

Questionnaire to UN system

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

The United Nations Permanent Forum on Indigenous Issues (PFII) was established by the Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to the 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 within the UN system; prepare and disseminate information on indigenous issues; and promote respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of the Declaration.

The Indigenous Peoples 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, the system-wide action plan on rights of indigenous peoples (SWAP), the 2030 Development Agenda and COVID-19 recovery efforts.

The responses will be compiled into a report for the 2023 session of the Permanent Forum. In your responses, please, include information on progress and challenges related to indigenous women, indigenous persons with disabilities, indigenous older persons, and indigenous children and youth.

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 to your response being made available on our website, please inform our office accordingly.

Please submit your completed questionnaire by **15 November 2022** 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
Email: indigenous_un@un.org and requesens@un.org

Questionnaire

Note from WIPO:

The following answers (parts in blue) were provided by the Secretariat of the World Intellectual Property Organization (WIPO) in December 2022. 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 and input to the 2023 session

- i. Please provide information on measures taken since your last update to the Forum on the implementation or planned implementation of the recommendations of the PFII.
- ii. The theme of the 2023 PFII session is “Indigenous peoples, human health, planetary and territorial health and climate change: a rights-based approach”¹. Please include information on any publications, projects, reports, or activities relevant to this theme.
- iii. Please provide information on efforts to ensure the participation of indigenous peoples in the international decades declared by the General Assembly, such as the United Nations Decade on Ecosystem Restoration, the United Nations Decade of Ocean Science for Sustainable Development, the International Decade for Action, “Water for Sustainable Development,” the International Decade of Indigenous Languages and other relevant international decades and processes.

Answers

- i. **Follow-up on the recommendations of the Permanent Forum made in 2018, 2019, 2021 and 2022.**

The Permanent Forum on Indigenous Issues (the Permanent Forum) addressed specific recommendations to WIPO at its 17th Session (April 16-27, 2018) (as reflected in the Permanent Forum’s report in document E/2018/43-E/C.19/2018/11, para. 58), 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, par. 9 to 11), at its 20th Session (April 19 to 30, 2021) (as reflected in the Permanent Forum’s report in document E/2021/43-E/C.19/2021/10, par. 61, first sentence) and at its 21st Session (April 25 to May 6, 2022) (as reflected in the Permanent Forum’s report in document E/2022/43-E/C.19/2022/11, par. 14, 66 and 85).

¹ See Annex 1. Agenda of the twenty-second session of the Permanent Forum on Indigenous Issues.

1. Par. 9 of the report of the 18th Session of the Permanent Forum, par. 61, first sentence, of the report of the 20th Session of the Permanent Forum and par. 14 and 66 of the report of the 21th Session of the Permanent Forum refer expressly or implicitly to the negotiations taking place at the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee).

Details regarding the work of the Committee during the 2020-2021 biennium are available in the answers provided by WIPO to the 2021 Permanent Forum questionnaire.

The 2021 WIPO General Assembly decided to renew the mandate of the Committee for the 2022-2023 biennium² under the same terms that applied to its preceding mandate, except for the necessary technical adjustments.

After a suspension of two years due to the COVID-19 pandemic, substantive negotiations at the IGC resumed in 2022 in the framework of its renewed mandate for the 2022-2023 biennium “with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property, which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and tradition cultural expressions (TCEs).”

The Forty-Second and Forty-Third Sessions of the IGC, that took place from February 28 to March 4, 2022 and from May 30 to June 3, 2022 respectively, undertook negotiations on GRs and considered inter alia options for a draft legal instrument.

The Fifty-Fifth Session of the WIPO General Assembly that took place from July 14 to 22, 2022 decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, to be held no later than 2024. The Diplomatic Conference will be preceded by a special session of the IGC and a Preparatory Committee that are due to take place in the second half of 2023³.

In its decision, the WIPO General Assembly further "agreed that document WIPO/GRTKF/IC/43/5⁴, the Chair's text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference”.

² See WIPO document WO/GA/54/10, par. 4

(https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_54/wo_ga_54_10.pdf).

³ For details of the decision, see https://www.wipo.int/export/sites/www/about-wipo/en/assemblies/docs/brochure_a63_list_decisions.pdf, pp. 7-8.

⁴ See document WIPO/GRTKF/IC/43/5

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_43/wipo_grtkf_ic_43_5.pdf).

The Forty-Fourth and Forty-Fifth Sessions of the IGC took place from September 12 to 16, 2022 and December 5 to 9, 2022 and continued negotiations on TK and TCEs. The Facilitators at the Forty-Fifth Session developed two further texts, “The Protection of Traditional Knowledge: Draft Articles – Facilitators’ Rev.”⁵ and “The Protection of Traditional Cultural Expressions: Draft Articles – Facilitators’ Rev.”⁶ that will be transmitted to the Forty-Sixth Session of the IGC due to take place from February 27 to March 3, 2023.

2. Following up on par. 66 of the Permanent Forum’s report in document E/2022/43-E/C.19/2022/11 relating to the recognition and protection of the “collective intellectual property rights of Indigenous Peoples in respect of their creations, discoveries, traditional knowledge and knowledge of biodiversity », the WIPO Secretariat wishes to report back to the Permanent Forum as follows.

The WIPO Secretariat organized a Panel of Indigenous and local communities on the theme: “Collective Nature of Traditional Knowledge and Traditional Cultural Expressions: Perspectives of Indigenous Peoples and Local Communities”⁷, that took place on September 12, 2022, and allowed representatives of Indigenous Peoples to express their views on this topic before participants at the 44th session of the IGC.

A publication by WIPO, of specific interest for Indigenous Peoples, describes intellectual property tools that could be useful for Indigenous Peoples, as well as their purposes, and provides basic practical guidance on how to use them, if Indigenous Peoples so wish.⁸ Practical assistance is also provided to help Indigenous Peoples to optimize the use of intellectual property tools in support of their businesses. More details on the practical assistance provided is available in WIPO’s answers under part B.5 of the Questionnaire.

In parallel, and as referred to above, negotiations are taking place at the IGC with the objective to finalize an agreement on an international legal instrument(s) relating to intellectual property, which will ensure a balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions. The two drafts that have been developed so far by the IGC on TK and TCEs⁹ envisage Indigenous Peoples as beneficiaries, and include drafting options that emphasize the collective nature of the rights envisaged in those drafts.

3. Paragraphs 10 and 11 of the report of the 18th Session of the Permanent Forum (Update of Technical Review and Indigenous Expert Workshop).

⁵ See https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_facilitator_rev_tce.pdf

⁶ See https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_facilitator_rev_tk.pdf

⁷ See https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_44/wipo_grtkf_ic_44_inf_5.pdf

⁸ See WIPO publication *How to Protect and Promote Your Culture. A Practical Guide for Indigenous Peoples and local communities* (<https://www.wipo.int/publications/en/details.jsp?id=4195>).

⁹ See footnotes 5 and 6.

With reference to the recommendations made in paragraphs 10 and 11 of the report, the IGC at its 40th Session (June 17 to 21, 2019) adopted the following decisions:

- (1) “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
- (2) “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”¹⁰.

The decision (2) from the Committee refers to the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions by Professor James Anaya published in January 2016¹¹.

In 2020, the WIPO Secretariat commissioned two indigenous experts, namely Mr. Elifuraha Laltaika from the United Republic of Tanzania and Ms. Neva Collings from Australia, to update the Technical Review. Mr. Laltaika and Ms. Collings have completed their task and provided the WIPO Secretariat with such update, which has been blind peer reviewed by two other indigenous experts.

The updated Technical Review¹² was communicated to the IGC at its Forty-Second Session (February 28 – March 4, 2022) for its information and was republished for the following sessions as well.

Due to the COVID-19 pandemic, follow up on the decision (1) from the Committee was not ensured during the 2020-2021 biennium. The WIPO Secretariat will ensure follow up during the present biennium (2022-2023).

¹⁰ 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

¹¹ See https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_29/wipo_grtkf_ic_29_inf_10.pdf.

¹² See document WIPO/GRTKF/IC/42/INF/8 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_42/wipo_grtkf_ic_42_inf_8.pdf).

4. Par. 58 of the report of the 17th Session of the Permanent Forum and par. 9 of the report of the 18th Session of the Permanent Forum (Participation of Indigenous Peoples in the IGC).

The recommendation included in par. 58 of the report of the 17th Session of the Permanent Forum on the importance of participation of Indigenous Peoples and its financing comprises and goes beyond the particular recommendation included in par. 9 of the report of the 18th Session of the Permanent Forum.

The attention of the 42nd, 43rd, 44th and 45th Sessions of the IGC has been drawn to the recommendation included in par. 58 of the report of the 17th Session of the Permanent Forum¹³.

WIPO Director General Mr. Daren Tang, and the Chairpersons of the IGC, in their opening statements made at the 42nd, 43rd, 44th and 45th Sessions of the IGC, recalled the importance of effective participation of Indigenous Peoples and local communities in the IGC, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities was depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternative arrangements.

The Government of Germany contributed 14,233.70 Swiss francs (the equivalent of 15,000 euros at the date) on September 13, 2022 to the WIPO Voluntary Fund¹⁴.

The measures taken in order to facilitate the participation of indigenous representatives in the IGC are described in WIPO's answers provided below under part B.6 of the Questionnaire.

5. Par. 85 of the Permanent Forum's report (document E/2022/43-E/C.19/2022/11, par. 14, 66 and 85) (use of the term "local communities" in conjunction with Indigenous Peoples).

The WIPO Secretariat has taken note of the recommendation.

ii.

The WIPO Secretariat is planning to start a Training, Mentoring and Match Making Program relating to Traditional Medicine Knowledge in Africa in 2023.

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

¹³ See document WIPO/GRTKF/IC/44/3, par. 5.

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_44/wipo_grtkf_ic_44_3.pdf).

¹⁴ See document WIPO/GRTKF/IC/45/3, par. 2

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_3.pdf).

Background

As per the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), a [system-wide action plan 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.

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of the SWAP on indigenous peoples. In November 2020, the United Nations Chief Executives Board for Coordination issued a [Call to Action: Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples](#). Its goal is to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with a focus on furthering the implementation of the SWAP¹⁵.

i. The Permanent Forum will follow up on progress made on the SWAP implementation as part of its discussion on the outcome document of the World Conference on Indigenous Peoples during its 2023 session. Please provide an analysis of actions taken by your agency, fund and/or programme on the six key elements of the SWAP, since your last update to the Forum¹⁶.

Please also include an executive summary (500-word limit).

Executive summary

1. Raising awareness of the UNDRIP

Awareness of the UNDRIP is raised within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee). References to the UNDRIP have been included in the most recent versions of the draft negotiating texts on the protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs). References are made as well in WIPO's publications.

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.

¹⁵ Reporting on the activities to implement the CEB Call to Action is through task groups and should not be included in the responses to this questionnaire.

¹⁶ The six key elements of the SWAP are: 1) Raise awareness of the UNDRIP; 2) Support the implementation of the UNDRIP, particularly at the country level; 3) Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development; 4) Map existing standards and guidelines, capacity, training materials and resources within the UN system, international financial institutions and the members of the IASG for the effective implementation of the UNDRIP; 5) Develop the capacity of States, indigenous peoples, civil society and UN personnel; and 6) Advance the participation of indigenous peoples in UN processes.

In furtherance of Article 31, WIPO provides training and mentoring opportunities, and information, that aim to enable Indigenous Peoples to make more effective use of intellectual property principles and tools, if they so wish, in support of their TK- and TCEs-based entrepreneurship.

On the norm-setting side, after a two-year suspension due to the COVID-19 pandemic, negotiations resumed at the IGC in 2022 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 2022-2023 biennium.

The Fifty-Fifth Session of the WIPO General Assembly that took place from July 14 to 22, 2022 decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, to be held no later than 2024.

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

The empowerment of Indigenous Peoples 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, are commitments made vis-à-vis Indigenous Peoples within the Sustainable Development Goals framework.

WIPO's training activities addressing Indigenous Peoples' needs for protection of their TK and TCEs contribute towards the fulfillment of those commitments, as well as of SDGs 2, 3, 4, 9, 14 and 15 inter alia.

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

A repository of relevant laws, legislative measures, protocols etc. in relation to the protection of TK and TCEs from an IP perspective is available on the WIPO website.

Most of the WIPO training materials address issues in furtherance of Article 31 of the UNDRIP. They are all freely available on the WIPO website.

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

WIPO's relevant activities include workshops, distance-learning courses, training and mentoring, involving Member States' officials, civil society and Indigenous Peoples separately or jointly, as well as publications (some of them specifically addressed to Indigenous Peoples, as well as local communities).

Technical-assistance activities in support of Indigenous Peoples continued in 2022, online and in-person, with the organization of several webinars and training

activities, with particular emphasis on entrepreneurship initiatives among Indigenous Peoples, particularly women.

The WIPO Indigenous Fellowship Program continued in 2022.

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, in line with Articles 18 and 41 of the UNDRIP.

(end of Executive Summary)

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1. Raising awareness of the UN Declaration

Awareness of the UNDRIP is raised within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee)¹⁷.

Explicit references to the UNDRIP are included in the draft preambles and articles in the negotiating texts on the protection of traditional knowledge (TK), the protection of traditional cultural expressions (TCEs) and in the Chair's Text on a Draft International Legal Instrument Relating to Intellectual Property, GRs and TK Associated with GRs¹⁸. (The "Chair's Text" will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, to be held no later than 2024¹⁹).

References to the UNDRIP are also included in the working documents of the IGC²⁰.

¹⁷ See for details on the IGC negotiating process under part A.i.1 of the Questionnaire.

¹⁸ See respectively Document WIPO/GRTKF/IC/45/4

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_4.pdf), document WIPO/GRTKF/IC/45/5

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_5.pdf), and document WIPO/GRTKF/IC/43/5 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_43/wipo_grtkf_ic_43_5.pdf).

¹⁹ See for details on the forthcoming WIPO Diplomatic Conference under part A.i.1 of the Questionnaire.

²⁰ Most recently in the "draft gap analyses": See document WIPO/GRTKF/IC/45/6 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_6.pdf and document WIPO/GRTKF/IC/45/7 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_7.pdf.

UNDRIP is regularly advocated for in the IGC negotiations, particularly, but not exclusively, by Indigenous Peoples' representatives participating or addressing the IGC as panellists.

In addition, WIPO publications relating to the protection of TK and TCEs refer to the UNDRIP whenever relevant. That is the case of WIPO publications *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* and *Documenting Traditional Knowledge – A Toolkit*²¹.

The UNDRIP, as a key resource, is retrievable from the webpage presenting WIPO's engagement with Indigenous Peoples²².

2. Supporting the implementation of the UN Declaration

WIPO's mission is to lead the development of a balanced and effective international intellectual property ecosystem to promote innovation and creativity for a better and more sustainable future²³.

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.

Article 31 of the UNDRIP 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". Article 41 refers to the commitment of UN specialized agencies to contribute to the full realization of the provisions of UNDRIP.

Indigenous Peoples create, maintain and develop their TK and TCEs, as part of their core identities and as a rich foundation of their well-being and own development. Article 31 recognizes the legitimate sense that Indigenous Peoples have regarding ownership of, and the essential value inherent in, their own TK and TCEs.

In furtherance of Articles 31 and 41 and as part of WIPO's strong engagement with Indigenous Peoples²⁴, WIPO provides training and mentoring opportunities, and information resources²⁵, that aim to enable Indigenous Peoples to make more effective use of existing intellectual property principles and tools in support of Indigenous Peoples' entrepreneurship initiatives drawing from their ingenuity and creativity, particularly of indigenous women. (More details are available below under part B.5 of the Questionnaire.)

²¹ 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.

²² See <https://www.wipo.int/tk/en/engagement.html>.

²³ See document WO/PBC/32/3 (Medium-term Strategic Plan – MTSP – 2022 – 2026 https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

²⁴ See inter alia on the WIPO website <https://www.wipo.int/tk/en/engagement.html>.

²⁵ See <https://www.wipo.int/tk/en/resources/publications.html>.

WIPO Director General Daren Tang has reaffirmed WIPO's engagement with Indigenous Peoples in his message delivered at the occasion of the International Day of the World's Indigenous Peoples²⁶ celebrated on August 9, 2022. He underlined that Indigenous Peoples were important stakeholders in WIPO's vision of a more inclusive global intellectual property ecosystem.

In 2022, the WIPO Secretariat has continued to provide 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.

After a suspension of two years due to the COVID-19 pandemic, substantive negotiations resumed in 2022 in the framework of the renewed mandate of the WIPO IGC for the 2022-2023 biennium, "with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property, which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and tradition cultural expressions (TCEs)."

Discussions at the IGC included *inter alia* the possibility for Indigenous Peoples to require their free, prior and informed consent for the access to and use of, their TK and TCEs by third parties.

The Fifty-Fifth Session of the WIPO General Assembly that took place from July 14 to 22, 2022 decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, to be held no later than 2024.

More details regarding the Diplomatic Conference and the normative work conducted at the IGC are available above under part A.i.1 of the Questionnaire.

In relation to Articles 18 and 41 of the UNDRIP, details on how WIPO facilitates the participation of accredited observers who represent Indigenous Peoples in the work of the IGC in 2022 is available below under part B.6 of the Questionnaire.

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

An overall presentation of WIPO's work on the SDGs, including in relation with Indigenous Peoples, is available on WIPO's website²⁷.

²⁶ Listen on https://www.wipo.int/tk/en/news/tk/2022/news_0008.html.

²⁷ See <https://www.wipo.int/sdgs/en/story.html>.

More details are available in the Reports on WIPO's Contribution to the Implementation of the Sustainable Development Goals and its Associated Targets submitted to the WIPO Committee on Development and Intellectual Property (CDIP) in 2022²⁸.

In particular, WIPO supports the implementation of the SDGs through a range of activities that address intellectual property issues related to benefit-sharing in GRs and the protection of TK and TCEs. WIPO's work in relation to TK, TCEs and GRs, as part of the Implementation Strategies of the WIPO's Global Challenges and Partnerships Sector, contributes *inter alia* to SDGs 2, 3, 4, 8, 14 and 15 as identified in the WIPO Program of Work and Budget 2022 – 2023²⁹.

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”.

WIPO's engagement with Indigenous Peoples aims among others to enable Indigenous Peoples to make informed choices about using intellectual property tools and principles to promote or protect certain aspects of their TK, TCEs and tradition-based products or services, with a view to reinforce their resilience, improve their livelihood and well-being, and support their entrepreneurship and self-development. (More details are available below under part B.5 of the Questionnaire.)

The empowerment of Indigenous Peoples, as referred to in paragraph 23 of the UN Declaration “Transforming our world: the 2030 Agenda for Sustainable Development”, is one of the elements of the commitment made by UN Member States vis-à-vis Indigenous Peoples within the SDGs framework.

The draft texts for the protection of TK and TCEs³⁰ that are being negotiated as work-in-progress at the IGC specifically envisage Indigenous Peoples as beneficiaries of the provisions and/or measures under discussion. Outcomes from those negotiations could contribute to the empowerment of Indigenous Peoples as beneficiaries, should WIPO Member States so agree.

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

WIPO is a global reference point on intellectual property and GRs, TK and TCEs.

²⁸ See WIPO documents CDIP/28/9 (https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_28/cdip_28_9.pdf).

²⁹ See <https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget-2022-2023.pdf>, pp. 51-52.

³⁰ See respectively Document WIPO/GRTKF/IC/45/4

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_4.pdf) and document WIPO/GRTKF/IC/45/5

(https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_4.pdf).

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 accessible through the webpage presenting WIPO's engagement with Indigenous Peoples³¹.

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 a view to protecting aspects of their TK and TCEs for their own benefit, if they so wish³².

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 property³³. The animation has been translated into several indigenous languages under the WIPO's Open Access Policy, which is part of the WIPO's ongoing endeavour to make its publications as accessible as possible³⁴.

The WIPO TK Documentation Toolkit (*Documenting Traditional Knowledge – A Toolkit*) contains guidelines that are supportive of Indigenous Peoples' specific interests relating to TK documentation³⁵.

The information available on WIPO's website comprises a repository of resources on regional, national, local and community experiences³⁶, including databases of laws, legislative measures and protocols, surveys and case studies. A database containing codes, guidelines and practices relating to the recording, digitization and dissemination of TCEs has been set up³⁷.

The WIPO Program of Work and Budget for 2022-2023 consolidates the activities related to, and the resources allocated for WIPO's work in relation to intellectual property and TK, TCEs and GRs within the WIPO Global Challenges and Partnerships Sector³⁸. Those activities are implemented by the WIPO Traditional Knowledge Division.

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

³¹ See <https://www.wipo.int/tk/en/engagement.html>.

³² E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf.

³³ See <https://www.wipo.int/tk/en/tk/yakuanoi.html>.

³⁴ The WIPO's Open Access Policy allows for the reproduction, use and translation of WIPO publications under Creative Commons Licences. (see https://www.wipo.int/pressroom/en/articles/2016/article_0016.html).

³⁵ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

³⁶ See https://www.wipo.int/tk/en/resources/tk_experiences.html#1.

³⁷ See https://www.wipo.int/tk/en/databases/creative_heritage/.

³⁸ See <https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget-2022-2023.pdf>, pp. 51, 52 and 56.

WIPO's capacity-building activities in support of Indigenous Peoples aims to help and enable them to:

- grasp the issues that lack of protection of TK and TCEs raises from an intellectual property perspective;
- understand the nature and scope of the existing intellectual property-related principles and tools that they may use, as options, to protect aspects of their TK and TCEs; and
- define their intellectual property strategy as they best consider in line with their own objectives and for their own development, in particular in support of their entrepreneurship.

WIPO's program of work in this field includes practical workshops, distance learning courses, training, mentoring and matchmaking, in addition to the dissemination of briefs, practical guides, studies and toolkits.

The WIPO Secretariat continued and intensified its capacity-building activities in 2022, with an emphasis on Indigenous Peoples', as well as local communities' entrepreneurship³⁹, particularly among women.

To name some activities undertaken in 2022 until this date:

- The completion of a series of WIPO webinars on *How to Protect and Promote Your Culture*⁴⁰, launched in 2021 and inspired by the WIPO Traditional Knowledge Division publication *Protect and Promote Your Culture*⁴¹. Eight webinars in English and Spanish have been organized on the use of patents, geographical indications, collective and certification marks, and copyright;
- The second edition of the *Training, Mentoring and Matchmaking Program on Intellectual Property for Women Entrepreneurs from Indigenous Peoples and Local Communities* (the WEP) was launched with a two-week Virtual Practical Workshop in October 2021, and was complemented by a mentoring and matchmaking phase that has taken place in 2022⁴². The two editions of the WEP 2019-2020 and 2021-2022 have so far benefitted 47 participants and their communities. The WEP aims to assist Indigenous Peoples', as well as local communities' women, to make strategic and effective use of intellectual property tools in their businesses. The WEP is organized in cooperation with the International Labour Organization (ILO), the International Trade Center (ITC) and the International Trademark Association (INTA).
- In addition, a 2022-2023 WEP for Women Entrepreneurs from Indigenous Peoples and Local Communities in Bolivia, Colombia, Ecuador and Peru was

³⁹ See <https://www.wipo.int/tk/en/entrepreneurship/index.html>.

⁴⁰ See https://www.wipo.int/tk/en/protect_and_promote.html.

⁴¹ See <https://www.wipo.int/publications/en/details.jsp?id=4195>.

⁴² See https://www.wipo.int/tk/en/women_entrepreneurs/.

launched in November 2022 in Quito, Ecuador, with an in-person four-day Practical Workshop, benefitting 20 female entrepreneurs, two per project, and their communities, with the support of the *Servicio Nacional de Derechos Intelectuales* of Ecuador (SENADI) and in collaboration with ILO, ITC and INTA.

- Following up a WIPO Short Story Competition on Indigenous Ingenuity and Creativity organized in 2021, two awarded Indigenous Women⁴³ have started receiving financial and technical support in 2022 for the implementation of their intellectual property-related projects, focusing on how to better protect and promote their TK and TCEs and related products and services.
- A *WIPO Photography Prize for Indigenous Peoples and Local Community Youth* launched in August 2021 and awarded in April 2022 aimed to celebrate the creativity of young members of Indigenous Peoples as well as local communities, raise their awareness on how copyright can be used to protect their creativity expressed in photographs⁴⁴, and encourage them to express themselves on climate change issues. In addition to awards provided to the three winners of the Photography Prize⁴⁵ and an exhibition at WIPO Headquarters in June and at the Ethnographic Museum of Geneva⁴⁶ in July and August including the 30 shortlisted entries, a Virtual Training on Photography and Copyright was provided on June 22, 2022 for the young photographers.
- a Virtual Training Program on Cultural Documentation and Intellectual Property Management for Indigenous Peoples from the Arctic Region was organized from 6 to 16 December 2021 benefitting participants from Canada, Denmark, Finland, Iceland; Norway, the Russian Federation, Sweden and the United States of America;
- A Virtual Seminar on Promoting and Protecting the Arts and Cultural Expressions of Indigenous Peoples: Perspectives on the Canadian Experience was organized in cooperation with the Government of Canada on May 4 to 5, 2022⁴⁷.

The WIPO Advanced Distance Learning Course on Intellectual Property, TK and TCEs⁴⁸ 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.

⁴³ See https://www.wipo.int/tk/en/news/tk/2021/news_0017.html.

⁴⁴ See https://www.wipo.int/tk/en/youth_prize.html.

⁴⁵ See https://www.wipo.int/tk/en/news/tk/2022/news_0004.html.

⁴⁶ See https://www.wipo.int/tk/en/news/tk/2022/news_0006.html.

⁴⁷ See https://www.wipo.int/meetings/en/details.jsp?meeting_id=70250.

⁴⁸ See https://www.wipo.int/academy/en/courses/distance_learning/.

The WIPO Indigenous Fellowship Program continued in 2022. The WIPO Indigenous Fellowship Program offers the opportunity for an indigenous person to be part of the WIPO Traditional Knowledge Division⁴⁹. The WIPO Indigenous Fellow contributes to make sure that Indigenous Peoples' sensitivities and interests are duly taken on board, within and beyond the Division. The current WIPO Indigenous Fellow, Ms. Sara Fuentes Maldonado, an indigenous Kichwa-Otavalo from the community of Ilumán, in Ecuador, was appointed in July 2022.

In addition, the WIPO Secretariat has continued to provide 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.

6. Advancing the participation of indigenous peoples at the UN

Implementation of Articles 18 and 41 of UNDRIP on participation is of particular relevance for the IGC negotiations⁵⁰.

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 to ensure and enhance 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 IGC⁵¹;
- 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 in 2022, 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;

⁴⁹ See <https://www.wipo.int/tk/en/indigenous/fellowship/>.

⁵⁰ More details regarding the normative work conducted at the IGC are available above under part A.i of the Questionnaire.

⁵¹ See <https://www.wipo.int/tk/en/igc/participation.html> for practical details.

- 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', as well as local communities', experts in the plenary room⁵².
- 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 communities⁵³.
- As already mentioned, following up on a recommendation made by the UN Permanent Forum, an updated Technical Review of the Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions was commissioned by the WIPO Secretariat to two indigenous experts and communicated to the IGC at its Forty-Second Session (February 28 – March 4, 2022). The WIPO Secretariat will organize an Indigenous Expert Workshop during the present biennium 2022-2023, to enhance Indigenous Peoples' participation in the IGC process, in line with another recommendation made by the UN Permanent Forum⁵⁴.

The WIPO Indigenous Fellowship Program allows for an indigenous person to be part of the WIPO Traditional Knowledge Division⁵⁵.

C. 2030 Agenda for Sustainable Development

i. Please describe any activities your entity has organized since the last reporting period to accelerate progress across a range of SDGs, demonstrating the interlinkages across goals and targets and if applicable, providing examples of translating global goals into

⁵² For details concerning the three such panels that were organized in 2022, see documents WIPO/GRTKF/IC/42/INF5 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_42/wipo_grtkf_ic_42_inf_5.pdf), WIPO/GRTKF/IC/43/INF5 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_43/wipo_grtkf_ic_43_inf_5.pdf) and WIPO/GRTKF/44/INF5 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_44/wipo_grtkf_ic_44_inf_5.pdf).

⁵³ See <https://www.wipo.int/tk/en/igc/participation.html> for practical details. See under part A.i.4 of the Questionnaire for other details regarding the funding of Indigenous Peoples' participation in the IGC.

⁵⁴ See under part A.i.3 of the Questionnaire for further details.

⁵⁵ For more details about the WIPO Indigenous Fellowship Program, see the answers provided under B.5 above.

local actions. In your response, please consider referring to SDGs relevant to the theme of the 2023 session of the Forum.

- ii. Please describe any activities your entity organized in support of the 2022 UN High-Level Political Forum on Sustainable Development and/or reports and activities that supported SDG reporting and monitoring or a VNR process at the national, regional, or global level.

The activities that are undertaken in support of Indigenous Peoples in the context of achieving the 2030 Agenda are detailed above under parts B.3 and B.5 of the Questionnaire.

D. COVID-19 pandemic

- i. Please provide information on action taken by your agency, fund and/or programme since your last update to the Forum, to address building back better from COVID-19 while advancing the full implementation of Agenda 2030 for indigenous peoples.

WIPO has significantly invested in developing online activities reaching out to Indigenous Peoples as well as online facilities that contribute to ensure their participation in online or hybrid meetings, including the IGC. Those initiatives were meant to mitigate the disruptive effect of COVID-19 upon WIPO's engagement with Indigenous Peoples. They opened also new and more numerous avenues to engage with them, and with more of them than in the past.

The online activities undertaken in 2022, detailed above under part B.5 of the Questionnaire, are illustrative of such efforts.

The pandemic has also contributed to highlight further the opportunities and challenges that e-commerce represents for Indigenous Peoples in support of their well-being and the intellectual property-related issues involved in conducting business in a virtual environment. Three webinars were organized on Intellectual Property and e-Commerce in 2020 and 2021⁵⁶ specifically directed to Indigenous Peoples, as well as local communities.

Further assistance on using IP tools (like collective trademarks and geographical indications) provided to indigenous women entrepreneurs in their businesses in the framework of the WEP and online webinars in 2022⁵⁷ contributed to facilitate a sustainable economic recovery following the pandemic for the beneficiaries and their communities.

⁵⁶ See https://www.wipo.int/tk/en/news/tk/2020/news_0012.html, https://www.wipo.int/tk/en/news/tk/2020/news_0006.html, and https://www.wipo.int/meetings/es/details.jsp?meeting_id=60488

⁵⁷ See details under part B.5 of the Questionnaire.

Thank you very much

ANNEX 1

Agenda of the twenty-second session of the Permanent Forum on Indigenous Issues

The Twentieth-second session of the Permanent Forum on Indigenous Issues is scheduled to take place from **17 to 28 April 2023**

Provisional Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the theme “Indigenous peoples, human health, planetary and territorial health and climate change: a rights-based approach”.
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 for 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) Dialogue on indigenous platforms established within United Nations entities;
 - (g) Thematic dialogues;
6. Future work of the Permanent Forum, including issues considered by the Economic and Social Council, the outcome document of the World Conference on Indigenous Peoples and emerging issues.
 7. Provisional agenda of the twenty-third session of the Permanent Forum.
 8. Adoption of the report of the Permanent Forum on its twenty-second session.