

FFM to the Caribbean Region

Box 1: FFM to the Caribbean Region: Country Membership in international IP treaties.

<u>International IP treaties</u>	<u>Trinidad and Tobago</u>	<u>Guyana</u>	<u>Jamaica</u>
• Paris Convention	1964	1994	-
• Berne Convention	1988	1994	1994
• Rome Convention	-	-	1994
• Madrid Agreement	-	-	-
• The Hague Agreement	-	-	-
• PCT	1994	-	-
• UPOV Convention	1998	-	-
• TRIPS Agreement	2000	2000	2000

Box 2: FFM to the Caribbean Region: Country Membership in TK-related treaties and processes.

<u>TK-related treaty/process</u>	<u>Trinidad and Tobago</u>	<u>Guyana</u>	<u>Jamaica</u>
• UNESCO Heritage Convention	-	1977	1983
• UNESCO Cultural Property	-	-	-
• ILO 169	-	-	-
• IUPGR – FAO	Yes	No	No
• CBD	1996	1994	1995
• UNCCD	-	1997	1997

The FFM to the Caribbean Region took place from May 30 to June 9, 1999. The mission visited the following countries: Trinidad and Tobago, Guyana and Jamaica. The Interim Mission Report, which contains information as to the persons and entities with whom WIPO consulted, is included in Annex 4.

The presentation of the information in this section is presented under the following headings: Terminology and Subject Matter, Objectives of TK Protection, Benefits and Beneficiaries of Protection, Documentation, Means of Protecting TK, TK Protection in other Policy Areas, Management and Enforcement of Rights and Interests in TK, and General.

Terminology and Subject Matter

Although there is no agreed working definition of TK, the usage of the term has generally tended to cover the more scientific aspects of knowledge such as the use of plants for healing, agricultural techniques for farming and fishing, as opposed to the artistic forms of knowledge such as songs and dances which are largely classified as folklore.

In discussions in this region, the need for a commonly agreed definition for TK was identified. It was suggested that TK covers knowledge which has been handed down from generation to generation embodying practices which have been in existence over time.¹ The lack of a clear definition raises many other questions including “ *when does knowledge become traditional?*”² An example is whether a practice which is readily identifiable as originating from a particular country relatively recently, and which is common to the people can be called TK and protected or protectable as such. An example of this is the steel pan musical instrument which is widely recognized as having originated in Trinidad and Tobago, acclaimed to be one of the greatest discoveries of this century and now used across the globe.³

In every country visited, TK, indigenous knowledge and folklore were used interchangeably to cover the same subject matter in the scientific and artistic spectrums. Folklore was regarded by some as a subset of TK.

The lack of a definition leaves the issue of the form of protection to be granted unclear and the range of subject matter identified for protection further highlights the need for a definition of TK. The subject matter identified includes:

- traditional usage of fruits, plants and animals for medicinal purposes;
- spiritual healing;
- traditional fishing methods;
- traditional birthing methods;
- traditional bone setting techniques;
- cultural heritage;
- folksongs, dances and dramas;
- rites and rituals;
- traditional psychiatry;
- religion⁴;
- trapping, hunting and fishing techniques;
- traditional food culture and preservation techniques;
- handicrafts;
- traditional environmental preservation and conservation methods;
- language.⁵

Intellectual Property Needs and Expectations #1

- ❑ A commonly agreed definition of TK

The findings indicate that TK systems exist within the region although the majority of those interviewed feel that these knowledge systems are relied upon much less now due to modernization and westernization.

The application and applicability of IP principles to the protection of such knowledge is limited to only some of the subject matter identified and the WIPO delegation explained this point at discussions on several occasions. A clear example is the use of IP to protect spiritual

knowledge and practices. A view which is strongly held and widely shared is that spiritual aspects of healing, (the use of prayers either alone or in conjunction with plants by “pundits”), knowledge which is considered to be divinely received, is a key component of TK in the region and should be protected. There were some pundits who stated however that these gifts of knowledge are self-protecting and that they could not *and should not* be subjected to strict principles of law, compartmentalized or regimented⁶.

Cultural heritage and a “sense of community” were seen as subject matter which underpin the TK system of the country. TK defined within the context of culture was evident in the following statement:

“...culture is not dead...our cultural heritage is getting lost and there has always been the ‘acceptable European culture’ invading us-we must go back to the village which is the basis of the lives of our people be it here or from the countries where the settlers originally came from....”⁷

In identifying the subject matter of protection, a concern was expressed about the need to avoid stripping away existing rights in the process of seeking protection for the so-called “new rights”.

Objectives of TK Protection

The list of subject matter to be protected (see above) raises questions as to what the main objectives of IP protection of TK in the region are. The objectives could be classified under two main headings, both not mutually exclusive: Protection from unauthorized exploitation on the one hand and preservation and conservation on the other. Under the former, the objectives include the need for benefit sharing where TK exploitation results in benefits for the user and acknowledgement of the TK holder and the country as the origin of the knowledge/practice. As to the latter, the objectives included the need to protect the integrity of TK or practices from distortion, ensure respect for the holders of such knowledge, preserve the cultural heritage of the people for future generations and preserve biological diversity. Protection and preservation cannot be clinically separated as protection by definition could contribute to preservation. However, the IP system can only offer direct protection by establishing rules and procedures under a legal regime. The extent to which these rules contribute to preservation would depend on other factors, not least the efficacy of their implementation and enforcement.

Whilst most people were of the view that TK could and should benefit from the protection offered by the IP system, strong arguments were made against this view by others. The main argument against such protection was that TK and practices should be allowed to evolve as part of societal change. Some views expressed were to the effect that it would be antithetical to protect TK. To be sure, the word tradition itself is considered to be nebulous. The whole concept of tradition is seen to have “....evolved and therefore now belongs to mankind and we would be moving backwards by defining specific owners....”⁸. TK and folklore were viewed as being part of the public domain which should be available for all to share. An academic was of the view that there should be free flow for the advancement of human knowledge. One

Intellectual Property Needs and Expectations # 2

- Identification of IP aspects of TK

of the views expressed was that it was condescending to seek to protect TK or a community, singling a group out on the basis of their traditional practices, in this age.

It was argued that once TK becomes proprietary, it would cease to be useful as “poor people” do not have the money to buy such knowledge-therefore it has to be exchanged for free. The knowledge must be left to be shared freely which has been the basis of survival of the holders of TK until now.⁹

The need to distinguish the objective of protection was also raised-protection of (preservation/conservation) or protection against (illicit exploitation/unauthorized use)? However the consensus was that TK or folklore should not be used without acknowledgement of the real source.

Benefits and Beneficiaries of Protection

Acknowledgement and recognition of an individual, a community, or a country as the source of the knowledge formation or resource was identified by most of the people contacted as the most important benefit. The equitable sharing of financial benefits derived from the use of knowledge formations was also identified but subordinated to the first as the majority view was that money was not the primary motivation for protection. The consensus was that where the knowledge is used for the common good and benefit of mankind without any financial benefits to the exploiter, there should be no financial reward. However, as in most cases, where exploitation was with a view to obtaining financial benefit, they felt that the source community should share in the benefit. The arguments were therefore not against exploitation or use completely.

A key element in discussing benefits of protection is what value to put to the knowledge formation and who should determine this. The holders of TK in the region for the most part do not have the know-how to exploit their knowledge commercially and the corporations who are able to do this save potentially on Research and Development costs if they use the

Recognition and Valuation of TK

The perception of traditional practices such as traditional healing methods by the new generation as archaic and ineffective is considered to have contributed to the erosion of such knowledge systems and the low value and esteem which the communities now attribute to it in the region. This is seen to impact on the overall value which TK holds within and outside the countries. However, the rapid growth of alternative medicinal practices in industrialized countries (largely based on traditional methods in developing countries) and the increasing interest in learning these “old ways” counters this argument. On the value of the use of traditional medicine, a view expressed was that “... *the younger generation do not want to know these things and are running to doctors.*”¹⁰ The value of TK is seen to include the potential for self-identity which it offers. Calls for the recognition of traditional medicinal knowledge (TMK) amongst orthodox practitioners especially in the medical field were made. This recognition and any resultant cooperation between the two groups could lead to a process of validating TMK and in turn contribute to research and development in this area.

information provided by the holders of TK. There is therefore potential for a mutually beneficial relationship although for the most part, the holders of TK perceive themselves to be at a disadvantage. There is little precedent on determining a basis for allocating benefits in

this area but the use of contract law could be an immediate possibility (see section on Means of Protecting TK).

It was acknowledged that there is insufficient scientific and technological know-how across the Caribbean region coupled with a lack of financial resources to facilitate Research and Development and subsequent commercialization. The need to cooperate with institutions, usually from abroad, which could provide these resources was widely recognized.

The resultant concern is the need to develop workable modalities for such cooperation. Leading from the identification of benefits is the all-important question: “who are the beneficiaries”?

In this region, the concept of ownership (and therefore beneficiaries of protection) as it relates to TK raised many questions with the historical facts surrounding the origin of the Caribbean people underlying the debate.

Most Caribbean people have their origins in Africa, Asia and South America. The discussions on this point centered around whether the Caribbean people could lay claim to benefits accruing from the use of knowledge which they brought with them from their countries of origin. The arguments were skewed in favor of the true beneficiaries being the source communities from which these knowledge systems came. However, many recognized that the knowledge formations had evolved and that although they could have had their roots in their countries of origin, they can now be identified with the Caribbean. Additionally, the fact that similar knowledge formations and resources are to be found in many countries in the region contributes to the complexities of the owner/beneficiary debate. To compound the issue, most of this knowledge is communally held. The extent to which community based rights can be protected and managed for the benefit of all especially in cases where the knowledge can be found in many countries was at the heart of the debate in all the countries.

Who would the beneficiary be? The individual who practices it? The community where the knowledge is found? The state? The region? The communities from which the people originate?¹¹ Some people were of the view that the only real indigenous knowledge which they could lay claim to in the Caribbean is the spiritual aspect.

Documentation

Documentation was repeatedly expressed as a primary need, pivotal to any efforts to recognize and protect TK. The potential benefits of such documentation were seen to include:

- the recording of existing TK
- recognition of the existence of such systems within the community

Intellectual Property Needs and Expectations #3

- ❑ Development of modalities for cooperation between TK holders/owners and users to establish IP benefits

Intellectual Property Needs and Expectations #4

- ❑ Assistance with documentation

Intellectual Property Needs and Expectations #5

- ❑ Provision of advice on IP protection of documented TK

- preservation and conservation of the integrity of such knowledge
- provision of a basis for educational and research use
- provision of a basis for validation and valuation of TK
- provision of a basis for regulation and protection of the use of TK

The difficulty with keeping culture alive with the proliferation of technology and the rapidly changing times was expressed as an impetus for documentation to ensure that the integrity of the practices is maintained before they evolve.¹² Examples were also cited of people from outside the country making videos and documenting the life stories of one of the communities WIPO visited for their own benefits in the name of research.¹³ It was suggested that a system of documentation agreed upon in cooperation with the community be developed to record all forms of traditional medicines and practices. This would serve the purpose of identifying these knowledge systems as existing in the community and belonging to it as well as providing a legacy for future generations.¹⁴

Examples of such documentation efforts include steps taken by the **National Herbarium**¹⁵, to document, classify and note the uses to which the herbs can be put¹⁶ and an effort at **codification of songs** described as having the potential for "... *creating a basis for a philosophy which guides a lifestyle.*"¹⁷ Another example is the effort by the **Rose Foundation**, a non-governmental organization, to develop a community museum and information center in **Moruga, Trinidad and Tobago**, to document the history, traditions and culture of the community. This community is considered by the Foundation "... *to be at the heart of the tradition and history of the country but has not developed along with it*".¹⁸

A question which was posed during most of the discussions on documentation was: "Which should come first?" Documentation or Protection? The basis for this was the view that documenting the knowledge formations could amount to disclosure of the information as it becomes easily accessible for exploitation. On the other hand, documentation would facilitate the identification of subject matter that requires protection. WIPO's assistance was sought on documentation and advice on its implications on the rights of holders of TK.

The consensus was that documentation is an important prerequisite for protection with views to the effect that it could possibly be addressed at a regional level through the secretariat of **the Caribbean Community and Common Market (CARICOM)**. CARICOM was established by the **Treaty of Chaguaramas** which was signed by Barbados, Jamaica, Guyana and Trinidad & Tobago and came into effect on August 1, 1973. This was the result of a 15-year effort to fulfil the hope of regional integration which was born with the establishment of the British West Indies Federation in 1958. CARICOM has 15 Member Countries and three Associated Members.¹⁹ The mission of the secretariat of Caricom is "*To provide dynamic leadership and service, in partnership with Community institutions and Groups, toward the attainment of a viable, internationally competitive and sustainable Community, with improved quality of life for all.*"

Means of Protecting TK

Use of intellectual property

Given the mandate of the WIPO delegation on the FFM, the main focus of the discussions under this heading was the use of IP to protect TK. There were strong arguments against the utility of IP in this area and as a respondent put it:

“...[T]here is a built-in distrust of systems of inquiry (especially the formal and euro-centric) particularly in cases where cultural groupings are perceived to be weakened and open to exploitation by dominant cultures...”²⁰

One of the most often repeated criticisms of the IP system was a perception that it is inaccessible to people in developing countries.²¹

Another strongly argued point was that IP has led to the privatization of research and contributed to the commodification of knowledge. The IP system was seen as European in origin and as such not necessarily suitable or applicable to TK formations which originate from multicultural systems such as is present in the Caribbean. Developing countries they said, were ill equipped to protect TK from exploitation and therefore stood to lose more if they took a protectionist approach, such as that offered by IP.

The IP system was seen to have served little purpose in the protection of literary and artistic works (for example) in the Caribbean and the views were to the effect that its applicability/ “extension” to the uncharted area of TK would pose huge challenges. Examples were cited of Caribbean poetry reportedly being used as the basis for songs by North American artists without acknowledgement or compensation.²² All these statements were tempered with recognition of the need to take a pragmatic and feasible approach to addressing these issues, including using the IP system where possible.

Some of the lawyers with whom the WIPO delegation met acknowledged that the protection of TK has not yet been debated in legal circles in many Caribbean countries hence the lack of an articulate legal response to the issues raised.²³ However, the consensus was that despite the criticisms leveled at the IP system there was potential for using some elements of it for the protection of TK, in principle.

These include the use of **geographical indications** as a possible means of protecting TK based inventions and resources. This was also considered as a possible tool for protecting TK and resources that exist across boundaries if a regional approach is taken to the problem.

Although **patents** were seen as an option, concerns were expressed regarding the prohibitive costs of obtaining them by people from developing countries. Examples were cited of inventors who had struggled without success to use the patent system due to crippling costs. It was reported that they sometimes had no choice but to enter into agreements with international

Intellectual Property Needs and Expectations #6

- Assistance with the modernization and strengthening of IP legislation

Intellectual Property Needs and Expectations #7

- Practical testing of the utility of the IP system in the protection of TK

corporations who can afford these costs. The issue of whether a TK based invention could meet the “novelty” requirement (one of the four criteria to be met for an invention to be eligible for patentability) was also discussed. The question centered around whether an invention based on knowledge which had been used over time, could be considered to be novel.

The use of **petty patents** was proposed as a possible tool for the protection of informal inventions. Efforts to get this included in the laws were underway by the IP sub-committee of the Bar Association of one of the countries.²⁴

The use of **trade secrets or undisclosed information** was also discussed as a possible tool for protecting TK whether under IP or under other administrative, commercial, civil or criminal law provisions or a combination thereof. The “right to say no” (withhold the information) was discussed in this context²⁵ and the argument was to the effect that given the socio-economic situation of most of the holders of these rights in the Caribbean, such a right did not really exist. This was because the lack of bargaining power of the holders of TK as compared to the might of the international companies (most often cited as the users of the knowledge sought to be protected) was seen as eroding this right. The use of trade secrets was also considered to be limited in its applicability because the information sought to be protected was usually communally held and generally known and as such could not strictly be considered to be a secret particularly as there are hardly any structures within the communities governing dissemination of such secrets.

The successful use of the IP system to protect TK in these countries is obviously dependent on there having modern IP legislation. The need to expedite development of basic IP legislation in countries that do not have such legislation and to review the laws in those countries where such legislation is “weak” or dated was also identified.

The use of “folklore” and “traditional knowledge” interchangeably to describe subject matter of protection was mentioned in the “Terminology and Subject Matter” section above. The similarity of the subject matter was not however borne out in the application of the **UNESCO/WIPO Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions, 1982 (“the Model Provisions”)** in the countries. The recognition of the possible use of the Model Provisions as a tool for the protection of TK was not directly proportional to the continuous calls for the protection of Folklore and the experiences in the three countries were different:

Jamaica has developed laws on the protection of folklore based on the Model Provisions (integrated into their Copyright Legislation, a common practice in developing countries).

In **Trinidad and Tobago**, probably the country with the most diverse population in the Caribbean, the need to develop legislation for the protection of folklore was raised during several discussions.²⁶ The protection of folklore was said to be high on the agenda of the Ministry of Legal Affairs and the need to develop legislation which addressed the needs of the people of the people taking into account the different (but commonly shared) cultures and rights developing therefrom was emphasized. The WIPO delegation witnessed this diversity and shared culture at the Indian Arrival Day celebrations²⁷.

Guyana had no laws on the protection of Folklore and as part of these discussions, the need to develop modern IP legislation was raised. The chairperson of the working group²⁸ on intellectual property protection charged with this task promised to integrate the protection of Folklore and Traditional Knowledge into the scope of their work. A draft Copyright Bill was developed in 1999.

The possible use of copyright to protect the “Literary and Artistic” components of traditional knowledge was raised. The integration of the Model Provisions into the copyright laws of Jamaica is an example of such use.

***Sui Generis* Protection**

Suggestions were made as to the possibility of developing *sui generis* laws to protect TK starting with the development of minimum criteria for protection. How such a system would work was not elaborated but it was clear that a requirement would be for simplicity and harmony with existing laws. This also relates to the resounding calls for new laws to regulate access to genetic resources (please refer to section on “Access to Genetic Resources and Benefit Sharing Mechanisms” below). Guyana has developed access regulations and the other countries visited were also discussing this possibility. Requests for comments on the regulations and the possibility of sharing experiences with other countries in the region or elsewhere who were also working along these lines were made. Upon request, the WIPO delegation provided examples of initiatives by countries in Africa, Asia and Latin America, to develop *sui generis* legislation for the protection of TK. It was also suggested that such laws should take the needs and customary practices of local communities into account rather than imposing laws which are often alien to the practices of most of the communities. The use of legal mechanisms to preserve culture and language were also advocated, for example, calls for minimum content of local programs in radio and television broadcasts²⁹; and the compulsory use of the “patois” language (referred to earlier) in certain cases. Difficulties with the implementation, enforcement and monitoring of such laws and regulations was a key issue identified. Calls were also made for an international regulatory framework to guide access and benefit sharing in respect of genetic resources.

Intellectual Property Needs and Expectations #8

- Provision of IP advice/comments on draft *Sui generis* laws.

Customary Law and Practice

Community practices are considered to be at the core of TK and these in turn translate into customary practices which form the basis of customary law. The issue as to when a practice becomes customary practice, though not discussed, is one which underpins the discourse in this situation where only a few countries in the region were visited. Information received is therefore not necessarily reflective of practice which is common to all the communities in one country or to the region as a whole. Secrecy was identified as one of the ways to prevent access to their knowledge and this is recognized as a customary practice as it is widely used in the community, particularly by those who practice traditional medicine (See also sub heading on the use of Trade secrets under the section “Means of Protecting TK” below). The importance of recognizing the traditional systems of jurisprudence in the protection of rights in TK and the question of achieving international

Intellectual Property Needs and Expectations #9

- Studies on the IP aspects of customary law and the development of IP type protection on the basis of customary law

validity for these rights was raised. The setting up of administrative structures at the community level was seen as having the potential to harness the customary systems of protecting their knowledge.

Access to Genetic Resources and Benefit-Sharing Mechanisms

The Caribbean region is rich in biological diversity and genetic resources and there is a keen interest to use these resources for their benefit while employing conservation mechanisms to ensure its sustainability. All the countries visited are parties to the Convention on Biological Diversity, 1992 (“the CBD”). In compliance with Article 6(a) of the convention, the three countries have developed National Biodiversity Strategy and Action Plans with steering committees and advisory boards charged with the preparation of guidelines on the management of biodiversity. These committees are driven by government institutions usually in the Department of Environment. In Guyana, draft regulations to guide access to and the use of genetic resources have been prepared.

Article 15.1 of the CBD recognizes the sovereign rights of states over their natural resources and grants national governments the authority to make this the subject of national law. Article 15.2 goes on to urge States to create conditions to facilitate access to genetic resources for environmentally sound uses and not to impose restrictions that run counter to the objectives of the Convention. Views on the regulation of access to genetic resources were mixed. On the one hand, there were those who advocated the regulation of such access by developing guidelines and legislation. On the other, there are those who feel that to regulate such access could be counter-productive and suppress development given the relative lack of research capacity and capability in the region. This faction also felt that the value of TK could be diminished as those who have the capacity to develop it if restricted could suppress development of a particular resource. It seemed that the critical success factor was for there to be an adequate balance struck between ensuring the community is recognized as the owner of the resource and an opportunity for cooperation with those who could exploit the resource for mutual benefit and the general advancement of mankind.

The findings support the first argument (regulation of access) as government efforts in the region are geared towards the development of regulations and guidelines for access to genetic resources to prevent the erosion of these resources and ensure sustainable use in achieving the goals of the CBD.

Several questions were raised on the protection of plant genetic resources and plant varieties and this is evidence of the close relationship between the protection of TK and associated natural and genetic resources. Questions were related to the ownership of rights when selections and crosses or hybrids have been done in two different countries, and the calculation and payment of royalties in this scenario.

The focus of the steering committees seemed to be directed more at the management of biodiversity, including the development of policies and institutions to manage biodiversity rather than to protection.³⁰ Some of these committees were of the view that IP legislation is inadequate for the protection of these rights and have developed administrative regulations to guide access to biodiversity supported by guidelines on “biopiracy” which still have to be tested.

Feedback received from one of the countries implementing the guidelines was to the effect that they were not really effective as people still had access to the resources and there was no adequate mechanism to monitor or enforce compliance with them³¹. WIPO's assistance was repeatedly sought with the development of these guidelines and possible legislation, but to be used in conjunction with community practices.

The need to cooperate with countries in other regions who have started drafting and implementing regulations and legislation in this area was highlighted. The trade implications for the countries were raised as an area where much more work was required as the academic and research communities (veritable sources and users of TK) were described as not being particularly trade oriented. It was suggested that access should lead to transfer of technology and funds for community development.³² Several questions were raised in regard to access such as: who has the right within a community to grant access? If a community as a whole decides to restrict access and an individual within the community provides it, what should happen? These were questions which they hoped to find answers to through cooperating with other countries and discussing these issues further.

Intellectual Property Needs and Expectations #10

- ❑ Provision of legal advice on the IP aspects of access to genetic resources and benefit sharing and technical assistance with drafting of access regulations.

Intellectual Property Needs and Expectations #11

- ❑ Provision of technical advice on plant breeders' rights (PBR's).

Calls for a share in any benefits arising from the use of TK or genetic resources were made. It was mostly suggested that the benefits should be used to develop the source community. However, the issue of benefit sharing where resources or knowledge is found across borders was frequently raised as a problem. The possibility of forming a chain of indigenous communities across the region as a basis for benefit sharing was mentioned although the complexities of working out a mechanism for compensation were recognized.

The approach in one of the communities was that the knowledge should be shared freely with no costs attached if it would be to the benefit of mankind; but only the companies stand to benefit (or benefit disproportionately in terms of huge profits), then the source communities and holders of TK should share in those profits.³³

Research companies were urged to focus on transfer of technology as one of the ways of benefiting the communities. An international rights management system was proposed although it was not clear how this was expected to work and an analogy was drawn with the international system for the collective management of musical rights.³⁴ It was suggested that holders of TK form an association in each country to enable them to deal directly with the IP office and other institutions to determine how best to manage their rights. The need to set up administrative structures within communities to guide access, use of the resources and to monitor benefit sharing was emphasized.

Recognition of the need to preserve the source of medicinal knowledge to ensure sustainability was identified by the traditional healers.³⁵ Examples of biopiracy were cited which has led to people being suspicious and secretive.³⁶

The people of the **Maroon Community in Accompong, Jamaica**³⁷ had memories of a group of researchers from abroad who spent time in their community documenting their life style and practices. The researchers reportedly subsequently published a book for sale with

no rewards to the community. This community indicated that they felt honored to have been approached by the researchers as they got little attention or recognition in the country normally. They were willing to cooperate with them and confirmed that they would probably do so again faced with the same situation. This reinforces the point made earlier about the lack of self esteem in some of the communities reported to have its roots in historical socio-political problems where they now seek external validation of their value, even if this could amount to exploitation. The statement about the lack of recognition in the country belies a more complex set of issues, mostly political. From all the contacts made in the country including at senior government levels, Maroon heritage is widely recognized.

Examples were also cited of the exploitation of natural resources for commercial benefits by foreign companies using them as base products.³⁸ An example was given of the patenting of chemicals extracted from a plant found in a country in the region reportedly by overseas research foundation(s) and on two patents pending on fish poisons also developed on the basis of information obtained from a local community on the basis of research funded by an overseas institution.³⁹

Some examples were provided on measures used to control access to resources. In **Guyana**, the **Amerindian Research Unit, University of Guyana, Georgetown**, enters into Memoranda of Understanding (MOU's) embodying signed agreements with researchers seeking to work with local communities and indigenous peoples as to what can be taken out of the communities and the uses to which they can be put. These agreements were however described as "loosely defined".⁴⁰ Examples were also cited of "*...many American drug companies coming in to ask questions of local communities on the use of herbs and to collect plant samples.*"⁴¹

The information gathered supports the view that the communities tend to cooperate with these researchers as they have no incentives to withhold the information and have to weigh the benefits of cooperating with the companies against the perils to their own personal situations which are for the most part economically untenable.

An example was given of successful research conducted by the subsidiary of a Swiss company who conducted molecular sampling of odor in Guyana which has led to the creation of a scent.⁴² Another example in the same country was the use of photographs of items in the National Art Gallery in one of the US Art magazines by an art restorer who had been contracted to work on some of the art works.

The Iwokrama International Center for Rain Forest Conservation and Development

A project that encompasses many of the issues raised in this section and the section on documentation above is the Iwokrama International Center for Rain Forest Conservation and Development. Iwokrama is an autonomous international conservation, research and development organization formed by agreement between the Government of Guyana and the Commonwealth Secretariat.

The organization is responsible for the management, conservation and sustainable development of about 360,000 hectares (nearly a million acres), of pristine tropical forest, which Guyana has dedicated to the international community to be used to demonstrate how tropical forests can provide economic benefit while conserving biodiversity.

The Mission of Iwokrama is "to promote the conservation and sustainable and equitable use of tropical rain forests in a manner that will lead to lasting ecological, economic and social benefits to the people of Guyana and to the world in general, by undertaking research, training and the development and dissemination of technologies".⁴³

Iwokrama is making a special effort to learn and document the TK and management practices of the forest goods and services by the Amerindian communities who traditionally use the Iwokrama forest⁴⁴ without compromising the traditional resource access and use rights of Amerindian Peoples living in or near the forest. This project is probably one of the few examples offering an opportunity to take a practical look at issues such as access regulations, Mutual Transfer Agreements (MTAs) and benefit-sharing arrangements as well as the IP aspects of documentation and protection of TK in general.

WIPO was requested to provide technical assistance in the area of the IP implications of access to genetic resources to developing countries with weak scientific and research capabilities and attendant weak legal systems to exploit the potential reservoir of plant genetic resources in their countries.

Best Practice Protocols

In fulfillment of its commitment to ensuring an equitable distribution of the benefits accruing from the conservation and management of the forest and its broader research and capacity building programs, Iwokrama (see text box "The Iwokrama International Center for Rain Forest Conservation and Development" above) is commissioning a consultancy study on developing best practice protocols to govern the protection of intellectual property rights and benefit sharing across all aspects of its mandate. The aim is to synthesize best practice lessons learned from around the world in order to develop locally relevant protocols.⁴⁵ The need to balance the purpose of the protocols and their benefits was emphasized because if they are too stringent, they would exclude the business community and if too loose, will run the risk of losing national

Intellectual Property Needs and Expectations #12

- Provision of IP information and advice on the best practice protocols

patrimony. The protocols were seen to also have potential for providing business partners a basis for developing that relationship.⁴⁶

Contract

The use of contract law was discussed as a possible tool in the protection of TK for example, protection against the indiscriminate use of information in written form i.e. already codified or documented⁴⁷. Examples of contracts suggested included the use of Material Transfer Agreements (MTAs), and licensing agreements.

Intellectual Property Needs and Expectations #13

- Training on the drafting of contracts

TK Protection in other policy areas

Two pulling forces were identified: on the one hand, homogenization, integration and globalization of culture and on the other, the need to maintain unique cultures. The social and economic realities of holders of TK such as the healers and the members of local communities were cited as an important element to take into account given the impact of this on their bargaining power. Members of indigenous communities highlighted the derogatory nature in which they were now viewed and the effect on the young generation who want little or nothing to do with the traditional practices and have to live with the pressure of straddling two life styles and be accepted in both.⁴⁸ Communities were said to have lost respect for their own culture.⁴⁹

Land rights issues were also raised as critical to enabling the indigenous communities live in the traditional lifestyle they were used to and to preserve the culture of their peoples.⁵⁰ Poverty was identified as a key problem as it reduces the bargaining power in many communities rich in TK and associated resources which leads the people to give out information for far less than its value.

The land, marginalization and poverty issues identified by the indigenous communities were common to all the countries and the visits to the **Maroon community in Accompong, Jamaica** and the **Caribe Community in Arima, Trinidad and Tobago** gave the delegation direct access to this information. In **Guyana**, (where the constitution of the country recognizes the rights of the **Amerindian People**⁵¹ who are a distinct indigenous community with a dedicated Ministry), these questions were of critical importance. The need to raise awareness and educate these communities on the implications of agreements which they enter into with international companies (not restricted to IP alone) was identified by the Honorable Minister of Amerindian Affairs. This is because ownership of rights was not limited to just the land but the resources found on it and the Amerindian community were reported to have the freedom to use their land as they wish. The lack of information on the alternatives available to them to protect their TK and the resultant rights was seen as a major problem.

These issues were raised in each country and in most discussion groups particularly with the holders of TK and the local communities. Most of the issues are, strictly speaking, not IP issues and cannot be addressed by applying the IP system but are considered to be important to the overall well being of the people. The WIPO delegation made the point however that they could only distil the IP issues with a view to developing adequate responses to them.

Management and Enforcement of Rights and Interests in TK

Calls for local institutional strengthening to protect TK were made. These included the development of multi-sectoral national institutions (including the legal, environmental, trade and economic sectors) to take a coherent and coordinated approach to the protection of the national interests of their people.

The importance of providing basic information to the holders of TK on their rights was identified. As one of the informants stated “...[T]he indigenous peoples and TK holders in the community for the most part have no information as to the rights they have or what recourse to the law they have”.⁵² Many of the issues this subject raises were considered to be new to developing countries and as such should be discussed further through sensitization and awareness raising programs. Training of nationals in the identification of potentially useful resources and development of a basic understanding of the IP system, drafting of appropriate legislation, drafting of contractual agreements and understanding of application of these laws in a regional framework was requested.

A need that was clearly identified was for this process to start at a national level moving towards a regional approach particularly as in the Caribbean the knowledge systems, resources and practices exist across borders.

Underlying all of this was the cautionary note that was sounded on the dangers of not involving the communities in any effort to decide how their traditions should be managed.

The lack of adequate IP enforcement mechanisms has already been identified earlier in this chapter and the point was made that developing countries were under pressure from developed countries to implement laws which they cannot sustain as they had inadequate enforcement infrastructure.

It was suggested that a cost/benefit analysis of the cost of protection against the benefits of protection be carried out to ascertain if indeed it was worthwhile implementing these laws. As one government official put it “...*what is the benefit of the IP system [...which is supported by the technological might of all major companies] to countries with weak science and technology capacity?*” To further buttress the point, information was provided to the effect that the researchers in one section of a multi-national pharmaceutical company were more than those in the whole of the Caribbean.⁵³

General

Some governments expressed an interest in advancing discussions on the protection of TK *vis-à-vis* the agricultural, pharmaceutical and cosmetic industries with a view to achieving sustainable development and economic growth.⁵⁴

Intellectual Property Needs and Expectations #14

- Awareness raising on the use of the IP system to protect TK.

Intellectual Property Needs and Expectations #15

- Training on enforcement of IP

All government ministers encountered showed a keen interest in developing a progressive approach to these issues in the interest of their people. In some of the countries IP is recognized at the governmental level as a tool for development, the regulation of which can attract investment. One government has taken the approach of attracting private sector investment in this area and is seeking to encourage more research in the universities.⁵⁵ A positive attitude is taken towards IP but there is the need to modernize and develop legislation in some cases.

The nationalist responsibility of Governments is justified by the IP elements of TK protection but it was pointed out that the huge political reality of power had to be recognized in developing an articulated and realistic response to these issues in developing countries. The view was that there was a tendency for a nationalist approach to move towards closing access to TK or controlling it. The reality, it was suggested, was that many small island economies like exist in the Caribbean could not afford to do so.

One issue which was identified as a critical factor was the need for the policy makers and political directorate to recognize the importance of TK and to give it higher priority in the crucial area of budgetary allocations for research and development. Governments were also requested to take a cross-sectoral approach to addressing this issue as it crosses functions including environment, health, food, trade and investment, and law and justice. It was suggested that governments should play a role in advising its citizens who exercise certain rights over resources on the implications of agreements which they enter into. Governments were also requested to exercise its civil responsibility by ensuring that traditional practices which are bad for the community and the environment are discouraged and called upon to develop a combination of structures taking a holistic approach which will assist with addressing these diverse and multifaceted issues. Finally, they were requested to call for the harmonization of international agreements such as TRIPS/CBD/and the International Convention for the Protection of New Varieties of Plants, 1991 (“the UPOV Convention”). The importance of taking a regional approach to addressing these issues was reiterated at the meeting⁵⁶ the delegation had at the CARICOM secretariat. The secretariat has a pivotal role in facilitating a regional approach, if this is decided, and this was recognized and acknowledged and the commitment to these issues was reiterated.

Intellectual Property Needs and Expectations #16

- Facilitating cross-sectional dialogue at the national, regional and international levels

Summary of Intellectual Property Needs and Expectations

- ❑ A commonly agreed definition of TK
- ❑ Identification of IP aspects of TK
- ❑ Development of modalities for cooperation between TK holders/owners and users to establish IP benefits
- ❑ Assistance with documentation
- ❑ Provision of advice on IP protection of documented TK
- ❑ Provision of legal advice on the IP aspects of access to genetic resources and benefit sharing and technical assistance with drafting of access regulations
- ❑ Provision of technical advice on the IP aspects of plant breeders rights
- ❑ Assistance with the modernization and strengthening of IP legislation
- ❑ Practical testing of the utility of the IP system in the protection of TK
- ❑ Provision of IP advice on draft sui-generis laws
- ❑ Studies on the IP aspects of customary law and the development of IP type protection on the basis of customary law
- ❑ Provision of IP information and advice on the protocols
- ❑ Training on the drafting of contracts
- ❑ Awareness raising on the use of the IP system to protect TK.
- ❑ Training on enforcement of IP
- ❑ Facilitating cross-sectional dialogue at the national, regional and international levels

¹¹ Meeting with lawyers and TK interest groups in Port of Spain, Trinidad and Tobago, June 2, 1999. Present at the meeting were: Mr. Everard Byer, Member, World Board of Directors, International Federation of Organic Agricultural Movements (IFOAM); Ms. Olive Ramchand, Fitzwilliam, Stone, Furness-Smith and Morgan, Attorneys; Ms. Debra D'Ade, J.D. Sellier and Co., Attorneys; Ms. Irani Ramoutar, Attorney; Mr. Chaitram Bhola, Customs and Excise Division; Ms. Rayan Ramsundar, National Institute of Higher Education, Research, Science and Technology (NIHERST); Mr. Anthony Vieira, Mair and Co. Attorneys; Ms. Alison Demas, Attorney; Ms. Sharon Le Gall, Attorney; Mr. Vasneist Kokaram, M.G. Daly and Partners, Attorneys; Mr. John Cupid, National Carnival Commission; Ms. Patricia Simon, Alexander, Jeremie and Co., Attorneys; Mr. Inshan Hosein, Legal Officer, Ministry of Legal Affairs; Ms. Lorraine John, Legal Officer, Ministry of Legal Affairs; Ms. Kimberley Erriah, Ashmead Ali and Co., Attorneys; and, Ms. Pearl Springer, Director, National Heritage Library.

² Meeting with lawyers from the Attorney General's Department, the Office of the Chief Parliamentary Counsel, the Ministry of Foreign Affairs and Foreign Trade, the Jamaican Bar Association and some private law firms, Kingston, Jamaica, June 7, 1999.

³ See also S.B. Le Gall, "Preserving One's Narrative: Implications of IP Protection of Folklore and the Steel Pan in Trinidad and Tobago", Master of Law Thesis, York University, Canada, 1994, p. 155.

⁴⁴ The subject matter of TK was seen to include religion in Trinidad and Tobago particularly with the convergence of different faiths which were said to form the belief system of the country. Take particular note of the visit to Siparia, north east of Moruga, on May 31, 1999, where the delegation met with Sister Colomba Byrne, Father Stephen Doyle and Ms. Theresa Noel at the La Divina Pastora parish and discussed the merging of spiritual, traditional and religious belief (Christianity and Islam)

⁵ "Patois", a derivative of French Creole, which at a time was widely spoken is "...now dying out with the old...". Meeting with the Moruga Community under the chairmanship of Mr. Godfrey Lee-Sing, Local Government Representative for the electoral district of Moruga, Moruga community members, comprising persons of African, Indian, Chinese, Latin American and other descent, Moruga, Trinidad and Tobago, May 31, 1999.

⁶ Meeting with traditional healers and other interested parties, Port of Spain, June 2, 1999.

The persons present were: Pundit Surujdeo Maharaj, a Hindu healer; Mr. Cristo Adonis, Shaman of the Caribe Community; Ms. Rayan Ramsundar, NIHERST; Mr. Mervyn Williams, Creative Arts Center, University of the West Indies; Dr. Kuma Mahabir, Ministry of Legal Affairs; Mr. Lester Chadband, a traditional healer; Mr. Mazini Salim; Mr. Razack Lhageer; Ms. Lorraine John, Legal Officer, Ministry of Legal Affairs; Mr. Inshan Hosein, Legal Officer, Ministry of Legal Affairs; Mr. Antoine Dellevi, Military Museum; Ms. Dorine St. Hill and Ms. Valerie Laurent Stephens, Diabetes Association of Trinidad and Tobago; Ms. Cheryl Lans, Center for Gender and Development Studies, University of the West Indies; Ms. Nerle Robertson, Caribbean Network for Integrated Rural Development (CNIRD); and, Ms. Karen Mohammed, Chemistry, Food and Drugs Division, Ministry of Health, Port of Spain, June 2, 1999.

⁷ Meeting with Ms. Gail Teixeira, the Honorable Minister of Culture, Youth and Sports, Georgetown, Guyana, June 3, 1999.

⁸ Meeting with representatives of the Institute of Jamaica (IOJ), Kingston, June 7, 1999. Present at this meeting were Dr. Elaine Fisher, Executive Director of the IOJ, Mr. Michael Cooke, Director Museums Division; Mr. Bernard Jankee, Director, African Caribbean Institute of Jamaica/Jamaica Memory Bank; Dr. David Boxer, Chief Curator, National Gallery of Jamaica; Mr. John Aarons, Director, National Library; Ms. Elizabeth Morrison, Zoologist, Natural History Division; Ms. Dalrene Richards, Supervisor, Junior Center; Ms. Joyce Campbell and Ms. Claudette Thomas of the Jamaica Cultural Development Commission; Mr. Sydney Bartley, Director, Division of Culture; and Ms. Tracey Ann Lawrence, Executive Assistant.

⁹ Meeting with Dr. Arnoldo Ventura, Special Adviser to the Prime Minister on Science and Technology, Kingston, Jamaica, June 7, 1999.

¹⁰ Meeting with the Moruga Community, Moruga, Trinidad and Tobago, May 31, 1999.

¹¹ Meeting with the steering committee of the Environmental Protection Agency (EPA) of Guyana attended by Ms. Denise Fraser, Operations Director, EPA; Mr. Ramesh Lilwah, Weed Scientist, National Agriculture Research Unit; Mr. Macsood Hoossein, Biodiversity Planner, EPA; Ms. Vimla Roopchand, Environmental Officer (Biodiversity), EPA; Dr. Leslie Munroe, Plant Protection Specialist, National Agriculture Research Unit; and Mr. John Caesar, Dean, Faculty of Natural Sciences, UG. Steering committee (EPA), Georgetown, Guyana, June 4, 1999.

¹² Meeting with Ms. Gail Teixeira, the Honorable Minister of Culture, Youth and Sports, Georgetown, Guyana, June 3, 1999.

¹³ Meeting with the Maroon Community, Accompong, Jamaica, June 8, 1999.

¹⁴ Meeting with the Maroon Community, Accompong, Jamaica, June 8, 1999.

¹⁵ The National Herbarium is in the Department of Life Sciences, University of the West Indies, St. Augustine Campus, St. Augustines, Trinidad and Tobago.

¹⁶ Information provided by Ms. Yasmin Barsh-Comeau, Curator of the National Herbarium at a meeting with Biodiversity interest groups, Port of Spain, June 1, 1999.

¹⁷ Information provided by Ms. Pearl Eintou Springer, Director, National Heritage Library, Trinidad and Tobago at a meeting with Attorneys, representatives of Research Institutions and Government Agencies in Port of Spain, Trinidad and Tobago, June 1, 1999.

¹⁸ Information provided by Mr. Sterling Belgore of the Rose Foundation at a meeting with the Moruga Community, Moruga, Trinidad and Tobago, May 31, 1999.

¹⁹ The Caribbean Community has three objectives: (a) economic cooperation through the Caribbean Single Market and Economy (b) coordination of foreign policy among the independent Member States: and (c) common services and cooperation in functional matters such as health, education and culture, communications and industrial relations. The member states of CARICOM are: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago. The associate members are Anguilla, The British Virgin Islands, and the Turks and Caicos Islands. For more information please see the CARICOM website at <www.caricom.org>.

²⁰ Meeting with Non Governmental Organizations, Inter Governmental Organizations and representatives of Government Ministries, Port of Spain, Trinidad and Tobago, June 2, 1999. Present at this meeting were Mr. George Gamerdingen, International Labor Organization (ILO); Messrs. Mervin Williams and Rawle Gibbons, the Festival Center for the Creative Arts, University of the West Indies; Ms. Rayan Ramsundar, NIHERST; Mr. Alvin Seereeram, Director of Planning, Land and Marine Resources, Ministry of Agriculture; Ms. Cynthia Ross, President of the National Parang Association; Ms. Arlene Thomas, Adviser to the National Parang Association; Mr. Bruce Wilson, Economic/Commercial Officer, Embassy of the United States of America; Ms. Lorraine John, Legal Officer, Ministry of Legal Affairs; Mr. Inshan Hosein, Legal Officer, Ministry of Legal Affairs; Ms. Fay Durrant, Director, and Mr. Zully Ramirez-Ganbaa, Legal Advisor, Association of Caribbean States; Mr. Antoine Dellevi, Military Museum; and, Mr. Lester Efebo Wilkinson, Substantive Permanent Secretary, Ministry of Legal Affairs, presently on sabbatical leave at the University of the West Indies.

²¹ Meeting with biodiversity interest group, Kingston, June 9, 1999. Present were: Ms. Cordia Thompson, Biodiversity Planning Assistant; Dr. Audia Barnett, National Commission on Science and Technology; Ms. Yvette Strong, Natural Resources Conservation Authority (NRCA); Ms. Donna Black, Ministry of Environment and Housing; Ms. Una May Gordon, Team Leader, National Biodiversity Strategy Action Plan, NRCA; Ms. Andrea Donaldson, NRCA; Ms. Marcia Creary, NRCA; Ms. Carol Stephens, NRCA; Mr. Andrew Woods, Scientific Research Council; and Dr. Elaine Fisher, Executive Director, Institute of Jamaica.

²² Meeting with the Dr. Elaine Fisher, Executive Director Institute of Jamaica, June 7, 1999.

²³ Meeting with lawyers from the Attorney General's Department, the Office of the Chief Parliamentary Counsel, the Ministry of Foreign Affairs and Foreign Trade, the Jamaican Bar Association and some private law firms, Kingston, Jamaica, June 7, 1999.

²⁴ Jamaica

²⁵ Inter-Agency Roundtable, Georgetown, Guyana, June 3, 1999. Present were Ambassador Donald Abraams, Ministry of Foreign Affairs, Ms. Patricia Hopkinson-Carter, Department of Law, University of Guyana (UG); Mr. John Caesar, Dean, Faculty of Natural Sciences, UG; Ms. Juliet Sattaur, Assistant Registrar of Deeds, Law Courts; Ms. Carolyn Paul, Deputy Registrar of Deeds, Law Courts; Mr. Charles Fung-A-Fat, Deputy Chief Parliamentary Counsel, Ministry of Foreign Affairs; Mr. Neville Totaram, Coordinator, National Advisory Committee on External Negotiations, Ministry of Foreign Affairs; Mr. Randolph Williams, Technical Adviser (Projects), Ministry of Culture, Youth and Sports; Ms. Jennifer Wishart, Anthropological Officer, Walter Roth Museum of Anthropology; Ms. Janette Forte, Researcher, Amerindian Research Unit, UG; Mr. Gobind Rameshwar, Technical Adviser, Amazon Cooperation Treaty, Ministry of Foreign Affairs; Mr. Bhupal Uditram, Head of Department and Special Assistant to the Minister of Amerindian Affairs; Ms. Elizabeth Cox, Agricultural Program Officer, Ministry of Agriculture; Ms. Mildred Lowe, Cultural Officer, Ministry of Culture, Youth and Sports; Ms. Carmen Jarvis, Secretary General, National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO); Mr. Forbes July, Foreign Services Officer, Ministry of Foreign Affairs; Mr. Lloyd Searwar, Director, Foreign Service Institute, Ministry of Foreign Affairs and Mr. Keith George, Ministry of Foreign Affairs.

²⁶ Particularly in discussions with the Honorable Minister of Legal Affairs, Ms. Kamla Persad-Bissessar during the celebration of "Indian Arrival Day", Port of Spain, May 30, and at the meeting with the group of Attorneys, Representatives of Research Institutions, and Government Agencies such as the National Heritage Library, Trinidad and Tobago, June 1, 1999.

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- ²⁷ Indian Arrival Day commemorates the arrival in Trinidad and Tobago in 1845 of indentured laborers from India.
- ²⁸ The Working Group on intellectual property protection was set up by Mr. Clement J. Rohee, Honorable Senior Minister of Foreign Affairs and it operates under the auspices of this ministry, coordinated by Mr. Keith George, Foreign Service Officer II.
- ²⁹ Meeting with group of Attorneys, Representatives of Research Institutions, and Government Agencies such as the National Heritage Library, Trinidad and Tobago, June 1, 1999.
- ³⁰ Meeting with biodiversity interest groups, Port of Spain, June 1, 1999. Present at this meeting were: Dr. Antonio Pinchinat, Regional Specialist, Inter-American Institute for Cooperation on Agriculture (IICA); Dr. Ralph Phelps, Plant Consultant Pathologist, Agricultural Society of Trinidad and Tobago; Dr. Musa Mohamed, Caroni Research Station; Dr. P. Umaharan, Lecturer in Life Sciences, University of the West Indies; Mr. Inshan Hosein, Legal Officer, Ministry of Legal Affairs; Ms. Lorraine John, Legal Officer, Ministry of Legal Affairs; Dr. Judith Gobin, Environmental Consultant; Ms. Robyn Cross, Team Leader, National Biodiversity Strategy and Action Plan, Environmental Management Agency; Mr. Lester Efebo Wilkinson, Substantive Permanent Secretary, Ministry of Legal Affairs, presently on sabbatical at the University of the West Indies; Mr. Andrew Bain, environmentalist and lignoculture technologist; Ms. Rayan Ramsundar, NIHERST; and, Ms. Yasmin Barsh-Comeau, National Herbarium, Department of Life Sciences, University of the West Indies.
- ³¹ Guyana
- ³² Meeting with group of Attorneys, Representatives of Research Institutions, and Government Agencies such as the National Heritage Library, Trinidad and Tobago, June 1, 1999
- ³³ Meeting with the Maroon Community, Accompong, Jamaica, June 8, 1999.
- ³⁴ Meeting with lawyers and TK interest groups in Port of Spain, Trinidad and Tobago, June 2, 1999.
- ³⁵ Meeting with traditional healers and other interested parties, Port of Spain, June 2, 1999.
- ³⁶ Meeting with Mr. Christo Adonis, a shaman from the Caribe Community, Arima, Trinidad and Tobago, June 1, 1999.
- ³⁷ Please note that there are three established Maroon communities in Jamaica: Accompong in the parish of St. Elizabeth; Moore Town in the parish of Portland and Scott's Hall in the parish of St. Mary.
- ³⁸ Inter-Agency Roundtable, Georgetown, Guyana, June 3, 1999.
- ³⁹ Information provided by Ms. Janette Forte, Researcher, Amerindian Research Unit, University of Guyana, Georgetown at the Inter-Agency Roundtable, Georgetown, Guyana, June 3, 1999.
- ⁴⁰ Meeting with Mr. Al Creighton, Amerindian Research Unit, University of Guyana, Georgetown on June 4, 1999.
- ⁴¹ Meeting with representatives of the Institute of Jamaica (IOJ), Kingston, June 7, 1999.
- ⁴² Information provided by Ms. Gail Teixeira, the Honorable Minister of Culture, Youth and Sports, Georgetown, Guyana, June 3, 1999. See article in the Economist of September 5, 1998 "The sweet smell of success."
- ⁴³ Extrapolated from the Iwokrama website: <http://www.idrc.ca/iwokrama>.
- ⁴⁴ Please refer to the IWOKRAMA project business plan.
- ⁴⁵ Please see the concept note developed by IWOKRAMA for the study on best practice protocols for IP and Benefit sharing.
- ⁴⁶ Meeting with Mr. David Cassells, Director General, Iwokrama International Center for Rainforest Conservation and Development, Georgetown, Guyana, June 4, 1999.
- ⁴⁷ Meeting with group of Attorneys, Representatives of Research Institutions, and Government Agencies such as the National Heritage Library, Port of Spain, Trinidad and Tobago, June 1, 1999.
- ⁴⁸ Meeting with Mr. Christo Adonis, a shaman from the Caribe community, Arima, Trinidad and Tobago, June 1, 1999.
- ⁴⁹ Meeting with Ms. Desrey Fox, Anthropologist, sociologist and linguist and a member of the Amerindian Community, Georgetown, Guyana, June 4, 1999
- ⁵⁰ Meeting with Mr. Christo Adonis, a shaman from the Caribe Community, Arima, Trinidad and Tobago, June 1, 1999. port of Spain, June 1, 1999 and meeting with Mr. Francis Vibert de Souza, the Honorable Minister of Amerindian Affairs, Georgetown, Guyana, June 4, 1999
- ⁵¹ Article 169 of the constitution of the Republic of Guyana.
- ⁵² Meeting with the Moruga Community, Moruga, Trinidad and Tobago, May 31, 1999; meeting with the Maroon Community, Accompong, Jamaica, June 8, 1999 and meeting with Ms. Desrey Fox, Anthropologist, sociologist and linguist and a member of the Amerindian Community, Georgetown, Guyana, June 4, 1999
- ⁵³ Meeting with Dr. Arnaldo Ventura, Special Adviser to the Prime Minister on Science and Technology, Kingston, Jamaica, June 7, 1999.
- ⁵⁴ Meeting with Ms. Gail Teixeira, the Honorable Minister of Culture, Youth and Sports, Georgetown, Guyana, June 3, 1999.
- ⁵⁵ Jamaica.

⁵⁶ Meeting with Ms. Jacquelyn Joseph, Director, Human Development, and Ms. Carol Laws, Cultural Officer, of CARICOM in Georgetown, Guyana, June 3, 1999.