

## **INDIGENOUS CAUCUS OPENING STATEMENT – IGC 49**

**DECEMBER 2, 2024**

Thank you, Chair, for giving me the floor. As we resume these critical negotiations on legal instruments for the protection of our traditional knowledge and traditional cultural expressions this session, we wish to remind Member States of some of our core positions, which are founded in our ancestral teachings that are living and evolving.

These negotiations must be aimed at the creation of a *sui generis* system that recognizes positive protections for our traditional knowledge and cultural expressions. A purely measures based approach in which our rights and cosmovision are forced into the existing intellectual property framework will not protect our expressions or knowledge systems. For us, TK and TCEs are not separate issues, they are inextricably linked. They are integral and essential to the continuation of our spirituality, cultures and lifeways.

The current text acknowledges that we can receive our knowledges and expressions from spiritual sources. They do not have a temporal limitation as they fit within our traditional systems that are governed by our own customary laws. Requiring knowledge or expressions to be in existence for a period of time before protections are extended, or having protections expire after a certain amount of time, would contribute to misappropriation. This would divest us of our rights.

Furthermore, any exceptions and limitations must be narrowly constructed and only developed with the full and effective participation and free, prior and informed consent of Indigenous Peoples. There can be no balancing of Indigenous Peoples' inherent rights against the interests of third parties.

On issues covering the instruments as a whole, Member States adopted by consensus in the Treaty on Genetic Resources and Associated Traditional Knowledge, the use of "Peoples" throughout the text. We therefore expect there should be no issue with removing the brackets on "Peoples" throughout these texts—as well as capitalizing "Indigenous Peoples".

Finally, we acknowledge with appreciation your statements and those of Member States at IGC 48 in support of Indigenous Peoples' participation. Ensuring Indigenous voices from all seven socio-cultural regions continue to be heard contributes to the quality, legitimacy, and ultimate success of these negotiations. We once again call on Member States to

contribute to the Voluntary Fund and support other alternative funding arrangements to secure our vital participation.

We look forward to engaging constructively with Member States during the session. In the week ahead, we are looking forward to productive negotiations through the leadership of the Chair of this session.

Thank you.