

### 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 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 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 2021 session of the Permanent Forum: (a) System Wide Action Plan on the Rights of Indigenous Peoples: Implementation by the United Nations System; and (b) Update on the Indigenous Peoples and the 2030 Agenda.

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 **20 December 2020** 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](mailto:indigenous_un@un.org) and [requesens@un.org](mailto:requesens@un.org)

## Questionnaire to UN system

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The Twentieth session of the Permanent Forum on Indigenous Issues is scheduled to take place from **19 - 30 April 2021**.

### **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. Follow-up to the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.
7. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
8. Provisional agenda for the twentieth-first session of the Permanent Forum.
9. Adoption of the report of the Permanent Forum on its twentieth session.

## Questionnaire

### **Note from WIPO:**

*The following answers (parts in blue) were provided by the Secretariat of the World Intellectual Property Organization (WIPO) in December 2020. 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:

- i. Please provide information on measures taken or planned to implement the recommendations of the Permanent Forum.
- ii. The theme of the 2021 PFII session is “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16”. Please include information on any publications, projects, report or activities that are of relevance to this theme.

### **Follow-up on the recommendations of the Permanent Forum made in 2019**

**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 or the IGC) 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:**

- (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»<sup>1</sup>.

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 2016<sup>2</sup>.

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 Review will be communicated to the IGC with the view to its Forty-First Session.

The WIPO Secretariat will ensure follow up on the decision (1) from the Committee at a later stage.

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 decided to renew the mandate of the Committee for the 2020-2021 biennium. None of the four sessions of the Committee scheduled in 2020 took place in 2020, namely during the first half of the biennium, due to the COVID-19 pandemic.

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»<sup>3</sup>.

In this regard, two contributions of 15,000 euros each to the Voluntary Fund were made by the Governments of Finland in November 2019 and Germany in December 2019.

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.

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<sup>1</sup> 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](https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_decisions.pdf)

<sup>2</sup> See [https://www.wipo.int/edocs/mdocs/tk/en/wipo\\_grtkf\\_ic\\_29/wipo\\_grtkf\\_ic\\_29\\_inf\\_10.pdf](https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_29/wipo_grtkf_ic_29_inf_10.pdf)

<sup>3</sup> 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](https://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_2020-2021.pdf).

## The UNPFII and WIPO in 2020

UNPFII Members held a virtual meeting with the WIPO Secretariat in June 2020. The WIPO Secretariat informed the UNPFII Members about the relevant work that was being undertaken in WIPO, including in relation to the implementation of the recommendations addressed by the UNPFII to WIPO in 2019.

## **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 or planned to implement the System-Wide Action Plan on the Rights of 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 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'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*.

#### **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 and protect them for the indigenous peoples' own benefit, if they so wish. On the norm-setting side, the IGC has been mandated to 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. None of the four sessions of the IGC scheduled in 2020 took place in 2020, namely during the first half of the biennium, due to the COVID-19 pandemic.

On Articles 18 and 41, robust measures are taken in order to ensure the full and effective participation of indigenous participants in the IGC.

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

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 2020-2021, implemented by the WIPO Traditional Knowledge Division, provides information regarding the resources allocated by WIPO for its work in the relevant field.

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 2020, because of the COVID-19 pandemic, technical-assistance activities in support of indigenous peoples continued on-line with the organization of, and contribution to several webinars and mentoring activities, with particular emphasis on indigenous entrepreneurship among indigenous peoples and local communities, and particularly women.

The WIPO Indigenous Fellowship Program has continued in 2020.

### **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 2019, the IGC 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 a Technical Review issued in 2016 by Professor Anaya, during the 2020-2021 biennium. The WIPO Secretariat followed up on the second request from the IGC in 2020.

Several virtual meetings of the indigenous representatives who usually attend the IGC sessions, including a virtual meeting with the Chair-elect of the IGC, were supported by the WIPO Secretariat in 2020 with the view to facilitate the preparation of the accredited indigenous peoples' representatives in relation to the forthcoming sessions of the IGC.

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## Questionnaire to UN system

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As requested in the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), 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.

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of UN System Wide Action Plan (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, to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with focus on furthering the implementation of the SWAP.

The Permanent Forum will follow up on progress made in the implementation of the system-wide action plan during its 2021 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 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 relevant websites and other sources, including contact details of focal points.

**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) has been mandated to continue to expedite its work during the 2020-2021 biennium, 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<sup>4</sup>.

None of the four sessions of the IGC scheduled in 2020 took place in 2020, namely during the first half of the biennium, due to the COVID-19 pandemic.

Awareness of the UNDRIP is raised within the negotiations of 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-progress<sup>5</sup>. References to the UNDRIP are included within the working documentation of the IGC, most recently in documents WIPO/GRTKF/IC/40/7<sup>6</sup> and 40/8<sup>7</sup>.

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 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*<sup>8</sup>.

The UNDRIP, as a key resource, is retrievable from the webpage presenting WIPO's engagement with indigenous peoples<sup>9</sup>.

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

The role of the new Resident Coordinators and UN Country Team framework is an integral component of the UN's commitment to support the rights of those at risk of being left behind, including indigenous peoples.

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<sup>4</sup> 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](https://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_2020-2021.pdf).

<sup>5</sup> 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](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 2018-2019 biennium.

<sup>6</sup> 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](https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_7.pdf).

<sup>7</sup> 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](https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_8.pdf).

<sup>8</sup> E-copies available on [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1048.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf) and [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1049.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf).

<sup>9</sup> See <https://www.wipo.int/tk/en/engagement.html>.

## Questionnaire to UN system

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The Chief Executives Board committed to redouble efforts to help Resident Coordinators and UNCTs ensure more systematic participation of indigenous peoples in United Nations country processes.

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

- i. Any activities or support provided to indigenous peoples both during the COVID-19 pandemic and after, to ensure their inclusion in addressing the impacts of the pandemic, as well as in building back better.
- ii. 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.
- iii. 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, where ratified, in national development plans and in the UN Sustainable Development Cooperation Frameworks and Common Country Analysis.
- iv. Support for consultative mechanisms and platforms of dialogue including under the leadership of the Resident Coordinators.
- v. Support provided to Resident Coordinators, UNCTs, SRSGs, UN field operations or Special Envoys in their engagement with indigenous peoples.

**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 strong engagement with indigenous peoples as illustrated on the WIPO's website<sup>10</sup> includes a program of technical assistance in support of indigenous peoples comprising 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 indigenous peoples' own benefit, if they so wish.**

**Relevant information resources are available on WIPO's website or provided through practical training activities, either on-line, as it has been the case in 2020 due to the COVID-19 crisis, or in Geneva or abroad, as well as through a distance-learning course, with a particular emphasis on capacity-building in support of indigenous and local community entrepreneurship, particularly among women. (See, for more details, the answers under B5 below).**

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<sup>10</sup> See <https://www.wipo.int/tk/en/engagement.html>.

**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.**

**As mentioned above, and in furtherance of Article 31 of the UNDRIP, the WIPO IGC has been mandated to continue and expedite its negotiations during the 2020-2021 biennium. Discussions at the IGC include 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.**

### **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. Please describe how indigenous peoples have contributed to the preparation of the national plans/strategies for SDG implementation?
- iii. Please provide information on 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.**

**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 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 over their TK and TCEs.

The draft texts for the protection of TK and TCEs<sup>11</sup> 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, 8, 14 and 15 as identified in the WIPO Program and Budget 2020 – 2021<sup>12</sup>.

An overall presentation of WIPO's work on the SDGs, including in relation with indigenous peoples, is available on WIPO's website<sup>13</sup>.

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

- i.* Please provide information on 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.

WIPO is a global reference on intellectual property and GRs, TK and TCEs. The information available on WIPO's website in this field comprises a repository of resources on regional, national, local and community experiences<sup>14</sup>, 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 up<sup>15</sup>.

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<sup>11</sup> 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](https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_51/wo_ga_51_12.pdf)).

<sup>12</sup> See [https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget\\_2020\\_2021.pdf](https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf), Program 4 in particular.

<sup>13</sup> See <https://www.wipo.int/sdgs/en/story.html>.

<sup>14</sup> See [https://www.wipo.int/tk/en/resources/tk\\_experiences.html#1](https://www.wipo.int/tk/en/resources/tk_experiences.html#1).

<sup>15</sup> See [https://www.wipo.int/tk/en/databases/creative\\_heritage/](https://www.wipo.int/tk/en/databases/creative_heritage/).

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 peoples<sup>16</sup>.

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 wish<sup>17</sup>.

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 property<sup>18</sup>. The animation has been translated into several indigenous languages under the WIPO's Open Access Policy, which is part of the WIPO's on-going endeavour to make its publications as accessible as possible<sup>19</sup>.

The WIPO TK Documentation Toolkit (*Documenting Traditional Knowledge – A Toolkit*) contains guidelines that are supportive of indigenous peoples' specific interests relating to TK documentation<sup>20</sup>.

Detailed information regarding the resources that are allocated by WIPO for its work program in relation to TK, TCEs and GRs, namely Program 4 implemented by the WIPO Traditional Knowledge Division (TKD), is available in the WIPO Program and Budget for the 2020-2021 biennium<sup>21</sup>.

The 2015 Paris Agreement on the implementation of the UN Framework Convention on Climate Change (UNFCCC) has recognized the contribution that TK plays in its scope of action on adaptation. The WIPO Secretariat provides expertise on IP issues that use and documentation of TK may raise in the development of the UNFCCC Local Communities and Indigenous Peoples Platform.

WIPO's activities in 2020 involving other entities and organizations are referred to in the answers provided under B5 below.

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

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<sup>16</sup> See <https://www.wipo.int/tk/en/engagement.html>.

<sup>17</sup> E-copies available on [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1048.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf).

<sup>18</sup> See <https://www.wipo.int/tk/en/engagement.html>.

<sup>19</sup> 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](https://www.wipo.int/pressroom/en/articles/2016/article_0016.html)).

<sup>20</sup> E-copies available on [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1049.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf).

<sup>21</sup> See [https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget\\_2020\\_2021.pdf](https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf), Program 4 in particular.

## Questionnaire to UN system

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Please provide information on:

- i. Any capacity development initiatives that your organization is conducting for indigenous peoples, government officials and UN staff;
- ii. Please 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.

Due to the COVID-19 pandemic, the WIPO Secretariat continued its technical-assistance activities on-line in 2020, with particular emphasis on indigenous and local community entrepreneurship<sup>22</sup>, particularly among women.

In 2019, WIPO launched a new Project-based Training and Mentoring Program on Intellectual Property for Women Entrepreneurs from Indigenous Peoples and Local Communities (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. A Geneva-based Practical Workshop took place in November 2019 with the wide participation of WIPO staff across the organization and external speakers. 24 selected women from IPLCs are benefitting from this Program<sup>23</sup>. The WEP includes a mentoring phase that started in 2020 and will continue until mid-June 2021.

Two Webinars on E-commerce and Intellectual Property for Indigenous Peoples and Local Community Entrepreneurs were organized respectively in English<sup>24</sup> and Spanish<sup>25</sup>. The WIPO Secretariat co-hosted a virtual training with the International Trade Centre (ITC)'s SheTrades Initiative on Intellectual Property Opportunities for Women Entrepreneurs in Africa.

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

<sup>23</sup> See [https://www.wipo.int/tk/en/women\\_entrepreneurs/](https://www.wipo.int/tk/en/women_entrepreneurs/).

<sup>24</sup> See [https://www.wipo.int/tk/en/news/tk/2020/news\\_0006.html](https://www.wipo.int/tk/en/news/tk/2020/news_0006.html).

<sup>25</sup> See [https://www.wipo.int/tk/en/news/tk/2020/news\\_0012.html](https://www.wipo.int/tk/en/news/tk/2020/news_0012.html).

In 2020, the WIPO Secretariat contributed to several on-line workshops and webinars of direct interest for indigenous peoples, like the Webinar providing an Overview on intellectual property law and indigenous peoples' TK and TCEs, organized by the Native American Rights Fund (NARF), the National Congress of American Indians, and Colorado Law; a Virtual Nordic Expert Seminar on Intellectual Property and Protection of Sámi Traditional Knowledge organized by the Finnish Copyright Society, the Sámi Parliament in Finland, the Finnish Heritage Agency and the Ministry of Education and Culture in Finland ; and a Webinar on IPLCs and TK, organized by the Food and Agriculture Organization of the UN (FAO) and the Organization for an International Geographical Indications Network (oriGIn).

The WIPO Advanced Distance Learning Course on Intellectual Property, TK and TCEs<sup>26</sup> 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.

The WIPO Indigenous Fellowship Program allows for an indigenous person to be part of the WIPO Traditional Knowledge Division (TKD)<sup>27</sup>. The WIPO Indigenous Fellow contributes to make sure that indigenous peoples' sensitivities and interests are duly taken on board, within and beyond the TKD. In September 2020, Ms. Anna Sinkevich (Evenki) from the Russian Federation) succeeded Ms. Rebecka Forsgren (Sámi), from Sweden, as the new WIPO Indigenous Fellow.

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

Please provide information on:

- i. Any support provided for the full and effective participation of indigenous peoples at relevant UN processes, including at the country level;
- ii. Any consultative mechanisms, tools and other measures to obtain free, prior and informed consent of indigenous peoples in processes that affect them;
- iii. Any consultation mechanisms established by the UNCT or support to Member States in establishing institutions and mechanisms for consultation with indigenous peoples, as well as ensuring effective participation of indigenous youth and indigenous women, in the COVID-19 socio-economic response and recovery plans.

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<sup>26</sup> See [https://www.wipo.int/academy/en/courses/distance\\_learning/](https://www.wipo.int/academy/en/courses/distance_learning/)

<sup>27</sup> See <https://www.wipo.int/tk/en/indigenous/fellowship/>.

Implementation of Articles 18 and 41 of UNDRIP on participation is of particular relevance for the IGC negotiations<sup>28</sup>.

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 IGC<sup>29</sup>;
- 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 room<sup>30</sup>.
- The WIPO General Assembly set up the WIPO Voluntary Fund for Accredited Indigenous and Local Communities in 2005 in order to facilitate the

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<sup>28</sup> See the answers under B1 above for details about the IGC negotiations.

<sup>29</sup> See <https://www.wipo.int/tk/en/igc/participation.html> for practical details.

<sup>30</sup> 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](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](https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_inf_5.pdf).



participation in sessions of the IGC of representatives of Indigenous Peoples and local communities<sup>31</sup>; two contributions of 15,000 euros each to the Voluntary Fund were made respectively by Finland and Germany in 2019.

- An Indigenous Expert Workshop, jointly organized by the WIPO and UNPFII Secretariats in 2013, comprising seven invited indigenous experts<sup>32</sup> and a Technical Review of the IGC drafting texts commissioned to, and completed by Professor James Anaya from an indigenous rights and human rights perspective in 2016<sup>33</sup> have enhanced the ability of indigenous peoples' representatives at the IGC to analyze the issues at hand and formulate position.

With reference to two recommendations made by the Permanent Forum in its 2019 session, the IGC decided in 2019 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 biennium<sup>34</sup>. 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. They completed their task in 2020 and provided the WIPO Secretariat with such update, which was blind peer reviewed by two other indigenous experts. The updated Technical Review will be communicated to the IGC with the view to its Forty-First Session.

None of the four sessions of the IGC scheduled in 2020 took place in 2020, namely during the first half of the biennium, due to the COVID-19 pandemic. During the year, several virtual meetings of the indigenous representatives who usually attend the IGC sessions, including a virtual meeting with the Chair-elect of the IGC, were supported by the WIPO Secretariat with the view to facilitate the preparation of the indigenous peoples' accredited representatives in relation to the forthcoming sessions of the IGC.

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<sup>31</sup> See <https://www.wipo.int/tk/en/igc/participation.html> for practical details.

<sup>32</sup> See its report submitted to the IGC by the UNPFII : 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](http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_26/wipo_grtkf_ic_26_inf_9.pdf).

<sup>33</sup> See the Technical Review as communicated to the IGC : 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](http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_29/wipo_grtkf_ic_29_inf_10.pdf).

<sup>34</sup> For the detailed decisions taken by the IGC, see the answer provided under A above.