

Panel discussion on Intellectual Property and Human Rights

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OPENING ADDRESS BY THE DEPUTY DIRECTOR GENERAL OF WIPO, MR.
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Mr. Roberto Castelo
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Ladies and gentlemen, distinguished panelists, it is with the greatest pleasure that I welcome you in the name of the Director General, Dr. Kamil Idris, to this panel discussion on "Intellectual Property and Human Rights", organized by the World Intellectual Property Organization (WIPO), in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), to mark the 50th anniversary of the proclamation of the Universal Declaration of Human Rights.

On 10 December 1948, the international community adopted the Universal Declaration of Human Rights – a common standard, which recognizes the inherent dignity, equality and fundamental rights of all people in all nations. At the end of 1998, the 50th year since the adoption of the Declaration, it is appropriate to look back and recognize many achievements. Since the adoption of the Declaration, an impressive body of international law has developed, including several Conventions and Covenants. Human rights mechanisms, such as Special Rapporteurs, working groups, committees and commissions, have been established. There is also growing recognition of the central role of human rights in promoting peace and security, economic prosperity and social equity. Now is a fitting time to reaffirm the commitments made 50 years ago, and to continue to strive for even more effective, rigorous and balanced implementation of human rights for all.

Before going any further, permit me to introduce the persons with me on the podium. First, it is an honor to welcome *Mr. Brian Burdekin*, Special Adviser on National Institutions to *Mrs. Mary Robinson*, the High Commissioner for Human Rights. Mr. Burdekin has a long and distinguished career in human rights, and we are delighted that he is here representing the High Commissioner.

Mr. Adama Dieng is Secretary General of the International Commission of Jurists (ICJ). The essential mission of the ICJ, which was established in 1952, is to promote universally the Rule of Law and the legal protection of all human rights, whether they are economic, social, cultural, civil or political. In recent decades, a special focus of the ICJ has been to promote the interdependence and interrelation of economic, social, cultural, civil and political rights, which together contribute to human development. It gives me great pleasure to welcome Mr. Dieng as the Chairman of today's panel discussion.

I am also pleased to extend personal greetings to the expert panelists:

Dr. Peter Drahos, Herchel Smith Senior Fellow, Queen Mary Intellectual Property Research Unit, Queen Mary and Westfield College, University of London, United Kingdom;

Ms. Christine Steiner, General Counsel, The J. Paul Getty Trust, Los Angeles, United States of America;

Ms. Silvia Salazar, Consultant, Central American Economic Integration Secretariat, San José, Costa Rica;

Dr. John Mugabe, Executive Director, African Center for Technology Studies, Nairobi, Kenya;

Dr. Audrey Chapman, Director, Science and Human Rights Program, American Association for the Advancement of Science, Washington D.C., United States of America; and,

Dr. Silke von Lewinski, Head of Department, Max Planck Institute, Munich, Germany.

The character of intellectual property rights as human rights is perhaps not fully appreciated. Article 27.2 of the Universal Declaration provides as follows:

"Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

The human rights character of intellectual property rights is also recognized in other international and regional instruments, such as the International Covenant on Economic, Social and Cultural Rights of 1966. Further, intellectual property rights have become contextualized in diverse policy areas – for example, trade, health, culture and heritage, investment, the environment, food security, scientific and technological progress.

And yet, despite these growing linkages, the character of intellectual property rights as human rights, as well as the relationship between the right to intellectual property and other human rights, have not been fully explored. The purpose of today's panel discussion is to draw attention to the universality of intellectual property rights, and to the integral role that intellectual property rights may play in contributing to economic, social and cultural development.

Accordingly, following the first paper by *Dr. Peter Drahos*, which traces the origins of the modern intellectual property system and lays the groundwork for understanding its universality, our panelists will each address a specific aspect of the relationship between intellectual property, human rights and economic, social and cultural development.

In her paper, *Ms. Christine Steiner* analyses links between intellectual property and the right to culture, expressed in Article 27.1 of the Declaration as the right "[f]reely to participate in the cultural life of the community, (and) to enjoy the arts . . ."

Traditional knowledge systems are a part of the culture and heritage of mankind, and a significant body of traditional knowledge relates to the environment and biological diversity. Thus, *Dr. John Mugabe* addresses the protection of traditional knowledge and technology from the perspectives of intellectual property, environment and human rights.

The relationship between intellectual property and health is the subject of *Ms. Silvia Salazar's* presentation.

Next, *Dr. Audrey Chapman* will analyze the linkage between the right to intellectual property and the human right to share in scientific advancement and its benefits, enshrined in both Article 27.1 of the Declaration, and in Article 15.1(b) of the Covenant on Economic, Social and Cultural Rights, which provides that "[everyone has the right] to enjoy the benefits of scientific progress and its applications."

The final paper, by *Dr. Silke von Lewinski*, provides a human rights perspective of the international intellectual property system, and particularly the interaction between the national treatment principle and the human right against discrimination.

The full papers of the experts will be published by WIPO in 1999.

In closing, may I draw your attention to the Preamble to the Convention establishing the World Intellectual Property Organization, which provides that the mandate of WIPO is, "in order to encourage creativity, to promote the protection of intellectual property throughout the world."

At WIPO, we believe that intellectual property protection advances economic, social and cultural development. We are also firmly of the view that the pervasiveness of intellectual property requires further solid exploration of the linkages between intellectual property and development. It is the intention of *Dr. Idris*, the Director General, that WIPO play an appropriate part, consistent with its mandate, to advance understanding and appreciation of ways in which the intellectual property system can serve as an engine for the economic, social and cultural progress of the world's diverse populations.

With these brief opening remarks, I wish you all a most enlightening and successful discussion.

Thank you very much.