

Guidelines for Biodiversity Collections: A Look at the Issues

by Melissa Nelson

There is no place where the clash between the exploitation of, and balance with, the natural world is more pronounced than in the struggles of the world's Indigenous peoples. As the colonial power elite tighten their grip on the remaining "natural resources," they are discovering that it is Indigenous people who hold the secrets to the many uses and benefits of plant and animal communities. An age-old war is ensuing between two world views and ways of living: one that believes humans are the pinnacle of evolution and that our ultimate purpose is to control and enslave nature; the other that the human mind will never completely comprehend, much less control, the forces of nature and that the best we can

Melissa Nelson is part Ojibwe and works as executive director of The Cultural Conservancy in California.

do is sensitively observe Earth's natural cycles and work to harmonize with them.

It is surprising to many people that this war of world views is not only seen in the obvious places of educational philosophies, economic theories, and religious and political systems, but in the seemingly benign realm of ecological conservation. After all, as Australian biologist Roger Kitching has said, "conservation is just as much a use as are agriculture, forestry, and urban development." Highly diverse areas are in demand by transnational corporations who seek to control the world's remaining resources, by conservation groups who intend to protect their ecological significance, and by researchers who wish to study these areas. Who decides which areas are designated for conservation? How are these matters decided? When are the local Indigenous people

involved? When do they initiate such efforts? Are they in control of their territories, or are conservation organizations in control? These are some of the questions raised by conflicts surrounding land use in Indigenous territories.

Reigning in the Bioprospectors?

When capitalism and conservation meet, outsider-capitalists unfortunately enjoy many advantages, as well as opportunities to reapply paternalistic attitudes that "modern Westerners" know best how to manage lands. Consequently, an increasing number of concerned people (both native and non-native) are discussing and proposing ways to protect Indigenous peoples' knowledge and biological resources from exploitation by the various companies, governments, and academic, development and research institutions seek-



Manuel Mendive

ing access to biodiversity information and native knowledge.

Organizations and individuals have met, under diverse sponsors, including the Third World Network, Zuni Conservation Project, Pew Scholars Program, World Wide Fund for Nature, and Native Seeds/SEARCH, to discuss formation of ethical guidelines to oversee the relationship between "prospector" and "steward." Underlying these efforts is a common feeling that bioprospectors are already grabbing biological material as fast as they can and that some process is needed to ensure a cooperative, just, and mutually beneficial relationship. Enforceable guidelines for bioprospecting are one component of the complex process of negotiating the equitable exchange of information and resources.

Some Indigenous activists, however, feel that creating such guidelines will only condone and increase exploitation of biodiversity and Indigenous knowledge. It could do so by giving bioprospectors a legitimate use-document to rationalize and cover up their colonialist, and, in Native American historian Jack D. Forbes' view, "cannibalistic," intent. (Look at the corrupt uses of Environmental Impact Statements.) I can see both points of view, but subscribe more to the belief that we have to address the heedless bioprospecting already occurring within Indigenous territories and do something about it. Even though many bioprospectors exhibit "the disease of aggression against, and consumption of, living things", we cannot let fear of the "other" paralyze us and prevent cooperative efforts toward change.

A diverse set of ethical guidelines, contracts, treaties, and other draft documents have appeared in recent years in response to Indigenous protest of

human and land rights violations. From pharmaceutical contracts to international treaties such as the Biodiversity Convention, we see governments, corporations, research institutes, NGOs, and other groups beginning to re-evaluate how they relate to and "do business" with Indigenous peoples, and beginning, at least, to pay lip-service to Indigenous intellectual property rights and benefit-sharing. Indigenous peoples worldwide are meeting, organizing, and taking leadership roles in determining the nature of these relationships. Here I point out some questions and issues to consider when reading, discussing, or assisting with the writing of ethical guidelines for biodiversity prospecting.

General Considerations for Guidelines

To begin with, the definition, purpose, and scope of the guidelines must be clearly set out. For example, do the guidelines cover only biodiversity information, or do they cover situations where a bioprospector seeks access to knowledge about the uses of biodiversity? What is actually meant by biodiversity—plants, animals and fungi, or other biological entities such as microorganisms or cell lines? How will guidelines be enforced? What system of compliance will be used? What legal framework should be established? What institutions are subject to the guidelines? Who decides these questions?

Critical Components

In any biodiversity accessing situation, one must start with an exploratory phase. I believe this to be the most critical stage to regulate. Any guidelines must define how the appropriate Indigenous authorities are selected. For example, different situations might require prospectors to approach any

combination of Indigenous national, regional, sub-regional or community organizations. The exploratory phase should serve to introduce the potential user, as well as their intentions, interests, and methods to the appropriate authority. At the community level, the reasons for requesting access to biodiversity information should be revealed to the entire community, to traditional leaders, and in the local language of the community being approached. A project document should be presented which discloses the foreseeable consequences and commercial interests of the research, and a description of the methods to be used.

Following this disclosure, the bioprospector should inquire whether the community or its representatives wish to terminate or continue with negotiations. If the community agrees to the involvement with the bioprospector, then other issues, especially the terms of compensation, must be clearly outlined.

The question is, does the accessing party have the ethics to honor and respect the community's decision? If the desire to cooperate with and show respect for Earth's diverse manifestations and peoples were currently present, then I wouldn't be writing this. How do we instill the absolute importance of this basic respect for life in the "cannibals" of first world capitalism? I do not know, but we must start somewhere. Many activists think that "talk is cheap" but by discussing this with a wide variety of people, and articulating the deep ethical issues involved with this complex situation, we may begin to shed light on the subject and inadvertently educate those who need to hear it.

For more information contact: The Cultural Conservancy, P.O. Box 72086, Davis, CA 95617. (916) 759-2285, fax: (916) 759-2268.