

**Sixteenth Session of the Permanent Forum
on Indigenous Issues
New York, April 24 – May 5, 2017**

**Intervention by the Secretariat of
the World Intellectual Property Organization**

Under Agenda Item 8,
Monday 24 April 2017

E nga mana, e nga reo, e nga hau e wha, tenei te mihi.

Thank you Madam Chair for giving us the floor.

My name is Kiri Toki. I am Maori, from New Zealand, of Ngati Wai, Ngapuhi and Ngati Whatua descent. I am the WIPO Indigenous Fellow and have the honour to speak on behalf of the WIPO Secretariat.

Before proceeding further, we would like to pay a most sincere tribute to Ms. Erica-Irene Daes. We all recognize Ms. Daes as a leading indigenous rights advocate and recall her as a driving force behind the adoption of the UN Declaration on the Rights of Indigenous Peoples. Her passing is particularly poignant given that this year marks the tenth anniversary of the Declaration.

We would also like to extend our thanks to the Secretariat of the Permanent Forum for the organization of the present session and we wish the distinguished Members of the Forum and yourself a fruitful session.

As affirmed by my brothers and sisters and fellow colleagues, the tenth anniversary of the adoption of the Declaration is an opportunity to recall its high significance and the key importance of its implementation.

Article 31 of the Declaration refers to the right of Indigenous Peoples to “maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions”.

Since 2009, and in furtherance of the Declaration, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore has been undertaking intense text-based negotiations with the objective of reaching an agreement on an international legal instrument or instruments relating to intellectual property which will ensure the balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions.

Under its current mandate, significant progress has been made in developing three

draft texts in this regard. In September, the WIPO General Assembly will take stock of the progress during the 2016/2017 biennium and decide upon next steps.

Indigenous Peoples participate in those negotiations as observers and important stakeholders. At WIPO negotiation sessions, indigenous representatives contribute with important comments and proposals. Robust measures have been taken to ensure and enhance their participation in line with Articles 31 and 41 of the UNDRIP.

I am delighted to inform the Permanent Forum that a new contribution by the Government of Australia will enable the WIPO Voluntary Fund to finance the participation of five Indigenous Peoples' representatives in the June 2017 session of the WIPO negotiations, as well as others in the next session or sessions. WIPO is making pressing calls for further donations by potential donors, including those that may attend the Forum.

We welcome the Questionnaire to the UN system that WIPO received from the Permanent Forum. The responses that were provided by the WIPO Secretariat illustrate in more detail WIPO's substantive engagement with Indigenous Peoples, consistently with the objectives of the Declaration.

WIPO's capacity-building program for Indigenous Peoples intends to help Indigenous Peoples to grasp the issues that lack of protection raises; understand the nature and scope of the existing intellectual property-related tools that they may use in protecting their traditional knowledge and traditional cultural expressions; and define the approach that they consider to be best in line with their own objectives and for their own development.

WIPO's capacity-building program includes practical workshops, distance learning courses and trainings, as well as the dissemination of briefs, studies and toolkits.

In this regard, a new Practical Guide on Intellectual Property for Indigenous Peoples and Local Communities will be published shortly. A side event organized by WIPO tomorrow, Tuesday 25 April in Conference Room 8 will give the opportunity to two members of the Permanent Forum, namely Mr. Les Malezer and Mr. Eli Laltaika, to provide their comments on the draft.

You are warmly invited to attend this side-event.

I thank you for your attention.

Mauri Ora.