

Declaration by the Science, Technology and Research Commission of Organization of African Unity, Task Force on Community Rights and Access to Biological Resources (March, 1998)

1. The Scientific, Technical and Research Commission of the Organization of African Unity (OAU/STRC) task force on community rights and access to biological resources met in Addis Ababa on 20-23 March 1998.
2. The objective of the meeting was to develop a draft model legislation on community rights and access to biological resources to ensure the continuing control by local communities of their natural resources, knowledge and technologies, as well as to develop a draft African Convention on the same.
3. After national review and discussions, the model legislation would be expected to form the basis for African nations to develop national legislation on community rights and access to biological resources, community knowledge and technologies, and an African convention would create coherence among the national legislations.
4. Natural resources and indigenous knowledge and technologies are a legacy humanity owes to local communities. The task force understands a local community as a section of society in a given area whose means of livelihood are based on the natural resources, knowledge and technologies of and related to its immediate ecosystems. The local community keeps adapting, generating and regenerating those natural resources, knowledge and technologies as its preceding generations had done and, if spared disruption by external forces, as its succeeding generations will do.
5. The essential role of the community in the conservation of biological diversity, on which the very survival of planet earth is dependent, is recognized by the Convention on Biological Diversity (CBD). A large part of humanity represented by 150 States created the CBD in 1992.
6. A smaller part of humanity, represented by 40 States, concluded the negotiations for the creation of the World Trade Organization (WTO) in 1994. African countries had negligible or no inputs into the negotiations. The objectives of WTO are global and concern the movement of goods and services throughout the world for the ease of corporate global trade.
7. The two, CBD and WTO, are therefore global, all pervading and very serious.
8. CBD recognizes the essential role of communities in the creation, maintenance and sustainable utilization of biodiversity, knowledge and technologies for the survival of life. On the other hand, WTO promotes the

privatization of resources, knowledge and technologies to the detriment of the State and its citizens. WTO imposes IPRs (intellectual property rights) modelled on the protection of industrial innovations to grant individual monopolies on living things and categorically denies the existence of community collective innovations.

9. It is the conviction of the task force that the WTO-based approach is predatory in nature and runs counter to the aspirations of communities which are in the first place the innovators of biodiversity so necessary for the survival of the planet.

10. The task force believes that the privatization of life forms through any intellectual property rights (IPR) regime violates the basic right to life and goes counter to the African sense of respect for life.

11. The task force therefore strongly recommends that OAU/AEC member states urgently make legislation to regulate access to biological resources, knowledge and technologies so that such access shall be allowed only with the prior informed consent of the local communities and the State and shall benefit them, and to recognise community rights in order to protect the heritage of the people of Africa.

12. The task force commits itself to the achievement of the noble objectives of this proposed legislation and this draft convention on Community Rights and on Access to Biological Resources.

Editor's note: For additional information on the OAU/STRC's activities, contact it at: oaustrc.lagos@rcl.nig.com.