Emilia Sulek's first day in Dawu, a small town in Golog Tibetan Autonomous Prefecture, Qinghai Province, started with a rude awakening. A violent hammering at the door and dramatic voices in the corrider of the apartment where she was staying was enough to wake up the entire household. Tseren, our hostess' brother-in-law had been kidnapped, and the kidnappers were demanding a ransom...

Tseren's last gold rush

Tales of yartsa-hunting in Tibet

Emilia Sulek

Tseren came to Dawu from the part of Tibet that today belongs to the Chinese province of Sichuan. Its mild weather, barley fields and warm log-houses are famous among Tibetans who are unlucky enough to live in harsher climes. But it is Golog that gives them a reason to brave the rough mountain roads which lead to a land where even in May the yaks still wake up covered with night snow. For May is the start of *yartsa*-hunting season. *Yartsa gunbu* is a much sought after caterpillar fungus that is sold at high prices to pharmaceutical companies and Chinese medicine clinics across the country.

Yartsa gunbu is the strange result of a parasitic fungus (*Cordyseps sinensis*) infesting the larvae of several *Thitarodes* (*Hepialis*) moth species. The Tibetan name *yartsa gunbu* – 'summer-grass winter-worm' – reflects the origins of this extraordinary organism. The caterpillar, (which lives in the soil), is infected with the spores of a parasitic fungus that enters the caterpillar's body, takes it over and eats it up from the inside. To end the reproductive cycle the fungus produces a fruiting body growing out of the larval head. It is this part that is visible above the soil and is designated by Tibetans as a 'grass'. Caterpillar fungus has been used in Traditional Chinese Medicine, and the Golog highlands are known for particularly good yartsa. A combination of altitude and humidity creates conditions favourable for *yartsa* growth. The quantity of *yartsa* in a given season depends on the quantity of rain and snowfall. Harvesting lasts until mid-June, when grass and mountain flowers cover everything. But until then, every rain is welcomed by gatherers and traders with joy: "*gormo bab gi!*" – its raining money!

Selling yarsta at the market place. Courtesy of the author.

A masked lady with yarsta in her hand. Courtesy of the author.

As the season for harvesting *yartsa* approaches a fever takes hold of the area. Schools schedule a holiday to let students help their families with harvesting. Even distant relatives that have long left behind the life of a herder in hope of making a career in Xining, the provincial capital, come back home. It's not just Tibetans wanting to take part in the 'gold rush', however, this year local authorities introduced a regulation banning entry to Golog to all those without relatives or land of their own in the area. Travellers to Golog meet checkpoints on its roads, along with queues of landcruisers, and people sitting at the roadside waiting for somebody to lift the barrier to the pasturelands still covered by last year's dry grass.

In *yartsa* season Golog nomads generally stay in their winter houses before they move to their summer settlements of black tents woven from yak hair. During the day these settlements are almost empty. Having drunk a few bowls of butter tea with cheese and roasted barley *tsampa* flour everybody who can sets off for the mountain slopes. Through the ice covered river and between herds of yaks that already have calves bravely marching to the grasslands. That is where *yartsa* grows. The work of a *yartsa* gatherer is not easy – crawling on hands and knees, patiently looking for the tiny brownish 'head' of the fungus sticking out of the ground. An eleven hour day high in the mountains ends in the evening with counting the number of plucked pieces of yartsa. Kalsang Drolma, on yartsa-holiday from her middle school in Dawu, has found 22 pieces in one day. Her mother collected over 40 pieces of fungus. Cleaned of the earth and dried on the stove, the *yartsa* wait for someone to take them to the town for sale. People say that this year a large piece of *yartsa* can fetch up to 20 yuan.Tseren has a family, but rather than looking after his wife and children he prefers to hang around looking for some quick money that will allow him to enjoy the pleasures of city life. He would like to be a businessman, but the black baggy suit he wears – a reflection of his imagined status – is the familiar uniform of the unemployed. When Tseren arrives in Dawu he learns that there is an owner of abundant grasslands who is willing to sell the right to pluck *yartsa* on his property for 1800 yuan per gatherer. Success is not guaranteed, but he is offering safe passage through checkpoints. Tseren, together with a few others, agrees to buy the 'licence'. But after three days it appears that either the gatherers are out of luck or *yartsa* does not grow there. The gatherers want to return to the town. The owner of the land takes this as a breaking of the verbal contract and demands 6000 yuan in compensation from the group (the price of a good second hand Wuyang Honda motorbike). He lets everybody go but Tseren whom he holds as a hostage. He negotiates with Tseren's family in Dawu by telephone, threatening to strand the unlucky *yartsa* gatherer in the middle of nowhere.

The *yartsa* trade brings together three large ethnic groups within the modern day borders of China: Tibetans speeding on motorcycles through the dusty streets of Dawu, Hui Muslims in white caps (their wives in black mantillas) and Han Chinese – local administrators and small-businessmen that came here to try their luck at the market where competition hardly exists. But it is Tibetans who are the first link in the chain of the flow of *yartsa* from Tibet via mainland China to the outside world. In every town or village in Golog groups of people sit on the pavements with bags full of tightly packed yartsa. Calculator and scales are the tools for determining price and quality. In the folds of the overlong sleeves of Tibetan robes prices are being silently negotiated using gestures. For many nomads it is a rare opportunity to take a break in town, so discussions are long and nobody is in a hurry to get back home. Outside the Agricultural Bank of China there is an almost permanent crowd of Hui traders buying *yartsa* from nomads and gatherers. "I sell to the one that pays me more" – Herpo, a Tibetan wholesaler, says. His competitor, Tseten Gyel, adds: "It would be good if the Chinese big bosses came directly to us, otherwise Huis paint the *yartsa* yellow to improve the colour and insert pins in them so that the *yartsa* gains weight – these are not honest tricks".

The *yartsa* trade offers a chance to nearly everybody with modest capital to invest and a nose for business. Herpo sits on a small carpet in front of a motorcycle repair shop. His narrow eyes quickly count the *yartsa* he has been brought by gatherers. Only six years ago his family still lived a nomadic life. But Herpo decided to sell all of their 80 yaks and move to the town to look for a better future. Tseten Gyel, a former monk at the Ragya Monastery, had similar hopes when he returned to society six years ago. For an ex-monk, a man with no job, no land and no animals, the *yartsa* trade was the only way to start a new life. He borrowed 3000 yuan and for the first time in his life bought *yartsa* to sell later at a profit. Although the bulky contents of the money belt that he carries under his robe suggests that its owner is a mobile bank, Tseten Gyel complains that compared to other wholesalers he owns nothing. It's a risky business – he says:

"I lost my money not once but twice as the prices can change between a morning and an evening several times". His poor knowledge of Chinese worried him, but he found a Hui, Xiao Ma, to do business with and to make sure that the Chinese documents are properly filled in and all tax regulations duly followed.

Kalsang Drolma's family has 70 yaks and around 150 sheep. Some ten years ago they still lived in a sod house in the upper part of the valley. Thanks to savings from trading in *yartsa*, they hired Chinese contractors to build them a three-room house with a portrait of the late Panchen Rinpoche above the kitchen door. This house is a big change in the family's life. Kalsang Drolma has recently enrolled in a middle school that guarantees her later success in entering one of the colleges in the area. Her family knows that the girl's future is founded on a good education. Without savings from trading *yartsa* it would be almost impossible to pay for. The mathematics is simple: for the price of one middle-sized caterpillar fungus you can buy 10 kilos of *tsampa* flour, over 2.5 kilos of mutton or yak meat or 1.5 kilos of butter. Kalsang Drolma's mother remembers a different time. W hen she was young her family used to bring full bags of *yartsa* down from the mountains, but there was no demand for it in those days. "It started sometime around 2000" – she says. "I don't know what the Chinese use *yartsa* for. I've heard it's good for cancer and when hair goes grey it helps to restore the colour. And when you put it into a *baijiu* (rice liquor) bottle you will get a drink that helps your health – but only in small amounts!"

A day has passed since Tseren was kidnapped. From early morning searches for money and feverish negotiations with the people holding Tseren take place. 6000 yuan is an unthinkable amount of money for somebody that – even with a good job – earns one twelfth of this sum per month. Finally Tseren's relatives manage to collect 2000 yuan and a rescue team heads off to the grasslands with the mission of releasing the hostage. There, under the moonlight they confront four men. The darkness of the night, and the kidnappers' appearance – long hair, shining gold teeth and daggers at the belt of their scruffy woollen robes – intensify the sense of fear. After a long night of tense talks the kidnappers finally agree to console themselves with 2000 yuan and everybody can go home.
As *yartsa* trading fever takes over, prices of all the goods in town go up. Suddenly, renting a car to Golog gets more expensive. *Yartsa* is the most common topic of conversation at the table or behind the wheel. Tseren's uncle, who runs a Tibetan carpet factory in India, will visit China soon. Maybe he will be interested in starting a *yartsa* business as well? His nephew sent him an e-mail: "If you're going to buy, buy now as it's fresh and the best quality". Tseten Gyal's brother, also a monk, admits that he dreams of many yartsa. Although he gives no importance to dreams at all, he is worried by the ever-growing scale of the trade. It is a bad omen for the grasslands and the *yartsa* itself. Extinction may happen soon he says. Over-exploitation is one of the reasons why the ban on entry to Golog for collectors from other areas was introduced. But those who are lucky enough to have land in Golog or manage to slip through the checkpoints are still collecting yartsa.

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The making of a new ethical code of conduct

The Convention on Biological Diversity,

Indigenous peoples and the world of science

Gerard A. Persoon and Myrna Eindhoven

Under the banner of the Convention on Biological Diversity (CBD) some hundred nation states and a large number of representatives of indigenous peoples from all over the world gathered in Montreal from 15 through 19 October 2007. The so-called Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, WG8(j), made a step forward in the development of a new ethical code of conduct during its fifth meeting. This code will apply to those wishing to carry out research involving traditional knowledge with regard to biological and genetic resources within the territories of indigenous and local communities. While indigenous peoples make up less than one percent of today's world population, at present they occupy some 20 percent of the world's land surface, including many of the proclaimed biodiversity hotspots. It is likely that many scientists will be confronted with this code while undertaking field research. The code will be applied to a broad spectrum of scientific disciplines such as anthropology, archaeology, linguistics, biology, (ethno)botany, medicine and pharmacology. Although the code is likely to influence research activities in the near future, its drafting has largely been done without substantial input from the world of science. This alone is sufficient reason to take a closer look.

CBD

The Convention on Biological Diversity (CBD) dates back to 1992 when, during the United Nations (UN) Conference on Environment and Development in Rio de Janeiro, over 150 governments ratified this first global agreement on the conservation and sustainable use of biological diversity. Since then more than 185 countries have signed this legally binding document.

Working group on Article 8(j)

The CBD recognises not only the dependency of indigenous and local communities on biological diversity, but also their role in the conservation of this diversity. It is for this reason that in Article 8(j) of the CBD, governments have committed themselves to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities.

In order to implement the commitments of article 8(j) and to enhance the role and involvement of indigenous and local communities in the achievement of the objectives of the Convention, a Working Group on article 8(j) and related provisions was established during the fourth meeting of the Conference of the Parties (COP4) in 1998. Over the years the WG8(j) has evolved into an interesting meeting to which the Secretariat of the CBD invites not only official Parties but also indigenous and local communities and non-governmental organisations. Within the context of the UN, it is rather exceptional that indigenous peoples' representatives are given the opportunity to speak out during such discussions. They have vigorously grasped this opportunity, attending the meetings in large numbers and representing a wide range of indigenous peoples from around the world. In Montreal representatives of various indigenous peoples from North and Latin American countries, as well as from African, European and a variety of Asian countries were present. Many of them wore traditional clothing, adding some colour and variation to the otherwise quite grey scheme of the diplomatic delegates' outfits. Although final decisions can only be made by the parties, indigenous peoples' representatives do fully take part in the discussions. The special character of the WG8(j) meetings is also evident from the opening ceremony. It has become a tradition that WG8(j) meetings are opened with a ritual, performed by one of the indigenous peoples. In Montreal all participants to the meeting, held in traditional Mohawk territory, were welcomed by a delegation of Mohawk Indians.

Discussions in Montreal were more intense than during earlier WG8(j) meetings, not least because just two months prior to the meeting, on 13 September 2007, the General Assembly of the UN approved the Declaration on the Rights of Indigenous Peoples. The UN Declaration was adopted by a majority of 143 states, 4 countries voted against (Australia, Canada, New Zealand and the United States) and 11 abstained (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). With only three of the states which voted against the Declaration present at the WG8(j) meeting - the Unites States has not subscribed to the CBD - the indigenous peoples' representatives in Montreal expected to receive extra support for the protection of their rights during the meeting. This however proved not to be the case.

Protection of traditional knowledge

Discussions about the protection of traditional knowledge can only be understood when the long history of the misappropriation of such knowledge is considered. There are countless cases in which medicines and new varieties of plant species are developed on the basis of knowledge and plant resources available within the territory of indigenous peoples, without indigenous communities enjoying any of the benefits derived from such innovations. Unfortunately the current system offers little to no protection of the traditional knowledge held by indigenous communities. Such knowledge is often in the (local) public domain, transmitted orally and not written down, complicating its protection under the present system of intellectual property rights.

The main objective of the work of WG8(j) is the protection of traditional knowledge with regard to biodiversity and genetic resources. It is, however, not only traditional knowledge as such that should be protected, but also the holders of such knowledge, the indigenous and local communities. Therefore WG8(j) supports the full and effective participation of indigenous and local communities in decision-making processes related to the use of their traditional knowledge. WG8(j) is simultaneously encouraging governments to take measures to enhance and strengthen the capacity of indigenous and local communities and develop appropriate mechanisms, guidelines, legislation or other initiatives to foster and promote their effective participation.

An ethical code of conduct

A major element within the current biennial programme of work (2006-2008) of WG8(j) includes the development of an ethical code of conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities. In Montreal both official delegates and representatives of indigenous peoples have again been working hard on the drafting of this code, but the development of the code turns out to be much more complicated than expected before hand. The endless diversity in experiences of different countries makes it almost impossible to develop a system that covers this variety while maintaining compatibility with existing national legislation. While the diplomats were interested in the compatibility of proposed texts with national legislation, representatives of indigenous peoples were focused on instances of ruthless bio-piracy and abuse of good faith. These two perspectives proved difficult to reconcile and discussions became defensive and non-constructive. An agreed text could not be produced. It was decided that WG8(j) will propose to COP9, to be held in Bonn, Germany in March 2008, that it's mandate be extended to work further on the final drafting of this code.

Impact on research

In our opinion, a cause for concern is the fact that the world of research and higher education has so far largely been absent during the WG8(j) meetings. This absence can be explained by the fact that scientists are not generally attracted to diplomatic meetings, which are seen as lacking scientific relevance. This, however, is a misunderstanding. While discussions such as those at WG8(j) do not follow the logic

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Patents on taro varieties from Hawaii issued and disclaimed

There are hundreds of cases involving the appropriation of traditional knowledge from indigenous peoples by outsiders who then succeed in obtaining a patent, for example, on a new variety of plant based on genetic manipulation of a number of traditional varieties. Indigenous organisations across the world are fighting such patents, but often they are confronted with powerful global corporations and complex legal procedures.

A recent example of a successful protest against an existing patent is found in Hawaii. In 1999 Hawaii University submitted requests for patents to the US Patent Office on three new varieties of taro. In 2002 the office issued these patents with world-wide patent rights.

For the indigenous people of Hawaii, taro is a sacred plant. It is mythically related to their ancestors and over the centuries farmers in Hawaii have developed about 300 different varieties. One of these varieties, *Maui Lehua*, is the female parent of all patented varieties. Hawaiians themselves do not recognise exclusive ownership over any of the traditional varieties. Ownership of this knowledge is collective, recognising the efforts of their ancestors. They certainly did not want a university claiming exclusive rights to what they consider their staple food. Permission was never granted by the farmers to the scientists of the university, and so procedures stipulated in existing ethical codes for ethno-botanists were not followed.

Hawaiian farmers and indigenous organisations protested and demanded that the university withdraw the patent rights. It was argued that the patents were invalidated by considerations of 'prior art' (existing knowledge pre-dating the innovation). Initially the university refused to comply with this request, claiming intellectual property rights over the work of its scientists. However, later it offered to hand over the patent to an indigenous organisation. The protesters refused, stating that they did not want to patent a plant handed down to them from their ancestors. The matter was concluded when the university filed legal documents with the US Patent Office disclaiming proprietary interests in the hybridised taro, and in June 2006 the patents were cancelled.

Source: W. Ritte and L.M. Kanehe (2007) '*Kuleana no halao (responsibility for taro): protecting the sacred ancestor from ownership and genetic modification*'. In: Mead, A.T.P. and S. Ratuva (eds.) *Pacific genes and life patents.* pp 130-137. Wellington, University of Wellington.