

# Further Reading

## BEYOND INTELLECTUAL PROPERTY:

### Toward Traditional Resource Rights for Indigenous Peoples and Local Communities

By Darrell A. Posey and Graham Dutfield  
International Development Research Centre,  
1996  
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250 pages

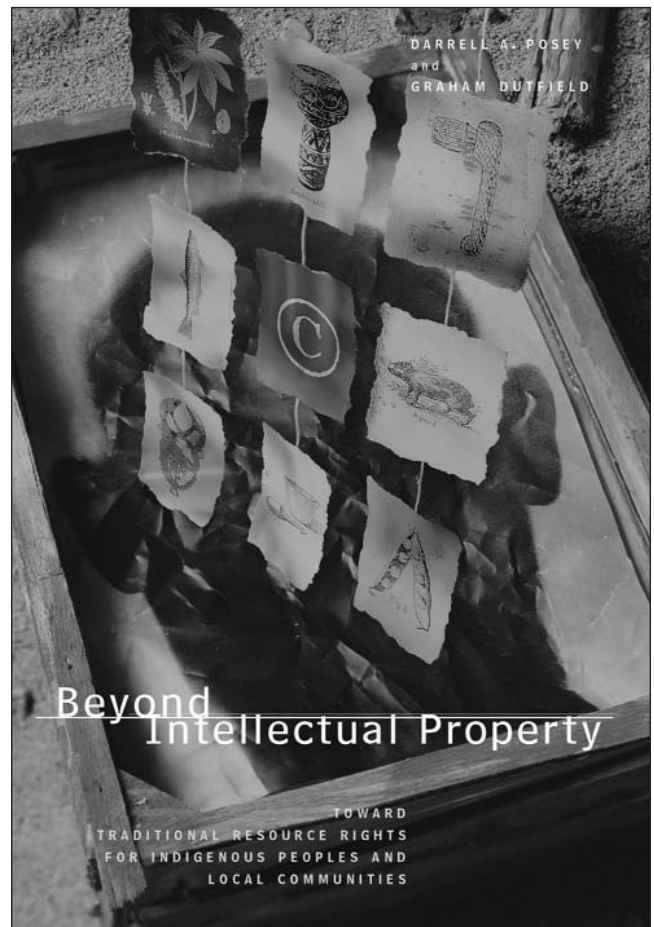
If a stranger entered your community and started asking questions about its people, its resources, and its history, what would you do?

In today's global marketplace, no stone goes unturned. Where there is commercial value, there are profits to be made. However, as entrepreneurs scour the world in search of new commodities, a voice of dissent is growing and demanding to be heard. That voice belongs to the world's Indigenous Peoples.

In *Beyond Intellectual Property*, authors Darrell A. Posey and Graham Dutfield listen and respond to this voice. They offer sound and reasonable advice on how Indigenous Peoples and local communities worldwide should approach and deal with the wide variety of issues surrounding intellectual property and traditional resource rights.

For Indigenous Peoples' groups, intellectual property activists and policymakers, and all those concerned with the preservation of our planet's biological and cultural diversity, *Beyond Intellectual Property* provides an invaluable and eye-opening look into one of the most provocative and explosive issues of the 20th and 21st centuries: the patenting of life.

Posey is Titled Researcher for the Brazilian National Council for Science and Technology at the Goeldi Museum in Belém, Brazil. He is Director of the Programme for Traditional Resource Rights of the Oxford Centre for the Environment, Ethics and Society and a Fellow of Linacre College, University of Oxford. Posey was Founding President of the International Society for Ethnobiology. He is also President of the Global Coalition for Bio-Cultural Diversity, under whose auspices he founded and co-ordinates the Working Group on Traditional Resource Rights. He was the recipient of the Sierra Club's first Chico Mendes Award for Outstanding Bravery in Defense of the Environment and is one of



the recipients of the United Nations Global 500 award.

Dutfield is Research Co-ordinator for the Working Group on Traditional Resource Rights. He holds degrees in Latin American Studies from Portsmouth University and Environment and Development from Cambridge University. Dutfield has addressed international conferences in India, the Netherlands and the United Kingdom on the resource rights of Indigenous Peoples and local communities. His work has been published by the International Union for the Conservation of Nature and the journal *Biodiversity and Conservation*.

## PROTECTING INDIGENOUS KNOWLEDGE AND HERITAGE:

### A Global Challenge

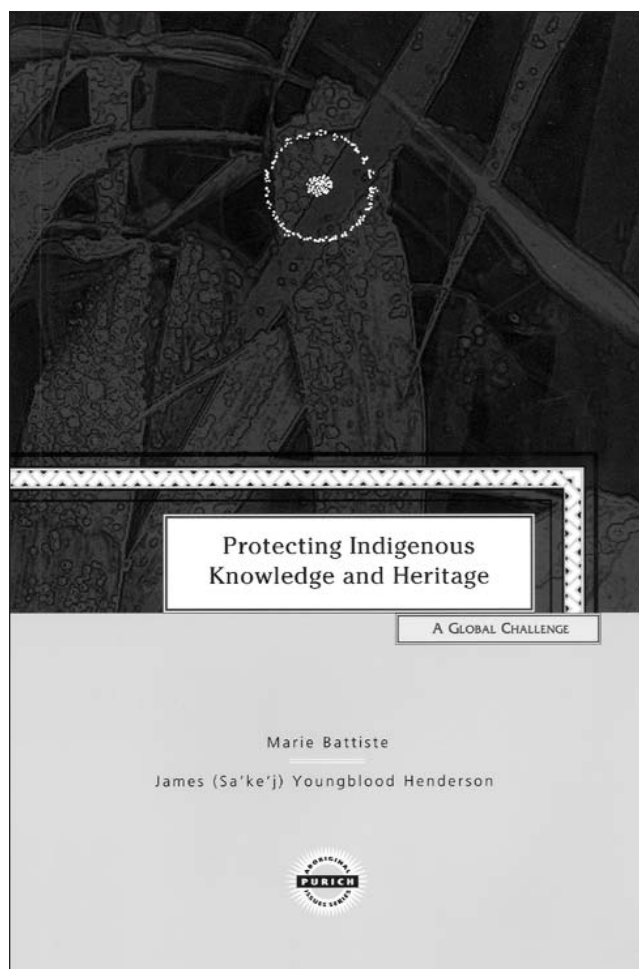
By Marie Battiste and  
James (Sa'ke'j) Youngblood Henderson  
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336 pages

Whether the 500 million Indigenous Peoples of the world live in Canada, the United States, Australia, India, Peru, or Russia, they have faced a similar fate at the hands of colonizing powers. That fate has included assaults on their language and culture, commercialization of their art, and use of their plant knowledge in the development of medicine – all without consent, acknowledgment or benefit to them.

Authors Marie Battiste and James (Sa'ke'j) Youngblood Henderson paint a passionate picture of the devastation this assault has wrought on Indigenous Peoples. They illustrate why current legal regimes are inadequate to protect Indigenous knowledge and put forward ideas for reform. *Protecting Indigenous Knowledge and Heritage: A Global Challenge* looks at the issues from an international perspective and explores developments in various countries including Canada, the United States, Australia, and New Zealand as well as the work of the United Nations and relevant international agreements.

“Indigenous peoples have the right to practice and revitalize their cultural traditions and customs... as well... as the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.” Declaration on the Rights of Indigenous Peoples, UN Working Group on Indigenous Populations.

*Protecting Indigenous Knowledge and Heritage* includes: what constitutes Indigenous knowledge; Eurocentric views on what constitutes cultural and intellectual property; the importance of preserving Indigenous languages; the importance of international agreements in advancing Indigenous rights to language, culture and knowledge; foreign, national and provincial legislation and the protection of Indigenous culture and knowledge; why current intellectual property laws are inadequate to protect Indigenous rights; and proposals for creating a legal regime that will



help revive and protect Indigenous knowledge and require consent for its use.

Battiste is a Mi'kmaq from Unama'kik (Cape Breton, N.S.), and a graduate of Harvard and Stanford. She is a professor in the Indian and Northern Education Program at the University of Saskatchewan and a United Nations technical expert on the guidelines for protecting Indigenous heritage. She is the editor of several books including *First Nations Education in Canada* and *Reclaiming Indigenous Voice and Vision*.

Youngblood Henderson is Chickasaw, born to the Bear Clan of the Chickasaw Nation and Cheyenne Tribe in Oklahoma. He was one of the first American Indians to graduate in law from Harvard University. He is a member of the University of Saskatchewan's College of Law and is research director of its Native Law Centre. He is the author and editor of many books including *Mi'kmaq Concordat*; *The Road: Indian Tribes and Political Liberty*; *Aboriginal Tenure in the Constitution of Canada*; and *Continuing Poundmaker and Riel's Quest*. He is a leading advocate of the rights of Indigenous Peoples in Canada and the international forum.