

Working Group on Indigenous Populations  
Twenty-third session  
July 18-22 2005

Joint statement of the Saami Council and the Inuit Circumpolar Conference.

Item 4b: Principal theme: "Indigenous peoples and the international and domestic protection of traditional knowledge".

Thank you Mr. Chairman;

The Saami Council and the Inuit Circumpolar Conference welcome this specific principal item on the Indigenous Peoples and the international and domestic protection of traditional knowledge as integral and important part of our lives as Indigenous Peoples and cannot be separated of our individual and collective rights as peoples.

The diverse cultures of all Indigenous Peoples are part of the cultural heritage of all humankind. Each culture has a dignity and value, which must be respected and protected domestically and internationally. Moreover, every people has the right and the duty to develop its culture which also include traditional knowledge in its all aspects of the social lives.

Mr. Chairperson,

It is natural that the UN system allocates human and financial resources to assist in these processes, and therefore not surprising that during the last few years, interest in traditional knowledge has almost exploded. We note that more than eleven UN Organizations and Conferences are conducting work relevant to indigenous peoples' knowledge. However, there is no other UN system body that addresses these issues from a human rights perspective, so we find it very timely and appropriate that the Working Group has chosen traditional knowledge as its theme for the 23<sup>rd</sup> session. We obviously further welcome the Working Group's initiative to conduct standard setting within the field of indigenous peoples' cultural heritage - a term which of course encompasses traditional knowledge - and are happy that the Arctic region has been given the opportunity to assist in the Working Group's Experts in this standard setting activity. We are looking forward to a constructive dialogue on the Draft Guidelines for the Protection of Indigenous Peoples' Cultural Heritage later in the week.

Mr. Chairperson,

It is the Saami Council's and the Inuit Circumpolar Conference's firm opinion, that in all such activities, the Working Group directs particular attention to the concept of the so-called public domain. The fact that conventional intellectual property rights regimes regard most elements of indigenous cultures to fall within the so called public domain probably constitutes the biggest problem for the protection of indigenous knowledge etc. We underscore that public domain is not a concept accepted by indigenous peoples and that most traditional knowledge that conventional Intellectual Property Rights mechanisms regard to fall within the public domain have been placed there without the free, prior and informed consent of indigenous peoples.

Mr. Chairman,

We welcome document CRP 2 submitted to the Working Group by the Secretariat of the Convention on Biological Diversity, outlining the CBD's work with regard to traditional knowledge. It would be helpful if other UN system organizations conducting work relating to traditional knowledge could submit the Working Group with similar information. We have to make an comment to para. 13 of the CRP 2 document, however. The paragraph informs that the access and benefit sharing regime that the CBD is currently elaborating upon implement the concept of prior and informed consent. That might be so, but the debate so far in the ABS-Working Group (Working Group on Access and Benefit Sharing) seem to suggest that the principle of consent that states participating in the ABS-process want to see included in any ABS-regime is the right to consent of states to access to genetic resources. This is of course unacceptable to indigenous peoples, given that we are the rightful owners, holders and custodians of the genetic resources and associated traditional knowledge in our territories.

Mr. Chairperson,

Finally, we welcome the recommendation made by the Permanent Forum that "the Inter-Agency Support Group on Indigenous Issues (IASG) convene a workshop on indigenous traditional knowledge in collaboration with relevant UN agencies. It is our belief that only a comprehensive protection system, involving all relevant UN system organizations, will be able to adequately protect indigenous knowledge. It is natural that the Permanent Forum, given its broad mandate, takes the lead in this work, but it is also important that the Office of the High Commissioner participates actively in the upcoming seminar, and in other similar events, to guarantee a human rights based approach in all future regimes protecting traditional knowledge.

Thank you Mr. Chairperson.