

## **IFRRO STATEMENT ON TRADITIONAL KNOWLEDGE (TK) AND TRADITIONAL CULTURAL EXPRESSIONS (TCE).**

### **GENERAL**

- IFRRO notes that the United Nations Declaration on the Rights of Indigenous Peoples of 13 September, 2007 calls upon civil societies to ensure that the Declaration's vision becomes a reality by working to integrate indigenous rights into their policies and programmes
- IFRRO further notes Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples stating that "Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures".
- IFRRO supports culture and cultural diversity, respect for it and a good framework for its development and continued existence
- IFRRO supports freedom of research, academia and expression
- IFRRO supports protection of scientific, academic and cultural products through copyright and other instruments
- IFRRO is committed to assisting communities in developing frameworks furthering cultural and academic progress and stimulating incentives for investing in cultural and creative industries and practical implementation *inter alia* through RROs
- RROs carry out transactions on behalf of rightsholders, managing rights on their behalf where it is impractical for them to do so.

### **THEREFORE**

- ✓ IFRRO therefore supports appropriate Intellectual Property Rights as a means to creating functional incentives for investment in it and thereby leading to a richer body of cultural, creative, scientific and academic works
- ✓ IFRRO therefore values culture in all its forms and works for optimisation of frameworks that allow it to be maintained, protected and developed

### **CRITERIA FOR AN INSTRUMENT TO PROTECT TRADITIONAL EXPRESSIONS**

- ✓ An instrument to protect traditional knowledge should observe the following criteria:
  - The characteristic elements of traditional knowledge must be thoroughly examined in order for it to address the needs of the indigenous peoples and other stakeholders concerned with the view to offer the most appropriate instrument
  - The legal framework must be clear in that all parties concerned and easily identify:
    - what is protected
    - how TK / TCE expressions can be used
    - the consequences of dealing with traditional knowledge
  - It must create functional incentives for rather than stifle the use of traditional knowledge and insure that fundamental rights to education, science, research, cultural development and freedom of expression are observed while safeguarding the rights of indigenous peoples to maintain, control, protect and develop their cultural heritage
  - It must be a practicable, usable and effective tool to address the problems it sets out to solve

(Presented by the Board to the AGM 2008 for approval)

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