



Statement by H.E. Archbishop Ivan Jurkovič, Permanent Representative of the Holy See
to the United Nations and Other International Organizations in Geneva
at the 59th Series of Meetings of the WIPO Assemblies, Agenda Item 20:
*Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources,
Traditional Knowledge and Folklore (IGC)*
Geneva, 4 October 2019

Mr. Chairman,

The Delegation of the Holy See would like to thank the Chair of the IGC, Mr. Ian Goss, for his continued dedication and efforts to furthering the work of this important Committee. We would also like to thank the Vice-Chairs, the Friend of the Chair, and the facilitators for their important contributions, as well as the Secretariat for preparing the documents and organizing the sessions of the IGC.

During the last biennium, the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC) made a considerable effort towards the development of an international legal instrument and during the preceding session it elaborated a recommendation to the General Assembly regarding the renewal of the IGC's mandate, which should be adopted so that we may continue that important work.

The Holy See remains engaged in the activity of this Committee and would like to emphasize a few elements. Intellectual manifestations of tradition or folklore deserve a particular attention, first because they constitute a means of constructing and projecting the identity of the members of the community concerned and, second, because they are a common asset of that same community.

Many biological resources bearing great economic and social importance are located in territories inhabited since time immemorial by native communities within the jurisdiction of countries different than those where industrial development of genetic material takes place and patents are obtained. Native populations' rights over their biological environment should be protected, even where modern systems of property

protection do not foresee their recognition and protection to a sufficient extent.¹ Respect for the rights of traditional communities in regard to IP protection of genetic resources requires a perspective that considers traditional knowledge as a common asset of that same community, which has grown with small, anonymous contributions over a great many generations.

The complexity and length of the negotiations combined with the discretionary and irregular nature of voluntary contributions has made it difficult for potential donors to maintain an adequate level of financial resources in the Voluntary Fund. The Holy See notes with concern that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities is once again practically depleted, despite a contribution by Canada in 2019. My Delegation hopes that the fund will be replenished in due time in order to ensure the participation of indigenous and local communities in the work of the IGC.

Mr. Chairman,

The crucial role played by indigenous communities in relationship with their ancestral lands calls for a different model of development which takes into consideration the connection between the human person and the environment, a model which finds important elements in many indigenous customs and values. An eventual international legal instrument should guarantee the achievement of equitable economic participation of native populations in the benefits coming from the commercial exploitation of biological resources and the promotion of effective means of ensuring respect for the collective ownership of traditional knowledge. The ethical challenge is that of reconciling the various rights and interests at stake in such a way that the legitimate economic interest does not compromise higher values such as the social function of inventions and knowledge and the rights of the peoples from which the knowledge and resources originate.

The Holy See supports a unified approach of law that is structured on fundamental human rights. According to that conception, the correct determination of the scope of ownership rights has to be made in relation to another, higher principle of justice, which is the universal destination of the goods of Creation.

Thank you, Mr. Chairman,

¹ United Nations, Programme of Action for the Least Developed Countries for the Decade 2011-2020, § 4, Fourth United Nations Conference on the Least Developed Countries, Istanbul, 9–13 May 2011. A/CONF.219/3. Available at <http://ldc4istanbul.org/uploads/IPoA.pdf>