

United Nations Permanent Forum on Indigenous Issues (UNPFII)

18th Session, 22 April – 3 May, 2019

Item 9: Traditional Knowledge: Generation, Transmission and Protection

Intervention by the International Indian Treaty Council presented by Andrea Carmen

Thank you, Madame Chair.

Article 11 of the UN Declaration on the Rights of Indigenous Peoples recognizes that Indigenous Peoples have our own laws governing the use of our cultural and spiritual property. These laws must be reflected in international legal frameworks and standards impacting our traditional knowledge and cultural heritage, including in defining what constitutes illicit or illegal appropriation, use, display, sale and trafficking.

The many ongoing violations of our cultural rights and laws include desecration of our sacred places, appropriation and genetic modification of our original seeds, and the sale and unauthorized display of our sacred items by museums, private collectors and auction houses around the world.

This statement will focus on three significant international developments impacting the recognition and protection of our traditional knowledge. We propose that the Forum include these developments in its 18th session report as follows:

- 1) We request that the Permanent Forum welcome the December 2018 decision by the 24th Conference of the Parties of the UN Framework Convention on Climate Change (UNFCCC) to establish a Facilitative Working Group for the Local Communities and Indigenous Peoples Platform with representatives selected by the 7 Indigenous regions to serve on an equal basis with 7 State representatives. This recognition of the vital importance of Indigenous Peoples' traditional knowledge in mitigating and adapting to climate change is an historic advance. We request that the Forum encourage the Facilitative Working Group to prioritize establishing safeguards to ensure that our rights to Free Prior and Informed Consent, cultural heritage, traditional knowledge and life ways are upheld, respected and protected through the work of the Platform.
- 2) We request that the Forum support Indigenous Peoples' consistent position at the WIPO Intergovernmental Committee negotiations that the new legally-binding international instrument on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore be developed in accordance with the rights affirmed in the UN Declaration on the Rights of indigenous Peoples.
- 3) We finally request that the Forum reiterate its call on UNESCO to advance a new mechanism for international repatriation of sacred items and human remains consistent with UNESCO's 2017 policy on Indigenous Peoples. We also express our appreciation to the EMRIP for its decision to undertake a country engagement with Sweden this year to advance dialogue between Yaqui cultural leaders in the US and Mexico and the Swedish National Museum of Ethnography for repatriation of our sacred Maaso Kova still in its possession. We look forward to reporting a positive outcome at the next session of the Forum.

Cheoque Utesia.