

The Johannesburg Declaration on Biopiracy, Biodiversity and Community Rights

We, representatives of local communities, civil society organisations and NGOs from around the world, gathered here at the Earth Summit in Johannesburg, held in August and September 2002, discussed issues relating to the privatisation of our biological resources and the protection of the rights of holders of indigenous knowledge and technologies, especially as related to biodiversity.

- ◆ Mindful that the content and spirit of this declaration is a culmination of a decade of resistance to the privatisation of our food, water and biodiversity;
- ◆ Recognising that human beings are an integral part of the web of life on Earth and that our well-being is derived from and depends on the health of our ecosystems and species;
- ◆ Determined to ensure that human actions do not destroy this web of mutually enhancing ecological relationship;
- ◆ Conscious and proud of the fundamental role played by local communities, indigenous peoples, farmers and in particular women, and their traditional knowledge in the conservation and management of biological diversity to ensure food and health security in the past, the present and the future;
- ◆ Mindful of the inextricable links between bioprospecting and genetic engineering;
- ◆ Reminding everyone that the current dominant models of development driven by economic liberalisation and corporate control, reinforce social inequalities throughout the world and undermine the sovereignty of nation states to take care of their people;
- ◆ Aware that the increasingly powerful multinational companies are destroying local communities and their natural resource base by privatising biological, land and water resources and that a potent instrument in this destruction is the patenting of living organisms;
- ◆ Realising that communities have not benefited from bioprospecting, that it has not delivered on its promises as a tool for biodiversity conservation, social justice, and poverty alleviation, and that it has legitimised the unfair appropriation of biological resources and knowledge.

WE DECLARE

- ◆ That local communities, indigenous peoples and farmers are custodians of biodiversity, and that they have the inalienable right and responsibility to continue to manage, save, exchange and further develop the biodiversity under their custody, over and above any external commercial interests.
- ◆ Similarly, we consider food sovereignty – the right of people to sufficient and healthy food at all times and access to natural resources – as a central principle, which should not be subject to other interests or considerations. People also have a basic right to accessible and affordable healthcare and to the biological resources from which they derive health benefits.
- ◆ We oppose the current push towards globalisation that is driven predominantly by commercial interests and which undermines our cultures and our capacity to sustain and control our livelihoods.
- ◆ We oppose biopiracy and the patenting of our biological resources and knowledge because it goes against our human and cultural rights and identity. We firmly believe that benefit sharing is possible without patents.
- ◆ We believe the protection of human subjects in genetic research is a human rights issue, requiring carefully crafted social policies and laws which are stringently monitored and enforced to protect individuals and groups from exploitative research and practices.
- ◆ We declare our opposition to the patenting of life and to the patenting of crops and seed, because we are concerned about the removal of control of food production from local communities and farmers to multinational corporations.
- ◆ We declare that genetic engineering in food and farming presents serious and irreversible environmental and health risks.
- ◆ We believe that community rights over biodiversity and indigenous knowledge are collective in nature, and therefore cannot be privatised or individualised. Intellectual property rights as applied to biodiversity and traditional knowledge are private and monopolistic in nature and therefore incompatible with community rights. IPRs cannot exist within a traditional knowledge system and attempts to bring these two worlds together are misguided and unacceptable.

- ◆ In this context, we declare that the initiative of the World Intellectual Property Organisation (WIPO) to develop systems for the protection of traditional knowledge is highly inappropriate. WIPO should work to stop biopiracy that occurs because of biodiversity patents, and not to define the rights of communities which should be done by the communities themselves.

WE PROPOSE THAT

- ◆ Concern over food and health security and the environment should take precedence over international trade interests. The WTO is not the place to decide on these issues. Neither should regional or bilateral trade agreements affect local biodiversity management.
- ◆ Governments should have the central responsibility to develop and implement policies, legislation and research and to redirect these towards a holistic approach to development, the promotion of local control over resources, and the active participation of local communities, farmers and indigenous peoples in decision making.
- ◆ We call on the international community to initiate a process to negotiate a legally binding agreement under the CBD to prevent biopiracy, to ensure national sovereignty over biological and genetic resources, and to protect the rights of indigenous and local communities over their resources and knowledge.
- ◆ Access to biological and genetic resources and knowledge should only be permitted with the prior informed consent of indigenous peoples and local communities, on the basis of the terms and conditions they set. This should be a prerequisite for benefit sharing. Groups and individuals potentially impacted by genetic research have a right to full and transparent disclosure of the benefits and risks of such research, and to either give their consent or refuse to participate.
- ◆ Biodiversity based and sustainable agricultural systems which are under the control of local communities, should be adopted and promoted as the principal mode of agricultural and other food production.
- ◆ Our governments should ensure an environment free of GMOs in our countries and in our farming systems and should support our efforts to raise awareness amongst farmers and consumers about the real and potential impact of GE to the environment and to human health.
- ◆ There should be a total ban on the patenting of life forms and the use of any IPRs on biodiversity and traditional knowledge. We want to see the strengthening of community rights and Farmers Rights in the relevant international agreements and at national level to ensure that local communities and farmers can continue to save, exchange, nurture, use and further develop biological resources.
- ◆ African governments should take steps to implement the African Model Law for Community Rights at the national level. We also urge the global community to support the implementation of this law and to desist from any activities or policies that directly or indirectly undermine its adoption and operation by African countries.
- ◆ We call on WTO members to amend TRIPs to reflect that all life forms and living processes cannot be patented in any member state. We also call on WTO members to allow countries maximum flexibility to establish *sui generis* systems of protection for plant varieties that protect the rights of farmers and indigenous communities to their resources and their traditional knowledge.”

WE COMMIT OURSELVES

- ◆ To strengthen our efforts and campaigns to stop the patenting of life forms and to secure our right to an environment free of GMOs.
- ◆ To strengthen and promote the role of local communities, indigenous peoples, farmers and women in biodiversity conservation and use, and to protect and insist on their rights to do so.
- ◆ To protect and enrich our local knowledge systems about biodiversity and to actively promote diversified integrated farming and food production systems based on biodiversity in our communities and organisations.
- ◆ We promise to be as generous as the Earth, clear as the water, strong as the wind, and as far and as close as the sun. And we pledge to exchange our seeds of knowledge and wisdom passed on from generation to generation.

This declaration is a compilation of two recent civil society declarations:

- ◆ *The Valley of 1000 Hills Declaration, made in KwaZulu Natal, South Africa in March 2002, by 40 community and NGO participants from Africa.*
- ◆ *The Rio Branco Commitment, made in Rio Branco, Brazil in May 2002, by 100 community and NGO participants from around the world.*
- ◆ *It also reflects the viewpoints expressed by the majority of participants at the Second South-South Biopiracy Summit, hosted in Johannesburg in August 2002.*

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