

## INTELLECTUAL PROPERTY AND HUMAN RIGHTS: WORKSHOP AT THE ESCR-NET MEETING, NAIROBI

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TUESDAY 2 DECEMBER 2008

During the recent Strategy Meeting<sup>1</sup> of the International Network for Economic, Social and Cultural Rights (ESCR-Net), 3D organized a workshop on intellectual property (IP) and human rights. The workshop brought together experts and newcomers to discuss the implications of IP on human rights, share experiences from the field, and identify the needs of those working on IP issues. The session highlighted the immense variety of efforts to promote human rights-compatible IP policies underway throughout the world. However, those who attended were unanimous about the numerous hurdles – such as the difficulty of influencing national legislative processes – involved in IP work, and the advantages of broadening campaigns and strengthening coordination between groups in future. Workshop participants included Anand Grover, the new UN Special Rapporteur on the Right to Health, Joji Cariño of Tebtebba, Anni Mitin of the South East Asian Council for Food Security and Fair Trade (SEACON), Wanjiru Kamau of the Kenya Organic Agriculture Network (KOAN), Diya Uberoi, research officer for the Special Rapporteur on the Right to Health and Beverly Mademba, a public health activist.

Presenters at the workshop outlined the potential negative implications of [patents on access to medicines](#) and the right to health, as well as the detrimental consequences of [IP protection on seeds](#) for the right to food and an adequate standard of living.

During the workshop, participants highlighted the importance of the following:

- **Targeting governments.** This is an essential, albeit difficult task, the aim of which is to engage as actively as possible in legislative processes. One way of achieving this may be through trying to influence individual members of political parties, both in government and the opposition.
- **Information.** Despite progress in this area, there is still a dearth of simple explanatory documents about IP issues for different target audiences.
- **Expertise.** For advocacy efforts, it is useful to identify contact persons and institutions willing to provide assistance on technical matters, e.g. to analyze government-proposed legislation.
- **Coordination.** It is crucial to strengthen IP campaigns by connecting different groups, including affected communities, social movements, consumer watchdogs, development NGOs, human rights activists, lawyers and groups involved in litigation.

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<sup>1</sup> Over 200 NGOs and representatives of social movements participated in the ESCR-Net International Strategy Meeting and General Assembly, sharing concerns and progress regarding the realization of ESC rights, and to discuss advocacy and litigation strategies for the future. The Meeting was held from 1 to 4 December 2008 in Nairobi.

- **Stories.** Sharing lobbying and advocacy achievements and difficulties, as well as any information on legal cases or legislative developments can be highly relevant to other groups working on similar issues in other countries and regions.
- **Training programmes.** Groups new to IP or others looking to increase their ability to address certain issues could consider attending one of the many existing programmes on IP issues e.g. the annual biosafety capacity building courses co-hosted by the Norwegian Institute of Gene Ecology (GenØk) and the United Nations Environment Programme (UNEP), see <http://bch.dirnat.no/hoved.aspx?kontroll=kapasitet>

A number of different groups and organizations working on IP were also mentioned, including:

**Groups working on IP and access to medicines issues:**

Lawyers Collective [www.lawyerscollective.org](http://www.lawyerscollective.org)

Médecins Sans Frontières (MSF) [www.msf.org](http://www.msf.org)

HIV/AIDS coalitions worldwide

**Groups working on IP and seeds and GM issues:**

Tebtebba [www.tebtebba.org](http://www.tebtebba.org)

South East Asian Council for Food Security and Fair Trade (SEACON)  
[www.seacouncil.org](http://www.seacouncil.org)

Kenya Organic Agriculture Network (KOAN) [www.koan.co.ke](http://www.koan.co.ke)

Kenya Biodiversity Coalition

[www.elci.org/Biosafetypetition%5Cbiosafety\\_petition.htm](http://www.elci.org/Biosafetypetition%5Cbiosafety_petition.htm)

GRAIN [www.grain.org](http://www.grain.org)

Greenpeace [www.greenpeace.org](http://www.greenpeace.org)

**Groups working on both medicine and seed issues:**

3D→ Trade - Human Rights - Equitable Economy [www.3dthree.org](http://www.3dthree.org)

South Centre [www.southcentre.org](http://www.southcentre.org)

Third World Network (TWN) [www.twinside.org](http://www.twinside.org).

Centre for International Environmental Law (CIEL) [www.ciel.org](http://www.ciel.org)

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