



CIP



ENLSC



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on**

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Transfer in Life Sciences
A north-south dialogue**

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Biodiversity, Bioprospecting, GM seeds and Traditional Knowledge

Since the adoption of the Convention on Biodiversity in 1992, the legal status of traditional knowledge is in the focus of international debates. The steady loss of biodiversity in plant genetic resources, the imbalance between protected plant varieties and GMOs on the one hand, traditional crops and landraces in the public domain on the other hand, the new TRIPs Agreement and the Cartagena Protocol stimulated an increasingly heated debate. The Doha declaration explicitly endorsed the issue of traditional knowledge as subject for further work. It will influence the future of the global IPR and trading system. What, some years ago, was a concern limited to ecological aspects of preserving biodiversity, has moved to the centre stage and affects the legitimacy of multilateral trading systems, intellectual property in particular and its interface with agricultural and environmental policies.

A major problem of this system is the relationship between varying negotiation processes in different fora. Another closely connected problem is the contradictory relationship between different regulatory levels at different spatial scales (international, regional, local). It will be of prime importance to move towards a reconciliation between the CBD and the TRIPs agreement. However, we must see the full complexity of the issues. It will not at all be easy to overcome the difficulties: In enunciating a critique of the utopian nature of particular attempts to strengthen the position of indigenous peoples vis-à-vis others, one should insist to have a look at the basic question on how power structures knowledge, otherwise attempts to work in the interests of indigenous people will fail. This will also necessitate to lobby governments, question science, strengthen independent decision making processes among indigenous people – it will not be enough to document traditional knowledge alone. To productively engage indigenous knowledge in development, we must go beyond the dichotomy of indigenous vs. scientific knowledge, and work towards greater autonomy for 'indigenous' peoples.

It should also be made clear that future regulation on IP will have to include humanitarian aspects and a need to comply to the special needs of smallholder agriculture: As has been made clear by industry and leading universities in the field of biotechnology, it will be necessary to introduce new rules, they have to comply with the extremely low cash flow of smallholders in the developing world, who cannot afford to pay royalties for GM seeds. In this contribution we concentrate on the issue of traditional knowledge opposed to scientific knowledge as described above, which is in its contrast one of the major problems to overcome. We need to realize that there are major cultural and philosophical differences in concepts of traditional knowledge and scientific knowledge. This is why discursive systems of debate should be applied which follow principles such as the symmetry of ignorance.

Klaus Ammann, Prof. emeritus University of Bern
Rue de Monruz 20

CH – 2000 Neuchatel, Switzerland, mobile +41 79 429 70 6, klaus.ammann@ips.unibe.ch