

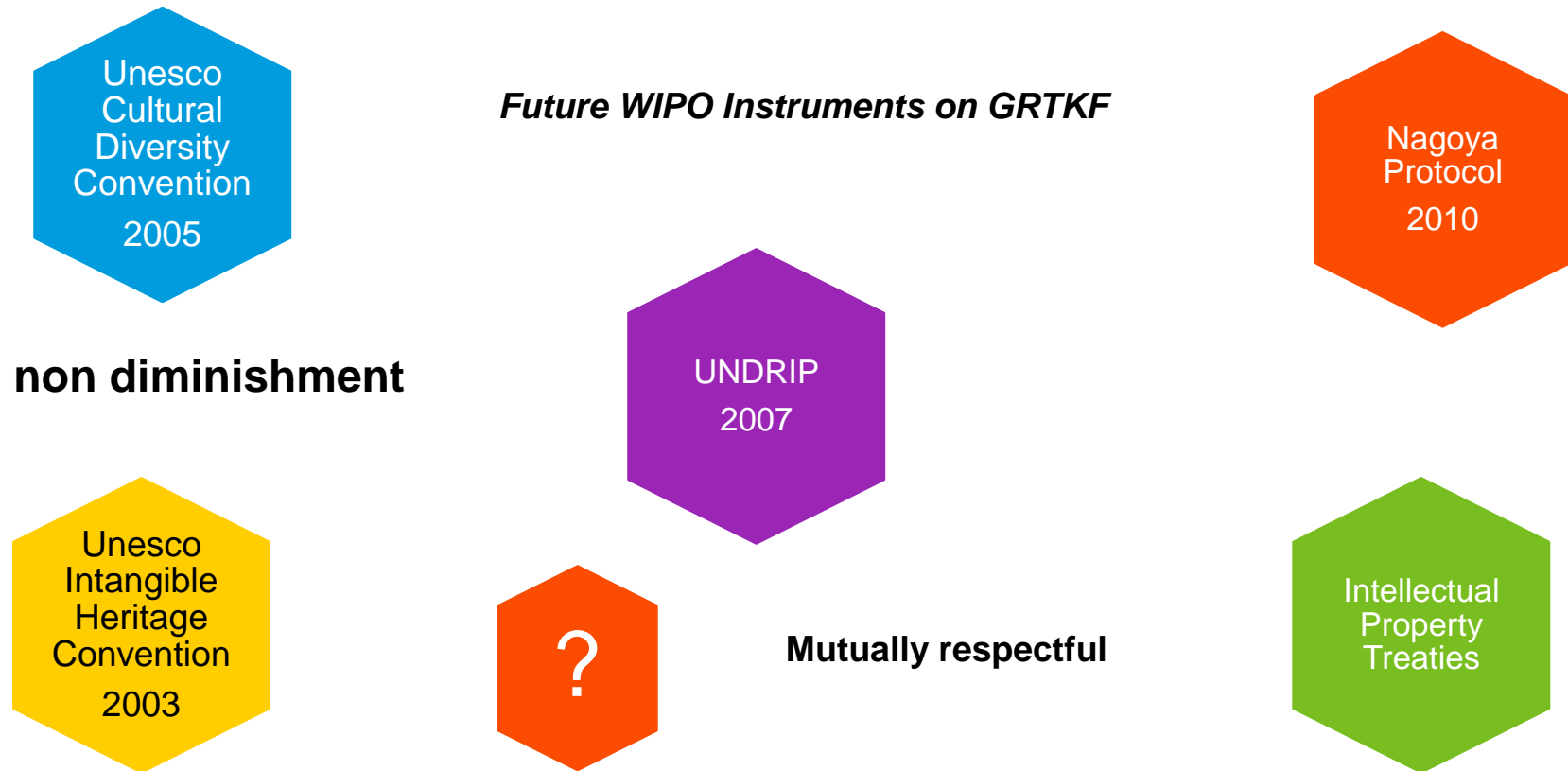
# Key messages

- 1) Determining and establishing the relationship with other instruments** (regarding the same subject matter) is a necessity)
- 2) Lessons learned on the way** – if there's a will there's a way
- 3) Sharing of best practises to allow for synergies as a way forward** → Finnish "wiki" on intangible cultural heritage

# Relationship with Other International Instruments

- **Vienna Convention on the Law of Treaties, 1969**
  - Art. 30: APPLICATION OF SUCCESSIVE TREATIES RELATING TO THE **SAME SUBJECT-MATTER**; art. 41: agreements to modify multilateral treaties
  - Interpretation rules
- **International treaties** are normally based on establishing minimum protection given to subject matter from other contracting parties = “National” treatment (No less favourable)
  - treaties are never directly applicable – they require implementation, and ratification/accession and enforcement
  - **The INSTRUMENT could also be guidelines/interpretation rules for the national context in Member States**

# Other International Conventions relating to Traditional Knowledge



# **”Le context est plus fort que le concept” ...where competing approaches meet**

- Nagoya Protocol of the CBD
  - ”...contributing to the conservation of biological diversity...”
    - **Method: The Sami people to gather a database?**
- Unesco Conventions on Cultural Diversity and Intangible Cultural Heritage
  - ”... to promote diversity of cultural expressions, including traditional cultural expressions, ...”
    - **the Finnish Wiki to gather and map cultural heritage in a modern and transparent way**
- ALL have sustainable development goals – IP should have similar  
*“Nothing in this Convention may be interpreted as: (b) **affecting the rights and obligations of States Parties** deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.”*

# WIKI of INTANGIBLE CULTURAL HERITAGE IN FINLAND

- **The National Board of Antiquities** has opened a **WIKI Inventory** in February 2016 → national inventory → unesco list on most vulnerable
- **“to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned”**
  - **IMPORTANT SYNERGIES**
- **The WIKI gains its strength from communities and is dependant on those who pass on knowledge, skills and practices. It is the communities themselves which define the value and significance of living heritage.**
  - Working together – supporting - using frameworks builds the assets
- **States responsibility to AVOID NEGATIVE IMPACTS of disclosing of TK in lists or databases**
  - **secret or narrowly diffused TK should remain undisclosed**
  - **transparent norms on respectful use**
  - **metadata standards**