

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

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## INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

First Session

Geneva, April 30 to May 3, 2001

### RULES OF PROCEDURE

*Memorandum prepared by the Secretariat*

#### I. Introduction

1. The WIPO General Assembly, at its Session held from September 25 to October 3, 2000, approved the establishment of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the Intergovernmental Committee) (documents WO/GA/26/6, paragraph 13, and WO/GA/26/10, paragraph 71).
2. The WIPO General Assembly also approved certain administrative matters concerning the Intergovernmental Committee (documents WO/GA/26/6, paragraphs 16 to 18, and WO/GA/26/10, paragraph 71).
3. The present document records the administrative matters so approved, provides additional information concerning procedural and organizational matters and makes certain proposals regarding rules of procedure, for approval by the Intergovernmental Committee.

## II. Procedural and Organizational Matters

4. *Rules of Procedure.* As stated in paragraph 18 of document WO/GA/26/6, the general rules of procedure adopted for WIPO bodies, namely the WIPO General Rules of Procedure (publication No. 399 Rev.3), apply to the Intergovernmental Committee, subject to any special rules of procedure that the Intergovernmental Committee may wish to adopt.

5. It is proposed that the Intergovernmental Committee adopt two special rules of procedure at this time. First, it is proposed that membership in the Intergovernmental Committee also be extended to Member States of the Paris Union for the Protection of Industrial Property (the Paris Union) that are not Member States of WIPO, and that observer status be extended to Member States of the United Nations that are not Member States of WIPO or the Paris Union. Second, it is proposed that, in order to allow for the greatest continuity in the work of the officers of the Intergovernmental Committee, the Committee elect the Chair and the two Vice-Chairs for one year and that the outgoing Chair and Vice-Chairs shall immediately be eligible for re-election to the offices which they have held.

6. *Membership and observers.* Pursuant to Rules 7 and 8 of the WIPO General Rules of Procedure, and to paragraph 16 of document WO/GA/26/6, the Director General has invited to the first session of the Intergovernmental Committee, as members, all Member States of WIPO or the Paris Union, and, as observers, Member States of the United Nations that are not members of WIPO or the Paris Union, and intergovernmental organizations and non-governmental organizations accredited with observer status at WIPO.

7. It is recalled that the Standing Committee on Copyright and Related Rights (the SCCR), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (the SCT) and the Standing Committee on Information Technology (the SCIT) have adopted a special rule of procedure extending membership (without the right to vote) to the European Communities.<sup>1</sup> The Intergovernmental Committee may wish to consider a similar rule.

8. A number of other non-governmental and other organizations, which do not have observer status at WIPO, have expressed to the Secretariat their wish to be represented in sessions of the Intergovernmental Committee as *ad hoc* observers. It is standard practice for other existing WIPO bodies, such as the Standing Committee on the Law of Patents (the SCP), the SCIT, the SCT, the SCCR and the Advisory Committee on Enforcement of Industrial Property Rights (ACE/IP), to allow for the participation in their meetings of such organizations as *ad hoc* observers.<sup>2</sup> A document containing the names and other biographical details of the organizations which have requested representation in sessions of the Intergovernmental Committee is attached to this document as an Annex. The biographical details on the organizations contained in the Annex were received from each organization. In conformity with Rule 8.2 of the WIPO General Rules of Procedure, it is proposed that these organizations be invited to be represented in sessions of the Intergovernmental Committee,

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<sup>1</sup> See documents SCCR/1/2, paragraphs 8 to 10; SCT/1/6, paragraph 16; and SCIT/1/7, paragraph 11 and Annex III, Appendix 1, respectively.

<sup>2</sup> See, for example, documents SCP/1/2, paragraph 6; A/32/3, paragraph 5, concerning membership and observers of the SCIT and SCIT/1/2, paragraph 3; ACE/IP/1/2, paragraph 6; SCCR/1/2, paragraph 10.

including the first session, as *ad hoc* observers.<sup>3</sup>

9. *Member State submissions.* As provided for in paragraph 17 of document WO/GA/26/6, the Director General invited Member States to submit proposals for issues to be considered at the first session of the Intergovernmental Committee, as well as written papers on any such issues or on any relevant national experiences for distribution at the session. As several Member States, during the WIPO General Assembly held from September 25 to October 3, 2000, referred with approval to the document submitted by the GRULAC countries at that Assembly meeting (document WO/GA/26/9) and suggested that it could be included among the papers to be considered at the first session of the Committee<sup>4</sup>, document WO/GA/26/9 has been issued by the Secretariat as a document for this first session of the Intergovernmental Committee (as document WIPO/GRTKF/IC/1/5). As at the date of this document on "Rules of Procedure", no other proposals or written papers have been received by the Secretariat.

10. *Languages.* Simultaneous interpretation in sessions of the Intergovernmental Committee will be provided from and into Arabic, Chinese, English, French, Spanish and Russian. The working documents for sessions of the Committee will be prepared in English, French and Spanish. Any proposal or written paper submitted by Member States, as referred to in paragraph 9 above, will be made available, as a Member State proposal or paper, on the WIPO website and in paper form, in the language in which the proposal or paper is received, and, as soon as possible thereafter, in English, French and Spanish, as applicable.

11. *Sessions.* As referred to in paragraph 16 of document WO/GA/26/6, and subject to budgetary allocations, it is proposed that the Intergovernmental Committee meet twice a year in the 2002-2003 biennium. Member States could consider whether or not to request the Director General to convene a second session of the Intergovernmental Committee in 2001. At the conclusion of each session of the Intergovernmental Committee, the Chair would provide a summary of the conclusions of that session. In the case of each session, the Secretariat would prepare a draft report for adoption at that session.

12. *Funding of participation of government officials.* As provided for in paragraph 16 of document WO/GA/26/6, for the present session WIPO has facilitated the participation of representatives of developing countries and of certain countries in Europe and Asia.

13. *Establishment of an Intergovernmental Committee Electronic Forum.* The working documents of the Intergovernmental Committee and any Member State proposals or papers, as referred to in paragraphs 9 and 10, are also made available, in English, French and Spanish, on the WIPO website. In addition, it is proposed that an Intergovernmental Committee Electronic Forum (the Electronic Forum) be established.

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<sup>3</sup> Rule 8.2 of the WIPO General Rules of Procedure provides: *In addition, any body shall decide, in a general way or for any particular session or meeting, which other States and organizations shall be invited to be represented as observers.*

<sup>4</sup> See, for example, paragraphs 30, 31, 33, 38, 39, 52, 59, 65 of document WO/GA/26/10.

14. The Electronic Forum would be open for participation by all States members of the Intergovernmental Committee, and all intergovernmental and non-governmental organizations which have observer status in the Committee. The Secretariat would provide administrative support for the maintenance of the Electronic Forum.

15. The Electronic Forum would be used to exchange information and facilitate discussions between Member States and observers on the themes falling within the Committee's sphere of competence. For example, the Forum could be used by Member States and observers to exchange national experiences, including relevant legislation, technical papers prepared by experts in the field and proposals, and as a forum for discussion and analysis of such national experiences, papers and proposals. Such a Forum would be particularly useful intersessionally and would also be beneficial for Member States and observers who may be unable to attend each meeting of the Committee (and of any subsidiary bodies that may be established in due course by the Committee). The Forum could be user name protected and passworded. The Electronic Forum would supplement and not replace the dissemination of documents in paper form. Member States and observers who do not wish to or are not able to participate in the Forum would be sent, by the Secretariat, paper copies of all documents posted on the Forum. To assist the Secretariat in this task, it is proposed that the Secretariat will distribute a questionnaire to all Member States and observers in which they are invited to indicate whether the State or observer concerned will participate in the Forum or would prefer to receive documents posted on the Forum in paper form. In addition, an Intergovernmental Committee list server would be established for Member States and those organizations admitted as observers to the Committee. By subscribing to this list server, one would be informed of new documents that are posted on the Forum page.

*16. The Intergovernmental Committee is invited to adopt the special rules of procedure proposed in paragraph 5, to approve the representation in sessions of the Committee of the organizations referred to in paragraph 8 as observers, to note the working arrangements described in paragraphs 6 and 9 to 12, and to approve the establishment of the Electronic Forum as described in paragraphs 13 to 15, above.*

[Annex follows]

ANNEX

NON-GOVERNMENT ORGANIZATIONS WHICH HAVE REQUESTED  
REPRESENTATION AS OBSERVERS IN SESSIONS OF  
THE INTERGOVERNMENTAL COMMITTEE

American Association for the Advancement of Science (AAAS)

Brazilian Association of Intellectual Property (ABPI)

ActionAid

International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL)

Aboriginal and Torres Strait Islander Commission (ATSIC)

Bioresources Development and Conservation Programme (BDCP)

Coordinadora Indígena de la Cuenca Amazónica or Indigenous Coordinating Agency for the Amazon Basin (COICA)

Centre for Documentation, Research and Information of Indigenous Peoples (doCip)

Friends World Committee for Consultation (represented by the Quaker United Nations Office, Geneva)

Genetic Resources Action International (GRAIN)

Institute for African Development (INADEV)

The International Work Group for Indigenous Affairs (IWGIA)

Mejlis of Crimean Tatar People

Promotion of Traditional Medicines (PROMETRA)

Russian Association of Indigenous Peoples of the North (RAIPON)

Tebtebba Foundation - Indigenous Peoples' International Centre for Policy Research and Education

SAAMI Council

World Federation for Culture Collection (WFCC)

Working Group of Indigenous Minorities in Southern Africa (WIMSA)

American Association for the Advancement of Science (AAAS)

Since its founding in 1848, the American Association for the Advancement of Science (AAAS) has been dedicated to the advancement of scientific and technological excellence across all disciplines, and the public's understanding of science and technology. The goals of AAAS now encompass furthering the work of scientists and facilitating cooperation among them; fostering scientific freedom and responsibility; improving the effectiveness of science in the advancement of human welfare; advancing education in science; and increasing the public understanding and appreciation of the importance of the methods of science in human progress.

AAAS enrolls more than 143,000 scientists, engineers, science educators, policymakers and others interested in science and technology who live in the United States of America and in many other countries throughout the world. In addition, AAAS is the world's largest federation of scientific and engineering societies, with 285 member organizations. A staff of nearly 300 is headquartered in Washington.

The Science and Human Rights Program is part of the AAAS Directorate for Science and Policy Program, which furthers AAAS objectives in areas where science, government and society interact. The Science and Human Rights Program has five major purposes: (1) documenting human rights violations affecting the scientific community worldwide; (2) advancing the use of scientific methodologies and skills for the documentation and analysis of human rights violations; (3) developing scientific methods for monitoring human rights; (4) promoting greater understanding of and support for human rights within the scientific community; and (5) undertaking research projects on human rights issues relating to the scientific community or involving scientific methodologies.

Currently, the Program is undertaking several projects that deal with the interrelationships of intellectual property, cultural participation, and scientific advancement.

AAAS will be represented by Dr. Audrey Chapman and/or Mr. Stephen Hansen.

Brazilian Association of Intellectual Property (ABPI)

ABPI (Brazilian Association of Intellectual Property), a non-profit organization, was founded in 1963 as the Brazilian Association of Industrial Property. The association congregates companies, trademark agents, law firms and specialists.

The objectives of the Organization are the study of intellectual property in all its aspects, especially industrial property law, copyright, competition law and technology transfer, including related fields of the law, promoting the improvement of the law, doctrine and case law, as well as promoting conferences, congresses, seminars, symposiums, etc., and also publishing magazines on these matters.

ABPI congregates the local groups of the following international associations:

- AIPPI (International Association for the Protection of Industrial Property)
- ASIPI (Inter-American Association of Industrial Property)
- LES (Licensing Executives Society)
- LIDC (International League of Competition Law)

During its life, ABPI has been working with the local and international authorities in order to implement and develop intellectual property law. Through its members, ABPI participates in international seminars organized by the four associations herein mentioned, helping in the achievement of solutions for the issues raised by such organizations.

ABPI is also actively involved in technical studies and contribution to the Brazilian authorities, especially but not only, in order to preserve the constitutional rights of intellectual property, and also in what concerns the passing of laws related to intellectual property.

ABPI is also greatly active in several issues related to intellectual property. These issues are discussed in working committees, currently about ten. There are also working groups devoted to the analysis of specific issues in preparation of legal opinions.

ABPI has published a magazine since 1992, which has become an important source of reference in the intellectual property area.

ABPI has been organizing annual seminars since 1981. The XXI edition will be held in the city of Vitoria (State of Espirito Santo) next August. The last meeting was attended by approximately 600 people, and it was held in Sao Paulo.

The person who will represent ABPI at the meeting in cause is Ms. Maria Thereza Wolff.

ActionAid

ActionAid is a registered charity and is constituted as a company, limited by guarantee. Its objects are to promote in any part of the world the relief of poverty and distress and the education of the public concerning the causes, effects and means of alleviation of such poverty and distress.

ActionAid was founded in 1972 by British businessman Cecil Jackson-Cole, and was at first known as Action in Distress. To help children living in poverty, Action in Distress linked donors in the United Kingdom with children in need. By the end of the first year, 88 children in India and Kenya were benefiting from this. The initial focus of the work of Action in Distress was on providing children with an education, in the belief that this was a key to a better chance in life.

Gradually programmes were broadened to help improve sanitation, health care and agricultural techniques. Listening to communities is now at the heart of ActionAid's approach to development. ActionAid ensures that development priorities are identified by all members of the community, especially groups such as women and the disabled that may not normally have a voice.

The name ActionAid replaced Action in Distress in 1979 to reflect a new focus on development rather than welfare provision. By 1980, ActionAid was working with children in their communities in India, Kenya, Burundi and the Gambia. Expansion has continued in Asia, Africa and Latin America and ActionAid currently works in over 30 countries, with programmes beginning in Uganda, Somalia, Nepal and Bangladesh, and expansion into Latin America with a programme in Ecuador.

Two new areas of focus in the nineties have been emergencies and advocacy. In 1992, ActionAid established an emergencies unit in London, whose expertise in disaster preparedness and post-emergency rehabilitation helps communities protect long-term development work when threatened by crisis. The unit also helps to implement major relief programmes.

Our focus on advocacy stems from our desire to help as many people as possible in absolute poverty. Helping to change the policies and practices of other agencies and institutions can increase the impact of our work far beyond the two million people with whom we work directly. Our annual income is in excess of £40m and with our European sister organisations, we have more than 500,000 supporters.



ASSINSEL(International Association of Plant Breeders for the Protection of Plant Varieties)

What is ASSINSEL?

ASSINSEL, the International Association of Plant Breeders for the Protection of Plant Varieties, was founded in 1938. It is a non-profit organization of national associations and individual companies. Today it is composed of 45 organizations involved in plant breeding from 31 developed and developing countries\*, which, in turn, represent more than 1000 companies worldwide. ASSINSEL serves as an international forum where issues of interest to the plant breeders community are discussed.

### Mission

The mission of ASSINSEL is to represent its members at international level and to promote, through national organizations, the interests of plant breeders and others who may share a common and active major interest in the creation of new plant germplasm; to establish and protect the intellectual property rights which follow from investments in such activities and take all necessary steps to achieve these goals in order to promote research and variety development. ASSINSEL also has a mission to increase recognition of the importance and value of the plant breeders' contribution to world food security and sustainable development.

### Activities

ASSINSEL represents plant breeders at the international level, notably in the intergovernmental organizations such as the International Union for the Protection of New Varieties of Plants (UPOV), the World Trade Organization (WTO), the Food and Agriculture Organization of the United Nations (FAO), the Convention on Biological Diversity (CBD), the Organization for Economic Cooperation and Development (OECD) and the International Chamber of Commerce (ICC). It maintains regular contacts with these international bodies in order to promote plant breeders' positions. This essentially means defending the general interests of its members, notably in creating and strengthening intellectual property rights worldwide, in resisting regulations of protectionist nature, in fighting against illegal practices and in encouraging realistic proposals for international regulations. ASSINSEL works closely with its sister organization, FIS, to promote fair trading practices.

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\*ASSINSEL has members and is active in the following countries: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Croatia, Czech Republic, Denmark, Finland, France, Germany, India, Ireland, Israel, Italy, Japan, Kenya, The Netherlands, New Zealand, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom U.S.A., Yugoslavia

In order to facilitate exchanges among its members, ASSINSEL organizes annual congresses, where the major issues of the plant breeding community are discussed. ASSINSEL congresses last for four days and bring together plant breeders from all over the world. The congresses are a good opportunity for ASSINSEL members to exchange information, be informed on recent developments, identify mutual concerns and adopt common positions.

ASSINSEL has established a structure of arbitration for the settlement of international disputes.

ASSINSEL will be represented at the meeting by Mr. Juan Carlos Martínez-García or Mr. Patrick Heffer.

Aboriginal and Torres Strait Islander Commission (ATSIC)

The Aboriginal and Torres Strait Islander Commission (ATSIC) is the peak body representing Aboriginal and Torres Strait Islander peoples in Australia. ATSIC is an independent statutory authority established by the Commonwealth government under the *Aboriginal and Torres Strait Islander Commission Act 1989 (the ATSIC Act)*.

ATSIC was designed to embody the principle of 'self-determination' for indigenous Australians and to devolve decision making activities in Indigenous affairs to regional and community level. Through ATSIC's representative arm, Aboriginal and Torres Strait Islander people participate in the processes of Government. Elected representatives are able to make decisions about projects, programs and policies that affect their communities. At the national level, ATSIC's elected Commissioners represent the views of Indigenous communities from all parts of Australia. The current elected Chairman is Mr. Geoff Clarke.

ATSIC has status as a Non-Governmental Organisation in category II consultative status (as a nationally representative body) with the Economic and Social Council of the United Nations, as recommended by ECOSOC on 19 June 1995 and approved at its full session in July 1995.

ATSIC has nominated Mr. John Scott to attend this meeting.

Bioresources Development and Conservation Program

Bioresources Development and Conservation Programme (BDCP) is a not-for-profit, non-governmental, knowledge based organization dedicated to creating innovative mechanisms for sustainable development that encompass the interface between health and the environment. BDCP utilizes its independent and non-governmental status to bring innovative management and technical support to grass-roots sustainable development projects. It serves as an intermediary institution forging equitable partnerships between tropical countries and often inaccessible developmental agencies.

Sustainability, capacity building and self-reliance are the underlying tenets in all BDCP projects. The programme adopts a bottom-up approach in its efforts to enable rural dwellers to derive maximum benefits from their environmental resources and their labor. Our biodiversity trust fund has demonstrated a unique approach to benefit sharing, and has been adopted as a model by the CBD Secretariat (see COP-3).

BDCP has several offices and project sites in Africa. Major facilities include, administrative offices in Lagos, Nigeria and the International Centre for Ethnomedicine and Drug Discovery (InterCEDD), BDCP's flagship laboratory in Nsukka, Nigeria. Other locations of operation include, Cameroon, Guinea, and Kenya. In addition, BDCP has an established international office in Silver Spring, Maryland, USA.

The meeting will be attended by Anthony J. Onugu, Associate Director (Sustainable Development).

COICA (Coordinadora Indígena de la Cuenca Amazónica -  
Indigenous Coordinating Agency for the Amazon Basin)

COICA is an international indigenous organization without gainful intent, founded in Lima (Peru) on March 26, 1984. Since November 1992 it has had its headquarters Quito (Ecuador), and its legal status is recognized by the Ecuadorian Government by virtue of Ministerial Agreement No. 12555 of August 24, 1995, issued by the Ministry of Social Welfare. COICA coordinates its activities with national and or regional indigenous organizations of the nine countries of the Amazon Basin. It could be said that the organizational work of COICA directly and indirectly covers a population estimated at more than a million, belonging to 400 different peoples.

Statutory objectives:

1. To promote, develop and activate the necessary machinery for interaction between indigenous peoples and organizations members of COICA.
2. To defend territorial claims, the self-determination of indigenous peoples and respect for the human rights of their members and also for their other rights and interests.
3. To coordinate the various kinds of action within the Amazon Basin with member organizations in dealings with the various intergovernmental agencies and governmental organizations operating at the international level.
4. To strengthen unity and mutual collaboration in all indigenous peoples.
5. To promote the renewed self-respect of its members and their cultural aspirations and overall independent development.

Institutional organization:

The Congress of COICA is the supreme legislative body of the Organization. It meets in ordinary session every four years, and ten representatives for each affiliated indigenous organization take part in the meeting.

The Coordination Council or CCC is the alternate body of the Congress and is composed of the president of each and every member organization or his delegate.

The Council of Coordination Management or CDC is the executive decision-making body of the Organization and is composed of the Coordinator General and the Coordinators of the five areas of management: Territorial Defense, Environment and Natural Resources, Economy and Autonomous Development, Human, Political and Social Rights and Education, Science and Culture.

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The legal and extrajudicial representative of the organization is the Coordinator General, who in addition has the power to enter into any kind of convention, agreement or contract, and to acquire, transfer and mortgage property in dealings with any natural person or legal entity, whether private or public, national or international.

National and/or regional indigenous organizations of the nine Amazonian countries form part of COICA. Those member organizations are the following:

- Confederation of indigenous nationalities of the Equatorial Amazon (Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana, or CONFENIAE);
- Interethnic Association for the Development of the Peruvian Forest (Asociación Interétnica de Desarrollo de la Selva Peruana or AIDSESP);
- Confederation of Indigenous Peoples of Bolivia (Confederación de Pueblos Indígenas de Bolivia or CIPOB);
- Coordinating Agency of Indigenous Organizations of Brazilian Amazonia (Coordinadora de las Organizaciones Indígenas de la Amazonía Brasileña or COIAB);
- Organization of Indigenous Peoples in Suriname (Organización de Indígenas en Surinam or OIS);
- Association of Amerindian Peoples of Guyana (Asociación de Pueblos Amerindios de Guyana or APA);
- National Indian Council of Venezuela (Consejo Nacional Indio de Venezuela or CONIVE);
- Organization of Indigenous Peoples of Colombian Amazonia (Organización de Pueblos Indígenas de Amazonía Colombiana or OPIAC);
- Federation of Amerindian Organizations of French Guyana (Federación de Organizaciones Amerindias de Guyana Francesa or FOAG).

The central headquarters of COICA continues to be in Quito (Ecuador), where the Coordinator General conducts the activities of the Organization. The Vice-Coordinator and Area Coordinators operate in their countries of origin.

Centre for Documentation, Research and Information of Indigenous Peoples – doCip

Objectives: to support indigenous peoples in the defense of their rights, especially in dealings with international agencies headquartered in Geneva, and among other things to collect the necessary documentation for the purpose.

Headquarters and center of activity: Geneva, Switzerland

Geographical coverage: indigenous peoples throughout the world.

Brief description:

DoCip is one of the results of the International Conference on Discrimination Against Indigenous Peoples of the Americas, which was held at the Palais des Nations in Geneva in 1977. DoCip:

- provides technical support for the work of indigenous delegations in the promotion of their human rights; to that end among others it organizes technical secretariats (five-language translation and interpretation services, transcription of text matter, contacts, etc.) at the Palais des Nations for the benefit of indigenous delegations;
- provides indigenous peoples with regular information on international events that have a bearing on their rights; doCip does that by publishing an “Update” in English, French, Russian and Spanish, which is sent free of charge to almost 2,000 indigenous organizations throughout the world;
- assembles and classifies documentation concerning the rights of indigenous peoples at the international level, and makes it available to the public; in particular, doCip has in its possession all the interventions made in connection with the Working Group on Indigenous Peoples between 1982 and 2000, the Working Group on the Draft Declaration (1995-2000), the Working Group on the Permanent Forum (1999, 2000) and the Human Rights Commission on Indigenous Affairs;
- manages unique archives, as the Office of the High Commissioner for Human Rights does not have the means necessary for carrying out documentary work of that nature; consequently, UNHCHR passes on to doCip all requests for documentation that are sent to it;
- has thus become the main reference center for indigenous organizations, communities and delegations in connection with matters concerning the promotion and defense of their rights at the international level; it confines itself to strictly technical, informatory and documentary tasks, however, DoCip has collaborated with WIPO on a number of occasions by disseminating material produced by the latter on the intellectual property of indigenous peoples.

Friends World Committee for Consultation  
(represented by Quaker United Nations Office, Geneva)

The Friends World Committee for Consultation was established in 1937 as consultative, non-profit organisation as the only international body representing the Society of Friends (Quakers) worldwide. It has Category II Consultative Status with the United Nations Economic and Social Council. It supervises the work of the Quaker United Nations Offices at the United Nations in New York and Geneva. Representative staff is responsible for programmes related to work of the United Nations and other international organisations.

The Quaker United Nations Office in Geneva (QUNO) was established in 1947. Its activities are based on Quaker economic, social and humanitarian concerns of Quakers as discerned by the Friends World Committee for Consultation and its members. Its three core programmes are disarmament, human rights, and trade and development.

For the past two years, QUNO work on international trade has focussed primarily on Article 27.3(b) of the World Trade Organisation's Trade Related Intellectual Property Rights Agreement. In 1999 it published a discussion paper entitled *Trade, Intellectual Property, Food and Biodiversity*. This served as a basic document for a series of seminars for developing country delegations to the WTO to discuss concerns regarding the review of Article 27.3(b). These seminars aimed at building the capacity of developing countries to understand scientific, legal and definitional issues in the Article.

Beginning in late 2000, QUNO expanded the scope of its work on TRIPS to include developed country interests and concerns in order to build a better mutual understanding of different perspectives on TRIPS, especially its relatedness to the Convention on Biological Diversity and the FAO International Undertaking on Plant Genetic Resources for Food and Agriculture. In addition, three new discussion papers will be published on, respectively, sui generis legislation on plant variety protection, TRIPS and traditional indigenous knowledge, and TRIPS and food and biotechnology.

1. Contact details:

<u>Friends World Committee for Consultation</u>	<u>Quaker United Nations Office, Geneva</u>
4 Byng Place, London WC1E 7JH	13 Ave. du Mervelet
United Kingdom	1209 Geneva
Tel: 00 44 207 388 0497	0042 22 748 4800
Ms. Elizabeth Duke, General Secretary	Mr. Brewster Grace, Director

2. Names of countries in which Quakers are primarily active:

There are formal groups of Quakers in 37 countries. Countries of primary importance to our work are: United Kingdom, Sweden, Norway, Netherlands, Switzerland, Canada, United States of America, Guatemala, Honduras, Peru, Bolivia, Kenya, Uganda, Burundi, South Africa, India, Australia, New Zealand, and Japan.



GRAIN (Genetic Resources Action International)

Genetic Resources Action International (GRAIN) is an international non-governmental organization (NGO) which has as its main objectives to stop the erosion of genetic diversity in agriculture and strengthen community control over agrobiological resources and associated knowledge important for local livelihoods, particularly in developing countries. To reach these objectives, GRAIN concentrates its efforts on policy research, public education, capacity-building and networking.

GRAIN was established in 1990 and is registered in Spain as an international non-profit foundation. It currently has three offices (Barcelona (Spain), Los Baños (Philippines) and Montevideo (Uruguay)) from where we operate both at the international level and within the following regions: Africa, Asia, Europe and Latin America. A wholly autonomous organization, GRAIN is financed by grants from NGOs, governments and intergovernmental organizations. More information about, and publications from, GRAIN are available on our website: <http://www.grain.org>

GRAIN has long been involved in intergovernmental policy discussions concerning genetic resources and related knowledge at the international level, particularly through the following fora: UN Food and Agriculture Organization (Commission on Plant Genetic Resources for Food and Agriculture), Convention on Biological Diversity, World Trade Organization, and the UN Conference on Trade and Development. It is with this background, experience, and overriding concern for both food security and sustainable development that we wish to observe the first meeting of WIPO's Intergovernmental Committee.

GRAIN would be represented by Ms. Renée Vellvé, Coordinator, Los Baños Office.

Institute for African Development (INADEV)

The Institute for African Development (INADEV) is organized as a publicly supported non-profit corporation in the United States. It is also registered under the laws of Ghana and is represented in several other countries in Sub-Saharan Africa. Founded to assist in meeting the human capacity building needs of African communities, it provides practical training, workshops and technical assistance on many aspects of African legal, social and economic policy and practice.

INADEV's Center for Indigenous Knowledge Systems is committed to measures for the protection of folklore and traditional knowledge. The Center is staffed by experienced personnel who have published leading articles on the subject. Currently, the Center is conducting research on aspects of folklore and traditional knowledge in Cameroon, Ghana, Nigeria, Uganda, Senegal and Zambia.

INADEV's programs on traditional knowledge are premised on the importance of traditional knowledge as the basis for problem-solving strategies for local communities, and therefore, as a critical resource in the development process. The programs emphasize learning from traditional knowledge by investigating what local communities know and have as a useful method of providing a productive context for activities designed to help the communities. This use of traditional knowledge is enhanced significantly if such knowledge is ascertained, exchanged and integrated in the development process. To this end, INADEV has actively supported the dissemination of information through the compilation of a database and publication of traditional knowledge practices. It advocates a regional approach to the protection of traditional knowledge from unauthorized commercial exploitation. (See for example, *Protecting Folklore Under Modern Intellectual Property Regimes: A Reappraisal of Tensions Between Individual and Communal Rights in Africa and the United States*, 48 American University Law Review 769-849 (1999)).

INADEV is also involved in a number of conflict prevention programs in Africa. For example, its Center for Governance and Peacebuilding has been actively engaged in efforts to find lasting solutions to conflicts in Africa, especially in Liberia, Sierra Leone and Guinea. In collaboration with the West Africa Network for Peacebuilding (WANEP), it has developed a Rule of Law Initiative for West Africa and is in the process of designing a similar project for Central Africa. Important elements in INADEV's programs include training seminars to increase the capability of practitioners in conflict resolution; research to identify the social, economic and cultural indicators of conflict for the purpose of developing an effective warning system for future conflict prevention; promotion of traditional values and practices of peacebuilding through research and publication; and provision of technical assistance and training to enhance the capacity of the legal system to resolve disputes fairly and expeditiously and uphold respect for human rights.

The organization is primarily active in Ghana, Liberia, Sierra Leone, Uganda and the United States of America.

The Institute advises that its representative at the meeting will be Professor Paul Kuruk, Executive Director of the Institute.

### The International Work Group for Indigenous Affairs (IWGIA)

IWGIA is an independent international membership organization staffed by specialists and advisers on indigenous affairs. IWGIA's core is an active membership base.

IWGIA cooperates with indigenous peoples all over the world and supports their struggle for human rights and self-government, the right to control of land and resources, their cultural integrity, and their right to development.

The aim of IWGIA is to defend and endorse the rights of indigenous peoples in concurrence with their own efforts and desires.

Since 1989 IWGIA holds consultative status with the United Nations Economic and Social Council (ECOSOC).

IWGIA works at local, regional and international level to further the understanding and knowledge of, and the involvement in, the cause of indigenous peoples. Through publications, human rights work, network conferences campaigns and projects, IWGIA supports indigenous peoples in their struggle to improve general life conditions, to better relationships with nation states of which they are part, and to influence the global economic and political forces that affect their lives.

The basis for IWGIA's activities is an integrated approach, which aims to combine the different key activities. Key activities are documentation and publication, human rights work, political lobbying and development projects.

Documentation about indigenous affairs is an essential part of IWGIA's work. The documentation, which is based on research carried out by persons from IWGIA's network, is published as books and articles. IWGIA publishes books, periodicals and a yearbook about indigenous peoples.

#### The Organization

IWGIA is an international membership organization whose core consists of an active membership base. The IWGIA members are concerned researchers, activists, students and others with an interest in indigenous issues.

The Board consists of seven members and it is the highest governing body of the organization.

The International Secretariat is the executive body of the organization and is based in Copenhagen, Denmark.

Contact person: Mr. Jens Dahl, Director

#### Funding

IWGIA is funded by the Nordic governments and the European Union.

Mejlis of Crimean Tatar People

The following information was extracted from a letter received by WIPO on March 30, 2001, from the Department on Political and Legal Issues of the Mejlis Crimean Tatar People:

“Mejlis ... is the traditional institution of the Crimean Tatar People. ...

There are 7 departments in Mejlis:

- On Political and Legal issues;
- Information;
- Culture;
- Education;
- Social;
- Economic;
- Co-ordination with NGOs;
- Secretariat.

...

The members of Mejlis work without salary. Small staff (secretaries, drivers, etc.) are paid by other charity NGO named ‘Crimea Foundation.’

... Main purposes of Mejlis are:

- ....
- the restoration of national and political rights of Crimean Tatar People;
- the realisation of the measures for the repatriation and re-establishment of Crimean Tatars on their historical Motherland in Crimea;
- the activity for the compensation of the material and non-material damage caused with the deportation;
- the revival of the language, culture, religion, the system of national education and traditions of Crimean Tatars;
- the development of the economy of Crimea in order to implement the social and economic programmes, ensuring of social and health security of Crimean Tatar People;
- protection of the environment and preservation of the historical landscapes of Crimea.

... In 1998, the Chairman of Mejlis of Crimean Tatar People Mr. Mustafa Dzhemilev had won the Fritiof Nansen Award of UNHCR for the activity for the re-establishment of the rights of the formerly deported peoples.

... Mejlis of Crimean Tatar People has its representatives in:

- Russia
- Uzbekistan
- Tajikistan
- Germany
- Turkey
- France
- Belgium. ...”

Promotion of Traditional Medicines (PROMETRA)

PROMETRA (Promotion of Traditional Medicines) is an international non-governmental organization recognized by the Government of Senegal since 1996. Our main objectives are the following:

- To organize healers throughout Africa so that they can play their part to the full;
- To contribute to an accommodation between the two forms of medicine;
- To campaign for the ownership of traditional knowledge and lore;
- To create structures for the processing of medicinal plants and the manufacture of drugs or health equipment;
- To promote the exchange of experience in the field of traditional medicine with a view to rehabilitating cultural values;
- To contribute to African integration through culture.

The headquarters of PROMETRA is in Dakar, Cité des Chercheurs, Villa EVA No. 93, Bel-Air. The postal address is P.O. Box 6134 Dakar-Etoile, Senegal.

PROMETRA is represented in several African countries, namely Benin, Cameroon, South Africa, Uganda and Gabon. It also engages in close collaboration with a great many traditional medicine organizations in more than 30 African countries. In the United States of America PROMETRA has a presence in Atlanta, Georgia.

In addition to the above countries, PROMETRA works with world-renowned associations, organizations or agencies represented on every continent. The most important are the Ford Foundation, the Fetzer Institute and the WorldSpace Foundation.

PROMETRA will be represented by Dr. Erick V.A. Gbodossou, Chairman of PROMETRA INTERNATIONAL, and by Miss Fatou Aminata Lo, PROMETRA's Legal Adviser.

Russian Association of Indigenous Peoples of the North (RAIPON)

RAIPON was established in 1990 at the First Congress of Indigenous Peoples of Russian Federation. The Association is aimed at the protection of human rights and legal interests of the indigenous peoples of the North, Siberia and Far East of Russia, solution of social and economic problems, environmental and health issues, cultural development and education. It is working to ensure rights for land use and resources, as well as for self-government according to the international legal standards.

Russian Association of the Indigenous Peoples of the North is actively participating in the development and implementation of the Federal State Programme on Economic and Cultural Development of Indigenous Peoples. In cooperation with Parliament (State Duma) and the Government of the Russian Federation, RAIPON is working on legislation of the indigenous peoples' living conditions and economy.

The Association comprises more than 200,000 indigenous individual members, organized into 34 regional association chapters. Being the only umbrella organization representing 34 indigenous peoples of the North, Siberia and Far East of the Russian Federation, RAIPON believes it is important to have an opportunity to be an effective part of the decision-making process, which in the end will affect the lives and situations of not only indigenous peoples but the entire society of Russia as well.

RAIPON is a permanent participant at the Arctic Council, established by the Arctic countries. Experts of the Association are participating in the permanent working groups of the Arctic Council on biodiversity conservation and protection from ecological disasters. RAIPON regularly takes part in sessions of the UN related to Indigenous issues. It is going to have a consultative status under the ECOSOC this year. RAIPON became a laureate of UNEP Global 500 Award in 1999.

Presently, RAIPON is implementing a joint project with the Inuit Circumpolar Conference (ICC-Canada) on development of self-government of indigenous peoples and economic development; in cooperation with a Danish NGO a project on assistance to initiatives of the indigenous peoples of Russia in the field of environment, economy and education. RAIPON is involved in different international projects related to indigenous and environmental issues as a partner.

Mr. Pavel Sulyandziga, Vice-President of RAIPON, will represent our organization at the first session of the Committee.

Tebtebba Foundation

Indigenous Peoples' International Centre for Policy Research and Education

Tebtebba Foundation, the Indigenous' Peoples' International Centre for Policy Research and Education, was established in 1996. Tebtebba, "discourse" from the Philippine indigenous *Kankanaey* dialect, is firmly committed to the recognition, protection and promotion of indigenous peoples' rights worldwide.

Tebtebba's main thrust is to help build the capacity of indigenous peoples to assert their rights and articulate their own analyses and perspectives on issues directly affecting them.

To support its advocacy work, Tebtebba conducts researches on issues and policies that directly impact on indigenous peoples.

Its advocacy work is aimed at influencing United Nations processes as they affect indigenous peoples rights; monitoring the World Trade Organization, the multilateral financial institutions like the World Bank and the International Monetary Fund, the UN Convention on Biological Diversity (CBD) and other multilateral bodies.

Part of its capacity-building program includes holding training and workshops for indigenous leaders and providing consultancy services for indigenous peoples' organizations and movements.

In order for indigenous peoples to be informed of developments that affect them and for indigenous peoples views and perspectives to be popularized, Tebtebba comes up with several regular and special publications.

Ms. Joji Cariño, European Liaison Officer, will represent Tebtebba at the forthcoming meeting.

Saami Council

Saami Council is a non-governmental organization representing Saami people in four countries. Saami Council was established in 1956 and in general its purposes are:

- to promote the interests of the Saami as a nation
- to consolidate the feeling of affinity among the Saami people
- to attain recognition for the Saami as a nation and to maintain the economic, social and cultural rights of the Saami in the legislation of the four states, Norway, Sweden, Russia and Finland. This objective can be achieved through agreements between these states and the bodies representing the Saami people, the Saami Parliaments.

Saami Council renders opinions and makes proposals on questions concerning Saami people's rights, language and culture and especially on issues concerning Saami in four different countries. These issues include inter alia: draft decrees, environmental issues etc. Saami Council is involved in international works. Participation in international processes is a necessity for indigenous peoples and has brought substantial results: Saami Council has attained NGO-status at the UN ECOSOC and ILO. Also work with and through direct contacts with other indigenous organizations and other NGOs give a better chance to reach common goals.

Saami Council has participated in UN works since the 1980's and has contributed e.g. to the revision of the ILO Convention no 169, the UN Working Group on Issues Concerning Indigenous Peoples.

Saami Council also is an active partner in the works of the Arctic Council (established 1996), which is a collaborative body of the eight Arctic states. Saami Council has, together with six other Arctic indigenous organizations, obtained and hold Permanent Participant status in the Arctic Council.

Saami Council has appointed Mr. Mattias Åhren as the representative of the Saami Council at the first session of the WIPO Intergovernmental Committee.



World Federation for Culture Collection (WFCC)

WFCC is a Federation within the International Union of Microbiological Societies (IUMS). WFCC federates more than 500 members in 60 countries. It includes private and public, national and industrial collections of bacteria, fungi, plant and animal cell lines as well as genetic material (genome, plasmids, DNA banks).

WFCC has the mission to facilitate the operations of culture collections and to ensure their long-term perpetuation. The WFCC is concerned with the collection, authentication, maintenance and distribution of microbial genetic resources. Its objectives are to promote and support the establishment of culture collections and related services, to provide liaison between the collections and their users through networking, organisation of workshops and conferences, publications and newsletters.

The Federation has an Executive Board and works through 7 committees, under which the Patent and Industrial Property Committee. The objectives of this committee are to provide WFCC members with comprehensive guidelines to quote their Intellectual Property Rights (IPR) matters in daily operations, to inform WFCC members about relevant IPR rules and to suggest a coherent implementation of relevant international, regional and national rules in IPR matters.

In this view, WFCC has already issued documents and organized meetings related to the intellectual property rights applied to microbial genetic resources. WFCC is also very concerned to facilitate access to microbial genetic resources as it is a prerequisite for research and development in microbiology and biotechnology. The Patent and Industrial Property Committee (see <http://wdcn.nig.ac.jp/wfcc/patent2.html> and document in annex) has designed its work program for the next 4 years. This program includes the follow-up of WIPO activities and the integration of the WIPO outputs into the WFCC IPR policy. It looks also for a coherent approach of the TRIPs Agreement and the Convention of Biological Diversity (CBD), to implement the principles and rules of both international agreements through one coherent set of technical procedures. Activities of WFCC and WFCC members related to access to microbial genetic resources and related to IPR applied to microbial genetic resources includes:

- The WFCC workshop on the economic value of microbial genetic resources (Halifax, August 1998);
- The MOSAICC project. MOSAICC stands for “Micro-organisms Sustainable use and Access Regulation International Code of Conduct.” MOSAICC aims at the coherent implementation of the Convention on Biological Diversity, the TRIPs Agreement and the Budapest Treaty at the microbial level, in accordance with relevant rules of international and national laws. It promotes the use of IPR as benefit-sharing mechanism, (see <http://www.belspo.be/bccm/mosaicc>);

- The Workshop on intellectual property rights related to microbial genetic resources (Brisbane, 28 July 200) included in the program of the Ninth International Congress for Culture Collections (ICCC –9). This workshop was jointly prepared and presented by members of WIPO, WFCC Patent and Industrial Property Committee and BCCM (Belgian Coordinated Collection of Microorganisms), (see <http://wdcm.nig.ac.jp/wfcc/ICCC9/p-program.html>).

Mr. Philippe Desmeth, Chairman of WFCC Patent and Industrial Property Committee, will represent WFCC.

Working Group of Indigenous Minorities in Southern Africa (WIMSA)

WIMSA is a San-owned organisation with the following mission:

To assist the San in gaining political recognition at all levels.

To assist the San in gaining better access to resources in the following areas:

Finances

To facilitate the process of obtaining financial assistance from appropriate institutions and to provide advice for the utilisation of such funds.

Human Resources acquisition

To assist in achieving a high standard of education and relevant training, thereby building the capacity in its member organisations.

Natural Resources access

To assist in the securing of access to natural resources, such as land and water, and to advise on their proper utilisation and management.

To raise human rights awareness amongst the San communities and to provide legal assistance where requested.

To support the San communities in becoming self-sustainable by participating in appropriate development.

To network and serve as a resource information centre for San organisations, indigenous people's organisations and other support organisations at local, national, regional and international level.

To support the San in regaining their identity and pride in their cultures, thereby improving their self-esteem.

To form a Regional San Council that will be fully representative of the San in southern Africa.

To support the San communities in fighting for recognition of their own traditional leadership structures.

To raise and manage funds for the purpose of carrying out WIMSA's objectives as set out in this statement and the WIMSA constitution.

To remain committed to democratic principles, both in WIMSA's members and within its own structures.

Mr. Roger Chennells, Human Rights Lawyer, would represent WIMSA at the session

[End of Annex and of Document]