

# Occasional Papers

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## **ACCESS TO THE RESOURCES OF BIODIVERSITY AND INDIGENOUS PEOPLES**

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When confronting the subject of access to the resources of biodiversity with respect to indigenous peoples, we are faced with several questions, the following among them: What is traditional knowledge? Is it possible to detach that knowledge from the resources with which it is associated? How can these resources and knowledge be protected?

It is a well-known fact that most of the resources of biological diversity on this planet are located in tropical countries and that they are basically found in indigenous peoples' territories, although governments insist on ignoring this fact when stating that biodiversity is located in regions "empty of people" and that therefore that biodiversity is unknown.

Because in spite of the failure to recognize indigenous peoples who inhabit those territories, as well as their knowledge, what remains true is that "biodiversity" IS known, by indigenous peoples, who live with it, off it, and develop it in a sustainable manner, that is, without destroying it and taking into consideration its use by future generations.

The existence of human beings for over 30,000 years in the so-called American continent is common knowledge. This corroborates that nature is NOT wild. For thousands of years, in generation after generation, people indigenous to these lands have developed technologies, which have led them to produce innovations that have accumulated throughout time, and of which there exists no other record than their existence itself.

These are unknown to the non-indigenous world because, up to the present time, that science, that aboriginal, vernacular technology has always been judged as witchcraft, as unproductive. It does not fit in their (non-indigenous) heads that we were able to do research, and to develop and create INNOVATIONS.

That is why, when nowadays western researchers find a little plant, they dare think and say with much ostentation that it is wild. It is hard for them to accept that this little plant has been developed by us, by our ancestors, that a long, collective process has taken place. Of course, today the plants seem wild because many regions that used to be inhabited by indigenous peoples have undergone, and continue to undergo, such a strong repression that many of our people have had to retreat, when it is not that they have disappeared or died. So, when some plants are found in the forest, apparently they are wild. But they have been used and transformed by indigenous people, with their innovations.

All that development has been achieved with everyone's effort; it has not been the creation of just one person. Those inventions have been made by the communities in a collective manner. This is one of the reasons why no one is permitted to appropriate a plant, an animal, or a piece of knowledge, to use it for his/her own individual benefit. Nobody has the right to be the owner of these elements of life, everything is at the service of the community.

It is thus necessary that recognition and protection be given to these collective innovations that have been accumulated throughout time, and of which there is no written record, for the fact that they were not developed by isolated individuals, at specific moments in time, in laboratories, and they do not appear in written documents, does not take away their (innovative) quality as such.

On the other hand, what has now become known as "traditional knowledge" is not only our people's present wisdom on biodiversity surrounding them, it is not just their knowledge of how to take care of it, and how to use it. That knowledge is much more than that; it IS PART of biodiversity itself, for throughout the years the latter has been undergoing transformations by way of its handling by

indigenous peoples, by means of innovations arisen from our own science.

For this reason, it is not possible to dissociate that knowledge from the resources to which it is already fixed, as those who think nature is wild do when they differentiate and separate the "tangible" from the "intangible". There is always knowledge in the resources because they are the product of centuries of collective innovations, developed generation after generation.

The western world, its scientists and technical experts think everything in compartments; each professional; had his/her exclusive area and develops his/her own separate subject. When they made up the noun "biodiversity", they also began to construct their little boxes: animals and plants here, human beings there, knowledge in a separate little box, and so on.

We look at the world in a totally different manner, we look at it as a whole, with all its components, with everything that exists in nature, with what nature produces, and in its interrelation with knowledge. Ours is a circular world where our gods exist, where our sacred sites, the great rocks, the great rivers and the mountains are, where the plants and animals live, where the sun rises and its rays impregnate the earth so she can give birth. And there, as part of nature, are the indigenous people as well.

And since we also believe that nature belongs to the gods, and that we are simply its guardians and administrators, we consider the earth to be our Mother, thus it does not occur to us to think of exploiting or negotiating her. On the contrary, we have great appreciation and respect for Mother Earth, and we try to make sure that our relationship with her never infringes upon her integrity, but rather secures that delicate balance that must exist among all.

But now foreign people want to take away the resources of that biodiversity, they want to extract and exploit them, and they plan to PRIVATIZE them. That is the great problem that has confronted us today, because this is deeply contradictory with our way of thinking. They plan to privatize something so essential! For when we speak of biodiversity, we are including the essence, the spirit, and that is why the

indigenous conscience is being deeply touched, to the bottom of our soul.

For us, biodiversity is not privatizable, because life is not something that can be someone's property, for only our gods are its owners.

Technical experts and scientists of the western world have also made up the words "sustainable development". But neither the states, nor the legislators, technical experts, or scientists have had the will to recognize in practice that true sustainable development is that which indigenous peoples living far away in the depths of the jungle or forest, where they were born, where they grow up, reproduce themselves and die, have pursued. They, living in their habitat, have managed to develop their societies for thousands of years. This is what the word "sustainable" means to me. For us, THAT has been the real sustainable development, a development which I believe is totally incompatible with the concept which the capitalist system, with its eyes focused on these communities, on those territories where these resources exist, preaches.

How does the capitalist system understand sustainable development? They say it is necessary to get to the forest, to the sea, to the great rivers, and that the resources that exist in nature, be they from mines, trees, from seas or rivers. or others, must be exploited, must be extracted in a sustainable manner. But what does this mean? Take the case of gold in the Saldaña River of Tolima, California, for example; they know perfectly well that there are tons of gold there and they want somehow to take it out. Their slogan is that it must be taken out "without causing the least damage". But I am asking, how is that going to be done? It is impossible to extract gold without causing damage, it is impossible. Only with a (mythical) magnet will they be able to extract it without touching the soil, the subsoil, without causing damage to the resources. Thus, in the name of their "sustainable development", they can destroy everything they find in their way, particularly those systems which are indeed really sustainable. Because sustainable development in the capitalist world means to extract, to extract, to extract, at any cost.

This is totally different from the sustainable development

practiced by indigenous peoples who have lived off what nature produces, together with their crops, and who have always sought a balance, harmony, who have always taken into consideration our children, and the children of our children, and thus have not tried to deplete everything for just those who are alive at the moment. We also benefit from the resources, yes, nature is there for that. In order to build a dwelling we must of necessity open up a space, we must necessarily fell trees to build a house, we must use material, wood, as fuel for the fireplace, we must necessarily sow; all this because we are part of nature, we have lived off it, off it we are living, and off it our future generations must continue to live. But not in that system of razing.

In order for us to protect all this, we are today facing an avalanche of international norms which are being imposed on us. Everyone is looking for access to the resources of biodiversity, but they do not want it in a "legitimate" way, so mechanisms to achieve the goal are being proposed: on the one hand it is said that systems for the protection of intellectual property rights developed to protect industrial inventions, etc., such as patents, may be used, but that if they fail to meet the needs as they are, some adjustments may be made to adapt them to these new circumstances of the protection of property rights over life. If this is not enough, it is said, special instruments to complement the latter may be created. Thus, we are told about WTO and its GATT, its TRIPS and the option to develop sui generis regimes. In the case of South America, they tell us the Andean Pact, Decision 391 and its option for a sui generis regime. They show us the CBD, with its pretended aim to protect biodiversity and the peoples that have developed it, but which in reality simply promotes access to the resources.

And so, in the best of all worlds, they have entangled us in a discussion of what Colombian politicians call "the intermediates", that is, that we must not go to extremes, but rather negotiate and arrive at a mid-point. And in this the INTERMEDIATES are the special or sui generis regimes, which seek to sit indigenous people at the negotiating tables, in order to there talk us into submission. Because it is there where the banana skins are placed, it is there where we start to skid. They are thinking that somehow indigenous communities must be convinced; they have even picked up

our own speeches to use them against us, talking wonders to convince indigenous people, black people, and peasants to give the resources and knowledge. Because the aim of the capitalist world is to squeeze, to get the maximum profit from those resources, no matter how. I do not have the slightest doubt about that. On the one hand they talk nice, but on the other what they are really after is a way to somehow draw out those resources, even if against the will of those of us who seek to preserve them.

For, what is it that they are looking for? To patent the different varieties, plants, animals, micro-organisms, everything that exists on this planet. And, what does that mean? That is privatizing, appropriating, immortalizing, and so on. I believe they are today thinking of protecting through

### IMMORTALIZATION,

by taking those resources to gene banks, to freezers, so that they can develop them years later, for they know perfectly well that we are going through a process of erosion of all that is genetic, in the whole extension of biogenetics. For, as I have said in several occasions: "they hate us so that they are killing us, but they value us so that they are immortalizing us".

And it is at this point where we, indigenous peoples, and the so-called local communities in particular - which in our case are the black and peasant communities - need to be very clear, need a degree of consciousness that will allow us to organize ourselves for our own defense, that will block our being expropriated, that will make us give money no more than its due worth. Because we all know the saying, "Money: today's bread and tomorrow's hunger". If we really want protection, how are we going to protect? Do we swallow the story of immortalization, of conserving in cold rooms? Do we allow them to take everything away to gene banks? Or do we protect in a natural space, in that marine, fluvial or terrestrial space, which does not require human intervention for life to exist and reproduce itself.

If we want to understand how destructive the greed for our resources - basic to the economic system of the western world - can be, we have only to remember what has happened with the coca leaf in Latin America. It hurts to see

what has happened, what is happening to such an important plant! a plant that has been so essential to the indigenous world, a plant with so much virtue, with so much power, used to interpret the world, to communicate with the gods, for medical treatments, to benefit the people.

These persons arrived, invaded us, exploited us, deceived us with that monetary paper, distorted its functions, thereby causing us great, irreparable harm, for we lost many values linked to its virtues, to its power. But they have also inflicted great damage on their own society, while only profiting a small sector.

So, how are we to protect those resources and knowledge? That is the watchword. For us, for me personally, if our communities are really interested in protecting what is ours by Higher Law (Derecho Mayor), and taking into account that what they are messing with is of substance, that it is the essence, that it is that power, that wisdom of the indigenous world's knowledge, there is no other way, no other road, no alternative for that protection, but

TO DENY THAT ACCESS,

to demand a stop to all activities of research and collection of resources and knowledge within our territories.

I once more ask the system, the capitalist world. There are resources which, if you don't have the right to access them, you don't have it. I am conscious of that. Just as how we don't have the right to access banks, the great heaps and piles of resources, of money accumulated there! They are there, safeguarded, protected, in safes, and we know we don't have the right to them because they are not ours; and access is not allowed to us. Why is it then that they do consider themselves to have a right to something which does not belong to them? It is because they are used to thinking this way.

What we are saying is that indigenous peoples have, above all, the right

NOT TO PERMIT PRIVATIZATION,

to defend collectively. Because that is what we were taught

by our ancestors, by our grandparents, by our parents.

It is said that it is very, very difficult to protect today in the manner I am proposing. But I am saying, what is it that has been easy for us? Everything has been difficult, to have indigenous rights recognized in the national Constitution was not a present from the government either; it has been difficult, an arduous, harsh struggle. But it was not impossible. That is why I keep on dreaming of protecting, I keep on dreaming of not prostituting ourselves, of not opening up our resources for sale.

Many communities, many leaders, many advisors, have thought and said that you cannot fight governments, that you cannot fight multinationals, transnationals, that you cannot fight them; they have felt fear, they have given up before starting. But there are many indigenous peoples, like the U'wa people from Colombia, who have shown us all that when there is clarity, when respected traditional authority exists, it is possible to fight against anyone who tramples on our rights.

The U'wa people have been maintaining a harsh fight against the OXY, an oil multinational with much power, that has had the open support of the Colombian government. They do not have any economic or political power, they are a group of 5000 indigenous people who, with dignity, have taken the decision to fight against a total monster, in order to defend their world, that world which was bequeathed to them by their elders, by their gods. And by doing so they are far setting an example, they have nourished and enriched us a lot, they have given us a great lesson.

Their community has said NO to the exploitation of resources in their territory: mineral, plants, all resources. They have said they are not the owners of these resources, that they belong to the gods who have left them to take care of, to administer, but not to exploit or sell them, that their gods have thus ordered, and they cannot violate this order.

Their struggle proves that if there really exists deep knowledge of one's own culture, if there is esteem for the territory, if there is self-esteem and recognition of the importance and value of being an indigenous person,

everything is possible. Because I am certain that if the U'wa people do not allow themselves to be entangled, if they do not fall into the traps and slip on the banana skins that are being placed for them, they will succeed in having others respect that right that assists them to defend their way of thinking and living, to say NO to the exploitation of their Mother Earth.

We know that the werjayás, the thinkers, the wise ones, all those traditional authorities of our people do not give in, do not sell their resources or knowledge. Indigenous communities at their base very much share this position. But there never fail to exist leaders too influenced by the non-indigenous world, advisors of sorts who lead our people into the road of total loss, of integration, into the world of trade. It is difficult to understand why instead of giving orientation to defend their rights with honour and dignity, they are saying that there is nothing to be done, that the fight is lost, and that it is better to get some profit; they are surrendering from the start, before fighting they have already given up, from the beginning we have it lost, and they are willing to conform to this loss for a small economic return, selling our birth right for a mess of potage. This is their watchword. To rescue something.

Of course non-indigenous advisors who think this way could be right! In the end the loss does not affect them directly either morally, politically or spiritually. But we, the indigenous peoples, those of us who have aboriginal blood and are conscious of that painful past and know that what is coming is painful as well, must be aware of the fact that those resources of biodiversity, which are being discussed today, which are on the table for debate, are the only ones which in so many years no one has been able to take away, and are the last goods we have left. But today, through norms that make theft legitimate, and with the complicity of many people, it is being done, they are accessing them.

We the indigenous peoples have to develop great consciousness in order to be successful in defending this right, these resources. Indigenous leaders, advisors closest to indigenous peoples, have an enormous responsibility in all of this. We all know that almost 80% of the resources are in gene banks; there is still 20% still in the hands of the communities, in the forests, in the mountains. I have a

dream that now, when the situation of the indigenous peoples has changed, now that, for instance, in the case of the so-called American continent, it is no longer as it used to be 500 years ago when indigenous people did not even understand the Spanish tongue, when we did not know what those who arrived were, and what they sought, now that we are wholly aware of their pretensions, their aspirations, as well as of our own interests, we may be sufficiently capable of defending our rights.

Many people, myself among them, have been preaching what we have called the moratorium. In what sense?

It hurts me a lot that today we should have to endure the situation we are facing. And I am asking, for example, in the 500 years since the arrival of non-indigenous people in the continent of which I am native, with what voracious appetite, I am asking that it be explained what it is that they have done. Because what one sees is total deforestation, total razing of vegetation, pollution of seas and rivers. During the celebrations of the Centennial of the American Conquest in ExpoSevilla, the Colombian government could not show the world what they had done in those 500 years; they had to take pre-Colombian objects, those of our forefathers, as the most important thing to be exhibited. Shame on them! They have nothing to show the world of what they did in 500 years.

They exhausted everything that existed, and all that is left is what is at the periphery, what is in the forest, and now it is on this that all the governments of the world have their eyes focused. They finished up what was theirs, they turned it into money, into dollars, and perhaps they have it in the banks; but that is not enough. That voracious appetite, that greed for profit, is still there. Today they still persist, they insist on keeping on with the looting. These are the last possessions left to us, and that is what they today pretend to keep on researching, to keep on taking inventory of, to continue taking away, to go on privatizing. Because according to the way they behave, what is theirs is theirs, but what is ours is everybody's, it belongs to "humanity", to them.

And it is at this point where indigenous peoples, black communities, and peasants, have to land, a=that is, we

have to enter into our world if we do not want to disappear together with the rest of biodiversity. If we think in terms of the long run, if we really want to leave something for our new generations, if we truly love our children, if we truly love Mother Earth, nature, which I believe is all we have left and if we destroy it, we will not have anywhere else to go - for even though they are already negotiating planet Venus, even though they are already selling it piece by piece, we won't be able to buy a little piece of that planet, or of the moon -- if we are not hypocrites in what we are saying, we must defend those resources and the knowledge associated with them.

And the defense of those resources and that knowledge has no way other than

the integral protection of  
our societies themselves,

for integral is our world, and nothing is loose or capable of being preserved in an isolated manner. We must above all protect that space we call territory - that of blacks, peasants and indigenous people, in the case of the Americas - in order to be able to continue making innovations, in order to continue our development and to carry on with the protection of those resources which are so valuable. If we let them escape from our hands, if they are washed away from our hands, it will be impossible to have them back again. But I think we are still in time.

None of the protection mechanisms we are being told about is able to assure the integral protection of our societies and our cultural identity, for all of them, in one way or another, place us in the path to integration, and destabilization of our own systems of thought, of our own life systems. It is possible that some of them may guarantee us a few coins, though this is not easy to achieve either, but then we will have ceased to be the indigenous peoples we are, and the development systems that our peoples have used for millennia - the only ones to attain that "sustainable use" today searched for by the non-indigenous people - will have ceased to exist.

For all the above reasons, and based on cultural objection, it is necessary to reject access activities, or at least, while our

people understand what is at stake with either decision,  
while the rules with which we will participate, if that should  
be the decision, are defined and made clear,

**to declare a moratorium  
on all access activities to  
our resources and knowledge  
in our territories.**

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