

Inherent in these laws and integral to that relationship is the right of Indigenous Peoples and Nations to reaffirm their right to define for themselves their own intellectual property, acknowledging their own self-determination and the uniqueness of their own particular heritage.

Within the context of this statement, Indigenous Peoples and Nations also declare that we are capable of managing our intellectual property ourselves, but are willing to share it with all humanity provided that our fundamental rights to define and control this property are recognized by the international community.

Aboriginal Common Law and English/Australian Common Law are parallel and equal systems of law.

Aboriginal intellectual property, within Aboriginal Common Law, is an inherent inalienable right which cannot be terminated, extinguished, or taken.

Any use of the intellectual property of Aboriginal Nations and Peoples may only be done in accordance with Aboriginal Common Law, and any unauthorized use is strictly prohibited.

Just as Aboriginal Common Law has never sought to unilaterally extinguish English/ Australian Common Law, so we expect English/Australian Common Law to reciprocate.

We, the delegates assembled at this conference urge Indigenous Peoples and Nations to develop processes and strategies acceptable to them to facilitate the practical application of the above principles and to ensure the dialogue and negotiation which are envisaged by the principles.

We also call on governments to review legislation and non-statutory policies which currently impinge upon or do not recognize indigenous intellectual property rights. Where policies, legislation and international conventions currently recognize these rights, we require that they be implemented.

1.8: Declaration of the international meeting around the First World Gathering of Elders and Wise Persons of Diverse Indigenous Traditions

Amautic Janajpacha Community, Cochabamba, Bolivia, 1-11 August 1994

Invocation

Nourished by the luminous rays of Tata Inti, sheltered by the purity of the Pachamama, illuminated by the wisdom of our beloved elders, inspired by the joyful enthusiasm of our younger brothers and sisters, we have come from diverse indigenous tradi-

tions and countries of the world, to this meeting with Mother Nature in our hearts. With the presence and permission of the Great Spirit, we open our most intimate and beautiful voices so that with the help of our brother the Wind, this message of brotherhood and solidarity may be propagated to the four cardinal directions. With the conviction that this will flourish vigorously in every humble and open heart, which is building the Path toward a human being interwoven and One with Nature.

Those signatories here below, united around the 'First World Gathering of Elders and Wise Persons of Diverse Indigenous Traditions' taking place in the 'Amautic Janajpacha Community' in Cochabamba, Bolivia, between the 1st and 11th August 1994, for the purpose of sharing experiences and teachings under the inspiration of the wise and divine Mother Nature, which is enshrined in the sacred shamanic wisdom of the ancient peoples, and under the spiritual guidance of the Inca-Tiwanakota tradition, with the aim of analysing the grave problems which confront humanity and the Earth, as well as looking for solutions based in love, we declare the following:

1. Evoking the words of the North American Indian Chief Seattle, who said: 'This we know, the Earth does not belong to man; man belongs to the Earth. We are all interwoven like the blood that unites a family. All is connected... everything that happens to the Earth happens to the children of the Earth', we want to reaffirm that human beings are only the custodians of the riches and natural resources which Mother Nature has nobly and generously provided for the fulfilment of our basic needs. Under no circumstances can we have a patent to destructive exploitation of nature; this would be irreverent and suicidal.
2. For this reason we reject all attempts to privatize for monopolies of scientific, commercial or industrial use of the riches and primary natural resources that Mother Nature has made available for the use of all humankind. We reject in particular, as abhorrent and absolutely at odds with morals and ethics, the patenting of living organisms to which the industry of genetic engineering wishes to lead us, with their scientific pretensions. Even less can they pretend to monopolize life. Life is a dynamic process which depends upon the divine breath, unable to be captured, therefore for the pretensions of ownership of a mistaken and irresponsible ego or human greed.
3. We emphatically reject the attempts to instil in Indigenous Peoples, values of property rights or the exclusive use of common goods or knowl-

edge, contributed by the natural heritage, the result of the joint efforts of humans and Nature, as an expression of a universal wisdom. In our custody and use of the resources of Mother Nature, we consider it to be of primary importance, above all, to think in terms of duties, rather than rights: duties of caring, duties of not harming, duties of sharing with fellow human beings in need; duties ultimately of reverence to the Creator and His designs, so that love and sharing may reign in society, in fulfillment of our superior evolution as human beings, and not egotism and competition in a race toward destruction.

4. To the attempts to privatize common goods or knowledge of our Mother Earth, we respond with a call for the popularization of the reverent use of these goods and knowledge, for the benefit of all humankind. In this context we call for the propagation throughout the world of this indigenous knowledge concerning the use of prodigious plants, both nutritional and medicinal, and that their cultivation be propagated to any parcel of land available, in every home. This action will be the best way to respond to the attempts of merchants to patent or expropriate Nature.
5. They can never patent or expropriate the sacred indigenous cultures which have inspired or guided our action. They can only take isolated elements of the same for their pretensions of commercialists, inventive appropriation, for example, the 'active ingredients' or chemical substances of our medicinal plants, which will never have the effectiveness of the plants utilized as a whole, and in harmony with the natural and cultural surroundings, as the indigenous cultures use them. Moreover, this fragmental use of medicinal plants may cause damage to users or consumers.
6. Definitely, the decadent abuses of human greed and irresponsible destruction which we are faced with, are part of the collapse of an order, which has brought untold damage to Mother Nature and to the physical, psychic and spiritual integrity of human beings. We trust that the regeneration of humankind and of the planet, which is now being manifested, will ultimately prevail, so that the forces of Light, Love and Humility will overcome the shadows, hatred and irreverence. This is what has been envisioned by the wise indigenous elders, and in them we take refuge, with hope and determination. We are resolved to do that which we must for the healing of humanity and of the planet.

7. We reject the merchants and irresponsible distortionists of the sacred and authentic wisdom of our indigenous ancestors. We respect the cultural diversity in which such wisdom has been manifested in different parts of the world., since we know that these manifestations come from a common source. Let us be instruments of a convergent effort, destined to add to and not subtract from the aspirations of the peoples.

The efforts of all, above our human limitations and short-sightedness, is imperative. With humility, reverence, and foremost with self-responsibility and personal example in daily life, we can succeed.

May there be many other gatherings in the world such as the one that has taken place here in Cochabamba, so that indigenous wisdom can propagate to the four winds and fulfil its contribution to the salvation of humankind and the planet, envisioned by our venerable elders under the inspiration of God and Mother Nature.

Movimiento Pachamama Universal
Comunidad Janajpacha

1.9: Statement from the COICA/UNDP Regional Meeting on Intellectual Property Rights and Biodiversity

Santa Cruz de la Sierra, Bolivia, 28–30 September 1994

I. Basic points of agreement

1. Emphasis is placed on the significance of the use of intellectual property systems as a new formula for regulating North-South economic relations in pursuit of colonialist interests.
2. For Indigenous Peoples, the intellectual property system means legitimation of the misappropriation of our peoples' knowledge and resources for commercial purposes.
3. All aspects of the issue of intellectual property (determination of access to national resources, control of the knowledge or cultural heritage of peoples, control of the use of their resources and regulation of the terms of exploitation) are aspects of self-determination. For Indigenous Peoples, accordingly, the ultimate decision on this issue is dependent on self-determination. Positions adopted under a trusteeship regime will be of a short-term nature.
4. Biodiversity and a people's knowledge are concepts inherent in the idea of indigenous territo-