



# General Assembly

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## Human Rights Council

### Fifty-fifth session

26 February–5 April 2024

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Maloca Internationale, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2024]

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\* Issued as received, in the language of submission only.



## **The 2024 World Intellectual Property Organization Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge**

Article 41 of the Declaration of Rights of Indigenous Peoples is a formal source of law for the institutional family of the United Nations. This article expresses the obligation for the UN to establish the means to ensure the participation of indigenous peoples in matters that concern them.

States have reached a consensus, at the time, to use the regular budget of WIPO exceptionally to finance the participation, through representatives, of indigenous peoples in the Diplomatic Conference at hand. We hope that this exception made in WIPO can be the beginning for Article 41 of the Declaration of Rights of Indigenous Peoples to not only be a formal source of law but also become a customary practice in the international system.

Since WIPO is part of the institutional family of the United Nations, not only is Article 41 of the UN Declaration of Rights of Indigenous Peoples from 2007 binding for WIPO; all articles of the Declaration are binding for the organization. Therefore, we believe that the spirit of the agreed text should be consistent with Article 31 of the Declaration: "Indigenous Peoples have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge, traditional cultural expressions, and manifestations of their sciences, technologies, and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property of this cultural heritage, traditional knowledge, and traditional cultural expressions."

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