

WIPO IGC 43 – INDIGENOUS CAUCUS DRAFT CLOSING STATEMENT
June 3, 2022

Thank you Madam Chair, I am speaking on-behalf of the Indigenous Caucus,

The indigenous Caucus comes to the Member States with concern and willingness to work through many issues that have been identified throughout the course of this week. Let us remind the Member States of the historical injustice inflicted upon indigenous peoples.

Berta Cáceres. María Bernarda Juajibioy and her granddaughter Kamentsá. Rafael Domicó Carupia. Sandra Liliana Peña. At a minimum, 331 environmental and human rights defenders were killed in 2020 and many thousands have been killed and imprisoned in the last decades. A disproportionate number of these were Indigenous individuals. They died defending lands, waters and territories that harbor significant percentages of the world's biodiversity, which includes genetic resources. The Intergovernmental Platform on Biodiversity and Ecosystem Services estimates that 35% of traditionally owned, managed, used, or occupied lands overlap formally protected areas. Another 35% of the global terrestrial areas with very low human intervention are also occupied by Indigenous Peoples.

The biodiversity hotspots of the world occur on lands that historically were occupied and used sustainably ecologically by Indigenous Peoples in their ancestral lands that have now been reduced by settlers, colonists and nation states into reservation systems.

We live traditional lifestyles and are responsible for developing, maintaining, and conserving the world's biodiversity and genetic resources. We are the stewards of GRS and TKs which are the basis of our crops, as well as plants, animals and other species that contain the genetic resources that industrialized countries now seek for solutions to hunger, climate change, diseases and that generate novel materials, substances, chemicals that these countries find so valuable. Many of these same countries and industries that have been responsible for the rapid global loss of biodiversity are now turning to the lands, territories and waters maintained by Indigenous Peoples to solve problems that have led to the large-scale erosion of biodiversity.

We are grateful that some members of the IGC understand this, and are seeking fair and equitable solutions for the protection of and utilization of Indigenous Peoples genetic resources and associated traditional knowledge. Others seem to have little concern about the sacrifices of Indigenous defenders and contributions to genetic resources and holistic knowledge of their values. They have taken, limited, enclosed, degraded and overwhelmed the lands and genetic resources of Indigenous Peoples, and now seek to create international legal principles to support taking more without asking or giving anything in return. Having created and maintained the genetic legacy that industries depend upon, they are being told that their demands for rights associated with genetic origins are too costly. They are being told it is illegal and unfair to society to try to claim guardianship over their sacred knowledge which properly belongs in the public domain. This must stop. This is not an abstract intellectual property or patent issue for Indigenous Peoples. It is a matter of the struggle for the integrity and survival of their cultures in a world rapidly changing due to other's actions.

Madame Chair, we reaffirm that we are here to work in good faith and good will with all members who demonstrate a willingness to listen and respond and respect our rights and responsibilities to our peoples, ancestors, and future generations. We are willing to work towards mutual accommodation. We thank those members who have taken the time to listen to us and make effective responses to our concerns. We appreciate your decision to continue to maintain the Chair's text as a balanced and fair way forward. Our confidence in the Consolidated Text was bolstered by the professional and objective work of the Facilitator but is now tarnished by submissions designed to limit our rights and eliminate our voice in this process.

We need to ensure the full and effective participation in any virtual intersessional processes. A virtual expert group on information systems is a priority for us. It needs to be structured in a way that will allow sufficient time for full discussion of the issues, such as perhaps occurring over several days. In addition, we see the need to incorporate a human rights-based approach in light of members that claim principles of intellectual property have supremacy over our own laws and customs and that our traditional knowledge must enrich an international public domain.

A growing number of countries in the world are now implementing Indigenous Peoples rights domestically and willing to implement the international minimum legal standards embodied in UNDRIP. We call upon France and like-minded countries to have high-level diplomatic meetings or other creative means to resolve the constitutional issue they raised even as they voted in the UNGA to adopt the UNDRIP. We cannot see that it is fair or equitable to forever block the emergence of an international order to implement principles contained in UNDRIP by a handful of countries.

This also illustrates the necessity of having a funding base sufficient to ensure our effective participation. Unlike commercially oriented organizations that undertake narrowly focused economic analyses that fail to incorporate that value of the genetic legacies, our negotiators cannot afford to attend without support. While we appreciate all those who have contributed to the Voluntary Fund, we believe that core budget funding will ensure our continued and effective participation.