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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

Sixth meeting  
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Item 5 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 IX/13 G 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, the draft of the elements of a code of ethical 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. This document is supplemented by a compilation of views (UNEP/CBD/WG8J/6/INF/2) provided by Parties, Governments, indigenous and local communities, relevant international organizations, pursuant to decision IX/13 G, paragraph 2. The draft elements of a code of ethical conduct as they appear in decision IX/13 G, annex, are attached as annex I to the present document.

2. In paragraph 5 of decision IX/13 G, the Conference of the Parties requested the Working Group to further develop the draft elements of a code of ethical conduct and to submit them to the Conference of the Parties at its tenth meeting for its consideration and possible adoption. The Working Group may wish to consider the suggested recommendations contained below for submission to the tenth meeting of the Conference of the Parties.

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\* UNEP/CBD/WG8J/6/1.

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

The Ad Hoc Working Group on Article 8(j) and Related Provisions may wish to recommend 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;

(b) *Invites* Parties and Governments to implement the elements of the code of ethical 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 the 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 the 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 the 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*

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

*[Recalling* [the request in] 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 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, 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]* [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[, as far as possible and as appropriate,] 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 [and developing] traditional languages used by indigenous and local communities as rich sources of traditional knowledge regarding medicines,

traditional [farm] practices, including agricultural biodiversity 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>, [spiritual], 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; <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,
- (i) [The Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO 2003)]

[Have agreed] [Proclaim] as follows:]

### *Section 1*

#### **[NATURE AND SCOPE] [INTRODUCTION]**

1. The following [draft] elements of a code of ethical conduct are voluntary and are intended to provide guidance [in activities/interactions with indigenous and local communities and for the development of local, national, or regional codes of ethical conduct], with the aim of promoting respect, preservation and maintenance of traditional knowledge, innovations and practices [relevant for the conservation and sustainable use of biodiversity].

### *Section 2*

#### **RATIONALE**

2. [These elements of an code of ethical 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 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.]

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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> As adopted by the United Nations General Assembly on 13 September 2007.

3. [These elements are intended to provide guidance to help Parties and Governments in establishing or improving national legal frameworks required for activities/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.]

*Option A:* delete para

*Option B:* new text:

These elements are intended to provide guidance to help Parties [to the Convention] and Governments in establishing or improving national legal frameworks required for [all] activities/interactions with indigenous and local communities [by *inter alia*, government departments and agencies, academic institutions, private sector developers, potential stakeholders in development and/or research projects, extractive industries, forestry and any other actors eventually involved] [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.]

4. [One of the aims of the elements of this code of ethical 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] [promote] respect for that knowledge.]

### *Section 3*

## **ETHICAL PRINCIPLES**

5. [The following ethical principles apply to activities/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.]]

*Option A*

6. The ethical principles below are intended to [facilitate] [acknowledge] the rights of indigenous and local communities to enjoy, protect and pass on to future generations, their cultural and intellectual heritage [relevant for the conservation and sustainable use of biodiversity] and it is according to these principles that others should engage with indigenous and local communities.

*Option B*

6. The ethical principles below are intended to [facilitate] [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 [relevant for the conservation and sustainable use of biodiversity] and it is according to these principles that others should engage with indigenous and local communities.

*Option C*

6. The ethical principles below suggest the over-arching principle, that indigenous and local community members [are entitled to] to enjoy their culture <sup>6/</sup> and this implies the ability to, if they so desire, pass on their culture [relevant for the conservation and sustainable use of biodiversity] 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 activities/interactions with indigenous and local communities be based on the following:*

**A. General ethical principles**

*Respect for existing settlements*

7. 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*

8. Community and individual concerns over, and claims to, intellectual property relevant to traditional knowledge, innovations and practices related to the conservation and sustainable use of biodiversity should be acknowledged and addressed in the negotiation with traditional knowledge holders and/or indigenous and local communities, as appropriate, prior to starting activities/interactions . [Knowledge holders should be allowed to retain existing rights, including the determination of intellectual property rights, over their traditional knowledge.]

*Non-discrimination*

9. The ethics and guidelines for all activities/interactions should be non-discriminatory, taking into account affirmative action, particularly in relation to gender, disadvantaged groups and representation.

*[Transparency/full disclosure]*

10. Indigenous and local communities should be [fully] informed [to the fullest extent possible] about the nature, scope and purpose of any proposed activities/interactions carried out by others [that may involve the use of their traditional knowledge, innovations and practices related to the conservation and sustainable use of biodiversity] [, occurring on or likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities]. [Subject to national law,] 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] [Free prior informed consent] of the knowledge holders*

11.

*Option A*

Any activities/interactions 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] [as far as possible

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<sup>6/</sup> The International Covenant on Civil and Political Rights, Article 27.

and as appropriate] with the [approval] [free prior informed consent] of those indigenous and local communities concerned [in accordance with existing national and international obligations].

*Option B*

Traditional knowledge should only be used with the approval of the knowledge holders.

*Option C*

Activities/interactions developed [in the lands and waters of indigenous and local communities] should gain the approval of these indigenous and local communities on sacred sites and culturally significant sites as well this should recognize and acknowledge that indigenous and local communities may be reluctant to provide information that would allow for the clear identification of sacred sites.

*Respect*

12. Traditional knowledge must be respected as a legitimate expression of the culture, traditions, and experience of relevant indigenous and local communities. It is highly desirable that those interacting with indigenous and local communities respect the integrity, morality and spirituality of the cultures, traditions and relationships of indigenous and local communities and avoid the imposition of external concepts, standards and value judgements in 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 activities/interactions.

*[Protection of] collective or individual ownership*

13. The resources and knowledge of indigenous and local communities can be collectively or individually owned. Those interacting with indigenous and local communities should seek to understand the balance of collective and individual rights and obligations. [The right of indigenous and local communities to protect, collectively or otherwise, their cultural and intellectual heritage should be respected.]

*Fair and equitable sharing of benefits*

14. [Indigenous and local communities ought to receive fair and equitable benefits for their contribution to any activities/interactions 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 objectives of the Convention on Biological Diversity and ought to be equitable within and among relevant groups.]

*Protection*

15. Proposed activities/interactions within the mandate of the Convention should make reasonable efforts to protect and enhance the relationships of affected indigenous and local communities with the environment and thereby promote the objectives of the Convention.

*[Precautionary approach [including the concept of “do no harm”]]*

16. Reaffirming the precautionary approach contained in principle 15 of the Rio Declaration on Environment and Development <sup>7/</sup> and in the preamble to the Convention on Biological Diversity, the

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<sup>7/</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution I, annex I.

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.]

**B. Specific considerations**

17.

*Option A*

*[Recognition of sacred sites, [culturally significant sites] and [lands and waters traditionally occupied or used by indigenous and local communities]] [8/] [in accordance with international standard ILO 169, part II, Land]*

[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 [to the Convention are] [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 [and sacred sites]] is 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].

*Option B*

*Recognition of [lands and waters traditionally occupied or used by indigenous and local communities]*

[Identifying indigenous and local communities whose interests may be affected by activities/interactions within the mandate of the Convention requires the recognition of lands and waters traditionally occupied or used by indigenous and local communities.]

*Recognition of sacred sites and culturally significant sites*

Proponents of an activity/interaction should gain the approval of indigenous and local communities for activities/interactions on sacred sites and culturally significant sites. Proponents of an activity/interaction should recognize that indigenous and local communities may be reluctant to provide information that would allow for the clear identification of sacred sites.]

*[Access to traditional resources*

*Option A:*

18. 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 is crucial for the sustainable use of biological diversity and cultural survival.

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[8/ Refer establish international standard ILO 169, part II, Land.  
<http://www.ilo.org/ilolex/english/convdisp1.htm>.]

*Option B:*

Research should not interfere with access to traditional resources except with the approval of the community concerned. Research should respect customary rules governing access to resources where this is required by the community concerned.]

*Option C:*

*Traditional resource rights*

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*

19. [Activities/interactions 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 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/interactions ought not 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*

[20. 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/interactions, including research.]

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<sup>9/</sup> See 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.]

*Restitution and/or compensation*

21. [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/interactions affecting or impacting on them related to biological diversity, conservation and sustainable use, including related research and its outcomes [ and that, s] [. S]hould any such adverse consequences occur, consideration may be given to appropriate restitution or compensation , through mutually agreed terms[.] [, between indigenous and local communities and the proposer of such activities/interactions.]]

*Repatriation*

22. Repatriation efforts ought to be made to facilitate the repatriation of information in order to facilitate the recovery of traditional knowledge of biological diversity.

*Peaceful relations*

23. [The exacerbation of any tensions caused by conservation or sustainable use activities/interactions [, between indigenous and local communities and local or national governments] should be avoided. [Should this not be possible, national and culturally appropriate conflict resolution mechanisms should be put in place to resolve disputes and grievances, subject to national legislation.] Those interacting with indigenous and local communities, including researchers should also avoid involvement in intra-indigenous and local community disputes.]

*Supporting indigenous research initiatives*

24. Indigenous and local communities should have the opportunity to actively participate in research that affects them or which makes use of their traditional knowledge related to the objectives of the Convention, and 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*

**METHODS**

*Negotiations in good faith*

25. Those employing the elements of this code are encouraged to interact, and to commit formally to a process of negotiation in good faith.

*Subsidiarity and decision-making*

26.

*Option A*

[[All decisions regarding activities/interactions 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 [, where appropriate,] be made at the lowest possible level [in accordance with free and prior informed consent] to ensure community empowerment and [full and] effective participation and the recognition of indigenous and local community institutions, governance and management systems.]

*Option B*

Formal activities/interactions regarding activities related to the objectives of the Convention should be made at the appropriate level to ensure community empowerment and effective participation, bearing in mind that activities/interactions should reflect indigenous and local community decision-making structures. ]

*Partnership and cooperation*

27. Partnership and cooperation should guide all activities/interactions in pursuit of the draft elements of the code of ethical conduct, 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 and effective participation of women at all levels of policy-making and implementation for biological diversity conservation, as appropriate.

*Full and effective participation/participatory approach*

29. This principle recognizes the crucial importance of indigenous and local communities fully and effectively participating in activities/interactions related to biological diversity and conservation that may impact on them.

*Confidentiality*

30. [Confidentiality of information and resources should be respected, subject to national law. Information imparted by the indigenous and local communities 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 that concepts such as “the public domain” may be foreign concepts that may not be within the cultural parameters of many indigenous and local communities.

*Responsible research*

31. [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/interaction, researcher and/or the territory. [The cultural and intellectual property of indigenous and local community members, in relation to knowledge, ideas, cultural expressions and cultural materials relevant to biological diversity, conservation and sustainable use should be respected] [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].]

32. [This document is not legally binding under international law, and should not be construed as altering or interpreting the obligations of Parties to the Convention of Biological Diversity or any other international instrument.]

*Paragraphs for further checking against the principles:*

*[Inter-cultural respect*

33. Ethical activities/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. Proponents should always be sensitive to [and respect] secrets and sacred knowledge, sacred species and sacred places/sites [related to biological diversity]. Furthermore, proponents 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 [specific] [some] instances to restrict access to traditional knowledge and associated biological diversity and genetic resources, based on ethical and cultural grounds.]

*Reciprocity*

34. [Indigenous and local communities should benefit from activities/interactions that affect them and/or involve 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.]

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

35. For indigenous and local communities all activities/interactions, 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 [of knowledge, innovation and practices]. 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/interactions should cause the removal by force or coercion and without the [approval] [free and prior informed consent] of indigenous and local community individuals, especially the elderly, the disabled and children, from their families and social structures.

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