

Permanent Forum on Indigenous Issues

11th session

New York, 7 – 18 April 2012

Item 5 Comprehensive dialogue with World Intellectual Property Organization

Joint Oral Intervention on behalf of the participants in the “Global Project Access

Training Caucus

Presented by Atama Katama

Thank you Mr Chairperson,

Indigenous Peoples’ traditional knowledge, genetic resources, and traditional cultural expressions are not only intellectual but also cultural and spiritual, and have been passed on by intergenerational transfer since time immemorial, as such any mechanism developed must allow indigenous peoples to maintain control, and ownership of their traditional knowledge, genetic resources, and traditional cultural expressions in perpetuity.

Mr. Chairman,

We would like to reaffirm the viability, and sacredness of traditional knowledge, and Indigenous peoples must be recognized as rights holders, equal partners, and knowledge holders of customary laws in any processes discussing it. The important work being undertaken by the World Intellectual Property Organization must be considered. We are concerned by some negative trends in WIPO’s recent direction, particularly regarding the lack of full, equal, and effective participation of indigenous peoples in the process. It has been demonstrated that the most successful UN processes are those that ensure the full equal and effective participation of indigenous peoples. We are concerned that member states including the European Union, stated that the UN Declaration on the rights of indigenous peoples was not relevant or applicable to the WIPO process. On the contrary Mr Chair, according to article 42 of UNDRIP, it is the responsibility of all states, as well as UN bodies and

agencies “to promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.”

Our recommendations:

1. We noted the information submitted by WIPO to the Permanent Forum for the 12th session. With respect to the panel of representatives of indigenous and local communities, held prior to WIPO Intergovernmental Committee sessions, we recommend that WIPO change the procedure so that the panels constitute a formal mechanism within all future sessions of WIPO, with a view to establishing the full, equal, and effective participation of indigenous peoples in the Intergovernmental Committee sessions.

2. We request that the Permanent forum remind all State parties, and UN agencies including WIPO of their commitment under article 42 of UNDRIP

3. There is a need to develop an effective mechanisms to protect the TK, GR, and TCE of indigenous peoples, in accordance with article 31 of the UNDRIP. In order to develop an effective mechanism it will be vital that the full, equal and effective participation of indigenous peoples is achieved in this process in accordance with Article 18 of UNDRIP. States shall make available the necessary financial assistance to allow for the full equal and effective participation of indigenous peoples according to article 41 of UNDRIP.