

# SOP Checklists for Documenting and Researching Indigenous Knowledge

## Phase 1: Before documentation of traditional knowledge

- Consult as widely as possible among indigenous peoples and local communities and other key stakeholders.
- Ponder on indigenous peoples' and local communities' expectations and how best to respond to them and reflect them.
- Consider the legal issues that may arise in the context of existing policies, legal frameworks and regulations, in particular intellectual property-related issues.
- Identify existing rules and principles which regulate the conditions under which TK will be collected and obtained. Identify relevant customary laws.
- Set out documentation objectives and develop an intellectual property strategy, if needed.
- Consider the widest possible range of options to meet these objectives.
- Clarify the role of the different stakeholders.
- Consider whether and how to apply principles of prior informed consent.
- Evaluate the best option and instrument (i.e., contract, general agreement, memorandum, guideline, protocol) which may be utilized to formalize agreement related to TK documentation.
- Distinguish between non-confidential TK and secret TK, which may require additional conditions and securities.
- Define the criteria and methods to be used to collect and identify the TK to be documented.
- Define access control policies or guidelines which establish categories of users and thereby access conditions/ restrictions.
- Develop a monitoring and verification plan so that it is possible later to ensure that documented TK is used as agreed.

## Phase 2: During documentation of traditional knowledge

- Ensure that appropriate evidence of PIC has been obtained or is obtained during this phase.
- Document TK in a precise and standardized manner, including through indigenous or local management systems (see annex 3).
- Use a material support to record and maintain TK – create a database or just physically gather together the files, images, sound recordings, and so on.
- Consider whether it is necessary to collect the plant, animal, insect or biological resources related to the TK.
- Do not disclose undisclosed or secret TK, unless a conscious decision is taken to do so and it is part of a strategy.
- Follow agreed guidelines or codes of conduct, obligations and legislation and regulations in place, including those related to the collection of biological samples, if necessary.
- Respect customary laws and practices. Regularly inform stakeholders, especially indigenous peoples and local communities, about advances and progress in the documentation process.
- Adapt technology to local needs.
- Verify whether technological safeguards for processing and managing data are operational.
- Ensure appropriate disclaimers are developed and made visible.

- Be open and alert to adjustments that may be required as TK is collected, obtained and systematized, for example if the process leads to TK which was originally not targeted. Be alert to the need to adapt the documentation process, for instance if shared TK is at stake and unforeseen actors claim interests in the documentation process.
- Allow indigenous peoples and local communities to verify at all times how their TK is being documented in order to ensure that it is properly recorded and attributed, and that access and use terms are being complied with.
- When necessary to protect their spiritual or cultural integrity, moral rights and/or rights of attribution, allow indigenous peoples and local communities to require the removal or correction of documented TK.
- Develop protocols to establish clear rules on the use of and access to TK. Put in place model contracts or other legal agreements setting conditions for the use of and access to TK.

### **Phase 3: After documentation of traditional knowledge**

- Verify that the originally planned TK documentation objectives have been met by interviewing users of the TK database or register, indigenous peoples and local communities themselves or taking note of partners' experiences throughout the documentation process.
- Verify that comments and inputs made by stakeholders (especially indigenous peoples and local communities) have been appropriately addressed.
- Examine documented TK to identify any elements which should be deleted, restricted or otherwise given special protection.
- Check whether and how national intellectual property offices are using the documented TK, especially if TK was documented for defensive purposes.
- Monitor and periodically review the extent to which documented TK is accessed and by whom, as well as which entries are the most accessed, in order to help identify the types of TK which may hold greatest economic or scientific interest. Inform indigenous peoples and local communities about the results of the TK documentation process.
- Ensure management of the database is in hands of technologically savvy professionals or well-trained community members. Put in place technological measures to establish ownership over the documentation, by protecting the documentation against unauthorized access by third parties, securing the content, protecting the database servers and securing the website, among other things.
- Carry out periodic reviews of compliance with requirements for storage, maintenance and control, such as electronic safeguards and restrictions in web-based databases, in order to keep the database or register operational and, ultimately, safeguard indigenous peoples' and local communities' interests.
- Take measures to ensure the continued secrecy of undisclosed TK. Review possibilities for protecting TK through intellectual property and other mechanisms.
- Promote the TK documentation register or database and present it to a wider public, according to the agreed objectives of the project and process.
- Share lessons learned with a broader audience to inform other TK documentation projects.