

Program and Budget Committee

Twenty-Second Session
Geneva, September 1 to 5, 2014

PARTICIPATION OF REPRESENTATIVES OF ACCREDITED INDIGENOUS AND LOCAL COMMUNITIES IN THE WORK OF THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC): PROPOSAL FOR SUBSIDIARY FUNDING FROM THE REGULAR BUDGET OF WIPO

1. The Delegations of Australia, Finland, Holy See, New Zealand and Switzerland have submitted the attached proposal, with the request that it be issued as an official document of the twenty-second session of the Program and Budget Committee (PBC).

[Proposal by the Delegations of
Australia, Finland, Holy See,
New Zealand and Switzerland follows]

[ORIGINAL: ENGLISH]

PARTICIPATION OF REPRESENTATIVES OF ACCREDITED INDIGENOUS AND LOCAL COMMUNITIES IN THE WORK OF THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC): PROPOSAL FOR SUBSIDIARY FUNDING FROM THE REGULAR BUDGET OF WIPO

1. Since its creation in 2005, the WIPO Voluntary Fund for Accredited Indigenous and Local Communities (“the Voluntary Fund”)¹ has benefited from a range of contributions from (in chronological order) the Swedish International Biodiversity Programme (SwedBio/CBM), France, the Christensen Fund, Switzerland (the Swiss Federal Institute of Intellectual Property), South Africa, Norway, anonymous donor, Australia (2) and New Zealand. The contributions enabled the Voluntary Fund to finance the participation of representatives of accredited indigenous and local communities up to the Twenty-Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
2. As indicated in document WIPO/GRTKF/IC/28/3 paragraph 1, the amount available in the account of the Voluntary Fund was 803.20 Swiss francs on May 28, 2014, and remains unchanged at the current date, save for slight adjustments due to banking fees and interest, notwithstanding repeated appeals by the WIPO Director General and the Chair of the IGC for Member States to contribute funding. Unless the Voluntary Fund is complemented by additional voluntary contributions in the near future, the Voluntary Fund will continue to be unable to finance the participation in the IGC of representatives of accredited indigenous and local communities that might be selected by the Advisory Board of the Voluntary Fund. This situation is unfortunate due to the important contribution that representatives of indigenous and local communities have made to the IGC negotiations. Their active participation has informed and enriched the work of the Committee and increased the transparency and credibility of the IGC process.
3. 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 and to sustain the Voluntary Fund at a consistent level.
4. Based on the current financial situation of the Voluntary Fund and due to the importance of facilitating the continued participation of representatives of indigenous and local communities in the negotiations so as to contribute to the results framework of Program 4 (*Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources*) of the approved Program and Budget for the 2014/15 biennium² and to maintain the credibility and relevance of the IGC process, the Delegations of Australia, Finland, Holy See, New Zealand and Switzerland propose, for the consideration of the Program and Budget Committee, to recommend to the Assemblies of the Member States of WIPO in September 2014 that the approved Program and Budget for the 2014/15 biennium, as governed by the WIPO Financial Regulations and Rules, should accommodate, within existing resources, expenses related to the participation of representatives of accredited indigenous and local communities in the work of the IGC in 2015

¹ See the Rules of the Voluntary Fund, as approved by the WIPO General Assembly at its 32nd session and subsequently amended by WIPO General Assembly at its 39th session (documents WO/GA/32/6 and WO/GA/39/11); <http://www.wipo.int/tk/en/igc/participation.html>.

² WIPO Publication No. 360E/PB14/15.

up to a maximum amount of 60'000 Swiss francs. The allocation would be drawn from Program 4, without an increase in the existing budget and, where possible, from identified cost savings or efficiencies.

5. Due to the subsidiary nature of the funding from the regular budget of WIPO, the above-mentioned amount will be used by the Director General to finance the participation of representatives of accredited indigenous and local communities, under the following conditions:

- (a) only in situations where the resources in the Voluntary Fund are unable to finance the participation of any recommended applicant in a particular session of the IGC at least 30 days before such session; and
- (b) only for the purpose of implementing the binding recommendation for funding that the Advisory Board will adopt, in accordance with the Rules of the Voluntary Fund, in view of such session of the IGC.

6. It is understood that the present proposal will not create a precedent since the expenses accommodated within the existing resources of the regular budget will be used exclusively in accordance with the binding recommendations of the Advisory Board of the Voluntary Fund, which was established in relation to the specific nature of the IGC and its mandate and the specific vocation of the Voluntary Fund and its Rules. In order to be selected for funding, representatives of accredited indigenous and local communities have to meet a set of criteria³, as applied by the Advisory Board of the Voluntary Fund, in accordance with the Rules of the Fund.

7. The proposed allocation of funding for the Voluntary Fund would be subject to the reporting requirements for the Program and Budget which would ensure transparency, comprising its explicit inclusion in the Program Performance Report of the Organization, according to the Financial Regulations and Rules. In addition, it is expected that the Director General will advise any use of subsidiary funding from the regular budget in the regular information notes to the IGC required under the Rules of the Voluntary Fund and in accordance with the binding recommendations made by the Advisory Board of the Fund.

8. The following decision paragraph is proposed.

9. The Program and Budget Committee considered the proposal in paragraphs 4 and 5 above and recommended their approval by the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned.

[End of document]

³ See paragraph 5 of the Rules of the Voluntary Fund.