

**Sixth Meeting of the WIPO IGC on Intellectual Property and Genetic Resources,
Traditional Knowledge and Folklore, Geneva March 15 to 19, 2004**

Documents 6/6 and 6/12

Regarding a Prospective International Regime

- Mr. Chairman, this is a statement representing a common ground among this group of Indigenous Peoples, particularly the following:
 - Aboriginal and Torres Strait Islander Commission, Australia (ATSIC), Foundation for Aboriginal and Islander Research Action (FAIRA), Assembly of First Nations, Call of the Earth, Canadian Indigenous Biodiversity Network, Coordinating Body of Indigenous Organizations of the Amazon Basin (COICA), Indigenous Peoples Caucus of the Creators Rights Alliance, Hoketehi Moriori Trust, Rekohu, Aotearoa (New Zealand), International Indian Treaty Council, the Kaska Dena Council and the Saami Council.
- We are pleased to thank the Secretariat for its preparation of document 6/6 and the African Group on its thoughtful preparation of document 6/12, which we received on the first day of this meeting.
- Mr. Chairman, we are supportive of the development of an international regime on the *precondition* that the following fundamental principles are included therein:
 1. Indigenous peoples are recognized as *custodians* and *owners* of their knowledge, traditional cultural expressions and natural resources and have the exclusive right to control and manage their knowledge, expressions and resources.
 2. States *must* affirm that the land and territorial rights of Indigenous Peoples are fundamental to the retention of Indigenous Knowledge and cultural practices pursuant to the implementation of relevant international obligations.
 3. An international regime *must* expressly affirm the right of Indigenous peoples to restrict and/or exclude access to their knowledge, traditional cultural expressions and natural resources.
 4. An international regime must ensure that the right to prior informed consent of Indigenous peoples is guaranteed and protected, as a fundamental principle in the exercise of self-determination and sovereignty of Indigenous Peoples.
 5. The right of prior informed consent must be maintained throughout any access and benefit sharing arrangements where there is potential change of permitted use or third party involvement.
 6. An international regime must enable the effective implementation, application and enforcement of Indigenous customary laws and cultural practices.
 7. In circumstances where there is a conflict, Indigenous customary laws and cultural practices shall prevail over domestic law or an international regime.

- Mr. Chairman, we have studied document 6/12 with great interest. Even though we received it only on Monday, we have developed preliminary comments which we will provide to the Secretariat in written form. We emphasize that these amendments and additions are based upon a preliminary analysis. For clarity, we respectfully reserve our rights to revisit this framework document, if it becomes evolutionary in nature. Thank you, Mr. Chairman.