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Biopiracy Project in Chiapas, Mexico Denounced by Mayan Indigenous Groups

University of Georgia Refuses to Halt Project

Eleven indigenous peoples' organizations are demanding that a US$2.5 million, US-government funded bioprospecting program suspend its activities in Chiapas, Mexico. Despite the protest by local Mayan organizations, the University of Georgia (US) says it will not halt the five-year project, which aims to collect and evaluate thousands of plants and microorganisms used in traditional medicine by Mayan communities.

Collectively known as the Council of Indigenous Traditional Midwives and Healers of Chiapas (Consejo Estatal de Parteras y Médicos Indígenas Tradicionales de Chiapas), the eleven Mayan organizations are denouncing the bioprospecting project, and they are asking other indigenous people in Chiapas to refuse to cooperate with the researchers. The project is led by the University of Georgia, in cooperation with a Mexican university research center, El Colegio de la Frontera Sur (ECOSUR), and Molecular Nature Ltd., a biotechnology company based in Wales, U.K.

What is the Chiapas ICBG Project?

The five-year project "Drug Discovery and Biodiversity Among the Maya of Mexico," now in its second year of operation, will receive a total grant of US$2.5 million dollars from the US government's International Cooperative Biodiversity Groups (ICBG). The ICBG is a consortium of US federal agencies, including the National Institutes of Health (NIH), the National Science Foundation (NSF) and the US Department of Agriculture (USDA) that awards grants to public and commercial research institutions that conduct bioprospecting/biopiracy programs in the South. The ICBG's self-stated goal is to promote drug discovery from natural sources, biodiversity conservation and sustainable economic growth in developing countries. For additional information, go to: http://www.nih.gov/fic/opportunities/icbg.html

Using indigenous knowledge to guide its research, the Chiapas ICBG project aims to discover, isolate and evaluate pharmacologically important compounds from the plant species and microorganisms employed in traditional Mayan medicine. The tropical mountains of Chiapas contain one of the richest repositories of plant and animal biodiversity in the world. Over the centuries, the Maya have developed a rich medical knowledge. An estimated 6000 plant species thrive in the area, thousands of them used by the Maya to treat illness. All promising biological samples will be screened for their activity against cancer, diseases associated with HIV-AIDS, central nervous system disorders, cardiovascular disease, and gastrointestinal, respiratory/pulmonary, skin disorders and for contraception. The Project will also conduct a comprehensive botanical survey of the Central Chiapas Highlands, and it will promote sustainable harvest and production of selected species that show high potential for economic development. The project estimates that it will ultimately identify approximately 2000 unique compounds that will be chemically profiled by Molecular Nature, Ltd. the project's commercial partner based in the UK. A duplicate set of plants collected by the ICBG program in Chiapas will be deposited at the University of Georgia's Herbarium in Athens, Georgia.

Local Opposition

The bioprospecting program has outraged some indigenous peoples' organizations in Chiapas who claim that their indigenous knowledge and resources are being stolen. In a written declaration distributed in Chiapas, the Council stated: "We, as traditional indigenous healers have organized for the past 15 years to assert and improve our customary medical practices... We have appealed to national and state authorities to suspend this project. Now we are appealing to all indigenous peoples to refuse to allow the researchers of ECOSUR to remove plants and information from our communities."

According to Sebastian Luna, an indigenous Tzeltal spokesperson from the Council, "the project is a robbery of traditional indigenous knowledge and resources, with the sole purpose of producing pharmaceuticals that will not benefit the communities that have managed and nurtured these resources for thousands of years."

"Furthermore," continues Luna, "the project explicitly proposes to patent and privatize resources and knowledge that have always been collectively owned… Besides being totally contradictory to our culture and traditions, the project creates conflict within our communities as some individuals, pressured by the grave economic situation, collaborate with the researchers for a few pesos or tools."

"The project, led by anthropologist Brent Berlin of the University of Georgia, is plundering our knowledge and taking plant samples from the communities in Chiapas, returning almost nothing in exchange," adds Luna. Professor Berlin, who is a past president and member of the International Society of Ethnobiology (ISE), will host the ISE's Congress in October, 2000 in Georgia on the topic of benefit sharing with indigenous communities. "We believe he is openly violating the Society's Code of Ethics," concludes Luna. That Code, in its "Principle of Prior Informed Consent and Veto" states:

> "the prior informed consent of all peoples and their communities must be obtained before any research is undertaken. **Indigenous peoples, traditional societies and local communities have the right to veto any programme, project, or study that affects them.** Providing prior informed consent presumes that all potentially affected communities will be provided complete information regarding the purpose and nature of the research activities and the probable results, including all reasonably foreseeable benefits and risks of harm (be they tangible or intangible) to the affected communities." (emphasis added) The full text is available at: http://guallart.dac.uga.edu/ethics

RAFI contacted Brent Berlin at the University of Georgia and asked if the demands being made by the indigenous peoples' organizations in Chiapas are grounds for suspending the bioprospecting program in Chiapas. Berlin, one of the authors of the ISE's Code of Ethics, rejected the idea. "I'm convinced that that question would not even be asked if these groups were fully informed about the Project."

"It's really critical," Berlin told RAFI, "that you stress our willingness to resolve our differences [in Chiapas]. The concerns of the Consejo are not being ignored. The issue is serious and must be resolved so that everyone is aware of what the solution is. The main problem is that we've not been able to sit down and talk," said Berlin.

According to Rafael Alarcon, advisor to the Council, the agreement signed by ECOSUR, the University of Georgia and Molecular Nature Ltd., also "flaunts Mexican law, as these institutions have not consulted with or obtained the prior informed consent of the affected communities. We believe the agreement also violates international agreements that Mexico has signed, including the UN Convention on Biological Diversity – particularly Article 8j which addresses traditional knowledge and equitable benefit sharing, and the ILO 169 Convention on Indigenous Rights."

Alarcon continues, "ECOSUR invited one of the organizational members of the State Council, OMIECH (the Chiapas Indigenous Healers Organization) to participate in the bioprospecting agreement. They thought that the indigenous healers would accept this project in exchange for a promise to establish what they call a "benefit sharing" fund in the future. During the meeting, we explained our disagreement with the objectives and methods of the project. ECOSUR assured us that the project would not begin until, at the

very least, all the requirements in existing Mexican law were fulfilled. However, they have already begun to remove samples from several communities in Chiapas, and in June, 1999, they showed us a contract signed by the three parties."

Whose NGO?

"According to this contract," continues Alarcon, "the signatories (the University of Georgia, ECOSUR, and Molecular Nature, Ltd.) have created a non-profit organization called PROMAYA (Protection of Mayan Intellectual Property Rights), which will act as their civil society counterpart." PROMAYA will set up a trust fund for Mayan communities, and it will decide how to disburse any royalties that accrue from the sale of drugs that result from ICBG research in Chiapas. According to Alarcon, "The creation of this NGO by the project clearly demonstrates the lack of will of the researchers to ensure appropriate consultation with the traditional cultures and true authorities of the communities. In essence, they create their own dialogue partner, and invite participants and organizations that will not question their way of working, probably in exchange for a tiny scrap of the US$2.5 million that this project has received from the US government."

Public funds for private profit

Since 1993, the US government's ICBG has awarded 11 grants (3 are renewals) for bioprospecting totaling US $18.5 million in 12 countries of the South (Mexico, Peru, Chile, Argentina, Panama, Suriname, Madagascar, Vietnam, Laos, Nigeria, Cameroon, Costa Rica). Commercial partners in ICBG-funded projects include transnational pharmaceutical and agrochemical companies Glaxo-Wellcome, Bristol Myers Squibb, Shaman Pharmaceuticals, Dow Elanco Agrosciences, Wyeth-Ayerst, American Cyanamid, and Monsanto.

"The use of public money to subsidize biopiracy is a form of corporate welfare for the Gene Giants" said Hope Shand, RAFI's Research Director, referring to the giant transnational enterprises that dominate agribusiness and pharmaceutical industries.

"These companies aim to synthesize and modify active biological compounds in the laboratory that are derived from the resources and knowledge of indigenous communities, because the companies' goal is to patent, privatize, and profit from biodiversity," explains Shand. "The Chiapas ICBG program has a clearly defined protocol for intellectual property on any pharmaceutical product that might result from the research conducted in Chiapas. It operates on the principle – at least on paper - that the biological samples belong to Mexico and that some undisclosed portion of royalties will flow back to the Highland Maya of Chiapas – via PROMAYA. The reality is that long-term benefits may never materialize, and many local indigenous people reject both intellectual property and the process established for benefit-sharing via PROMAYA.. The critical issue now is that the project is apparently proceeding not only without proper consultation with the affected communities, but also against the express wishes of a very significant sector of the community," said RAFI's Shand.

Legal Biopiracy?

Dr Alejandro Nadal, Researcher at the Program of Science and Technology at Colegio de Mexico (a postgraduate research institute) has publicly denounced another biodiversity contract in Mexico signed by the Universidad Autonoma de Mexico (UNAM). That project involves a contract between the Diversa Corporation (US) and UNAM**,** in which the researchers of the Biotechnology Institute of UNAM are obliged, according to the terms of the contract, to provide samples of unique micro-organisms from natural protected areas of Mexico to Diversa for a mere US$50 per sample.

Dr Nadal, commenting on the Chiapas project, states that "similar to the UNAM-Diversa contract, the project in Chiapas is not legally valid, as it violates even the quite limited Mexican laws. This kind of contract is pure theft of the unique biological resources of Mexico and of the indigenous resources and knowledge of the traditional communities. These resources are, according to the law, under the control and sovereignty of the State of Mexico. Both ECOSUR and UNAM are making decisions about a collective resource which they do not have any right to."

Dr. Nadal adds, "We are facing a worrisome number of these kinds of contracts, all of which aim to appropriate and privatize resources that have always been communal and for the common good. Because Mexico is so culturally and biologically diverse, large transnational corporations working for medicinal and

agricultural purposes are eager to harvest our resources. These projects should be suspended immediately as they are contrary to existing laws"

The Council of Indigenous Traditional Midwives and Healers of the State of Chiapas demands that the project in Chiapas be suspended and that any project of this kind undergo a thorough review of Mexican laws to protect their cultures and resources. They also demand that any similar projects comply with international obligations arising from the Convention on Biological Diversity - particularly its article 8j - and the ILO 169 Convention on Indigenous Rights. Further, there should be implementation at the national level of Farmers' Rights as negotiated within the Food and Agriculture Organization of the United Nations. The Council also cites the pressing need for a wide and informed discussion about the need, the objectives and the benefits of these kinds of projects, including discussions about who benefits. Finally, they demand that local health projects designed by the communities themselves should be supported, according to communities' own needs and priorities, and using the knowledge and resources of traditional indigenous medicine.

For more information:

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RAFI (The Rural Advancement Foundation International) is an international civil society organization based in Canada. RAFI is dedicated to the conservation and sustainable use of biodiversity, and to the socially responsible development of technologies useful to rural societies. RAFI is concerned about the loss of agricultural biodiversity, and the impact of intellectual property on farmers and food security.