



UN Permanent Forum on Indigenous Issues 24th Session (21 April to 2 May 2025)

Agenda Item 4:

“Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development”

Statement Presented by: Jack Potter, Jr., NCAI Regional Vice-President

Thank you, Madam Chair. I am pleased to present this statement on behalf of the National Congress of American Indians and the Native American Rights Fund.

Your WIPO-related recommendations are having a meaningful impact. In 2023, the Forum called on WIPO to ensure Indigenous Peoples’ participation in a Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge scheduled for May 2024. In response, WIPO approved funding for 14 Indigenous representatives. Last year the Forum again urged WIPO Member States to ensure Indigenous participation in the Diplomatic Conference and to adopt a treaty there to protect Indigenous Peoples’ genetic resources and associated traditional knowledge and medicine. The Conference adopted Rules of Procedure that enabled the WIPO Indigenous Caucus to select representatives to fully and actively engage in the negotiations, and the Diplomatic Conference concluded with the adoption of an historic treaty including provisions directly shaped by Indigenous advocacy.

Key provisions of the Treaty reference the Declaration on the Rights of Indigenous Peoples and require disclosure of use of Indigenous Peoples’ genetic resources and traditional knowledge. Though modest in scope, the Treaty is a significant achievement and a positive step forward in securing legal protections for Indigenous Peoples’ intellectual property rights; rights that, for centuries, have been exploited by pharmaceutical companies and others seeking to profit off Indigenous Peoples’ ingenuity and cultural heritage. However, without broad ratification, the

Treaty will remain only a symbolic gesture. It is critical that WIPO Member States act now to sign and ratify the Treaty and to put its provisions into force.

The remaining negotiations at WIPO on legal protections for traditional knowledge and traditional cultural expressions must also be brought to successful conclusion. The May 2025 WIPO session will negotiate the mandate and work program for the 2026-28 biennium. The new mandate should formalize and strengthen Indigenous Peoples' participation.

We request the Forum to strongly encourage WIPO Member States to (1) sign, ratify, and implement the Treaty on Genetic Resources and Associated Traditional Knowledge as expeditiously as possible; (2) accelerate the ongoing negotiations on legal protections for traditional knowledge and traditional cultural expressions; and (3) formalize and strengthen Indigenous Peoples' participation in these negotiations in the coming biennium.

Thank you, Madam Chair.