

Biodiversity and Indigenous Peoples' Rights

-Manual for Community-Based Training-



COORDINATING BODY FOR THE INDIGENOUS PEOPLES' ORGANIZATIONS OF THE AMAZON BASIN

COICA

Coordinating Body for the Indigenous People's Organizations of the Amazon Basin

COICA

INSTITUTO SOCIOAMBIENTAL

Data / /

Cod. 4752

BIODIVERSITY AND RIGHTS OF INDIGENOUS PEOPLES

-Training Manual for Communities-

1998

Edition: Rodrigo de la Cruz
Translation: Paulina Arroyo
Design: Rodolfo Asar
Printing by COICA

General Coordinator: Antonio Jacanamijoy T.

This publication is financed by Ford Foundation

TABLE OF CONTENTS

I. INTRODUCTION	5
II. COICA'S PARTICIPATION	7
III. PROPOSALS OF THE WORLD'S INDIGENOUS PEOPLES	13
IV. IMPORTANCE OF TRADITIONAL KNOWLEDGE FOR THE PHARMACEUTICAL, FARM AND FOOD INDUSTRY	21
V. PROTECTION SYSTEMS FOR INTELLECTUAL PROPERTY LAWS	23
VI. APPENDICES	27

I. INTRODUCTION

The intellectual property regiment encompasses extensive aspects. What the Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA) proposes with this manual is to analyze the relationship that indigenous knowledge has with biodiversity and, thus, support Amazonian Indigenous Peoples to identify our rights.

COICA has been able to verify the threats to biodiversity resources by the way that large multilateral trade agreements propose to treat the protection of the so-called intellectual property rights. The manner in which they are currently proposed, the main beneficiaries will be the companies and corporations from developed countries who will obtain considerable benefits by applying their technology on the these resources that we, the Indigenous Peoples, have conserved and used for centuries.

Under the conception of today's intellectual property protection systems, our science is considered less scientific and our resources, which have been useful for humankind by many wise Indians throughout generations, are considered wild, savage, primitive, etc. Resources that can only be dignified with the technology applied by the developed countries to give them value in the arena used by all to valorize items - the market.

The injustice of this situation has forced our peoples, and the organizations that represent their interests, to take on positions and design strategies that can be of transcendental importance for our future and that of our generations. The problem lies in the commercialization of Indigenous Peoples' biodiversity resources and traditional knowledge, which is one of our main concerns.

Therefore, we consider that a decision is worthwhile if it contributes to protecting the rights to life, to territory, to self-determination and to the autonomous use and control of our resources, to traditional knowledge and to universal respect for its value and particularity, to equality with other societies and peoples around the world, and to justice in economic relationships. In this way we can aspire to reach development, led by us, based on a recognized value of biodiversity resources and the knowledge that our peoples have conserved and managed efficiently throughout history.

Active compounds or varieties of medicinal plants traditionally used by Amazonian Indigenous Peoples have already been patented such as *sangre de drago*, *uña de gato*, *ayahuasca* or *yagé*. In light of this situation, positions must be harmonized and information generated to ensure that at all levels of the indigenous organization there is sufficient agreement to strengthen our position and to properly lead debates on the subject.

A frightening thought is the appropriation of life - including life within the human body - as an exclusive commercial right. More so when the life that is being appropriated is presented as a technological invention created by scientific methods¹. The possible repercussions of these judicial systems can turn into a serious threat to indigenous control over their future. And not just for Indigenous Peoples but also for all local communities and for dependent economies of our countries. The Project on Human Genetic Diversity points in this direction and Indigenous Peoples are directly affected by its intentions.

The question is, if these systems can protect the rights over the resources and over humankind's ingenuity, can they not also serve to defend our knowledge and rights over our resources? As they

¹ The American Type Culture Collection and the United States Government, in August 1993, was claiming patenting rights to cellular lines of a Guaymi indigenous woman of Panama.

are designed, the answer is NO. These systems have not been created to be favorable to indigenous rights. One could say that they are usable by all, but one thing is the code of regulations and another is the code of applications. They say that we are all equal in the eyes of the law but we know this is not true.

In any case, we have to find the way to protect our resources and the knowledge that make us valuable. We have to fight to establish the limits to the rights that corporations can demand over products that originate from life organisms living in our forests. We have to legalize the recognition of the merit of our collective systems of innovation and science, and the need of our peoples to continue controlling them. We should be able to keep enjoying, on our own terms, all of the elements of biodiversity and fight so that everyone else respects this. We must find dignified and stimulating ways to associate the pride of our identity, respected by all, with the benefits obtained thanks to all our generations' efforts. We must find justice at the moment of distributing any type of benefit derived from the use of our wisdom and of the resources with which we have lived.

It is a challenge to find the way and to make harmonic development compatible with current economic tendencies. *We, Indigenous Peoples, are not opposed to development nor to research to discover new alternatives for humankind's survival, but we do insist that our ways of life, cultural diversity, knowledge, indigenous cosmovision must be respected, and that all this be interrelated to promote a true model of sustainable development.*

The terms of the argument are like this: we are an indigenous generation that receives a great deal of commitments and responsibilities. We are also aware that what is at risk is the dignity of the wisdom of our peoples and a better life for our future generations.

With this manual, COICA pretends to provide relevant information about the biodiversity dialogue, and in this way guide the community based organizations to become true representative defenders of Indigenous Peoples rights.

II. COICA'S PARTICIPATION

The Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA) is an international indigenous organization whose work area is in one of the world's richest biodiversity regions. The Amazonian flora and fauna constitute, on their own, more than half the world's biota, made up of hundreds of thousands of plants and millions of animals, many still unknown by science. Its waters represent 15 to 20% of all freshwater reserves on earth and in the Amazon river flows 15.5% of all the non-saltwater that reaches the oceans.

In terms of global biological diversity, it is estimated that between five and 30 million species exist (Erwin, 1988), although the recent discussion over the number of insects puts this number at a maximum of 10 million, and most probably 5 million (Gastos, 1991). Of these, only 1.4 million species have been described, amongst which 750,000 are insects, 40,000 vertebrates, 250,000 plants and 360,000 micro biota (Wilson, 1988). Therefore, in relation to the Amazon, generally, the following numbers are accepted: 60,000 species of superior plants, 2,500,000 species of arthropods, 2,000 species of fish and 300 mammals (Salati, 1983)². A great number of Amazonian Indigenous Peoples depend on the control, conservation and development of these resources.

The majority of these resources are found in Indigenous Peoples' territories, which sums up to approximately 400 different peoples with an estimated population of one million and a half people. These peoples and their representing organizations make up the COICA.

COICA has been able to prove that these resources are seriously threatened by multilateral trade agreements and the protection systems of intellectual property. The use of the traditional knowledge of Indigenous Peoples, as a mechanism to generate exclusive rights, is a risk that threatens all Indigenous Peoples if our rights are not recognized. It is known that the guidance provided by Indigenous Peoples and local communities on the use and value of a plant, saves large laboratories 400% of their investments. However, what is Indigenous Peoples' situation? Evidently, there is more pressure over our territories each time that a product reaches a more attractive price in the market.

This forces organizations who represent the interests of Indigenous Peoples, such as COICA, to assume political stances and design strategies which permit us to participate in decision making and propose the recognition of our fundamental rights.

Areas of COICA's participation

The areas where we concentrate our participation are the following: the Convention of Biological Diversity (CBD), Andean Decision on Access to Genetic Resources (No. 391), the project on Human Genetic Diversity, the World Intellectual Property Organization (WIPO), the Board of Director related to the European Union's Judicial Protection of Biotechnology Inventions, the International Forum on Forests (IFF) and others.

COICA'S Experience

COICA's participation initially started out as self-forming and training, but currently we are at an analytical and propositive stage. The most relevant activities are the following:

- Regional Meeting on Indigenous Peoples and Intellectual Property (COICA-UNDP-United

² "Amazonía sin Mitos." Tratado de Cooperación Amazónica (TCA)

Nations Development Program). Santa Cruz, Bolivia, September 1994, sponsored by UNDP.

- Policy Resolutions for COICA measures in the areas of: Environment and Natural Resources, Territorial Defense, Biodiversity and Indigenous Peoples Rights, Human Rights, Economy and Self-development, in Paramaribo-Surinam, in March 1995, sponsored by the Interamerican Foundation.

- First International Conference on Indigenous Peoples and Biodiversity, and Third Conference of the Parties of the Biological Diversity Convention. Buenos Aires, Argentina, November 1996, sponsored by the Secretariat of the Convention on Biological Diversity and the Government of Denmark, by way of their cooperating organisms.

- Consultation on the Rights of Indigenous Peoples and Intellectual Property. Publication of the book "Entre Lo Propio y Lo Ajeno." Quito, Ecuador, May 1997, sponsored by the Berlin Senate, Germany.

- Intersessional Meeting of Indigenous Rights and Forests, within the Intergovernmental Panel of Forests. Leticia, Columbia, December 1996, sponsored by the Governments of Denmark and Columbia.

- Second International Conference on Indigenous Peoples and Biodiversity, and a Practical Course of the CBD on Traditional Knowledge. Madrid, Spain, December 1997, sponsored by the Governments of Spain, Denmark and also, in the case of COICA, with the support of The Ford Foundation.

- Among our own experiences on related topics, we should highlight COICA's influence on the adoption of new politics on Conservation and Indigenous Peoples on behalf of the WWF-International (World Wide Fund for Nature) and the IUCN (International Union for the Conservation of Nature), as well as, our role in establishing the basis for a new policy on Protected Areas and Indigenous Territories with the European Union and the Tratado de Cooperación Amazónica.

Throughout this process, one of the goals reached is having made sure that the subject of Indigenous Peoples and biodiversity, as related topics, has a continuum in international forums. Thus, we have been able to influence, to a certain extent, the adoption of minimum protective measures for indigenous rights. Our point of interest is the creation of an open Work Group that deals with Traditional Knowledge, whose composition will be decided by the Fourth Conference of the Parties (COP4) of the CDB in May 1998 in Bratislava.

Basic COICA Policy Relating to Intellectual Property

The Regional Indigenous Meeting on Indigenous Peoples and Intellectual Property COICA-UNDP is, without a doubt, the event that established the basis of the organization with regards to the subject. Following, we summarize the most relevant aspects of the Declaration of Santa Cruz de la Sierra:

- ☛ For the members of Indigenous Peoples, the knowledge and determination of resource use is collective and inter-generational. No indigenous population, be it individual or community, nor the government, can sell or transfer resource property that belongs to the people. Each generation has the obligation to save for the next.

- ☛ All the components of the intellectual property problem (determination of the access to natural resources, control of knowledge or cultural heritage, control over the use of resources and the regulation exploitation conditions) are also components of free determination.

- ☛ For Indigenous Peoples, the intellectual property system represents the legitimacy of the ill

use of our peoples' knowledge and resources for commercial purposes. The prevalent intellectual property systems reflect a concept and practice that is:

- Colonialist, because the instruments designed to appropriate Indigenous Peoples' resources are imposed by developed countries;
- Racist, because they diminish and minimize the value of our knowledge systems, and;
- Usurping, because it is essentially a means of stealing.

☞ For Indigenous Peoples, biodiversity and our knowledge are inherent concepts in the notion of territoriality. The topics on the access of resources has to deal with this perspective.

☞ The patents and other intellectual property rights on all life forms are unacceptable to Indigenous Peoples.

COICA's Proposal for the Protection and Recognition of Indigenous Peoples Traditional Knowledge

Based on COICA's experience, specifically in the analysis of indigenous traditional knowledge protection, following are some of the basic principles, strategies and mechanisms which have been identified:

● Systematize traditional knowledge and protect it, as a collective right. Indigenous knowledge cannot be declared free access because this has resulted in its use for commercial purposes.

● Incorporate the concept of Collective Cultural Heritage of Indigenous Peoples. Under this premise, special regiments and *sui generis* protection systems should be established to protect indigenous knowledge. Until new mechanisms to access biodiversity resources are established, the innovations and traditional practices of Indigenous Peoples should be valued as informal innovations, establishing collective rights and special protection measures as well as internal control mechanisms of indigenous knowledge.

● Make advances in defining a Protection System of Collective Indigenous Peoples' and Community Rights. Western thought on intellectual property contradicts these principles and foments the private property of biodiversity knowledge and resources.

● The collective rights of Indigenous Peoples are part of a customary right that has its own ideological and philosophical principles. There is the need to consolidate the customary right and these ideological principles.

● The western world does not recognize traditional methods that Indigenous Peoples and local communities use to generate their knowledge. There is the need to establish *sui generis* protection systems and recognition of these types of practices.

A proposal to recognize Collective Intellectual Rights should include the following aspects:

✓ Recognition that, amongst Indigenous Peoples, innovation is an accumulative process that includes all the manifestations of indigenous creativity.

✓ That Indigenous Peoples are the only custodians and administrators of their innovations; therefore, they cannot be sold nor transferred without prior fundamental and full consent.

✓ Rather than promote exclusive monopoly on creativity, a special management of collective

rights should promote non-commercial interchange of knowledge, especially amongst Indigenous Peoples.

✓ The right to veto or oppose any investigation that goes against the respect for and recognition of Indigenous Peoples' rights.

✓ The right to declare null any transaction which objective is to destroy or undermine the integrity of indigenous knowledge.

✓ The relationship between indigenous knowledge and territory is basic to preserve this knowledge.

✓ The requisite of a prior informed and fundamental consent should be basic to grant knowledge, as well as the establishment of guarantees for equitable participation on the benefits that may result from an eventual commercialization.

What COICA Has Proposed to Accomplish in the Future:

- ⊗ Training on Collective Rights of Indigenous Peoples and Biodiversity
- ⊗ Training on Collective Rights of Indigenous Peoples and Intellectual Property
- ⊗ Promotion of economic development strategies for the use of biodiversity resources
- ⊗ Legal proposals on the Recognition and Protection of Indigenous Peoples Rights in relation to biodiversity
- ⊗ Jointly with community groups, demand a ratification and faithful compliance of the OIT 169 Treaty on Indigenous Peoples, the Convention on Biological Diversity and all the international instruments which mention the rights of Indigenous Peoples.

Trainig Seminar Indigenous People's, Traditional Knowledge and Biodiversity Lima, Peru, April 5-8, 1998

Conclusions and Recomendations

I. The use of terms

The knowledge of Indigenous Peoples are characteristically collective and inter-generational, and are part of Indigenous Peoples' cultural and intellectual heritage, territory, culture and cosmovision. The property and control over this knowledge are equally collective and inter-generational in nature, and are subject to free determination and self-determination by Indigenous Peoples.

2. Policy and basic principles

- ❖ Patents on life forms which affect Indigenous Peoples are unacceptable.
- ❖ The protection and innovation of biodiversity is an accumulative, integral and collective process of Indigenous Peoples.
- ❖ We reaffirm that the custody and control of resources and knowledge pertain to Indigenous Peoples.
- ❖ The fluid exchange of information amongst Indigenous Peoples is permitted. The exchange

of information between Indigenous Peoples is a right.

- ❖ The right to veto is part of free determination.
- ❖ Permanent promotion and control of the investigation.
- ❖ The requirement of a previously informed and sustained consent should also be collective.
- ❖ We, the Indigenous Peoples and our organizations, have the right to establish a moratorium or limit the access to genetic resources and indigenous knowledge of these resources if the basic principles and rights of Indigenous Peoples are not respected.

3. Strategies for policy implementation

- Strengthen the operations of COICA's international directors. To achieve this, it is necessary to urgently convene a consensus meeting with cooperating organizations.
- Share COICA's policy at the international and community level.
- Follow-up on international agreements and maintain member organizations informed through improved communications systems.
- Strengthen the horizontal cooperation between member organizations.
- Demand the participation of COICA and its community based organizations in all international organizations venues, such as the **TCA**.
- Develop guidelines on access to natural resources and knowledge of Indigenous Peoples through a consultation and participatory process.
- Pressure governments to use the right to maintain public order in GATT by prohibiting patents on life forms and Indigenous Peoples' knowledge.
- Participate in the review process of the TRIPs (Trade Related Intellectual Property).
- Establish consulting programs on Amazonian Indigenous Peoples to define guidelines on alternative *sui generis* systems that protect indigenous knowledge.
- Promote the exchange of experiences on the protection of Indigenous Peoples' knowledge with other regions and other Indigenous Peoples around the world.

III. PROPOSALS OF THE WORLD'S INDIGENOUS PEOPLES'

Since the Convention on Biological Diversity is the framework instrument to regulate biodiversity, we, the representatives of the world's Indigenous Peoples meeting at the II International Indigenous Forum on Biodiversity and Traditional Knowledge submit a document "Contribution to the Official Government Seminar," referred to as the Working Document, concerning the implementation of article 8j³, and related articles (Madrid, Spain, November 1997). The following are the basic aspects of this document:

Preamble

Indigenous Peoples come from the land and have been given our life through the land. We do not relate to the land that we came from as property, we relate to the land as our Mother. That the land is our Mother cannot be denied, just as it cannot be denied that our human mother is our mother. In this respect we as Indigenous Peoples have responsibilities to honor and nurture our Earth to ensure that she can continue to give us life. Our role and responsibility is to protect our Mother Earth from destruction and abusive treatment, just as we would defend our human mother. In carrying out this responsibility over a period of thousands of years, we have become a central component of the biodiversity of the Earth.

Concerns of Indigenous Peoples on article 8(j) and related articles

✧ The lack of recognition of Indigenous Peoples as peoples with inalienable a priori rights and therefore as parties to the Convention and its implementation.

✧ The lack of recognition of the relationship that exists between the lands and territories of Indigenous Peoples and their knowledge and biodiversity.

✧ The lack of control by Indigenous Peoples over indigenous lands and territories and their natural resources and the environment, including biodiversity. This refers also to Indigenous Peoples who have been displaced from their ancestral lands, territories and resources and to protected areas which have been misused for militarization of Indigenous Peoples' lands and territories.

✧ The lack of full participation of Indigenous Peoples in processes related to the Convention on Biological Diversity.

✧ The lack of concern by the Parties to the Convention and action to address biopiracy and uncontrolled access to genetic resources in indigenous lands and territories.

✧ The lack of recognition that the promotion of the wider application of Indigenous knowledge, innovations and practices is a process that has to be controlled by Indigenous Peoples.

✧ The underlying bias of the Convention in favor of the current international, multilateral, bilateral and national legal systems including the current intellectual property rights regimes and

³The 8j article of the Convention on Biological Diversity states that: Each party counterpart (States) should, as much as possible and as appropriate... (j) subject to national legislation, respect, preserve, and maintain the knowledge, innovation, and practices of indigenous and local communities that make up traditional lifestyles relevant to the conservation and sustainable use of biological diversity, and promote its application, with the approval and commitment of those who have this knowledge, innovation, and practices, as well as foment the equitable distribution of the benefits that result in the use of this knowledge, innovations and practices.

its impact on indigenous knowledge

※ The lack of recognition of the unique character of indigenous knowledge, including its associated values, beliefs and spirituality, its collective nature, its inextricable link with biodiversity and the length of time taken to evolve this knowledge.

※ The lack of incentives to protect and maintain indigenous knowledge, innovations and practices in the Convention.

※ The lack of recognition of the spiritual, cultural, political, social and economic perspectives of Indigenous Peoples in the Convention.

※ The lack of recognition of the importance of indigenous women's knowledge, roles and responsibilities with regard to biological diversity.

※ The lack of clarification of the relationship between the rights of Indigenous Peoples, of local communities embodying traditional lifestyles and of farmers.

※ The lack of mechanisms to protect and maintain indigenous languages and educational systems.

※ The lack of linkages of article 8j and related articles with other international instruments dealing with the rights of Indigenous Peoples.

※ The lack of compliance of State Parties with the terms and conditions of the Convention on Biological Diversity and other related international instruments.

※ The lack of recognition that the customary use of biological resources by Indigenous Peoples and the benefits arising from the utilization of knowledge, innovation and practices relating to this use encompasses commercial and non-commercial elements.

Recommendations to Formulate a Work Program

1. Ensure that the implementation of article 8j and related articles takes into consideration the existing indigenous declarations and proposals, including the Draft Declaration on the Rights of Indigenous Peoples, the Kari Oca Declaration, the Mataatua Declaration, the Santa Cruz Declaration, the Leticia Declaration and Plan of Action, the Treaty for a Life Forms Patent Free Pacific, the Ukupseni Kuna Yala Declaration, and previous statements of Indigenous Forums convened at previous CBD/COP and intersessional meetings.

2. Ensure Indigenous Peoples' full and meaningful participation in the implementation of article 8j and related articles:

- a) recognize Indigenous Peoples as Parties to the Convention on Biological Diversity;
- b) adopt the recommendation of the Second International Indigenous Forum to establish an Indigenous Peoples' Working Group;
- c) involve the Indigenous Peoples' Working Group in the interpretation and implementation of article 8j and related articles, including the monitoring of the compliance of the Parties to the Convention to their obligations under the Convention;
- d) develop mechanisms to ensure Indigenous Peoples' participation in decision making processes at the international level (UN, COP, IFF, etc.);
- e) develop mechanisms to ensure Indigenous Peoples' participation in decision making processes at the national level, including the development and implementation of legislation, environmental action plans and impact studies;

- f) develop mechanisms to ensure the full participation of Indigenous Peoples in State Parties' strategies to designate and manage protected areas;
- g) incorporate the right to objection in all mechanisms to ensure Indigenous Peoples' participation; and,
- h) incorporate the right to free and prior informed consent in all mechanisms to ensure Indigenous Peoples' participation.

3. Develop mechanisms to ensure the full and equal participation of Indigenous women in all processes related to the implementation of the Convention, and support the unique responsibilities of indigenous women in the caring of their traditional lands and territories and the protection of biodiversity.

4. Develop mechanisms and processes to ensure Indigenous Peoples' control over lands and territories to affect the protection and enhancement of biodiversity:

- a) recognize the inalienable a priori rights of Indigenous Peoples;
- b) recognize the relationship that exists between the lands and territories of Indigenous Peoples and their knowledge, innovations and practices relating to biodiversity;
- c) develop processes to repatriate the lands and territories of Indigenous Peoples.

5. Incorporate indigenous customary resource uses, management and practices into sustainable development plans, policies and processes at international and national levels, recognizing transboundary issues important to Indigenous Peoples:

- a) encourage multilateral institutions, international agencies, research institutions and non-government organizations to involve indigenous knowledge, innovations and practices related to the use and management of resources in their plans and programs;
- b) establish an indigenous global biodiversity monitoring system based on early warning systems using indigenous knowledge with the backing of satellite technology and geographic information systems; and,
- c) require the incorporation of indigenous perspectives and social and cultural dimensions into environmental impact assessment processes of research institutes, multilateral institutions, governments, etc.

6. Develop standards and guidelines for the protection, maintenance and development of indigenous knowledge, which:

- a) facilitate the development of *sui generis* systems of protection for indigenous knowledge according to indigenous customary laws, values and world view;
- b) recognize the concept of the collective rights of Indigenous Peoples and incorporate this in all national and international legislation;
- c) take into account and incorporate existing Indigenous Peoples' political and legal systems and Indigenous Peoples' customary use of resources;
- d) recognize traditional agricultural systems of Indigenous Peoples; and,
- e) involve Indigenous Peoples in the development of research guidelines and standards.

7. Develop standards and guidelines for the prevention of biopiracy, the monitoring of bioprospecting and the access to genetic resources that would:

- a) impose a moratorium on all bioprospecting and/or collection of biological materials in the territories of Indigenous Peoples and protected areas and on patenting based on these collections until such time as acceptable *sui generis* systems are established;
- b) impose a moratorium on the registering of knowledge; and,
- c) recognize the rights of Indigenous Peoples' to access and repatriate genetic materials held in all ex-situ collections, such as gene banks, herbariums and botanical gardens.

8. Ensure the sharing of the benefits derived from the use of indigenous knowledge includes other rights, obligations and responsibilities such as land rights and the maintenance of indigenous cultures to facilitate the transmission of knowledge, innovations, practices and values to future generations.

9. Ensure that relevant provisions of international mechanisms and agreements of direct relevance to the implementation of article 8j and related articles, such as the Trade Related Intellectual Property (TRIP) agreement of the World Trade Organization, the European Union directive on the patenting of life forms, the Human Genome Diversity Project, the Human Genome Declaration of the UNESCO, the FAO Commission on Plant Genetic Resources and national and regional intellectual property rights legislation under development, incorporate the rights and concerns of Indigenous Peoples as expressed in the ILO Convention 169, the Draft Declaration on the Rights of Indigenous Peoples, the Kari Oca Declaration, the Mataatua Declaration, the Santa Cruz Declaration, the Leticia Declaration and Plan of Action, the Treaty for a Life Forms Patent Free Pacific and previous statements of Indigenous Forums convened at previous CBD/COP and intersessional meetings.

10. Provide material and non-material support mechanisms and incentives to Indigenous Peoples for capacity building initiatives towards:

- a) the development of sui generis systems based on indigenous customary laws for the protection and promotion of indigenous knowledge, innovations and practices;
- b) institutional strengthening and negotiating capacity; and
- c) locally controlled policy, research and development strategies and activities for the maintenance and development of indigenous knowledge.

11. Require the revitalization and maintenance of indigenous languages as part of the implementation of article 8j and related articles and support the development of educational systems based on indigenous values and world view, including the establishment of an indigenous university.

12. Require that research and development activities in the realm of Indigenous Peoples' knowledge, practices and innovation systems are given the same financial and policy support as "formal scientific" research and development activities.

13. Provide material and non-material incentives for maintaining and enhancing biodiversity, including land rights and the recognition of achievements by Indigenous Peoples in protecting biodiversity.

Proposal for a Work Group to Implement Article 8j and Other Relevant Articles of the Convention on Biological Diversity

Considering:

That, the III/14 resolution, Appendix G, of the Conference of the Parties meeting in Buenos Aires in November 1996, recommended to examine the need to establish an Open Intersessional Work Group to study the function of Indigenous Peoples and local communities' innovations and practices that penetrate lifestyles pertinent to the conservation and sustainable use of biological diversity.

That, Indigenous Peoples are convinced that constructive dialogue on equal terms with Governments and Indigenous Peoples is the adequate way to reach the respect and recognition of our rights.

That, our cultures are founded on principles of harmony, peace, development and ecological

equilibrium. Therefore, the conservation and use of resources form part of Indigenous and local Peoples' cosmovision and daily life of Indigenous Peoples.

That, the Convention on Biological Diversity recognizes Indigenous and local Peoples' rights to control the access to their knowledge, innovations, and traditional practices which constitute principles to maintain our lifestyles and future.

That, not only are natural resource conservation and scientific techniques at stake, but the cultural and spiritual relationship with the natural world in which all living beings live is also at stake.

Therefore:

We, the representatives of the world's Indigenous Peoples meeting in Madrid, from November 19 to 22, 1997, in the Second Indigenous Forum, recommend the following:

The creation of an Open Intersessional Working Group to implement article 8j and others relevant to the Convention on Biological Diversity (CBD).

This working group should have the following characteristics:

Mandate

The creation of norms and the establishment of mechanisms, with an international focus, to apply and implement article 8j, and other articles related to Indigenous Peoples' rights.

The elaboration of norms and the establishment of mechanisms for international cooperation between Indigenous Peoples and Cooperation Policies on technological and economic affairs between States and International Organisms.

The definition of the conceptual scope of the relevant terms contained within the Convention on Biological Diversity on subjects such as previous consent, equitable distribution of benefits, conservation in situ of indigenous land and territories, local communities, and others that affect Indigenous Peoples.

Revise national legislations and formulate guidelines on biodiversity matters to design a national legislation that facilitates the application of article 8j and other related articles contained within the Convention on Biological Diversity where Indigenous Peoples' rights are respected.

Composition

The Working Group will be made up of representatives from the Conference of the Parties and representatives of Indigenous Peoples from the five continents, on equal terms, to make recommendations to the COP.

Duration

The Working Group will be subject to the compliance of the activities and propositions stated in its mandate.

Financing

This Indigenous Forum urges the Global Environment Facility (GEF), the governments, the economic integration organisms, and the appropriate international, regional and national entities to support the technical and institutional training programs for Indigenous Peoples and local communities; as well as the promotion of the development and implementation of legislative,

administrative, directive, and political measures about the access to genetic resources, including the scientific, technical, commercial, legal, and action abilities and capacities of these communities.

To achieve the above, we recommend that funding for the Working Group could be stipulated for the following:

1. Obligatory contributions from the Conference of the Parties,
2. Funds administrated by multilateral organisms,
3. Financial resources from the Global Environment Facility (GEF).

The secretariate should include in the Convention's budget the financing for the Working Group.

Recommendations

The Working Group will present its reports directly to the Conference of the Parties (COP). The Working Group report will be included in the agenda for the COP meetings and discussions.

In the development of its activities, the Working Group should collaborate with COP special entities such as the SBSTTA (subsidiary body for science and technology) and for Biological Security. It must establish links with other international instruments and forums related to Indigenous Peoples such as the UN draft of the Universal Declaration of Indigenous Peoples's Rights, and other international organisms whose mandate relates with the Working Group's, including UNDP, UNEP, WIPO, and WTO.

That the members of the Conference of the Parties include in their national reports the implementation of article 8j and other relevant articles.

IV. IMPORTANCE OF TRADITIONAL KNOWLEDGE FOR THE PHARMACEUTICAL, FOOD AND FARM INDUSTRY

Health and Medicine

Local: 80% of medicinal needs in the South are fulfilled through traditional doctors using local medical systems.

Global: 25% of patented Western medicines originate from medicinal plants and indigenous preparations, and this percentage keeps increasing.

Market: The current value of medicinal plants from the South for the North is conservatively estimated at US\$ 32,000 million yearly.

Experience: More than 90% of medical practitioners are traditional doctors.

Risk: Almost all local knowledge about medicinal plants and systems, as well as the plants themselves, could disappear in a generation.

Food and Agriculture

✓ Almost 90% of food requirements in the South are fulfilled through local production. Two thirds are based on agricultural systems developed by local communities.

✓ 90% of the world's cultivated foods originate in agricultural communities in the South and continue to depend on the varieties provided by farmers participating in improvement programs.

✓ The commercial value derived from farmers' seeds and cattle breeds is considerably more than US\$5,000 million a year.

✓ 99% of plant breeders and other agricultural investigators live in rural communities.

✓ The diversity of crops is eroding at a rate of 1 to 2% per year. Endangered cattle breeds are disappearing at an annual 5% rate. Almost all the knowledge of farmers about plants and their research systems could disappear in one or two generations.

Environment and Diversity

✓ Almost 100% of biodiversity refuges are located in or around areas maintained by indigenous and/or agricultural communities in the South.

✓ The wild relatives of almost all crops are found in biologically diverse regions in the South that are sustained by local communities.

✓ 90% of land and water with the most biological diversity does not receive governmental protection and are maintained exclusively by rural communities.

✓ 99% of all experienced experts in biodiversity are members of indigenous or other rural communities.

✓ Rainforests are being lost at an annual rate of 0.9% and the pace of this loss is increasing. Much of the diversity remaining on Earth could be lost in one or two generations.

✓ Additionally, we should recognize that more than 95% of all patents are owned by large companies or governmental institutions, especially from industrialized countries of the North.

V. PROTECTION SYSTEMS FOR INTELLECTUAL PROPERTY

COICA wants to ensure that Amazonian indigenous representatives have a basic notion of what the current protection systems for intellectual property entail. For this reason, in this chapter we present what each one refers to and we will see if these offer the possibility to protect the collective rights of indigenous peoples.

The following are the standing protection systems for intellectual property:

- Patents
- Petty Patent
- Copyright
- Trade Mark
- Industrial Design
- Secret Trade
- Farmers' Rights
- Geographic or origins identification
- Certification and labeling

These are accepted systems of official legislation based on the concept that an innovation is product of an individual or business ingenuity, and once it becomes widespread internationally it turns into valued merchandise. As a consequence, a determined economic cost is recognized and compulsory for using any invention.

What is a patent?

A patent is a type of intellectual property that grants exclusive commercial exploitation rights to the beneficiary over an invention for up to 20 years. There are three basic requirements to patenting:

- ◆ The patent petition should refer to something new over which there is no public information.
- ◆ It should contemplate an invention that is not obvious and it must be completely described in the patent.
- ◆ It must have an industrial application or be useful.

Patents can be granted for the following:

products: including current and potential uses

uses: in this case, only the current use

processes: applicable processes for any product

a product and process together

This mechanism, however, contains a series of disadvantages if it is applied as a protection tool for traditional knowledge since it offers limited protection, generally, over highly technical processes and those that require costly application. Besides, it demands high economic costs to hire lawyers specialized on the matter.

Finally, this mechanism only protects the invention of an individual but does not apply to community knowledge. It also becomes costly when it is later defended.

Not all inventions can be protected by a patent system. In many countries, medicines and genetically modified organisms (such as plants, animals, or microorganisms containing an artificially

transferred gene) cannot simply be patented.

How can Indigenous Peoples patent their knowledge? In the biotechnology field, a product patent implies that the organism, the molecule or the gene be isolated and thoroughly described. Just a simple product cannot be patented nor the indigenous knowledge connected with it. However, if there had been a modification and/or combination, for instance to compose a traditional medicine, the process can be patented (process patent).

This process is impossible when an individual can be identified as the "inventor" (as opposed to a group). A company can patent an innovation based on a traditional knowledge. A company can investigate an active compound of a substance indicated by the community, isolate this active principle, and slightly modify it to demonstrate that there was actually an invention. This is common practice and the most known cases are of the *Neem* in India and *Taumatococcus* in Africa.

Finally, the most difficult for an indigenous community, in case it has a patent, is defending it from plagiarism. This implies costly legal actions and requires an important group of lawyers. An interesting system is what North America calls the publication defense. If an inventor is not interested in obtaining a patent, but does not want anyone else to do it, he/she can publish the invention describing it extensively, thus making it of public use (the patents offices must, above all, investigate all existing publications on the subject). This way all patent petitions made after the publication date are invalid. This system can permit Indigenous Peoples to boycott patents from other companies on inventions derived from the indigenous knowledge and resources. Yet, there could also be fallacies (for which the active principle must be isolated and documented). On the other hand, the publication being defended can be counterproductive, by helping foreign investigators to accelerate their work.

This is a protection tool that is less demanding than the patenting system, with a shorter protection structure. It is applicable in only a few countries (including Brasil), but can more easily protect traditional knowledge. It is less complicated to acquire and much less costly. This petty patent is probably more appropriate to protect traditional knowledge, especially medicinal preparations and combinations. Kenya instilled a law permitting the petty patent system to protect traditional medicinal knowledge.

Copyright

Copyright provides legal protection over works such as: all types of literary productions (books, screenplays and even private correspondence), musical

It protects the physical expression of an idea, but not the idea or knowledge in itself because once the work is published, it becomes universal knowledge.

The inconvenience of a copyright to protect cultural baggage of Indigenous Peoples (art, handicrafts, songs, designs, etc.) are, among other things, that it is assigned to individuals or a company and not to a community or a group in itself. Plus, indigenous expressions are oral and not written or taped in a tangible manner, which prevents this type of copyright mechanism.

Trade Mark

A trade mark is a commercial tool whose purpose is to support the authenticity of the company's products. When a company registers its mark, it may sue whomever copies it. This process can be favorable for indigenous communities to protect artifacts produced by its members. Nevertheless, it does not protect knowledge in itself.

Industrial Design

The Paris Convention defined industrial design as "any ornamental or aesthetic aspect of a

useful article." It can be any shape, design or color. It allows legal actions from five to 25 years.

Secret Trade

Secret trade deals with practical information about know-how which gives a person or company commercial advantage over others. The information must be confidential and requires a commitment on behalf of the group of people involved not to divulge it. This way it can protect traditional knowledge with a commercial application and cover more areas than other intellectual property mechanisms. It can be negotiated to receive economic recognition by way of contracts and are not too expensive to obtain and protect. However, it does not apply in all countries.

Farmers' Rights

Farmers' rights are considered under the Union to Protect New Plant Varieties (UPOV) convention. The plant variety that wants to be protected should have the following characteristics: be distinct, stable, uniform and new in the market. The mechanism is less clear than the patents system and it could be applied to a variety of plants produced by indigenous peoples. Yet, it is applicable only in countries that have signed the UPOV and it is difficult to prove eligibility criteria.

Geographic and Origin Identification

According to article 22 of the GATT-TRIPS (Aspects of Intellectual Property Related to Trade) a product can be identified as original to a determined territory. This implies a quality, reputation or other characteristic of the product that specifically depends on its geographic origin. This mechanism could apply to the production and commercialization of indigenous food products, as well as various folkloric expressions (as is defined in the UNESCO-OMPI/World Organization for Intellectual Property proposal).

Certification and Labeling

They are informal mechanisms but influence the consumer and can protect to a certain degree various products made by Indigenous Peoples.

Conclusion

The majority of all current laws related to intellectual property rights are not adapted to adequately defend indigenous and local community rights and resources. Furthermore, intellectual property rights are purely economic when indigenous interests are different such as the right to respect life, territory, customs, the sanctity of various objects and processes, and the recognition of human aspects before economic ones.

This brief examination of the scope and limitations of intellectual property protection systems corroborates the note of the Executive Secretariat of the CBD on TRADITIONAL KNOWLEDGE AND BIOLOGICAL DIVERSITY (UNEP/CBD/TKBD/11/2 of October 18, 1997). Here we can note that "the utility of the protection of intellectual property (traditional) rights for indigenous and local communities was examined in a note of the Secretariat titled Knowledge, Innovations, and Practices of Indigenous and Local Communities: Application of the j) Clause of the Article 8 (UNEP/CBD/COP/3/19). This study concluded that there are no legal tools nor international norms that justly recognize the rights of indigenous and local communities regarding their knowledge, innovations and practices. Furthermore, it pointed out that the current intellectual property rights systems alone were not enough to ensure that the benefits are reverted to indigenous and local communities."

VI. APPENDICES

Appendix I: Glossary of Commonly Used Terms in Biodiversity

Biodiversity

All living organisms, their genetic material and the ecosystems of which they are a part.

Microorganisms

Small living organisms that are only visible with a microscope, including algae, bacteria, fungus, and unicellular animals.

Centers of Genetic Diversity

Areas where the world's food crops have more genetic variability.

Germoplasma

The total genetic variability, represented by seed cells and available for a particular population of organisms.

Life Industry

Multimillionaire area of industry made up of companies that use resources and biological processes for commercial purposes.

Biopirates

Those who use intellectual property rights to legitimize the property, appropriation, and exclusive control of resources and biological knowledge.

Patent

A form of intellectual property law that legally recognizes a product as original, useful, and not obvious.

Rights of Plant Breeders

A form of intellectual property law that concedes legal monopolies (more limited than patents) to those who develop new vegetable varieties.

Conservation *in situ*

The conservation of ecosystems and natural habitats, and the maintenance and recuperation of viable species populations in their natural surroundings.

Conservation *ex situ*

The conservation and recuperation of viable species of populations outside their natural surroundings (e.g. botanical gardens).

General Agreement on Tariffs and Trade (GATT)

Founded in 1947, the GATT is the international negotiation forum for industrial nations to regulate agreements over trade and tariffs.

Trade Related Aspects of Intellectual Property (TRIPS)

An international entity created on January 1, 1995 to monitor GATT agreements and comply

with the objectives for global trade.

World Intellectual Property Organization (WIPO)

The organization that deals with all conventions on intellectual property adopted by the world community.

Convention on Biological Diversity (CBD)

The international agreement on conservation and sustainable use of biodiversity that went into effect on December 1994. This agreement holds legal power in the signing countries (characteristic which is called legally connected).

Required License

A legal mechanism that requires the patent owner to permit his/her invention to be accessible at fair prices.

Transgenic Organism

Any organism, or its descendants, that has undergone genetic engineering using genes from other species.

Paris Convention for Intellectual Property Protection

The principle intergovernmental entity established to direct the patents system and establish the basic regulations to concede patents.

Cooperation Treaty on Patents

A treaty to create a global system of patents ensuring that a patent obtained in one country be adopted by all member countries.

Union for the Protection of Vegetative Attainments (UPVA)

International conventions on intellectual property that deal with the rights of plant breeders.

Budapest Treaty

The international treaty that governs the variety of microorganisms proposed for the patenting process.

Life Patenting

Patenting of any living organism or its parts.

Conference of the Parties to the Convention on Biological Diversity (COP)

World forum of all the countries that ratified the Convention on Biological Diversity. More than 170 countries around the world have ratified the Convention.

The World Trade Organization

The General Agreement on Tariffs and Trade (GATT) was established in 1947 and created the basic regulations for international trade. It began as a club of 23 industrialized countries from Europe and North America to revive trade after the Second World War by eliminating barriers and distortions to international trade. The original GATT agreement has been amended eight times.

Beginning in 1996, GATT was absorbed by the new World Trade Organization (WTO). Up until January 1996, the organization had grown to include 115 member states, of which 84 are developing countries according to PNUD. Other governments from the South are preparing themselves to enter the organization.

At the end of 1994, the most recent GATT reforms were adopted at the end of the Uruguay

Round (called this because of the country where the talks began in 1986). At the Uruguay Round was the first time that intellectual property was discussed as a GATT trade issue. The United States and Japan argued that the absence of intellectual property protection in developing countries was an unjust trade barrier and should be subject to reprisal measures. The United States insisted that material protected under intellectual property laws should be defined without exceptions, especially with the biotechnical products and processes amongst their principal priorities. Before the round was over, industrialized countries had success in including intellectual property in GATT with the Trade Related Aspects of Intellectual Property (TRIPS) agreement.

If there is some consideration to the protection of agricultural communities' knowledge in the Convention on Biological Diversity, it is not included in the WTO. It is evident that all WTO members should adopt (if they have not done so as of yet) intellectual property legislation that complies with the terms set in TRIPS. Specifically, all those who signed should:

- offer patent coverage for microorganisms,
- and, have some form of intellectual property legislation that covers plants.

Cell Line

A sample of cells extracted from any organism that can perpetually continue reproducing itself in an artificial setting.

Agenda 21

A general environmental action plan adopted at the Earth Summit in 1992.

Depositor of biological material related to patents

Institutions in 15 countries that are recognized as having living material deposits which are the basis of literally all patents on living organisms.

Human Genome Diversity Project

The Human Genome Project is a world effort financed by governments from the North and established in 1988 by scientists to map out human genome. Using new technologies, the goal is to describe the chemical composition of each one of the 100,000 genes that is believed to control the hereditary part of each person's characteristics. A controversy arose in the project in 1992 between Craig Venter, a scientist working with the project, and his employer, the National Health Institute of the United States Government. Venter tried to patent 2,750 DNA fragments he had identified from the human brain, but whose bodily functions were unknown.

Nobel Prize-winner James Watson described the patenting petition as completely ludicrous and other scientists expressed fear that the rush to patent and commercialize parts of human genome would create difficulties in the advancement of its appreciated possession by humanity. Venter's patenting petition was rejected because it did not comply with the basic criteria for patenting. However, this situation spurred on a war of demands between genetic investigators. Investigation institutes in the United Kingdom and Japan followed Venter's example and petitioned for similar patents over other human DNA fragments. Many concerned scientists in Europe publicly opposed these petitions arguing that their work should remain in the public domain.

In December 1993, French investigators working with the Human Genome Project revealed the first generation map of nearly 90% of human genome, emphasizing that they will continue to present their research results and make the freely available. In November 1993, the Medical Investigation Council of Great Britain announced that it would not ask for a patent of gene segments discovered as part of the Human Genome Project. Meanwhile, Craig Venter became a multimillionaire as one of many scientists sponsored by public funds and who entered private industry to make money off of new technologies derived from human genes. The legal repercussions from Venter's patenting petition will be discussed in the courts in forthcoming years. The debate over related policies has just begun.

Human Genome Organization

The international organization that leads the Human Genome Project and the project on Human Genome Diversity.

Genome

All genetic material in the chromosomes of an organism or species.

Appendix II: What the Convention on Biological Diversity Contains

Extracts Applicable to Intellectual Property

The counterparts in the text are the 128 nations that ratified the Convention. The sections cited below are specifically related to biodiversity, Indigenous Peoples' knowledge, and intellectual property rights.

PREAMBLE, number 12: [Recognizes] the close and traditional dependency that many local communities and indigenous populations, with traditional lifestyle systems, have on biological resources and the convenience of equally sharing the benefits derived from using traditional knowledge, innovations, and practices pertinent to biological diversity conservation and the sustainable use of its components.

ARTICLE 1 - Objectives: The objectives of this convention...are the conservation of biological diversity, the sustainable use of its components, and the just and equitable participation of the benefits derived from the use of genetic resources; including appropriate access to genetic resources and appropriate transfer of pertinent technologies, taking into account all the rights over those resources and technologies.

ARTICLE 2 - "Terms used," number 13: "Conservation in situ" means the conservation of ecosystems and natural habitats, and the maintenance and recuperation of viable species populations in their natural surroundings, and in the case of domesticated or cultivated species, in the surroundings developed for their specific properties.

ARTICLE 3 - Principle: The States have "the sovereign right to exploit their own resources in accordance with their own environmental policies and to ensure that the activities within their jurisdiction or control do not cause environmental harm to other States."

ARTICLE 8 - Conservation in situ, clause (j): Each counterpart should...(j), subject to their national legislation, respect, preserve, and maintain the knowledge, innovations, and practices of indigenous and local communities that are intimately attached to traditional lifestyles pertinent to conservation and the sustainable use of biological diversity; and promote its application with the approval and active participation of those who possess this knowledge, innovations, and practices; and foment the equitable distribution of the benefits derived from the use of this knowledge, innovations, and practices.

ARTICLE 10 - The sustainable use of the Biological Diversity components, counterpart clause should...Protect and foment the long term use of biological resources, in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements...

ARTICLE 15 - Access to Genetic Resources, clauses 4,5,6: 4. When access is granted, it should be under mutually beneficial conditions... 5. The access to genetic resources should be subject to previously informed consent... 6. Each counterpart should try to promote and develop scientific investigation based on the genetic resources offered by other Counterparts, with the full participation of these Counterparts.

ARTICLE 16 - Access to Technology Transfer, clauses 1 and 2: 1. Each Counterpart, recognizing that technology includes biotechnology... is committed to offering and/or providing the pertinent technology to other Counterparts for the conservation, sustainable use of biological diversity, and the use of genetic resources...and ensure the transfer of these technologies... 2. In the case of technologies subject to patents or other intellectual property rights, the access to and transfer of this technology will be ensured by taking into account the adequate and efficient protection of intellectual property rights compatible with the technology.

ARTICLE 17 - Exchange of information, clauses 1 and 2. The Counterparts will make possible information exchange... 2. This information exchange should include an exchange of technical, scientific and socioeconomic research results, as well as information about...local and traditional knowledge, alone and in combination with the technologies mentioned in article 16..This also includes the repatriation of information.

ARTICLE 19 - Management of Biotechnology and the Distribution of its Benefits, clause 2: Each Counterpart should... promote and stimulate, under just and equitable conditions, the priority access by the Counterparts... to the results and benefits derived from biotechnologies based on genetic resources given by these Counterparts.

Appendix 3: The TRIPS and GATT: Relevant Clauses

According to 5: Patents - Article 27 Material, Subject to Patenting

1...The patents should be available to any invention be it a product or process, in all technological fields, as long as it is new, contains an invention phase, and is susceptible to industrial application.

...The patents should be accessible and the rights delegated to them should be respected, without discrimination, according to the place of invention, to the technological field, or if the products are imported or produced locally.

The members may exclude the inventions proposed...to protect public order or morality, including the protection of human, animal, or vegetable life or health, or to avoid serious damage to the environment; on the condition that the exclusion is not made simply because the exploitation is prohibited by law.

The members can also exclude from the proposal the following:

- a) diagnostic, therapeutic, or surgical methods used to treat humans or animals;
- b) vegetables and animals, except microorganisms, and processes essentially biological to produce vegetables or animals, except non-biological and microbiological processes. However, members should offer protection for vegetable varieties either by patents or another effective system, or a combination of the two. The measures contained within this paragraph shall be revised four years after the date of application of the WTO Agreement.

Article 65: Transitional Agreements

1...No member will be obligated to apply the measures of this Agreement before the general one year period, after the date of application of the WTO Agreement.

2...The members from developed countries are permitted to postpone the application date by one additional year.

4. In the case that a developing country is forced by this Agreement to extend the patents protection to non-protectable technology, within its territory, it can postpone the application of the measures of the patents over these technical areas for an additional five years.

Article 66: Member Countries that are Less Developed Countries

1. In light of the special necessities and requirements of Members that are less developed countries...these members will not be forced to apply the Agreement's measures...for a period of 10 years from the application deadline...The TRIPS counsel will permit an extension to this period, according to the requirements accordingly justified by a less developed country Member.

Appendix 4: Bibliography

Amazonía sin Mitos. Tratado de Cooperación Amazónica.

Biodiversidad, Sustento y Cultura. Redes Amigos de la Tierra y GRAIN. Octubre de 1996.

Confinamientos de la Razón, Monopolios Intelectuales. RAFI, 1997

Conocimientos Tradicionales y Diversidad Biológica. Nota del Secretario Ejecutivo del CDB. 18 de octubre de 1997.

Conocimientos Tradicionales, Biodiversidad y Derecho Internacional. COICA, Instituto Amazanga y Fundación Omaere. Quito, 1998 (en edición).

Conservación de Conocimientos Autóctonos: Integración de dos sistemas de innovación. RAFI, Septiembre de 1994.

I Conferencia Internacional de Pueblos Indígenas y Biodiversidad. Buenos Aires, Argentina, Noviembre de 1996.

II Conferencia Internacional de Pueblos Indígenas y Biodiversidad. Madrid, España, Noviembre de 1997.

Convenio de la Diversidad Biológica (CDB).

Convenio 169 de la OIT

Derechos Humanos y Pueblos Indígenas. Manual sobre el sistema de las Naciones Unidas. Florencia Roulet, Documento No 21, Copenhague 1997.

Determinación de Políticas para las Areas de Acción de la COICA. Paramaribo, Surinam, Marzo de 1995.

El Uso Exitoso de Instrumentos Económicos para Fomentar el Uso Sustentable de la Biodiversidad: Seis Estudios de Caso de América Latina y el Caribe. Joseph Henry VOGEL, 1997.

Encuentro Regional sobre Propiedad Intelectual COICA-PNUD. Santa Cruz de la Sierra, Bolivia, Septiembre de 1994.

Entre lo Propio y lo Ajeno. Derechos de los Pueblos Indígenas y Propiedad Intelectual. Quito, 1997.

Foro Latinoamericano de Biodiversidad. Santa Marta, Colombia, Mayo de 1996.

Patrimonio Indígena y Autodeterminación. Tony Simpson. Documento IWGIA No 22, Copenhague, 1997.

Quinto Congreso de la COICA. Georgetown, Guyana, Mayo de 1997.

Revista Semillas en la Economía Campesina, N° 8, 9 y 10. Santafé de Bogotá, 1997.

Taller sobre Propiedad Intelectual de los Pueblos Indígenas Amazónicos. COICA. Puerto Ayacucho, Venezuela. Octubre de 1997.

uaama-Macaguaje-Macagane-Macuna-Macusa-Makú-Masiguare-Matapi-Miraña-Muinane-Nonuy
kuani-Siona-Siriano-Taiwano-Tanimuka-Tariano-Tatuyo-Tikuna-Tsiripu-Tukano-Tunebo-Tuyuca-
nba-Guarastug'we-Yaminahua-Machineri-Ese Eja-No'iria-Pakawara-Kavineno-Itenez-Baure-Kanich
tiono-Reyesano-Guarayu-Chiquitano-Ayoreo-Aikana-Ajuru-Akurió-Amanayé-Anambé-Apiaká-Api
awana
AIDSEP (Perú) - APA (Guyana) - CIDOB (Bolivia) - CONFENIAE (Ecuador) - COIAB (Brasil) -
CONIVE (Venezuela) - FOAG (Guayana Francesa) - OIS (Surinam) - OPIAC (Colombia)
ré-Bor
esano-Enauené Naue-Fulni Ó-Galibi-Galibi do Uaçá-Gavião-Gavião Parkatejê-Gavião Pukobyé-Ge
arani Nandeva- Guato-Hixkaryana-Iauanaúá-Ingarikó-Ingarune-Iranxe-Isol. da Cabeceira do R
to Tarauacá-Isol. do Arama/Inauini-Isol. do Bararati-Isol. do Igarapé Omerê -Isol. do Igarapé
ndiatuba-Isol. do Parauari-Isol. do Quixito-Isol. do Rio Candeias-Isol. do Rio Tapirapé-Isol.
ipancó-Juma-Juruna-Kadiwêu-Kaiapó A'Ukre- Kaiapó Gorotire-Kaiapó Kararaó-aiapó Kikretum
ari-Kaiapó Mekrãgnoli-Kaiapó Metuktire- Kaiapó Pituiaro-Kaiapó Pu'Ro-Kaiapó Xikrin do Bacajá-
nba-Kambiwa-Kampa-Kanamanti- Kanamanti Jamamadi-Kantarurê-Karafawyana-Karajá-Karajá
ri-Karitiana-Katawixi-Katuena-Katukina-Katukina Pano-Katukina Shanenawa-Kaxarari-Kaxinaw
enak-Krikati-Kubeo-Kuikuru-Kulina-Kulina Pano-Kuripako-Machineri-Macurap-Maku Hupdá-Mak
atipu/Nahukwá-Matis-Matsé-Mawayana-Maxacali-Mehináku-Mequém-Miqueleno-Miranha-Mirit
mbiquara Alantesu-Nambiquara Hahaintesu-Nambiquara Halotesu-Nambiquara Katitawlu-Namb
mbiquara Manduka-Nambiquara Negarotê-Nambiquara Sabané-Nambiquara Waikisu-Nambiq
awin)-Pakaá Nova (Orouari)-Palikur-Panará-Pankararé-Pankararu-Pankaru-Parakaña-Pareci
umelenho-Piratapuia-Piriutiti (isolados)-Potiguara-Poyanawa-Rikbaksa-Sakiriabar-Sateré/Ma
pirapé-Tapuia-Tariano-Taurepang-Tembe-Tembé_Turiwara-Tenharim-Terena-Ticuna-Tingui
kano-Tupari-Tupí do Cominapanema-Tupí Kawahib-Tupiniquim-Tuxá-Tuyuka-Txikão-Uari-Uito
ai Wai-Waiápi-Waimiri Atroari-Wanano-Wapixana-Warekena-Wassu-Waurá-Wayana_Aparai-Xa
curu-Xucuru_Kariri-Yakarawakta-Yanomami-Yawalapiti-Yekuana-Zoró-Zuruahã-Akuliyo-Loko
ichua-Siona-Secoya-Shuar-Záparo-Achagua-Amorue-Andoke-Arzarío-Bara-Barasano-Bari-Betoye
cama-Coreguaje-Cuaiker-Cuiba-Curripáço-Desano-Guanano-Kamsa-Kofán-Kogui-Letuama-Mac
raña-Muinane-Nonuya-Ocaina-Piapoko-Piaroa-Piratapuyo-Pisamira-Puinabe-Saliba-Sikuani-Sion
kano-Tunebo-Tuyuca-Wayuu-Witoto-Yagua-Yauna-Yucuna-Yuruti-Ava-Izocéño-Mbiá-Simba-G
vineno-Itenez-Baure-Kanichana-Kayubaba-Itonama-Movima-Moxeño-Tsimane' -Yurakaré-Sirionó
anayé-Anambé-Apiaká-Apinayé-Apuriña-Arapáço-Arara-Arar do Beiradão-Arar Kar-Arara Sha
urini do Xingu-Atikum-Avá Canoeiro-Aweti-Bakairi-Banawa Yafi-aniwaBará Tukano-Barasano
nela Rankokamekra-Canoe-Capinawá-Cariri-Xocó -Cinta Larga-Cocama-Coevana-Columbiara-De
vião Parkatejê-Gavião Pukobyé-Geren- Guajá-Guajajara-Guarani-Guarani Kaiowá-Guarani Mb
garune-Iranxe-Isol. da Cabeceira do Rio Acre-Isol. da Serra do Taquaral-Isol. do Alto Jutai-Isol. d
Igarapé Omerê -Isol. do Igarapé Tabocal-Isol. do Igarapé Xinane-Isol. do Jacareúba- Isol. do Jand
ol. do Rio Tapirapé-Isol. do São José-Issé-Jaboti-Jamamadi- Jaminawa-Jarawara-Javaé-Jiripancó-J
raraó-aiapó Kikretum-Kaiapó Kokraimoro-Kaiapó Kuben Kran Ken-Kaiapó Me Ngra Mrari-Ka
'Ro-Kaiapó Xikrin do Bacaja-Kaiapó Xikrin do Cateté-Kaimbé-Kaingang-Kalapalo-Kamayurá-
ntarurê-Karafawyana-Karajá-Karajá do Norte- Karapaña-Karanotó-Karinuna-Karipuna do Aman
enak-Krikati-Kubeo-Kuikuru-Kulina-Kulina Pano-Kuripako-Machineri-Macurap-Maku Hupdá-Ma
atipu/Nahukwá-Matis-Matsé-Mawayana-Maxacali-Mehináku-Mequém-Miqueleno-Miranha-Mir
mbiquara Alantesu-Nambiquara Hahaintesu-Nambiquara Halotesu-Nambiquara Katitawlu-Namb
mbiquara Manduka-Nambiquara Negarotê-Nambiquara Sabané-Nambiquara Waikisu-Nambiq
awin)-Pakaá Nova (Orouari)-Palikur-Panará-Pankararé-Pankararu-Pankaru-Parakaña-Pareci
umelenho-Piratapuia-Piriutiti (isolados)-Potiguara-Poyanawa-Rikbaksa-Sakiriabar-Sateré/Ma
pirapé-Tapuia-Tariano-Taurepang-Tembe-Tembé_Turiwara-Tenharim-Terena-Ticuna-Tingui
kano-Tupari-Tupí do Cominapanema-Tupí Kawahib-Tupiniquim-Tuxá-Tuyuka-Txikão-Uari-Uito
ai Wai-Waiápi-Waimiri Atroari-Wanano-Wapixana-Warekena-Wassu-Waurá-Wayana_Aparai-Xa
curu-Xucuru_Kariri-Yakarawakta-Yanomami-Yawalapiti-Yekuana-Zoró-Zuruahã-Akuliyo-Loko
ichua-Siona-Secoya-Shuar-Záparo-Achagua-Amorue-Andoke-Arzarío-Bara-Barasano-Bari-Betoye
ocama-Coreguaje-Cuaiker-Cuiba-Curripáço-Desano-Guanano-Kamsa-Kofán-Kogui-Letuama-Mac
iraña-Muinane-Nonuya-Ocaina-Piapoko-Piaroa-Piratapuyo-Pisamira-Puinabe-Saliba-Sikuani-Sion
kano-Tunebo-Tuyuca-Wayuu-Witoto-Yagua-Yauna-Yucuna-Yuruti-Ava-Izocéño-Mbiá-Simba-G
vineno-Itenez-Baure-Kanichana-Kayubaba-Itonama-Movima-Moxeño-Tsimane' -Yurakaré-Sirionó
anayé-Anambé

This Manual is published with the Ford Foundation support