

Graham Dutfield Paper (1996) <i>Bulletin of the Working Group on Traditional Resource Rights (TRR) Spring 1996 No.2</i>	Mashelkar Book (2004) <i>Intellectual Property and Competitive Strategies in the 231st Century, by S. Alikhan and R. Mashelkar, Kluwer Law International, 2004.</i>
<p>Pg.3 Knowledge and traditional resources are central to the maintenance of identity for indigenous and local communities. Therefore retaining control over these resources is an essential part of their struggle for land and territory. Effective links between external forces and local communities are likely to be through the development of <i>sui generis</i> system(s) that must first protect indigenous and local communities and ensure their <i>control</i> over land, territory and resources <i>before issues of access and transfer can be discussed</i>. Equitable benefit sharing from the wider use and application of the knowledge, innovation and practices of indigenous peoples and local communities, as well as the biogenetic resources conserved on their lands and territories, can then be negotiated. Adequate and effective protection and benefit-sharing mechanisms inevitably require a shift from economic or ecological-determined legal and political frameworks to a rights-driven system.</p>	<p>Pg 85-86. Knowledge of traditional resources is central to the maintenance of identity of indigenous and local communities embodying traditional lifestyles. Therefore, control over these resources is of central concern in their struggle over land and territory. Effective links between external forces and local communities are likely to be forged through the development of <i>sui generis</i> system(s) that must first protect indigenous and local communities and ensure their control over land, territory and resources before issues of access and transfer can be discussed. Equitable benefit sharing from the wider use and application of the knowledge, innovations and practices of indigenous people and local communities, as well as from use of the biological resources conserved on their lands and territories, can then be negotiated. Adequate and effective protection and benefit sharing mechanisms inevitably require a shift from economic or ecological-determined legal and political frameworks to a rights-driven system.</p>
<p>Pg.3 The term Traditional Resource Rights (TRR) has emerged to define the many “bundles of rights” that can be used for protection, compensation and conservation. The change in terminology from IPR to Traditional Resource Rights reflects an attempt to build on the concept of IPR protection and compensation, while recognising that traditional resources – both tangible and intangible – are also covered under a significant number of international agreements that can be used to form the basis of a <i>sui generis</i> system. “Traditional resources” include plants, animals, and other material objects that may have sacred, ceremonial, heritage, or aesthetic qualities. “Property” for indigenous peoples and local communities frequently has intangible, spiritual manifestations and, although worthy of protection, can belong to no human being. Indigenous and traditional communities are increasingly involved in market economies, and are seeing an ever-growing number of their resources traded in those markets. Even so, for many, privatisation or commoditisation of their resources is not only foreign, but incomprehensible or even unthinkable.</p>	<p>Pg.86 The term Traditional Resource Rights (TRR) has emerged to define the many “bundles of rights” that can be used for protection, compensation and conservation. The change in terminology from IPR to TRR reflects an attempt to build on the concept of IPR protection and compensation, while recognising that traditional resources – both tangible and intangible – are also covered under a significant number of international agreements that can be used to form the basis of a <i>sui generis</i> system. “Traditional resources” include plants, animals, and other material objects that may have sacred, ceremonial, heritage, or aesthetic qualities. “Property” for indigenous peoples and local communities frequently has intangible, spiritual manifestations and, although worthy of protection, can belong to no human being. Indigenous and traditional communities are increasingly involved in market economies, and are seeing an ever-growing number of their resources traded in those markets. Even so, for many, privatisation or commoditisation of their resources is not only foreign, but incomprehensible or even unthinkable.</p>
<p>Pg. 3 For example, the TRR concept can be effected by identifying guiding principles for legislative processes, and by formulating the basis for practical instruments and mechanisms that guarantee protection, benefit sharing, and political and financial support for indigenous and local communities.</p>	<p>Pg. 86 The TRR concept can be implemented by identifying guiding principles for legislative processes, and by formulating the basis for practical instruments and mechanisms that guarantee protection, benefit sharing, and political and financial support for indigenous and local communities.</p>

<p>Pg. 3 A positive step would be the establishment of an <i>Ombudsman's Office</i> that would not only advise indigenous and local communities on the protection of their resource rights and on benefit sharing but represent them in their complaints relating to infringements of their resource rights.</p>	<p>Pg. 3 Governments should also press for the establishment of an Ombudsman's Office that would not only advise indigenous and local communities on the protection of their resource rights and on benefit sharing but represent them in their complaints relating to infringements of their resource rights.</p>
<p>Pg. 3 Ways in which practical instruments and mechanisms can be provided include the development of instruments such as Material transfer Agreements, Information Transfer Agreements, or contracts and covenants, and mechanisms that embody TRR principles.</p>	<p>Pg. 86 Governments could assist these processes by providing resources and expertise for the development of practical instruments (such as Material transfer Agreements, Information Transfer Agreements, or contracts and covenants) and mechanisms that embody TRR principles.</p>
<p>Pg.3 Financial and political support for indigenous and local communities can also be provided through new guidelines for policies and projects funded by governments. To protect traditional resources all such projects should be planned and implemented in collaboration with local and indigenous communities affected. This will require the development of new guidelines and laws for defining and implementing prior informed consent.</p>	<p>Pg.87 Financial and political support for indigenous and local communities can also be provided through new guidelines for policies and projects. To protect traditional resources all such projects should be planned and implemented in collaboration with the affected indigenous and local communities. This may require the development of new guidelines and laws for defining and implementing with prior informed consent.</p>