

## **America's Sustainability Issues: Biodiversity, Indigenous Knowledge and Intellectual Property Rights<sup>1</sup>**

**Author: Mindahi Bastida<sup>2</sup>**

### **EXECUTIVE SUMMARY**

In 1994, the Summit of the Americas initiated negotiations amongst the 34 countries for a hemispheric free trade agreement called the Free Trade Areas of the Americas (FTAA), to be completed in 2005. The goals for the FTAA are captured in its Declaration of Principles, which state its commitment to:

1. Preserving and strengthening the community of democracies of the Americas.
2. Promoting prosperity through economic integration and free trade.
3. Eradicating poverty and discrimination in the hemisphere.
4. Guaranteeing sustainable development and conserving the natural environment for future generations.

This paper proposes a framework for the FTAA negotiations that recognizes the need to incorporate environmental, social and trade-related (economic) interests. Interconnections of biodiversity, indigenous knowledge and intellectual property rights appear as an exercise to unite environmental, social and trade related issues as proper hemispheric integration needs to be unified in a sustainable manner. Despite the Declaration of Principles' obvious social justice and environmental agendas, to date the negotiations have concentrated on the second Principle of trade liberalization and economic growth. While the FTAA Quebec Summit in April 2001, failed to address sustainability and socio-environmental issues, the Miami Summit mandate, has not been implemented. The existing hemispheric economic model, which promotes trade liberalization and economic integration has been ineffective in addressing social and environmental concerns. This serves to ensure that non-economic interests do not supercede or weaken trade-related issues.

The FTAA faces the challenge of negotiating and implementing an agreement that promotes sustainability. Trade liberalization can provide new opportunities for indigenous communities in the conservation of biodiversity and the recognition of traditional knowledge in the Americas, if the FTAA negotiations adhere to the 65 initiatives set out during the 1996 Bolivia Summit of the Americas. This must not be accomplished at the expense of social and environmental agendas, but rather in support of these interconnected goals.

Twelve countries in the world are considered as megabiodiverse, and are home to between 60% and 70% of the total biodiversity on the planet. Six of them are found in the American hemisphere holding up to 45% of the biodiversity of the world. In this context, biodiversity implies variability of all biological entities manifested by genes, species, ecosystems and related cultures, and the relationships among and between them (Patrick and Bastida 2001).

In the American hemisphere, indigenous peoples are a very important component of the region. In Paraguay, Guatemala, Bolivia and Peru, they are majority. In most of the countries of the hemisphere they still survive, specifically in those megabiodiverse countries.

---

<sup>1</sup> The paper was originally prepared for the Robarts Summer Institute 2001 –York University. For those interested please visit the website [www.robarts.yorku.ca](http://www.robarts.yorku.ca) where all participants' papers are available.

<sup>2</sup> Mindahi Crecencio Bastida Muñoz

Indigenous knowledge decreases investigation and development costs by 40%, or to US\$200 million reduction in medicinal costs. The US has recently estimated at US\$68,000 million the value in pharmaceuticals from plants, and from medicinal plants at US\$40,000 million per year. Their traditional knowledge (TK) kept by them throughout their history has a fundamental role in the conservation and sustainable use of biodiversity. Where they live, they still exist in harmonised ecosystems, cultural diversity and the associated knowledge. 7,000 of the most used medicines in the world originate from botanical and pharmaceutical products from indigenous groups (Merson, 2002). Laboratories do not share gains from these.

The connections that the paper draws between biodiversity, indigenous knowledge and intellectual property rights highlight the importance of mitigating or eliminating the genetic and cultural erosion of indigenous people's territories. Increased attention needs to be directed at preserving and strengthening the democracies of the Americas and eradicating poverty and discrimination.

A new legal framework needs to be created that recognizes indigenous people's collective rights, and traditional knowledge needs to be acknowledged as the foundation of local sustainability in indigenous territories. The equitable integration of environmental, social and economic interests can be achieved if all stakeholders are engaged in the decision-making process, including governments, business groups and indigenous peoples and civil society representatives.