
INDIGENOUS
PARTNERSHIP

FOR AGROBIODIVERSITY
AND FOOD SOVEREIGNTY

Code of Ethics

of the Indigenous Partnership for
Agrobiodiversity and Food Sovereignty

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INTRODUCTION

The Indigenous Partnership for Agrobiodiversity and Food Sovereignty (Indigenous Partnership) is an alliance of indigenous peoples, local communities, and international research and advocacy organisations aimed at co-creating practical actions, research and advocacy to sustain and enhance agrobiodiversity for achieving food sovereignty. The Indigenous Partnership strives to empower indigenous and local communities and their representatives to promote diverse local food systems at local and global levels through participatory initiatives and associated advocacy activities.

The Indigenous Partnership's founding members include indigenous organizations Tebtebba Foundation (Philippines), Asociación ANDES (Peru), Vanuatu Cultural Centre (Vanuatu), as well as international research and advocacy organizations Bioversity International (Italy), International Institute for Environment and Development—IIED (UK), and Slow Food International (Italy). As the Indigenous Partnership grows and broadens its network of indigenous organizations and their partners, it is increasingly serving as a strategic bridge between indigenous peoples, local communities and local, national and international organisations that are promoting research, policy and practice for sustaining agrobiodiversity and food sovereignty.

To ensure that the activities of the Indigenous Partnership and its members adequately represent community perspectives and needs, do not misappropriate collective biocultural heritage¹, and are based on trust, respect and reciprocity, a Code of Ethics of the Indigenous Partnership for Agrobiodiversity and Food Sovereignty is being developed for its members. The Indigenous Partnership's Code of Ethics provides a framework for nurturing mutually respectful and reciprocal relationships between its members; engaging with outside interests; and conducting research and other activities aimed at co-creating the body of knowledge and practice that strengthens food sovereignty and enhances agrobiodiversity.

The Code of Ethics reflects the Indigenous Partnership's goal of ensuring respect for the custodial role of indigenous peoples, traditional societies and local communities in sustaining collective biocultural heritage, including the knowledge, innovations and practices of these communities aimed at maintaining agrobiodiversity and food sovereignty.

¹ This includes basic elements of the fabric of Life (i.e., air, land, water, animals, plants, etc.), its spatial and temporal dimensions (i.e., territories), life-giving processes (i.e., ecosystems, foodways, waterways) and the spiritual relations (i.e., past and future ancestors, other beings). Indigenous peoples, traditional societies and local communities have developed deep and intricate linkages with their biocultural heritage through co-evolving their worldview, knowledge and practices. http://unfccc.meta-fusion.com/kongresse/CBD2008/templ/ply_cbd.php?id_kongresssession=1099&player_mode=isdn_real

The Indigenous Partnership's Code of Ethics is a living document that will evolve and mature with the Indigenous Partnership. It draws upon best international practices in developing ethical frameworks, including inter alia the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)², Convention on Biological Diversity (CBD) Code of Ethics³, CBD Akwé: Kon Guidelines⁴; International Society of Ethnobiology Code of Ethics⁵, and the International Labor Organization (ILO) Convention #169 on Indigenous and Tribal Peoples⁶.

All members of the Indigenous Partnership are required to develop and implement their activities in accordance with the Code of Ethics as a condition of their membership. Members will be encouraged to develop precise, written policies consistent with the Code of Ethics to govern interactions with and among the participating indigenous and local communities and their non-indigenous allies. These policies should be firmly established and implemented to ensure that the principles of the Code of Ethics are known and followed in a given project or initiative. In order to be implemented effectively, these policies may include capacity building for those involved with the project, a transparent method of grievance assessment, and a process for periodic review of the Code of Ethics principles.

PREAMBLE

Mutuality⁷ is a fundamental value that resonates with indigenous peoples, traditional societies and local communities around the world⁸ and is embedded in the Indigenous Partnership's Code of Ethics. Mutuality is the recognition that all human beings are an integral part of an indivisible, self-regulating, living community of interrelated and interdependent beings—our Earth Community. The Earth gives us life, nourishes and teaches us, provides everything we need to practice good living, or *buen vivir*⁹. Just like other living beings we are defined by our relationships with each other and other beings, human and not. Each being's rights and responsibilities are defined by these relationships and therefore limited by the rights and responsibilities of others. The imbalances in these rights must be realigned in a way that maintains the integrity, functionality and health of the entire Earth Community. Hence, human rights do not cancel out the rights of other beings to exist, to have access to habitat or a place to be, and to fulfill their roles in the fabric of life and evolutionary processes. Humankind's wellbeing therefore is

² http://www.tebtebba.org/index.php?option=com_docman&task=cat_view&gid=16&Itemid=27

³ <http://www.cbd.int/cop/cop-10/doc/advance-final-unedited-texts/advance-unedited-version-8j-ethical-code-en.doc>

⁴ www.cbd.int/doc/publications/akwe-brochure-en.pdf

⁵ <http://www.ethnobiology.net/ethics.php>

⁶ <http://www.ilo.org/indigenous/lang--en/index.htm>

⁷ Condition or quality of being mutual; reciprocity; mutual dependence.

⁸ <http://pwccc.wordpress.com/2010/04/24/peoples-agreement/>

⁹ Key elements of *buen vivir* are locally specific, as each cultural context holds its own practices and rules for engagement in the world. Examples include:

- Ability to maintain a reciprocal relationship with the Earth Community through ethically and spiritually appropriate practices;
- Sustaining biocultural diversity through continued local interaction with ecosystems, including foodways;
- Livelihoods approach as a process of nurturing biological, human and spiritual needs within a safe community with freedom and opportunities for all, especially women and children; and
- Deliberative democracy and participatory/inclusionary processes for all members of society; etc.

inseparable from biological diversity, including those components of it inextricably linked to cultural diversity, foodways and agrobiodiversity.

PRINCIPLES

The Principles of the Indigenous Partnership's Code of Ethics embrace, support, and embody the concept and implementation of traditional resource rights as articulated in established principles and practices of international instruments and declarations including, but not limited to, UN Declaration on the Rights of Indigenous Peoples Articles 20, 26, 29, 31 and 32, International Labour Organization 169, CBD Articles 8j and 10c, and others.

1) Obligations to the Earth Community

The Indigenous Partnership's Code of Ethics recognises that every human being is responsible for respecting the Earth Community and ensuring that the pursuit of human wellbeing contributes to the wellbeing of the entire Earth Community, now and in the future.

2) Collective Biocultural Heritage

The Indigenous Partnership's Code of Ethics recognises the inextricable relationship between biodiversity, landscapes, cultural values, customary law, and traditional knowledge of indigenous peoples, traditional societies, and local communities, who are the rights-holders. The rights-holders have prior, inalienable, rights over, interests in and cultural responsibilities for the entirety of their collective biocultural heritage, including their traditional territories.

3) Self-determination

The Indigenous Partnership's Code of Ethics recognises that indigenous peoples, traditional societies and local communities have a right to self-determination, which can be expressed through, but not limited to, self-determined¹⁰ or endogenous¹¹ development. Their relationship with the "outside" interests, such as government, development agencies, industry, research institutions, and Environmental NGOs vis-à-vis their collective biocultural heritage, must be predicated on the full recognition of and respect for such rights in all activities.

¹⁰ Tauli-Corpuz, V., L. Enkiwe-Abayao and R. de Chavez. 2010. Towards an alternative development paradigm: indigenous people's self-determined development. Tebtebba.

¹¹ Endogenous development is based on local peoples' own criteria, taking into account the material, social and spiritual wellbeing of peoples.

http://www.compasnet.org/ed_1.html

4) Traditional Custodianship

The Indigenous Partnership's Code of Ethics recognises the holistic interconnectedness and multidimensional nature of people's relationship with the entire Earth Community. It acknowledges and celebrates the sacred responsibility of indigenous peoples, traditional societies and local communities to maintain their relationship with the entire Earth Community and fulfill their role as traditional caretakers of their collective biocultural heritage through sustaining and enhancing the resilience of their cultures and the land according to their right to self-determination as governed by their customary institutions.

5) Buen Vivir

The Indigenous Partnership's Code of Ethics recognises the practical, compassionate philosophy of good living that arises out of worldviews of indigenous peoples, traditional societies and local communities. Good living is achieved through a process that acknowledges the interconnected nature of the world, necessarily requiring multiple ways of knowing. Buen vivir maintains the nurturing reciprocal relationships between the parts of the interconnected Earth Community, recognising the non-hierarchical nature of relationships between its elements and processes. Humans and animals, women and men, youth and elders, carnal and sacred realms, are equally important to the healthy functioning of the collective biocultural heritage, where if one component is not well cared for and respected, then the entire community is not achieving good living. Reciprocity is fundamental value underpinning buen vivir, as it assures the maintenance of respect and dynamic equilibrium between humans and with nature. Buen vivir rejects dichotomies of underdeveloped and developed, and notions of poverty as the lack of material goods and wealth as a life of material abundance. Validation of a priori ancestral rights of indigenous peoples, traditional societies and local communities to lands and waters traditionally occupied by them, coupled with their inalienable rights and responsibilities to practice traditional knowledge, is paramount to attaining buen vivir.

6) Indigenous Research

The Indigenous Partnership's Code of Ethics recognises the efforts of indigenous peoples, traditional societies, and local communities in undertaking their own research based on local worldviews and methodologies, in creating and sustaining their own knowledge-sharing processes, and in utilizing their own collections and databases in accordance with their self-determined needs. In these processes, traditional knowledge is valued equally with and complementary to western scientific knowledge. To enable this, equitable, respectful and emancipatory¹² capacity building, trainings, south-to-south and intergenerational exchanges, and technology transfer for communities and local institutions must be embodied in research, development and co-management activities. Free Prior Informed Consent (FPIC)¹³, confidentiality and the exclusion of sacred knowledge must be clearly established and agreed upon by the partners beforehand.

¹² Emancipatory approaches here are defined by their attention to the empowerment and self-determination of the oppressed, not by application of particular research techniques.

¹³ <http://www.forestpeoples.org/guiding-principles/free-prior-and-informed-consent-fpic>

7) Co-creation

The Indigenous Partnership's Code of Ethics recognises the fundamental right of indigenous peoples, traditional societies and local communities to be actively and directly engaged in all phases of activities that have consequences for local communities, to be able to maintain their *buen vivir*. Such engagement is achieved through the process of equitable co-creation of knowledge, practices, as well as policy- and decision making, based on mutual respect for the integrity, morality and spirituality of the cultures, traditions and relationships of indigenous peoples, traditional societies, and local communities with each other and the Earth Community at large¹⁴. Partners in each initiative must have a working understanding of the local context, including knowledge of and willingness to comply with local governance systems, cultural laws and protocols, social customs and etiquette. Activities are expected to be carried out in the local language whenever possible.

8) Culturally-Appropriate Communication

The Indigenous Partnership's Code of Ethics acknowledges that communication has a power to influence society, particularly in the formulation of public policies at local, regional and global scales that support the rights of indigenous peoples, traditional societies, and local communities. The principle also recognises their right to practice locally appropriate ways of communication, such as Autonomous Indigenous Media¹⁵, to promote *buen vivir* in their communities and regions, particularly related to agrobiodiversity and food sovereignty. This right must be exercised with deep respect for diverse worldviews, reflect cultural and linguistic diversity, and must be shared through independent indigenous-led networks.

9) Free Prior Informed Consent (FPIC)

The Indigenous Partnership's Code of Ethics recognises that before any activity is undertaken, free prior informed consent must be established at individual and collective levels, as determined by locally appropriate customary institutions of governance. An ongoing iterative relationship¹⁶, FPIC must be maintained throughout all phases of activities, employing language and culturally appropriate education and communication methods and tools that ensure understanding by all parties involved. Free prior informed consent relies on full disclosure of complete information in an understandable form about the purpose and nature of the proposed activities, their plausible consequences and implications, including all possible benefits and risks. Free prior informed consent requires adequate time for community decision-making to take place according to culturally appropriate processes. Indigenous peoples, traditional societies and local communities have the right to say NO to any such activity if they consider it inconsistent with the interests of the peoples, societies or communities, at any stage of its development. Any process, which does not meet FPIC requirements, is subject to immediate termination.

¹⁴ There must be reasonable assurance that all stages of the co-creation process 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.

¹⁵ http://globalautonomy.ca/global1/summaryPrint.jsp?index=summaries/RS_Tabobondung_MediaCreation.xml

¹⁶ In keeping with their "original instructions" many indigenous peoples are taught to apply what could be called the principle of free prior informed consent in maintaining their relationships with the Earth Community and its beings. They ask for permission from the animals, plants, minerals, rocks, waters and spirits before they can use a place, harvest food or conduct a ceremony. It is an overarching obligation to ask for permission before taking an action.

10) Acknowledgement and Due Credit

The Indigenous Partnership's Code of Ethics recognises that indigenous peoples, traditional societies and local communities must be acknowledged in accordance with their preferences and given due credit in all agreed upon forms of dissemination for their tangible and intangible contributions to the agreed upon activities. In research publications, co-authorship should be the norm, unless agreed otherwise. 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.

11) Confidentiality

This principle recognises that indigenous peoples, traditional societies and local communities, at their sole discretion, have the right to keep confidential any information concerning their knowledge, culture, identity, language, traditions, mythologies, spiritual beliefs or genetic material. They also have the right to privacy and anonymity, and withholding information, at their discretion. Such confidentiality must be guaranteed by any organisation or individual engaged in the co-creation process and other potential users, who must be aware of and comply with local systems of governance, authority and knowledge management, in particular related to sacred and secret knowledge.

12) Reciprocity, Mutual Enhancement and Equitable Sharing

The Indigenous Partnership's Code of Ethics 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 from activities related to their collective biocultural heritage that involve their traditional knowledge and practices¹⁷. Equitable sharing of benefits must occur in ways that are culturally appropriate, consistent with the wishes of the community involved, and ensure mutual enhancement.

13) Precautionary Principle

The Indigenous Partnership's Code of Ethics acknowledges that the complexity of interactions and interdependencies between different elements and processes of the collective biocultural heritage manifests in uncertainty of consequences of various activities (i.e., research, conservation, development, etc.). Proactive and precautionary actions must therefore be taken to identify real and potential biological or cultural harms resulting directly or indirectly from these activities. These must be based on local knowledge and practices, even if cause-and-effect relationships have not yet been proven by the mainstream science. Such precautionary measures must fully involve indigenous peoples, traditional societies, and local communities.

¹⁷ CBD. 2002. Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization. <http://www.cbd.int/doc/publications/cbd-bonn-gdls-en.pdf>

14) Redressal

The Indigenous Partnership's Code of Ethics recognises that every effort must be made to avoid any adverse consequences to indigenous peoples, traditional societies, and local communities from the various activities related to the collective biocultural heritage. According to the UN Declaration on the Rights of Indigenous Peoples Article 40¹⁸, should any such adverse consequence occur, deliberations must take place among the participants of the activity, including the local peoples of communities concerned, to decide on the appropriate remedial actions. These discussions may take forms such as Citizens' Jury¹⁹ or Biocultural Community Protocol²⁰. Any recommended remedial action must be based on Earth Jurisprudence²¹ and restorative justice²² processes and may include restitution²³, where appropriate and agreed.

¹⁸ Indigenous peoples have the right to access to and a prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights. UNDRIP, Article 40.

¹⁹ A citizens' jury is a group representative of the local population that is brought together to consider a particular issue, i.e., impact of industrial agricultural practices. Citizens' juries receive evidence from expert witnesses and cross-questioning can occur. The process may last up to several days, at the end of which a report is drawn up setting out the views of the jury, including any differences in opinion. Juries' views are intended to inform government decision-making.

Pimbert, M. 2009. Towards food sovereignty: Reclaiming autonomous food systems. IIED. <http://www.iied.org/natural-resources/key-issues/food-and-agriculture/multimedia-publication-towards-food-sovereignty-re>

²⁰ A Biocultural Community Protocol is developed after an indigenous or local community undertakes a consultative process to outline their core ecological, cultural and spiritual values and customary laws relating to their traditional knowledge and resources, based on which they provide clear terms and conditions to regulate access to their collective biocultural heritage.

http://naturaljustice.org.za/index.php?option=com_content&task=view&id=41&Itemid=72

²¹ Earth Jurisprudence means making sure that the actual philosophy and value systems that underpin most legal and governance systems support, rather than undermine, the integrity and health of the Earth Community.

<http://www.earthjurisprudence.org/index.html>

²² A growing social movement to institutionalise peaceful solutions to harm, problem-solving and violations of legal and human rights, by engaging those who are harmed, wrongdoers and their affected communities in search of approaches that promote repair, reconciliation and the rebuilding of relationships. It seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within communities, through processes that preserve the safety and dignity of all.

http://en.wikipedia.org/wiki/Restorative_justice#cite_note-5

Liebmann, M. Restorative Justice: How it Works, 2007, London: Jessica Kingsley Publishers.

²³ Repatriation is a form of restitution of the rights of farming communities over plant genetic materials that were taken from them, as well as of the rights of Pachamama (Mother Earth) to diversity and of the rights of communities to restore this diversity through access to genetic materials.

The Indigenous Partnership for Agrobiodiversity and Food Sovereignty supports indigenous peoples, local communities and their representatives to celebrate, defend and revitalise their food systems and agricultural practices at local and global levels through research, participatory initiatives and associated advocacy activities.

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