

## WIPO IGC 41 – INDIGENOUS CAUCUS OPENING STATEMENT

August 30, 2021

Mr. Chair, thank you for giving me the floor to deliver this Opening Statement on behalf of the Indigenous Caucus. Thank you to you and the WIPO Secretariat for all your hard work. We would also like to congratulate the new WIPO Director General, Mr. Daren Tang, and thank the former Director General, Mr. Francis Gurry.

The many negative impacts Indigenous Peoples have suffered during the pandemic are documented in the July 2020 Report of the UN Special Rapporteur on the rights of Indigenous Peoples, available at [A/75/185 - E - A/75/185 -Desktop \(undocs.org\)](#). Issues associated with the pandemic, including risks involved in accessing internet connections in public places, have affected the participation of several of our delegates. Simultaneous proceedings in other forums have also posed challenges to our participation in this session.

With heavy hearts, we acknowledge the work of our Kuna brother, Estebancio Castro from Panama, who sadly passed away from Covid earlier this year and our Yolngu sister Dr. Marika from Arnhem Land Australia who was unwell. Both Mr Castro and Dr. Marika played vital roles in the early days of the IGC and were strong advocates for changes in these international instruments to benefit and support Indigenous Peoples around the world. We urge Member States to speed up the negotiations on these international instruments before more Indigenous Elders and Leaders pass away.

The UN Declaration on the Rights of Indigenous Peoples, ILO Convention No. 169, and all instruments of international, domestic, and Indigenous law recognize that Indigenous Peoples enjoy political and cultural self-determination, and the right to maintain Indigenous cosmologies and lifeways. The Member States have an obligation, including those contained in existing Treaties, to recognize and respect Indigenous Peoples' rights.

These negotiations have been delayed due to the pandemic; however, the pandemic has not interrupted the misappropriation and exploitation of TK, TCEs, and GRs without the free, prior, and informed consent of the Indigenous Peoples who are the rights holders and guardians of these vital aspects of their cultural heritage. The minimum standards for protection of Indigenous Peoples' rights affirmed by the Member States in the UN Declaration, including their intellectual property rights recognized in Articles 11 and 31, continue to be violated.

The need to conclude these negotiations and produce legal instruments that will protect the rights of Indigenous Peoples' remains urgent. However, Indigenous representatives face challenges and obstacles to be fully effective in participation in this present hybrid format. Thus, the Caucus strongly believes substantive negotiations should be postponed.

The Caucus urges all Member States to expeditiously move forward with recommending that the General Assembly adoption the mandate and work program for the new biennium identical to the recommendation made for the 2020-2021 biennium.

We also urge Member States in the post-pandemic era to act upon the 2019 recommendation from the UN Permanent Forum on Indigenous Issues, that WIPO utilize funds from its core budget to

address the ongoing need for effective Indigenous participation (E/2019/43-E/C.19/2019/10, para. 9, available at <https://undocs.org/en/E/2019/43>).

We remind the Member States of the mandate of the IGC to protect Indigenous Peoples' rights to traditional knowledge. Our right to control and steward our TK, TCEs and GRs must be implemented in a way that maintains our economic, scientific, cultural, and spiritual values. The Caucus looks forward to the work of this session to lay the groundwork for the substantive negotiations to continue in the next biennium.