

**17th Session of the Expert Mechanism on the Rights of Indigenous Peoples**

**(July 8 to 12, 2024)**

*AGENDA ITEM 5: United Nations Declaration on the Rights of Indigenous Peoples: Interactive dialogue with UNPFII, the Special Rapporteur on the Rights of Indigenous Peoples, and the UN Voluntary Fund for Indigenous Peoples and members of the United Nations Treaty Bodies*

STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

AND THE NATIVE AMERICAN RIGHTS FUND

Thank you, Chair for giving me the floor. I speak on behalf of the Executive Director of the National Congress of American Indians, Larry Wright Jr., and on behalf of the Native American Rights Fund.

In May of this year, Member States of the World Intellectual Property Organization (or WIPO) adopted a groundbreaking treaty concerning intellectual property, genetic resources, and associated traditional knowledge.  This treaty marks a truly historic outcome: WIPO’s first treaty with provisions that include Indigenous Peoples.

The treaty is a significant achievement and a positive step forward in the decades’-long effort within WIPO to secure legal protections for Indigenous Peoples’ intellectual property rights; rights that have for centuries been treated as free for the taking and fair game for pharmaceutical companies and others desiring to profit off Indigenous Peoples’ ingenuity and cultural heritage. Addressing centuries of rampant misappropriation and misuse, the treaty will among other things help to curb instances of biopiracy by pharmaceutical companies who seek to profit from Indigenous Peoples’ traditional medicinal knowledge. Significantly, the treaty references the UN Declaration on the Rights of Indigenous Peoples and acknowledges States’ commitment to achieving the aims of the Declaration. It also includes provisions allowing for Indigenous Peoples’ participation in the treaty’s implementation.

The treaty holds out the promise that Member States in this small but significant way will live up to some of their commitments as reflected in the Declaration. But unless the treaty is ratified widely and put into force by Member States, the treaty will be nothing more than another empty promise that does nothing to stem present and future harms, much less attempt to redress any of the wrongs of the past.

It is critical that WIPO Member States act now to sign and ratify the treaty and to put its provisions into force. Additionally, the remaining negotiations at WIPO on legal protections for Indigenous Peoples’ traditional knowledge and traditional cultural expressions must also be brought to successful conclusion, with the outcome being binding, enforceable legal protections.

Thus, we urgently request that EMRIP recommend to the Human Rights Council that it (1) strongly encourage WIPO Member States to sign, ratify, and fully implement the new treaty on genetic resources and associated traditional knowledge as expeditiously as possible; and (2) call on WIPO Member States to accelerate the ongoing negotiations on legal protections for Indigenous Peoples’ traditional knowledge and traditional cultural expressions and bring them to a successful conclusion, with the outcome being binding, enforceable legal protections.

Thank you.