

International Committee for the Indigenous Peoples of the Americas (INCOMINDIOS)

July 16, 2024

WIPO Assemblies of the Member States 9 – 17 July 2024

Ambassador Ronald F. Barnes, IPNC Alaska¹

Greetings To the WIPO General Assembly from Alaska,

Congratulations for adopting the International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources.

However, the WIPO Diplomatic Conference did not apply the 1974 WIPO agreement with the United Nations General Assembly to protect the rights of peoples who claim Article 1.2 and other relevant provisions of the UN Charter. The relevant Articles of this agreement, *inter alia*, Chapters 5 and 11 do not conform to protecting the rights of peoples under human rights and the Declaration of Non-Self-Governing Territories in Chapter XI of the UN Charter. Thus, the right of peoples as subjects of international law are not protected. This excludes their higher standard of recognition and consent for all forms of property rights in this instrument. We object to Article 5 of this treaty.

The relevant provisions of the Vienna Convention on the Law of Treaties (VCLT) on the rights of peoples are not considered to protect peoples against abuses in this international instrument. WIPO agrees with the term “obligation” and to cooperate in the 1974 agreement.

The rights of peoples include a higher standard to protect the rights of peoples’ property, resources, rights to development and ability to maintain their own dignity as peoples. “National law” does not protect against such abuses. Alaska, Hawaii, and any peoples reserve the right to be protected against the abuses by colonizing and foreign occupying States in the progressive development of the Law of Nations and international law (Article 13 of UN Charter). Alaska, Hawaii, and other peoples cannot accept the protection gaps in this treaty at WIPO. This is vitally important in Alaska since the USA purchased these rights to property from individuals and puppet governments.

As the appointed Ambassador of Alaska², I can send my credentials if you request it, I diplomatically protest the provisions of this WIPO document that create an unlawful, I quote, “legal standard” of taking property. The refusal to accept principles of the 1974 agreements results in an international standard that grants immunity and impunity to States that take our

¹ This intervention is supported Alaska, Hawaii and other international organizations such as Maloca International and Fields of Green for ALL NPC, and the Indian Council of South America (CISA).

² This statement is the statement of Ambassador Ronald F. Barnes, in his capacity (not by Incomindios Office) to represent the interests of Alaska and in this case, with the knowledge from Hawaii is to reserve and preserve our rights. Supporting NGOs and other entities assert these rights and can attach and sign-on to this statement.

property based non-recognition of our international legal and political status. The use of discriminating doctrines of superiority in discrimination law and policy violates the UN Charter and several UN resolutions for colonial and foreign occupied peoples and nations. This reduces the scope of our rights to traditional knowledge, genetic resources, territory, resource, or any other form of property belonging to colonized or foreign occupied peoples. Alaska, Hawaii, and other peoples, Indigenous or not, did not have the right to participate equally to claim and protect their own heritage and resources emanating from their own territory and free political institutions. Many State laws violate their own Constitutions and international law. You have a session on Ukraine, why not Alaska and Hawaii under foreign occupation. The USA military and American citizens votes in both votes to become a state of the USA. The USA violates Alaska and Hawaii by applying domestic law incorporate Alaska and Hawaii. The 1493 Papal Bulls, transformed in “domestic law” of States enact doctrines of superiority in law that infringe upon and crassly violate the rights of peoples.

Many Indigenous Peoples did not participate or consent to the general principle that this Indigenous Caucus speaks for or represents them. This WIPO document, by virtue of the repudiation of the Papal Bulls of 1493 resulting in the Doctrine of Discovery by the Pope, the Vatican, the Holy See is not clear about the use of discriminating law and policy, denying the lack of equality for “peoples” designated with sovereign equality³. International law recognizes the discriminating application in law and policy as a crime against humanity.

I thank you Mr. Chair.

³ Article 1.2 of United Nations Charter