

STATEMENT MADE BY AMBASSADOR DR. WAFIK Z. KAMIL,
SECRETARY-GENERAL OF AALCO
IN THE INTERGOVERNMENTAL COMMITTEE ON
INTELLECTUAL PROPERTY AND GENETIC RESOURCES,
TRADITIONAL KNOWLEDGE AND FOLKLORE,
GENEVA, MARCH 15 to 19, 2004

Mr. Chairman, distinguished members of the Committee, Ladies and Gentlemen,

On behalf of the Asian-African Legal Consultative Organization (AALCO) and on my own behalf, I would like to express our deep gratitude to the World Intellectual Property Organization (WIPO) for inviting AALCO to participate in the Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Mr. Chairman,

Conservation, protection and sustainable utilization of Genetic Resources and associated traditional knowledge as well as expressions of folklore assumed greater significance, and the international community has been giving increasing attention to their preservation on the international agenda over the past decade.

This increasing attention was due to a number of factors, among them, the recognition of its importance in the lives of the majority of the world's population and in the conservation of biodiversity; concerns about the rapid loss of traditional knowledge and global cultural diversity and concerns about unauthorized or inappropriate patenting or use of traditional knowledge and folklore with little or no benefit sharing with the original right-holders. More importantly, there is lack of an adequate protection system and the inapplicability of existing system to the characteristics and peculiarities of the knowledge, innovations and practices of indigenous and local communities.

Many countries and communities worldwide as we have rightly witnessed throughout the deliberations of the IGC the last five days are currently grappling with how to best address this issue of preserving the genetic resources, traditional knowledge and folklore for future generations, promoting its broader adoption, and protecting it from unauthorized appropriation and commercialization. An international action for its protection was considered appropriate for reasons such as common economic interest, equity, food security, preservation of culture, environment, development and coherence of international and national law.

Mr. Chairman,

In the past years, high-level discussions on the subject have been taking place in different international for¹ as it involves different policy areas, including food and

¹ The Food and Agriculture Organization (FAO), World Trade Organization (WTO), UNESCO, UNCTAD, UNOHCHR the Convention on Biodiversity (CBD)

agriculture, biodiversity, human rights, cultural policies and trade and economic development. Within all these areas, the intellectual property issues assume the greatest importance.

The World Intellectual Property Organization (WIPO), which is the specialized United Nations agency responsible for the worldwide promotion of the intellectual property rights has become the most important forum for these discussions. After several regional roundtables, meetings and consultations and fact-finding missions to twenty-eight countries, WIPO established in June 2000 the IGC with the task of exploring intellectual property issues that arise in the context of (i) access to genetic resources and benefit sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; and (iii) the protection of expressions of folklore. The Committee is completing successfully its sixth session and has demonstrated the importance of these issues in the international agenda and has contributed to mainstreaming these issues in WIPO's activities and enhanced their understanding of the different dimensions and implications in particular through an enriching exchange of information on relevant national and regional experiences.

Mr. Chairman,

The Asian and African Continents are home to a majority of the World's biological resources and a great heritage of traditional knowledge and folklore. Protection of genetic resources and traditional knowledge is of paramount importance to the countries in the Asian African region and it is no wonder that most of the Asian-African Countries are active participants in the work of the Committee.

AALCO, and intergovernmental legal organization with a membership of states from the Asian and African region, has been following the work of the IGC with interest and appreciation. AALCO feels at this juncture that there is a need to negotiate a legally binding international instrument or instruments, to protect folklore, genetic resources and traditional knowledge. Further, there is a need to develop a Model Law for the protection of these issues to meet the peculiar conditions of the Asian-African region.

Mr. Chairman,

At the outset, having exposed that, I would like to move to more concrete proposals related to how AALCO can contribute with its mandate to the work of the IGC. I wish to recall the excellent relationship developed between AALCO and WIPO over the years. AALCO's cooperation with WIPO dates back to 1999 when a two-day seminar on "Issues Relating to the Implementation of Intellectual Property Rights" was convened in collaboration with the WIPO and the Government of India. AALCO jointly with WIPO, also convened a Special Meeting on the "Legal Implications of Electronic Commerce" at its Annual Session held at Cairo, Egypt in February 2000. To put the mutual cooperation between the two organizations on a stronger footing, AALCO and WIPO signed a Cooperation Agreement in 2000, to promote close cooperation on matters of mutual interest with a view to harmonizing their efforts towards greater effectiveness, as far as possible, having due regard to their respective objectives and functions.

Mr. Chairman,

Keeping in view the benefits from the past experiences in cooperation with WIPO and the exclusively legal forum that AALCO offers for its Member States and any other Observer

States from other continents, I would like to inform the IGC that in my capacity of Secretary General of AALCO, I will propose to AALCO's Member States to include the "Expressions of Folklore and its International Protection" as an item on the Agenda of AALCO's 43rd Sessions which will be held by the end of June 2004. The discussions which will occur during the deliberations on the Folklore issue could pave the way to holding a joint seminar of experts with WIPO on folklore matters, together with Jurists and representatives of our two Organizations in which we could request the spokesmen of the different geographical groups to attend in order to have high level expert discussions on all the Folklore aspects and we also could start discussing a draft of an International Instrument to Protect Expressions of Folklore which could be prepared by the International Bureau of WIPO.

The outcome of our deliberations during the annual session which are held at a Ministerial level as well as the expert meeting will be reported to the IGC's Seventh Session in November 2004 with the hope that this exercise could be considered as a concrete step forward in the work of the IGC in general and for the benefit of Asian and African Member States in particular.