Intellectual Property Rights as an Indicator of Engagement Quality for Indigenous Communities

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Scheduled Tribes of India

- Over 700 tribes listed
- 2011 census 104 million 8.6% of total population
- In 30 states and Union Territories
- Literacy rates
  - Kerala 96%-92%
  - Bihar 71.2%-51.5%
- Adivasi/Tribes
Article 31

1. 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, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
UN and Indigenous and Tribal Peoples

- 1923-25: First International Involvement
- 1981: Martínez Cobo Study
- 1993: International Year of the World's Indigenous People
- 1994: International Decade of the World's Indigenous Peoples
UN and Indigenous and Tribal Peoples cont

- 2000: Permanent Forum on Indigenous Issues
- 2001: Special Rapporteur on the Rights of Indigenous Peoples
- 2005: Second International Decade of the World's Indigenous Peoples
- 2007: UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- 2014: World Conference on Indigenous Peoples (WCIP)
- 2019: International Year of Indigenous Languages
- 2020: A Call to Action on Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples
- 2022: International Decade of Indigenous Languages (IDIL)
Indigenous Peoples and the 2030 Agenda

• “Transforming Our World: the 2030 Agenda for Sustainable Development” (adopted on 25th September 2015 by UNGA)

• 17 Sustainable Development Goals and 169 associated targets

• Promise - to leave no one behind and reach the furthest behind first.
Mainstream Academic Research

• Tribal regions of India: a research opportunities for anthropologist, sociologist, ...
  • Tribal identity: Dominance vs Subaltern
  • Cultural identity
  • Survival

• Issues of Indigenous and Tribal Peoples
  • Non-stationarity
  • Diversity
Participatory Research Approach

• Indigenous and Tribal Peoples
  • On, For
  • By

• Knowledgeable - Knowledge keeper dichotomy

• Co-learning, Co-creation
  • Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions

• Research ethics - Copy Right, Patent, IPR
IPR: existing structures

• The World Intellectual Property Organization (WIPO) is the global forum for intellectual property (IP) services, policy, information and cooperation.

• A self-funding agency of the United Nations, with 193 member states.

• Decision-making bodies – Governing bodies, Permanent Committees, Standing committees, Diplomatic Conferences, Working Groups
  • Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
  • Standing Committee on Copyright and Related Rights (SCCR)
  • Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities
IPR: task of

- Community
- Researcher
- Academic institution

“Knowing is Responsibility” – Darren Ranco

“Research is mutual healing”
References

1. United Nations Declaration on Rights of Indigenous Peoples
2. ILO Convention 169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)
3. Social Action, Vol. 43 (1) 1993, Indian Social Institute, New Delhi