

United Nations Conference on Trade and Development

**PROTECTING AND PROMOTING
TRADITIONAL KNOWLEDGE:
SYSTEMS, NATIONAL EXPERIENCES AND
INTERNATIONAL DIMENSIONS**

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Foreword

The preservation, protection and promotion of the traditional knowledge, innovations and practices of local and indigenous communities (TK) is of key importance for developing countries. Their rich endowment of TK and biodiversity plays a critical role in their health care, food security, culture, religion, identity, environment, sustainable development and trade. It is particularly crucial for the most vulnerable segments of their societies, and for indigenous peoples worldwide.

But this valuable asset is at risk in many parts of the world, and here are concerns that this knowledge is being used and patented by third parties, with few or none of the benefits being shared with the original TK-holders, and without their prior informed consent. While such concerns have pushed TK to the forefront of the international agenda, the best ways of addressing the range of issues related to its preservation, protection, further development and sustainable use are not yet clear.

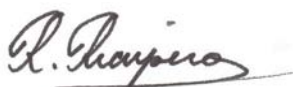
The different facets of these complex issues are being addressed in a number of forums. The Convention on Biological Diversity highlights the important role of TK and local and indigenous communities in the preservation of biological diversity. Intellectual property aspects are being studied in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The UN Permanent Forum on Indigenous Issues highlights issues of particular concern to indigenous peoples. Developing countries are also raising international aspects of TK protection in the World Trade Organization, notably in the TRIPS Council and the 2001 Doha Ministerial Declaration.

In 2000, UNCTAD's member States decided in the Bangkok Plan of Action to address this issue as part of the organization's work on trade, environment and development. As a knowledge-based institution that is the focal point within the United Nations for the integrated treatment of trade and development and related issues, UNCTAD has an important role to play in the debate. In this forum, countries can explore new ideas from a holistic development perspective, enhance understanding of complex issues, exchange their experiences with different approaches and build consensus. UNCTAD can further assist developing countries through its technical cooperation activities.

This book, a collection of papers prepared in conjunction with an UNCTAD expert meeting on TK, attempts to advance discussion and understanding of the issues by focusing on three key questions:

- What are the importance and scope of TK, particularly in the areas of agriculture and medicine?
- How can TK be preserved and protected?
- How can this valuable resource be harnessed for development and trade to benefit the TK-holding communities and countries?

The answer to these questions are evolving as experiences are gained and shared. Moreover, as the types of TK, and related concerns and objectives, are unique to each country and community, solutions must also be tailored to local circumstances. By presenting a wide range of experiences and perspectives on this subject, this book provides the reader with ample food for thought in designing such solutions.



Rubens Ricupero
Secretary General of UNCTAD

Acknowledgements

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This is a collection of papers emanating from the Expert Meeting in October 2000. Under the supervision of Rene Vossenaar, Sophia Twarog was the main organizer of the meeting. UNCTAD secretariat staff members Sophia Twarog, Rene Vossenaar, Ulrich Hoffmann, Veena Jha and Graham Dufield wrote the background note, *Systems and National Experiences for Protecting Traditional Knowledge, Innovations and Practices*, by the UNCTAD secretariat. They also contributed to the preparation and servicing of the meeting, as did Maria Perez-Esteve, Rafael Sanchez, Alexey Vikhlyaev, Florence Labregere, Brook Boyer, Angela Thompson and Lauren Murphy. The staff of UNCTAD's Intergovernmental Support Service - including Arkady Sarkissov, the secretary of the meeting, and Chris Macfarquhar, who oversaw the preparation of the report - performed their duties with their usual professionalism and skill. The Rockefeller Foundation generously financed the travel of five indigenous representatives. Special thanks are due to Ambassador Ronald Saborio Soto (Costa Rica) who chaired the meeting, and Ambassador Sivaramen Palayathan (Mauritius), who acted as vice-chairperson.

Valuable comments and inputs on the background note for the Expert Meeting (in Appendix II) were received from Henrietta Marrie (CBD secretariat), Richard Wilder, Shakeel Bhatti and Wend Wendland (WIPO secretariat), Thu-Lang Tran-Wasescha, Alejandro Gamboa and Doaa Abdel-Motaal (WTO secretariat), Clive Stannard (FAO secretariat), Xiaorui Zhang (WHO secretariat), Jorge Cabrera (Costa Rica), Atul Kaushik (India), Leo Palma (Philippines), Francisco Cannabrava (Brazil), Suman Sahai (Gene Campaign), Renee Vellve (GRAIN), and UNCTAD staff members Taffere Tesfachew, Salvano Briceno, Rafael Sanchez, Rik Kutsch Lojenga, Anida Yupari, Mina Mashayekhi, Zeljka Kozul-Wright and Kathy Stokes.

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