

Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations

The United Nations Permanent Forum on Indigenous Issues was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; and prepare and disseminate information on indigenous issues.

The Permanent Forum's report of the eighteenth session of 2019 includes several recommendations within its mandated areas, some of which are addressed to UN system agencies, funds and programmes (attached).

The report can be found at: <https://undocs.org/en/E/2019/43>

The Indigenous Peoples and Development Branch/secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other inter-governmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations and other relevant issues, including the system-wide action plan on rights of indigenous peoples/SWAP and the 2030 Development Agenda.

The responses will be compiled into two separate reports for the 2020 session of the Permanent Forum: (a) Update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples; and (b) System Wide Action Plan on the Rights of Indigenous Peoples: Implementation by the United Nations System.

All responses will be placed on the DESA/DISD website on Indigenous Peoples at: <https://www.un.org/development/desa/indigenouspeoples/>

If you have any objections for your response to be made available on our website, please inform our office accordingly.

Please submit your completed questionnaire by **28 November 2019** to:

Indigenous Peoples and Development Branch
Secretariat of the Permanent Forum on Indigenous Issues
Division for Inclusive Social Development
Department of Economic and Social Affairs
United Nations Headquarters
New York, USA 10017
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Questionnaire to UN system

The nineteenth session of the Permanent Forum on Indigenous Issues will be held at United Nations Headquarters from **13 - 24 April 2020**.

Provisional Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the theme: “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”
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, the outcome document of the World Conference on Indigenous Peoples, and the 2030 Agenda on Sustainable Development.
5. Dialogues:
 - a. Dialogue with indigenous peoples;
 - b. Dialogue with Member States;
 - c. Dialogue with the United Nations agencies, funds and programmes;
 - d. Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples;
 - e. Regional dialogues;
 - f. Thematic dialogues.
6. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
7. Provisional agenda for the twentieth session of the Permanent Forum.
8. Adoption of the report of the Permanent Forum on its nineteenth session.

Questionnaire

Note from WIPO: the following answers were provided by the Secretariat of the World Intellectual Property Organization (WIPO) in November 2019 (parts printed in blue). Unless expressly stated, they do not necessarily reflect the views of WIPO Member States, taken as a whole or individually.

Please provide information on the following:

A. Recommendations of the Permanent Forum on Indigenous Issues

With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency, fund and/or programme:¹

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum addressed specifically to your organization.

The Permanent Forum addressed specific recommendations to WIPO at its 18th session (April 22 to May, 3, 2019) as reflected in the Permanent Forum's Report in document E/2019/43-E/C.19/2019/10, paragraphs 9 to 11.

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the Committee) at its 40th Session (June 17 to 21, 2019) adopted the following decisions with reference to the recommendations made in paragraphs 10 and 11 of the UNPFII report:

« Acknowledging the contribution to the Committee's work made by the Indigenous Expert Workshop held in 2013, as reflected in its Report (WIPO/GRTKF/IC/25/INF/9), and with reference to the recommendation made by the United Nations Permanent Forum on Indigenous Issues (UNPFII) at its Eighteenth Session in 2019, the Committee requested the WIPO Secretariat to organize, within existing resources, an Indigenous Expert Workshop during the biennium 2020-2021, following similar arrangements *mutatis mutandis* to those as agreed at the Twentieth Session of the Committee under Agenda Item 8.», and

« Acknowledging the contribution to the Committee's work by the *Technical Review of Key Intellectual Property-related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions* (WIPO/GRTKF/IC/29/INF/10), which was prepared by an indigenous expert, and with reference to the recommendation made by the UNPFII at its Eighteenth Session in 2019, the Committee requested the Secretariat to commission, within existing resources, the updating by an indigenous expert of the *Technical Review* for the Committee's consideration during the biennium 2020-2021»².

¹ See attached document entitled 'Recommendations addressed to the UN Agencies' to facilitate your responses.

² See document WIPO/GRTKF/IC/40/DECISIONS, pp. 2 – 3 available in https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_decisions.pdf

The WIPO Secretariat will follow up on those requests from the Committee during the WIPO biennium 2020-2021.

Insofar paragraph 9 of the report of the 18th session of the Permanent Forum that refers to the negotiations taking place at the Committee, the 2019 WIPO General Assembly that took place from September 30 to October 9, 2019, decided, upon a recommendation made by the Committee at its 40th session, to renew the mandate of the Committee for the 2020-2021 biennium.

In renewing the Committee's mandate, the 2019 WIPO General Assembly « recognized the importance of the participation of indigenous peoples and local communities in the work of the Committee, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities is depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternate funding arrangements»³.

Two pledges of 15000 euros each to the Voluntary Fund were made by the Governments of Finland (which contributed on November 6, 2019) and Germany during the 2019 WIPO General Assembly.

Measures taken in order to ensure the full and effective participation of indigenous participants in the IGC are described in detail in WIPO's answers provided under B6 below.

B. System Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

Executive summary:

Please provide an overview of actions taken to implement the System-Wide Action Plan on the Rights of Indigenous Peoples. This summary will form the basis of the compilation report of UN activities to implement the SWAP and the Declaration. [Word limit: 600]

1. Raising awareness of the UNDRIP

Awareness of the UNDRIP is raised within the negotiations of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (hereafter the IGC). References to the UNDRIP are included in the documentation of the IGC, particularly in the most recent versions of the draft negotiating texts on the protection of traditional knowledge (TK) and traditional cultural expressions (TCEs). Participants in the IGC and indigenous panels organized in the margins of the IGC regularly advocate the UNDRIP as a key reference. References are made as well in WIPO publications relating to the protection of TK and TCEs whenever relevant, as exemplified in WIPO publications *Promote and Protect Your Culture: A Practical Guide to Intellectual*

³ For the full decision of the WIPO General Assembly regarding the renewal of the Committee's mandate, see Document A/59/13, paragraph 44 available in https://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_2020-2021.pdf.

Property for Indigenous Peoples and Local Communities and Documenting Traditional Knowledge – a Toolkit.

2. Supporting the implementation of the UNDRIP

Articles 18, 31 and 41 of the UNDRIP are of particular relevance for WIPO's program of work on the protection of TK and TCEs.

In furtherance of Article 31, WIPO provides training activities and information resources that aim to enable indigenous peoples to make more effective use of intellectual property principles and tools in order to prevent the misappropriation of TK and TCEs by third parties and protect them for their (indigenous peoples') own benefit, if they so wish. On the norm-setting side, the IGC will continue to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), TK and TCEs during the 2020-2021 biennium. Current discussions include the possibility for indigenous peoples to require free, prior and informed consent for access to and use of their TK and TCEs by third parties.

On Articles 18 and 41, robust measures are taken in order to ensure the full and effective participation of indigenous participants in the IGC (see item B6 below).

3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

The empowerment of indigenous peoples as vulnerable peoples (see paragraph 23 of the 2030 Agenda) and their access to life-long learning opportunities that help them acquire the knowledge and skills needed to exploit opportunities and to participate fully in society (paragraph 25), are commitments made by the United Nations Member States vis-à-vis indigenous peoples within the Sustainable Development Goals (SDGs) framework.

WIPO's training activities and information resources addressing indigenous peoples' needs for protection contribute towards the fulfillment of those commitments as well as SDGs 2, 3, 4, 9, 14 and 15.

4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

A majority of the WIPO training materials that address the protection of TK and TCEs are done in furtherance of Article 31 of the UNDRIP. They are all available on the WIPO website.

Program 4 of the WIPO Program and Budget 2018/2019 and 2020/2021 provides information regarding the resources allocated by WIPO for its work in relation to TK, TCEs and GRs during the current and next biennia.

5. Developing the capacities of States, indigenous peoples, civil society and UN personnel

WIPO's relevant activities include workshops, distance learning courses and training, involving Member States' officials, civil society and indigenous peoples separately or jointly, as well as the dissemination of publications.

In 2019, representatives of indigenous peoples and local communities (IPLCs) were invited to participate in several multi-stakeholders practical workshops, with particular emphasis this year and next year on capacity-building in support of entrepreneurship among women from indigenous peoples and local communities.

Two indigenous persons were granted a scholarship to participate in a 2019 WIPO Summer School on Intellectual Property. The WIPO Indigenous Fellowship Program has continued in 2019.

6. Advancing the participation of indigenous peoples at the UN

The WIPO Secretariat, with WIPO Member States' support, has taken robust measures ensuring and enhancing the full and effective participation of indigenous peoples' representatives in the IGC, as observers.

Among the most recent measures taken, and with reference to two recommendations made by the Permanent Forum in its 18th session, the IGC at its 40th session decided to request the WIPO Secretariat to organize an Indigenous Expert Workshop similar to the one that was organized in 2013 and commission the updating of a Technical Review issued in 2016 by Professor Anaya, during the 2020-2021 biennium. The WIPO Secretariat will follow up on those requests from the Committee during the biennium 2020-2021.

As requested in the Outcome Document of the World Conference on Indigenous Peoples (2014), a system-wide action plan (SWAP) to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples was adopted in November 2015 and launched by the Secretary-General at the UN Permanent Forum in May 2016. The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2020 session. For ease of reference, the questions have been framed under the six key elements of the SWAP-Indigenous Peoples as follows:

1. Raising awareness of the UN Declaration

Please provide information on any activities that raise awareness of the UN Declaration on the Rights of Indigenous Peoples, including key messages, advocacy and other media and outreach initiatives. Please provide information on publications, films, audio material, maps, or other materials that feature or focus on the UN Declaration and on indigenous peoples. Please also provide links to the relevant websites and other sources.

WIPO's mission is to lead the development of a balanced and effective international intellectual property system that enables innovation and creativity for the benefit of all, including indigenous peoples.

Indigenous peoples create, maintain and develop their traditional knowledge (TK) and traditional cultural expressions (TCEs), as part of their core identities and as a rich foundation of their well-being and own development. Article 31 of the UNDRIP, which refers to the right of indigenous peoples to “maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions”, recognizes the legitimate sense that indigenous peoples have regarding ownership of, and the essential value inherent in, their own TK and TCEs.

On the norm-setting side, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) will continue during the 2020-2021 biennium to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of GRs, TK and TCEs⁴.

Two sessions of the IGC and one expert group meeting took place in 2019 in completion of the IGC mandate during the biennium 2018-2019. Awareness of the UNDRIP is raised within the negotiations of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (hereafter the IGC). Explicit references to the UNDRIP are included in the draft preambles and articles in both negotiating texts on the protection of TK and the protection of TCEs respectively as work-in-progress⁵. References to the UNDRIP are included within the working documentation of the IGC, most recently in documents WIPO/GRTKF/IC/40/7⁶ and 40/8⁷.

UNDRIP is regularly advocated for in the IGC negotiations, particularly, but not exclusively, by indigenous peoples' representatives participating or addressing the IGC as panellists. Most significantly, at the most recent session of the IGC in June 2019, Chief Wilton Littlechild, Ms. Lucy Mulenkei and Ms. Valmaine Toki spoke to the importance of the UNDRIP in the negotiations taking place in the IGC in their

⁴ Ibidem.

⁵ See respectively the most recent versions of these texts in Annex I and Annex II of the Report on the IGC to the WIPO General Assembly during the 2018-2019 biennium (Document WO/GA/51/12 ; https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_51/wo_ga_51_12.pdf). The Report provides further details about the IGC work during the biennium.

⁶ See Document WIPO/GRTKF/IC/40/7 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_7.pdf.

⁷ See Document WIPO/GRTKF/IC/40/8 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_8.pdf.

addresses to the IGC participants during the Indigenous Panel that took place on June 17, 2019⁸.

In addition, WIPO publications relating to the protection of TK and TCEs refer to the UNDRIP whenever relevant. That is the case with WIPO's publications *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* and *Documenting Traditional Knowledge – A Toolkit*⁹.

The UNDRIP is one of the key resources mentioned on the Indigenous Portal of the WIPO website¹⁰.

2. Supporting the implementation of the UN Declaration, particularly at the country level

Please provide information on actions taken or planned by your agency, fund, programme, entity on the following:

- i.* Measures taken or planned to support national partners in reform and implementation of legal frameworks, policies, strategies and plans to implement the UN Declaration on the Rights of Indigenous Peoples, including any joint programming initiatives. Please also include information related to indigenous women in your responses.
- ii.* Support provided to Member States to mainstream the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 on Indigenous and Tribal Peoples in national development plans and in the UN Sustainable Development Cooperation Framework and Common Country Analysis.
- iii.* Support for consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.

Articles 18, 31 and 41 of the UNDRIP are of particular relevance for WIPO's program of work on the protection of TK and TCEs.

In furtherance of Article 31 of the UNDRIP and in addition to its normative work, WIPO's program of technical assistance in support of indigenous peoples includes training activities and information resources that aim to enable indigenous peoples to make more effective use of intellectual property principles and tools in order to prevent the misuse of TK and TCEs by third parties and protect them for their (indigenous peoples') own benefit, if they so wish.

⁸ See Document WIPO/GRTKF/IC/40/INF5 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_inf_5.pdf, with a brief curricula vitae of the indigenous panellists.

⁹ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf and https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

¹⁰ <https://www.wipo.int/tk/en/indigenous/>.

Particular emphasis has been put this year, and will continue next year, on capacity-building in support of entrepreneurship among women from indigenous peoples and local communities (See for details answers under B5 below).

Information resources are available on WIPO's website or provided through practical training activities, either in Geneva or abroad, as well as through a distance-learning course¹¹.

The WIPO Secretariat provides intellectual property-related technical, legal and policy information to Member States that wish to develop national strategies, legislation or other measures with a view to protecting TK and TCEs from an intellectual property perspective.

As mentioned above, the WIPO IGC will continue its negotiations in 2020 and 2021, in furtherance of Article 31 of the UNDRIP. Current discussions include the possibility for indigenous peoples to require their free, prior and informed consent for access to and use of their TK and TCEs by third parties.

3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

- i.* Has your agency/organization taken any measures to incorporate indigenous issues into policy and programming to implement the 2030 Agenda in line with the UN Declaration on the Rights of Indigenous Peoples?
- ii.* Has your agency/organization/entity supported the participation of indigenous peoples in the implementation and review of the 2030 Agenda for Sustainable Development, including at the national level? Please also include information on indigenous women, persons with disabilities, older persons and children and youth in your responses.
- iii.* Please provide information on any reports or other documents in implementing the 2030 Agenda for indigenous peoples. Also include information on any measures taken or planned for the collection of statistical data on indigenous peoples, in particular related to the SDG indicators for target 1.4 (secure tenure rights to land), target 2.3 (income of small-scale food producers), target 4.5 (parity in access to education) and target 10.3/16.b (experience of discrimination).

WIPO's work in support of indigenous peoples' needs and interests contributes to the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) from different angles.

¹¹ See WIPO's answers under B5 below for more details.

The empowerment of indigenous peoples, as vulnerable peoples, as referred to in paragraph 23 of the UN Declaration “Transforming our world: the 2030 Agenda for Sustainable Development”, is a key element of the commitment made by UN Member States vis-à-vis indigenous peoples within the SDGs framework.

Paragraph 25 of the 2030 Agenda reflects the further commitment of UN Member States to provide indigenous peoples with “access to life-long learning opportunities that help them acquire the knowledge and skills needed to exploit opportunities and to participate fully in society”.

Most of the practical tools and initiatives, as well as information resources available under the WIPO work program, to the extent that they relate to intellectual property tools which indigenous peoples may wish to use in order to protect aspects of their TK and TCEs, may contribute to the empowerment of indigenous peoples by helping them to exercise control of their TK and TCEs.

The draft texts for the protection of TK and TCEs¹² that are presently under negotiation at the IGC clearly envisage indigenous peoples as beneficiaries of the provisions and/or measures that are being negotiated. Outcomes from those negotiations could contribute to the empowerment of indigenous peoples as beneficiaries, should WIPO Member States so agree.

WIPO’s Program 4 in relation to TK, TCEs and GRs contributes *inter alia* to SDGs 2, 3, 4, 9, 14 and 15 as identified in the WIPO Program and Budget 2020 – 2021 adopted by the 2019 General Assembly¹³.

4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

- i.* Please provide information on any specific standards and guidelines on indigenous peoples adopted or planned by your agency/organization.
- ii.* Please provide information on any training materials prepared or planned related to the implementation of the UN Declaration.
- iii.* Please provide information on current resources and funds allocated to effectively implement the UN Declaration. Please also provide information on any joint initiatives with other UN agencies in the implementation of the UN Declaration.

Most of WIPO training materials that address the protection of TK and TCEs relate explicitly or implicitly to Article 31 of the UNDRIP. Those materials include briefs, practical guides, studies and toolkits. All relevant resources are

¹² See respectively Annex I and Annex II of the Report on the IGC to the WIPO General Assembly, Document WO/GA/51/12 (https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_51/wo_ga_51_12.pdf).

¹³ See Program 4 in particular.

accessible through a specific indigenous portal on the WIPO website¹⁴, as well as through the main WIPO TK portal¹⁵.

WIPO's publication *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* helps indigenous peoples to make best use of intellectual property tools with the view to protecting aspects of their TK and TCEs for their own benefit, if they so wish¹⁶.

An animation - *The Adventures of the Yakuanoi Navigating Traditional Knowledge and Intellectual Property* – features the Yakuanoi, a fictional indigenous people that successfully explores issues and opportunities that arise when its TK interacts with intellectual property¹⁷.

The WIPO TK Documentation Toolkit (*Documenting Traditional Knowledge – A Toolkit*) contains guidelines that are supportive of indigenous peoples' specific interests relating to TK documentation¹⁸.

Detailed information regarding the resources that are allocated by WIPO for its work program in relation to TK, TCEs and GRs is available in the WIPO Program and Budget for the biennia 2018-2019¹⁹ and 2020-2021²⁰.

WIPO was associated in the official launch of the International Year of Indigenous Languages that took place in Paris in January 2019 and in different side-events organized by UNESCO, including the side-event that was organized in the margins of the 39th session of the IGC in March 2019. WIPO's animation *The Adventures of the Yakuanoi*: has been translated into several indigenous languages this year, under the WIPO's Open Access Policy, which is part of the WIPO's on-going endeavour to make its publications as accessible as possible²¹.

Details regarding a relevant activity by WIPO which involves the participation of another UN Agency are available in the answers provided under B5 below.

5. Developing the capacities of States, indigenous peoples, civil society and UN personnel

¹⁴ See <https://www.wipo.int/tk/en/indigenous/>

¹⁵ See <https://www.wipo.int/tk/en/resources/publications.html#1>.

¹⁶ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf .

¹⁷ See <https://www.wipo.int/tk/en/>.

¹⁸ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

¹⁹ See in particular Program 4 on https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2018_2019.pdf

²⁰ See Program 4 in particular.

²¹ The WIPO's Open Access Policy allows for the reproduction, use and translation of WIPO publications under Creative Commons Licences. The WIPO Secretariat is available to provide the information and appropriate technical support that interested users might need in this regard (see https://www.wipo.int/pressroom/en/articles/2016/article_0016.html).

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Please provide information on any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff. Also include information on the participation of indigenous women, children and youth as well as indigenous persons with disabilities in your response.

The effective exercise by indigenous peoples of their rights to control their TK and TCEs partly depends on their ability to:

- **grasp the issues that lack of protection raises;**
- **understand the nature and scope of the existing intellectual property-related tools that they may use, as options, in protecting their TK and TCEs; and**
- **define their approach as they best consider in line with their own objectives and for their own development.**

As mentioned above, WIPO's program of work in this field includes practical workshops, distance learning courses and trainings, in addition to the dissemination of briefs, practical guides, studies and toolkits.

In 2019 so far, national or regional practical or consultation workshops, involving the active participation of IPLCs' representatives, were organized in Kampala (Uganda), Iqaluit (Canada), Panama City (Panama) and Geneva (Switzerland), among other technical assistance activities. Government officials have participated in the workshop organized in side-by-side with indigenous peoples' representatives, as a way to promote and facilitate dialogue, interaction and common understanding of the mechanisms and issues between both groups.

The three-day Practical Workshop organized in Iqaluit (Canada) in May this year gathered 16 representatives from two indigenous peoples living in the Arctic region, Inuit and Saami, as well as government officials from Canada, Finland and Sweden as a way to promote and facilitate dialogue, interaction and common understanding of the mechanisms and issues between both groups²².

In 2019 WIPO launched a new Project-based Training and Mentoring Program on Intellectual Property for Women Entrepreneurs from IPLCs (the WEP) in cooperation with the International Labour Organization (ILO), the International Trade Center (ITC) and the International Trade Association (INTA). The WEP aims to strengthen the capacity of women entrepreneurs from IPLCs to make strategic use of intellectual property rights, in support of projects based on TK and TCEs. The first phase of the WEP, a Geneva-based Practical Workshop, took place in November with the wide participation of WIPO staff across the organization and external speakers. A mentoring phase will start in 2020. 24 selected women from IPLCs are benefitting from this Program²³.

²² See https://www.wipo.int/tk/en/news/tk/2019/news_0007.html.

²³ See https://www.wipo.int/tk/en/women_entrepreneurs/.

The WIPO Advanced Distance Learning Course on Intellectual Property, TK and TCEs provides technical information on key concepts and international, regional and national experiences, policy options and legal mechanisms available or under consideration for the intellectual property-like protection of TK and TCEs. The WIPO Advanced Distance Learning Course is available for indigenous peoples at no cost.

Scholarships were granted to two young indigenous persons in support of their participation in the 2019 WIPO Summer School on Intellectual Property that took place in Mexico in July. Two additional grants in support of indigenous peoples from the Arctic region will be advertised shortly for 2020.

The WIPO Indigenous Fellowship Program allows for an indigenous person to be part of the WIPO Traditional Knowledge Division²⁴. The WIPO Indigenous Fellow contributes to make sure that indigenous peoples' sensitivities and interests are duly taken on board, within and beyond the TKD. Ms. Rebecka Forsgren (Saami), from Sweden, is the WIPO Indigenous Fellow in 2019.

WIPO contributed to the OHCHR Indigenous Fellowship Program in July 2019, as it did in previous years.

In addition, the WIPO Secretariat provides intellectual property-related legal and policy information to Member States that wish to develop national strategies, legislation or other measures with a view to protecting TK and TCEs from an intellectual property perspective.

WIPO staff are briefed on the WIPO IGC negotiations on a regular basis.

6. Advancing the participation of indigenous peoples at the UN

Please provide information on any support provided for the full and effective participation of indigenous peoples at relevant UN processes, including at the country level. Please also provide information on any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them.

- i. Please provide data on the number of indigenous working in your Agency/organization, and any obstacles faced in recruiting indigenous persons.

On 6.

Implementation of Articles 18 and 41 of UNDRIP on participation is of particular relevance for the IGC negotiations²⁵.

²⁴ See <https://www.wipo.int/tk/en/indigenous/fellowship/>.

²⁵ See the answers under B1 above for details about the IGC negotiations.

The IGC sessions take place with the active participation of indigenous peoples' representatives as observers. The WIPO Secretariat, with WIPO Member States' express support, has taken robust measures ensuring and enhancing such full and effective participation.

Those measures include the following:

- An *ad hoc* and fast-track accreditation procedure for observers at the IGC was established at the creation of the IGC²⁶;
- Indigenous participants in the IGC may take the floor on any agenda item and can have any of their specific textual drafting proposals reflected in the drafts, provided that at least one Member State extends its endorsement; this happens quite frequently;
- Further, the Chair of the IGC has systematically invited Indigenous Caucus representatives, with Member States' support, to participate in informal consultations and drafting groups on the texts being negotiated at the IGC, with rights to speak and make proposals; within this format, indigenous peoples do not need formal endorsement of Member States to have their proposals reflected in the draft texts;
- Under the work methodology agreed upon, the Chair of the IGC has invited one indigenous representative to be part of each *ad hoc* contact group that has been created so far;
- As a result and on several occasions, drafting proposals by indigenous representatives have been taken up in the negotiating texts; several options included in the texts reflect their comments or proposals;
- An Indigenous Consultative Forum is organized on the day preceding IGC sessions with the WIPO Secretariat's support, with the view to facilitating the preparation of IGC sessions by the Indigenous Caucus;
- The Chair of the IGC meets the Indigenous Caucus whenever requested or appropriate;
- WIPO has financed the logistical, secretarial, interpretation and translation support that is provided by the Indigenous Peoples' Center for Documentation, Research and Information (DoCip) during the daily meetings of the Indigenous Caucus;
- Each IGC session accommodates time for a panel presentation by indigenous peoples' and local communities' experts in the plenary room²⁷.
- The WIPO General Assembly set up the WIPO Voluntary Fund for Accredited Indigenous and Local Communities in 2005 in order to facilitate the participation in sessions of the IGC of representatives of Indigenous Peoples and local communities²⁸; two pledges of 15000 euros each to the Voluntary Fund were made respectively by Finland (which contributed on November 6, 2019) and Germany during the 2019 WIPO General Assembly.

²⁶ See <https://www.wipo.int/tk/en/igc/participation.html> for practical details.

²⁷ For details concerning the two such panels that were organized in 2019, see https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_39/wipo_grtkf_ic_39_inf_5.pdf and https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_inf_5.pdf.

²⁸ See <https://www.wipo.int/tk/en/igc/participation.html> for practical details.

- **Two significant initiatives have been taken in the last five years, in close cooperation with the UN Permanent Forum, in order to enhance the ability of indigenous peoples to analyze the issues at hand and formulate positions.**
 - **Following up on a decision by the IGC, the WIPO and the UNPFII Secretariats jointly organized an Indigenous Expert Workshop, in 2013, comprising seven invited indigenous experts. Its report²⁹ was submitted by the Secretariat of the Permanent Forum, to the IGC.**
 - **Following up on a recommendation made by the Permanent Forum, the WIPO Secretariat commissioned a technical review of the IGC drafting texts by Professor James Anaya, from an indigenous rights and human rights perspective in 2014. The Technical Review by Professor Anaya³⁰ was submitted by the Secretariat of the Permanent Forum to the IGC in 2016.**

With reference to two recommendations made by the Permanent Forum in its 18th session (April 22 to May 3, 2019), the IGC at its 40th session (June 17 to 21, 2019) decided to request the WIPO Secretariat to organize another Indigenous Expert Workshop of the kind and commission the updating of the Technical Review issued by Professor Anaya, during the 2020-2021 biennium³¹. The WIPO Secretariat will follow up on those requests from the Committee.

On 6.i.

The WIPO Indigenous Fellowship Program allows for an indigenous person to be part of the WIPO Traditional Knowledge Division. Ms. Rebecka Forsgren (Saami), from Sweden, is working in WIPO as the 2019 WIPO Indigenous Fellow³².

²⁹ See Document WIPO/GRTKF/IC25/INF/9 on

http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_26/wipo_grtkf_ic_26_inf_9.pdf.

³⁰ See Document WIPO/GRTKF/IC/29/INF/10) on

http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_29/wipo_grtkf_ic_29_inf_10.pdf .

³¹ For the detailed decisions taken by the IGC, see the answer provided under A above.

³² For more details about the WIPO Indigenous Fellowship Program, see the answers provided under B 5 above.