

STATEMENT OF INDIGENOUS PEOPLES TO THE IGC 18

We come to participate in good faith in the IGC representing Indigenous Peoples as owners and rights holders of the subject matter under negotiation. As such, we expect respectful relationships and that our proposals are deliberated and considered on their merits by member states. As an example of a respectful relationship, in Ecuador there is constitutional recognition of the rights of Indigenous Peoples to be the spokespersons for the rights of the natural world.

On Tuesday night, a working group was tasked to clean up the text on traditional knowledge. In our experience, this non-drafting group should have simplified text while leaving views intact. Instead, it became a drafting group eliminating proposals in the absence of full and fair deliberation. Our views were dismissed without due consideration.

We present the following to make clear our fundamental principles that must be embodied in the proposed WIPO international legal instrument(s) on Traditional Knowledge, Traditional Cultural Expressions, and Genetic Resources (TK, TCEs, and GR).

THE PRINCIPLES

1. A primary objective of the international legal instrument(s) must be to protect Indigenous Peoples' rights and interests as the owners / holders of TK, TCEs, and GR.
2. The legal instrument(s) must affirm the universal protection of the rights of Indigenous Peoples and nothing in the instrument(s) can be construed as diminishing or extinguishing the rights Indigenous Peoples have now or may acquire in the future.
3. The international legal instrument(s) must comply with international norms by adopting the term "Indigenous Peoples" which respects our lawful status and recognized rights.
4. The international legal instrument(s) must recognize the principle of free, prior and informed consent of Indigenous Peoples.
5. The international legal instrument(s) must not assert or otherwise infer that States or members of WIPO are holders of, or the beneficiaries from the utilization of, Indigenous Peoples' TK, TCEs, and GRs.
6. In the international legal instrument(s), Indigenous Peoples must have the right to redress, including repatriation of, any of their TK, TCEs, and GRs taken or used without their free, prior and informed consent.

PARTICIPATION IN THE IGC 18

The Indigenous Peoples delegates present at this IGC have agreed to the following

protocols in light of Tuesday, 10 May 2011, night meeting where our views were dismissed without consideration:

1. Our delegates will continue to be present as observers for the remainder of IGC 18, to take note of the positions of member states and observers, and the draft documentation.
2. Our delegates are not disposed to make text proposals, while member states fail to give due attention to, or support to, text proposals from our delegates.
3. Our delegates are prepared to speak to clarify matters relating to the rights, freedoms and interests of Indigenous Peoples and to ensure that WIPO and its members are adequately informed of the rights, freedoms and interests of Indigenous Peoples.
4. Our continued presence in IGC-18 in no way can be taken to say that Indigenous Peoples have collaborated in the drafting of these documents in this session. Nor can our observation of this process be inferred as giving any consent to the results of any process in which Indigenous Peoples have not been actively involved.

FUTURE WORK

WIPO must ensure that Indigenous Peoples have full, effective and equal participation in relevant discussions and decision-making processes concerning the legal instruments at the WIPO IGCs, General Assembly, and the proposed diplomatic conference.

Signed by the following delegates on the 12 May 2011: