

WIPO GRTKF 14

30 June 2009

Item 7: Future Work

Statement of Indigenous Peoples Council on Biocolonialism (IPCB), International Indian Treaty Council (IITC), Center for Peace Building & Poverty Reduction Among African Indigenous Peoples (CEPPER), Kanuri Development Association (KDA) and Mbororo Social & Cultural Development Association (MBOSCUDA)

Thank you, Mr. Chair, for this opportunity to address the issue of future work of the IGC. This statement is made on behalf of the following five accredited Indigenous organizations: Indigenous Peoples Council on Biocolonialism (IPCB), International Indian Treaty Council (IITC), Center for Peace Building & Poverty Reduction Among African Indigenous Peoples (CEPPER), Kanuri Development Association (KDA), Mbororo Social & Cultural Development Association (MBOSCUDA).

We have listened very closely to the statements of many Member States indicating their wish that text-based negotiations urgently begin with the goal of internationally legally binding instrument/instruments. We have several concerns with this proposal generally as well as the text of the African Group proposal for inter-sessional meetings contained in document WIPO/GRTKF/IC/14/10.

- 1) It is premature to determine whether an instrument should be legally binding or non-legally binding. It would be irresponsible on our part to commit our peoples and organizations to an outcome that has no concrete provisions. How can we agree to something that we do not know the substance of?
- 2) We also believe it is premature to commence text-based negotiations without full and effective participation of Indigenous peoples. Although the Member States have been participating in the IGC for nine years, the number of Indigenous peoples' representatives in the first six years was limited. The Voluntary Fund has only been operational since the Tenth Session of the IGC. Thanks to the Voluntary Fund and the donors there are many more Indigenous participants at these meetings. However, we believe full and effective participation is still lacking. The truth is that most Indigenous peoples are unaware or involved in these discussions.
- 3) In her opening statement, the delegate from New Zealand noted that it would be premature for her government to make international commitments of a legally binding nature without first consulting the Maori people to whom they have to honor treaty obligations domestically. How many of the Member States have consulted with the Indigenous peoples within their countries about their positions and perspectives? We would like to ask the Member States, how many Indigenous peoples are aware that you are poised to begin text-based negotiations that could set binding international standards? How many have undertaken a process to ensure the free prior and informed consent of the Indigenous peoples within their countries?
- 4) The African Group proposal in WIPO/GRTKF/IC/14/10 suggests that the documents WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/9/5 and WIPO/GRTKF/IC/11/8A should constitute the basis of the Committee's work on text based negotiations. These Policy Objectives and Core Principles were generated prior to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Accordingly, the Committee needs to

undertake work to ensure its' consistency with the minimum standards of the Declaration. Specifically, special attention must be paid to addressing the specific rights unique to Indigenous peoples and obligations of Member States to recognize and protect such rights as distinguished from other communities who are traditional knowledge holders.

- 5) In the event that intersessional meetings do commence, Indigenous peoples full and effective participation must be guaranteed in all processes and phases. We request that the Voluntary Fund be enabled to provide the financial resources to facilitate the full and effective participation of Indigenous peoples in these processes.
- 6) Specifically, regarding the African Group proposal in WIPO/GRTKF/IC/14/10, we have significant concern regarding the proposed inter-sessional work in technical expert groups. Primarily, it appears that the participation of Indigenous peoples will be limited in the proposed technical expert groups to an undefined number. We would like to hear more about the proposed process and criteria to select such experts. We would also like to know the status of Indigenous peoples participation in such proposed technical expert group. We need assurances that we will be able to fully participate in the discussions, not just be observers.

Thank you for the opportunity to make this statement. We look forward to hearing more from the Member States to address our concerns.