

## STATEMENT OF INDIGENOUS PEOPLES & LOCAL COMMUNITIES AT WIPO IGC 19

Similar to the concerns expressed by Indigenous Peoples at IGC 18, we assert the following:

### FUNDAMENTAL PRINCIPLES

1. A primary objective of the international legal instrument(s) must be to protect Indigenous Peoples' rights and interests as the owners / holders of TK, TCEs, and GR.
2. The legal instruments must establish a new international regime that conforms to customary law and processes regarding the use, protection from misuse and misappropriation of the GR, TK, and TCEs belonging to Indigenous Peoples.
3. The legal instrument(s) must reaffirm and implement the universal protection of the rights of Indigenous Peoples and nothing in the instrument(s) can be construed as diminishing or extinguishing the rights Indigenous Peoples have now or may acquire in the future.
4. The international legal instrument(s) must comply with international norms by adopting the term "Indigenous Peoples" which respects our lawful status and recognized rights<sup>1</sup>.
5. The international legal instrument(s) must recognize and fully implement the principle of free, prior and informed consent of Indigenous Peoples<sup>2</sup>.
6. The international legal instrument(s) must not assert or otherwise infer that States or members of WIPO are holders of, or the beneficiaries of Indigenous Peoples' TK, TCEs, and GRs.
7. In the international legal instrument(s), Indigenous Peoples must have the right to redress, including repatriation of, any of their TK, TCEs, and GRs taken or used without their free, prior and informed consent.
8. Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

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<sup>1</sup> This applies to the universal application of rights under customary and international law.

<sup>2</sup> This refers, *inter alia*, to Paras 28, 31, 34 & 35 of the Report of PFII 10th Session, UN Document E/2011/43

9. The right of Indigenous Peoples to permanent sovereignty over natural resources must be understood and respected in the development of the legal instruments<sup>3</sup>.

## **PARTICIPATION, FUTURE WORK AND PROCESSES**

The Indigenous Peoples & local communities at WIPO IGC 19 state therefore:

1. The Indigenous Peoples and local communities require full and effective participation<sup>4</sup> in all relevant negotiations and decision-making processes, including all regular and special sessions of the IGC, the General Assembly, diplomatic conference and any other related meetings regarding the proposed instrument(s) on GR, TK and TCEs. The Indigenous Peoples, as peoples and Indigenous nations, participate in these forums in their own right.

2. In the spirit of cooperation in the development of an international instrument(s) that are relevant, practical, and fair, Indigenous Peoples' proposals must remain in the text without the qualification of immediate State support in the drafting process or reports. Indigenous Peoples proposals must be accepted on an equal footing as any State proposal. Indigenous Peoples should be consulted on all proposals, deletions and amendments of all text in a collaborative manner.

3. Indigenous Peoples Rights of Self-Determination<sup>5</sup> and Permanent Sovereignty Over Natural Resources<sup>6</sup> must be recognized in preambular and operative text of the final instruments.

4. Indigenous Peoples are distinct peoples and/or Indigenous Nations.

5. Indigenous Peoples have the collective right to their territories and biodiversity and all aspects of their economic, social and cultural development. This must be reflected in the final instrument(s).

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<sup>3</sup> This refers, *inter alia*, to Para 39 of the Report of PFII 10th Session, UN Document E/2011/43.

<sup>4</sup> This refers, *inter alia*, to Paras 28, 31, 34 & 35 of the Report of PFII 10th Session, UN Document E/2011/43.

<sup>5</sup> This includes norms and principles under customary international law, including the United Nations Charter.

<sup>6</sup> This applies to the universal application of rights under customary and international law, and as referenced in the Report of UN Permanent Forum on Indigenous Issues 10th Session, UN Document E/2011/43 (Para 39).

Signed by the following organizations at the IGC 19:

 Nepal Indigenous Nationalities preservation Association NINDA  
NGWANG SONAM SHERPA


José Kairingá - Instituto Indígena Brasileiro para Propriedade  
Intelectual (INBRAPI)


Tomás Condori Consejo Indio de Sud America CISA Amb. Ronald Barnes  
Debra Harry, Indigenous Peoples Council on Biculturalism (IPCBI)

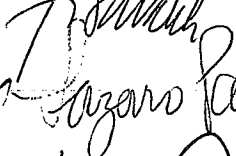
Tomás Alarcón "Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos" CAPA

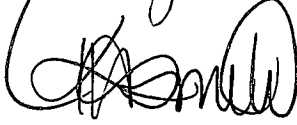
Carlos Mamani Condori Jach'a Soyo Pa'ka'jeqi

Patricia Adjei, Arts Law Centre of  
Australia

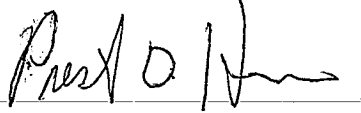
 LES MANZER FOUNDATION FOR ABORIGINAL AND  
ISLANDER RESEARCH ACTION (FAIRA)

 Sámikoppik, Sápmi, NORWAY

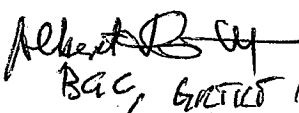
 Luzo Pary Indian Movement Tupay Amaru (Bolivia)

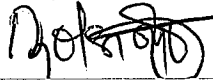
 KHODSON SMITH, Métis National Council

Stuart Wattle, Assembly of First Nations

 Paul O. Hanson, TULALIP TRIBES OF WASHINGTON

Marcus Goffe, Ethio-Africa Diaspora Union Millennium Council

 Endersuz "PARTICIPATION FUTURE WORK  
AND PROCESSES"

 endersuz, ILAMAYO FOUNDATION, KENYA