

Information Sharing with Potential Users of Traditional Knowledge under Provisions of Nagoya Protocol: Issues of Participation of Indigenous People and Local Communities

Authors : Hasrat Arjjumend, Sabiha Alam

Abstract : The Nagoya Protocol is landmark international legislation governing access to genetic resources and benefit sharing from utilization of genetic resource and traditional knowledge. The field implications of the international law have been assessed by surveying academic/ research institutions, civil society organizations (CSOs) and concerned individuals, who gave their opinions on whether the provider parties (usually developing countries) would ensure effective participation of Indigenous people and local communities (ILCs) in establishing the mechanisms to inform the potential users of traditional knowledge (TK) about their obligations under art. 12.2 of Nagoya Protocol. First of all, involvement and participation of ILCs in suggested clearing-house mechanisms of the Parties are seldom witnessed. Secondly, as respondents expressed, it is doubtful that developing countries would ensure effective participation of ILCs in establishing the mechanisms to inform the potential users of TK about their obligations. Yet, as most of ILCs speak and understand local or indigenous languages, whether the Nagoya Protocol provides or not, it is a felt need that the Parties should disclose information in a language understandable to ILCs. Alternative opinions indicate that if TK held by ILCs is disclosed, the value is gone. Therefore, it should be protected by the domestic law first and should be disclosed then.

Keywords : genetic resources, indigenous people, language, Nagoya protocol, participation, traditional knowledge

Conference Title : ICENRL 2018 : International Conference on Environmental and Natural Resources Law

Conference Location : Toronto, Canada

Conference Dates : July 19-20, 2018