

DRAFT CODE OF ETHICS & STANDARDS OF PRACTICE

of

THE INTERNATIONAL SOCIETY OF ETHNOBIOLOGY

Nairobi, Kenya,

September, 1996

BACKGROUND

The original draft for this document was developed during the Fifth International Congress of Ethnobiology, Nairobi, Kenya, in September, 1996.

Maui Solomon, co-chairman of the Committee on the Constitution and Ethics of the International Society for Ethnobiology prepared an original working draft for evaluation and discussion at a pre-Congress Workshop on Ethics & Ethnobiology. The Workshop was organized by Darrell Posey, Chair of the Constitution and Ethics Committee. A Drafting Committee was constituted to include all participants in the Workshop. Their tasks were to compare Mr Solomon's draft with Codes from more than 20 other scientific and professional organizations, as well as with Declarations and Statements from Indigenous Peoples, and develop a revised Congress Draft. Their Draft was discussed during five days of open discussions held during the Fifth ICE.

After these discussions, the original working Draft was produced. By direction of the Members of the International Society for Ethnobiology in their official Business Meeting, this Draft Code of Ethics & Standards of Practice has been circulated to all Members for comments, criticisms, discussions, additions and deletions. It has also been widely circulated to non-Members, NGOs, and indigenous and traditional peoples' groups through the Bulletin of the Working Group on Traditional Resource Rights (WGTRR).

This Draft (Revised Draft 2) was developed by Dr Darrell Posey in response to general comments that the original draft was too long and complicated. This version has been painstakingly prepared to retain all the major points, but reduce the text to a manageable length.

Draft 2 will be discussed and voted upon at the Sixth International Congress of Ethnobiology to be held in Aotearoa/New Zealand, 23-28 November, 1998. When approved, both will become part of the Constitution of the International Society for Ethnobiology, as provided for in the new Constitution adopted in 1996 at the Nairobi Congress. Thus, Members of ISE will be bound to the Principles expressed in these documents through Constitutional commitments.

HISTORY

The Code of Conduct and Standards of Practice for the International Society for Ethnobiology follow the basic principles set out in the DECLARATION OF BELEM, agreed upon in 1988 at the Founding of the International Society of Ethnobiology (in Belem, Brazil):

THE DECLARATION OF BELEM

SINCE

--tropical forests and other fragile ecosystems are disappearing, many species, both plant and animal, are threatened with extinction, indigenous cultures around the world are being disrupted and destroyed and

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*--that economic, agricultural, and health conditions of people are dependent on these resources, that native peoples have been stewards of 99% of the world's genetic resources, and that there is an inextricable link between cultural and biological diversity;
We, members of the International Society of Ethnobiology, strongly support the following actions:*

HENCEFORTH:

- 1) a substantial proportion of development aid be devoted to efforts aimed at ethnobiological inventory, conservation, and management programs;*
- 2) mechanisms be established by which indigenous specialists are recognized as proper authorities and are consulted in all programs affecting them, their resources, and their environments;*
- 3) all other inalienable human rights be recognized and guaranteed, including cultural and linguistic identity;*
- 4) procedures be developed to compensate native peoples for the utilization of their knowledge and their biological resources;*
- 5) educational programs be implemented to alert the*

global community to the value of ethnobiological knowledge for human well being;

6) all medical programs include the recognition of and respect for traditional healers and the incorporation of traditional health practices that enhance the health status of these populations;

7) ethnobiologists make available the results of their research to the native peoples with whom they have worked, especially including dissemination in the native language;

8) exchange of information be promoted among indigenous and peasant peoples regarding conservation, management, and sustained utilization of resources.

There is thus a need to protect and enhance the unique relationship between indigenous peoples and their environment in order to better protect and enhance biological and cultural diversity.

CODE OF CONDUCT

PURPOSE

The purpose of this Code of Ethics is: (i) to protect and/or mitigate the adverse effects of research 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) provide a set of guidelines, principles, standards and policies to govern the conduct of Ethnobiologists and all Members of the ISE engaged in or proposing to be engaged in the research, collation and use of traditional knowledge or collections of flora, fauna, or any other element found on community lands or territories. It is hoped that the Code of Ethics will also serve to guide scientists, business leaders, policy makers, and others seeking meaningful partnerships with indigenous peoples, traditional societies and local communities.

PRINCIPLES

The Principles of this Code are intended to embrace, support, and embody the established principles and practices of international law and customary practice as expressed in the United Nations Declaration of Universal Human Rights and the Draft Declaration of Rights of Indigenous Peoples. The following Principles are the fundamental assumptions that form the Code:

1. **Principle of Self-Determination:** This principle recognizes that indigenous peoples have a right to self determination (or local determination for traditional and local communities) and that researchers shall as appropriate acknowledge and respect such rights. Culture and language are intrinsically connected to land and territory, and cultural and linguistic

- diversity are inextricably linked to biological diversity; therefore, the principle of self-determination includes: (i) The right to control land and territory; (ii) the right to sacred places; (iii) the right (to own / determine the use of / accreditation, protection and compensation for) knowledge; (iv) the right of access to traditional resources; (v) the right to preserve and protect local language, symbols and modes of expression (vi) and the right to self-definition.
2. **Principle of Inalienability:** This principle recognizes that the inalienable rights of indigenous peoples and local communities in relation to their traditional lands, territories, forests, fisheries and other natural resources. These rights are both individual and collective, with local peoples determining which ownership regimes are appropriate.
 3. **Principle of Minimum Impact:** This principle recognizes the duty of scientists and researchers to ensure that their research and activities have minimum impact on local communities.
 4. **Principle of Full Disclosure:** This principle recognizes that it is important for the indigenous & traditional peoples & local communities to have disclosed to them (in a manner that they can comprehend), the manner in which the research is to be undertaken, how information is to be gathered and the ultimate purpose for which such information is to be used and by whom it is to be used.
 5. **Principle of Prior Informed Consent & Veto:** This principle recognizes that the prior informed consent of all peoples and their communities must be obtained before any research is undertaken. Indigenous peoples, traditional societies and local communities have the right to veto any program, project, or study that affects them.
 6. **Principle of Confidentiality:** This principle recognizes that indigenous peoples, traditional societies, and local communities, at their sole discretion, have the right to exclude from publication and/or to be kept confidential any information concerning their culture, traditions, mythologies or spiritual beliefs and that such confidentiality will be observed by researchers and other potential users. Indigenous and traditional peoples also have the right to privacy and anonymity.
 7. **Principle of Active Participation:** This principle recognizes the critical importance of communities to be active participants in all phases of the project from inception to completion.
 8. **Principle of Respect:** This principle recognizes the necessity for western researchers to respect the integrity of the culture, traditions and relationship of indigenous and traditional peoples with their natural world and to avoid the application of ethnocentric conceptions and standards.
 9. **Principle of Active Protection:** This principle recognizes the importance of researchers taking active measures to protect and enhance the relationship of communities with their environment and thereby promoting the maintenance of cultural and biological diversity.
 10. **Principle of Good Faith:** This principle recognizes that researchers and others having access to knowledge of indigenous peoples, traditional societies and local communities will at all times conduct themselves with the utmost good faith.
 11. **Principle of Compensation:** This principle recognizes that communities should be fairly, appropriately, and adequately remunerated or compensated for access and use of their knowledge and information.
 12. **Principle of Restitution:** This principle recognizes that where as a result of research being undertaken, there are adverse consequences and disruptions to local communities, those responsible for all undertaking of research will make appropriate restitution and compensation.
 13. **Principle of Reciprocity:** This principle recognizes the inherent value to western science and humankind in general from gaining access to knowledge of indigenous peoples, traditional societies, and local communities and the desirability of reciprocating that contribution.

14. **Principle of Equitable Sharing:** This principle recognizes the right of communities to share in the benefits from products or publications developed from access to and use of their knowledge and the duty of scientists and researchers to equitably share these benefits with indigenous peoples.
15. **Principle of The Dynamic Interactive Cycle:** This principle holds that research activities should *not* be initiated *unless* there is reasonable assurance that all stages of the project can be completed from (a) preparation and evaluation, to (b) full implementation, to (c) evaluation, dissemination and return of results to the communities, 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, on-going dialogue*¹.
16. **Principle of Commitment To Action:** This principle holds that passive scientific inquiry is inadequate to maintain the *Dynamic Interactive Cycle* and commits The International Society for Ethnobiology to positive and progressive actions that make ethnobiology and ISE significant forces in the conservation of the biological and cultural diversity of the Planet².

END

¹ Details of the stages of the *Dynamic Interactive Cycle* are:

15.1 *Preparations and Evaluation*—all activities must be initiated with full consultation and cooperation with the appropriate indigenous, traditional, or local group, and include:

- a) Responsibility to be informed about local conditions, including social organization and the identification of community authorities and specialists;
- b) Respect for local values and customs, including the variation within and among communities, and layers of interest groups and power structures within and between communities;
- c) Obtaining Prior Informed Consent, including full disclosure of affiliation and sponsorship;
- d) Transparency in negotiations, including avoidance of unrealistic expectations and unattainable promises;
- e) Clear, explicit and transparent financial obligations to the community;
- f) Explicit Intellectual Property Rights arrangements, including property and project ownership, negotiated and mutually agreed upon before the project is started (i)- if knowledge extracted will result in the publication of a book, contribution should be acknowledged or co-authorship given, and resulting royalties shared; (ii)- if knowledge is extracted for medical, cosmetic or other commercial potential, royalties should be paid to the provider of information and/or his/her community, as agreed upon in negotiations.
- g) Recognition of and respect for the community's ability to do its own research and project leadership;
- h) Recognition that that negotiations depend upon continuous dialogue and mutual review;

- i) Training is ongoing.

15.2 Project Implementation

- a) Recognition of and active support for indigenous methodologies and techniques;
- b) Support for community controlled research and two-way flow of expertise;
- c) Avoidance of destructive harvesting or collecting, either culturally or ecologically;
- d) Respect for many forms of knowledge, from mundane to sacred, particularly in view of the spiritual relationship between indigenous people, plants and animals;
- e) Recognition that compensation may have to take many forms, including monetary, economic development, health and education, full acknowledgment;
- f) Encouragement of intergenerational interaction within the community as part of the project;
- g) Training is ongoing.

15.3 Results

- a) Recognition that scientific results include, among others:
 - Databases, with negotiated access, management and control, such as restricted-use codes defined with the community group;
 - Publications, of many kinds, with prior informed consent, due respect for cultural dignity, privacy and anonymity where appropriate; and complete recognition of contributors, as co-authors when appropriate. New information on potential products (foods, flavorings, perfumes, drugs, etc.) should not be published without full understanding by the community that this will bring the information in to the public domain, and the consequences thereof;
 - Specimens for museums, herbaria, botanical gardens and educational exhibits, together with all information collected about them (such as in coded databases);
 - Derivatives of genetic resources and knowledge that may eventually be subject to protection and equitable benefit-sharing.
- b) Recognition that community results and benefits should include, among others:
 - Research results in local languages;
 - Educational materials for adults and schoolchildren, in local & official language;
 - Support for local institutions;
 - Indigenous programmes chosen by the community and usually linked to transmission of culture or knowledge, such as audio-visual

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- materials, botanical gardens, medicinal gardens, food plant gardens, nurseries, reserves, etc.;
 - Benefit sharing and development of mechanisms for benefit sharing;
 - Compensation, and development of mechanisms for compensation;
 - Repatriation of materials, and development of mechanisms for repatriation;
 - Strengthening and enhancement of local livelihoods
- c) Conservation Results include, among others, prioritization of areas requiring urgent conservation or remedial actions;
- d) Training is ongoing

15.4 *Training* (which also applies to stages 1, 2 & 3)

- a) Inclusion of training for the para-biologist, indigenous institute, scientific researcher, project leaders, local community, teachers, elders, women and children;
- b) Recognition that training must facilitate the transmission of culture;
- c) Promotion of information exchange between indigenous groups;
- d) Facilitation of indigenous representation at national and international meetings.

² Actions that should become part of Conduct and Practice include:

1. Recognition and affirmation of Traditional Knowledge to:
 - a) Promote its wider use and application;
 - b) Recognize, define, value and prioritize local / indigenous resource management systems;
 - c) Recognize and promote the role and value of Indigenous Knowledge in development and conservation;
 - d) Develop educational programmes for all levels, including national and international decision and policy makers;
 - e) Develop Traditional Resource Rights (TRR), *sui generis* and locally adapted "special protection" systems;
2. Promote awareness of links between linguistic and cultural loss and disruption and habitat loss, and document the results of disruption of cultures and languages in biodiversity conservation.
3. Amplify the voices of Indigenous and Traditional Peoples in order to:
 - a) Facilitate dialogue between Indigenous and local communities and other groups;

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- b) Support community controlled research (CCR);
 - c) Seek enhanced funding for community projects;
 - d) Seek funding to facilitate greater indigenous representation at meetings and international forums;
 - e) Facilitate the inclusion indigenous criteria, priorities and categories in guidelines for environmental monitoring, evaluation and Environmental Impact Assessment (EIA);
 - f) Campaign for the inclusion of Indigenous and Traditional viewpoints in definitions of the "common good".
4. Take part in Lobbying and Advocacy to create awareness and influence policy:
- a) Inform students, researchers and others of the code of ethics;
 - b) Bridge gaps between policy and practice;
 - c) Support, disseminate and integrate the above principles in policy guidelines and operations;
 - d) Use awareness and pressure to change policies towards biological and cultural diversity;
 - e) Lobby for relevant and adequate legislation;
 - f) Seek the inclusion of local communities in monitoring and evaluation of Genetically Modified Organisms (GMOs); and adherence to international standards of biosafety, refraining from introduction of GMOs without prior informed consent;
 - g) Support local Ombudsmen to resolve disputes;
 - h) Support a moratorium on bioprospecting in communities where there is strong support for such a moratorium and no means available for adequate protection or benefit-sharing;
 - i) Assist in developing new systems to measure the value of standing, un-exploited resources.

ISE GUIDELINES FOR AND STANDARDS OF PRACTICE FOR RESEARCH, COLLECTIONS, DATABASES AND PUBLICATIONS

-CONGRESS DRAFT FOR DISCUSSION-

[To be incorporated as part of the Code of Ethics]

BACKGROUND:

The Standards of Practice were first drafted during five days of open discussions at the Fifth ICE in Nairobi, Kenya, in September, 1996. The number of participants at the discussions ranged from approximately five to forty persons from one day to the next. The majority of the participants were indigenous peoples. Participants included representatives from Africa, Europe, North America, Mexico, South America, Asia, and Oceania. The discussions were led by Maui Solomon, a Maori lawyer from Aotearoa/New Zealand, who is also Co-chairman of the Committee on the Constitution and Ethics of the ISE, and Dave Stephenson, a lawyer and applied cultural anthropologist from the United States. Some additions to the Standards of Practice after the Nairobi meetings and these are labeled "Additional Guidelines."

PREAMBLE:

The International Society of Ethnobiology (ISE) recognizes, supports and prioritizes the efforts of indigenous peoples, traditional societies and local communities to undertake their own research, collections, databases and publications. These guidelines do not apply to indigenous peoples or traditional communities conducting research within their own society, for their own use.

GUIDELINES FOR AND STANDARDS OF PRACTICE:

1. No research, collection, database or publication shall be undertaken unless and until:
 - a. There has been full consultation with all potentially affected communities of indigenous peoples or traditional societies (hereinafter referred to as "communities");

- b. There is approval (as described below) from each such community for the research, collection, publication or database undertaking.

2. No research, collection, database or publication shall be initiated unless and until there has been full disclosure to all potentially affected communities, that includes:

- a. The full range of potential benefits to the communities of such research, collection, database or publication;
- b. The extent of reasonably foreseeable harm to such communities of such research, collection, database or publication;
- c. All relevant affiliations of the person(s) or organization(s) seeking to undertake research, collection, database compilation or publication;
- d. All sponsors of the person(s) or organization(s) seeking to undertake research, collection, database compilation or publication.

3. No research, collection, database or publication shall be initiated unless and until complete informed consent, after full disclosure (as described above), has been obtained, in writing and/or tape recording, using local language whenever possible, from the persons or deliberating bodies identified as the most representative authorities from each potentially affected community.

4. No research, collection, database or publication shall be undertaken unless and until the person or organization undertaking such research, collection, database or publication has developed a good understanding of the local institutions with relevant authority and interest in the research to be undertaken. A thorough effort shall be made in good faith to enhance the necessary understanding of the local political, cultural, and social factors through ongoing consultation and other means throughout the research, collection, database or publication process.

5. All persons and organizations undertaking research, collection, database or publication projects shall do so throughout the project in good faith, with due respect for the cultural norms and dignity of all potentially affected communities, and with the conviction that collecting specimens, whether of a zoological, botanical, mineral or cultural nature, and compiling data or publishing information thereon, means doing so only in the holistic context of the relevant cultural communities.

6. No research, collection, database or publication project shall be undertaken unless and until:

- a. an agreement is reached, in writing and/or tape recording, using both the researcher's and the local language whenever possible, with each potentially affected community, after full consultation, disclosure, and prior informed consent (as described above), regarding the relevant equitable benefit-sharing from, compensation for, restitution for, and ownership of the collection, database or publication;
 - b) an agreement is reached in writing and/or tape recording, using at least the local language whenever possible, after full disclosure, consultation, and prior informed consent, concerning all potential uses of such research, collections, databases or publications, including derivative forms they may take such as films, videotapes, audiotapes, public broadcasts, translations, and communication through the electronic media, including the internet or world wide web.
7. No collection, database or publication project shall be completed unless and until a clear understanding and agreement is reached (using both the researcher's and the local language whenever possible) between the person or organization undertaking such project and each community or person who significantly contributed to such collection, database or publication project regarding attribution, credit, authorship, co-authorship, and due acknowledgement to contributors.
8. There shall be an agreement (using both the researcher's and the local language whenever possible) regarding how information from all research, collections, databases or publications shall be availed to each affected community, in a form acceptable to that community.
9. All research, collections, databases or publications shall respect what is sacred, secret or confidential, by tradition in or by agreement with affected persons and communities, and any prior informed consent shall specifically acknowledge in writing and/or tape recording, using the researcher's language and the local language whenever possible, what understanding has been reached regarding what is potentially sacred, secret or confidential and how such will be treated and communicated, if at all, in any relevant collection, database or publication.
10. No member of the International Society of Ethnobiology (ISE) or affiliated organizations of ISE shall undertake any research, collection, database or publication derived or obtained from information or materials from any community that has requested a moratorium on any relevant research, collection, database or publication.

11. All educational uses of any research, collection, database or publication shall be consistent with a good faith respect for the cultural integrity of all affected communities, and, as much as practical, in collaboration with such communities.

12. All existing collections, databases or publications in the possession, custody or control of an ISE member or affiliated organization shall be treated in a manner consistent with these guidelines, and all affected communities shall be notified, to the extent feasible, of the existence of such collections, databases or publications, and their right to equitable sharing, compensation, restitution, ownership or repatriation, as appropriate.

ADDITIONAL GUIDELINES

1. DETERMINING PRIOR INFORMED CONSENT

Before any research is commenced or undertaken, it shall be necessary for the researcher to obtain the prior informed consent of the proper and legitimate authority as recognized by the indigenous peoples themselves, to the research project being undertaken. The community shall be fully informed on all aspects of the proposed research in order for consent to be validly given.

Prior Informed Consent means that ethnobiologists have:

- (i) To identify the legitimate authority representing the indigenous peoples concerned prior to obtaining consent;
- (ii) To ensure that there is an adequacy of information and sufficient level of comprehension of the information provided;
- (iii) To ensure that there is sufficient time to assess information, proposals and to formulate a response;
- (iv) To assist in achieving policy (i) (ii) and (iii) it will be essential for there to be early consultation and notification given by researchers to indigenous peoples taking into account their own local consultative procedures and customs;
- (v) To provide whatever assistance may be necessary to ensure full and adequate understanding of the research to be undertaken;

- (vi) To be record in writing or some other appropriate form the consent of the community, preferably in the language of the indigenous peoples concerned;
- (vii) To ensure that the local people are not subjected to undue pressure, duress or inappropriate conduct or inducements in order to obtain their consent and to recognize and respect the right of indigenous peoples to say "no";
- (viii) To ensure that consent is freely and willingly given;
- (ix) To ensure that the customs, protocols and procedures of the indigenous peoples are not compromised or circumvented in obtaining consent.

These additional guidelines should also be followed:

- (i) A full explanation of the proposed research is to be provided to the community well in advance of the research being undertaken. A minimum of 6 months notice is a useful guideline. This information shall be in written form or otherwise comprehensible to the community, including, where necessary, provision of a translator conversant in the local language and customs to ensure the proposal and its implications for the local people are fully understood;
- (ii) The information provided shall set out the purpose and nature of the research activities including an indication of expected benefits and risks to the local community both tangible and intangible;
- (iii) The principal researcher shall be responsible for identifying the appropriate representative structure and mechanism required by the community for giving informed consent;
- (iv) No unreasonable pressure shall be applied to induce consent where it is obvious consent is not to be forthcoming;
- (v) Participants shall be informed that they are free to withdraw from the research at any time;
- (vi) Participants shall be informed of the degree of confidentiality that will be maintained in the study. Consent should ordinarily be obtained in writing and where this is not practical, procedures used to obtain consent are to be recorded in writing by the researcher.
- (vii) Copies of written consents and procedures employed in obtaining consent should be forwarded to the Board of the ISE within thirty (30) days of consent being obtained or as soon as possible thereafter.

2. DETERMINING JUST COMPENSATION

(i) In negotiating compensation with the local peoples, the researcher shall ensure that the local community understands the reasons for compensation being made. Where a member of the local community is willing and able to negotiate on behalf of the community, the researcher shall deal with those persons. However, where such a person is not available from the local community, the researcher shall engage a reputable person to represent the interests of the indigenous peoples in any such negotiations. The choice of negotiator for the local community shall be at the discretion at the local community.

[Alternative language: *Where a member or members of the local community is or are willing and able to negotiate on behalf of the community, the researcher shall negotiate with such member or members, providing that the researcher has previously ascertained that such member or members is or are legitimate representatives of the local community.*]

(ii) The compensation to be paid should be in a form most likely to advance the collective position of the local community;

(iii) Compensation shall include where appropriate provision for payment of an agreed percentage of royalties;

The level of compensation should reflect a number of variables including but not limited to the following:

(a) The value of the knowledge to the development of new processes and products;

(b) The degree and level of disruption caused to the local community by the research;

(c) Other relevant factors.

(ii) To ensure that negotiations for compensation are fairly and honestly conducted as between the researcher and the local community;

(iii) To ensure that compensation is appropriate to all the circumstances having regard to the research to be undertaken, the needs of the local community and the effect that such compensation would have on the local community

ENFORCEABILITY OF CODE & STANDARDS

1. The Ethics Committee of the ISE will oversee the administration and compliance with the Code of Ethics and Standards of Practice;
2. The Code & Standards are not a legal document, but will have strong moral suasion on Members of the ISE;

3. Complaints or allegations of breaches of the Code or Standards are to be reported to the ISE Ethics Committee, which will conduct inquiries and make recommendations to the Board of the ISE;
4. The accused has the right to defense at all stages of the accusation/hearing process.
5. The Board or Ethics Committee can recommend sanctions, including financial penalties to be imposed on any body or person in serious breach of the Code or Standards;
6. Majority approval in a General or Extraordinary Meeting of the ISE is necessary to authorize sanctions or penalties.
7. Complaints and allegations received, together with recommendations, decisions and sanctions, will be provided in a Report of the Ethics Committee to ICE.

DRAFT 3
FOR DISCUSSION PURPOSES

**CONSTITUTION AND CODE OF ETHICS OF THE
INTERNATIONAL SOCIETY OF ETHNOBIOLOGY**

For Presentation and Discussion at the ISE V Congress,
Nairobi, Kenya 29 August - 7 September 1996

Prepared by: Ethics Committee Global Coalition for Bio-Cultural Diversity

INDEX

| | |
|--------------------------|--|
| <i>Article One</i> | Background |
| <i>Article Two</i> | Vision Statement |
| <i>Article Three</i> | Objects and Purposes |
| <i>Article Four</i> | Membership |
| <i>Article Five</i> | Rights, Responsibilities and Meetings of Members |
| <i>Article Six</i> | Ordinary General Assembly of Members |
| <i>Article Seven</i> | Extraordinary General Assembly |
| <i>Article Eight</i> | Board of the ISE |
| <i>Article Nine</i> | Powers of the ISE |
| <i>Article Ten</i> | Proceedings of the Board |
| <i>Article Eleven</i> | Indemnity |
| <i>Article Twelve</i> | Finance |
| <i>Article Thirteen</i> | The Seal |
| <i>Article Fourteen</i> | Books and Records |
| <i>Article Fifteen</i> | Regional Committees |
| <i>Article Sixteen</i> | Alterations to Constitution |
| <i>Article Seventeen</i> | Dissolution of the ISE |
| <i>Appendix I</i> | Code of Ethics |

DEFINITIONS AND INTERPRETATIONS

- “Board” or “Board of the ISE” means and refers to the Officers and Board Members of the ISE.
- “Environment” means and refers to the natural, physical and metaphysical environments obtaining, affecting and relating to Mother Earth, known to scientists as the “Bios”.
- “Code of Ethics” means and refers to the Code of Ethics attached as Appendix I to this Constitution
- “Ethnobiology” and “Ethnoecology” refer to the cultural perceptions, human classifications, uses and beliefs about the environment and the Bios. Ethnobiology is an interdisciplinary and intercultural field combining such diverse sciences as traditional and ecological agriculture, anthropology, archaeology, botany, ecology, geography, linguistics, human and veterinary medicine, pharmacology, sociology, zoology, and related areas.
- “Foundation Act” means and refers to the resolution to found the ISE
- “General Assembly” refers to meetings of the Membership during ICEs or as prescribed in the Constitution
- “ICE” means the International Congress of Ethnobiology to be held every 2 years in accordance with this Constitution
- “ISE” means and refers to the International Society of Ethnobiology.
- “Member” means either a Founding Member, Member, Honorary Member, Patron, Corporate Member, or Institutional Member.
- “Regional Committees” means the Regional Committees of the ISE as established or disestablished from time to time in different parts of the world, in accordance with this Constitution.

ARTICLE 1.**1.0 Background**

- 1.1 The International Society of Ethnobiology was established on 22 July, 1988, during the First International Congress of Ethnobiology held in Belém, Pará, Brazil.
- 1.2 The ISE was legally constituted in April, 1992, in Rio de Janeiro, Brazil.
- 1.3 The ISE is a non-profit charitable organization dedicated to the research, study, promotion and enhancement of ethnobiology.
- 1.4 The Registered Office of the ISE shall be located at Rua de Resende, Rio de Janeiro, Brazil and any other locality authorized by the Board.

ARTICLE 2.**2.0 Vision Statement**

- 2.1 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 an 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. The vision of the ISE is reflected in its Code of Ethics, to which all Members are bound.

ARTICLE 3.

3.0 OBJECTIVES AND PURPOSES

- 3.1 To promote and enhance the study and understanding of ethnobiology and ethnoecology throughout the world;
- 3.2 To bring together all persons, institutions, peoples' organizations, non-governmental organizations and governmental bodies interested in the development, promotion and enhancement of ethnobiological and ethnoecological studies;
- 3.3 To establish, maintain, and enforce a Code of Ethics to direct all dealings with Indigenous Peoples, traditional societies, and local communities, and their lands, territories or other traditional resources and all traditional, cultural, intellectual properties and knowledge directly or indirectly associated therewith;
- 3.4 To enhance and promote the recognition and role of ethnobiologists and ethnoecologists in the inventory, study, research, conservation, protection, and revitalization of Indigenous Peoples, traditional societies, and local communities;
- 3.5 To promote and conserve the scientific and cultural knowledge of human societies;
- 3.6 To represent the community of ethnobiologists in national and international forums;
- 3.7 To promote education, training, and dissemination of ethnobiology throughout the world;
- 3.8 To establish and promote the Global Coalition for Bio-Cultural Diversity as an integral part of the ISE to promote the policies, goals, ethics, and activities of the ISE as elaborated in Annex 2.
- 3.9 Any other objective or purpose designed to advance the above objectives and purposes of the ISE, provided that any such objective or purpose shall not in any way whatsoever derogate from the non-profitable or charitable nature of the ISE.

ARTICLE 4.

4.0 Membership

- 4.1 Membership of the ISE shall be available to all persons, organizations, and institutions who are interested in the objectives and purposes of the ISE and subscribe to its Code of Ethics.
- 4.2 Members may belong to one or more of the following categories:
- 4.2.1 **Founding Members** - are all those who were registered up to and including the III International Congress of Ethnobiology held in Mexico City, Mexico in November 1992.

- 4.2.2 **Members** - are those who are registered with the ISE, have paid their *annual* dues, and abide by the Constitution and Code of Ethics.
- 4.2.3 **Honorary Members** - are those individual Members who are considered by the Board of the ISE to have made an exceptional contribution to ethnobiology. Nomination for this category of Membership is to be made to the Board of the ISE and confirmed at an Ordinary General Assembly.
- 4.2.4 **Patrons** - are those persons or bodies who have made significant financial contributions to ISE. Nomination for this category of Membership is to be made to the Board of the ISE and confirmed at an Ordinary General Assembly.
- 4.2.5 **Institutional Members** - are those nonprofit organizations that are interested in perpetuating the objectives and purposes of and disseminating information concerning the ISE;
- 4.3.6 **Corporate Members** - are incorporated for profit institutions that are interested in perpetuating the objectives and purposes of and disseminating information concerning the ISE.
- 4.4 Members of each category must pay annual Membership fees, as proposed by the Board and adopted by the General Assembly.
- 4.4.1 The Board shall have the power to waive fees or offer concessions for deserving cases.

ARTICLE 5.

5.0 Rights and Responsibilities of Members

- 5.1 All Members are eligible to participate in all meetings, congresses, courses, committee memberships of and in relation to the ISE upon payment of any appropriate fees.
- 5.2 All Members are eligible to be elected to the Board, provided that they have attended at least two congresses.
- 5.3 All Members have the right to exercise one vote in person and, in the case of institutions or corporations, an authorized representative, on each vote taken during Ordinary and Extraordinary General Assemblies.
- 5.4 All Members shall be entitled to:
- 5.4.1 receive publications of the ISE on payment of an appropriate fee fixed by the Board;
- 5.4.2 represent the ISE by delegation of the President in consultation with the Board;

ARTICLE 6.

6.0 Ordinary General Assembly of Members

- 6.1 The Ordinary General Assembly of the Members of the ISE shall be the sovereign decision making body of the ISE;

- 6.2 An Ordinary General Assembly shall take place every two (2) years during the ICE.
- 6.2.1 Fees for the ICE shall be set by the Organizing Committee of the ICE and approved by the Board of ISE.
- 6.2.2 One annual Membership fee shall be included with the ICE fees, reserved for ISE operations, and forwarded to the Treasurer.
- 6.3 The President shall preside over the Ordinary General Assembly.
- 6.4 A quorum for an Ordinary General Assembly shall be not less than 30 voting Members. New Members of the ISE are eligible to vote immediately after inscription and payment of fees.
- 6.5 Voting at an Ordinary General Assembly shall be by simple majority (51%) of votes cast by those Members present.
- 6.6 The business of the Ordinary General Assembly shall include:
- 6.6.1 election of the Board;
- 6.6.2 discussion and vote on the date and venue of the next ICEs;
- 6.6.3 discussion and vote on the promotion or participation of the ISE in other local, national or international meetings, assemblies or congresses;
- 6.6.4 discussion and vote on the creation, suspension, disestablishment or amalgamation of Regional Committees as proposed by the Board;
- 6.6.5 discussion and vote on any recommendations received from the Board in relation to complaints concerning alleged breaches of the Constitution and the Code of Ethics by Members;
- 6.6.6 approval the annual financial report;
- 6.6.7 discussion and vote on auditing of financial reports.

ARTICLE 7.

7.0 Extraordinary General Assembly

- 7.1 The purpose of an Extraordinary General Assembly shall be to deliberate and decide on any matters of an urgent or special nature which cannot await the next following Ordinary General Assembly.
- 7.2 An Extraordinary General Assembly may be called by the Board at any time, or on written request to the Board by [100] Members.
- 7.3 A quorum for an Extraordinary General Assembly shall be one hundred (100) Members from no less than 15 different countries.

ARTICLE 8.

8.0 Board of the ISE

- 8.1 The affairs of the ISE are to be managed by a Board to be elected by the Ordinary General Assembly.
- 8.2 The Board should consist of no more than two Members from a single country and should reflect the broadest possible national diversity.
- 8.3 The Board of the ISE consists of the following elected officers:
- (a) President;
 - (b) President Elect, who serves as Vice-President;
 - (c) Secretary;
 - (d) Treasurer;
 - (e) Four (4) At-Large Board Members
 - (f) Immediate Past President
 - (g) Director of the Global Coalition for Bio-Cultural Diversity
- 8.4 Ex-Officio Members of the Board include:
- (a) Chair of the current ICE Organizing Committee
 - (b) Chair of the up coming ICE Organizing Committee
 - (c) Former Presidents of the ISE
- 8.4 An Officer or At-Large Board Member's term of appointment shall coincide with the period between consecutive ICEs.
- 8.5 Elections of the Board shall be held at an Ordinary General Assembly.
- 8.5.1 On the first day of each ICE, the Nominations Committee, chaired by the Immediate Past President, will make a public announcement of elections and call for nominations.
 - 8.5.2 Nominations will be announced, discussed, and further nominations accepted, at the first Ordinary General Assembly of each ICE.
 - 8.5.3 The Chair of the Nominations Committee will present the recommendations of the Committee to the second session of the Ordinary General Assembly.
- 8.6 Voting for Officers and Board Members will be by a show of hands or oral ballot at the second Ordinary General Assembly of each ICE, unless a secret ballot is requested by at least one Member.
- 8.6.1. The winner for each office is the person with the most votes, regardless of the number of nominees.
 - 8.6.2 If, for any reason, an Ordinary General Assembly does not take place, the election will be conducted by postal ballot, at the time when the Ordinary General Assembly should have been held.

- 8.7 The office of a Board Member shall become vacant if,
- 8.7.1 he or she resigns;
 - 8.7.2 he or she dies;
 - 8.7.3 by majority vote of Members at an Ordinary General Assembly;
 - 8.7.4 if he or she fails to perform duties;
- 8.8 At-Large Board Members or Officers cannot hold the same office for more than two consecutive terms unless authorized by the Ordinary General Assembly.
- 8.9 Appointment to any vacancy in the Membership of the Board shall be made by the continuing Board Members with any such interim appointment to be ratified or otherwise determined at the next Ordinary General Assembly of the ISE.

ARTICLE 9.

9.0 DUTIES OF THE BOARD

- 9.1 To represent the community of ethnobiologists affiliated with the ISE in national and international forums;
- 9.2 To convene meetings, congresses and conferences;
- 9.3 To assist and advise private organizations, non-governmental organizations and government organizations and such other persons or bodies in the study and research of ethnobiology;
- 9.4 To seek, accept and receive donations, subsidies, grants, endowments, gifts, legacies and bequests, either in money or in kind or partly in money and partly in kind, for all or any of the objects and purposes of the ISE;
- 9.5 To collaborate with any person, group, organization that wish to further the objects and purposes of the ISE;
- 9.6 To promote awareness of the activities and objectives of the ISE through appropriate means;
- 9.7 To print, publish, distribute and sell any books, articles, monographs, pictures, maps, electronic mail, facsimile or other works that promote ethnobiology and ethnœcology;
- 9.8 To take appropriate action on allegations and complaints made to the Ethics Committee concerning any alleged breach of this Constitution and/or Code of Ethics.
- 9.8.1 To make recommendations to the Ordinary General Assembly concerning actions (if any) to be taken.
 - 9.8.2 The Board may recommend suspension or termination of Membership, but only after the person(s) against whom the complaint has been made is given opportunity to respond to the allegations.
- 9.9 To have published the Proceedings of the ICEs and other relevant documents, occasional papers, and journals.

9.10 To do all such other things as, in the opinion of the Board, may be incidental or conducive to the attainment of the foregoing objects or purposes for the exercise of any of the foregoing powers.

ARTICLE 10.

10.0 PROCEEDINGS OF THE BOARD

10.1 The Board of the ISE shall be responsible for the management for all the affairs of the ISE and may exercise all the powers and authorities conferred under this Constitution.

10.2 The Board Members shall meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.

10.3 The quorum necessary for the transaction of business of the Board shall be four (4).

10.4 The President shall preside at all meetings of the Board.

10.5 In the absence of the President, the Vice-President shall preside and may exercise the powers of the President at any meeting.

10.6 If both the President and Vice-President are absent then the Board Members present shall elect one of their Members to act as Chair of the meeting.

10.7 Questions arising at any meeting shall be decided by a majority of votes.

10.8 The President votes only to break a tie vote.

10.9 The responsibilities of the Board include, but are not limited to:

10.9.1 legal representation of the ISE;

10.9.2 carrying out the provisions of this Constitution;

10.9.3 directing the affairs of the ISE;

10.9.4 make recommendations to the General Assembly on the creation, suspension, termination, or fusion of Regional Committees;

10.9.5 deciding on the participation of the ISE in meetings and activities with other organizations;

10.9.6 maintaining contact and collaborating with organizations having similar or related objects and purposes to those of the ISE;

10.9.7 preparing and submitting to the Ordinary General Assembly the yearly officers' reports;

10.9.8 preparing and submitting to the Ordinary General Assembly the annual financial and committee reports;

10.9.9 deciding on whether to appoint an auditor for the annual financial statements;

10.9.10 appointing of Editor(s) for ISE publications.

appointing of Committees to assist the work of the Board.

(a) The Chair of each Committee shall be a Board Member, who may recruit, for the purposes of consultation advice or other kinds of assistance, persons interested in achieving the Committee objectives.

(b) Any such committee shall be competent to make inquiries or to superintend, or transact any business under the sanction and guidance of the Board of the ISE.

10.9.12 There shall be no formal meetings without a Board Member being present.

10.9.13 Questions arising at any meeting shall be determined by majority of votes, and the Chair does not vote except in the case of a tie.

10.9.14 Committees shall include but not be limited to the following:

(a) Nomination (chaired by the Past President)

(b) Ethics (chaired by the Director of the Global Coalition)

(c) Membership

(d) Fund Raising

(e) Training and Education

(f) Communication/News/Dissemination

(g) Congress Venue

(h) Publications

10.9.15 A resolution in writing (including facsimile transcript or electronic mail) signed by a quorum of Board Members shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more Board Members.

10.9.16 All proceedings of the Board and meetings of Committees shall be recorded and disseminated by the Secretary to all Board Members.

10.10 The responsibilities of the President shall include but are not limited to:

10.10.1 convening and presiding at meetings of the Board;

10.10.2 convening and presiding at Ordinary and Extraordinary General Assemblies;

10.11 The Vice-President shall substitute for the President in the absence of the President.

10.12 The Secretary shall be responsible for:

- 10.12.1 preparing and distributing to the Board the minutes of the proceedings of the Board Members meetings and of the Ordinary and Extraordinary General Assemblies;
 - 10.11.2 receiving, filing and arranging for inward and outward correspondence of the ISE;
 - 10.11.3 substituting for the President and Vice-President in the case that either are unable or prevented from meeting their commitments.
- 10.12 The Treasurer shall be responsible for:
- 10.12.1 receiving, acknowledging and accounting for the annual Membership fees;
 - 10.12.2 managing the ISE's funds and payment of accounts;
 - 10.12.3 preparing the annual financial report to the Ordinary General Assembly;
 - 10.12.4 receiving and giving receipts for all legacies, donations, subscriptions or other monies bequeath, made, given or leant to the ISE and every such receipt shall be an affective discharge for the money or other property so received.
- 10.13 The duties of the Immediate Past President include:
- 10.13.1 constitution and chairing of the Nominations Committee
 - 10.13.2 other duties as prescribed by the Board.
- 10.14 The duties of the Director of the Global Coalition include:
- 10.14.1 constitution and chairing of the Ethics Committee;
 - 10.14.2 other duties as required to effectively implement the goals of the Global Coalition as outlined in the Kunming Action Plan (see annex 2);
 - 10.14.3 other duties as prescribed by the Board.
- 10.15 Duties of At-Large Board Members include:
- 10.15.1 chairing of Committees as assigned by the President or the Board;
 - 10.15.2 other duties as prescribed by the Board.
- 10.16 Duties of Ex-Officio Members include:
- 10.16.1 providing advice to the Board;
 - 10.16.2 chairing Committees as assigned by the President or the Board;
 - 10.16.3 other duties as prescribed by the Board.
- 10.17 The President cannot serve simultaneously as president of the ISE and Organizing Chair of the ICE.
- 10.18 Officers and At-Large Board Members have one vote each; Ex-Officio members are non-voting Members

10.19 No part of the income or property of the ISE shall be paid or transferred directly or indirectly by way of profit to any Board Member **PROVIDED THAT** nothing herein contained shall preclude any reasonable payment to a Board Member or any other person for services rendered or for goods supplied or by way of interest on any Board Member or any other person.

ARTICLE 11.

11.0 Indemnity

11.1 The Board of the ISE or any one of them, shall only be liable for loss attributable to the Board Members own dishonesty or willful breach of trust.

11.2 Subject to Article 11.1, the Board Members of the ISE shall be absolutely indemnified out of the property and funds of the ISE for all liabilities incurred by the Board Member in the exercise or attempted exercise of any trust, power, authority or discretion vested in the Board Member and shall have a lien and may use monies forming part of the property and funds of the ISE in relation to discharging any such liability.

ARTICLE 12.

12.0 Finance

12.1 The monies of the ISE shall be deposited in the name of the organization in such bank or banks, or trust company or trust companies, as the Board Members shall designate from time to time.

12.2 Checks on the bank account/s and other negotiable instruments shall be signed by the Treasurer and one other Member authorized by resolution of the Board Members.

12.3 The monies of the ISE shall be fully utilized towards promoting and achieving the objects of the ISE as set out in Article 3.

12.4 The financial year of the ISE shall end on the 31st day of March in each year.

12.5 The accounts of the Board of the ISE may be audited by a chartered accountant who shall not be a Member of the Board **PROVIDED THAT** the Board may decide not to appoint an auditor in any year.

ARTICLE 13.

13.0 THE SEAL/LOGO

13.1 There shall be a common seal/logo of the ISE. The secretary of the Board shall have the safe custody of the common seal. Members of the Ordinary General Assembly may from time to time by resolution, change, alter, or adopt any new seal/logo as they deem proper.

ARTICLE 14.

14.0 BOOKS AND RECORDS

14.1 The Board of the ISE shall keep accurate records of its assets and liabilities and shall keep minutes of the proceedings of the Board of the ISE and of meetings of the General Assemblies.

14.2 All books and registers of the ISE shall be written in English.

15.0 Regional Committees

- 15.1 The ISE may, by proposal of the Board of the ISE, establish Regional Committees in any place and country of the world. Each such Regional Committee shall be regulated by its own Constitution and bylaws **PROVIDED THAT** no such Constitution or set of bylaws shall be inconsistent with the aims and objectives of the Constitution of the ISE.
- 15.2 Regional Committees must have and maintain at all times not less than twenty (20) founder or ordinary Members of the ISE.
- 15.3 The Constitution or bylaws of a Regional Committee must be approved by a meeting of the general assembly of Members.
- 15.4 A Regional Committee may claim from the Board of the ISE an amount up to a maximum of twenty-five percent (25%) of the annual Membership fee paid to and received by the Treasurer from Members belonging to that particular Regional Committee. Those monies shall be used to assist the Regional Committee in meeting its administration costs.
- 15.5 Any Regional Committee claiming a percentage of annual fees from the Board of the ISE shall provide a complete list of names of founder and ordinary Members in respect of whom a claim is being made and together with proof that their annual Membership fees have been paid for the relevant year.
- 15.6 Each Regional Committee, through its elected offices and/or legal representative, shall in each year provide a written report to the President of the ISE on that Regional Committee's activities for the year including:
- (a) Number of meetings held;
 - (b) Resolutions passed;
 - (c) New Members admitted;
 - (d) Financial statement of assets and liabilities;
 - (e) Statement of Income and Expenditure;
 - (f) List of Members who have paid and those who have not paid annual Membership fees.
- 15.7 The general assembly may, on the recommendation of the Board of the ISE vote to suspend, extinguish, amalgamate or otherwise determine any Regional Committee(s) as the General Assembly may decide. Any recommendation of the Board of the ISE to the General Assembly in relation to a Regional Committee shall be circulated among Members at least two (2) days prior to a decision being made by the General Assembly on the future role and status of the Regional Committee concerned.

ARTICLE 16.

16.0 ALTERATIONS TO CONSTITUTION

- 16.1 The rules of this Constitution may be modified or amended by a minimum of two-thirds (2/3) vote of Members present and voting at an Ordinary General Assembly.

ARTICLE 17.

17.0 DISSOLUTION OF THE ISE

- 17.1 The ISE may be dissolved by a decision of a two-thirds (2/3) majority of Members present at an Extraordinary General Assembly called especially for that purpose.
- 17.2 In the event of the ISE being dissolved, any surplus assets after payment of the ISE's liabilities (if any), shall be applied towards the objectives of the ISE.
- 17.3 Any such decision for disbursement of surplus assets shall be made by the Board incumbent at the date immediately proceeding a resolution to dissolve or wind up the ISE.

ANNEX 2

OUTLINE OF THE GLOBAL COALITION AS PRESCRIBED BY THE KUNMING ACTION PLAN

A GLOBAL COALITION FOR THE DEFENSE OF BIOLOGICAL AND CULTURAL DIVERSITY BE HEREWITH ESTABLISHED TO ENCOURAGE THE PERMANENT AND MEANINGFUL DIALOGUE BETWEEN INDIGENOUS PEOPLES, SCIENTISTS AND ENVIRONMENTALISTS IN ORDER TO DEVELOP A UNIFIED STRATEGY TO DEFEND THE BIOLOGICAL AND CULTURAL DIVERSITY OF PLANET EARTH.

MEMBERSHIP OF THE GLOBAL COALITION WILL CONSIST OF THOSE INDIVIDUALS AND INSTITUTIONS WHO WISH TO WORK IN UNITY GUIDED BY THE FOLLOWING PRINCIPLES:

1. Members will actively seek organizations to join the coalition;
2. Members will collaborate with indigenous organizations and indigenous peoples to develop multi-cultural, multi-lingual education and training materials; Members will actively request governments and educators to use these materials;
3. Member researchers will take an ethically and socially responsible approach in their dealings with indigenous/native peoples and will provide a full feedback of their findings and results;
4. Members will use and engage the media whenever, wherever, and however possible to promote "The Declaration of Belém" and the "Kunming Action Plan";
5. The GLOBAL COALITION demands to be heard in the United Nations World Conference on Environment and Development (UNCED) and will actively pursue representation;
6. Members will work to guarantee that indigenous knowledge be duly considered in national and international development programs and projects;
7. Members will help to secure the recognition of traditional and indigenous knowledge as inventive and intellectual, and, therefore, worthy of protection in all legal, ethical, and professional frameworks;
8. Members will form an Ethics Committee to set standards and monitor the progress of the Kunming Action Plan.
9. Members will establish a "STRATEGY FOR THE GLOBAL COALITION" to guide activities for 1992 and beyond.