

IGC 44 FINAL INDIGENOUS CAUCUS OPENING STATEMENT

The Indigenous Caucus welcomes this opportunity to resume negotiations on traditional knowledge and traditional cultural expressions. We look forward to removing the cobwebs and engaging again on these issues under the leadership of the new Chair.

Madam Chair, we would like to present some of our key issues in these negotiations.

We reiterate that the UN Declaration on the Rights of Indigenous Peoples, in Article 3, recognizes our right to self-determination over all of our development and includes self-determination over traditional knowledge and traditional cultural expressions. We assert that this right is inherent and inalienable and must be recognized as a fundamental principle of these instruments. As we have said, the foundation of our rights is not based in state laws, but in our own customary Indigenous laws and protocols, that must be reflected in multiple alternatives throughout the draft.

The updated technical review of the draft instruments by Indigenous experts commissioned by WIPO at the request of the UN Permanent Forum on Indigenous Issues, notes that the term “Balancing interests” cannot be used to diminish Indigenous Peoples' human and property rights (WIPO/GRTKF/IC/44/INF/8).

We are here to prevent misappropriation of our knowledge and expressions, according to our customs and laws. Members must recognize our status in these negotiations. These negotiations involve our cultural property and rights, and outcomes must be acceptable to us.

We reiterate what balance means to us, because our cultures are based on living in harmony and balance with the natural world, including with all beings in our cosmologies, lands, and territories. This contrasts with the use of the term "balance" in intellectual property systems, which refers to an imagined balance between the rightful knowledge and tradition keepers and non-indigenous society. We are at times willing to share our gifts and treasures, if they are used appropriately and respectfully with our collective free, prior and informed consent.

The term “Beneficiaries” must only refer to indigenous peoples and local communities, who are the tradition keepers.

We need core funding through the Voluntary Fund. We thank the Secretariat for pursuing fund raising to get contributions to the Voluntary Fund. But this is not sustainable. We reiterate our call for core funding from the WIPO budget to facilitate

participation. The present system is not allowing for our effective participation. Without this participation, we reiterate that this instrument will not be viewed as legitimate by indigenous peoples and local communities. We thank Germany for their contribution to the Voluntary Fund.

We close with this statement from the noted Seneca faithkeeper Oren Lyons - - In this way it is our voice what we say and as long as there is a person to listen, a person to speak, a person to dance, and another person to sing, the flame will continue to burn and the fight will continue - Oren Lyons