**Subgroup on ICH
Conference on protection of Nordic Indigenous traditional knowledge and Intellectual Property**

**18th June 12-14 EET (11-13 CET)**

**PARTICIPANTS**

Finland: Leena Marsio / Finnish Heritage Agency, Anna Vuopala / Ministry of Education and Culture, Áslat Holmberg / Saami Council, Jukka Liedes / Finnish Copyright Society (Absent: Tuomas Aslak Juuso)

Norway: Silja Somby and Siri Wernberg / Sami parliament, Hildegunn Bjørgen / Arts Council Norway

Sweden: Annika Nordström / Institute of Language and folklore; Martin Fredriksson / University of Linköping (Absent: Susanne Idivuoma)

Greenland: Kirstine Møller/ National Museum

UNESCO facilitator: Harriet Deacon

**MEMO**

1. Leena Marsio welcomed all participants to the meeting. The goal of this subgroup is to act as forums for discussion around ICH and indigenous heritage and the preparation of the conference in November in Inari. The
2. Participants introduced themselves.
3. **ICH in Sápmi (Siri Wernberg and Silja Somby)**
* An ICH workshop was held in Norway in November 2019 by Arts Council Norway and Sámi parliaments
* Themes and issues that were discussed:
	+ An approach to ICH from a Sámi perspective and getting to know the 2003 convention
	+ Ownership and rights to common cultural heritage
	+ Relationship between tangible/intangible cultural heritage
	+ Language dimension of the 2003 Convention
	+ Commercialization/over-commercialization
* Outcomes of the workshop:
	+ Development of a strategic plan around commercialization of Sámi Duodji and other forms of Sámi ICH
	+ Development of a strategic plan promoting the practice, transmission and safeguarding of Sámi ICH
	+ Dialogue with the UNESCO ICH secretariat
	+ Sámi parliament plenary case with a focus on the Convention
* Ownership approach to Sámi ICH
	+ Case based pre-project focused on finding solutions to ongoing cases reported by the Sámi society
	+ Pre-project report is to be published soon in Norwegian and Sámi, summary in English
* Sámi ICH challenges
	+ The Sámi holistic approach to ICH/TK/TCE can appear confusing
	+ Language use: safeguarding (gáhttet) or protection (suodjalit)?
	+ The relationship between intellectual property (WIPO) and ICH (UNESCO)
	+ Skepticism towards inventorying
	+ The relationship to the public domain
* Sámi ICH possibilities
	+ High demand for measures regarding safeguarding/protecting
	+ A listing in the UNESCO ICH Convention could be beneficial
		- Increased competence level, in particularly among NGOs
		- May bring along awareness that may increase safeguarding at multiple levels
			* Civil society: archive accessibility
			* State level
1. **Views from the Saami Council / Aslak Holmberg**

There is a need for protection for cultural expressions against misuse. It would be important to establish formal protection for Sámi made trademarks, such as Sámi duodji. Through these measures the Sámi people could take ownership of their traditional handicraft and stories, simultaneously making the buyers aware that the products they are buying are authentic and made by Sámi people.

There has been some skepticism regarding the division between ICH and IP and on how to make a clear distinction between these two. There is a need for a lot of work on local and Sámi level to formalize some bodies that would have the mandate and capacity relating to indigenous knowledge. Currently there is a lack of organizational capacity.

Sámi parliament on the Norwegian side has been recognized as an owner of Sámi heritage. There is a need for similar processes in other countries.

The importance of raising awareness on Sámi as the owners of Sámi cultural heritage and intellectual property. There is a lack of knowledge on this issue even though there is a lot of interest: issues of representation and governance.

1. **Greetings from the Sami Parliament in Sweden** (email from Susanne Idivuoma)

The Sami Parliament in Sweden has participated in the work on the Convention since 2011 when the Institute for Language and Folklore (Isof) had a coordinating role and the Sami Parliament became a consultative party.

Th parliament participates in the National Council together with other authorities and this year it has been given an authority assignment to assist Isof in the work and contribute to the implementation. The hope is that the parliament can work with the Convention more operationally than it has done so far. They also collaborate with the other Saami Parliaments on this issue for a few years now.

This year, the parliament has also been commissioned to be a focal point for Sami traditional knowledge within the Convention on Biological Diversity.

1. **Views from national coordinators of the 2003 Convention**

**Annika Nordström (Sweden)**

In Sweden, Isof has been in contact and cooperation with the Sami parliament. Due to lack of resources there has been difficulties. It now seems that a Sámi node of ICH could be created besides the four existing nodes of ICH. There might also be funding from the Government for the government.

**Leena Marsio (Finland)**

In Finland, along the years there have been several seminars and webinars regarding this theme. Min Árbi was organized in 2016 ([program and video](https://www.aineetonkulttuuriperinto.fi/en/event/min-arbi-saamelainen-elava-kulttuuriperinto)) and IP and protection of Sámi traditional knowlede in 2020 together with the Ministry ([program and video](https://www.aineetonkulttuuriperinto.fi/fi/tapahtuma/immaterialratt-skyddet-av-samisk-traditionell-kunskap)). In Finland’s national advisory board for ICH there used to be a Sámi representative, but for the current period (2018-2022) the parliament did not appoint a member. A workshop with Sámi actors and experts regarding the reporting to UNESCO is planned to be held in the autumn.

**Hildegunn** Bjørgen **(Norway)**

When Norway ratified the Convention the importance of working with the Sámi people and national minorities was pointed out. There have been regular meetings with the Sámi parliament regarding the implementation of the Convention since then. There have been multiple seminars and events. Especially issues such as forced relocation have been discussed. Sámi representatives and institutions are also involved in reporting for UNESCO.

**Kirstine Møller (Greenland)**

In the Convention work in National Museum, they are trying not to separate tangible and intangible heritage, but to view them as a whole. Efforts are made to create bridges on some of the painful history by examining how Greenland’s living tradition came to be during the colonial period.

A heated topic of discussion has been the patterns of the traditional dress: how to limit the misuse of these patterns outside of Greenland?

1. **Possible contributions to the conference and potential side event**

For the conference program, there is a 15 minutes slot of the conclusions of this subgroup. In addition there is a one hour panel: What experiences with current IP system are there so far and what are the gaps, as compared with previous solutions to implement the Nagoya protocol/ and the Unesco ICH Convention. Anna wishes for all the names titles of the program to be decided at least in mid-September.

Leena suggests arranging a possible side event, such as a 2-to-3-hour long webinar, as a side event for the conference. The webinar could be arranged a week or some days before the conference. Leena asked for ideas and comments from the others regarding the idea. Norway has been planning for a similar webinar in spring 2021 and maybe efforts could now be combined to a joint event. This would allow more time for dsicussion and make it possible a wider group of people to participate in the discussions around ICH and indigenous knowledge. The Finnish Heritage Agency could take care of the technical arrangements of this webinar.

According to Anna the plan is to have a WIPO TK workshop during the 3 preceding days of the conference. The webinar could be arranged during these days. It would be good to arrange it with WIPO contacts, such as Anna Sinkewich, so it could feed in the workshop program.

Harriet suggests discussing topics such as sustainable development, challenges of over-commercialization, and IP rights and repatriation, to attract also UNESCO’s interest.

Hildegunn points out the importance of considering the issues that the actors and culture bearers are dealing with. In addition, considering the view of the institutions, such as museums, and the support offered by them, is important.

***Suggestions for speakers***

* Someone from The Swedish Performing Arts Agency with music collections, for instance Karl Tiréns jojksamlingar.
* Piia Nuorgam, Jakob Adams, (have been working with Sámi duodji trademark, Disney collaboration)
* WIPO expertise: Rebecka Forsgren (Sámi lawyer), Jennifer Corpuz (Indigenous lawyer from the Philippines, has been working with WIPO for couple of decades), Preston Hardison (has been working with WIPO for couple of decades)
* International Sámi film institute has developed a protocol for the film industry in engaging with Sámi culture. Inviting someone from there to talk about that would be interesting.
* Great idea to invite Preston Hardison, who could add some interesting experiences of working with databases and inventories.
1. **Other concrete outcomes of this subgroup**

Harriet Deacon suggests creating a checklist that could be of use in discussing the issues of rights and ownership, for example, as well as looking at the connection of IP and ICH. This check-list has originally been born as a part of Tuomas Mattila’s research work. Tuomas would be happy to collaborate.

* **APPLICABILITY** - Does the IP right apply to the cultural heritage? For example, copyright law usually only covers original works by identified authors for a limited time frame.
* **EFFICIENCY** – What is the scope of protection provided by IP law? For example, trademark law usually only provides protection against unauthorised commercial use.
* **ACCESSIBILITY** – Can the community access IP protection and ensure management of their rights? For example, are registrations cost-effective?
* **USABILITY** – How compatible is the management of IP rights (which usually vest in individuals or organizations) with traditional ways in which the community manages rights, responsibilities and disputes? For example, do organizations that register the rights have an appropriate mandate from the community?

 This list would need some reworking from the viewpoint of safeguarding ICN in the indigenous communities. Something like this could be added:

* **EFFECTIVENESS** – How does registering or using the IP right (defensively or positively) help individuals or the community as a whole to raise awareness about their heritage, affirm rights associated with their heritage, or safeguard, practice and transmit the underlying skills, knowledge or meaning associated with the heritage?

Anna comments that this kind of work could bring the work of the two subgroups’ closer together, so this could be a very useful tool. There are also initiatives in the IP subgroup relating to enabling online access to Sámi culture though an IP related tool ECL (extended collective licensing); it would also be good to open up the term repatriation as it is not very familiar.

Silja and Aslak think that the idea sounds interesting, but there is a need for further elaboration and clarity regarding it. How to work on this idea and how to a Sámi approach in it?

Leena suggests organizing a workshop where we could even invite community members to discuss these ideas. Harriet will send more information on the check-list before the next meeting.

1. **Next meeting**

Leena will make a Doodle poll for late August: going deeper into the idea of the webinar and the checklist + discussing names.

**Links**

***Report on the Workshop on Sámi Intangible Cultural Heritage***Eng: [https://www.kulturradet.no/museum-kulturarv/vis-artikkel/-/rapport-om-Sámisk-immateriell-kulturarv](https://www.kulturradet.no/museum-kulturarv/vis-artikkel/-/rapport-om-samisk-immateriell-kulturarv)
Eng: [https://sametinget.no/aktuelt/rapport-om-Sámisk-immateriell-kulturarv.4340.aspx](https://sametinget.no/aktuelt/rapport-om-samisk-immateriell-kulturarv.4340.aspx)
Nor: <https://innsyn.onacos.no/sametinget/mote/norsk/wfdocument.ashx?journalpostid=2021016156&dokid=1032148&versjon=1&variant=A&>

***Hvem eier Sámisk immateriell kulturarv?***[https://www.altaposten.no/meninger/2021/06/15/Hvem-eier-Sámisk-immateriell-kulturarv-24128652.ece?fbclid=IwAR1S2A2BaSAnxBPHsREtWR0X3nXq0vKdhOPa7gFLKDCm33z\_IbuK1huWjbw](https://www.altaposten.no/meninger/2021/06/15/Hvem-eier-samisk-immateriell-kulturarv-24128652.ece?fbclid=IwAR1S2A2BaSAnxBPHsREtWR0X3nXq0vKdhOPa7gFLKDCm33z_IbuK1huWjbw)

***Intellectual property law & protection of Sámi traditional knowledge***
[https://www.aineetonkulttuuriperinto.fi/en/event/immaterialratt-skyddet-av-Sámisk-traditionell-kunskap](https://www.aineetonkulttuuriperinto.fi/en/event/immaterialratt-skyddet-av-samisk-traditionell-kunskap)

***Min árbi – Living heritage of the Sámi people***<https://www.aineetonkulttuuriperinto.fi/en/event/min-arbi-saamelainen-elava-kulttuuriperinto>

**Dialogue portal on increasing Nordic co-operation on protection of Nordic indigenous traditional knowledge**
<https://minedu.fi/en/project?tunnus=OKM057:00/2020>

***HIPAMS toolkit***<http://hipamsindia.org/research-output/toolkits/>

***Baastede-project in Norway***
<https://arran.no/openinghours/?Article=430>
<https://museumsforlaget.no/produkt/baastede/>

***Sámiska röster / Sáme jiena***
<https://musikverket.se/svensktvisarkiv/i-samlingarna/inspelningar/karl-tiren/>