

INDIGENOUS PEOPLES' PERSPECTIVES ON GAPS IN THE INTELLECTUAL PROPERTY PROTECTION OF TRADITIONAL KNOWLEDGE

Elifuraha Laltaika

Expert Member, United Nations Permanent Forum on Indigenous
Issues (UNPFII)

Geneva 10/12/2018

INTRODUCTION

- * Contribution of indigenous peoples' traditional knowledge can not be over emphasized
- * Evident in biodiversity conservation and wildlife management; rural development and agroforestry; traditional medicine and health; and natural disaster preparedness and responses (IPBES 2013)
- * Also useful in modern industry and agriculture as reflected in plant based medicine and cosmetics
- * Most importantly it's the lifeline of indigenous peoples livelihood
- * Indigenous peoples TK thus merit protection from misappropriation to ensure continued vitality, recognition and benefits to knowledge holders

Indigenous Peoples Perspectives

- * Rights based, should bear linkage with the United Nations Declaration on the Rights of indigenous peoples (UNDRIP)
- * Ensuring intergenerational transmission
- * Access and sustainable use of lands and natural resources on which the knowledge is based (land rights)
- * Proper monitoring
- * Synergy between levels of decision making value chain

Comments linked to on going negotiations

- * Prior informed consent
- * Benefit sharing
- * Full and effective participation in decision making related to traditional knowledge
- * Use of registers and data bases

Conclusion

- * Link between traditional knowledge and sustainable development exists.
- * Good practices will improve the engagement of indigenous peoples.
- * UNPFII hails on going negotiations and look forwards to and indigenous peoples' friendly and fruitful product.