

LETTER FROM SÃO LUIS DO MARANHÃO

We, representatives of indigenous peoples in multicultural Brazil where there are 220 peoples speaking 180 distinct languages and occupying 12% of Brazilian territory, met in São Luis do Maranhão between 4 and 6 December 2001, to discuss the theme "Indigenous Knowledge and Science and Industrial Property" at the invitation of the National Industrial Property Institute (INPI), declare:

1. That our forests have been preserved thanks to our millennial knowledge;
2. As indigenous representatives, we are important in the process of discussing access to biodiversity and traditional knowledge because our lands contain most of the world's biodiversity, around 50%, which has a great value in social, cultural, spiritual and economic terms. As traditional indigenous peoples who inhabit diverse ecosystems, we have knowledge about the management and sustainable use of this biodiversity. This knowledge is collective and is not a product that can be commercialised like an ordinary market product. Our knowledge of biodiversity cannot be separated from our identities, laws, institutions, value systems and our cosmological vision as indigenous peoples;
3. We recommend the Brazilian Government to create a space for the participation of representatives of indigenous communities in the Genetic Heritage Management Council;
4. We recommend the Brazilian Government to create laws to regulate access to genetic resources and traditional knowledge in co-operation with indigenous communities and organisations;
5. We indigenous representatives strongly affirm to governments and international organisations our right to fully participate in national and international decisions about biodiversity and traditional knowledge, such as the Convention on Biological Diversity, the World Intellectual Property Organisation (OMPI), the United Nations Commission on Trade and Development, the World Trade Organisation, OMPI's Intergovernmental Committee of Intellectual Property related to Genetic Resources, Traditional and Folk Knowledge, among other organisations.
6. We recommend that all nations approve the United Nations Declaration on Indigenous Rights;
7. As representatives of indigenous peoples, we affirm our opposition to any form of patenting resulting from traditional knowledge and request the creation of punitive mechanisms to prohibit the theft of our biodiversity;
8. We recommend the creation of a government-financed fund to be managed by an indigenous organisation to subsidise research to be conducted by indigenous community members;
9. We recommend that the Federal Government create training courses for indigenous professionals working in the area of traditional knowledge rights;

10. We recommend that a second Shaman's Meeting take place to further discuss the Convention of Biological Diversity and Traditional Knowledge;

11. We recommend the creation of an Indigenous Committee to accompany the discussions and planning of the production of Traditional Knowledge;

12. We recommend that the government adopt a policy to protect biological and social diversity aimed at promoting the sustainable development of indigenous peoples. It is fundamental that the government guarantees resources for our communities to develop programmes to protect traditional knowledge and preserve species in situ;

13. Until the Brazilian National Congress approves the law project 2057/91 which institutes the Indigenous Societies Statute, which has been stuck in the House of Deputies for more than ten years, and ratifies the OIT's Convention 169, which has been stuck in the Senate for eight years even though it has already been approved by the House of Deputies, we propose that indigenous peoples discuss the need to establish a moratorium on the commercial exploration of traditional knowledge related to genetic resources;

14. We propose to the government that it recognises traditional knowledge as science, giving it a equivalent status in relation to western scientific knowledge, establishing a science and technology policy which recognises the importance of traditional knowledge;

15. We propose the adoption of a universal means of legally protecting traditional knowledge, an alternative system, a system sui generis, distinct from other laws protecting intellectual property rights which also addresses the following issues: the recognition of indigenous territories and their consequent demarcation; the recognition of the collective ownership of traditional knowledge; local indigenous communities' right to deny access to traditional knowledge and to genetic resources found in their territories; the recognition of indigenous peoples' traditional forms of social organisation; the inclusion of the principle of previous consent and a clear willingness to respect the participation of indigenous peoples in the equitable distribution of the benefits resulting from the use of these resources and knowledge and which permits the continuity of the free exchange between indigenous peoples of their resources and traditional knowledge;

16. We propose that the creation of a databank of traditional knowledge be broadly discussed with indigenous communities and organisations and that it only be implanted after the rights mentioned in this document have been guaranteed;

This meeting brought together members of indigenous communities with strong traditions and well as expert leaders to formulate these recommendations and proposals. Concerned with the advance of bioprospecting and the future of humanity, our children and our grandchildren, we reaffirm that governments should recognise that we have rights. For this reason we are sure that our recommendations and proposals will be accepted in interests of humanity.

São Luis do Maranhão, 6 December 2001