



**United
Nations**

**UNPFII
Recommendations Database**

Addressee: UN system entities

Paragraph #60 Session #20 (2021)

Full Text

The Permanent Forum highlights the continued misappropriation and illicit use of indigenous peoples' intellectual property and cultural heritage by enterprises and individuals that use it for their own vested interests or benefits. The Permanent Forum stresses that the intellectual property rights held by indigenous peoples, including with regard to data and knowledge, should not be exploited or be taken by private companies and individuals without the free, prior and informed consent of the indigenous peoples concerned. The principle of free, prior and informed consent and the stringent application of relevant safeguards and policies promulgated by United Nations system entities also applies to intellectual property rights in the context of industrial, forestry, mining and other projects conducted on indigenous peoples' lands and territories. This also applies to relevant international instruments, such as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

Comments

FILAC:, taking into account the theme of the next session has been working on each of the axes and will carry out activities and events on Indigenous Peoples, Business and Human Rights, due diligence, consultation and the principle of free, prior and informed consent.

FILAC will participate from December 6-10, 2021 of the meeting on "Indigenous Peoples, Business, Autonomy and the Human Rights Principles of Due Diligence,

including Free, Prior and Informed Consent".

WFP: Guidance Note on Free, Prior and Informed Consent Endorsed in January 2021.

ONHCR: Mo'otz kuxtal voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances.

UN WOMEN Argentina: designed Protocol on Free, Prior and Informed Consent with a gender perspective for the Chaco Salteño Water Table (providing indigenous women legal tools to guarantee their adequate participation in issues related to the administration and provision of safe water).