

[Translated from North Sámi to English by John Utsi]

VIRTUAL NORDIC EXPERT SEMINAR: INTELLECTUAL PROPERTY & PROTECTION OF SÁMI TRADITIONAL KNOWLEDGE 22.10.2020

2. Protection in under international conventions: CBD guidelines on traditional knowledge such as Akwé:Kon and the Rutzoljiirisaxik: How has the guidelines impacted decision-making

Klemetti Näkkäljärvi, International Centre for Reindeer Husbandry (ICR) on CBD guidelines on traditional knowledge

Honoured presidents of the Swedish, Finnish and Norwegian Saami parliaments, experts and participants. Wish you a good day at this important seminar. I apologize that I have to make my speech over video since I cannot attend myself at this interesting seminar. Regrettably Teams application does not work in my computer. In my speech I will especially focus on the importance of guidelines, implementation and especially on the new guidelines concerning repatriation of traditional knowledge.

The Conferences of the Parties of to the Convention on Biological Diversity have this far adopted four voluntary guidelines, that are overlapping. The guidelines are global, in order to fulfil them they must be adapted to each countries' legal system and to the status, situation and requirements of indigenous people . The guidelines have been drafted in collaboration between the states and indigenous people. However, the nature of the guidelines is top-down, not from the level of grassroots' to the top.

The production and adoption of the guidelines is in itself an achievement because it describes the expansion and increased understanding of the significance of traditional knowledge and biocultural diversity. It is important to get acquainted to the guidelines and that its content is scrutinized, but inevitably the guidelines might not be the best means in protecting traditional knowledge and know-how. The base for all measures shall be the needs and they should be simultaneously both concrete and necessary and especially supporting the holders of traditional knowledge. We do not need more technical guidelines nor bureaucratic management.

For indigenous people's guidelines puts more focus on indigenous peoples cultural heritage, but the guidelines are of no value if they are not implemented , or if they not are adapted to national and cultural circumstances. In Finland, its own challenge is that voluntary guidelines cannot solve the challenges that the Saami face in securing their cultural heritage, but the solution must be found by changing legislation, administration and securing sufficient resources for work. Renewing legislation so that the legal status for the Saami people is developed has proved to be a difficult and time-consuming process.

Guidelines for repatriation of traditional knowledge and know-how, whose title is difficult to pronounce, are based on defining the background of traditional knowledge, establishing a

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working group in order to find the best ways to support repatriation of traditional knowledge and implementation.

The Saami Parliaments in three states have different definitions for the traditional knowledge connected to biodiversity, there is no jointly accepted definition, and the interpretation of traditional knowledge differs. In order for traditional knowledge to be protected, it must be defined. The definition should preferably be common to the Saami, based on the Saami language and culture, their own conceptualization and everyday life. For the Saami it should be fully understandable and familiar.

Information on the Saami traditional knowledge on biodiversity can be found in several different archives. Saami traditional knowledge can be found from recorded stories, jojks, interview materials, videos and also on the data collected simultaneously with photographic material and artifacts. The culture of the Finnish Saami, as Swedish and Norwegian Saami too, is published in many scientific reports. Artifacts and the use of them can be digitalized and presented to the public, according to the guidelines in the CBD-convention.

In my present and earlier position, I have studied the Saami adaptation to the climate change. Together with our research team we have presented how climate change is affecting traditional knowledge and the Saami culture. Adaptation is cultural change, old traditions are lost and new ones are born. It should be considered that if knowledge and customs are to be repatriated, can they be used in changed circumstances or is there a need to adapt customs and traditions to new circumstances.

Some parts of knowledge and know-how connected to the biodiversity has vanished due to changes in the legislation and some because of changes in the flora and fauna. Not all traditional prey species can be hunted, and at the same time the knowledge of the Saami terminology related to the behavior, identification and hunting of these animals will be lost. Also the knowledge connected to the use of material in handicraft (duodji) is in the risk of vanishing.

Repatriation of traditional knowledge will not come about with guidelines only. The Finnish Saami population is small and the possibilities for the Saami community to participate in various committees are limited. The holders of traditional knowledge have today many big challenges in order to maintain their livelihood and traditions. For instance, the reindeer herding Saami were last winter at the brink of managing due to very severe grazing conditions. The Saami language and traditional knowledge is maintained within traditional livelihoods. The holder of traditional knowledge in collaboration with the scientific community would be able to elaborate appropriate measures to protect traditional knowledge and know-how in order to pass it on and repatriate it.

Repatriation of traditional knowledge cannot be just a written procedure, it requires that the repatriation becomes a part of everyday life. Repatriation of traditional knowledge must be implemented according to the terms of the Saami, meeting with them to hear their needs and wishes. Repatriation of traditional knowledge should be based upon fundamental

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research in collaboration with the Saami society. Repatriation has to have consent from the Saami community.

A central point in bringing back traditions and customs to use is to develop the content of Saami education and especially cooperate with the holders of traditional knowledge in education.

It is good to keep in mind that only knowledge or customs for which there is sufficient information and that has a function in the contemporary world can be repatriated. Repatriation isn't unambiguous fact, because traditional knowledge, customs and practices have developed and changed during history and even today.. **It is important to study the development of customs and practices in order to understand their significance, what their use is, and also to consider how repatriation should be carried out.**

In Finland the Akwé: Kon -guidelines are implemented in collaboration between Metsähallitus, the Saami Parliament and Skolt Saami Siidasábbbar. The co-operation has proved to be effective in the planning of the management and use of the areas under Metsähallitus' control, but the guidelines have not increased the actual decision-making power in the planning of management and use, although the involvement has improved. The implementation of Akwé: Kon guidelines has not led to legislative reform concerning are not adapted to any wider legislative changes, nor to areal planning or town and country planning. The latest measure regarding repatriation of traditional knowledge is the new plans of the Finnish Ministry of Education and Culture to start working with this, and this seminar is a first step in that work.

The Saami Parliament and the Skolt Saami Siidasáppar are central stakeholders in all activities connected to traditional Saami knowledge. The Saami parliament has published its guidelines on how to apply consent for research activities concerning Saami traditional knowledge. The guidelines are the same for all, whether you are a Saami scientist or not and the Saami parliament can add additional stipulations in its decision. It is important to bear in mind that, ultimately, the holder of traditional knowledge has the right to decide how the knowledge collected from him/her will be used, whether it can be disclosed to the archives, for example, and under what conditions the holder of traditional knowledge will participate in projects.

The Saami parliament and the Skolt Saami village assembly cannot add additional terms that are in conflict with the traditional knowledge holder's right to decide on how of the collected material is to be used. Traditional knowledge is both collective and individual, and this should be taken into account in all studies, projects and when making guidelines.

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In Finland, the boundary conditions for the application of the guidelines are the Constitution, the Saami Parliament Act, the Skolt Act, as well as international covenants and special

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legislation concerning cultural heritage. It is ultimately up to the Saami parliament and the Skolt Saami Siidasábbar to decide whether new guidelines need to be introduced in Finland or whether the protection of cultural heritage could be improved in other ways

The international community is following and expects a report on how Finland is fulfilling its obligations in the convention of biological biodiversity. But I think the most important would be to find such a model that supports the protection of Saami culture and traditions in everyday life. Guidelines, consent forms and committees are not enough. Resources are needed to map the current state of traditional knowledge from the point of view of Saami culture, to archive knowledge and skills, and to work with holders of traditional knowledge to repatriate, preserve, and develop knowledge in changed circumstances.

I wish you all have a interesting debate about these important topic and I hope that the joint Nordic cooperation in the protection of Saami traditional knowledge will develop and be strengthened. For the Saami culture and identity, it is of importance that Saami traditional knowledge is understood similarly and that common decisions are taken in order to secure that.

Thank you for interest!