eighth Conference of the Parties to the Convention on Biodiversity ("Convention") invited Parties, Governments, indigenous and local communities, relevant international organizations and other relevant stakeholders to submit written comments to the Executive Secretary on the draft elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity which is contained in Annex I of document UNEP/CBD/WG8J/4/8 ("document WG8J/4/8").
2. In response to the above invitation, Canada submits the following comments on document WG8J/4/8, without prejudice to comments that may be made at a later date.

GENERAL COMMENTS

3. Canada acknowledges the efforts of the Working Group on Article 8(j) to develop elements of an ethical code of conduct and welcomes the opportunity to provide comments on document WG8J/4/8. Canada is concerned, however, that the focus of the Working Group on elements of an ethical code of conduct is detracting from the its ability to ensure further advancement of the implementation of the priority tasks of the work programme on Article 8(j) and Related Provisions which is contained in Annex I of Decision V/16, para. 2 of the fifth Conference of the Parties.
4. Canada is of the view that any future work of the Working Group with respect to elements of an ethical code of conduct must be consistent with the scope of the Convention. In this regard, Canada observes that the Advisory Group/ Steering Committee on Article 8(j) and related provisions, following a meeting held in Montreal from 11 to 14 July 2005, stated in its report (UNEP/CBD/WG8J/4/INF/13) as follows:

90. It was note [*sic*] by the Committee that the recommendation from the UNPFII requesting the CBD to develop elements of an ethical code to ensure respect for the cultural and intellectual heritage of indigenous and local communities (COP7

/...

Dec.16/I) was beyond the mandate of the CBD, however the CBD could partially fulfil this recommendation by referring to the original COP 5 Decision 16, III – Element 5, which requests the Secretariat to “*identify, compile and analyse ... existing and customary codes of ethical conduct to guide the development of model codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity*”. The Committee recommended that current work focus on the development elements of a draft code, as per COP5 Decision 16, for consideration of the WG8(j) at its fourth session.

5. Canada respects Decision V/16, para. 5 of the fifth Conference of the Parties and reiterates that the Working Group should focus on approaches that are within the scope of Article 8(j) and the scope of the Convention. Not only do the elements of an ethical code of conduct as drafted extend beyond this scope and mandate in many respects, the current text is also unclear, both as to its nature and its own scope. It is therefore difficult to assess the potential impact on the Parties of the implementation of the elements of an ethical code of conduct at the national level in the course of the implementation of the Convention generally and in particular of Article 8(j).
6. Canada also reaffirms the importance of making Article 8(j) and related provisions of the Convention and provisions of other international agreements mutually supportive, being mindful of Article 22 of the Convention. Further noting that there are ongoing discussions of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“IGC”) in the World Intellectual Property Organization (“WIPO”). Canada encourages the Working Group to undertake further examination of the work of the IGC in this area with a view to avoiding duplication and to encouraging synergies. In addition, Canada notes that the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage entered into force last year and may have some relevance for several Parties here.
7. Canada believes that elements of an ethical code of conduct should be voluntary. As such, even the use of the word “should” has a more prescriptive tone than we consider appropriate. Canada believes that it is premature to discuss implementation, as there is a danger of confusion, since the Working Group is about the ‘implementation’ of Article 8(j). We should resist any suggestion that these voluntary Guidelines are in furtherance of the ‘implementation’ of Article 8(j). Canada also believes it is premature to discuss the development of compliance mechanisms or dispute resolution mechanisms, as they are inconsistent with the concept of a voluntary code.
8. Given the many and varied domestic contexts within which Article 8j of the Convention will be implemented, elements of an ethical code of conduct cannot foresee every possible situation. As such, they cannot “ensure full respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity.” (preamble paragraphs 2 and 4, operative paragraphs 1, 6) At best, elements of an ethical code of conduct may serve as a guide for those interacting with indigenous and local communities as to desirable principles of ethical conduct. Thus, it is more accurate to state that the intent of document WG8J/4/8 is to “promote” rather than to “ensure” full respect.

9. The term “cultural and intellectual heritage” is not defined in document WG8J/4/8 and its nature and scope are not well understood (preambular paragraphs 2 and 4, operative paragraphs 1, 6, 10, 17, 22). It is unclear whether the term “cultural and intellectual heritage” has a similar or different meaning than the terms “cultural heritage” and “intellectual property” as they are used in other international fora. A number of United Nations agencies and instruments are addressing cultural heritage and intellectual property. It is Canada’s view that cultural heritage and intellectual property are beyond the scope of the Convention, acknowledging however that the latter and these instruments can be made mutually supportive. It is also Canada’s view that it is beyond the scope of the Convention to address the promotion and maintenance of cultural diversity, including linguistic diversity or issues related to alterations of family relationships.
10. In particular, the United Nations Educational, Cultural and Scientific Organization (UNESCO) has dealt with cultural heritage in a number of international instruments to which many States are parties (i.e., *Convention concerning the Protection of the World Cultural and Natural Heritage 1972*, *Convention for the Safeguarding of the Intangible Cultural Heritage 2003*, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005*). Additionally, through the IGC, WIPO, which is responsible for administering a number of international treaties in the field of intellectual property, is engaged in an examination of inter-related intellectual property issues regarding genetic resources, traditional knowledge and folklore.
11. Several paragraphs include a formal recognition of rights of indigenous and local communities to sacred sites and lands and waters traditionally occupied or used by them. The references to rights to or on “sacred sites and lands and waters traditionally occupied or used by indigenous and local communities” are ambiguous, and open to a wide variety of interpretations that might not take into account the different types of rights which Aboriginal peoples may enjoy with respect to lands and waters in Canada, as well as the different legislative regimes and protections which apply to these lands and waters. Although Canada is fully committed to the recognition of the rights of indigenous and local communities to sacred sites, lands and waters, document WG8J/4/8 is not the appropriate vehicle for such recognition.
12. Some operative paragraphs (3, 4, 5, 7, 8, 9, 10, 15) refer to interactions; however others (11, 12, 13, 15, 16, 21, 22, 23, 26, 27) refer to “all activities.” Although Canada is of the view that both terms are overly broad, Canada recommends that consistent language be used throughout the document.

SPECIFIC COMMENTS

13. The following comments elaborate on Canada’s intervention on document WG8J/4 at the fourth meeting of the Working Group held in Granada, Spain from 23 – 27 January, 2006. The comments are divided into two parts: Preamble and operative paragraphs.

A. PREAMBLE

/...

14. To make the **preambular paragraph 1** consistent with decision VII/16/I, para. 5 of the seventh Conference of the Parties the following text should be added at the end of the paragraph after the word “diversity”: “taking into account task 16 of the programme of work on Article 8(j) and related provisions.”
15. To make **preambular paragraph 3** consistent with Article 8(j) of the Convention, the text “subject to their respective national legislation” should be added in the first line after the word “have” to read: “*Recalling* that Parties to the Convention on Biological Diversity have undertaken...”
16. **Preambular paragraph 4** is confusing and should be redrafted. At present, the paragraph suggests that both “respect and support for cultural diversity” and “the treatment of traditional knowledge” are “coequal and complementary to western scientific knowledge.”
17. Canada understands that some traditional knowledge may have a direct connection to science while other traditional knowledge may not. Furthermore, science includes but is not limited to “western scientific knowledge.”; to keep this phrase would trivialize some scientific bodies of knowledge that even predate so-called “western” science. The paragraph could be improved by removing the words “coequal and” and replacing the words “western scientific knowledge” with “science.” To make this paragraph consistent with previous paragraphs and to clarify the nature and scope of the document, the text “relevant for the conservation and sustainable use of biological diversity” should be added in the last line after the word “communities.”
18. **Preambular paragraph 5** is extremely broad and should be limited to elements of an ethical code of conduct. The paragraph should not refer to enforceability. While it may be the perspective of indigenous and local communities that elements of an ethical code of conduct will stand a much greater chance of success if they are enforceable, this is not a view that is universally shared by the Parties. Canada is of the opinion that elements of an ethical code of conduct are more appropriately viewed as guiding principles rather than rigid rules.
19. **Preambular paragraph 7** does not recognize that a right of access of indigenous and local communities needs to be balanced with the right of access of others.
20. **Preambular paragraph 9** could be interpreted as an endorsement by the Parties of a definition traditional knowledge. Canada encourages the Parties to review the potential implications of the paragraph.
21. On **preambular paragraph 10**, Canada is supportive in principle of the concepts of harmonization, complementarity and effective implementation referred to in the paragraph. However, Canada believes that the words “where applicable” should be added at the end of the first sentence, e.g. “...complementarity and effective implementation, in particular, where applicable:” Canada recommends that the list of international instruments should be reviewed to make sure it is accurate, inclusive and up to date.

/...

B. OPERATIVE PARAGRAPHS

22. To make **operative paragraph 1** consistent with the Preamble and to and to clarify the nature and scope of document WG8J/4/8, the words “relevant for the conservation and sustainable use of biological diversity” should be added at the end of the paragraph after the word “communities.”
23. Canada is supportive in principle of **operative paragraph 2**, but notes that the Guidelines are not about protection, but respect.
24. **Operative paragraph 3** is extremely broad and should be redrafted. At present, operative paragraph 3 states that for the purposes of this document, a broad definition of interactions and research will be used. They will apply to all interactions with indigenous and local communities and not merely to “biodiversity-based research and related activities.” The scope of the operative paragraph 3 should, at the very least, be restricted to the purpose of document WG8J/4/8 and be relevant for the conservation and sustainable use of biological diversity in the context of Article 8(j).
25. **Operative paragraph 4** is problematic in its overly broad proposal that parties should monitor interactions with indigenous and local communities. Further, it includes a formal recognition of customary laws of indigenous and local communities. This document is not an appropriate vehicle to obtain from Parties the recognition of customary laws by national legal systems.
26. **Operative paragraph 7** includes a formal recognition of a right of indigenous and local communities “to protect their traditional knowledge and associated biological and genetic resources.” To date, no such right has been recognized in the Convention. Although Canada is fully committed to the recognition of the rights of indigenous and local communities, document WG8J/4/8 is not the appropriate vehicle for such recognition.
27. **Operative paragraph 8** is drafted in a manner that is confusing as to its purpose and appears to be outside the scope of WG8J/4/8.
28. **Operative paragraph 9** is extremely broad and should be redrafted. At present, operative paragraph 9 purports that the ethical principles set out in operative paragraphs 11 to 25 will apply to all interactions with indigenous and local communities irrespective of whether such interactions are relevant for the conservation and sustainable use of biological diversity. The scope of the ethical principles should, at the very least, be restricted to the purpose of document WG8J/4/8.

29. **Operative paragraph 10** does not provide any practical guidance with respect to operative paragraphs 11 to 25. Although there are a variety of individual rights regarding culture and intellectual property, there are no such recognized rights in international law for indigenous and local communities.
30. **Operative paragraph 11:** Canada is supportive in principle of the ethical principle of non-discrimination. However, the reference to “rules” is inconsistent with the concept of a voluntary code.
31. **Operative paragraph 12** requires that indigenous and local communities be “fully informed” about activities that are proposed to be carried out or will likely impact on the sacred sites, lands or waters. Operative paragraph 12 is broad, unclear and capable of a wide variety of interpretations. In addition, an obligation to communicate information that may be otherwise protected by intellectual property law may contravene domestic and international law.
32. **Operative paragraph 13** is drafted very broadly and purports to apply to “any activities occurring on or likely to impact on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.” Operative paragraph 13 does not articulate that indigenous and local communities may have varying interests in lands and waters and, in some cases, may be one of many groups with interests in a particular geographic area.
33. **Operative paragraph 13** also contains a formal recognition of the right of “prior informed consent.” It is inappropriate to use the document as a vehicle for the recognition of such a right. Deleting the term “prior informed consent” from operative paragraph 13 and using more flexible wording reflecting 8(j) would result in a more realistic provision without losing its spirit and intent.
34. **Operative paragraph 14:** Canada is supportive in principle of the ethical principle of respect. However this operative paragraph states that it is necessary for those interacting with indigenous and local communities “to avoid the imposition of external concepts, standards and value judgements.” This language is very expansive and implies that customary laws take precedence over existing national laws. This document is not an appropriate vehicle to obtain from Parties the recognition of customary laws by national legal systems.
35. **Operative paragraph 14** directs States to enact legislation to place “restrictions on use of, and access to, sacred sites or otherwise culturally significant sites and species.” Directing States to enact this type of legislation is inconsistent with the concept of a voluntary code.
36. **Operative paragraph 15** includes a formal recognition of “collective rights of indigenous and local communities to their cultural and intellectual property, including knowledge,

/...

innovations and practices and associated biological diversity and genetic materials.” This document is not the appropriate vehicle for such recognition.

37. **Operative paragraph 15** includes a formal recognition of rights to “equitable and fair sharing of benefits” that derive from “lands and waters traditionally occupied or used by indigenous and local communities.” This document is not the appropriate vehicle for such recognition. Additionally, operative paragraph 15 is broad, unclear and capable of a wide variety of interpretations.
38. **Operative paragraph 16** is drafted very broadly. It may be interpreted to mean that indigenous and local communities should receive benefits for their contribution to any activities and outcomes that may take place on or impact on sacred sites and lands and waters traditionally occupied or used by them. It may also be interpreted to mean that indigenous and local communities should receive benefits for their contribution to any activities and outcomes involving their knowledge and culture. In neither instance is there any linkage to conservation and sustainable use of biological diversity.
39. **Operative paragraph 16** clearly goes beyond the objective of fair and equitable sharing of the benefits arising out of the utilization of genetic resources that is set out in Article 1 of the Convention and elaborated upon in Articles 15 and 8j of the Convention.
40. The last sentence of **operative paragraph 18** is drafted very broadly, it purports to apply to all activities, irrespective of whether such activities are relevant for the conservation and sustainable use of biological diversity. Also, the words “ecological and cultural concerns” are ambiguous and capable of a wide variety of interpretations. It is unclear what is encompassed by “ecological concerns.” Furthermore, it is not obvious whether “cultural concerns” are similar or different than “cultural heritage” and “cultural diversity.”
41. **Operative paragraph 19** includes a formal recognition of “the inalienable rights of indigenous and local communities to their sacred sites and lands and waters traditionally occupied or used by them and associated traditional knowledge and that their cultures, lands and waters are inseparable.” Although Canada is fully committed to the recognition of the rights of indigenous and local communities, document WG8J/4/8 is not the appropriate vehicle for such recognition.
42. **Operative paragraph 20** includes a formal recognition of “collective” and “individual” rights relating to “natural and/or traditional resources occurring on lands and waters traditionally occupied or used by indigenous and local communities.” Although Canada is fully committed to the recognition of the rights of indigenous and local communities, document WG8J/4/8 is not the appropriate vehicle for such recognition.
43. **Operative paragraph 20** also includes a formal recognition of customary laws of indigenous and local communities. This document is not an appropriate vehicle to obtain from Parties the recognition of customary laws by national legal systems. Further, it goes beyond current

/...

Canadian law and practice and protections under the Canadian Constitution. In Canada, in large measure Aboriginal communities are free to exercise their customary practices to the extent that they do not contravene domestic laws or Canada's international legal obligations.

44. **Operative paragraph 21** includes a formal recognition of a right to compensation or restitution for voluntary removal of indigenous and local communities from lands and waters traditionally occupied or used by them. It also contains a formal recognition of the right of “prior and informed consent.” It is unclear whether this right is similar or different than the right of “prior informed consent” referred to in operative paragraph 13. It is also inappropriate to use the document as a vehicle for the recognition of such rights.
45. **Operative paragraph 23** includes a formal recognition of a right to restitution or compensation for adverse consequences of “all activities affecting or impacting” indigenous and local communities. Canada observes that no linkage is made in operative paragraph 23 to conservation and sustainable use of biological diversity. It is also inappropriate to use the document as a vehicle for the recognition of a right to restitution or compensation.
46. Canada is supportive in principle of the concept in **operative paragraph 24** that “the exacerbation of any tensions between indigenous and local communities and local or national Governments should be avoided.” Canada observes, however, that no linkage is made to conservation and sustainable use of biological diversity.
47. In **operative paragraph 30**, Canada does not believe that it is appropriate to acknowledge blanket cultural property rights in “knowledge, ideas, cultural expressions and cultural materials”, as the term is not defined.
48. The first sentence of **operative paragraph 31** suggests that the knowledge held by an individual always belongs to the collective. Canada believes that such a relationship seems to run contrary to situations where such knowledge is viewed by some traditional communities as belonging to a particular individual, family, clan or society.

II. SUBMISSIONS FROM RELEVANT ORGANIZATIONS

1. Ms. Kelly Bannister, MSc, PhD
Director, POLIS Project on Ecological Governance
University of Victoria
www.polisproject.org

Dr. Ahmed Djoghlaif,
Executive Secretary
Convention on Biological Diversity

/...

April 9, 2007

Dear Dr. Djoghlaif,

I am writing to you in my capacity as Chair of the Ethics Committee of the International Society of Ethnobiology, with regard to the 'CBD elements of an ethical code of conduct' document that has been open for comment.

[...]

In terms of substantive comments on the CBD document, I think it covers most of the basic elements in appropriate language and so is a fair starting point to develop an international Code of Conduct. One important aspect that it does not address, however, is the significant issue raised by the accumulated decades or centuries worth of traditional knowledge that has already been made public through academic publications, government reports, online databases, etc. Much of this knowledge has gotten into the so-called "public domain" without the consent or even awareness of the traditional knowledge holders. Unless the CBD document can address this "legacy data" issue, there will always be a problematic "loophole" in accessing traditional knowledge associated with biodiversity and this will undermine the intent of the CBD code of conduct. Our recommendation is that ALL the principles be re-assessed and considered with this legacy data in mind (i.e., traditional knowledge already made public but without any evidence of prior informed consent). The International Society of Ethnobiology's new Code of Ethics offers some specific guidance in this regard and I hope there is time for the Working Group to review it.

On behalf of the International Society of Ethnobiology, thank you for considering these points. If you require any clarification or if you have trouble accessing the ISE Code of Ethics, please do not hesitate to contact me for assistance.

[...]

2. Mr. Tom HAMMOND

IUCN – The World Conservation Union
Canada Office

[...] Below is the compilation of points that were raised on the code of ethics discussion during the workshop [Refers to the “Biodiversity data, conservation and traditional knowledge meeting”, organized by IUCN/Environment Canada, held in Gatineau, Quebec, from 13-14 March 2007, in which the Secretariat participated). [...]. Participants generally felt that this document represented an excellent starting point for discussion and eventual adoption. However, while it was appreciated that the non-governmental/scientific community is interested in moving forward with the idea of a joint code of ethics, indigenous participants stressed that it is critical for governments to participate in good faith if the code is going to make an impact.

General Comments

- It was suggested that the current draft would benefit from a process of “bottom up” consultation with indigenous groups and communities;
- It was further noted that there is a need for greater clarity on the meaning of the term “self governing” processes within the draft (note: participants were drawing attention to the Canadian context here regarding land claims settlements and self government models such as Nunavut).

/...

- Further, it was suggested that adherents to an eventual code of ethics/conduct should commit formally to a process of negotiation in good faith.

Substance

- A “non-interference” clause should be incorporated, noting the predominance and importance of mutually agreed settlements or agreements at national level which exist in many countries;
- Concepts of “no harm” and “repatriation” require greater consideration in this code of conduct;
- A review of the “ethno-biology code of ethics” may provide additional substance for consideration in this draft.

Potential way forward

To advance the need for ongoing dialogue, it was noted that between mid 2007 and the end of 2008 a number of important international meetings and events will be taking place that have bearing with regard to carrying the results of this discussion forward. The Conference of the Parties to the Convention on Biological Diversity will be meeting in May of 2008 in Berlin. During the lead up to this conference, two important COP preparatory meetings of the Subsidiary Body on Science, Technology and Technological Assistance (SBSTTA) will also take place. A proposal was put forward to capitalize on these meetings, through workshops and side events, to both highlight and carry forward the discussion on the notion of an ethical code of conduct.

In October of 2008, the World Conservation Congress will take place in Barcelona. This 4-yearly event organized by IUCN will, as with previous Congresses, include a session to consider member-led motions for consideration and eventual adoption as resolutions. Provided there is sufficient member support, participants noted that a motion related to the use of traditional knowledge in conservation, based on the outcomes of this dialogue and the proposal for an ethical code of conduct, could be proposed for adoption by the IUCN General Assembly (note – this was suggested and endorsed by numerous participants as a viable course of action).

During this Congress a Member Forum will likely precede the resolutions process, whereby a member workshop could be organized to highlight the issues raised in this dialogue and solutions to address these issues. Finally, a synopsis of workshop results will be presented to the IUCN Council and the Conservation Commons Steering Committee in the coming months.

[...]

2. Mr. Peter Croal

Senior Environment Specialist

Environmental Assessment and Compliance Unit, Environment Division, Policy Branch, Canadian International Development Agency (CIDA)

[...]

For next steps, if possible the Code of Conduct needs to be tested in the field. It would be wonderful if willing groups could use the Code as part of a planned project or program in Canada or elsewhere where TK and Indigenous issues will need to be addressed. I was invited to the meeting but could not go. My name does not appear in the regrets section. Please know that I am most interested in the Code of Conduct evolution and will be pleased to assist in anyway I can. CIDA is nearing the completion of a guide for CIDA officers to assist in addressing TK and Indigenous issues when our programs and initiatives affect Indigenous Peoples. [...]

/...

