

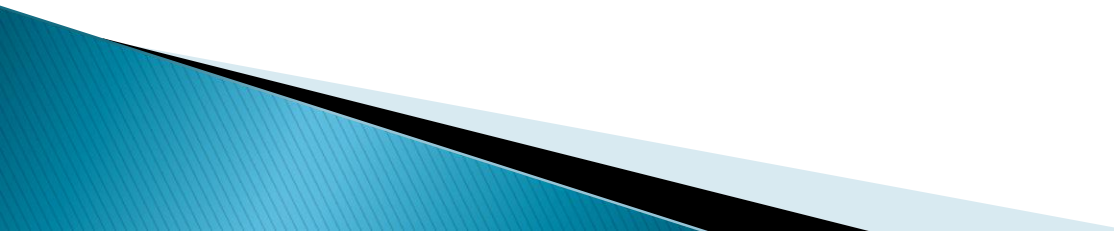
Guidelines, Statements and Protocols: Can these offer some lessons in developing a new approach for recognition and protection of Indigenous knowledge?

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Some Protocols & Guidelines

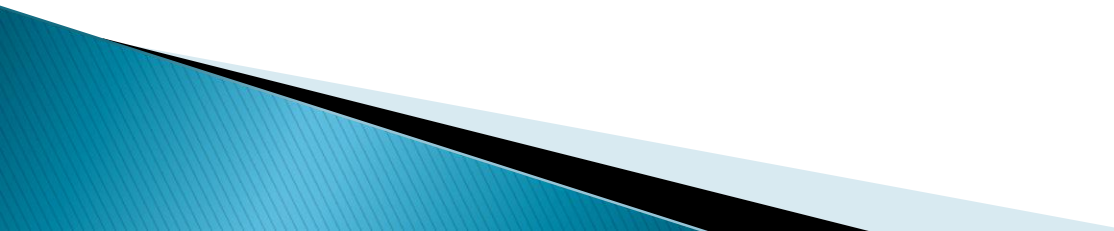
- ▶ Bonn Guidelines (CBD 2002)
 - ▶ Cartagena Protocol on Biosafety (CBD, 2003)
 - ▶ Akwe: Kon Guidelines (CBD 2004)
 - ▶ Kyoto Protocol (CCC 2005)
 - ▶ Nagoya Protocol (CBD 2011)
 - ▶ Tkarihwaie: ri Guidelines (CBD, 2011)
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International Society of Ethnobiology Code of Conduct (2006; rev 2008)

17 Principles, include:

- ▶ * Prior Rights and Responsibilities
- * Self-Determination
- * Inalienability
- * Traditional Guardianship
- * Active Participation
- * Full Disclosure
- * Educated Prior Informed Consent
- * Confidentiality
- * Respect
- * Active Protection
- * Precaution
- * Reciprocity, Mutual Benefit and Equitable Sharing
- * Supporting Indigenous Research
- * The Dynamic Interactive Cycle
- * Remedial Action
- * Acknowledgment and Due Credit
- * Diligence

Some Key Elements in Protocols & Guidelines

- ▶ Free, Prior Informed Consent
 - ▶ Ethical approach
 - ▶ Framework for Participation and Collaboration
 - ▶ Recognition & Respect
 - ▶ Mutually Agreed Terms
 - ▶ Establish Competent Authority & National Focal Points
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If we look after the planet, the planet will look after us

Some Early Attempts in Australia at *sui generis* Approaches

- ▶ 1969 'Aboriginal Properties Act' – provides for 'protection' for connected elements of Indigenous culture: land, designs, art, etc.
- ▶ 1981 Folklore Bill – provides for a Folklore Board and Commissioner to ascertain claims in Indigenous 'folklore'.

Towards A New Approach

- ▶ **A new approach might:**
 - ▶ connect apparently disparate elements of Indigenous intangible & tangible heritage:
 - Arts and cultural expressions
 - Indigenous ecological & other knowledge
 - Sacred sites, land,
 - ▶ Recognise Aboriginal customary laws,
 - ▶ Provide for free, prior informed consent,
 - ▶ Establish an appropriate body for claims & processes at local and community levels,
 - ▶ Provide for real and equitable Indigenous control and decision-making.
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