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DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
Division for Social Policy and Development
Secretariat of the Permanent Forum on Indigenous Issues

INTERNATIONAL WORKSHOP ON TRADITIONAL KNOWLEDGE
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Background note

Prepared by the Secretariat of the United Nations Permanent Forum on Indigenous Issues

Division for Social Policy and Development

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United Nations

A. Background

1. Traditional knowledge refers to the complex bodies and systems of knowledge, know-how, practices and representations which are maintained and developed by local or indigenous communities through the history¹. Various definitions, terms or understandings of traditional knowledge used by academia and intergovernmental bodies show the complex nature of the issue which is part of the complexity of human societies and the diversity of worldviews². While different terms or working definitions coexist, what appears less debatable is that understanding of traditional knowledge and approaches on traditional knowledge require being holistic and comprehensive.
2. In the context of global issues such as biological diversity, intellectual property, trade negotiations, climate change, sustainable development, health, cultural diversity and human rights-based approaches to development, it is recognized that they require global efforts. Likewise, protection and promotion of traditional knowledge should also be global and in a coordinated manner by effectively involving holders of such knowledge, indigenous peoples and their communities and integrating their perspectives in all stages of processes.
3. Despite the widely recognition of indigenous peoples' contribution to the world's cultural and biological diversity and sustainable development, many challenges still remain in the area of traditional knowledge. Indigenous peoples have been expressing their particular aspiration, specific needs and concerns with regard to their traditional knowledge at international fora. For example, very often, indigenous spirituality expressed through healing rituals may still not be seen as 'rational' or 'scientific' by other societies; while their knowledge on medicine or pharmaceutical plants preserved and transmitted from generations has been misused or misappropriated by

¹ The full definition proposed by UNESCO in the framework of joint work with Internal Council of Science (ICSU) states: "*Traditional knowledge is a cumulative body of knowledge, know-how, practices and representations maintained and developed by peoples with extended histories of interaction with the natural environment. These sophisticated sets of understandings, interpretations and meanings are part and parcel of a cultural complex that encompasses language, naming and classification systems, resource use practices, ritual, spirituality and worldviews*" UNESCO/ICSU, 2002, Science, Traditional Knowledge and Sustainable Development, p. 9. ICSU: Paris.

² For example, traditional knowledge refers to "*the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles*", Convention on Biological Diversity, Article 8 (j). WIPO has established the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in 2000 without defining the term. It has however underlined the complex nature of traditional knowledge that encompasses the forms of traditional know-how, innovations, information, practices, skills and learning of traditional knowledge such as traditional agricultural, environmental or medicinal knowledge. *WIPO, Booklet N2*. FAO International Undertaking of Plant Genetic Resources stresses the value of "local rural technologies" in the conservation and utilization of plant genetic resources. UNESCO has a range of inter-disciplinary activities dealing with traditional knowledge and has tried to formulate some elements towards a working definition at an expert meeting on Safeguarding the transmission of local and indigenous knowledge of nature, Aichi, 2005. In WHO, emphasis is placed on traditional medicinal knowledge, *WHO Traditional Medicine Strategy*, WHO/EDM/TRM/2002.1.

outsiders without their permission. Climate change has been significantly affecting those indigenous peoples living in the Polar area, posing difficulties to their traditional livelihood and way of life which will accelerate their loss of identity. Desertification in many parts of the world has reduced tremendously the space of life for thousands and thousands traditional nomadic hunters and gathers forcing them to settle down and losing their traditions. Some governments have engaged in trade negotiations to access to global market while neglecting specific needs of indigenous peoples to protect traditional farming systems and agricultural and other products. Private sectors practice logging and extracting activities over indigenous land and natural resources without their consent. Too often, equal and fair benefit-sharing remains a problem for indigenous peoples. In some countries, national parks or natural reserves of biological diversity in indigenous areas have been designed without their participation and completely neglecting indigenous knowledge in maintaining such biological diversity; moreover in the name of protection, indigenous communities have been banned to access to these natural parks or protected areas on which they have been living for centuries. While indigenous languages are known as extremely important vital sources for orally transmitted knowledge, more efforts should be made before many of indigenous languages become moribund or endangered if we do not want to see indigenous knowledge goes away with the disappearance of indigenous languages and along with them indigenous identity.

4. It should note that the recognition of indigenous peoples' rights of control and management of their traditional knowledge are part of their longstanding demand for the right of self-determination, the right of land and natural resources as stated in the Draft Declaration on the Rights of Indigenous Peoples. International response to indigenous peoples' aspiration on traditional knowledge is very crucial to remedy historical injustice of indigenous peoples and to contribute to eradicating root causes of poverty, displacement and other social and political marginalization faced by many of them in many parts of the world.
5. Over the past decade, traditional knowledge has gained a growing interest from the international community. More than eleven UN agencies have been dealing with traditional knowledge. Based on the mandate given by their constituencies and their areas of competence, each agency has been devoting efforts to traditional knowledge issues covering a wide range of activities. These encompass activities from standard-setting, including protection through the system of patent and copyright against misuse and misappropriation of traditional knowledge as well as *sui generis* intellectual property systems and mechanisms to trade negotiations, from technical assistance programmes on the protection and preservation of traditional knowledge for cultural and biological diversity to capacity-building activities targeting indigenous communities, from the promotion of the sustainable use and establishment of mechanisms for equitable benefit-sharing of traditional knowledge to exchange and analysis of national and local experiences and indicators. It is therefore important that those agencies working on traditional knowledge assess, evaluate and examine, with indigenous peoples, their work on how their work contributes to the respect of

- indigenous peoples' fundamental rights in the area of traditional knowledge with a view to identifying good practices and lessons learned to share and gaps to bridge.
6. From an indigenous perspective, traditional knowledge is developed from experience gained over the centuries and adapted to the local culture and environment, and transmitted orally from generation to generation. It tends to be collectively owned and takes the forms of stories, songs, artistic expressions, proverbs, cultural events, beliefs, rituals, customary laws, languages, agricultural practices, including the development of plant species and animal breeds, traditional know-how relating to architecture, textile-making and handicraft-making, fishery, health and forestry management. Not only does traditional knowledge provide indigenous peoples with tremendous possibilities for their daily life and sustainable and collective development as peoples, but it also reflects indigenous peoples' holistic worldviews which is considered as a most important source of the world's cultural and biological diversity. They have demanded that the adequate protection and ethical promotion of traditional knowledge be comprehensive and coherent, any measures and efforts taken in this area at community and local, national and international levels integrate indigenous holistic approaches and address indigenous peoples' needs and aspirations.
 7. The United Nations Permanent Forum on Indigenous Issues (UNPFII) as an advisory body with its mandate to make recommendations and provide advice on indigenous issues to Member States, the UN system and indigenous organizations through ECOSCO, has made a number of recommendations on traditional knowledge addressed to governments and the UN system since its first session in 2002. Furthermore, based on international human rights standards, the Forum has been promoting the principle of free prior and informed consent. In this regard, the Forum recommends that Governments, the UN system, international development and financial institutions and private sectors develop institutional policies and mechanisms on indigenous issues in consultation with indigenous people on any projects or matter affecting or would affect them. In addition, there are specific recommendations on capacity-building of indigenous peoples so that they can fully and effectively participate in these processes.
 8. Participation and integration of indigenous perspectives in work relating to traditional knowledge are, among others, key recommendations of the Forum over its first three sessions with regard to traditional knowledge. As mentioned above, each of agencies has been devoting a range of activities on traditional knowledge, the Forum has emphasized that not only this collective work need to be coordinated with a view to maximizing and complementing agencies' work given the complex nature of the issue, but also more importantly, there should be policy and effective mechanisms enabling indigenous peoples meaningful participation in these work so that their perspective can be integrated in the process and contribute to it. At its Fourth Session in May 2005, the Permanent Forum recommended that "the Inter-agency Support Group on Indigenous Issues (IASG) convene a technical workshop on indigenous traditional knowledge, in collaboration with United Nations agencies dealing with this issue,

with the participation of indigenous experts, with a view to promoting a collaborative, complementary and holistic approach to traditional knowledge in order to enhance better understanding of indigenous concerns and their possible solution” and “requested the workshop to submit its report to the fifth session of the Forum”.³

B. Objectives and outcome of the workshop

9. This workshop aims to bring together UN agencies which in a way or in another deal with traditional knowledge and indigenous experts and to make recommendations for the Permanent Forum to advise agencies in their work on traditional knowledge and with indigenous peoples. As the topic is multifaceted, complex and interdisciplinary, pertinent issues need to be identified and analyzed before developing a framework of coordination and integration of indigenous perspective. The overall objectives of the workshop are the following:
 - 1) to identify indigenous perspectives on traditional knowledge based on local and community-based experiences, as well as perspectives on policies, planning, processes and programmes at local, national and international levels.
 - 2) to have a better understanding on current programmes, processes and activities on traditional knowledge undertaken by various UN entities with a view to better integrating indigenous holistic approaches in work relating to traditional knowledge,
 - 3) to formulate recommendations for the UN Permanent Forum to advise agencies dealing with traditional knowledge with a view to enhancing mechanisms within the UN system for the meaningful and effective participation of indigenous peoples regarding traditional knowledge.

C. Proposed themes of the discussion

10. Three major themes of discussion are proposed as follow and under each of themes some preliminary questions have been identified for consideration and stimulation of discussion.

Session I : Indigenous perspectives on traditional knowledge including examples of activities in policies, planning and programmes at local, national and international levels.

- Why traditional knowledge is central for indigenous peoples in their struggle for self-determination and control and management of their land and natural resource?
- What are the most important elements and aspects considered as traditional knowledge by indigenous peoples?

³ E/2005/43.

- What experiences and lessons learned in policies, planning and development of programmes on traditional knowledge at local, national and international levels that can be shared?
- What are the major aspirations, needs and concerns and in which areas that indigenous peoples have with regard to their traditional knowledge?
- What are the emerging issues which need to be addressed by those UN entities dealing with traditional knowledge?

Session II: Overview of current work relating to traditional knowledge and indigenous peoples by UN agencies: A matrix toward a coherent and coordinated framework on traditional knowledge

- What are the ongoing standard-setting processes and programmes on traditional knowledge of different UN agencies/entities? And how these works are complementary to each other?
- What are the most effective ways to protect and promote indigenous traditional knowledge against erosion, loss, misuse and misappropriation?
- How agencies engage governments and indigenous peoples together in negotiations of standard-setting, trade, biological diversity, cultural heritage, intercultural education and other issues?
- Are there any policy and mechanisms in place to enable indigenous peoples' participation in these activities? If so, what experiences can be shared? If not, what are the main challenges/obstacles and how to overcome?

Session III: How to integrate indigenous perspective in the UN work on traditional knowledge: experiences/challenges/future steps (Recommendations to be prepared and presented to the Forum which will consider at its fifth session in May 2006)

- What are the gaps identified in the current UN work on traditional knowledge and how to address them?
- What can the Permanent Forum and UN agencies and organisations do to strengthen complementarity and coordination among themselves in their current work on traditional knowledge?
- What specific recommendations can the Forum make to governments to engage indigenous peoples in inter-governmental negotiations on traditional knowledge issues?
- What recommendations can the Forum make to indigenous peoples to encourage and strengthen their active participation in the activities and programs of UN organizations and agencies?
- How could the Forum's collective expertise and experience be better channeled and integrated into the work programs of UN agencies and organisations?

- Should there be an inter-agency framework of coordination on cross-cutting issues such as traditional knowledge? Should there be an ad hoc network within the current framework of IASG?
- What are the working methodologies which the Forum can develop with a view to assisting the coordination between agencies and promoting the integration of indigenous perspectives in their work?

D. Participants (agencies and indigenous experts)

11. Relevant UN agencies dealing with traditional knowledge and several indigenous experts from Asia, Africa, Arctic, North America, Latin America and the Caribbean, the Pacific and Eastern Europe/Central Asia/Caucasus are invited to participate in the workshop.

E. The working documents

12. UN agencies participating in the workshop are invited to submit a paper to present their work on TK; indigenous experts are invited to prepare a paper on their community, local, national or international experiences on TK addressing one or more items of the agenda on the part of their organization.
13. The paper should be in English and not more than 8 pages. The deadline of the submission is **31 August 2005**.

F. Language

14. The workshop will be conducted in English, no interpretation into any other languages will be provided.

Annex I.

Recommendations relevant to Traditional Knowledge adopted by the Permanent Forum on Indigenous Issues

I. First Session (E/2002/43/Rev.1)

20. The Forum requests the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to extend an invitation to members of the Forum to participate in its annual sessions.

26. The Forum stresses the importance of respect for and protection of traditional indigenous knowledge and heritage; the contribution of traditional knowledge in matters related to spirituality, the environment and the management of natural resources within ecosystems; objectively favouring the synergies between local traditional knowledge and modern science, with indigenous participation.

29. The Forum recommends that WIPO, UNESCO, the Convention on Biological Diversity, UNDP and FAO hold a technical workshop with Forum members and the representatives of States and indigenous peoples and nations in order to promote models for environmental and sustainable development governance that incorporates principles of genuine partnership between States and indigenous peoples, linkages between cultural diversity (language) and biological diversity, ecosystem approaches and collaboration between scientific and traditional knowledge, and to evaluate intellectual property regime; consider elaborating a *sui generis* system for the protection of indigenous bio-cultural heritage, genetic resources and traditional knowledge; and to identify a support system for indigenous peoples to develop and consolidate their own policies and principles for the protection of biological resources, traditional knowledge, innovations and creativity, including modes of access and benefit-sharing, with the free and prior informed consent of indigenous peoples and local communities.

II. Second Session (E/2003/43)

26. The Forum recommends that the agencies and bodies of the United Nations, the World Bank, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank

and the International Monetary Fund rethink the concept of development, with the full participation of indigenous peoples in development processes, taking into account the rights of indigenous peoples and the practices of their traditional knowledge.

Recommendation 9

Convention on Biological Diversity

57. The Forum recommends the establishment of an international ethical code on bio-prospecting in order to avoid bio-piracy and ensure the respect for indigenous cultural and intellectual heritage. Under the framework of the Convention, a mechanism should be established for the repatriation and devolution of genetic materials collections to indigenous peoples. The Forum recommends to the Convention secretariat that the global taxonomy initiative incorporate an ethical principles and social framework for the protection of indigenous peoples' rights to their lands, traditional knowledge and resources before its implementation.

Recommendation 10

World Intellectual Property Organization

58. The Forum, noting the future mandate of the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to be considered by the Committee at its session to be held in July 2003, expresses the wish that the mandate of the Committee should have as its clear objective the continued development of mechanisms, systems and tools that adequately protect the genetic resources, traditional knowledge and expressions of culture of indigenous peoples at the national, regional and international levels. The Forum affirms its willingness to contribute its expertise and experience to the work of the Committee and to play a consultative role in assisting mechanisms that may be established by member States of WIPO, and urges the Committee to assist two Forum members in participating systematically and effectively in the process by establishing a special fund.

III. Third Session (E/2004/43)

11. The Forum urges the secretariat of the Convention on Biological Diversity, in conjunction with other relevant United Nations entities, to convene a workshop on the theme "Indigenous women, traditional knowledge and the Convention on Biological Diversity" in collaboration with the Indigenous Women's Biodiversity Network and the Commission of Intellectual Property and Commercialization of the Intercontinental Network of Indigenous Women of the Americas.

Education: Attainment

(f) Enabling indigenous students to attain skills and graduation rates up to the same standard as other students throughout the compulsory and non-compulsory schooling years;

(g) Developing teaching forms and curricula based on mother tongue (additive learning) in primary and secondary education (should be mandatory in order to achieve goal (f) above);

(h) Developing curricula for both primary and secondary education which reflect the insights and usefulness of indigenous knowledge systems and are sensitive to indigenous values. Curricula should:

(i) Incorporate indigenous histories, traditional knowledge and spiritual values;

(ii) Integrate indigenous oral traditions, myths and writings, acknowledging these as unique parts of world heritage;

Indigenous languages

(i) Developing programmes based on the child's mother tongue (first language) as a foundation for learning and aiming at the maintenance and continued use of indigenous languages;

Cultural, Social and Economic Development in Education

(o) Indigenous peoples should be resourced and supported to establish their own education systems, including schools, should they so choose. Also, traditional indigenous education and its structures should be respected and supported;

Recommendations to the UN System

20. The Forum recommends that the United Nations system consider the following recommendations:

(a) The United Nations system should fully explore the protection, use and promotion of indigenous (including traditional) knowledge and ensure synergies across the relevant bodies currently investigating the issues (specifically the World Intellectual Property Organization, UNESCO, the United Nations Conference on Trade and Development, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and others) and furthermore should invite the Forum to participate;

(g) UNICEF advocates bilingual and cross-cultural education for indigenous peoples and conducts schools for girls and women's literacy programmes in Latin America, and this initiative should be further encouraged and expanded;

(j) The Forum, to underscore the crucial role of language skills to sustainable development and in celebration of the United Nations Year on Education for Sustainable Development (2005), recommends that the secretariat of the Forum, together with the United Nations Development Programme, UNICEF and UNESCO, explore the possibility of organizing a regional workshop in Asia or Africa on the theme “Indigenous children and language education”, to discuss policies, programmes and practical experiences with bilingual education to strengthen additive learning through the use of mother tongue and the “indigenization” of curricula in formal schooling, among members of the Forum, United Nations agencies, Governments (especially departments of education), indigenous and tribal representatives and indigenous education experts.

Culture: Recommendations to member States

26. The Forum, noting that work will commence shortly on a convention of cultural diversity, requests member States to work with representatives of indigenous peoples to UNESCO to develop a document that adequately protects indigenous cultural heritage.

27. The Forum recommends that member States adopt legislation acknowledging that the traditional knowledge of indigenous peoples is their inalienable cultural heritage and embodies their cultural identity and that they make available such legislation and information in local indigenous languages.

29. The Forum recommends that Governments hold sports and athletic games involving indigenous sports.

30. The Forum recommends that member States ratify the Convention on Intangible Cultural Heritage and ensure that it is fully implemented.

31. The Forum recommends that member States put in place policies and mechanisms to increase indigenous women’s access to markets and capital in order to enable them to turn their traditional skills into sustainable forms of income generation.

Recommendations to the UN System

33.

(b) Member States with indigenous populations develop multicultural public policies with a view to implementing the contents of the Declaration and strengthening, in an equitable manner, local cultures;

(c) UNESCO promote the recovery of underwater indigenous heritage, the oral tradition and ancient writings with a view to recognizing them as the heritage of humanity.

34.

(c) That UNESCO explore the links between the protection of tangible cultural heritage, intangible cultural heritage and sacred sites and other related UNESCO instruments with a view to broadening, strengthening and streamlining the protection of (indigenous) cultural heritage;

(e) Noting that the current UNESCO endangered languages programme seeks only to record endangered (indigenous) languages, that UNESCO expand its endangered languages programme to record, revive and reintroduce indigenous languages, in cooperation with indigenous peoples. This should include projects that support training in and teaching of indigenous languages at the community level.

35.

(c) Examine and document the instrumental role of women in indigenous societies as the custodians of sacred knowledge and power, and as medical specialists;

(d) Highlight and give recognition to women's instrumental roles in indigenous societies as educators, healers and ritual specialists;

(e) Highlight indigenous women's traditional skills, arts and crafts and publicize them through the media, cultural institutions etc.

36. The Forum encourages the World Intellectual Property Organization (WIPO) and its member States to take practical steps to ensure that the inappropriate and unauthorized documentation and publication of traditional knowledge and traditional cultural expressions/folklore does not occur, and to reinforce the capacity of indigenous peoples and local communities to make informed decisions in their own interests concerning whether and how documentation should be issued, including through the development of practical toolkits and guides which should have this as their aim.

37. Recognizing the important partnership of WIPO and the Forum, the Forum makes the following recommendations to further this working relationship:

(a) The Forum strongly encourages representatives of indigenous peoples and local communities to participate actively in the work of WIPO in relation to genetic resources, traditional knowledge and traditional cultural expressions/ folklore, in particular

through the submission of comments, case studies and position papers, including on the new WIPO web page established for this purpose;

(b) The Forum calls upon WIPO and member States, funds, foundations and other donors to provide funding to facilitate the participation of indigenous peoples, local communities and the Forum in sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and in related consultations, caucuses, briefings and workshops;

(c) The Forum recommends that, under the auspices of the Forum and in partnership with the Convention on Biological Diversity and the Office of the United Nations High Commissioner for Human Rights, WIPO develop, in close consultation with indigenous peoples and local communities, the Forum and other organizations and stakeholders, as appropriate, guidelines, ethical codes of conduct, best practices and practical guides relating to intellectual property issues and the access to and use of traditional cultural expressions and knowledge by, among others, commercial users, ethnologists, folklorists and anthropologists, and museums and archives;

(d) The Forum confirms its readiness and willingness to provide expert input to the work of WIPO on intellectual property, traditional knowledge and folklore, such as its work on studying how customary and indigenous laws and protocols could be recognized and applied within national, regional and international systems for the protection of traditional knowledge and cultural expressions.

38. The Forum recommends that the secretariat of the Convention on Biological Diversity, the Office of the United Nations High Commissioner for Human Rights, UNESCO, WIPO, the World Trade Organization and other relevant United Nations system organizations, under the auspices of the Forum, establish guidelines, ethical codes of conduct, best practices and practical guidelines relating to indigenous peoples, cultural heritage and the access to and use of traditional cultural expressions and knowledge, in close cooperation with indigenous peoples.

Economic and Social Development:

Recommendations to UN System

59. The Forum recommends that all relevant United Nations entities and Governments:

(b) Identify and give recognition to the capacities of indigenous women and their specialized knowledge in the areas of health, natural environment, traditional technologies, crafts and arts, and design appropriate employment and income-generating strategies;

Environment:

75. The Forum recognizes the unique contributions made by indigenous women in terms of possessing and transmitting through the generations a wealth of traditional knowledge on the conservation of biodiversity and sustainable environmental management, and calls on

the secretariat of the Convention for Biological Diversity, UNEP and all relevant United Nations bodies to mainstream indigenous gender issues and knowledge in national environmental policies and programmes.

Convention on Biological Diversity:

76. The Forum notes with appreciation decisions VII/16 A-1 of the Conference of Parties to the Convention on Biological Diversity and its ongoing work with respect to traditional knowledge, innovations and practices of indigenous and local communities covering many areas for future works to be jointly undertaken by the Convention and the Forum.

77. The Forum:

(d) Urges indigenous and local communities to contribute actively to the work of the secretariat of the Convention on the composite report on the status and trends of traditional knowledge to ensure that the report is truly reflective of the concerns of indigenous and local communities with regard to the loss of traditional knowledge of relevance to biological diversity;

Policy recommendations

7. As these global processes have serious negative implications for indigenous women at the national and local levels, laws, policies, budgets and programmes must be put in place at the international, regional/national, and local levels as well if they are to effectively address these problems. Some of the issues addressed by the panellists included:

(v) Recognition and protection of the instrumental social roles indigenous women play in their communities and their specialized traditional knowledge;
