

## **Panel discussion on Intellectual Property and Human Rights**

**Geneva, November 9, 1998**

OPENING REMARKS BY THE CHAIRMAN, MR. ADAMA DIENG, SECRETARY  
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Mr. Director General of WIPO,  
Mr. Representative of the High Commissioner for Human Rights,  
Distinguished Experts,  
Honorable Guests,  
Ladies and Gentlemen,

At a time when so many dramas are assailing our conscience, we did not hesitate to accept the invitation from WIPO and the Office of the High Commissioner for Human Rights to preside over this Panel Discussion "Intellectual Property and Human Rights." As has already been mentioned, this meeting is one of the events marking the Fiftieth Anniversary of the Universal Declaration of Human Rights.

The Universal Declaration was, at the outset, an expression of hope before it evolved into an instrument of progress. For fifty years it has inspired us and retained all its credibility, being able to adapt unceasingly and sing us an ode to progress in which we have been glad to be the chorus. And yet it is not to honor a memory that we have come here today, but rather to make ourselves a promise: a promise to make human rights more than ever into a true priority issue. This is the interpretation that we are placing on this admirable and noble gesture by WIPO which, in collaboration with the Office of the United Nations High Commissioner for Human Rights, has succeeded in bringing together so many eminent experts on intellectual property law and on international human rights law. Whereas international law as devised and applied prior to the Second World War left little room for human rights and concerned itself only with relations between States, the development of a universal legal order has made the individual into a subject of international law.

In this respect it is instructive to refer to WIPO's subprogram 11.1 of the 1998-1999 Program and Budget, which recalls the fundamental and universal nature of intellectual property rights, and is in effect a quotation of Articles 26 and 27 of the Universal Declaration. In an age of virtual universities, mankind's rights to education, culture and scientific progress are revealing their relevance from the point of view of intellectual property. One is bound to note, however, that universal access to property rights has yet to be fully achieved. For evidence of this, it is sufficient to observe the climate of ignorance in many countries of the southern hemisphere in which the intellectual property system is little known to individuals or groups, notably those who are the custodians of traditional cultures and knowledge.

We are pleased to learn that WIPO is convinced that it is possible to afford universal access to intellectual property rights, and that as a result it will be introducing pilot projects to test new courses of action involving use of the intellectual property system. Moreover, in the same context, we are nothing if not gratified to witness the growing interest shown by WIPO in the intellectual property rights of indigenous peoples.

Against the background of this powerful movement which exalts the dignity of mankind and, by means of legal rules, affords access to fundamental rights and freedoms that are equal for all and available to every human being without discrimination, one does have to call attention to the space occupied in the real world by a new phenomenon which could have disastrous consequences for human rights, including intellectual property rights. I am speaking of globalization. As I reaffirmed on the occasion of the three-yearly Commission Meeting of the International Commission of Jurists, which was held in Cape Town in July 1998, if we aspire to a world in which human dignity is no longer treated with contempt, we must work according to the dictates of Article 28 of the Universal Declaration of Human Rights:

*"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."*

It is widely asserted that globalization is irreversible. Whether in finance, the economy, culture, communication, production or elsewhere, the tentacles of globalization are reaching in every direction. In the opinion of Bertrand Renouvain, the ideology of the market seeks to impose global solutions that ignore the historical, cultural, psychological and other elements that give the economic movement its national and local particularities; apart from that, financial logic may result in the ruination of industry, agricultural production and business relations. And believe me, intellectual property rights, inasmuch as they are human rights, are equally at risk. Even the desire for a comfortable existence, which once seemed to be an argument for economic and financial liberalism, is no longer respected today, as market logic engenders unemployment, poverty and misery. All in all, it is the human individual who is denied his ideals, his rights and his dignity.

The basic documents put together by the various experts invited here have already raised a certain number of questions, and I am sure that, by the end of this Panel Discussion, there will be a sufficiently rich harvest of material for a sequel to be envisaged, with each of us working in his own area and in his own country, so that the message may be amplified. That message is at once simple and complex: intellectual property rights are human rights.