



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

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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)

# 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,  
(*18<sup>th</sup> 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.

# 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**