



## CONVENTION ON BIOLOGICAL DIVERSITY

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### AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Fourth meeting  
Granada, Spain, 23-27 January 2006  
Item 9 of the provisional agenda\*

### **ELEMENTS OF AN ETHICAL CODE OF CONDUCT TO ENSURE RESPECT FOR THE CULTURAL AND INTELLECTUAL HERITAGE INDIGENOUS AND LOCAL COMMUNITIES RELEVANT TO THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY**

*Note by the Executive Secretary*

#### **I. INTRODUCTION**

1. In decision VII/16 I, paragraph 5, on Recommendations of the Permanent Forum on Indigenous Issues to the Convention on Biological Diversity, the Conference of Parties requested the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions to develop elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, taking into account task 16 of the programme of work on Article 8(j) and related provisions.

2. In task 16 of the programme of work (see decision V/16, annex, programme of work on the implementation of Article 8(j) and related provisions of the Convention on Biological Diversity), the Executive Secretary was requested to: identify, compile and analyse, with the participation of indigenous and local communities, existing and customary codes of ethical conduct to guide the development of models for codes of ethical conduct for research, access to, use, exchange and management of information concerning traditional knowledge, innovations and practices for the conservation and sustainable use of biological diversity.

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\* UNEP/CBD/WG8J/4/1.

3. In addition, the elements of a plan of action for the retention of traditional knowledge requested that examples of codes of ethics and conduct governing research as used by such bodies as research institutions, business and indigenous and local communities, should be gathered with a view to assisting in future possible development of codes of ethics or conduct, and to guide further research on the retention and use of traditional knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity; and Parties, Governments, international organizations, research institutions and business should respect and promote existing codes of ethics or conduct governing research, and Parties, Governments and relevant organizations should facilitate the development of additional codes by indigenous and local communities where none exist.

4. With this in mind and to assist the Working Group in its consideration of this item, the Secretariat gathered codes of ethics and conduct from various sources, to distil the elements into a draft, which was examined and commented upon by the Advisory Group to Article 8(j) and related provisions, established in paragraph 4 (d) of decision VII/16 E, at its meeting held from 11 to 14 July 2005 in Montreal. The Advisory Group made a number of comments in a Report of the Advisory Group on Article 8(j) and related provisions, (UNEP/CBD/WG8J/4/INF/13), which have been incorporated into this document.

5. Section II, of this document provides a draft decision endorsing the elements of an ethical code of conduct. Annex I provides the draft elements of a code, for the consideration of the Working Group. Annex II provides a list of instruments, guidelines, codes of ethics and practice, principles, protocols and statements used as research and inspiration for the development of elements of an ethical code of conduct.

## **II. DRAFT RECOMMENDATION ON ELEMENTS OF AN ETHICAL CODE OF CONDUCT**

6. The Ad Hoc Working Group on Article 8(j) and related provisions recommends that the Conference of the Parties:

(a) Endorse the elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, as contained in the Annex; and

(b) Invites Parties and Governments to pay due regard to and effectively implement the elements of the ethical code of conduct;

(c) Requests Parties and Governments 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 the elements of the ethical code of conduct, for incorporation, as appropriate, into policies and processes at the transnational, national level and local level governing interactions with indigenous and local communities;

(d) Invites those secretariats of intergovernmental agreements, agencies, organizations and processes whose mandates and activities involve potential significant impacts on biological diversity and who are engaged in associated research activities to take into consideration and implement in their work the elements of this ethical code of ethical conduct.

(e) Also invites international funding institutions and development agencies, and Member States of the Convention on Biological Diversity, including developing countries, in particular least developed countries and small islands developing States, to facilitate the incorporation of the elements of this code of ethical conduct into policies and processes for research proposed to take place on lands and waters traditionally owned or occupied by indigenous and local communities;

(f) Further invites 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 build capacity regarding the elements of this code of ethical conduct and for their active participation in activities, including research, as appropriate, occurring on lands and waters traditionally occupied or used by them.

*Annex I*

**ELEMENTS OF AN ETHICAL CODE OF CONDUCT TO ENSURE RESPECT FOR THE CULTURAL AND INTELLECTUAL HERITAGE OF INDIGENOUS AND LOCAL COMMUNITIES RELEVANT FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY**

**A. Preamble**

The Parties:

*Recalling* the request recommendations 1, 8 and 9 of the report of the second session of the United Nations Permanent Forum on Indigenous Issues endorsed by the Conference of Parties in decision VII/16/I, paragraph 5, to develop elements of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity,

*Aiming* to ensure full respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity,

*Recalling* that Parties to the Convention on Biological Diversity have undertaken, pursuant to Article 8(j) of the Convention to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biodiversity (hereafter referred to as “traditional knowledge”), and to promote their 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,

*Recognizing* that respect and support for cultural diversity and the treatment of traditional knowledge, as coequal and complementary to western scientific knowledge, are fundamental in order to ensure full respect for the cultural and intellectual heritage of indigenous and local communities,

*Recognizing* that any measure to respect, preserve and maintain the use of traditional knowledge will stand a much greater chance of success if it has the support of indigenous and local communities and is designed and presented in terms that are comprehensible, and enforceable,

*Recognizing* the importance of implementing the Akwé:Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to take place on, or which are likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities,

*Recalling* the need to ensure access by indigenous and local communities to lands and waters traditionally occupied or used by indigenous and local communities upon which traditional knowledge is based, together with the opportunity to practice it, is paramount for the retention of traditional knowledge,

*Bearing in mind* the importance of preserving languages used by indigenous and local communities as rich sources of traditional knowledge regarding medicines, traditional farm practices, including agricultural diversity and animal husbandry, lands, air, water and whole ecosystems that have been shared from one generation to the next,

*Taking into account* the holistic concept of traditional knowledge and its multi-dimensional contexts which include but are not limited to spatial (territorially-based/locally-based); cultural (rooted in the broader cultural traditions of a peoples), and temporal (evolves, adapts and transforms dynamically over time) qualities,

*Further taking into account* the various international bodies, instruments, programmes, strategies, standards, reports and processes of relevance and the importance of their harmonization and complementarity and effective implementation, in particular:

- (a) The International Bill of Human Rights (1966);
- (b) International Labour Organization Convention No.169 on Indigenous and Tribal Peoples, (1989);
- (c) The Convention on Biological Diversity (1992);
- (d) The Second International Decade of the World's Indigenous Peoples (2005-2014);
- (e) United Nations Draft Declaration on the Rights of Indigenous Peoples, as adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session (Sub-Commission resolution 1994/45);
- (f) Universal Declaration On Bioethics And Human Rights (UNESCO 2005);
- (g) Universal Declaration on Cultural Diversity (UNESCO, 2001).

*Have agreed as follows,*

### ***Section 1***

#### **NATURE AND SCOPE**

1. The following elements of an ethical code of conduct are voluntary and are intended to provide guidance to Governments, researchers, the tourism industry, extractive industries, developers and others interacting with indigenous and local communities to ensure respect for the cultural and intellectual heritage of indigenous and local communities.
2. These elements are without prejudice to the outcomes of discussions regarding access and benefit sharing of genetic resources and associated knowledge, innovations and practices in the framework of the Convention and other relevant forums, nor are they intended to preclude the development of other forms of protection.
3. For the purpose of the elements of this ethical code of conduct, a broad definition of both “interactions” and “research” should be applied to allow for the widest possible circumstances. In particular it provides principles and methodologies applicable to conduct that should be observed whilst doing biodiversity-based research and related activities. It applies to all interactions and in particular to researchers whether indigenous, non-indigenous, foreign and/or nationals. The chief value of these elements is as working-level tool. It is particularly relevant for research proposed to take place on, or which are likely to impact on, indigenous and local communities, their sacred sites, sacred species and/or on lands and waters traditionally occupied and/or used by them; and is to be undertaken by a researcher, acting on his/her own, or as part of a team or as representative of any public or private entity.
4. Parties to the Convention on Biological Diversity and Governments are encouraged to examine and develop mechanisms for monitoring interactions with indigenous and local communities and in particular, researcher compliance with the elements of this ethical code of conduct through corresponding national legal and regulatory frameworks, reflecting each country's own economic, social, legal and cultural circumstances and by the indigenous and local communities themselves, as they embark on their own practices within the principles stipulated in this document and according to their own customary laws.
5. Parties to the Convention on Biological Diversity and Governments, as well as relevant international organizations, whether governmental or non-governmental, should actively cooperate with the promotion and implementation of the elements of the code of ethical conduct, among all those interacting with indigenous and local communities.

*Section 2*  
**RATIONALE**

6. These elements of an ethical code of conduct aim to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. In doing so, they contribute to the achievement of the objectives of Article 8(j) of the Convention on Biological Diversity and its Plan of Action for the retention and use of traditional knowledge, innovations and practices of indigenous and local communities.

7. They attempt to provide guidance to help Parties and Governments in establishing or improving national legal frameworks required for interactions with indigenous and local communities and in particular, for research on lands and waters traditionally occupied by indigenous and local communities while enabling the indigenous and local communities to protect their traditional knowledge and associated biological and genetic resources.

8. One of the aims of the elements of this ethical code of conduct is that all State Parties to the Convention on Biological Diversity, as well as relevant international organizations, whether governmental or non-governmental, actively cooperate with the promotion, understanding and implementation of these elements among those interacting with indigenous and local communities and in relevant research involving traditional knowledge, including bio-prospecting activities.

*Section 3*  
**ETHICAL PRINCIPLES**

9. The following ethical principles apply to interactions with indigenous and local communities, including research proposed or being conducted on sacred sites and lands and waters traditionally occupied or used by indigenous and local communities.

10. The principles below suggest the over-arching principle, that indigenous and local communities have the right to enjoy, protect and pass on to future generations, their cultural and intellectual heritage and it is on this basis that others should engage with indigenous and local communities.

**Interactions with indigenous and local communities should be based on:**

*General principles*

Non-Discrimination

11. The ethics and rules for all activities should be non-discriminatory (with the exception of positive discrimination measures, including affirmative action particularly in relation to gender, disadvantage groups and representation).

*Full disclosure*

12. Indigenous and local communities should be fully informed about the nature, scope and purpose of any proposed activities carried out by others, occurring on or likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities (including research, methodology, data collection, and the dissemination and application of results). This information should be provided in a manner that takes into consideration and actively engages with the body of knowledge and cultural preferences of indigenous and local communities.

*Prior informed consent*

13. 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 should be carried out only with the prior informed consent of the indigenous and local communities concerned.

*Respect*

14. Respect is paramount to the implementation of Article 8(j) of the Convention on Biological Diversity. This principle recognizes the necessity of those interacting with indigenous and local communities to respect the integrity, morality and spirituality of the cultures, traditions and relationships of indigenous and local communities, and to avoid the imposition of external concepts, standards and value judgements. Respect for cultural heritage, ceremonial and sacred sites, as well as sacred species and secret and sacred knowledge should be given specific consideration in any interactions including research. Restrictions on use of, and access to, sacred sites or otherwise culturally significant sites and species, should be incorporated into appropriate local or national legislation, in consultation with and with the full involvement of indigenous and local communities.

*Acknowledgement of collective rights*

15. Interactions, including undertaking research related to biodiversity, should respect the 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 should include their participation in the management of any activities including research proposed to take place on, or which are likely to impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities, as well as equitable and fair sharing of benefits that derive from them.

*Equitable sharing of benefits*

16. Indigenous and local communities should receive fair, and equitable benefits for their contribution to any activities (including research) and outcomes proposed to take place on, or which are likely to impact on, sacred sites and lands and waters traditionally occupied or used by indigenous and local communities and/or involving their knowledge and culture. Benefit sharing should be regarded as a way of strengthening indigenous and local communities and should be equitable within and among relevant groups.

*Protection*

17. All interactions with indigenous and local communities should include active measures to protect and to enhance the relationships of indigenous and local communities with their environment and thereby promote the maintenance of cultural and biological diversity.

*Precautionary approach*

18. Reaffirming the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development and in the preamble to the Convention on Biological Diversity. This approach acknowledges the complexity of interactions between human activities, cultural and biological communities, and thus the inherent uncertain effects of various activities, including genetic, ethno-biological and other research. The precautionary approach advocates taking pro-active, anticipatory action to identify and prevent harm that may result from activities, even if cause-and-effect relationships have not yet been scientifically proven. The prediction and assessment of potential biological and cultural harms should include local criteria and indicators, and should fully involve the relevant indigenous and

local communities. Every phase of any activity, including research undertakings, such as collecting, screening, sourcing, production and manufacturing, should be developed taking into account to ecological and cultural concerns of the indigenous and local communities involved.

### **Specific considerations**

*Recognition of sacred sites and lands and waters traditionally occupied or used by indigenous and local communities <sup>1/</sup>*

19. This principle recognizes 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. Parties should be encouraged, in accordance with national domestic law and international obligations, to recognize traditional land tenure of indigenous and local communities, as recognized rights and access to land and water as fundamental to the retention of traditional knowledge and associated biological diversity. Sparsely populated lands and waters should not be presumed to be empty but may in fact be lands and waters traditionally occupied or used by indigenous and/or local communities.

#### *Traditional resource rights*

20. These rights are collective in nature but can include individual rights and apply to natural and/or traditional resources occurring on lands and waters traditionally occupied or used by indigenous and local communities. Indigenous and local communities should determine for themselves, the nature and scope of their respective resource rights regime according to their customary law/s. Recognition of traditional resource rights is crucial for the sustainable use of biological diversity and cultural survival.

#### *Not being arbitrarily removed and relocated*

21. Activities, including research, should not cause indigenous and local communities to be removed from lands and waters traditionally occupied or used by them, by force or coercion and without their prior and informed consent. Where they agree to removal from lands and waters traditionally occupied or used by them with their prior and informed consent, they should be given compensation and the possibility to return. Nor should any activities cause indigenous and local community members, especially the elderly, the disabled and children to be removed from their families by force or coercion.

#### *Traditional guardianship/custodianship*

22. Traditional Guardianship/Custodianship recognizes the holistic interconnectedness of humanity with ecosystems and obligations and responsibilities of indigenous and local communities, to preserve and maintain their traditional role as traditional guardians and custodians of these ecosystems through the maintenance of their cultures, spiritual beliefs and customary practices. Because of this, cultural diversity, including linguistic diversity, is a key to the preservation of biological diversity. Therefore, indigenous and local communities should, where relevant, be actively involved in the management of lands and waters traditionally occupied or used by them, including sacred sites and protected areas. Indigenous and local communities may also view certain species of plants and animals as sacred and as custodians of biological diversity have responsibilities for their well-being and sustainability and this should be respected and taken into account in all activities, including research.

#### *Restitution and/or compensation*

23. This consideration recognizes that every effort will be made to avoid any adverse consequences to indigenous and local communities and their cultures and lands and waters traditionally occupied or

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<sup>1/</sup> Refer establish international standard ILO 169, Part II, Land.  
<http://www.ilo.org/ilolex/english/convdisp1.htm>.

used by them, their sacred sites and sacred species, and their traditional resources from all activities affecting or impacting on them, including research and its outcomes and that, should any such adverse consequences occur, appropriate restitution or compensation shall be determined through mutually agreed terms.

#### *Peaceful relations*

24. The exacerbation of any tensions between indigenous and local communities and local or national Governments should be avoided and culturally appropriate dispute resolution mechanisms should be put in place to resolve disputes and grievances. Those interacting with indigenous and local communities, including researchers should also avoid, involvement in intra-indigenous and local community disputes.

#### *Supporting indigenous research initiatives*

25. This consideration promotes indigenous and local communities' right to decide on their own research initiatives and priorities, conduct their own research, including building their own research institutions and promoting the building of cooperation, capacity and competence.

### **Section 4**

## **METHODOLOGIES**

#### *Subsidiarity and decision-making*

26. All decisions regarding activities including research, impacting on sacred sites and lands and waters traditionally occupied or used by indigenous and local communities, should be made at the lowest possible level to ensure community empowerment and effective participation and the recognition of indigenous and local community institutions, governance and management systems.

#### *Equal partnership*

27. Equal partnership, cooperation and fair compensation and equitable sharing of benefits should guide all activities, including research undertakings before activities, and field-work in order to support, maintain and ensure the sustainable use of biodiversity and traditional knowledge.

#### *Gender considerations*

28. Methodologies should take into account the vital role that indigenous and local community women play in the conservation and sustainable use of biological diversity affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation, as appropriate.

#### *Active participation*

29. This principle recognizes the crucial importance of indigenous and local communities actively participating in all phases of planning and development of activities including research (including the identification of priorities and projects) that may impact on their respective cultural lives, their sacred sites and on lands and waters traditionally occupied or used by them, and to benefit from the results.

#### *Inter-cultural respect*

30. Ethical interactions including research relationships are based on respect for indigenous and local communities' knowledge systems, decision-making processes and timeframes, their diversity, their distinctive spiritual and material relationship with their sacred sites and lands and waters traditionally occupied or used by them, and their cultural identities. Researchers and others should always be sensitive to secrets and sacred knowledge, sacred species and sacred places/sites. Furthermore, researchers and others should respect the cultural property rights of indigenous and local communities in relation to

knowledge, ideas, cultural expressions and cultural materials. Ethical conduct should acknowledge that it would be legitimate for indigenous and local communities in some instances to restrict access to traditional knowledge and associated biological diversity and genetic resources, based on ethical and cultural grounds.

#### *Confidentiality*

31. Confidentiality of information and resources should be respected in all instances, meaning that information imparted by the indigenous and local communities to the researcher should not be used or disclosed for purposes other than those for which it was collected or consented to and cannot be passed on to a third party without the consent of the knowledge holder and the collective to which the knowledge belongs. In particular, confidentiality must be applied to sacred and/or secret information. Those working with indigenous and local communities should be aware the concepts such as “the public domain” are foreign imposed concepts that are not within the cultural parameters of indigenous and local communities.

#### *Reciprocity*

32. Indigenous and local communities should benefit from activities, including research that impacts upon them and/or involves them, their sacred sites and lands and waters traditionally occupied or used by them, and /or their resources, and traditional knowledge. Most importantly information obtained should be given back to them in an understandable and culturally appropriate format/manner. This should promote inter-cultural exchanges and access to each other’s knowledge to promote synergies and complementarity.

#### *Responsible research*

33. The ethics of interaction between researchers and others, and the people who are the source of traditional knowledge is not only a responsibility of the individual and the organization and/or professional society to which the individual belongs, but also of national Governments having jurisdiction over the activity, researcher and/or the territory. Furthermore, all others should respect the cultural property rights of indigenous and local communities in relation to knowledge, ideas, cultural expressions and cultural materials.

#### *Recognition of indigenous and local community social structures -Extended families, communities and indigenous nations*

34. For indigenous and local communities all activities, including research take place in a social context. Extended ‘Families’ are the chief vehicles for cultural dissemination and the role of Elders and youth is paramount in this cultural process (which depends upon intergenerational transfer). Therefore the societal structure/s of indigenous and local communities should be respected, including the right to pass on their cultures and knowledge in accordance with their traditions and customs. No activities should cause the removal by force or coercion and without their prior informed consent, of indigenous and local community individuals, especially the elderly, the disabled and children from their families and social structures. Extended families should be recognized as the chief unit of support for indigenous and local communities and their dependants as well as the chief vehicle for the intergenerational transfer of knowledge innovations and practices.

*Annex II*

**THE FOLLOWING INSTRUMENTS, GUIDELINES, CODES OF ETHICS AND PRACTICE, PRINCIPLES, PROTOCOLS AND STATEMENTS WERE USED AS RESEARCH AND INSPIRATION FOR THE DEVELOPMENT OF ELEMENTS OF AN ETHICAL CODE OF CONDUCT**

**GUIDELINES FORMULATED UNDER INTERGOVERNMENTAL AGREEMENTS AND BY INTERNATIONAL AGENCIES**

Commission on Human Rights WGIP - Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People

FAO International Code of Conduct for Plant Germplasm Collecting and Transfer

Organization of African Unity, OAU Model Law - African Model Legislation for the Protection of the Right of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources

Ramsar - Guidelines for establishing and strengthening local communities and indigenous people's participation in the management of wetlands

WIPO/UNESCO - Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions (1985)

World Bank - Operational Directive 4.20: Indigenous Peoples

World Heritage Convention - Operational Guidelines for the Implementation of the World Heritage Convention

Universal Draft Declaration On Bioethics And Human Rights, and in particular, Article 17 – Protection of the Environment, the Biosphere and Biodiversity

UNESCO/EST/05/CONF.204/3 REV, Paris, 24 June 2005. Original: English

**GUIDELINES ESTABLISHED BY REGIONAL AND ECONOMIC INTEGRATION ORGANIZATIONS**

Andean Pact Decision 391

A Common System on Access to Genetic Resources

Andean Pact Decision 486

Intellectual Property Law

Draft Framework Agreement on Access to Genetic and Biological Resources, Association of South East Asian Nations-ASEAN

International Code of Conduct – MOSAICC – Micro-organisms, sustainable use and access regulation. 2000

OECD - Observatory on Ethics Codes and Codes of Conduct in OECD Countries

Organization of African Unity, OAU Model Law

African Model Legislation for the Protection of the Right of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources

Organization of American States Commission on Human Rights

Proposed American Declaration on the Rights of Indigenous Peoples

*National Guidelines*

Swiss draft guidelines on access and benefit sharing regarding the utilization of genetic resources (refer to documents UNEP/CBD/COP/4/INF/6; and UNEP/CBD/COP/5/8, annex IV, p. 37)

**GUIDELINES ESTABLISHED BY NATIONAL INSTITUTIONS**

ATSIC Cultural Rights Policy

“Which Way Our Kultja?” adopted by the Aboriginal and Torres Strait Islander Commission, Australia in 2000

Common Policy Guidelines for Participating Botanic Gardens on Access to Genetic Resources and Benefit-Sharing, Royal Botanic Gardens, Kew, and UK Department for International Development (see also UNEP/CBD/COP/5/8, annex IV, pp. 37-39, Common Policy Guidelines)

Ethical Guidelines for Indigenous Research, National Health and Medical Research Council-NHMRC, Canberra, Australia

Guidelines for Equitable Partnerships in New Natural Products Development  
Recommendations for a Code of Practice, Conclusions of the Workshop on Drug Development, Biological Diversity and Economic Growth, National Cancer Institute of the US National Institutes of Health, Bethesda, Maryland, 1991

Guidelines for Ethical Research in Indigenous Studies (May 2000)

The Australian Institute of Aboriginal and Torres Strait Islander Studies Guidelines for Ethical Research in Indigenous Studies, May 2000

Guidelines for Research Applicants

Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, Australia, 1998

Heads of Agreement, Strathclyde Institute for Drug Research, United Kingdom

NCI Policy on Benefit-Sharing

Letter of Intent (1990); Letter of Collection (1992); and the Memorandum of Understanding, National Cancer Institute of the US National Institutes of Health, 1995

Previous Possessions, New Obligations

Policies for Museums in Australia and Aboriginal and Torres Strait Islander Peoples, Museums Australia, Canberra, 1993 (Strategy)

Research licensing process for research projects in Nunavut Region, Northwest Territories, Canada, Nunavummi Qaujisagtulirijikkut / Nunavut Research Institute, Iqaluit, Canada

Working with Indigenous knowledge, Louise Grenier for the International Development Research Centre - IDRC, Ottawa, Canada, 1998.

**GUIDELINES ESTABLISHED BY NGOS**

A Conceptual Framework and Essential Elements of a Rights Regime for the Protection of Indigenous Rights and Biodiversity, by Gurdial Nijar Singh for the Third World Network, Penang, Malaysia, 1994.

Equitable Research Relationships in Practice

Guidelines for the Development of Agreements Between Communities and Researchers

Guidelines and codes of conduct for tourism operations in the Arctic, developed for the WWF International Arctic Programme.

Indigenous Peoples and Conservation

WWF Statement of Principles, World Wide Fund for Nature, Gland, Switzerland, 1996

The Consumptive Use of Wild Species in the Arctic

Challenges and Opportunities for Ecological Sustainability

WWF-WCPA/IUCN Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas

### **GUIDELINES ESTABLISHED BY INDIGENOUS AND LOCAL COMMUNITY ORGANIZATIONS**

Draft Statement of Principles Regarding Biophysical Research in the Aboriginal Lands, Islands and Waters of Cape York Peninsula, Balkanu Cape York Development Corporation Pty Ltd, Cairns, Australia

Guidelines for Respecting Cultural Knowledge, Assembly of Alaska Native Educators, Anchorage, Alaska, 1 February, 2000

Guidelines for the Conduct of Participatory Community Research to Document Traditional Ecological Knowledge for the Purpose of Environmental Assessment and Environmental Management, Dene Cultural Institute, Hay River, Northwest Territories, Canada, 1991

Guidelines for the Protection of Cultural Diversity, Tulalip Tribes, Sami Parliament and Cobase - Cooperative Tecnico Scientifica di Base, Rome, 1998

Interim Protocols for Aboriginal Participation in Management of the Wet Tropics World Heritage Area, (Queensland, Australia) Bama Wabu Aboriginal Corporation and the Wet Tropics Management Authority, Cairns, Australia, 1998

Inuit Resource Conservation Strategy, Inuit Circumpolar Conference, (Ottawa, Canada)

Research Principles for Community, Controlled Research with the Tapirisat Inuit of Canada, Inuit Tapirisat of Canada, Ottawa, Canada

Traditional Knowledge Research Guidelines, The Council of Yukon First Nations, Whitehorse, Canada, 2000

### **GUIDELINES ELABORATED BY RELEVANT PROFESSIONAL SOCIETIES**

Code of Ethics and Standards of Practice, adopted by the International Society of Ethnobiology in 1998. The International Society for Ethnobiology Code of Ethics has its origins in the Declaration of Belém agreed upon in 1988 at the founding of the International Society of Ethnobiology (in Belém, Brazil)

Code of Ethics for Foreign Collectors of Biological Samples, Botany 2000 Herbarium Curation Workshop, Perth, Western Australia, October 1990. Modified April 1992

Covenant on Intellectual, Cultural and Scientific Resources, A Basic Code of Ethics and Conduct for Equitable Partnerships Between Responsible Corporations, Scientists or Institutions, and Indigenous Peoples, Global Coalition for Biocultural Diversity

Professional Ethics in Economic Botany, Society for Economic Botany

Rules and Procedures when collecting, recording, and documenting IK, International Institute of Rural Reconstruction Guidelines, International Institute of Rural Reconstruction - IIRR, 1996

Suggested Ethical Guidelines for Accessing and Exploring Biodiversity, Anil K Gupta - based on Pew Conservation Scholars' Initiative to Develop Ethical Guidelines to Access Biological Diversity

#### **GUIDELINES ELABORATED BY THE PRIVATE SECTOR**

Acquisition of Natural Resources for the Development of New Pharmaceuticals, Novo Nordisk Health Care Discovery, 1995

Agreement of Principles, Shaman Pharmaceuticals

Code of Practice, International Federation for Alternative Trade - IFAT Conference, New Windsor, Maryland, USA, May 1995.

Discovering New Medicines from Nature, Glaxo Wellcome, United Kingdom, 1992

Policy for the Acquisition of Natural Product Source Materials, Xenova Discovery Ltd, 1998

Statement of principles, Bristol-Myers Squibb, 1995, Indigenous Rights and Bioprospecting

#### **COLLABORATIVE APPROACHES**

Integrating Indigenous Knowledge in Project Planning and Implementation, Alan R. Emery for the International Labour Organization, the World Bank, the Canadian International Development Agency, and KIVU Nature Inc., 2000

Policy and Principles for Equitable Partnerships in New Natural Products Development in Ethics, Ethnobiological Research, and Biodiversity, A.B. Cunningham for the WWF/UNESCO/Kew "People and Plants" Initiative, WWF, Gland, Switzerland, 1993

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