

WIPO IGC 42 – INDIGENOUS CAUCUS OPENING STATEMENT  
February 28, 2022

Greetings [in Indigenous language]. Mr. Chair, thank you for giving me the floor to deliver this Opening Statement on behalf of the Indigenous Caucus. Thank you to you, and the WIPO Secretariat, for your continued work to assist the Indigenous Caucus' participation in these negotiations.

ILO Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples enshrine minimum standards for the protection of our rights, including our intellectual property rights. The need to conclude these negotiations and produce legal instruments that will protect the rights of Indigenous Peoples, while meeting or exceeding the minimum standards in Human rights and related instruments, remains urgent.

We welcome the update of the technical review of the draft instruments from the human rights perspective discussed during this morning's Indigenous Panel and call the attention of all Member States to this important document. As detailed in the technical review, Indigenous Peoples' rights are inherent rights that exist independent of intellectual property systems and intellectual property laws cannot circumvent Indigenous Peoples' human rights.

We welcome the Chair's text and appreciate the guidance in the Chair's information note. However, the Chair's text should include stronger protections of Indigenous peoples' rights. In particular, we insist on remedies for theft and misappropriation of our GRs and associated TK, both past and ongoing. Second, we support the inclusion of a mandatory disclosure of origin requirement, with databases as a complementary measure. Third, we maintain that publication or inclusion of traditional knowledge associated with GRs in databases does not place such knowledge in the public domain.

The many negative impacts Indigenous Peoples have suffered during the pandemic are documented in the July 2020 Report of the UN Special Rapporteur on the rights of Indigenous Peoples<sup>1</sup>. Indigenous Peoples, both due to the pandemic and due to lack of broadband infrastructure in their communities, among other barriers, face severe limitations on their participation in these negotiations.

While these negotiations have taken a hiatus due to the Covid 19 pandemic, misappropriation and exploitation of TK, TCEs, and GRs has continued and the requirement of free, prior, and informed consent of Indigenous Peoples has been ignored. We remind the Member States of the mandate of the IGC which states the objective to conclude these negotiations to ensure the protection of Indigenous Peoples' rights to their GRsTK, and TCEs.

As bestowed on us by the Creator, Indigenous Peoples carry the responsibility of protecting our cultural heritage, traditional lands, and resources. This includes protecting the world's biodiversity, and protection of Indigenous Peoples' Genetic Resources and Associated TK. Thus, generating an instrument that supports this sacred duty will benefit the entire planet.

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<sup>1</sup> Available at [A/75/185 - E - A/75/185 -Desktop \(undocs.org\)](https://undocs.org/A/75/185-E-A/75/185-Desktop).

Finally, we urge Member States to act upon the 2019 unanimous recommendation from the UN Permanent Forum on Indigenous Issues that WIPO utilize funds from its core budget to address the ongoing need for effective Indigenous participation.<sup>2</sup>

Thank you. The Caucus looks forward to the work of this session.

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<sup>2</sup> See E/2019/43-E/C.19/2019/10, para. 9, available at <https://undocs.org/en/E/2019/43>.