

INTERNATIONAL SOCIETY of ETHNOBIOLOGY



ISE CODE OF ETHICS

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EXECUTIVE SUMMARY

The Code of Ethics of the International Society of Ethnobiology (ISE) reflects the vision of the Society and provides a framework for decision-making and conduct for ethnobiological research and related activities. The goals are to facilitate ethical conduct and equitable relationships, and foster a commitment to meaningful collaboration and reciprocal responsibility by all parties. The Code of Ethics is a living document that will adapt over time to meet changing understandings and circumstances. All Members of the ISE are bound in good faith to abide by the Code of Ethics as a condition of membership.

The Code of Ethics is comprised a Preamble, Purpose, 17 Principles, 12 Practical Guidelines and a Glossary of Terms. The Principles include:

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

The fundamental value underlying the Code of Ethics is the concept of *mindfulness* – a continual willingness to evaluate one's own understandings, actions, and responsibilities

to others. The Code of Ethics acknowledges that biological and cultural harms have resulted from research undertaken without the consent of Indigenous peoples. It affirms the commitment of the ISE to work collaboratively, in ways that: support community-driven development of Indigenous peoples' cultures and languages; acknowledge Indigenous cultural and intellectual property rights; protect the inextricable linkages between cultural, linguistic and biological diversity; and contribute to positive, beneficial and harmonious relationships in the field of ethnobiology.

The Code of Ethics applies to all research, collections, databases, publications, images, audio or video recordings, or other products of research and related activities undertaken, especially that which concerns collation and use of traditional knowledge or collections of flora, fauna, or other elements of biocultural heritage found on community lands or territories.

The Principles and Practical Guidelines are based on the concept of traditional resource rights. They facilitate compliance with the standards set by national and international law and policy and customary practice. They recognize traditional and customary laws, protocols, and methodologies extant within the communities where collaborative research is proposed. They are intended to support and enable but not over-ride community-level processes and decision-making structures, recognizing that Indigenous, traditional or local peoples conducting research within their own communities, for their own uses, may need to comply with their own cultural protocols and practices. In the event of inconsistency between such local requirements and the ISE Code of Ethics, all parties involved are encouraged to work collaboratively to develop appropriate practices.

ISE CODE OF ETHICS

This Code of Ethics was adopted by the ISE membership at the 10th International Congress of Ethnobiology, Chiang Rai, Thailand, 8 November 2006, subject to the addition of an Executive Summary and Glossary of Terms. The two additions were adopted at the 11th International Congress of Ethnobiology, Cusco, Peru, 26 June 2008. This constitutes the complete and most current version of the ISE Code of Ethics.

The Code of Ethics of the International Society of Ethnobiology (ISE) provides a framework for decision-making and conduct for ethnobiological research and related activities. This 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). It has been developed over the course of more than a decade and is the culmination of a series of consensus-based fora and discussion processes involving the ISE Membership.

The Code of Ethics is comprised of five parts: (i) Preamble, (ii) Purpose, (ii) Principles, iv) Practical Guidelines, and (iv) Glossary of Terms. The Code of Ethics reflects the vision of the ISE as stated in Article 2.0 of the ISE Constitution:

The ISE is committed to achieving a greater understanding of the complex relationships, both past and present that exist within and between human societies and their environments. The Society endeavors to promote a harmonious existence between humankind and the Bios for the benefit of future generations. Ethnobiologists recognize that Indigenous peoples, traditional societies, and local communities are critical to the conservation of biological, cultural and linguistic diversity.

All Members of the ISE are bound in good faith to abide by the Code of Ethics as a condition of membership.

PREAMBLE

The concept of ‘mindfulness’ is an important value embedded in this Code, which invokes an obligation to be fully aware of one’s knowing and unknowing, doing and undoing, action and inaction.

It is acknowledged that much research has been undertaken in the past without the sanction or prior informed consent of Indigenous peoples, traditional societies and local communities and that such research has caused harm and adversely impacted their rights and responsibilities related to biocultural heritage¹.

The ISE is committed to working in genuine partnership and collaboration with Indigenous peoples, traditional societies and local communities to avoid perpetuating these past injustices and build towards developing positive, beneficial and harmonious relationships in the field of ethnobiology.

¹ See Glossary of Terms for a definition of biocultural heritage.

The ISE recognises that culture and language are intrinsically connected to land and territory, and cultural and linguistic diversity are inextricably linked to biological diversity. Therefore, the ISE recognizes the responsibilities and rights of Indigenous, traditional and local peoples to the preservation and continued development of their cultures and languages and to the control of their lands, territories and traditional resources as key to the perpetuation of all forms of diversity on Earth.

PURPOSE

The Purpose of this Code of Ethics is to facilitate establishing ethical and equitable relationships:

- i. to optimise the positive outcomes and reduce as much as possible the adverse effects of research (in all its forms, including applied research and development work) and related activities of ethnobiologists that can disrupt or disenfranchise Indigenous peoples, traditional societies and local communities from their customary and chosen lifestyles; and
- ii. to provide a set of principles and practices to govern the conduct of all Members of the ISE who are involved in or proposing to be involved in research in all its forms, especially that concerning collation and use of traditional knowledge or collections of flora, fauna, or any other element of biocultural heritage found on community lands or territories.

The ISE recognises, supports and prioritises the efforts of Indigenous peoples, traditional societies and local communities to undertake and own their research, collections, images, recordings, databases and publications. This Code of Ethics is intended to enfranchise Indigenous peoples, traditional societies and local communities conducting research within their own society, for their own use.

This Code of Ethics also serves to guide ethnobiologists and other researchers, business leaders, policy makers, governments, non-government organisations, academic institutions, funding agencies and others seeking meaningful partnerships with Indigenous peoples, traditional societies and local communities and thus to avoid the perpetuation of past injustices to these peoples. The ISE recognises that, for such partnerships to succeed, all relevant research activities (i.e., planning, implementation, analysis, reporting, and application of results) must be collaborative. Consideration must be given to the needs of all humanity, and to the maintenance of robust scientific standards, whilst recognizing and respecting the cultural integrity of Indigenous peoples, traditional societies and local communities.

A commitment to meaningful collaboration and reciprocal responsibility by all parties is needed to achieve the purpose of this Code of Ethics and the objectives of the ISE.

This Code of Ethics recognizes and honors traditional and customary laws, protocols, and methodologies extant within the communities where collaborative research is proposed. It should support and enable but not over-ride such community-level processes and

decision-making structures. It should facilitate the development of community-centered, mutually-negotiated research agreements that serve to strengthen community goals.

PRINCIPLES

The Principles of this Code embrace, support, and embody the concept and implementation of traditional resource rights² as articulated in established principles and practices of international instruments and declarations including, but not limited to, those documents referred to in Annex 2 of the ISE Constitution. The Principles also facilitate compliance with the standards set by national and international law and policy and customary practice. The following Principles are the fundamental assumptions that form this Code of Ethics.

1. Principle of Prior Rights and Responsibilities

This principle recognises that Indigenous peoples, traditional societies, and local communities have prior, proprietary rights over, interests in and cultural responsibilities for all air, land, and waterways, and the natural resources within them that these peoples have traditionally inhabited or used, together with all knowledge, intellectual property and traditional resource rights associated with such resources and their use.

2. Principle of Self-Determination

This principle recognises that Indigenous peoples, traditional societies and local communities have a right to self-determination (or local determination for traditional and local communities) and that researchers and associated organisations will acknowledge and respect such rights in their dealings with these peoples and their communities.

3. Principle of Inalienability

This principle recognises the inalienable rights of Indigenous peoples, traditional societies and local communities in relation to their traditional territories and the natural resources (including biological and genetic resources) within them and associated traditional knowledge. These rights are collective by nature but can include individual rights. It shall be for Indigenous peoples, traditional societies and local communities to determine for themselves the nature, scope and alienability of their respective resource rights regimes.

4. Principle of Traditional Guardianship

This principle recognises the holistic interconnectedness of humanity with the ecosystems of our Sacred Earth and the obligation and responsibility of Indigenous peoples, traditional societies and local communities to preserve and maintain their role as traditional guardians of these ecosystems through the maintenance of their cultures, identities, languages, mythologies, spiritual beliefs and customary laws and practices, according to the right of self-determination.

² See Glossary of Terms for a definition of traditional resources rights.

5. Principle of Active Participation

This principle recognises the crucial importance of Indigenous peoples, traditional societies and local communities to actively participate in all phases of research and related activities from inception to completion, as well as in application of research results. Active participation includes collaboration on research design to address local needs and priorities, and prior review of results before publication or dissemination to ensure accuracy of information and adherence to the standards represented by this Code of Ethics.

6. Principle of Full Disclosure

This principle recognises that Indigenous peoples, traditional societies and local communities are entitled to be fully informed about the nature, scope and ultimate purpose of the proposed research (including objective, methodology, data collection, and the dissemination and application of results). This information is to be given in forms that are understood and useful at a local level and in a manner that takes into consideration the body of knowledge, cultural preferences and modes of transmission of these peoples and communities.

7. Principle of Educated Prior Informed Consent

Educated prior informed consent must be established before any research is undertaken, at individual and collective levels, as determined by community governance structures. Prior informed consent is recognised as an ongoing process that is based on relationship and maintained throughout all phases of research. This principle recognises that prior informed consent requires an educative process that employs bilingual and intercultural education methods and tools, as appropriate, to ensure understanding by all parties involved. Establishing prior informed consent also presumes that all directly affected communities will be provided complete information in an understandable form regarding the purpose and nature of the proposed programme, project, study or activities, the probable results and implications, including all reasonably foreseeable benefits and risks of harm (be they tangible or intangible) to the affected communities. Indigenous peoples, traditional societies and local communities have the right to make decisions on any programme, project, study or activities that directly affect them. In cases where the intentions of proposed research or related activities are not consistent with the interests of these peoples, societies or communities, they have a right to say no.

8. Principle of Confidentiality

This principle recognises that Indigenous peoples, traditional societies and local communities, at their sole discretion, have the right to exclude from publication and/or to have kept confidential any information concerning their culture, identity, language, traditions, mythologies, spiritual beliefs or genomics. Parties to the research have a responsibility to be aware of and comply with local systems for management of knowledge and local innovation, especially as related to sacred and secret knowledge. Furthermore, such confidentiality shall be guaranteed by researchers and other potential users. Indigenous peoples, traditional societies and local communities also have the rights to privacy and anonymity, at their discretion.

9. Principle of Respect

This principle recognises the necessity for researchers to respect the integrity, morality and spirituality of the culture, traditions and relationships of Indigenous peoples, traditional societies, and local communities with their worlds.

10. Principle of Active Protection

This principle recognises the importance of researchers taking active measures to protect and to enhance the relationships of Indigenous peoples, traditional societies and local communities with their environment and thereby promote the maintenance of cultural and biological diversity.

11. Principle of Precaution

This principle acknowledges the complexity of interactions between cultural and biological communities, and thus the inherent uncertainty of effects due to ethnobiological and other research. The precautionary principle advocates taking proactive, anticipatory action to identify and to prevent biological or cultural harms resulting from research activities or outcomes, even if cause-and-effect relationships have not yet been scientifically proven. The prediction and assessment of such biological and cultural harms must include local criteria and indicators, thus must fully involve indigenous peoples, traditional societies, and local communities. This also includes a responsibility to avoid the imposition of external or foreign conceptions and standards.

12. Principle of Reciprocity, Mutual Benefit and Equitable Sharing

This principle recognises that Indigenous peoples, traditional societies, and local communities are entitled to share in and benefit from tangible and intangible processes, results and outcomes that accrue directly or indirectly and over the shorter and longer term for ethnobiological research and related activities that involve their knowledge and resources. Mutual benefit and equitable sharing will occur in ways that are culturally appropriate and consistent with the wishes of the community involved.

13. Principle of Supporting Indigenous Research

This principle recognizes and supports the efforts of Indigenous peoples, traditional societies, and local communities in undertaking their own research based on their own epistemologies and methodologies, in creating their own knowledge-sharing mechanisms, and in utilising their own collections and databases in accordance with their self-defined needs. Capacity-building, training exchanges and technology transfer for communities and local institutions to enable these activities should be included in research, development and co-management activities to the greatest extent possible.

14. Principle of The Dynamic Interactive Cycle

This principle recognises that research and related activities should not be initiated unless there is reasonable assurance that all stages can be completed from (a) preparation and evaluation, to (b) full implementation, to (c) evaluation, dissemination and return of results to the communities in comprehensible and locally appropriate forms, to (d) training and education as an integral part of the project, including practical application of results. Thus, all projects must be seen as cycles of continuous and on-going

communication and interaction.

15. Principle of Remedial Action

This principle recognises that every effort will be made to avoid any adverse consequences to Indigenous peoples, traditional societies, and local communities from research and related activities and outcomes. Notwithstanding the application of standards set out by this Code of Ethics, should any such adverse consequence occur, discussion will be had with the local peoples or community concerned to decide on what remedial action may be necessary to redress or mitigate adverse consequences. Any such remedial action may include restitution, where appropriate and agreed.

16. Principle of Acknowledgement and Due Credit

This principle recognises that Indigenous peoples, traditional societies and local communities must be acknowledged in accordance with their preference and given due credit in all agreed publications and other forms of dissemination for their tangible and intangible contributions to research activities. Co-authorship should be considered when appropriate. Acknowledgement and due credit to Indigenous peoples, traditional societies and local communities extend equally to secondary or downstream uses and applications and researchers will act in good faith to ensure the connections to original sources of knowledge and resources are maintained in the public record.

17. Principle of Diligence

This principle recognises that researchers are expected to have a working understanding of the local context prior to entering into research relationships with a community. This understanding includes knowledge of and willingness to comply with local governance systems, cultural laws and protocols, social customs and etiquette. Researchers are expected to conduct research in the local language to the degree possible, which may involve language fluency or employment of interpreters.

PRACTICAL GUIDELINES

The following guidelines are intended as a practical application of the preceding Principles. Recognising that this Code of Ethics is a living document that needs to adapt over time to meet changing understandings and circumstances, if guidelines have not yet been articulated for a given situation, the Principles should be used as the reference point for developing appropriate practices.

Similarly, it is recognized that Indigenous, traditional or local peoples conducting research within their own communities, for their own uses, may need to comply with their own cultural protocols and practices. In the event of inconsistency between such local requirements and these guidelines, all parties involved will commit to work collaboratively to develop appropriate practices.

The Practical Guidelines apply to any and all research, collections, databases, publications, images, audio or video recordings, or other products of research and related activities undertaken.

1. Prior to undertaking any research activities, a good understanding of the local community institution(s) with relevant authority and their interest in the research to be undertaken, as well as knowledge of cultural protocols of the community shall be developed. A thorough effort shall be made in good faith to enhance such understandings through ongoing communication and active participation throughout the duration of the research process.
2. Educated prior informed consent must be established prior to undertaking any research activities. Such consent is ideally represented in writing and/or tape recording, uses language and format that are clearly understood by all parties to the research, and is developed with the persons or deliberating bodies identified as the most representative authorities from each potentially affected community.
3. As a component of educated prior informed consent, there will be full disclosure to potentially affected communities and mechanisms to ensure mutual understanding of the following, based on the reasonably foreseeable effects:
 - a. The full range of potential benefits (tangible and intangible) to the communities, researchers and any other parties involved;
 - b. The extent of reasonably foreseeable harms (tangible and intangible) to such communities;
 - c. All relevant affiliations of the individual(s) or organization(s) seeking to undertake the activities, including where appropriate the contact information of institutional research ethics boards and copies of ethics board approvals for research;
 - d. All sponsors of the individual(s) or organization(s) involved in the undertaking of the activities.
 - e. Any intent to commercialise outcomes of the activities, or foreseeable commercial potential that may be of interest to the parties involved in the project, and/or to third parties who may access project outcomes directly (e.g., by contacting researchers or communities) or indirectly (e.g., through the published literature).
4. Prior to undertaking research activities, the following must be ensured by research proponents:
 - a. Full communication and consultation has been undertaken with potentially affected communities to develop the terms of the research in a way that complies with the Principles.
 - b. Approval is granted in the manner defined by the local governance system of each affected community.
 - c. Permissions and approvals have been granted from government as well as other local and national authorities, as required by local, national or international law and policy.
5. All persons and organizations undertaking research activities shall do so throughout in good faith, acting in accordance with, and with due respect for, the cultural norms and dignity of all potentially affected communities, and with a commitment that

collecting specimens and information, whether of a zoological, botanical, mineral or cultural nature, and compiling data or publishing information thereon, means doing so only in the holistic context, respectful of norms and belief systems of the relevant communities. This includes supporting or creating provenance mechanisms to ensure collections are clearly traceable to their origins for purposes of due credit and acknowledgement, establishing “prior art” in the event of future ownership claims, and facilitating a re-consent process to develop new mutually-agreed terms for further use or applications of collections or derivatives of collections.

Researchers are encouraged to register collected information in local databases and registries where they exist, and explore mechanisms such as community certificates of origin linked to databases. Researchers are encouraged to support and build capacity for community-based data management systems to the extent possible.

Any intellectual property ownership claim or application related to the knowledge or associated resources from the collaboration research should not work against the cultural integrity or livelihood of communities involved.

6. Mutually-agreed terms and conditions of the research shall be set out in an agreement that uses language and format clearly understandable to all parties. The agreement will address and adhere to the following standards:
 - a. Will be represented in writing and/or tape recording if permitted by the community, using local language whenever possible. If writing or tape-recording are culturally prohibited, the parties shall work in collaboration to find an acceptable alternative form of documenting the terms of the agreement.
 - b. Will be made with each potentially affected community after full disclosure, consultation, and establishment of educated prior informed consent regarding mutual benefit and equitable sharing, compensation, remedial action and any other issues arising between parties to the research.
 - c. Will address the elements outlined in (6b) above as related to all foreseeable uses and property ownership issues of the research outcomes, including derivative forms they may take such as biological and other samples, photos, films, videotapes, audiotapes, public broadcasts, translations, communications through the electronic media, including the internet. This includes clear agreement on rights and conditions related to who holds, maintains, uses, controls, owns, and has rights to the research processes, data, and outcomes (direct and indirect).
 - d. Will specify attribution, credit, authorship, co-authorship, and due acknowledgement for all contributors to the research processes and outcomes, recognizing and valuing academic as well as cultural and local expertises;
 - e. Will specify how and in what forms the resulting information and outcomes shall be shared with each affected community, and ensure that access and forms are appropriate and acceptable to that community. Community data and information management systems, such as local registries and databases, shall be supported to the greatest extent possible.

- f. Will represent what understandings have been reached regarding what is potentially sacred, secret or confidential and how such will be treated and communicated, if at all, within and beyond the direct parties to the research.
7. Objectives, conditions and mutually-agreed terms should be totally revealed and agreed to by all parties prior to the initiation of research activities. It is recognised that collaborative research, by design, may be iterative, emergent and require modifications or adaptations. When such is the case, these changes shall be brought to the attention of and agreed to by all parties to the research.
8. All members of the ISE or affiliated organizations of ISE shall respect and comply with moratoriums by communities and countries on collection of information or materials that they would otherwise intend to include in their research, unless such moratorium is lifted to allow the research.
9. All educational uses of research materials shall be consistent with a good faith respect for the cultural integrity of all affected communities, and, as much as practical, developed in collaboration with such communities for mutual use.
10. All existing project materials in the possession, custody or control of an ISE member or affiliated organization shall be treated in a manner consistent with this Code of Ethics. All affected communities shall be notified, to the extent possible, of the existence of such materials, and their right to equitable sharing, compensation, remedial action, ownership, repatriation or other entitlements, as appropriate. Prior informed consent shall not be presumed for uses of biocultural information in the “public domain” and diligence shall be used to ensure that provenance or original source(s) of the knowledge and associated resources are included and traceable, to the degree possible, in further publications, uses and other means of dissemination.
11. If during the cycle of a project it is determined that the practices of any parties to the research are harmful to components of an ecosystem, it shall be incumbent upon the parties to first bring such practices and the impacts thereof to the notice of the offenders and attempt to establish a mutually agreed conflict resolution process, prior to informing the local community and/or government authorities of such practices and impacts.
12. ISE members shall in good faith endeavour to consider and ensure that project proposals, planning, and budgets are appropriate to collaborative interdisciplinary and cross-cultural research that complies with the ISE Code of Ethics. This may require prior consideration of elements such as: extended timeframes to enable permissions, development of mutually-agreed terms and ongoing communication; additional budget categories; research ethics and intellectual property ownership considerations that are in addition to or even inconsistent with policies of sponsoring institutions; additional reporting requirements and sharing of outcomes; and mechanisms and forms of communication with parties to the research activities, including the potential need for language fluency and translation. ISE members shall also endeavour to raise awareness

among funding bodies, academic institutions and others about the increased time and costs that may be involved in adhering to this Code of Ethics.

GLOSSARY OF TERMS

“Biocultural heritage” is the cultural heritage (both the tangible and intangible including customary law, folklore, spiritual values, knowledge, innovations and practices) and biological heritage (diversity of genes, varieties, species and ecosystem provisioning, regulating, and cultural services) of Indigenous peoples, traditional societies and local communities, which often are inextricably linked through the interaction between peoples and nature over time and shaped by their socio-ecological and economic context. This heritage includes the landscape as the spatial dimension in which the evolution of Indigenous biocultural heritage takes place. This heritage is passed on from generation to generation, developed, owned and administered collectively by stakeholder communities according to customary law.

“Community certificate of origin” is a community-generated attestation to the origin of information or material.

“Intellectual property” is a legal term for a creation of the intellect that has potential commercial value, and may have a right to protection under law relating to copyright, patent, trademark or trade secret (e.g., inventions, technological know-how, literary and artistic works, symbols, names, images, and designs)

“Prior art” is a term used in patent law that refers to pre-existing knowledge. Establishing prior art can impact the validity of a patent claim by negating novelty and obviousness requirements.

“Provenance” is the place of origin, including history of ownership.

“Public domain” is intellectual property that is not protected by copyright, patent or other restrictions on use and is subject to appropriation by anyone.

“Traditional resources rights” is defined in “Beyond Intellectual Property Rights: Toward Traditional Resource Rights For Indigenous Peoples and Local Communities” by Posey and Dutfield (1996:3) as follows:

the term ‘traditional’ refers to the cherished practices, beliefs, customs, knowledge and cultural heritage of indigenous and local communities who live in close association with the Earth; ‘resource’ is used in its broadest sense to mean all knowledge and technology, esthetic and spiritual qualities, tangible and intangible sources that together, are deemed by local communities to be necessary to ensure healthy and fulfilling lifestyles for present and future generations; and ‘rights’ refers to the basic inalienable guarantee to all human beings and the collective entities in which they choose to participate of the necessities to achieve and maintain the dignity and well-being of themselves, their predecessors, and their descendants.