



Addressee: SCBD

Paragraph #81 Session #7 (2008)

Full Text

The Permanent Forum requests the secretariat of the Convention on Biological Diversity to complete its work on the draft code of ethical conduct for the recognition and protection of indigenous intellectual property and cultural heritage, taking into account the United Nations Declaration on the Rights of Indigenous Peoples, as a minimum standard, with a view to adopting the code at the tenth meeting of the Conference of the Parties in 2010, the International Year of Biodiversity.eas.

Comments

SCBD reports: New recommendations arising from both the 7th session (2008) and the 8th session (2009) of the UNPFII made to the Convention will be considered at the 6th meeting of the Working Group on Article 8(j) and related provisions, when it meets in Kuala Lumpur, Malaysia 2-6 November, 2009 and then forwarded to the tenth meeting of the Conference of the Parties for final endorsement and action (October 2010, Nagoya, Japan). However, it is important to note that some of the recommendations arising from the report of the UNPFII at its 7th session (refer document E/2008/43) are already in the process of being addressed and/or may be related to previous recommendations and current processes. The Secretariat therefore takes this opportunity for a quick update on new recommendations.

In decision IX/13 G, paragraph 5, the COP at its ninth meeting has requested that the Ad Hoc Working Group on Article 8(j) and Related Provisions further develop the draft elements of a code of ethical conduct and submit them to the

Conference of the Parties at its tenth meeting for its consideration and possible adoption. Further to this, in paragraph 3 of the same decision, the Executive Secretary has been requested to transmit the present decision to the United Nations Permanent Forum on Indigenous Issues and to seek collaboration in the development of the elements of a code of ethical conduct.

In decision IX/13, G, paragraph 5, the ninth meeting of the Conference of the Parties requested that the Working Group on Article 8 (j) further develop the draft elements of a code of ethical conduct and submit them to the Conference of the Parties at its tenth meeting for its consideration and possible adoption. Further to this, in paragraph 3 of the same decision, the Conference of the Parties requested the Executive Secretary to transmit the decision to the Permanent Forum on Indigenous Issues and to seek collaboration in the development of the elements of a code of ethical conduct.

In response to that request, the Permanent Forum, which is composed of independent experts, has agreed by consensus on the recommendation, as concrete advice to assist in the development and adoption of the code by the tenth meeting of the Conference of the Parties, to be held in October 2010. This advice has been included for the consideration of the parties at the 6th meeting of the Working Group on Article 8 (j) (see UNEP/CBD/WG8J/6/INF/2).

SCBD reports (2011): After seven years of negotiation, the tenth meeting of the Conference of the Parties finalized the negotiations of and adopted the “the Tkarihwaié:ri7 Code of Ethical Conduct on Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity” in Decision X/42, inviting Parties and governments to make use of the code and to undertake education and awareness-raising and develop communication strategies that assists relevant Government departments and agencies, academic institutions, private sector developers, potential stakeholders in development and/or research projects, extractive industries, forestry and the public at large to be made aware of elements of the code of ethical conduct, for incorporation, as appropriate, into policies and processes at the transnational, national level and local level governing interactions with indigenous and local communities. The COP also invited those secretariats of intergovernmental agreements, as well as agencies, organizations and processes whose mandates and activities are related to biological diversity to take into consideration and implement in their work the elements of the code of ethical conduct and finally invited the Global Environment Facility, international funding institutions and development agencies and relevant

non-governmental organizations, where requested, and in accordance with their mandates and responsibilities, to consider providing assistance to indigenous and local communities, particularly women, to raise their awareness and to build capacity and understanding of the elements of the code of ethical conduct.

Copies of the Tkarihwaí:ri Code of Ethical Conduct will be made available at the tenth session of the UNPFII in the six UN official languages.

(Report to UNPFII Tenth Session by CBD:

http://www.un.org/esa/socdev/unpfii/en/session_tenth.html)

Area of Work

Environment