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WORKING GROUP ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE  
CONVENTION ON BIOLOGICAL  
DIVERSITY**

Fifth meeting

Montreal, 15-19 October 2007

Item 9 of the provisional agenda\*

**REVISED DRAFT OF THE ELEMENTS OF AN ETHICAL CODE OF CONDUCT TO  
ENSURE RESPECT FOR THE CULTURAL AND INTELLECTUAL HERITAGE  
OF INDIGENOUS AND LOCAL COMMUNITIES***Note by the Executive Secretary***INTRODUCTION**

1. In accordance with decision VIII/5 F, paragraph 4, of the Conference of the Parties, the Executive Secretary is circulating herewith, for the consideration of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, a revised draft of the 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 revised draft takes fully into account the views and comments provided by Parties, Governments, indigenous and local communities, relevant international organizations pursuant to decision VIII/5 F, paragraph 2. These views and comments are being circulated as an information document (UNEP/CBD/WG8J/5/INF/14). The revised draft elements of a code of ethical conduct are attached as annex I to the present document.

2. In paragraph 5 of decision VIII/5 F, the Conference of the Parties requested the Working Group to further develop the draft elements of an ethical code of conduct and to submit these to the Conference of the Parties at its ninth meeting for consideration and possible adoption. The Working Group may wish to consider the suggested recommendations contained in Section I, below for submission to the ninth meeting of the Conference of the Parties.

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\* UNEP/CBD/WG8J/5/1.

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## **DRAFT RECOMMENDATIONS ON ELEMENTS OF A CODE OF ETHICAL CONDUCT**

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

(a) *Endorses* the elements of the code of ethical 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 hereto; and

(b) *Invites* Parties and Governments to implement the elements of the ethical code of conduct and/or to use this code as a model to “guide the development of models of 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<sup>1</sup>” that are developed according to each Parties unique national circumstances and needs and recognizing the rich cultural diversity of indigenous and local communities;

(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 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;

(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 code of ethical conduct;

(e) *Also invites* international funding institutions and development agencies, and Parties to 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 to build their capacity to understand the elements of this code of ethical conduct.

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<sup>1/</sup> Decision V/16 annex, programme of work on the implementation of Article 8(j), element 5, task 16.

*Annex*

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

A. Suggested Preambular paragraphs:

*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, paragraph 5, and decision VIII/5 F, concerning 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, and taking into account task 16 of the programme of work on Article 8(j) and related provisions;

*Emphasizing*, that for the purposes of this code “cultural and intellectual heritage” refers to the cultural heritage and intellectual property of indigenous and local communities and is interpreted within the context of the Convention, as the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

*Aiming* to promote 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 subject to their respective national legislation, 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 for traditional knowledge, requires that it is valued equally with and complementary to western scientific knowledge, and that this is fundamental in order to promote full respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity,

*Recognizing also* that any measure to respect, preserve and maintain the use of traditional knowledge, such as codes of ethical conduct, 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,

*Further 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* that access by indigenous and local communities to lands and waters traditionally occupied or used by indigenous and local communities, together with the opportunity to practice traditional knowledge on those lands and waters, is paramount for the retention of traditional knowledge, and the development of innovations and practices relevant for the conservation and sustainable use of biological diversity;

*Bearing in mind* the importance of preserving traditional 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 characteristics which include but are not limited to spatial, <sup>2/</sup> cultural <sup>3/</sup> and temporal qualities, <sup>4/</sup>

*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 and where applicable:

- (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 Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council 2006; <sup>5/</sup>
- (f) Universal Declaration On Bioethics And Human Rights (UNESCO 2005);
- (g) Universal Declaration on Cultural Diversity (UNESCO, 2001);
- (h) The Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted on 20 October 2005,

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 promote respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity.

2. The nature and scope of this code is to be interpreted as fully within the mandate of the Convention on Biological Diversity and its objectives: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. As well as Article 8(j) which requires that Parties, "subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of

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<sup>2/</sup> Territorially-based/locally-based.

<sup>3/</sup> Rooted in the broader cultural traditions of a peoples.

<sup>4/</sup> Evolves, adapts and transforms dynamically over time

<sup>5/</sup> Human Rights Council, Resolution 2006/2. Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994.

biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of benefits arising from the utilization of such knowledge, innovations and practices.”

3. These elements are without prejudice to the outcomes of discussions regarding access and benefit sharing of genetic resources and associated knowledge, innovations and practices conducted within the framework of the Convention and other relevant forums, nor are they intended to preclude the development of other forms of respect.

4. For the purpose of the elements of this ethical code of conduct, a broad definition of both “activities” and “research” may be applied to allow for the widest possible circumstances and audiences. In particular it provides principles and methods applicable to conduct that may be observed whilst engaged in biodiversity-based research and in particular to researchers whether indigenous, non-indigenous, foreign and/or nationals and related activities, as well as all other interactions. The chief value of these elements is as working-level tool. It is particularly relevant for research and other activities 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 whether alone or with others or as representative of any public or private entity.

5. Parties to the Convention on Biological Diversity and Governments are encouraged to examine and develop mechanisms for monitoring activities which impact on indigenous and local communities and in particular, researcher compliance with the elements of this code of conduct through corresponding national legal and regulatory frameworks, reflecting each country’s own economic, social, legal and cultural circumstances.

6. Alternatively and inline with decision V/16 annex, task 16, Parties may wish to use this model code to “guide the development of models of 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” <sup>6/</sup> that are developed according to each Parties unique national circumstances and needs and recognizing the rich cultural diversity of indigenous and local communities .

7. Indigenous and local communities themselves are also encouraged to develop their own local mechanisms such as protocols, contracts, codes and guidelines reflecting on the elements of this code and according to their own customary laws.

8. Parties to the Convention on Biological Diversity and Governments, as well as relevant international organizations, whether governmental or non-governmental, are encouraged to 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**

9. These elements of an ethical code of conduct aim to promote respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity. In this way, they contribute to the achievement of the objectives of

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<sup>6/</sup> COP decision V/16 annex, programme of work on the implementation of article 8(j), element 5, task 16.

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.

10. These elements are intended 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 development or research on lands and waters traditionally occupied by indigenous and local communities while enabling the indigenous and local communities to promote respect of their traditional knowledge and associated biological and genetic resources.

11. 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 in their promotion, understanding and implementation among those interacting with indigenous and local communities and in relevant research specifically involving traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity to ensure respect for that knowledge.

### *Section 3*

## **ETHICAL PRINCIPLES**

12. The following ethical principles apply to interactions with indigenous and local communities, relevant to the conservation and sustainable use of biological diversity, including development and/or research proposed or being conducted on sacred sites, culturally significant sites and lands and waters traditionally occupied or used by indigenous and local communities.

13. The principles below are intended to acknowledge the overarching 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 according to these principles that others should engage with indigenous and local communities.

*or*

13.bis The principles below suggest the over-arching principle, that indigenous and local community members have the right to enjoy their culture <sup>7/</sup> and this implies the ability to, if they so desire, pass on their culture to future generations, and it is on this basis that others are encouraged to engage with indigenous and local communities.

*It is highly desirable that interactions with indigenous and local communities be based on the following:*

### **A. General principles**

#### *Non-Interference*

14. This principle recognizes the predominance and importance of mutually agreed settlements or agreements at national level which exists in many countries and that respect must be applied to such arrangements at all times.

#### *Intellectual property*

15. Community and individual concerns over, and claims to, intellectual property relevant to biological diversity, conservation and/or sustainable use, should be documented and explicitly acknowledged and addressed in the negotiation with knowledge holders and/or communities, as appropriate, prior to starting activities, including research.

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<sup>7/</sup> The International Covenant on Civil and Politic Rights, Article 27.

*Non-Discrimination*

16. The ethics and guidelines for all activities should be non-discriminatory, with the exception of special measures, including affirmative action particularly in relation to gender, disadvantage groups and representation.

*Full disclosure*

17. Indigenous and local communities desire to 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 practices of indigenous and local communities.

*Approval of the knowledge holders*

18. Any activities related to biological diversity, conservation and sustainable use occurring on or likely to impact on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities and impacting upon specific groups, must be carried out only with the approval of those indigenous and local communities concerned.

*Respect*

19. Respect is paramount to the implementation of Article 8(j) of the Convention on Biological Diversity. Respect recognizes that it is highly desirable for 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 through inter-cultural dialogue. Respect for cultural heritage, ceremonial and sacred sites, as well as sacred species and secret and sacred knowledge ought to 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, by indigenous and local communities should be taken into consideration when conducting impact assessments for developments affecting such sites and in developing local or national legislation relevant to such sites and species, in consultation with and the full involvement of indigenous and local communities. Relevant activities including research should thus benefit the community as well as those engaged in research and other activities.

*Acknowledgement of collective perspectives*

20. Interactions, including undertaking research related to biodiversity, ought to respect the collective ownership and/or individual ownership of indigenous and local communities to their cultural heritage and intellectual property, including knowledge, innovations and practices relevant to biological diversity, traditional knowledge and genetic materials. This may include the desirability of their participation in the planning and management of any activities associated with biological diversity, conservation and sustainable use, including research proposed to take place on, or which are likely to impact on biological diversity 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 such activities.

*Equitable sharing of benefits*

21. Indigenous and local communities ought to receive fair, and equitable benefits for their contribution to any activities (including research) related to biodiversity and associated traditional knowledge 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. Benefit sharing should be regarded as a way of strengthening indigenous and local communities and promoting the goals of the Convention on Biological Diversity and ought to be equitable within and among relevant groups.

#### *Protection*

22. All interactions within the mandate of the Convention, with indigenous and local communities ought to 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 including the concept of “no harm”*

23. 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. Taking into account 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 proactive, 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 ought to include local criteria and indicators, and ought to fully involve the relevant indigenous and local communities.

### **B. Specific considerations**

#### *Recognition of sacred sites, culturally significant sites and lands and waters traditionally occupied or used by indigenous and local communities <sup>8/</sup>*

24. This principle recognizes the inalienable connection of indigenous and local communities to their sacred sites, culturally significant 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 ought to be encouraged, in accordance with national domestic law and international obligations, to recognize traditional land tenure of indigenous and local communities, as access to traditional lands and waters are fundamental to the retention of traditional knowledge and associated biological diversity. Sparsely populated lands and waters ought not to be presumed to be empty or unoccupied but may in fact be lands and waters traditionally occupied or used by indigenous and/or local communities.

#### *Access to traditional resources*

25. Traditional resources are often collectively owned but may include individual interests and obligations and apply to traditional resources occurring on lands and waters traditionally occupied or used by indigenous and local communities. Indigenous and local communities ought to determine for themselves, the nature and scope of their respective traditional resource regime/s according to their customary law/s. Access to traditional resources are crucial for the sustainable use of biological diversity and cultural survival.

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

26. Activities related to biological diversity, and the objectives of the Convention, such as conservation, including related research, ought not to 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 approval. Where they consent to removal from lands and waters traditionally occupied or used by

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<sup>8/</sup> Refer establish international standard ILO 169, part II, Land.  
<http://www.ilo.org/ilolex/english/convdsp1.htm>.

them with their agreement, they should be compensated and given assurance of the possibility to return<sup>9</sup>. It is highly desirable that any such activities ought not to 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*

27. 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, ought to be recognized as keys 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*

28. 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 used by them, their sacred sites and sacred species, and their traditional resources from all activities affecting or impacting on them related to biological diversity, conservation and sustainable use, including related research and its outcomes and that, should any such adverse consequences occur, consideration may be given to appropriate restitution or compensation , through mutually agreed terms.

#### *Repatriation*

29. Repatriation efforts ought to be made to facilitate the repatriation of information, including cultural property in order to facilitate the recover of traditional knowledge of biological diversity.<sup>10/</sup>

#### *Peaceful relations*

30. The exacerbation of any tensions caused by conservation or sustainable use activities, between indigenous and local communities and local or national Governments should be avoided. Those interacting with indigenous and local communities, including researchers should also avoid, involvement in intra-indigenous and local community disputes.

#### *Supporting indigenous research initiatives*

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<sup>9/</sup> Refer ILO 169: Article 16, paragraph 1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy. 2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned. 3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. 4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. 5. Persons thus relocated shall be fully compensated for any resulting loss or injury. Article 17

<sup>10/</sup> Refer task 15 of the programme of work for Article 8(j), in accordance with Article 17, paragraph 2 of the Convention on Biological Diversity.

31. This consideration promotes indigenous and local communities' right to decide 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*

**METHODS**

*Negotiations in good faith*

All adherents to this code are encouraged to commit formally to a process of negotiation in good faith.

*Subsidiarity and decision-making*

32. All decisions regarding activities related to biological diversity including research impacting on sacred sites, sacred species and lands and waters traditionally occupied or used by indigenous and local communities, ought to 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 in pursuit of the goals of the Convention*

33. Equal partnership, cooperation and fair compensation and equitable sharing of benefits should guide all activities in pursuit of the goals of the Convention, in order to support, maintain and ensure the sustainable use of biodiversity and traditional knowledge.

*Gender considerations*

34. 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.

*Effective participation/participatory approach*

35. This principle recognizes the crucial importance of indigenous and local communities effectively participating in all phases of planning and development of activities related to biological diversity and conservation, 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. In research, communities should be given the option of participatory-research approach.

*Inter-cultural respect*

36. Ethical interactions including research relationships ought to be based on respect for indigenous and local communities' equal but different 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 of indigenous and local communities relevant for biological diversity, conservation and sustainable use. Ethical conduct ought to acknowledge that it may 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*

37. Confidentiality of information and resources should be respected in all instances. 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/s and/or the collective, as appropriate,. In particular, confidentiality ought to 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” may be are foreign concepts that may not be within the cultural parameters of many indigenous and local communities.

*Reciprocity*

38. Indigenous and local communities should benefit from activities, including research which affects 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*

39. The ethics of interaction between researchers and others, and the people/s 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 rights and intellectual property rights of indigenous and local community members, in relation to knowledge, ideas, cultural expressions and cultural materials relevant to biological diversity, conservation and sustainable use.

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

40. 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 the approval, 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.

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