

## C01-O15

### LEGAL BACKGROUND IN THE INTERNATIONAL LAW CONCERNING INDIGENOUS INTELLECTUAL PROPERTY IN THE ARCTIC

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Arctic is populated by highly socially vulnerable indigenous groups. The issue of intellectual rights of indigenous people is relevant in the light of the globalization and sustainable development of the Arctic communities. Sami, Inuit, small-numbered indigenous groups in Russia and the other indigenous groups are the holders of indigenous intellectual property in the Arctic.

*Research question: To which extent instruments of international law give the legal protection of indigenous intellectual property in the Arctic*

The research covers the background of the current position of indigenous people in terms of protection of Indigenous intellectual property in the Arctic and its data management. The study aims to research the development of Indigenous people's rights, specifically their intellectual property in the International law. As implementations the analysis of ILO Convention 169<sup>i</sup> from 1989 and The United Nations Declaration on the Rights of Indigenous People from 2007<sup>ii</sup> are precisely presented in the research.

One of the core theoretical concepts in the research is a *right to be different*. A right to be different is the concept of equality and equal rights, where to be equal does not mean to be the same, it acknowledges uniqueness of every individual and emphasizes rather on equal opportunities for everyone (Kymlicka, 1995). Recognizing the uniqueness of indigenous people, international law has developed several provisions in order to protect the cultural property of indigenous people. The theory of recognition by Taylor (2000) is also a vital part of the methodological framework of the study. And the other theory, which is applied to the research, is a critical theory regarding the increasing number of published researches with information about the traditional knowledge, which can cause a certain danger for indigenous communities.

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<sup>i</sup> Convention No.169 is a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples. Today, it has been ratified by 20 countries. Once it ratifies the Convention, a country has one year to align legislation, policies and programmes to the Convention before it becomes legally binding. Countries that have ratified the Convention are subject to supervision with regards to its implementation.

<sup>ii</sup> At the United Nation's General Assembly's 61st session, on 13 September 2007, an overwhelming majority of members resolved to adopt the United Nations Declaration on the Rights of Indigenous Peoples.