

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

**Seventh Session
Geneva, November 1 to 5, 2004**

DECISIONS AND RECOMMENDATIONS OF THE THIRD SESSION
OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES
RELEVANT TO THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

*Letter submitted by the Under-Secretary-General for Economic and Social Affairs,
United Nations*

1. In a letter to the World Intellectual Property Organization (WIPO) dated July 19, 2004, the Under-Secretary-General for Economic and Social Affairs of the United Nations (UN) requested that extracts of the decisions and recommendations issued by the UN Permanent Forum on Indigenous Issues (Permanent Forum) at its Third Session, held from May 10 to 21, 2004, be brought to the attention of WIPO's Member States. Accordingly, the Annex to this document sets out certain decisions and recommendations issued by the Permanent Forum relevant to the UN system as a whole and certain of specific relevance to WIPO. The letter also indicates that the full report of the Third Session of the Permanent Forum is available at www.un.org/esa/socdev/unpfii.

2. In his letter, the Under-Secretary-General noted that the decisions and recommendations issued by the Permanent Forum “provide opportunities for further collaboration between the Permanent Forum and WIPO”. The letter ends with the following paragraph: “The Department of Economic and Social Affairs and its Secretariat of the Permanent Forum on Indigenous Issues look forward to further collaboration with your organization, between and at future sessions of the Forum, as we strive to build a productive relation which will advance the mandated areas of the Forum and the lives of indigenous peoples around the world.”

3. The Committee is invited to note and comment on the contents of this document and, in particular, the decisions and recommendations in the Annex.

[Annex follows]

ANNEX

General Decisions and Recommendations
3rd Session of the United Nations Permanent Forum
on Indigenous Issues
(May 10 to 21, 2004)

1. The Permanent Forum decided that the theme for its Fourth Session in May 2005 shall be:

“Millennium Development Goals and indigenous peoples:

Goal 1 of the Millennium Development Goals: “Eradicate extreme poverty and hunger”, to be addressed under the following thematic approach of combating poverty: good practices and barriers to implementation;

Goal 2 of the Millennium Development Goals: “Achieve universal primary education”, to be addressed under the thematic approaches of language, cultural perspectives and traditional knowledge.”

2. The Permanent Forum also issued the following recommendations:¹

“Indigenous women

5. The Forum encourages United Nations bodies whose activities have an impact on indigenous women (including, but not limited to, the United Nations High Commissioner for Human Rights (UNHCHR), the International Labour Organization (ILO), the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Human Settlement Programme (UN-Habitat), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agricultural Organization of the United Nations (FAO), the United Nations Institute for Training and Research (UNITAR), the regional commissions, the Department of Economic and Social Affairs of the United Nations Secretariat, especially the Division for the Advancement of Women, and the Department of Information of the United Nations Secretariat), to integrate the human rights, including the reproductive health rights, and special concerns and needs of indigenous women into their programs and policies, and to report regularly to the Forum. The reports should contain detailed information on the strategies and policy assessments at the regional and national levels and on the progress made within existing programs directed at and relating to indigenous women, as well as policy assessments and recommendations concerning the issue of indigenous women.

Education

16. The Forum recalls the Millennium Development Goal to “Achieve universal primary education”, especially for indigenous women and girls, as well as the Dakar Framework for Action, “Education for all: meeting our collective commitments”, and reiterates its support, with a focus on indigenous women and girls. In accordance with the

¹ The paragraphs are numbered as they are in the Forum’s full report, available at www.un.org/esa/socdev/unpfii.

provision contained in the relevant international instruments, such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, International Labour Organization Convention 169 and the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education, some Governments have in recent years, taking into account their specific situations, formulated policies and programmes to safeguard indigenous peoples' equal rights to education, and have adopted positive measures to address indigenous education issues. These should be promoted as good practices throughout the United Nations system and broadly to all Member States. Furthermore, to achieve equitable educational outcomes for indigenous peoples, especially indigenous women and girls, Governments should adopt special measures (UNESCO Convention against Discrimination in Education)."

Specific Recommendations Addressed to or Concerning WIPO
3rd Session of the United Nations Permanent Forum
on Indigenous Issues
(May 10 to 21, 2004)

3. The Permanent Forum issued the following recommendations addressed to or of specific relevance to WIPO:

"17. The Forum urges the secretariat of the Convention on Biological Diversity, in conjunction with other relevant United Nations entities, to convene a workshop on the theme "Indigenous women, traditional knowledge and the Convention on Biological Diversity" in collaboration with the Indigenous Women's Biodiversity Network and the Commission of Intellectual Property and Commercialization of the Intercontinental Network of Indigenous Women of the Americas.

"20. Forum recommends that the United Nations system should fully explore the protection, use and promotion of indigenous (including traditional) knowledge and ensure synergies across the relevant bodies currently investigating the issues (specifically WIPO, UNESCO, UNCTAD, WHO, UNHCHR and others) and furthermore should invite the Forum to participate.

"36. The Forum encourages WIPO and its Member States to take practical steps to ensure that the inappropriate and unauthorized documentation and publication of traditional knowledge and traditional cultural expressions/folklore does not occur, and to reinforce the capacity of indigenous peoples and local communities to make informed decisions in their own interests concerning whether and how documentation should be issued, including through the development of practical toolkits and guides which should have this as their aim.

"37. Recognizing the important partnership of the WIPO and the Forum, the Forum makes the following recommendations to further this working relationship:

(a) the Forum strongly encourages representatives of indigenous peoples and local communities to participate actively in the work of WIPO in relation to genetic resources, traditional knowledge and traditional cultural expressions/folklore, in particular through the submission of comments, case-studies and position papers, including on the new WIPO web page established for this purpose;

(b) the Forum calls upon WIPO and Member States, funds, foundations and other donors to provide funding to facilitate the participation of indigenous peoples, local communities and the Forum in sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and in related consultations, caucuses, briefings and workshops;

(c) the Forum recommends that, under the auspices of the Permanent Forum and in partnership with the CBD and the OHCHR, WIPO develop, in close consultation with indigenous peoples and local communities, the Forum and other organizations and stakeholders, as appropriate, guidelines, ethical codes of conduct, ‘best practices’ and practical guides relating to intellectual property issues and the access to and use of traditional cultural expressions and knowledge by, amongst others, commercial users, ethnologists, folklorists and anthropologists, and, museums and archives;

(d) the Forum confirms its readiness and willingness to provide expert input to the work of WIPO on intellectual property, traditional knowledge and folklore, such as its work on studying how customary and indigenous laws and protocols could be recognized and applied within national, regional and international systems for the protection of traditional knowledge and cultural expressions.

“38. The Forum recommends that the Secretariat of the Convention on Biological Diversity, the Office of the UNHCHR, UNESCO, WIPO, WTO and other relevant United Nations system organizations, under the auspices of the Forum, establish guidelines, ethical codes of conduct, best practices and practical guidelines relating to indigenous peoples, cultural heritage and the access to and use of traditional cultural expressions and knowledge, in close cooperation with indigenous peoples.

“85. The Forum recommends that the CBD and other relevant United Nations bodies such as UNEP, the Global Environmental Facility (GEF), UNDP, the United Nations Framework Convention of Climate Change (UNFCCC), the World Bank, WIPO, the United Nations Convention to Combat Desertification (UNCCD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Ramsar Convention on Wetlands, support indigenous peoples’ organizations in order to develop capacity on research, work and proposals on human indicators applicable to the implementation of the environmental conventions and the plans and programmes of work of the CBD.”

[End of Annex and of document]