

## Topic 3: Indigenous peoples' and local communities' expectations for the protection of TK and traditional cultural expressions (TCEs)

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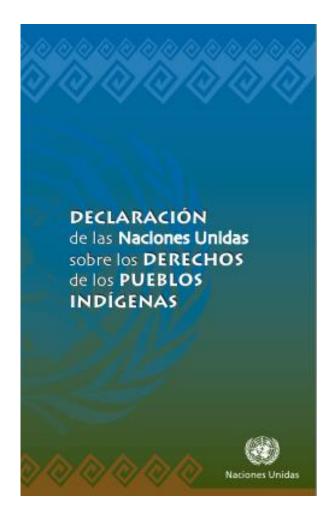
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## State of the world's indigenous peoples

"In more modern versions of market exploitation, indigenous peoples see their traditional knowledge and cultural expressions marketed and patented without their consent or participation" *State of the World's Indigenous Peoples, published by SPFII (2010).* 



# The United Nations Declaration on the Rights of Indigenous Peoples



"The United Nations Declaration on the Rights of Indigenous Peoples represents an authoritative common understanding, at the global level, of the minimum content of the rights of indigenous peoples, upon a foundation of various sources of international human rights law."

Report of the former Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya A/HRC/9/9 (11 August 2008)

WIPO

INTELLECTUAL PROPERTY

ORGANIZATION

## The United Nations Declaration on the Rights of Indigenous Peoples

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and **indigenous peoples**, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

(18th paragraph, UNDRIP preamble)

#### Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**ELLECTUAL PROPERTY** 

# The United Nations Declaration on the Rights of Indigenous Peoples

#### Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures.

#### Article 31

Indigenous peoples [...] also have the **right to maintain**, **control**, **protect and develop their intellectual property** over such cultural heritage, traditional knowledge, and traditional cultural expressions.



### Indigenous expectations

- Holistic approach to TK
- Do no harm
- Indigenous peoples control over their TK and TCEs



### Indigenous expectations

- IPLCs recognition as intellectual property rights holders over TK and TCEs
- Reparation over intellectual property-related harms in the past
- Customary law





## Thank you for your attention