



ACCESS TO GENERIC RESOURCES AND TRADITIONAL KNOWLEDGE IN THE INTERNATIONAL REGIMEN OF THE AMAZONIAN BASIN

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PROTECTION OF THE TRADITIONAL KNOWLEDGE OF THE R.I.

1. For the indigenous village's people, the knowledge and the determination of the use of the resources are collective and intergenerational.
2. Nether indigenous population, even if as individuals or communities, nor the government, can sell or transfer the resources of the property which have been generated from the villages' property. Each generation has the obligation to safeguard for the following generations.
3. The traditional knowledge of collective property and intergenerational or transmission of intergenerational.
4. For the indigenous village's people, the biodiversity and traditional knowledge of a town are inherited concepts towards the freedom of determination and territorial notion. The subjects on access to the genetic resources have to be seen from this perspective.
5. The patents and other rights of intellectual property on life forms are unacceptable for the indigenous village's people.
6. The indigenous innovations cumulative constitute processes included all the manifestations of the indigenous' creativity.
7. The fortification of the cultural identity of the indigenous towns and its own forms of organization are essential elements for the conservation of the traditional knowledge.

PROTECTION OF THE KNOWLEDGE IN THE INTERNATIONAL REGIMEN

IMPLEMENTATION OF POLICIES

1. The biodiversity resources which include the genetic resources, biological and traditional knowledge are part of the indigenous territories which must be recognized as collective patrimony of the indigenous towns, under our management and direct administration.
2. The Indigenous Towns of the Amazonian River Basin are implanting the necessity of adopting a universal level as a binding instrument for legal protection of the traditional knowledge by means of an alternative system *sui generis* distinct from the protection regimens of the intellectual property rights, and not like a simple element of the proposal of the R.I of access to

genetic resources. This regime *sui generis*, among others, would have to contain the following elements:

Basic elements of the regimen sui generis

- a. The acknowledgment of the indigenous territories.
- b. The acknowledgment of collective properties and deeds and those known as traditional knowledge.
- c. The legal protection of the CT through the means of our own customary laws.
- d. The use and the earnings received from biodiversity resources without restrictions for the indigenous towns, as well as, the exchange of information between the indigenous towns.
- e. The inclusion of the principle freedom of previous and informed consent by means for the indigenous towns. We have the right to decide over the use of the traditional knowledge, as well as the right to veto.
- f. A clear disposition with respect to the participation of the indigenous towns of the right and equitable distribution of benefits, as to monetary and nonmonetary types in agreement with the priorities and necessities of our own indigenous towns, when they are acceded to the traditional knowledge and the genetic resources in our territories, and that among others can be directed towards the legal security of lands and territories and to guarantee our nourishing security.
- g. The recognition and application of the Declaration of The United Nations on the rights of the Indigenous peoples and the 169-OIT agreement in individual dispositions of Art. 31 and the Declaration of the Arts. 6 and 7 of the same agreement.

3. The traditional knowledge must remain alive, the cultures must continue evolving such knowledge. Our registration or location in data base, they cannot be mechanisms to establish our survival unless this is a condition for the recognition of rights. The mechanisms of spreading the information of the traditional knowledge must be established by means of codes of ethics established by our own indigenous towns.

4. The indigenous towns, through the COICA are implanting that: *to whom it corresponds the safekeeping, control and administration of the traditional knowledge and genetic resources to the the indigenous towns and although it is certain that the norms of international protection must exist. These must be by means of a different system, ---sui generis ---, based on our customary laws because the systems of intellectual property effectively protect rights deprived to the inventions and persecute exclusively commercial aims, whereas, the traditional knowledge are of collective property of a whole town and most of the time they do not have commercial aims.*

ABOUT THE NATURE AND OBJECTIVES

1. It must be a legally binding instrument that recognizes the collective rights of the indigenous people, especially the rights of the contemplated indigenous towns as in the Declaration of The United Nations on the Rights for the Indigenous people, which respect our own decision making forms in respect of the genetic resources that are in our territories.

2. Respect for the free consent, previous and informed of the indigenous towns and the legal security of our territories.

RELEVANT ASPECTS OF THE R.I. AND ACCESS TO R.G

AMBITO AND DEFINITIONS

1. On the scope of the R.I, this must be applied to the genetic resources and its derived products including those accessed from the adoption of the Agreement on the Biological Diversity, as well as, the associated CT, excepting the genetic resources and CT that are in the territories of the Indigenous Towns which are in Voluntary Isolation.
2. As far as the definitions are concerned about implanting the recognition and the inclusion of the denomination of indigenous towns conforms written in the Declaration of The United Nations of the Rights of the Indigenous People.
3. As far as the illegal use of RG and CT, we suggest the following definition was included: *"the illegal access and illegitimate component associated with the biological and genetic resources, without having their consent and being properly informed into the nationalities of the indigenous towns, who are the holders of such traditional knowledge, not knowing in addition the source to origin of such and the right of participation of the benefits"*.

ABOUT ACCESS TO GENETIC RESOURCES AND THE DISTRIBUTION OF BENEFITS

1. Access to the RG which are found in our territories also must be put under the principles of Consent, free of, previously informed to the indigenous towns, since the Indigenous people are sovereign within their territory and therefore of our CT and RG biodiversity.
2. As far as the participation of the indigenous people in the right and equitable distribution of benefits, being of monetary and nonmonetary type, these must be in agreement with the priorities and necessities of the indigenous towns. When they have acceded to the traditional knowledge and the genetic resources in our territories, and among others which can be directed towards the legal security of land and territories and guarantee the nourishing security.

ABOUT THE DEVELOPMENT OF CAPACITIES AND TRANSFERENCE OF TECHNOLOGIES

1. We implanted the development of capacities on the R.I, including the direct way of the Indigenous towns, aspects such as: the transference of technologies, the previous based consent, distribution of benefits, terms which have been mutually suitable, rights of intellectual property and measurements for the fulfillment.
2. The COICA in representation of the 390 indigenous towns of all the Amazonian Basin is constituted as necessary, ideal and legitimizes for the development of capacities in this region mega-diversity of the planet that covers 10,268.471 km² an approximated extension. The

intervention of the COICA within the process of adoption of the International Regimen, which occurs by the defense and recognition of the rights of the indigenous towns.

A BINDING OF THE R.I

1. In particular the COICA and the indigenous towns implanted measurements that fulfill the R.I which also include the customary right of the Indigenous people as a substantial element for the resolution of conflicts when these are part of the RG, that are found in the indigenous territories.
2. The declaration of the source its legal origin of the RG, also must be incorporated to the CT associates through a legal certificate and be internationally recognized.

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