

The United Nations Special Rapporteur on the Rights of Indigenous People, James Anaya, was invited to speak at the opening of the World Intellectual Property Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) yesterday. Along with other indigenous peoples representatives, he called for more participation of indigenous peoples in the process and a focus on the protection of their traditional knowledge, while WIPO raised alarm on the almost thorough depletion of the voluntary fund allowing the participation of indigenous peoples.

United Nations Special Rapporteur on the Rights of Indigenous People Anaya spoke at the WIPO Indigenous Panel, presenting perspectives of indigenous peoples and local communities, at the outset of the IGC, taking place from 4-8 February.

Taking the audience back in time, Anaya said in his statement [pdf] that “the principle of state sovereignty and the right to property were fundamental building blocks of the international legal system during the classical era.” In the same era, he said, property rights theories “professed that only land used in ways sufficiently similar to European style agriculture could result in property rights to land and resources,” referring to “European colonisation.” It was thus considered that since indigenous peoples’ cultures did not improve the land “in a manner required to acquire property rights,” they did not acquire any rights to the land.

These considerations are part of the doctrine of “terra nullius” under which “land occupied only by indigenous peoples was regarded as vacant,” he said. From an indigenous peoples’ rights perspective, it is interesting to compare the notion of the public domain with the terra nullius doctrine, he said, as “the notion of the public domain led to understand that indigenous peoples’ collective way of gradually generating knowledge often does not result in rights.”

The terra nullius doctrine has been rejected as contemporary international law prohibits discrimination against indigenous peoples because of the particularities of their cultures, he added.

In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples, which “reflects a general global consensus on indigenous peoples’ rights that is “in significant part incorporated into contemporary international law,” he said. (...)

The article:

<http://www.ip-watch.org/2013/02/05/indigenous-peoples-rights-reaffirmed-by-un-rapporteur-panelists-at-wipo/>

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Latin America - Impact of the Extractive Industry on the Collective Land and Forest Rights of People and Communities:

http://www.rightsandresources.org/publication_details.php?publicationID=5915

Passato... prossimo:

http://www.fabiomanzione.it/index.php?searchword=Indigenous+Peoples+R&ordering=∓searchphrase=all&Itemid=105&option=com_search